



**THIRTY-EIGHTH PARLIAMENT**

**REPORT 62**

**JOINT STANDING COMMITTEE ON DELEGATED  
LEGISLATION**

***CITY OF NEDLANDS PARKING AND PARKING  
FACILITIES LOCAL LAW 2012***

Presented by Mr Paul Miles MLA (Chairman)

and

Hon Sally Talbot MLC (Deputy Chair)

November 2012

# JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

## Date first appointed:

28 June 2001

## Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

### **“3. Joint Standing Committee on Delegated Legislation”**

- 3.1 A *Joint Standing Committee on Delegated Legislation* is established.
- 3.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chairman must be a Member of the Committee who supports the Government.
- 3.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 3.4 A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- 3.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 3.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
  - (a) is authorized or contemplated by the empowering enactment;
  - (b) has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment;
  - (c) ousts or modifies the rules of fairness;
  - (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review;
  - (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or
  - (f) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 3.7 In this clause –  
“adverse effect” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;  
“instrument” means –
  - (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
  - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;“subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.”

## Members as at the time of this inquiry:

Mr Paul Miles MLA (Chairman)

Hon Sally Talbot MLC (Deputy Chair)

Hon Helen Bullock MLC

Mr Vincent Catania MLA

Hon Jim Chown MLC

Ms Janine Freeman MLA

Hon Alyssa Hayden MLC

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**EXECUTIVE SUMMARY AND RECOMMENDATION FOR THE**

**REPORT OF THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

**IN RELATION TO THE**

***CITY OF NEDLANDS PARKING AND PARKING FACILITIES LOCAL LAW 2012***

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**EXECUTIVE SUMMARY**

- 1 The Joint Standing Committee on Delegated Legislation (**Committee**) is of the view that the City of Nedlands (**City**) did not follow the correct procedure when it made the *City of Nedlands Parking and Parking Facilities Local Law 2012* (**Local Law**).
- 2 In making a local law, a local government is to follow the procedure set out in section 3.12 of the *Local Government Act 1995* (**Act**) which includes a requirement to give Statewide notice of the proposed local law and invite submissions.
- 3 The Act provides that the local government, after considering any submissions received, may make a local law that is not significantly different from the proposed local law, and that if the local government decides to make a local law that is significantly different from the proposed local law, it is to recommence the law making procedure.
- 4 The Local Law is invalid because it is significantly different from the proposed local law and the City did not recommence the law making procedure. The Local Law is significantly different because it includes a new subclause 5.14(4) which provides that '*the owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge ...*' (**clause 5.14(4)**), not in the proposed local law. The Local Law also provides significant penalties for an offence against this clause including an infringement notice modified penalty of \$500.
- 5 The Local Law is invalid and offends the Committee's term of reference (a) in that it is not authorised by the empowering enactment.

**RECOMMENDATION**

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**Recommendation 1:** The Committee recommends that the *City of Nedlands Parking and Parking Facilities Local Law 2012* be disallowed.



## **REPORT OF THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

### **IN RELATION TO THE**

#### ***CITY OF NEDLANDS PARKING AND PARKING FACILITIES LOCAL LAW 2012***

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#### **1 REFERRAL**

- 1.1 The *City of Nedlands Parking and Parking Facilities Local Law 2012* published in the *Government Gazette* on 11 October 2012 (**Local Law**) falls within the definition of ‘Instrument’ in the terms of reference of the Joint Standing Committee on Delegated Legislation (**Committee**).
- 1.2 The Local Law was referred to the Committee upon its publication in the *Government Gazette*.<sup>1</sup> Upon the tabling of a local law, there is an instrument which may be subject to disallowance.<sup>2</sup>

#### **2 STATUTORY PROCEDURE FOR MAKING A LOCAL LAW AND NON-COMPLIANCE WITH THE ACT**

- 2.1 The Local Law is made pursuant to the general local government law making power in section 3.5(1) of the *Local Government Act 1995* (**Act**).
- 2.2 In making a local law, a local government is to follow the procedure set out in section 3.12 of the Act.
- 2.3 This procedure includes a process of community consultation and the local government seeking and considering public submissions in relation to a proposed local law. In particular, section 3.12(3)(a)(iii) of the Act provides that the local government is to give Statewide public notice<sup>3</sup> of a proposed local law, which includes a newspaper advertisement, stating that submissions about the proposed local law may be made to the local government before a day specified in the notice being a day that is not less than six weeks after the notice is given.
- 2.4 Section 3.12(4) provides the following power to make a local law, after considering submissions received:

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<sup>1</sup> The full text of the Local Law published in *Western Australian Government Gazette* No. 179 on 11 October 2012 is available from the State Law Publisher’s website at <http://www.slp.wa.gov.au/gazette/gazette.nsf>.

<sup>2</sup> Section 42 of the *Interpretation Act 1984*.

<sup>3</sup> Sections 1.7 and 1.8 of the *Local Government Act 1995* provide that ‘Statewide public notice’ requires a notice to be published in a newspaper circulating generally throughout the State, and exhibition of the notice to the public on a notice board at the local government’s offices and to the public at every local government library in the district.

*After the last day for submission, the local government is to consider any submissions made and may make the local law [by absolute majority] as proposed or make a local law [by absolute majority] that is not significantly different from what was proposed. [Committee emphasis]*

- 2.5 Section 3.13 mandates the procedure to be followed when a local government decides to make a law that is significantly different. It provides:

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure. [Committee emphasis]*

- 2.6 Therefore, if a local government makes a local law that is significantly different from the proposed local law advertised and does not recommence the section 3.12 procedure, the local law is invalid and capable of disallowance. The full text of sections 3.12 and 3.13 is attached at Appendix 1.
- 2.7 Long-standing advice from the then Crown Solicitor's Office (now State Solicitor's Office) in January 2002 was that the procedure in section 3.12 is mandatory.<sup>4</sup>
- 2.8 Hon John Castrilli MLA, Minister for Local Government (**the Minister**), has advised that he agrees with the Committee's position that local laws should be disallowed where a local government has failed to comply with the local law making process.<sup>5</sup>
- 2.9 The Committee has previously stated its position on the status of invalid local laws and the prospect of disallowance on ten other occasions since September 2010. These are set out in the Committee's reports listed at Appendix 2. The Local Law raises a somewhat unique issue in that the City of Nedlands (**City**) did not comply with sections 3.12(4) and 3.13.

### **3 SCRUTINY OF THE PROCEDURE FOR MAKING THE LOCAL LAW**

- 3.1 The Local Law repealed the *City of Nedlands Parking and Parking Facilities Local Law (2002 law)*.
- 3.2 In 2009 the City commenced a review of the 2002 law, which included community consultation.<sup>6</sup> Following this process, in 2010 the City drafted a proposed *City of Nedlands Parking and Parking Facilities Local Law (proposed local law)*.<sup>7</sup>

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<sup>4</sup> The advice dated 31 January 2002 is copied in Appendix 4 to Report 42, Joint Standing Committee on Delegated Legislation, Report 42: *Shire of Capel Keeping and Welfare of Cats Amendment Local Law 2009* and *Shire of Koorda Standing Orders Local Law 2009*, September 2010.

<sup>5</sup> Letter from Hon John Castrilli MLA, Minister for Local Government, 16 July 2012, p1.

- 3.3 The proposed local law included a Part 6 ('Ticket Issuing Machines and Zones'), which prescribed introducing paid parking and ticket issuing machines in ticket machine zone/s, and the following clause 5.14:

**5.14 Stopping on a verge<sup>[8]</sup>**

- (1) *A person shall not—*
- (a) *stop a vehicle (other than a bicycle);*
  - (b) *stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or*
  - (c) *stop a vehicle during any period when the stopping or vehicles on that verge is prohibited by a sign adjacent and referable to that verge,*
- so that any portion of it is on a verge.<sup>[9]</sup>*
- (2) *Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier or those premises to stop the vehicle so that any portion of it is on the verge.*
- (3) *Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle or parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.*

- 3.4 Clause 5.14 is common to parking and parking facilities local laws. It repeats (with minor amendments) clause 6.9 of the 2002 law and also reflects clause 6.9 in the Western Australia Local Government Association (**WALGA**) parking and parking facilities pro forma local law.

<sup>6</sup> Section 3.16(1) of the *Local Government Act 1995* requires local governments to carry out a review of a local law within eight years of the day the local law commenced and prescribes review procedures including the requirement for Statewide public notice of the review. The review consultation process included two sets of public notices and submission periods and 326 letters to businesses and organisations inviting comment. The City received 15 submissions.

<sup>7</sup> Details of procedures followed in making the Local Law are sourced from materials provided under cover of the letter from Mr Michael Cole, Chief Executive Officer, City of Nedlands, 23 October 2012.

<sup>8</sup> 'Verge' is defined in clause 1.6(1) of the proposed local law and Local Law to mean '*The portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath and can also be referred to as a nature strip*'.

<sup>9</sup> Unlike the proposed local law, clause 5.14(1) of the Local Law is formatted incorrectly in that the text '*so that any portion of it is on a verge.*' is contained in clause 5.14(1)(c) and immediately follows the words '*to that verge.*' in clause 5.14(1)(c) of the Local Law.

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- 3.5 Statewide public notice of the proposed local law pursuant to section 3.12(3)(a) of the Act was given on 5 February 2011. Notice of the proposed local law was published in *The West Australian* and *The Post*, posted on noticeboards at the City's Administration Office, Nedlands Library and Mt Claremont Library, and posted on the City's website.
- 3.6 The City received 43 public submissions and 2 petitions in response to the public notice. The majority of submissions related to Part 6 ('Ticket Issuing Machines and Zones').<sup>10</sup> Submissions also supported and opposed clause 5.14, including submissions noting that vehicles parked on verges block the view of traffic.
- 3.7 The Council of the City, after considering submissions received, made the Local Law. The Local Law is different from the proposed local law in that it:
- Contains a new subclause 5.14(4) (**clause 5.14(4)**) not in the proposed local law, which provides:
    - (4) *The owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge in accordance with subclause (2) of this clause.*  
[Committee emphasis]
- and contains a new item 63 in Schedule 2 which, when read with clauses 9.1 and 9.2 of the Local Law, prescribes that the infringement notice modified penalty for an offence contrary to clause 5.14(4) is \$500.<sup>11</sup>
- Does not include Part 6 ('Ticket Issuing Machines and Zones') of the proposed local law.
  - Incorporates a number of other amendments to the proposed local law (not relevant for the purposes of this report).<sup>12</sup>
- 3.8 The Committee does not take issue with the decision to make a law that omitted Part 6 of the proposed local law. This was the subject of community consultation.

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<sup>10</sup> The City received 33 submissions opposing the introduction of paid parking/ticket issuing machines including a petition with 48 signatories and 1 submission and a petition with 16 signatories supporting the introduction of paid parking/ticket issuing machines.

<sup>11</sup> A further amendment to clause 5.14 in the Local Law is that the heading of the clause differs from the proposed local law and a few other local laws in that it refers to the 'verge/nature strip', not the 'verge'. 'Nature strip' is not defined.

<sup>12</sup> Other amendments made include grammatical and stylistic amendments, amendments suggested by the Department of Local Government and amendments to reflect previous Committee report comments including using the term 'local government' not 'City', and 'Event Parking' not 'Special Event Parking'.

**The Local Law is significantly different from the proposed local law**

3.9 The Committee is of the view that the Local Law the City made is significantly different from the proposed local law because clause 5.14(4) was inserted.

3.10 A City report identifies the issue that clause 5.14(4) seeks to address as follows:

*A recent issue has come to the attention of administration whereby residents are “renting” the nature strip (verge) in front of their property to third parties. A web-site exists to facilitate this practice which identifies nature strip (verge) that are available for “rent” and advertises a cost per day.<sup>13</sup>*

3.11 The City advised the Committee in relation to new clause 5.14(4):

*The latest refinement of the addition of clause 5.14(4) is to address a recent commercial opportunity being advertised to property owners in areas within the local government. This opportunity invites property owners to let parking bays available to them to visiting motorists in exchange for payment. This practice has the potential to affect both privately owned lands and public land such as the nature strip (verge). The City of Nedlands Town Planning Scheme (TPS2) already provides the legislative basis to allow the local government to take action on private land, it was necessary to include a new clause in the Parking and Parking Facilities Local Law 2012.*

*Clause 5.14(4) prohibits adjoining owners from charging third parties for parking on the nature strip (verge) with the local government owned road reserve.*

*The additional clause has not been advertised at any stage of the procedure of making local laws. This issue was brought to the attention of the local government in June 2012 and the local government gained legal advice from McLeods Barristers and Solicitors regarding inclusion of a clause within the local law to prohibit this activity.*

*It is understood that the introduction of this clause should only apply to a small minority of the people anticipated to be affected by this*

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<sup>13</sup> City of Nedlands, *Reports PDS 14.08.2012 to 28.08.12*, p60. The Committee is also aware that an online newspaper article notes the City of Nedlands’ concerns about a website that offers verge rental (and driveway and garage rental): <http://www.smh.com.action/printArticle?id=3576220> (viewed on 21 November 2012).

*local law and therefore the impact of this addition to the overall scope of the local law is considered to be minimal.*<sup>14</sup>

- 3.12 The Committee is also aware that the City's boundary is a few blocks away from the Royal Agricultural Society showgrounds in Claremont. A City *Media Release* titled '*Royal Show Parking*' advised residents '*that the rental of verges is not authorised as this is council land*'.<sup>15</sup> The Committee is not aware of the impact of clause 5.14(4) on any City residents who provide Royal Show verge parking. The Committee's view that the Local Law is significantly different from the proposed local law is not contingent on the unique fact that the City's boundary is near the showgrounds.
- 3.13 The *New Shorter Oxford English Dictionary* defines '*significant*' to mean '*important, notable; consequential*'. In determining if a law made is significantly different from a proposed law, each case turns on its own facts.
- 3.14 In Report 9: *Issues of concern raised by the Committee between December 20 2003 and June 30 2004 with respect to Local Laws*, the former Committee found that a local law which prescribed prickly lettuce as a pest plant was significantly different from the proposed local law which did not prescribe prickly lettuce as a pest plant. In that case, the Committee acknowledged that although the difference was minor in form, the law was significantly different because the main purpose of the local law was to prescribe pest plants for the district and the insertion prescribed a new pest plant in the local law which, the Committee noted, had not been advertised.<sup>16</sup>
- 3.15 The Committee has also previously found that there was a significant difference between the local law made and what was proposed when a gazetted local law prescribed increased penalties (fines) not contained in the advertised proposed law.
- 3.16 In the present case, the Committee took into account that the purpose of clause 5.14(4) reflects a purpose of the Local Law, which clause 1.2 states is '*to make provisions about the regulation of parking or stopping of vehicles ...*'.
- 3.17 The Committee also considered that the effect of the clause is to prohibit an owner or occupier of premises adjacent to a verge from charging fees to park on a verge, which now attracts a significant penalty, and this represents a change in parking enforcement regulation.
- 3.18 An intention of sections 3.12 and 3.13 is to ensure that local governments engage in community consultation prior to making a local law. This consultation process is particularly important when new laws are being proposed or inserted into a local law.

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<sup>14</sup> Explanatory Memorandum, *City of Nedlands Parking and Parking Facilities Local Law 2012*, p4.

<sup>15</sup> <http://www.nedlands.wa.gov.au/news/royal-show-parking> (viewed on 21 November 2012).

<sup>16</sup> Joint Standing Committee on Delegated Legislation, Report 9, *Issues of concern raised by the Committee between December 20 2003 and June 30 2004 with respect to Local Laws*, August 2004, p17.

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- 3.19 The City referred the Committee to its understanding that only a small minority of people would be affected by the clause. However, it does not necessarily follow that the effect and impact of the clause is not significant and the inclusion of the clause will not amount to the law being considered significantly different from what was proposed. The Committee does not take a strictly quantitative approach in determining if a local law made is significantly different from the proposed law.
- 3.20 It is relevant that clause 5.14(4) was inserted to address an identified issue brought to the attention of the City that was of sufficient concern for the City to include in the Local Law. The clause applies throughout the City and is likely to directly impact on some residents. In the absence of public consultation, the merits or otherwise of this law, and the extent of the impact of the law, is uncertain.
- 3.21 Property owners and occupiers that clause 5.14(4) will or may negatively impact on are disadvantaged as they have not been given an opportunity to comment on the law. Further, in the absence of community consultation, it appears that the City has not had the opportunity to make an informed decision on whether the law should be made in the exercise of its delegated power to make a local law provided by section 3.5 of the Act.
- 3.22 The Committee also took into account that clause 5.14(4) not only prohibits adjoining owners or occupiers charging a fee for a person to stop on a verge, but that the City made a local law that also inserted a new line item in Schedule 2 (item 63) prescribing a substantial modified penalty, the maximum authorised, for committing an offence against clause 5.14(4).
- 3.23 The effect of clause 5.14(4) and item 63 in Schedule 2, read with clauses 9.1 and 9.2 of the Local Law, is that an owner or occupier who charges a person a fee to stop on the verge commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is of a continuing nature, a daily penalty of \$500; or if an infringement notice is issued, is liable to a modified penalty of \$500.<sup>17</sup>
- 3.24 Only three other offences in the Local Law attract the maximum authorised modified penalty of \$500.<sup>18</sup> In contrast, all other offences against the Local Law, referred to in 76 items listed in Schedule 2, attract penalties of between \$60 and \$90.<sup>19</sup>

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<sup>17</sup> These penalties are the maximum penalties authorised by the *Local Government Act 1995* as section 9.14 authorises offence penalties again a local law up to a fine of \$5,000 with a further fine of \$500 per day if the offence is a continuing offence and section 9.17(3) authorises a modified penalty not exceeding 10 per cent of the maximum fine that could be imposed for that offence.

<sup>18</sup> The four offences attracting a modified penalty of \$500 are clause 5.14(4) and the following clauses relating to property damage: clause 7.9 (Causing or attempting to cause damaged to Council property), clause 7.10(1) (Interfere or damage an electronic detection device) and clause 7.10(2) (Interfere or damage a display panel or transmitting device).

- 3.25 In the Committee's view, the quantum of the modified penalty is further evidence that the Local Law is notably, consequentially, and significantly different to the proposed local law. However, to clarify, the Committee considers that the Local Law would be significantly different even if clause 5.14(4) did not attract this modified penalty.

#### **4 CONCLUSIONS**

- 4.1 The Local Law is significantly different from the proposed local law advertised for public consultation.
- 4.2 The Local Law is therefore invalid due to non-compliance with sections 3.12(4) and 3.13 of the Act and because the City did not recommence the law making procedure in section 3.12 after making a law that is significantly different from the proposed local law.
- 4.3 The Local Law offends the Committee's term of reference (a) in that it is not authorised by the empowering enacting on the basis of non-compliance with mandatory requirements in the Act.
- 4.4 There are a number of benefits to recommending the disallowance of invalid instruments, including ensuring that invalid laws are quickly removed from the public record and reducing the risk of public misinformation.

#### **5 RECOMMENDATION**

**Recommendation 1: The Committee recommends that the *City of Nedlands Parking and Parking Facilities Local Law 2012* be disallowed.**

- 5.1 The Committee commends its report to the House.



**Mr Paul Miles MLA  
Chairman**

**29 November 2012**

<sup>19</sup> Schedule 2 makes all offences in the Local Law a modified penalty offence as item 80 prescribes a fine of \$60 for 'All other offences not specified'.

# APPENDIX 1

## SECTIONS 3.12 AND 3.13 OF THE *LOCAL GOVERNMENT ACT*

### 1995

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#### **3.12. Procedure for making local laws**

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.  
*\* Absolute majority required.*

(5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - (a) stating the title of the local law;

- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section:
- making*** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

### **3.13. Procedure where significant change in proposal**

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

## APPENDIX 2

### COMMITTEE REPORTS WHERE THE COMMITTEE HAS RECOMMENDED DISALLOWANCE OF INVALID LOCAL LAWS

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1. Report 42, *Town of Capel Keeping and Welfare of Cats Amendment Local Law 2009* and *Town of Koorda Standing Orders Local Law 2009*, tabled on 16 September 2010.<sup>20</sup>
2. Report 45, *Shire of Kellerberrin Dogs Local Law*, tabled 3 November 2012, tabled on 3 November 2011.<sup>21</sup>
3. Report 47, *Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011*, tabled 3 May 2012.<sup>22</sup>
4. Report 48, *Town of Kwinana Extractive Industries Local Law 2011*, tabled 3 May 2012.<sup>23</sup>
5. Report 51, *Town of Bassendean Repeal Local Law 2010* and *Town of Bassendean Dust and Sand Local Law 2011*, tabled on 16 August 2012.<sup>24</sup>
6. Report 53, *Mindarie Regional Council Standing Orders Amendment Local Law 2012*, tabled on 13 September 2012.<sup>25</sup>
7. Report 54, *City of Bayswater Standing Orders Local Law 2012*, tabled on 13 September 2012.<sup>26</sup>

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<sup>20</sup> The *Shire of Capel Keeping and Welfare of Cats Amendment Local Law 2009* and *Shire of Koorda Standing Orders Local Law 2009* gazetted were not, in error, the laws adopted by the Shire Council or subject to the procedure set out under section 3.12 of the *Local Government Act 1995*.

<sup>21</sup> The *Shire of Kellerberrin Dogs Local Law* did not comply with sections 3.12(5) and (6) of the *Local Government Act 1995*. The Committee recommended that the Executive Council advise the Governor to invoke section 3.17 of the *Local Government Act 1995* to repeal the local law. This course of action was pursued because, due to an error, a notice of motion to disallow was not moved in the Legislative Council.

<sup>22</sup> The *Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011* offended section 3.12(5) in that a copy of the law was sent to the Minister 11 days prior to the law being published in the *Gazette*.

<sup>23</sup> The *Town of Kwinana Extractive Industries Local Law 2011* offended section 3.12(3)(b) in that the Minister was given a copy of the Statewide public notice and proposed local law six days before the Statewide public notice was published.

<sup>24</sup> The *Town of Bassendean Repeal Local Law 2010* and *Town of Bassendean Dust and Sand Local Law 2011* offended section 3.12(3)(b) in that the Minister was given a copy of the Statewide public notice and proposed local law one day before the Statewide public notice was published.

<sup>25</sup> The *Mindarie Regional Council Standing Orders Amendment Local Law 2012* offended section 3.12(3)(b) in that the Minister was never given a copy of the Statewide public notice.

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8. Report 57, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012*, tabled on 27 September 2012.<sup>27</sup>
  9. Report 58, *City of Vincent Dogs Amendment Local Law No. 2 2012*, tabled on 18 October 2012.<sup>28</sup>
  10. Report 59, *City of Subiaco Meeting Procedures Local Law 2012*, tabled on 8 November 2012.<sup>29</sup>

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<sup>26</sup> The *City of Bayswater Standing Orders Local Law 2012* offended section 3.12(3)(b) in that the Minister was given a copy of the Statewide public notice and proposed local law eight days before the Statewide public notice was published.

<sup>27</sup> The *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012* offended section 3.12(3)(b) in that the Minister was given a copy of the Statewide public notice and proposed local law six days before the Statewide public notice was published.

<sup>28</sup> The *City of Vincent Dogs Amendment Local Law No. 2 2012* offended section 3.12(3)(b) in that the Minister was given a copy of the Statewide public notice and proposed local law four days before the Statewide public notice was published.

<sup>29</sup> The *City of Subiaco Meeting Procedures Local Law 2012* offended section 3.12(3)(b) in that the Minister was never given a copy of the Statewide public notice.