

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Fourth Report — City of Gosnells Bush Fire Brigade Local Law 2023 — Tabling*

**HON LORNA HARPER (East Metropolitan)** [10.03 am]: I am directed to present the fourth report of the Joint Standing Committee on Delegated Legislation titled *City of Gosnells Bush Fire Brigade Local Law 2023*.

[See paper [2833](#).]

**Hon LORNA HARPER:** The report that I have just tabled advises the house of the committee's view that the City of Gosnells Bush Fire Brigade Local Law 2023 is invalid.

Firstly, the City of Gosnells did not follow the mandatory procedures prescribed in sections 3.12 and 3.13 of the Local Government Act 1995 when it made the local law. In making the local law, the city breached section 3.12(4) by adopting a local law that was significantly different from that which was proposed. Further, in that scenario, section 3.13 of the Local Government Act 1995 required the city to recommence the local lawmaking procedures prescribed in section 3.12. However, the city failed to do so.

Secondly, the City of Gosnells Bush Fire Brigade Local Law 2023 is invalid by failing to regulate the matters covered by section 62(1)(a) of the Bush Fires Act 1954. The regulatory scheme created by the Bush Fires Act 1954 contemplates that where a local government decides to regulate matters specified in section 62(1)(a), it is required to do so by local law. The local law does not deal with the appointment, employment, payment, dismissal and duties of bush fire control officers. It presumably leads to the bush fire brigade operating procedures substantive matters governing its structure.

Thirdly, the City of Gosnells Bush Fire Brigade Local Law 2023, in providing for the chief executive officer to establish and implement bush fire brigade operating procedures, contains an unauthorised sub-delegation of legislative making power. The sub-delegation is not authorised by the Bush Fires Act 1954.

In the committee's view, the local law is invalid and not within the power granted by the empowering acts. The committee recommends that the local law be disallowed.

I commend the report to the house.