



## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: LEG0026  
Our Ref: 38113:14:AH

Mr Trevor Vaughan  
Mayor, Town of Victoria Park  
Locked Bag 437  
Victoria Park, WA, 6979

By email: [tvaughan@vicpark.wa.gov.au](mailto:tvaughan@vicpark.wa.gov.au)

8 August 2013

Dear Mayor Vaughan

### **Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013**

I refer to the letter from Athanasois Kyron of 28 June 2013, in reply to my letter to you of 26 June 2013, copies of which I attach.

Subsequent to the receipt of this letter, the staff of the Joint Standing Committee on Delegated Legislation received an email from Allan Lantzke, Manager Health and Regulatory Services, which stated:

*We will not be putting a report to Council asking them to confirm that a breach of section 3.12(3a) within the local law making process has occurred. We are unsure why the Committee has requested this and don't feel that it's required.*

A full copy of the email is attached.

The Committee requests confirmation that you were made aware of this email.

The Committee expects staff of a local government to tender copies of correspondence from a parliamentary committee to councillors of the local government. This is especially so when it involves the validity of a local law proposed by a council. Staff exercising a discretion not to provide parliamentary committee correspondence is discourteous and means local government accountability to the *Parliament of Western Australia* is jeopardised. This is why Committee correspondence is always addressed to you, not the Chief Executive Officer or other personnel.

The Committee draws this matter to your attention in order for you to direct your staff to the future requirement that all parliamentary committee correspondence be directed to yourself and other councillors.

I advise that reference to the email from Allan Lantzke will be included in the Committee's report to the Legislative Council recommending disallowance of the Local Law.

The Committee would appreciate your personal reassurance that the practice of not placing parliamentary Committee correspondence before councillors of the local government will be discontinued.

A response to the letter is required by 4 September 2013.

If you have any questions, please contact Alex Hickman, Advisory Officer (Legal), on 9420 7633 or via email at [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au).

Yours sincerely



**Mr Peter Abetz MLA**  
Chairman

**Att:**

**Letter from the Joint Standing Committee on Delegated Legislation to the Town of Victoria Park of 26 June 2013.**

**Letter from Town of Victoria Park to Joint Standing Committee on Delegated Legislation of 28 June 2013.**

**Email from Allan Lantzke to Alex Hickman of 23 July 2013.**

**Legislation, Delegated**

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**From:** Allan Lantzke <ALantzke@vicpark.wa.gov.au>  
**Sent:** Tuesday, 23 July 2013 8:51 AM  
**To:** Legislation, Delegated  
**Cc:** Jasmine Person; Records  
**Subject:** RE: Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013

Morning Alex,

We will not be putting a report to Council asking them to confirm that a breach of *section 3.12(3a)* within the local law making process has occurred. We are unsure why the Committee has requested this and don't feel that it's required.

Our current intention is to ask Council to make a new local law which will repeal and replace the Town's *Parking and Parking Facilities Amendment Local Law 2013*. In this way whether the local law is disallowed by Parliament or not we will be assured of having a local law which can not be challenged based on the process outlined in *Section 3.12*. We also have a number of other amendments which we'd like to make which can then be included.

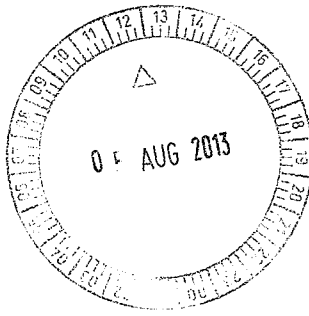
Please let us know the outcome of Parliaments consideration of our amendment local law.

Allan Lantzke  
Manager Health and Regulatory Services



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[www.vicpark.wa.gov.au](http://www.vicpark.wa.gov.au)

Our Ref: LEG0026  
Enquiries: Allan Lantzke  
Telephone: 9311 8111  
Email: [admin@vicpark.wa.gov.au](mailto:admin@vicpark.wa.gov.au)  
Your Ref: 38113/14 & A398146



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28 June 2013

Peter Abetz MLA  
Chairman: Delegated Legislation Committee  
Parliament House  
WESTERN AUSTRALIA 6000

Dear Mr Abetz

**RE: TOWN OF VICTORIA PARK PARKING AND PARKING FACILITIES  
AMENDMENT LOCAL LAW 2013**

Thank you for your letter dated 26 June 2013 and received on 27 June 2013.

Due to the short time frame between the receipt of your letter and the Town's next Council meeting I am unable to put a report to Council asking them to confirm non-compliance with section 3.12(3a) as requested.

An item regarding the proposed amendment local law will be presented to Council at its August meeting.

In reviewing the local law we have identified other minor changes which need to be addressed. Our intention is to recommend to Council that it makes the Parking and Parking Facilities Amendment (General) Local Law 2013. This new amendment local law will include provision for the revocation of the Parking and Parking Facilities Local Law 2013 as gazetted on 5 April 2013 (currently being considered by the Delegated Legislation Committee).

If you wish to contact me, please do not hesitate to call me on 08 9311 8133 or email [akyron@vicpark.wa.gov.au](mailto:akyron@vicpark.wa.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read "Athanasios Kyron".

**ATHANASIOS (ARTHUR) KYRON  
CHIEF EXECUTIVE OFFICER**

tel (08) 9311 8111	Administration Centre,	Locked Bag No. 437,	<a href="mailto:admin@vicpark.wa.gov.au">admin@vicpark.wa.gov.au</a>
fax (08) 9311 8181	99 Shepperton Road,	Victoria Park WA 6979	<a href="http://www.victoriapark.wa.gov.au">www.victoriapark.wa.gov.au</a>
abn 77 284 859 739	Victoria Park WA 6100		



## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Our Ref: 38113:14

Mr Trevor Vaughan  
Mayor, Town of Victoria Park  
Locked Bag 437  
Victoria Park, WA, 6979

20 June 2013

By email: [ALantzke@vicpark.wa.gov.au](mailto:ALantzke@vicpark.wa.gov.au)

Dear Mayor

### *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013*

The Joint Standing Committee on Delegated Legislation considered the *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 (Local Law)* at its meeting on 19 June 2013. The Committee resolved to write to you and express its preliminary views in relation to the Local Law.

#### **Reference to out-dated legislation**

The Committee notes the following clause which contains a reference to out-dated legislation.

- The definition of “*builder*” in new clause 8.3(1) states:

*“builder” has the same meaning as that expression is given in the Building Regulations 1989.*

The Building Regulations 1989 were repealed by section 157 of the *Building Act 2011* and replaced with the Building Regulations 2012. There is no definition of “*builder*” in either the *Building Act 2011* or the Building Regulations 2012.

It is important that clarity is provided on whom can be considered a builder for the purposes of the Local Law as:

- the Local Law places a number of obligations on an “*eligible person*” (the definition of which includes a builder) when seeking to establish a work zone adjacent to a construction site; and
- there is a \$60 modified penalty for failure to comply with clause 8.3.

The Committee seeks the following undertakings from Council of the Town of Victoria Park:

- Amend the definition of “*builder*” so that it no longer refers to out-dated legislation (which can be achieved by inserting a stand-alone definition);
- make any consequential amendments arising from this undertaking;
- complete the undertaking within six months of the date of the Council’s letter to give the undertaking;

- provide a copy of the minutes of the meeting at which the Council resolved to provide the undertaking; and
- in the interim, where the Local Law is made publically available by the Town of Victoria Park, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.

At its meeting on 19 June 2013 the Committee resolved to move a Notice of Motion in the Legislative Council to disallow the *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013* should the Committee recommend disallowance of the local law to the Parliament. The giving of notice in Parliament, however, should not be taken to indicate that the Committee has resolved to recommend disallowance and allows the Town of Victoria Park time to provide the undertakings as requested above.

Should the Committee recommend disallowance, the Local Law will cease to have effect from the date of disallowance and cannot be relied upon by the Town.

The Committee operates under strict timeframes under for disallowance in Parliament. It notes that the next meeting of the Council of the Shire is 9 July 2013. However, if it is possible to give the undertakings by **midday on Monday 24 June 2013**, the Committee will be able to resolve at its next meeting to not proceed further with this matter. Otherwise, this can be undertaken at a subsequent meeting of the Committee.

If you have any questions, please contact Alex Hickman, Advisory Officer (Legal), on 9420 7633 or via email at [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au).

Yours sincerely



**Mr Peter Abetz MLA**  
Chairman