



**MINISTER FOR HOUSING AND WORKS;  
LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT;  
THE KIMBERLEY, PILBARA & GASCOYNE**

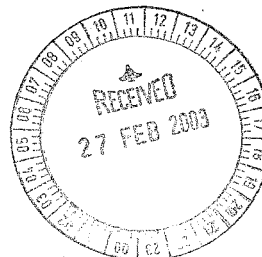
Your Ref: PO-1-01  
Our Ref: 1-7993

Hon Tom Stephens MLC  
*Member for the Mining and Pastoral Region;  
Deputy Leader of the Government  
in the Legislative Council*

Mr Malcolm Peacock  
Clerk Assistant and Usher of the Black Rod  
Legislative Council  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

25 FEB 2003

TP 418



Dear Mr Peacock

I refer to Ms Mia Betjeman's letter of 5 December 2002 enclosing a copy of the report of the Joint Standing Committee on Delegated Legislation in relation to the City of Melville Local Law relating to Signs, Hoardings and Billposting, tabled on 5 December 2002.

In response to the Committee's recommendations, I make the following comments.

**Recommendation One: The imposition of licence application fees should solely reflect cost recovery.**

This recommendation appears to be already covered by the operation of sections 6.16 and 6.17 of the *Local Government Act 1995*. S 6.17 states that, in setting the level of fees and charges, the local government is required to take into consideration three factors and that the basis for determining a fee or charge:

- (3) ... is not to be limited to the cost of providing the service or goods, other than a service:
- (a) under section 5.96;
  - (b) under section 6.16 (2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

Section 6.16(2)(d) concerns the subject matter of the Melville Signs Local Law. Therefore, under section 6.17(3), the fee can only be charged to recover the actual cost of providing the service.

**Recommendation Two: In cases where there are substantial licence application fee increases such as the City of Melville, these fees should be phased in over a period of time.**

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It is considered that the manner in which significant fees are introduced is a matter for individual local governments to assess and make an appropriate determination in relation to the particulars of the situation. While phasing in significant increases presents less of an initial impost for individuals, this is ultimately a policy matter for individual local governments to decide.

**Recommendation Three: Stakeholder representative groups be advised of any proposed increases.**

It is considered that this is good practice and the Department of Local Government and Regional Development encourages local governments to advise stakeholders of proposed increases where it is possible to do so.

**Recommendation Four: In addition to the requirement of advertising in *The West Australian*, advertisement in local community newspapers be undertaken.**

This recommendation is supported as local public notice has to be given under the requirements of the Act, however, there may be cases where the *West Australian* is the only community newspaper.

It is noted that the City of Melville advised the Joint Standing Committee on Delegated Legislation that it received no submissions during the six week advertising period. On 7 June 2002, the Department of Local Government and Regional Development provided the City of Melville with a submission by way of facsimile which requested that the amounts for fees and charges be removed from the proposed Local Law Relating to Signs, Hoardings and Billpostings. It was noted that the method of specifying the amount of the fee in the local laws is no longer necessary as fees and charges for local law matters can be set by council resolution under s 6.16 of the *Local Government Act 1995* and are to be included in council's budget.

Please contact Tim Fowler, Principal Legislation Officer, on 9222 0575 should you require more information.

Yours sincerely



Tom/Stephens MLC  
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