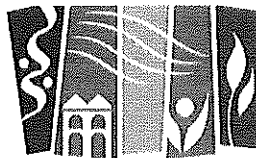


YOUR REF: A653315 & 4020/5 DW
OUR REF: OCR173961-19.6.4
ENQUIRIES: Aaron Cook



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21 December 2017

Ms Emily Hamilton
Chair - Joint Standing Committee on Delegated Legislation
GPO Box A11
PERTH WA 6837

Dear Ms Hamilton

UNDERTAKING - SHIRE OF NARROGIN EXTRACTIVE INDUSTRIES LOCAL LAW 2017

I refer to your correspondences of 29 November 2017 regarding the *Shire of Narrogin Extractive Industries Local Law 2017* and requesting an undertaking be given by the Council to amend the local law.

The matter was put before Council at their Ordinary Council Meeting of 20 December 2017, and I advise that the following undertaking has been resolved –

That Council provide the following undertakings to the Joint Standing Committee on Delegated Legislation:

1. *when the Shire of Narrogin Extractive Industries Local Law 2017 is next reviewed, the Shire will –*
 - a) *amend clause 4.1(a) of the Local Law to delete the words "of" and "and (3)";*
 - b) *make all necessary consequential amendments to the Local Law.*
2. *Until the Local Law is amended in accordance with undertaking 1, the Shire will –*
 - a) *not enforce the Local Law in a manner contrary to undertaking 1;*
 - b) *where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.*

As required, a copy of the undertakings has been placed on the website, and will be made available to those requesting a copy of the local law or to read it. Please contact me if there are any queries.

Yours sincerely

Leigh Ballard
Shire President

10.3.133 EXTRACTIVE INDUSTRIES LOCAL LAW – UNDERTAKING TO PARLIAMENT

File Reference: 19.6.4
Disclosure of Interest: None
Applicant: Shire of Narrogin
Previous Item Nos: N/A
Date: 6 December 2017
Author: Niel Mitchell – Consultant
Authorising Officer: Aaron Cook – Chief Executive Officer

Attachments

Nil

Summary

Advice has been received from the Joint Standing Committee on Delegated Legislation (JSCDL) regarding the Extractive Industries Local Law adopted by Council, published in the Government Gazette and now in force.

Background

The JSCDL has delegated power from Parliament to review local laws etc, and make a recommendation for disallowance if considered appropriate.

The *Interpretation Act 1984 s.42* specifies the authority of each House of Parliament to review local laws and to pass a resolution to disallow.

Comment

The JSCDL advises that the correspondence is confidential and privileged. Should the contents of the letter need to be discussed, the JSCDL Legal Advisory Officer has previously advised that the meeting should be closed to the public.

The JSCDL does not propose to present a Notice of Disallowance of the local law to the Legislative Council, however Council is requested to provide the following undertakings –

1. when the local law is reviewed to –
 - a. amend clause 4.1(a) to delete the superfluous word “of” and reference to clause 3.1(3); and
 - b. make all necessary consequential changes
2. in accordance with undertaking 1 –
 - that the Local Law will not be enforced in a manner contrary to undertaking 1
 - where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

In their advice the JSCDL requested that the undertakings be provided by 5 January 2018, should Council agree.

No time requirement has been placed on making the changes.

The JSCDL require that the undertaking be confirmed with them by a letter signed by the President.

Consultation

- Aaron Cook – Chief Executive Officer
- Denise Wong – Joint Standing Committee on Delegated Legislation

Statutory Environment

Local Government Act 1995 – s.3.12 – requirement to submit a local law to Parliament for review once adopted

Interpretation Act 1984 s.42 – local laws to be laid before Parliament, and either House may pass a resolution to disallow

Shire of Narrogin Extractive Industries Local Law – operation of clauses as notified in text if this item to be modified by virtue of the undertaking until amended or deleted

Policy Implications

Nil

Financial Implications

None

Strategic Implications

Community safety and emergency response

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 1217.151 AND OFFICER'S RECOMMENDATION

Moved: Cr Bartron

Seconded: Cr Walker

That Council:

Provide the following undertakings to the Joint Standing Committee on Delegated Legislation:

1. When the Shire of Narrogin Extractive Industries Local Law 2017 is next reviewed, the Shire will:
 - a. amend clause 4.1(a) of the Local Law to delete the words "of" and "and (3)";
 - b. make all necessary consequential amendments to the Local Law.
2. Until the Local Law is amended in accordance with undertaking 1, the Shire will:
 - not enforce the Local Law in a manner contrary to undertaking 1;
 - where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.

CARRIED 9/0