

MEETING DATE: 16 June 2009

## **DIRECTION FOR REPEAL - LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW (NO.2) 2008**

22513 23180,  
04028

WARD: All

RESPONSIBLE Mr Jamie Parry  
DIRECTOR: Governance and Strategy

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### **PURPOSE/EXECUTIVE SUMMARY**

To inform Council of recent direction received from the Joint Standing Committee on Delegated Legislation regarding the City's *Local Government and Public Property Amendment Local Law (No.2) 2008*.

In light of the Committee's current direction, it is recommended that Council requests the Chief Executive Officer to provide the Joint Standing Committee on Delegated Legislation (JSCDL) with a written undertaking to repeal the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* and agree not to rely on the \$500 penalty in the interim.

### **BACKGROUND**

At the Meeting of 19 May 2009, Council resolved, inter alia, to:

*REQUEST the CEO to respond to the Joint Standing Committee on Delegated Legislation, indicating the City's intention not to oppose the Committee's recommendation for disallowance of the City's Local Government and Public Property Amendment Local Law (No.2) 2008.*

The City has since actioned the above resolution.

### **DETAILS**

Having provided the JSCDL with a written intention not to oppose the City's recommendation, the City has since received further correspondence from the Committee requesting that an additional resolution of Council be obtained as soon as possible.

The new resolution requires Council to agree to provide a written undertaking to repeal the \$500 penalty contained in the City's current *Local Government and Public Property Amendment Local Law (No.2) 2008* and agree not to rely on the penalty in the interim. Correspondence from the City must be received by the JSCDL by **18 June 2009**.

The process required to repeal one aspect of an Amendment Local Law is more onerous than merely repealing an Amendment Local Law in its entirety, therefore, it is recommended that Council resolves to repeal the *City of Joondalup Local Government and Public Property Amendment Local Law (No.2) 2008* in its entirety. This will satisfy the JSCDL's concerns surrounding the \$500 penalty and will reduce administrative burdens on the City. Other

provisions within the Amendment Local Law that will be repealed as a result of Council's resolution are minor changes that seek to support the introduction of a \$500 penalty. The nature of the offence, namely, the requirement of a shopping trolley owner to remove an abandoned shopping trolley within 3 hours of being notified by the City, will not be affected by repealing the entire Amendment Local Law. In addition, the Department of Local Government and Regional Development has advised the City that it may revert to its previous penalty of \$100 once a written intention not to rely on the \$500 penalty has been received by the JCSDL. This means that the offence is still able to be enforced with a reduced penalty while the City actions its intention to repeal the Amendment Local Law.

**Issues and options considered:**

Not applicable.

**Link to Strategic Plan:**

Not applicable.

**Legislation – Statutory Provisions:**

This report recommends repealing part of the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* in accordance with direction provided by the JCSDL.

In accordance with the JCSDL's *Report 23: "Issues of Concern Raised by the Committee Between 1 May 2006 and 30 April 2007 with Respect to Local Laws"*, the JCSDL has indicated that the City must fulfil its commitment to repeal the provision within 2 years of having been notified by the Committee. Should the City fail to complete its stated commitments, the Committee will move to disallow the Amendment after a 2 year period.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

The process for repealing the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* does not place a significant financial burden on the City.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

Should Council agree to provide the JSCDL with the requested resolution, the City will seek to inform affected retailers of the elements within the Local Law that are subject to the repeal requirements.

**COMMENT**

Not applicable.

**ATTACHMENTS**

Not applicable.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council REQUESTS the Chief Executive Officer to provide the Joint Standing Committee on Delegated Legislation with a written undertaking to repeal the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* and AGREES not to rely on the \$500 penalty in the interim.**

Signature of Originating Manager

Signature of Originating Director