

Local Law Review

Frequently Asked Questions



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What is a Local Law?

Section 3.5 of the *Local Government Act 1995* (the Act) provides the power for local governments to make local laws to help perform their functions. Local Laws (which were once known as ‘By Laws’) are subsidiary legislation, made by Local Governments.

Local Laws must not contravene any State or Federal Act or Regulation, and in the event of any inconsistency, the Act or Regulation will override the Local Law to the extent of the inconsistency.

The Shire has a number of local laws, which help manage, regulate and control a number of activities throughout the Shire.

What is a Local Law Review?

Section 3.16 of the Act provides for reviewing the currency and suitability of gazetted local laws. The review is required every eight years. This review is not to be used for amending or repealing legislation.

If the outcome of the review finds that it is necessary to change an outdated aspect of the law or that the subsidiary legislation has become defunct or obsolete, the local government must then commence the process outlined in section 3.12 of the Act to implement any changes.



What Local Laws are being reviewed?

The Shire currently has 12 Local Laws. The 11 Local Laws being reviewed include:

- Activities on Thoroughfares and Trading in Public Places Local Law 2004
- Bush Fire Brigades Local Law 2013
- Cemeteries Local Law 2013
- Dogs Local Law 2017
- Extractive Industries Local Law 2013
- Fencing Local Law 2014
- Health Local Law 2003
- Keeping of Cats Local Law 2015
- Local Government Property Local Law 2013
- Meeting Procedures Local Law 2015
- Parking Local Law 2009
- Signs Local Law 2009

Where can I view the current Local Laws?

These can be viewed on the Shire's website, under the Council - Local Laws tab at <https://www.mundaring.wa.gov.au/council/documents-and-forms/local-laws.aspx>

The Local Laws are also available on 'Engage Mundaring' under the 'Key Documents - Local Laws'.

What are the possible outcomes of a Local Law Review?

The Local Law review determines if the Shire's local laws should remain unchanged, be repealed or amended.

Where the outcome of the review finds it is necessary to change an out-dated aspect of a local law or that the subsidiary legislation has become defunct or obsolete, the Shire must then commence the process outlined in section 3.12 of the Act to implement any changes. This is not part of this current process.

What is the role of community consultation in the review?

The Shire is required to undertake community consultation as part of the local laws review. This is to gauge public opinion on the contents and ongoing suitability of the local laws.

Following the review process, where it is identified that a local law is to be amended or repealed, the Shire is required to undertake further community consultation for each local law that is affected.

I have previously provided a submission regarding the Shire's local laws, why didn't that review proceed and will my submission be included in this review process?

The Shire previously commenced the local law review in July 2021 with a public consultation period of 11 weeks. Any submission made during this period will be presented to Council as part of this local law review.

A report was presented to Council in February 2022 noting the anticipated impacts of local government reform on the local law review that had commenced in July 2021. Council resolved to proceed with the local law review, however, due to the time passed it was considered appropriate to restart the process.

How can I make a submission?

The Shire welcomes your comments and invites written submissions. The easiest way to give your feedback using the online survey available on the Shire's engagement platform 'Engage Mundaring' under the Local Law Review project.

Alternatively, you can download and complete the pdf editable survey on the Shire's website and 'Engage Mundaring' and submit by email to shire@mundaring.wa.gov.au.

Forms are also available at the Shire of Mundaring Administration Centre and the Libraries. If you have completed a hard copy version of the survey you can post to Shire of Mundaring, 7000 Great Eastern Highway, Mundaring WA 6073.

Please note: your name and address will not be included in any public council meeting documents. Your initials and any comments/feedback may be referred to Council. This means your input may appear in the meeting documents on the Shire's website. If you do not wish for your comments/feedback to be made available, please contact the Governance Coordinator, Liz Nicholls on 08 9290 6666.

What happens next?

The submissions received during the consultation period will be reviewed and officers develop a recommendation for Council.

A report including submissions will be presented to Council, who will decide whether to amend, repeal or retain the local law.

If it is resolved that a local law is to be retained, no further action will be required.

If it is resolved that a local law is to be amended or replaced, further work will be undertaken in accordance with section 3.12 of the Act.