

TO ALL LOCAL GOVERNMENTS

CIRCULAR NO: 916

NATIONAL COMPETITION POLICY: LOCAL LAW REVIEWS

In accordance with the *National Competition Policy Local Law Review Guidelines*, local governments are not required to review:

- local laws relating to council proceedings;
- local laws relating to staff entitlements; and
- adopted model local laws gazetted under the *Local Government Act 1995* or produced by WAMA (and reviewed in accordance with National Competition Policy principles) to the extent that the model is adopted by the council without substantial change.

In addition, it is not necessary to review provisions in a local law that are the same, or substantially the same, as provisions in a sample local law reviewed by a consultant on behalf of the State Government, providing that the review conclusions are adopted. Sample reviews relating to extractive industries, hawkers, and signs, hoardings and bill posting were distributed to local governments with the review guidelines.

These exemptions allow councils to minimise review costs in circumstances where there would be little public benefit in conducting a full review.

To minimise review costs further, the Department of Local Government and the Competition Policy Unit at Treasury have agreed to extend the list of exempt local laws that are not considered to have a significant impact on competition. Details of the new exemptions are included in an attached list along with all current exemptions.

Please ensure that relevant staff are given a copy of the expanded list of exemptions and are fully aware of the local laws that need to be reviewed.

To aid this process, the Department has highlighted on a list of your local government's current local laws (attached), the local laws that are exempt from review (coloured red) or for which a review model already exists (coloured yellow).

Local governments that have already conducted reviews of exempt local laws can still submit their review reports to the Department in the manner prescribed in the guidelines or retain the reports for reference when the local laws are reviewed in accordance with section 3.16 of the *Local Government Act 1995*.

John Lynch
EXECUTIVE DIRECTOR

October 1999

NATIONAL COMPETITION POLICY

COMPLETE LIST OF LOCAL LAWS NOT REQUIRING REVIEW

Exempt Local Laws

Bathing
Building numbering
Civic centres
Clearing of land
Council proceedings
Damage to streets
Discount on rates
Fencing (to extent commercial premises not affected)
Forms & fees
Halls
Inflammable liquid
Long Service Leave
Metric conversion
Minute books
Municipal golf courses
Obstructing animals/vehicles
Old refrigerators & cabinets
Payment of rates
Pest plants
Pipes & pipelines beneath roads
Poundage fees
Protection of footpaths
Records
Rubbish, refuse & litter
Sick Leave
Standing Orders
Staff
Straying stock
Streets, lawns & gardens
Swimming pool
TV masts & antennae
Unkempt land
Vehicles on council land

Local laws for which there is a review model

In addition to the above exemptions, it is not necessary to review a provision of a local law that is the same, or substantially the same, as a provision in any of the following local laws.

WAMA Model Local Laws

Activities on Thoroughfares and Trading in Thoroughfares and Public Places
Bee Keeping
Dogs
Local Government Property
Parking and Parking Facilities

Sample Local Law Reviews *

Extractive Industries
Hawkers
Signs, Hoardings and Bill Posting

(NB. You are reminded that where a local law has an equivalent provision in a sample local law review, the local law provision will need to be reviewed if the council declines to accept the conclusion in the sample review report.)

**Contained within National Competition Policy Local Law Review Guidelines and Examples*