



TO ALL LOCAL GOVERNMENTS

CIRCULAR NO. 11-2003

### **EIGHT YEAR REVIEW OF LOCAL LAWS**

Section 3.16 of the *Local Government Act 1995* requires that all of the local laws of local governments must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

By-laws under the previous *Local Government Act 1960* which became local laws as at 1 July 1996 must be reviewed by 1 July 2004. This means local governments that have not already done so have less than a year to complete their review requirements. Of course, this does not apply to by-laws or local laws that have been repealed, however, it does apply to those that have only been amended, irrespective of the extent of the amendment. While the review must be completed by 1 July 2004, if an outcome of the review is to amend or repeal the local laws then that action may be completed after that date.

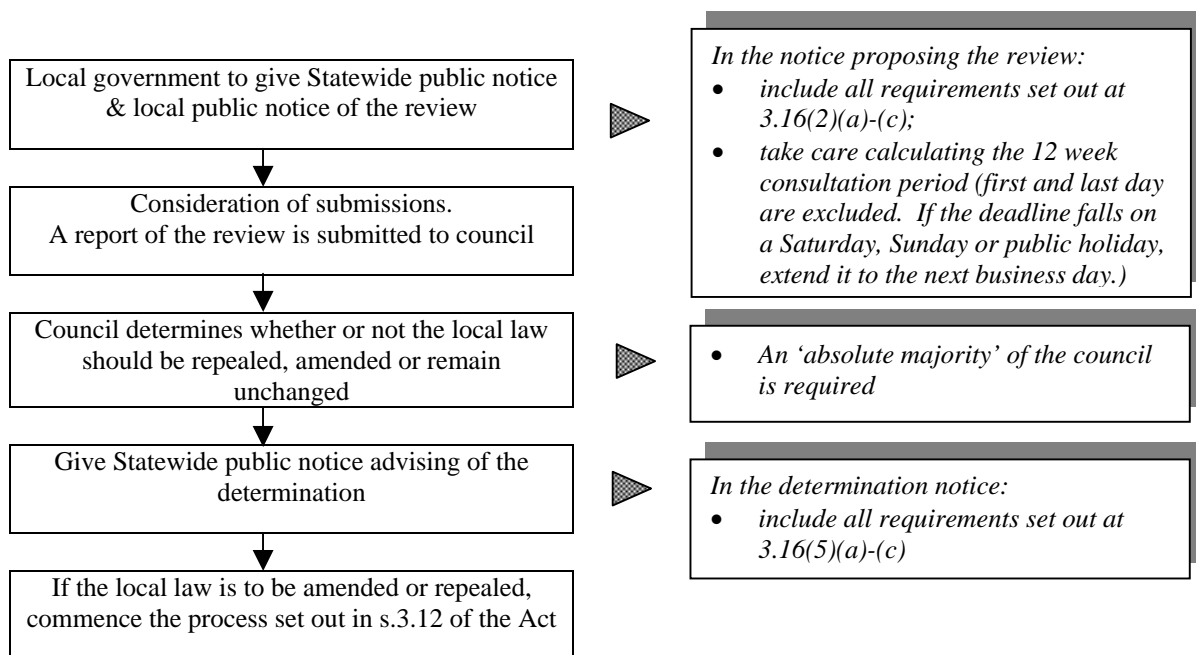
The review requirements also apply to all local laws that were made after 1 July 1996. For example, a local law that commenced operation on 31 July 1996 must be reviewed by 31 July 2004.

The time taken to carry out a statutory review would be at least four months so the review should be commenced prior to February 2004, if possible. A review may be as brief or as detailed as a council may require. If no changes or very few are warranted, then a review may be undertaken without requiring significant resources.

The Western Australian Local Government Association (WALGA) Local Laws Manual (Section 5) contains proforma notices (D & E) for carrying out a review which may be helpful.

Please note that section 3.16 is used solely for reviewing local laws – it cannot be used for amending or repealing legislation. If, as the result of a review, a local government decides to amend or repeal a local law, then it must implement this decision under section 3.12.

Under section 3.16, the statutory process for reviewing a local law is:



The Department keeps a register of all local laws made, amended or repealed by each local government. This information is accessible on the Department's website at [www.dlgrd.wa.gov.au/legislation.htm](http://www.dlgrd.wa.gov.au/legislation.htm) or by using the link located towards the bottom right of the Department's home page.

Should you have any queries about this matter, please contact Carolyn Gatward on 9217 1494 or email [cgatward@dlgrd.wa.gov.au](mailto:cgatward@dlgrd.wa.gov.au).

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