

Schedule of Submissions - Local Government Parking and Parking Facilities Amendment Local Law 2017 (Local Law)

NO.	NAME & ADDRESS	SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION										
1	DLGC	<p>1. Clause 3 – Principal local law</p> <p>In line with best drafting principles, clause 3 has been redrafted below for the Shire’s consideration:</p> <p>--</p> <p>3. Principal local law amended This local law amends the <i>Shire of Broome Parking and Parking Facilities Local Law 2012</i> as published in the <i>Government Gazette</i> on 31 July 2012.</p> <p>2. Clause 4 - Arrangement</p> <p>It is suggested that this clause be deleted.</p> <p>Contents pages are not considered to be an operational part of legislation, since they have no actual legal effect in themselves. State Parliament does not amend contents pages when amending legislation and local governments may apply the same principle for local laws.</p> <p>If the Shire wishes to update the contents page for the local law kept on their website, this can be done without the need for clause 4.</p> <p>3. Repetitive amendments</p> <p>The local law makes a number of amendments involving the replacement of “shall” with “must”. This uses up considerable space and will contribute to unnecessary publishing costs.</p> <p>The Shire may wish to collate these amendments into a table to save space and money. An example is provided below:</p> <p>34. Local law amendment</p> <p>The clauses listed in the first column of Table 1 are amended in the manner specified in the second column.</p> <p>Table 1 – Amended clauses</p> <table border="1" data-bbox="602 1333 1641 1816"> <thead> <tr> <th data-bbox="602 1333 887 1396">Clause</th> <th data-bbox="887 1333 1641 1396">Amendment</th> </tr> </thead> <tbody> <tr> <td data-bbox="602 1396 887 1459">1.9</td> <td data-bbox="887 1396 1641 1816" rowspan="7">Delete “shall” and insert “must”</td> </tr> <tr> <td data-bbox="602 1459 887 1522">2.1(2)</td> </tr> <tr> <td data-bbox="602 1522 887 1585">2.2(1), (3) and (4)</td> </tr> <tr> <td data-bbox="602 1585 887 1648">2.3</td> </tr> <tr> <td data-bbox="602 1648 887 1711">2.5</td> </tr> <tr> <td data-bbox="602 1711 887 1774">2.7</td> </tr> <tr> <td data-bbox="602 1774 887 1816">Etc.</td> </tr> </tbody> </table>	Clause	Amendment	1.9	Delete “shall” and insert “must”	2.1(2)	2.2(1), (3) and (4)	2.3	2.5	2.7	Etc.	<p>The proposed changes do not alter the intent of functionality of the clause. The recommendation seeks to improve the wording in line with current drafting practices.</p> <p>The proposed amendment was designed to ensure that it was clear that the local law applied to all Local Government Property and not just reserves. The actual wording of clause 3.11 has been amended to replace the word “reserves” with “local government property”. The legal provision will therefor apply to all of local government property and not merely reserves.</p> <p>The changes suggested will remove a significant number of clauses in the Amendment Local Law.</p>	<p>It is recommended that the proposed changes are made.</p> <p>Delete clause as recommended. This will have no operational effect on Council’s Local Law.</p> <p>Insert the table as recommended and delete redundant clauses.</p>
Clause	Amendment													
1.9	Delete “shall” and insert “must”													
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		<p>4. General formatting</p> <p>The Shire should ensure that similar clause formatting is used throughout the local law. Clause 6 and 8 has been redrafted as an example for the Shire's consideration:</p> <p>---</p> <p>6. Clause 1.5 amended In clause 1.5(2) delete "shall have" and replace with "has".</p> <p>8. Clause 1.7 amended Clause 1.7 is amended as follows – (a) In subclause (1) delete "shall" and replace with "is"; and (b) In subclause (2) delete "shall be" and replace with "is".</p>	<p>Recommended changes are minor and do not alter the intent or functionality of the local law. The original draft used the word "insert" consistently. DLGC recommend using the words "replace with".</p>	<p>Make changes as recommended.</p>
		<p>5. Minor edit</p> <p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> • The Shire has provided the principal local law with tracked edits showing the amendments being made. There is an amendment to clause 3.2 that has not been reflected in the amendment local law. The Shire should ensure that all relevant amendments are inserted into the amendment local law. An amendment should also be added for Schedule 1, item 47 of the principal local law to reflect the amendment carried out by clause 26. • It is suggested that the diagrams be deleted as these diagrams are merely examples with no direct legal effect. The Shire may wish to provide the diagrams to the public via pamphlets or website information. Alternatively, these diagrams can be inserted into the consolidated local law on the Shire's website without the need for a formal amendment. • Clause 5: <ul style="list-style-type: none"> ○ Defined terms should be bold and italics without quote marks. ○ Paragraph (a) – The amendment does not specify where "and" should be inserted or which instance of "of those" should be deleted. This should be clarified. ○ Paragraph (b) – The meaning of the inserted text is unclear. The word "for" should be changed to "on" or "which is" depending on the Shire's intentions. • Clause 7: <ul style="list-style-type: none"> ○ At the end of the first line insert a dash after "1.6". ○ In paragraph (a), the number "4" should be in normal case rather than bold. • Clause 9: Replace "will" with "must". • Clause 11: In paragraph (b) put quote marks around "(3)". • Clause 16: Insert a quote mark after "insert". • Clause 18: In paragraph (c) and (e), the amendments should specify where the new phrase is to be inserted. • Clause 20: in paragraph (b), replace "3.5(2)(c)" with "3.5(3)(c)". • Clause 25(a): replace "in clause 3.10(1)(a) delete "which belongs to the", insert "which is" and "property"" with "in subclause (1)(a) delete "which belongs to the local government" and replace with "which is local government property"". • Clause 28: <ul style="list-style-type: none"> ○ It appears that the word "shall" appears in clause 5.1(a) of the principal local law as well. This paragraph should be amended for the sake of consistency. ○ In paragraph (c), insert a space between "5.1" and "between". ○ Redesignate "(c)" as "(b)". • Clause 35(c): replace "6.4(2)(b)" with "6.4(1)(b)" and redesignate accordingly. • Clause 43: <ul style="list-style-type: none"> ○ In paragraph (a), insert the word "and" after the semicolon. ○ Delete paragraph (c). ○ In paragraph (b), replace "in clause 6.12(2) delete "mitigates" with: 	<p>Clause 3.2 and schedule 2, item 47 need to be changed as suggested.</p> <p>The diagrams follow the State example in the Road Traffic Code 2000 and are designed to assist the public in interpreting the provisions of the local law. Having the diagrams included with the provisions makes it easier for the public rather than cross referencing a number of amendments.</p> <p>The inclusion of defined terms in italics follows established protocols. The inclusion of the terms as bold and in italics is simply a different way of conveying the information. If however the convention has changed then the amendment local law should be amended to reflect these changes.</p>	<p>Make changes to clauses as recommended.</p> <p>Retain the diagrams in the amendment local law to improve understanding for residents and visitors.</p>

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		<p style="text-align: center;"> "delete subclause (2) and insert: (2) Nothing in this clause affects or overrides the limitations or conditions imposed by any other clause in this local law, or by any other local law or traffic sign relating to the parking or stopping of vehicles." </p>		