



Our ref: LE.LLW.2
Your ref: 4036.11 A715077

18 October 2018

Ms Emily Hamilton MLA
Chair
Joint Standing Committee on Delegated Legislation
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Ms Hamilton

UNDERTAKING – SHIRE OF MORAWA FENCING LOCAL LAW

I refer to your correspondence of 19 September 2018 regarding the *Shire of Morawa Fencing Local Law 2018* requesting an undertaking be given by the Council to amend the local law.

The matter was put before Council at their Ordinary Council Meeting of 18 October 2018, and I advise that Council has resolved the following undertaking –

The Council of the Shire of Morawa undertakes to the Joint Standing Committee on Delegated Legislation that the Shire will:

1. *Within 6 months, amend the Local Law to:*
 - a) *include a definition of 'secondary setback area'.*
 - b) *amend clause 5.2(3)(b) to replace '3m' with '3000mm'.*
 - c) *amend clause 7.1 to replace the words 'Where an authorised person exercises a discretion pursuant to this local law' with 'Where the local government or an authorised person makes a decision whether to grant, renew, vary or cancel any licence, permit, approval or other means of authorisation under this local law'.*
 - d) *amend clause 8.3 to additionally provide that 'an offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act'.*
 - e) *Make all necessary consequential amendments.*
2. *Until the Local Law is amended in accordance with undertaking 1:*
 - a) *Not enforce the Local Law in a manner contrary to undertaking 1.*
 - b) *Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.*

As required, a copy of the undertakings has been placed on the website, and will be made available to those requesting a copy of the local law or to read it.

Please contact Mr Chris Linnell, Chief Executive Officer, if there are any queries.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'D Carslake', with a horizontal line extending from the end of the signature.

Dean Carslake
Deputy President
(Presiding Member)