

The City of Melville, Local Government Authority, in Western Australia presents this submission in relation to the Review of Section 2D of the Trade Practices Act 1974.

1. If 2D is to be abolished, then Local Government should be included in Sections 2A, 2B and 2C - these are exemptions that apply to Commonwealth and State Governments.
2. WA Local Government Association believe that Section 2D does not discourage Local Government from contracting out service delivery and that exempting the licensing decisions of LG from Part IV ensures that goods and services are supplied to agreed minimum community standards and conditions. This enables the community to rely on the quality of services provided.
3. The main benefits of the Section 2D exemption is that individuals and businesses know they will be protected from provision of poor quality products or services. Imposition of minimum standards does not reduce competition.
4. Local Government Authorities view competitive tendering positively and use it to benchmark activities and reduce costs.
5. Section 2D has a practical impact - it allows Local Government to undertake its role of protecting the public interest via the provision of licences and permits. It also clarifies the role and powers of LG without a costly judicial process.
6. There is a need to provide Local Government with the same protection as the other two tiers of Government. Section 2D should be repealed and Local Government included in Sections 2A, 2B and 2C so that Local Government is on an equal footing with Commonwealth and State Governments.
7. Sections 2A and 2B protect Commonwealth, States and Territories from prosecution or pecuniary penalties that might arise in relation to breaches of various sections of the Trade Protection Act, including Part IV. There is no similar exemption for Local Government Authorities and this is considered important to the on-going development of Local Government.

Kind regards

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