

SELECT COMMITTEE INTO LOCAL GOVERNMENT

Establishment — Motion

HON SIMON O'BRIEN (South Metropolitan) [1.06 pm]: I move —

- (1) That a select committee into local government is established.
- (2) The select committee is to inquire into how well the system of local government is functioning in Western Australia, with particular reference to —
 - (a) whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of local governments;
 - (c) the role of the department of state administering the Local Government Act 1995 and related legislation;
 - (d) the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of local governments; and
 - (f) any other related matters the select committee identifies as worthy of examination and report.
- (3) The select committee shall comprise five members.
- (4) The select committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the house.

I seek the approval of the house to establish a select committee for the purposes outlined. In support of that proposition, I present the following. The Constitution Act 1889 provides at section 52 —

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

This provision dates from 1979, but the history of local government in Western Australia predates it by a long time. In 1971, the then Department of Local Government published a booklet reflecting on 100 years of local government in Western Australia. It opens with these fine words —

“We will never bring disgrace to this Our City, by any act of dishonesty or cowardice, nor ever desert our suffering comrades in the ranks; we will fight for the ideals and sacred things of the city, both alone and with many; we will revere and obey the city’s laws and do our best to incite a like respect in those above us who are prone to annul or set them at nought; we will strive unceasingly to quicken the public’s sense of civic duty. Thus in all these ways we will transmit this city not only not less, but greater and more beautiful than it was transmitted to us.”

That was an oath sworn by citizens in ancient Athens as they prepared to involve themselves in civic affairs. They do not write oaths like that anymore!

The same booklet also provides this, drawn from the councillors’ handbook, a publication of the Western Australian Local Government Association —

“Local Government has been defined as that part of the Government of a nation or State which deals mainly with such matters as concern the inhabitants of a particular district or place, and which it is thought desirable should be administered by local authorities, subordinate to the central government.”

I am moved by that definition’s simplicity and brevity, which is also something of a lost art. If we examine civic affairs from the earliest days of the Swan River colony until now, we can see a history of so many of our fellow Western Australians committed to working long and hard to improve the community in which they live, whether as elected members or people employed in local government in its many iterations over the years. I want to support those elected members and employees. I would like to harness the authority of this Legislative Council to examine the legislative environment we are responsible for creating and maintaining. We should do so to make sure that those many fine and dedicated people are empowered but not unnecessarily encumbered. We are the legislature, which is referred to in the Constitution Act. Indeed, the Legislative Council provided much of the enabling

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legislation and, in passing, the Constitution Act 1889 itself established the Legislative Assembly and our bicameral system, which are all very good things.

In 1971, we saw the marking of the centenary of the passing of the Municipalities Act and the Road Districts Act 1871. The preamble to the latter commenced with this —

WHEREAS it is expedient that the inhabitants of the country districts should be empowered to construct and keep in repair the roads and bridges in their respective districts, and that all sums of money devoted to that purpose from the general revenue of the colony or otherwise should as far as practicable be expended under local authority and supervision; And whereas it may be necessary that such sums of money should be supplemented by local rates, and it is desirable that such rates should be raised and expended under the authority of district boards, by and with the consent of the inhabitants of such districts as expressed by their representatives elected to such boards: Be it therefore enacted ...

There is a long history of parliamentary support for all the principles of local government, and that should and must continue in the twenty-first century. The acts I have just mentioned were amended and later succeeded again and again by sundry other acts. In more recent times, major changes in local government acts demonstrate what an increasingly complex field local government has become. The Local Government Act 1960, for example, was 13 years in the making. According to the second reading speech, it had several false starts along the way. This act was amended many times, not least in 1975 with the celebrated Dadour provisions.

The Local Government Act 1995, the present act, has been subject to many amendments over the years and generally that has been as a result of emerging issues and the evolution of practices in the sector. In this Parliament alone, there have been several amending bills. If the government brings it on, another local government bill will be dealt with later today. There have been plenty of reviews of local government, too. The former government commissioned the Robson report in 2012. The government also commissioned a Local Government Advisory Board report in 2006. There have been several parliamentary inquiries. In 2003, the Standing Committee on Public Administration and Finance looked at the rating system and the distribution of funds. In 2005–06, the Legislative Assembly's Public Accounts Committee looked at some aspects. The Legislative Council's Standing Committee on Legislation has had bills referred to it—for example, the Local Government Amendment (Regional Subsidiaries) Bill 2010—and, of course, there have been sundry private members' bills over the years.

I turn now to the proposed terms of reference for the Select Committee into Local Government. At this time, a process is in train whereby a panel has been appointed by the government to review and ultimately rewrite the Local Government Act 1995. In due course, it is proposed that we will see a green bill to that effect. I would have thought the first thing that should happen is to determine what the community expects of its system of local government before embarking on such a project; a contemplation of what we want local government to look like in the years ahead; to ask questions such as what works and what does not; to reflect on what “local” actually means; and then develop the legislation in its form and substance to reflect all those aspirations. Our first term of reference should be to determine whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application. Even a cursory examination of the current 472-page statute invites the view that it is overly prescriptive. That view may be rebuttable, but examination of much of the material presented in the very many submissions to the current review does nothing to reassure me about that. The willingness in some quarters to address concerns by making this legislation and all of its subsidiary parts more and more detailed as a way of improving it and making it easier to work with strikes me as counterintuitive. We might discover that, as a workable statute, this is a pretty good doorstep!

The scope of activities of local governments is the second term of reference. The current act superseded the 1960 act, but the 1960 act still lives on—it has been renamed the Local Government (Miscellaneous Provisions) Act. Its current form is dramatically hollowed out from what it once was. It was seen as overly prescriptive in 1995, but at least it told local governments what they were meant to be attending to. An examination of some of the content refers to cattle trespass, pounds, poundkeepers and rangers; defining what a “building” is; and all that sort of bread-and-butter stuff that one would expect in a local government act.

What next, though, for local government? Commercial operations have been mooted—indeed, the capacity exists in the current act. I would suggest that it is a potential minefield that needs to be reconnoitred very carefully. We need to look at the role of the department of state that administers the Local Government Act and related legislation.

I would submit that it is long overdue for this Parliament to examine the Department of Local Government, Sport and Cultural Industries and assess how well it is resourced to carry out its functions, which, judging by the current number of authorised inquiries alone, seem to be onerous. We should also examine the relationship between the department and the Western Australian Local Government Association. Many participants in the sector look to WALGA for guidance and advice, not to the department. Is the balance right? We do not know. WALGA has an important function in supporting its member councils. I am sure that if any of us were a shire president or mayor

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and there was not a local government association, we would seek to set one up, but we do want to make sure that the balance is right and ensure that government is not abrogating any of its necessary responsibilities.

I must declare before we start that I have some views about a further term of reference. As members would know, I have expressed the view many times that any inquiry has to be genuine. I will try to put my preconceptions to one side, but I question in the proposed term of reference —

the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;

One of the factors that has drawn my attention to these matters in recent years is that these roles are not clearly defined, delineated, understood or accepted. It strikes me as curious that elected members anywhere can find themselves elected and then unable to comment on issues of the day. The act is not meant to function in this way, one would hope, but in many places it does. It is time for something to be done about that, and that responsibility should, with respect, be picked up by this house. That is one thing in particular that this select committee needs to examine and seek to resolve. It is absolutely unconscionable in a democracy, such as Western Australia, let alone ancient Athens, that anyone, particularly in elected office, should be gagged from representing the views of those who elected them.

[Interruption from the gallery.]

The PRESIDENT: Order!

Hon SIMON O'BRIEN: I move now to the question of the funding and financial management of local governments. I came across an anecdote from many years ago, as I tend to do, about a former iteration of local government, the Perth Town Trust. Back in 1838, I think it was—some other members may have been there, but I was not—it set about building a jetty that cost 800 quid, a very substantial price in those days. The interest was to be met from tolls paid by those crossing the Swan River to arrive at this jetty. I think it ended up as what the American military would characterise as a limited success. The jetty was opened on 7 November 1842, and by the end of July 1843, only £21 11s 4p had been collected in tolls. It gets worse, because that did not even pay the wages of the bloke who was there to collect the tolls. That reflects a different time, when we had perhaps a couple of thousand non-Indigenous inhabitants in the colony. We did not have the infrastructure that had grown over centuries, of criss-crossing roads, with hamlets or villages at the crossroads. Heck, we did not have any crossroads; we did not even have any roads. The economies of scale that we witness today were not present then, and they were great challenges of the time, as that story demonstrates.

Many shires in our great state have very small populations, and have to take on local government responsibilities for very large areas, including roads. They do so in very difficult circumstances. Someone said, colloquially, that a few shires out in the regions are only one bad decision away from bankruptcy. We need to shine a light on this, and work out how we are going to pull together to make sure that everybody's interests are preserved. Another thing we will find about all of those shires is that, if we tell them they are going to get a dose of efficiency and will be amalgamated, all of those residents—those few residents—will push back hard, because they value what their shire represents to them, for their capacity for local self-determination and the setting of priorities. That is something to which we need to be sensitive. Sometimes we see reports commissioned by governments that turn into exercises about efficiencies of scale and all the rest of it, but they are actually drawing lines on a map. We must never lose sight of the fact that we as elected representatives, and local government councillors as elected representatives, are in the people business, not the lines on a map business. We must always be sensitive to that.

It is always prudent to reassure ourselves, as a responsible legislature, by measuring the extent or otherwise of financial discipline, wherever it is exhibited in any part of the government sector. Indeed, the recent application of the powers of the Auditor General will be helpful, and should be reviewed by the select committee, but there are other questions to be explored about the nature of local government funding—the role of the commonwealth, for example. Issues have also been raised about insurance arrangements for councils. Indeed, some very unflinching allegations have been raised and communicated to members. Whatever the truth of the matter, it does not hurt to examine matters, so that we can all be reassured about the state of play and, where necessary, take the appropriate action.

The select committee is not constrained by its terms of reference in relation to other areas that may be identified as worthy of examination and report. The reason for that last term of reference is that this select committee needs to go out and call for submissions, so that our community can identify the issues of concern. That is the first thing that has to happen, and it will. I propose that the select committee comprise five members. A number of members have agreed to serve on the select committee, and I thank them for that. I hope all of us, if the motion succeeds, will find this a great opportunity for participating members to find out a bit more about the life of our state, in all its far corners. There will be opportunities for travel. We are about at that time of year when that reporter in *The Sunday Times* says that everyone is going to be jetting off to warmer climes. It happens every June. This

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committee will be heading off to northern climes as well, if I have anything to do with it. We need to go to places like Wanneroo. If members are up for it, on a good day we will go to Melville. We might go to Toodyay, or Menzies or even Yalgoo. I have another story about Yalgoo, and maybe I will have time to talk about it on another occasion.

Those, briefly, are the reasons I seek the house's concurrence in this matter. I thank members for their interest, and I look forward to hearing and participating in the debate.

[Interruption from the gallery.]

The PRESIDENT: Order! To those very special visitors in the gallery, you are most welcome in this chamber to watch and listen. Sadly, you are not actually able to participate, and even clapping can be a distraction for the member who is on their feet speaking, so I would ask if you would not do that, and if you would just listen attentively.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.28 pm]: I rise to put the government's position on the motion. The honourable member has proposed a very wideranging inquiry into the system of local government, and the government accepts that there are opportunities to improve the local government sector. Part of what I want to do now is to put on the record the program of reforms that this government is putting in place. These reforms address both the operational and legislative framework of local government. Extensive consultation has occurred on these reforms, and there is expectation in the community, by the sector and other stakeholders, that significant progress will continue to be made. For those reasons, the government does not see the need or the benefit of such an inquiry. Also, the government does not want to see any such inquiry have a negative impact on the progress of these reforms, so we will not be supporting the establishment of the inquiry. However, I can count, and I understand that that may well be the position taken by the house.

Over the last two years, the McGowan government has been transforming local government to improve and modernise the way in which it works for the community. We have been getting on with the business of local government reform, and significant progress has already been made. The first legislative amendment passed following our election transferred the responsibility of auditing local governments to the Auditor General. The role played by the former government in that reform was recognised at the time by both major parties and acknowledged by the minister. We are already seeing dividends from the greater scrutiny offered by the Auditor General. In March this year, the Auditor General published the results of 42 financial audits of local government, which found many areas in which financial control and governance could be improved. That was one of the benefits of the reform.

As well as auditing local government finances, the reforms enable the Auditor General to conduct performance audits of local government. The Auditor General has already examined records management in local government, local government procurement, the timely payment of suppliers and controls over corporate credit cards. In addition, the Auditor General is currently conducting performance audits into local government building approvals, fraud prevention in local government and governance in local government. These examinations will inquire into how well local governments are carrying out their important role. Each performance audit is conducted using the Auditor General's rigorous and exacting methods, and they have identified areas for improvement for specific local governments and the sector as a whole. These performance audits are driving reform to local government systems and processes that will result in better governance and service delivery.

In regard to suspension and dismissal powers, the McGowan government has delivered legislative change that enables the minister to take appropriate and decisive action to resolve issues in dysfunctional local governments—we have heard news about that in recent days, including this morning, if people were listening to the radio—while protecting local democracy and adhering to natural justice. I was talking about Gosnells.

Hon Simon O'Brien: Why won't you leave the south metropolitan councils alone?

Hon SUE ELLERY: Let us talk about what the last government did to the south metro councils, shall we? I know the honourable member and I were on the same ticket on that issue and at odds perhaps with the former Premier and the approach he took in managing relationships between local government and the state government, particularly in respect of amalgamations, when what he wanted to do was to fix the western suburbs. What he tried to do was mess up the southern suburbs.

Hon Simon O'Brien: I think I got it right on that occasion, too, didn't I?

Hon SUE ELLERY: Hon Simon O'Brien did. I do not agree with him today.

Ministerial intervention in a legitimate tier of government is not a trifling matter. These reforms protect the integrity of local democracy but enable the minister to act in the interests of local communities.

I refer to the Local Government Act review. The two reforms that I have just referred to are just the beginning. As I just referred to, under the previous government we saw a really messy attempt to force amalgamations in metropolitan Perth, which damaged the relationships between local government and the state government and the ability to achieve the ultimate outcome of better local government for all Western Australians. That is why

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we went to the last election with a commitment to review the Local Government Act, and we are delivering on that commitment.

With respect to the phase 1 reforms, a bill is before the house to introduce important reforms that will result in better local government. These reforms are supported by the community and directly target many of the matters that are canvassed in the terms of reference for the proposed select committee. The reforms will better prepare council members for their challenging role, strengthen governance, empower councils to communicate with residents using modern technology and expand the amount of information available online to the public. Reforms such as universal training of candidates and the introduction of best practice standards for chief executive officer recruitment have previously been recommended by independent inquiries, such as the Robson report referred to by the honourable member and inquiries by the Corruption and Crime Commission. The reforms within the bill have been informed by an extensive community consultation process. More than 29 workshops were held across Western Australia to hear the views of those affected by local government. Importantly, everyone was encouraged to have their say, including individual residents, council members, staff and local governments. Engagement with local government, business groups and the broader community has been a priority. During the preparation of the phase 1 consultation paper, the Department of Local Government, Sport and Cultural Industries met with industry and community groups as well as representatives from state and local government. Meetings were held with organisations, including Inclusion WA, the Youth Affairs Council of Western Australia, the Minister for Citizenship and Multicultural Interests' multicultural advisory group, the Corruption and Crime Commission and many more.

Participants attending workshops were drawn from a wide range of backgrounds, with participants' experience with local government being informed by their involvement in community groups, sports groups, art groups, ratepayers associations and local environmental protection organisations. During the four-month public submission period 243 submissions were received. Submissions were welcomed in any format, with submissions published for everyone to see on the department's website. The phase 1 reforms reflect the majority of viewpoints heard from community members in consultation with them in workshops and through written submissions. These viewpoints were published in the policy position documents. More than 90 per cent of community members support training of council members. More than 86 per cent of community members want councils to have additional support in making decisions about CEO recruitment. Almost 80 per cent of the community want gift declaration rules tightened. Between 70 and 100 per cent of community responses support the availability of additional information online, depending on the type of information.

Opinions on the future of local government vary considerably. The reforms do not capitulate to the will of the sector; there are clear distinctions between the reforms and the position of the Western Australian Local Government Association on such things as universal training, the mandating of CEO recruitment standards and gifts. As the minister has previously said, local government reform does not occur without the participation of local government. The previous Liberal–National government learnt this the hard way in its attempt to amalgamate metropolitan local governments. The state has 137 local governments, with more than 1 200 council members and more than 20 000 staff. Lasting reform requires a partnership. It is imprudent to believe that local government reform can occur without the involvement of the sector's peak bodies. The clear message from the community is that it expects the best from local government. The reforms the McGowan government is delivering on reflect community expectations.

With respect to phase 2, the public submission period on a new Local Government Act closed in March 2019. More than 3 100 responses to the review were received. More than 100 workshops and meetings were held across Western Australia to hear the diverse views of the community and those within local government. To prepare a new Local Government Act, the review examined the many inquiries and investigations that had been held in Western Australia and elsewhere and canvassed ideas on the ways to transform local government elections, how local governments raise and spend money, how the community should be engaged, how council meetings are run and how integrity agencies should respond when things go wrong. The review is tackling the very issues and more that the motion before the house now seeks to canvass.

Following consideration of the more than 15 000 pages of ideas about the future of local government that were received, a draft of a new Local Government Act will be published for everyone in the community to again have their say. Each submission is being carefully considered, because residents, council members and those working in local government have taken their time already to express their views. As over 3 000 responses have been received, the minister has provided some examples for me to share with the house, but he wants me to encourage members to read the responses to that consultation, which are available on the department's website. The responses tell a story that people want reform. They are crying out for reform. They are tired of talking about reform. They want the government to get on with the business of delivering reform. There are also those who do not want local government reform; they are happy with the status quo and they wish to stifle the work that is involved in delivering local government reform.

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There are some who may well wish to use the proposed committee to air their specific local grievances and continue some of the unfortunate infighting that we have heard in the media. There was a classic example of that this morning. Local government needs reform and we should all be working together to ensure this is delivered for the people of WA. The McGowan government is getting on with delivering those reforms, which are informed by input from integrity agencies such as the CCC and the Office of the Auditor General, as well as the detailed and varied feedback received during 10 months of engagement conducted to date as part of the Local Government Act review. It is also anticipated that the inquiry into the City of Perth will make recommendations to strengthen local government accountability, transparency and performance. The Western Australian community has been asking the government to get on with local government reform. That is what we have been doing, in a very consultative way.

The government will not support this motion, and instead calls on the chamber to support the reform program being undertaken by the Minister for Local Government.

HON MARTIN ALDRIDGE (Agricultural) [1.39 pm]: I rise to support the motion that has been brought to the house by Hon Simon O'Brien. On behalf of the Nationals WA, I thank him for doing so.

It was interesting to listen to the contribution of the Leader of the House, in which she said that the Legislative Council should get on and support the government's reform agenda. It is a bit hard to get on and support a reform agenda that the Leader of the House has not brought on for debate. The bill was introduced into the Assembly in March. We are now in June. We keep being told how urgent these reforms are for the sector and how important they are for the government, yet here we are, on the second from last day of the sitting prior to the winter recess, and we still have not had one minute of debate time on that legislation in the Legislative Council. I am surprised that the Leader of the House even made those remarks, given her leadership record in this place in pursuing the various reforms that she says are so important.

There are 137 local governments in Western Australia, according to the Department of Local Government, Sport and Cultural Industries' website. I was reflecting with some of my colleagues who sit next to me on how many of us have served on local councils. Compared with political standards in other jurisdictions, we probably do not have a lot of elected members in this chamber who have served in local government. I know Hon Laurie Graham and Hon Alannah MacTiernan have. There could be others, but not to my knowledge. I look forward to their contributions.

Hon Rick Mazza: Also Hon Adele Farina.

Hon MARTIN ALDRIDGE: Hon Adele Farina has just been pointed out to me; I was not aware of that. I look forward particularly to the contributions of Hon Adele Farina and Hon Laurie Graham, because I think they could bring some really interesting context to this debate. I do not have direct experience in local government, whereas members such as Hon Laurie Graham and Hon Adele Farina do. We have heard that the Labor Party is going to oppose this motion; I will be really interested to hear of the experiences of its members and why this motion ought to be opposed, as the Leader of the House has just outlined.

I know that Hon Darren West also has a lot to say on my electorate, the Agricultural Region. I will try not to use all of my 20 minutes, so that he can make a contribution.

The PRESIDENT: Neither should you encourage him, member.

Hon MARTIN ALDRIDGE: About 60 of the 137 local governments are in my electorate, the Agricultural Region, and many of them are the very small local governments that Hon Simon O'Brien mentioned. Local governments are an extraordinary part of my electorate, of my community, and, indeed, of the social fabric of regional Western Australia. Western Australia, and particularly the Agricultural Region, is sparsely populated. As such, local governments in that region have a significant challenge, with small populations and a small rate base but the need to deliver on community expectations.

Local governments in my electorate are often the only government services in town, beyond perhaps a schoolteacher or a police officer, so we rely on them to do a lot of things. Not only "we", as the community, but also "we", as a legislature, rely on local governments to do a lot of things. I think we expect more of regional local governments than perhaps we do of some of their metropolitan counterparts.

I will reflect briefly on the National Party's state constitution, which I do not think I have ever quoted before. One of our objectives, in clause 6.1.2, reads —

the devolution of power, wherever practicable, from the Commonwealth to the State and from the State to Local Government;

It is an interesting objective. Obviously, we have that objective because we think the best decisions are made closest to the people. But when I speak to local governments, I often hear that it is the increasing legislative and regulatory responsibilities that we, as a legislature, are placing on them that is making their job much more difficult, and making it difficult for them to be able to resource and fund the things that we expect of them.

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Increasingly, we see local governments delivering more and more varied services in our community. I pause to question, particularly in the context of this motion before the house, how well we are preparing them to do those things. How well are we compensating them to do those things? I think this well laid out motion before the house will look at those two things in particular. Often, we hear members of Parliament taking sides with constituents on what are considered to be unreasonable rate increases, but how many of us have stopped and reflected on the role that we, as legislators, have played in contributing to those rate increases?

The President tabled the Auditor General's twenty-eighth report today. It is fresh off the printer, and members may not have had the opportunity to consider it. This report has been published since we gave the Auditor General not only financial audit powers—that was something the Leader of the House mentioned—but also performance audit powers. I am not sure whether this is the Auditor General's first performance audit of local government—if it is not the first, it would be one of the first. The report is titled "Local Government Building Approvals". The overview of the report is interesting and reads —

I was pleased to find that the local government entities reviewed in the audit were properly assessing permit applications against requirements in the *Building Act 2011* and issuing most building permits within the legislated timeframes. The audit also identified opportunities for local government entities to strengthen their controls to reduce the risks of inappropriate permit approvals, and improve the transparency of their building control activities.

It was however disappointing to find that local government entities undertake limited monitoring and inspections of building works, and that compliance issues were not always resolved quickly. The *Building Act 2011* provides local government entities with compliance and enforcement powers that can assist with ensuring buildings comply with permits and are safe, but that also act as a significant deterrent to anyone contemplating non-compliance. However, we found these powers were little used.

This is interesting. When I returned to my unit last night, I turned on the news, and there was a story about people having to be evacuated from a building in the Australian Capital Territory, as it had to be propped up. That was a good example of what to try to avoid when building and construction goes wrong. The Auditor General found in her report that local governments are doing a lot of good things. I think this is a good example of some of the things that we are increasingly expecting local governments to do. The safety of buildings in our community is a pretty critical function of that role, but how well prepared are local governments to do that? How are we ensuring that they have the capacity to do that, as the legislature passing on that responsibility?

We are seeing regional local governments being forced into being a provider of last resort. That varies from jurisdiction to jurisdiction; for example, in my electorate, we see local governments involved in aged care, child care, the provision of doctors and dentists, community housing, airports, water and sewerage—things that are not common in a metropolitan context. Interestingly, in Hon Jacqui Boydell's electorate of the Mining and Pastoral Region, one local government is providing cash incentives to nurses to work in a state hospital. There are some extraordinary examples out there of local governments that are shifting beyond the scope of what local government was designed for—in many cases, for good reason—because they are on the ground and dealing with the realities that they face in their communities, and their communities expect a lot of them. It is not uncommon to find local governments in my electorate that spend more on the recruitment and retention of a doctor than they spend on things such as road maintenance or the employment of a CEO or senior staff. These are real challenges faced by regional local governments. I would not think that too many Perth local governments would even contemplate recruiting or retaining a doctor or employing a strategy or allocating a budget to do such a thing.

I think a range of views will be expressed by members in either supporting or opposing this motion. A lot of the correspondence that I have received in the last fortnight has probably been from people, organisations, ratepayers associations and the like who have some type of issue, whether it be a localised, personal issue or an ongoing, systemic issue. Obviously, the Leader of the House contemplated the point that a committee inquiry may well provide an opportunity for those people to express their views. I would think that that is the purpose of a committee inquiry. It would allow people to make submissions, raise concerns and put suggestions or ideas about how local government is serving them and their community.

Without dismissing or commenting on any of those specific cases in the short time that I have, I want to make it clear that this is really about making sure that we have a strong, sustainable local government sector that is fit for purpose and will serve Western Australia and Western Australians well into the future. We talk about a sense of community, and Hon Simon O'Brien talked about putting people ahead of lines on a map. The comments of the Leader of the House about forced boundary reform were interesting. If I am not mistaken, the Labor Party supported the City of Perth Bill, which forced boundary change. The Leader of the House, Hon Darren West and others who were here during that time should consider how they voted on that matter. A sense of community is really important. It is really strong, and more so regionally. Often local government is the hub of that sense of community. I have 60 local governments in my electorate and they come in all shapes, forms, sizes and styles, so

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I cannot comment on each one of them. But, generally speaking, local governments are important hubs of our community, along with places like our community resource centres.

I think that over the 12 months of this inquiry, the committee will look at and examine a lot of these issues in greater detail. It is a good time to do so, particularly as this government has embarked on a local government reform agenda. Hopefully, at some stage today or tomorrow, we will commence debate on the Local Government Legislation Amendment Bill 2019 that is before the house. The history of that bill is quite interesting, but I will not comment any further on that. I am sure that we will have an opportunity to talk about that bill when it is brought on for consideration by the Leader of the House.

The National Party will support this motion. Certainly, if it is the will of the house that the motion succeeds and if it is the will of the house to determine the membership of the committee, I would express an interest in serving as a member of this committee, as I am sure will other members of the house. I hope that we can work in a bipartisan fashion, noting that, as the Leader of the House has said, the Labor government does not support the motion and nor is it seeking to amend it to see it come to a positive conclusion today.

I will finish where I started. The best way in which some of these debates can be advanced is by people expressing their view from their history, their experiences, their skills and the things that they bring to the Legislative Council chamber. Only a few members of this chamber have been directly involved in local government, and I look forward to them expressing their view on local government, the things that it does well and the things that it does not do well, and the reasons that an inquiry like this would benefit not only the Legislative Council, but also all Western Australians. Having said that, I support the motion and I look forward to their contributions.

HON ROBIN CHAPPLE (Mining and Pastoral) [1.54 pm]: The Greens will support the motion. I wish to make a few basic comments. Two members of the Greens have been on local government, so we come with some knowledge of that area. Many years ago, I served on what was the Country Shire Councils Association and the Western Australian Municipal Association, which was the predecessor to the Western Australian Local Government Association.

It is very interesting to note the proposed Select Committee into Local Government's term of reference to note whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application. Having gone through the 1995 amendments as a councillor, I know that the Port Hedland council was the first council to have a local government manager, which it was given by special dispensation by Ian Taylor, the then local government minister. I am not sure that, as a result of the amendments in 1995, the role of local government managers is in the best interests of the community or, indeed, in the best interests of democracy. Over time, the democratic position of elected members has been made subservient to a large degree to the role of local government managers, and I think there is a fundamental problem with that. We have certainly always supported the democratic position of local government, whether it be by the election process or in the way it operates. As most members would know, we believe that local government should be enshrined in the Constitution as a legitimate third tier of government and not be subservient to state governments. I am hopeful that some of those positions will be put forward to the committee. As the Greens member who has carriage of local government matters, I know that we will make some submissions on this.

The other problem for the committee, if we are going to have one, is that over the last few weeks or months, we have had a plethora of communication via email from a range of disparate people. Some of them are sensible arguments and some of them are wildly fanciful. I am sure that the committee will be exposed to the many views of groups such as reform local government and Western Australians against corruption in local government. Many of the councillors and mayors have written to me. I am sure that former member of the Legislative Assembly Larry Graham will be making a journey to the committee's doors.

I think the poor committee will have to deal with a raft of issues in a very broad context. Having said that, I think it is a very valuable time to do this. I take on board that the government is currently moving through phase 2 of its proposed amendments for the local government sector, which we support. We have made submissions to that process. I hope that this committee can work as an adjunct to that process on some of the issues that will not be canvassed in the second phase of the government's amendments. I would certainly like to appear before the committee at some stage and give my deep and, hopefully, valued contribution about some of the systemic problems that I see with local government. I make it very clear that some of the issues that I hold very dear are the democratic process of local government, absentee voters and the inappropriate controls exerted by local government managers over their councillors. The issue of whether we should have directly elected or community-elected mayors is also a substantial issue. We will support the motion, but I advise the committee that it has not heard the last from me.

Extract from Hansard

[COUNCIL — Wednesday, 26 June 2019]

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Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

HON RICK MAZZA (Agricultural) [1.59 pm]: I would like to thank Hon Simon O'Brien for bringing this very important motion to the house. I indicate from the outset that I will be supporting this motion to establish a select committee to look into the local government system.

I will not go back to ancient Athens in reference to local government, but it was interesting to note the Western Australian Local Government Association's submission to the Productivity Commission's research into assessing local government revenue-raising capacity. It provided a brief historical background, which states —

The establishment of Local Government in WA dates back to 1838 —

That is obviously less than a decade after the foundation of the Swan River Colony —

with the enactment of the *Towns Improvement Act* that authorised the establishment of Town and Country Trusts for the purpose of building roads.

In 1871, when the population had just reached 25,000, the *Municipalities Act* and the *Road Districts Act* were passed to lay the foundations of our current Local Government structure. The *Municipalities Act 1871* transformed the Town and Country Trusts into authorities responsible for services touching the daily lives of people in country towns. Added powers that were conferred on these new municipalities included the licensing and regulation of slaughter-houses, markets, carts and carriages, straying and grazing of livestock in towns, and dogs. Councils could also draft by-laws to carry out these functions; they could condemn food considered unfit for human consumption, plant and preserve trees and shrubs and regulate weights and measures. Councils were also given the power to establish and maintain public libraries, museums, botanical gardens and places of public recreation ...

The more things change, the more they stay the same. Unfortunately, some councils began to move outside the scope of the basics of servicing the community for what people need in their towns—things like changing the date of Australia Day or reaching into people's backyards to decide whether or not they can prune a shrub. It would be good for councils to get back to their core business.

As was stated earlier, there are 137 local governments and two Indian Ocean territories—those being the Cocos (Keeling) Islands and Christmas Island. According to the Department of Local Government, Sport and Cultural Industries' website, local government employs around 15 000 people, spends more than \$4 billion on service delivery and infrastructure and manages more than \$40 billion worth of assets. That is a fairly big part of the community in respect of service delivery to the communities concerned.

I know that Hon Simon O'Brien touched on this and it is something that has been floated around—it is something that I have a real problem with—and that is the establishment of corporate entities by local councils to set up businesses for the provision of services to their local communities or to any commercial enterprise that wants to use them. I have a few problems with that. The first one is that they would compete with businesses within the community for the same sort of service provision. Secondly, using ratepayers' funds for a commercial enterprise is a recipe for disaster. I would like to ensure that local governments do not set up commercial enterprises. They have enough on their hands without having to go down that path, and, of course, they should be supporting local businesses.

In saying that, the local governments I have visited in my region are generally very passionate about their communities. They are there to do the right thing and they often look for guidance on how things are going within the communities they serve. I went to a WALGA zone meeting at Williams last year, at which it was going over the amending legislation that provided for the Auditor General to audit local governments, the effect it would have, and what some of the councillors and CEOs had found. WALGA was actually quite positive about it. It identified a lot of inefficiencies within its councils and was moving to cover them off. I think that first amending legislation that came through this chamber has had some quite positive effects.

But we cannot ignore, particularly in the Agricultural Region, the fact that we have local councils that are, for whatever reason, failing. One such case was reported yesterday in Perenjori, where five councillors had resigned. Obviously, there are some great problems within that council, and we have seen others implode. It is very important that we look into this matter through a select committee to find ways to cover off some of those things.

The second local government amending legislation made provision to be able to surgically suspend or remove a problematic councillor rather than dismiss an entire council. I think that also was a very positive step forward, and credit where credit is due. The government in this term has covered off on a couple of areas that have been of concern. We are able to now suspend a troublesome individual or individuals from a council until a certain process has been undertaken for those matters to be resolved. That amending legislation was a good piece of legislation. We are now looking at a third piece of amending legislation, which we are yet to start debating; it mainly relates to minimum standards and education. However, these are a patchwork quilt of amendments and band-aids, and not a full review of the Local Government Act, which is what we really need to embark on. I know other jurisdictions

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have carried out full reviews of their local government acts, and maybe the select committee could look at some of those jurisdictions to see what they have done to modernise their legislation. There is no doubt that we need a full review and I think this select committee could go some of the way towards shaping how the act can be reviewed.

There is also the issue of the natural tension, if you like, between ratepayers and councils. We are always going to have that. I must say that after decades in this place, Hon Simon O'Brien must have some friends at *The West Australian*, because I saw that its editor reported today on the prospective setting up of this committee. There was also some coverage relating to the very large increase in rates in some local governments. I think the City of Rockingham might have been one that had quite high rates. In some cases, they are 277 per cent above the rate of inflation. There is always that natural tension. Ratepayers want good value for money, they want the basics done, and they want smooth running of their community without excessive rate hikes.

With that, I will be supporting the motion before the house, and I look forward to its report in 12 months' time.

HON CHARLES SMITH (East Metropolitan) [2.07 pm]: I rise to support this motion to set up a select committee. As I conclude my remarks, I will be moving to amend the motion.

I am quite surprised that no-one has yet got down to the nitty-gritty of what is going on in local government; no-one is talking about what is happening at the coalface, inside town halls, at the grassroots level. Perhaps I can shed a little light on that, and shine some light on the Western Australian Local Government Association. I agree that there are some outspoken members in the community—some of them are here today in the gallery—who say that many local government councils are broken and dysfunctional. They are not particularly democratic, with freedom of speech being stifled through disciplinary measures and so on. The state monopoly that is the Western Australian Local Government Association has drawn the ire of many people, including local government councillors and ratepayers alike.

I recently had a meeting in my office with representatives from WALGA, who concluded the meeting with words to the effect that “local government is WALGA; WALGA is local government.” That did not really sit right with me, and I hope that does not sit right with members of this house. Some councillors have approached me, echoing the following sentiment. If the state government, via WALGA, controls local government and all that councillors do is act as box-tickers for CEOs, why do we continue with this sham of local government? Local government democracy exists for the people.

The confidence in local government is wearing very thin indeed amongst many ratepayers. It is seen somewhat as a boys' club with unhealthy relationships with property developers, for example; that is the widely held belief in the community. WALGA appears to be mistrusted by a significant number of councillors and ratepayers. Does the state want to improve confidence in this monopoly? It appears to be somewhat of a parasite clipping the ticket on ratepayers funding local government. The local government insurance scheme is a particular example of this rent-seeking behaviour, encouraging members to broker their insurance well above market rates and taking a significant commission that is bordering on serious unethical conduct.

I also note that WALGA has completed a spectacular backflip. I refer to the compulsory training for candidates and elected councillors as referred to in the bill. Back in 2016, WALGA held the following view —

“We stopped short of endorsing compulsory training in the belief that it was undemocratic to place educational prerequisites on a person's right to represent their community unless that was to be the standard for all spheres of government.

I agree with that. It continues —

Furthermore, there is the risk you could discourage individuals from standing for election at a time when we're trying to increase diversity on Councils.

The truth is that although we can mandate training, we cannot mandate learning. Simplistic tactics such as mandating processes do not address underlying issues that can ultimately cause more problems than they solve. I agree with what WALGA said back in 2016, but now it is taking the opposite view. Why? I believe that democracy and freedom of speech is under threat in local government with dissenting voices often stifled through local government standards panels. The new education modules coming through, outlining how we should behave and what we should say in local government, are a great worry to me and others. Under a Liberal government, this idea was rejected, but now amazingly under a Labor government it is okay.

The political impartiality of WALGA is also a concern and deserves to be investigated. I have noticed in the past WALGA's position in politics, such as opposing Australia Day celebrations. That does not sit right with me. The Western Australian Local Government Association should not have any political opinion, but it obviously does and that needs to stop. It is important to note that WALGA is not local government. It has no regulatory powers

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and no legislative authority over councils. Since its inception, it has manoeuvred itself into the mainstream of local government decision-making in a way that no other lobby group has done. It is as though while we were not looking, WALGA has suddenly taken control of local government. This house needs to get to the bottom of why a legislated monopoly should be made in the act and we should investigate WALGA's activities and its future role in local government. I believe in direct democracy; that is government by the people for the people, not some unelected technocrats without the accountability to ratepayers. Therefore, I will move to amend this motion as follows.

Amendment to Motion

Hon CHARLES SMITH: I move —

To insert after paragraph (2)(e) —

- (f) the scope, activities and future role of the Western Australian Local Government Association (WALGA); and

HON SIMON O'BRIEN (South Metropolitan) [2.15 pm]: I am not closing the debate. I will address this question very briefly. It might have been perhaps a little better if I had had some notice of this proposed amendment to give my colleagues and me an opportunity to contemplate it. I listened with great interest to Hon Charles Smith making his argument. I think it is fair to say that I raised the issue of insurance premiums. I have certainly raised and argued for the contemplation of the respective roles of elected members, chief executive officers and employees and what is involved there. I think there is some scope there for many of the things that he has mentioned—codes of conduct, for example. The mandated training is contemplated by a bill that is yet to be debated by this house, but I also have a strong antipathy to mandating training. Be that as it may, the terms of reference are sufficiently strong and wide in their scope to contemplate all the issues that he has raised, whether it is through terms of reference (a), (c), (d) or, for that matter, (e), or indeed the currently proposed (f).

The way that a parliamentary inquiry evolves in such a broad area of activity would generally be, in the first instance, to call for submissions to identify issues that it needs to examine. Again, that gives another avenue to the concerns that the member has just articulated and many more that I am aware of to be canvassed. Conversely, without having had the time to think about it particularly, I think a select committee inquiry should be an open-minded one and I do not want to see, in the way that the amendment has been moved, a deliberate hostility being exhibited towards anybody or any party that might be able to assist the select committee in its role. It would be easy for me to just say, "Oh, yeah, that sounds great", because, as I have said, I think we can and will look at all these issues that have just been raised, and more, anyway. However, we have a coming together of parties in this place.

I am well aware of many discussions that have been had behind the Chair and a broad agreement has been reached across all parties, with one exception, that they would agree to this amendment. I am not inclined to now move the goalposts, not in a material sense, but in the sense of the suggestions that it sends to the local government sector. I am not inclined to support the amendment, but if the house collectively is, I do not have a drama with that either.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.19 pm]: I rise to indicate that the government also will not be supporting this amendment. A couple of things need to be taken into account. First, the scope of the terms of reference before the house is already very wide. Second, the committee will be calling for submissions and will be calling witnesses. I would be enormously surprised if the Western Australian Local Government Association did not provide a submission and, indeed, seek to appear before the committee to express its view on the limitations, or otherwise, of the Local Government Act, and on the other terms of reference. Therefore, to call an organisation as a witness to assist the committee, at the same time as we are effectively inquiring into that organisation, I think sets up a structural inconsistency in the inquiry that the house is seeking to establish.

An argument may well be put at some time that the house ought to do this kind of examination. However, certainly from the government's point of view, I would not take a position on that until we have had a discussion with WALGA. WALGA is not an organisation that is part of government. It is not subject to our rules and statutory regimes. It is a separate organisation. Therefore, the house should tread lightly before seeking to investigate an organisation that is not part of government.

For those reasons, the government will not be supporting this amendment.

HON RICK MAZZA (Agricultural) [2.20 pm]: I rise to say that although I empathise with Hon Charles Smith in trying to highlight the issues that he has articulated, there is no doubt that the current paragraph (f) in the motion is very wide and broad when it comes to capturing some of the issues that have been raised. I will not be supporting the amendment. I think that the motion as it is currently drafted is able to capture the issues that have been raised by Hon Charles Smith. Therefore, I do not see the amendment as being necessary.

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HON ROBIN CHAPPLE (Mining and Pastoral) [2.21 pm]: The Greens will not be supporting the amendment. I am sympathetic towards the position that has been put by Hon Charles Smith. However, as Hon Simon O'Brien has pointed out, the terms of reference for the select committee, which we are supporting, are already broad enough. That is particularly the case with paragraph (d), which states —

the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;

One would assume that the appointment of those people would be done through predetermined methods; therefore, we can touch on that issue through paragraph (d) of the terms of reference. This matter could also be considered under the current paragraph (f), which states —

any other related matters the select committee identifies as worthy of examination and report.

Therefore, although many people in the chamber and in the gallery might have concerns about the functions of the Western Australian Local Government Association, those concerns can be effectively dealt with by the committee's terms of reference as they stand.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.22 pm]: I would like to formalise the comments of the mover of the motion, Hon Simon O'Brien. I also say "ditto" to the comments of Hon Robin Chapple and Hon Rick Mazza. I do not in any way, shape or form doubt the sincerity of Hon Charles Smith and what he is trying to achieve by his amendment. However, I think that can be captured through the current paragraph (f) of the motion. I did not intend to comment on the motion, but I have been promoted to make a few comments when we get to the formal debate. I believe that any issues with regard to the Western Australian Local Government Association can be determined through paragraph (f) of the motion. Therefore, the opposition will not be supporting the amendment.

Amendment put and negated.

Motion Resumed

HON ROBIN SCOTT (Mining and Pastoral) [2.24 pm]: I rise on behalf of Pauline Hanson's One Nation. We are very happy to support the motion moved by Hon Simon O'Brien.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.24 pm]: I barely had time to reply to my text! Well done! I love those speeches.

As I have said, I had no intention of making a contribution today, but I was prompted by comments from the Leader of the House. I would first like to thank Hon Simon O'Brien for bringing this matter to the chamber. This is the sort of issue that we need to deal with in this place. We much better reflect the community than the mob in the other place—we really do. This place is a broad cross-section of Western Australians. We have representation across the state. These are the sorts of motions we need to deal with.

There are some evident issues in our community with regard to local government. One does not need to have a PhD to work that out. We can take piecemeal approaches to local government, either our mob or the mob opposite, and try to resolve the issues. However, quite frankly, that is like putting a bandaid on a broken arm. We can amend one part of the Local Government Act, and the other mob will amend another part of the act. However, we fundamentally need an oversight or assessment of the issues that exist. The best way to do that is through an upper house committee. I challenge every member in this chamber to find any committee of this chamber over the last decade that did not provide a valuable resource for the area it investigated. Therefore, I do not know how the government could look at an area that evidently needs greater direction and say, "We will not support it. We have got it right. These amendments to the act will resolve it."

I want to remind members of the history of local government. Back in 1901, the founding fathers, in their wisdom, decided that local government did not need recognition in our Constitution. That is the merit that they gave local government. They gave the federal government powers and they gave the state government powers, and they ignored local government. They ignored the government that is the most attuned to the local level. That is what they did in their wisdom. That created a problem for our Constitution. As we all know, I would hope, our Constitution provides the exclusive powers of the federal government and the exclusive powers of the state government, and concurrent powers that are shared by the federal government and state governments. That has worked well, has it not? Has anyone looked at our federal structure lately and at what happens with education and health? The two levels of government argue against each other all the time. It is an almighty mess. Until we have some structure in our Constitution to give our levels of government formal recognition and formal powers, we will continue to have problems with each level of government. Compare our state's Constitution with the Australian Constitution. The Australian Constitution is about 10 times as big, and it says half as much. Frankly, we only need to look at the concurrent powers of the two levels of government. The Constitution states that the two levels of

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government have shared responsibilities. However, if there is conflict, who takes precedence? The federal government. As a former minister, I can tell members that it is not a nice position to be negotiating with the federal government on a certain issue and it dangles a little thing called finance and says, "Okay, you can have that money, so long as you do this, that or the other thing." That is no way to run a Federation.

It is the same with local government. The problem with local government is that because it does not have formal recognition in the Constitution, it has suffered for over a century in revenue-raising capacity across the board, in capacity sharing, and with ambiguity with regard to its role. Of course, local government will get smashed when it raises rates, and it will get smashed when it has planning issues and the like, and people will say local government is terrible. I can tell members that as a state government, we got smashed for planning decisions. We got smashed for finance. The federal government is exactly the same. We have a system of government that, as a beast in itself, is not directly responsible for its problems. We as a community are responsible for its problems. For decades upon decades, we have ignored and criticised local government and all it stands for, while at the same time we have not given it a formal structure.

Hon Simon O'Brien, to his credit, is providing this chamber with a unique opportunity to do something that no other government has done. We are saying that everyone should have a look at the system of local government. We are not saying it is the gospel according to the Liberals. We are not saying it is the gospel according to the Labor Party. We are saying let us have a collective, bipartisan approach to it to form a rich tapestry of all of us working together. Why on earth the government is opposed to this is beyond me. What possible disadvantage could occur as a result of the select committee? Nothing! The government should not be afraid of anything. It has its majority down there; it will get through what it wants. But up here, we reflect on things much more forensically for the Western Australia community. If members ask people what they think of local government, they will be a bit ambivalent. Unlike the state and federal governments that have compulsory voting, local government has voluntary voting; therefore, not that many members of the community actually vote for local government. That is irrelevant. That is the system of government. It is the same as in the United States—people carry on that Mr Trump did not get a majority of the votes because there is voluntary voting. So what? Those people who did not vote are more the suckers. They cannot go out and criticise the system.

This is what we have here with our system of local government—the people who engender interest in their local community are the ones who will go and vote for local government. If there is a way to improve that, we can do that through this select committee. This is what we can do. The people at the local level, who are most affected, will be empowered. At the national and state level, people feel disempowered. We have seen massive swings in the voting patterns over the last 15 years, because people have felt disempowered. Who would have thought that Kevin Rudd would not be Prime Minister three years after he was swept to power in 2007? Who would have thought that Tony Abbott would not be Prime Minister in 2016, having been swept to power in 2013? Who would have thought that Campbell Newman would not be Premier of Queensland in 2015 after he was swept to power with 80 out of 89 seats in 2012? That is why I say to members opposite that they can get all cocky, but the political fortunes of parties nowadays swing massively.

At the local government level, we are empowering the people. That is vital. Rather than throwing the baby out with the bathwater and having reviews and making changes to this act and that act, we should do what Hon Simon O'Brien is suggesting, which is eminently sensible, and have a look at the whole structure. We will include the Western Australian Local Government Association and look at whether changes or improvements need to be made. I think there needs to be some changes and improvements there. The committee could look at the basic structure of local government. We could do something for the nation that no-one else has been brave enough to do. Everyone can moan and groan about local government, but when it comes down to it, has anyone done anything other than make these cosmetic changes? It is just like putting a bandaid on a broken arm; it can be put there for cosmetic value, but it really does not do anything.

From my perspective, and as Leader of the Opposition, of course we are going to support the motion; it is one of our own. I applaud Hon Simon O'Brien. It is something he has been passionate about for so long. Going around this chamber, it is evident that every party in the chamber other than the government agrees with him. I am so disappointed that the government could not come on board with this. We could have sent a very real, transparent, unambiguous message to the people of Western Australia that we want to do something meaningful to improve the processes of local government, so that the government at the most local level, which empowers people better than any other level of government, will be improved. For those reasons, the opposition emphatically and enthusiastically supports the motion.

HON SIMON O'BRIEN (South Metropolitan) [2.33 pm] — in reply: If no other member wishes to record their impressions at this time, I would be delighted to reply. I would like to thank members across a broad range of party backgrounds for their support for this proposal. First, the government response is disappointing. I think that the

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notes that were provided to the Leader of the House were drafted in the same overly bureaucratic fashion as the act and sundry other departmental publications, diluted perhaps and flavoured a little by some input from that bloke who provides the non-answers to questions raised by members—that is, they address anything but the issue at hand. This betrays a fundamental lack of empathy for the sector. Similarly, the disinterest from the government benches to do anything other than what the leader says, which is to oppose the motion, is also a trifle disappointing. Be that as it may, I appreciate the gestures and indications of support from members in all other parts of the chamber.

I will address a few items that were raised. I think it was Hon Rick Mazza who referred to the fruits of the current Local Government Act review manifesting into a green bill in due course. It strikes me that this committee might well be a good vehicle to review a green bill before it comes to the Parliament for endorsement, so there is another benefit. There is nothing in the terms of reference that relates to that, but it can certainly be easily done by a simple direction of the house at the time to refer a green bill or, indeed, a regular bill to this committee in due course. The select committee would be in a good position to evaluate the contents of any such bill.

I think it was also Hon Rick Mazza who referred to criticism about rate rises and whether they related to inflation. A story in the paper today highlighted that the City of Rockingham had raised its rates by 2.75 per cent—higher than anyone else—when the consumer price index is about 1.1 per cent. Whether the two are related, I offer no direct view. Whether the story is right or wrong, I offer no direct view—I do not want to pick a fight with anyone whom I do not need to pick a fight with. But I will tell members this: I have known Mayor Barry Sammels for well over 20 years and members would battle to find a better advertisement of a civic leader in the twenty-first century in this town. He is a very fine mayor and leader of his council. I think he is currently the longest serving mayor, at a time when, as the Leader of the Opposition has told us, loyalties tend to shift, particularly in the dynamic area of local government.

Regarding the proposal for an amendment, which the house has dealt with, I do not know whether anyone wants to criticise in due course the way we dealt with that. Let me tell members this: there is no question that the proposal that I put forward is designed to deliver a robust inquiry into the subject matter—no ifs, no buts. Please do not anybody pretend that it is in some way watered down—it is as broad and as powerful as we can make it. That is fitting, and will reward those who are already delivering positively to the local government role in our community. That is what they deserve and is just another reason this motion deserves the support of this house. A lot of people have contributed very solidly to local government over very many years. Indeed, even reaching into this house, the ongoing legacy of the former secretary of the Yalgoo Road Board in the early 1950s is never underestimated and I am sure is appreciated by members on both sides of the house.

Division

Question put and a division taken, the Acting President (Hon Adele Farina) casting her vote with the noes, with the following result —

Ayes (20)

Hon Martin Aldridge	Hon Colin de Grussa	Hon Rick Mazza	Hon Aaron Stonehouse
Hon Jacqui Boydell	Hon Diane Evers	Hon Simon O'Brien	Hon Dr Steve Thomas
Hon Robin Chapple	Hon Donna Faragher	Hon Robin Scott	Hon Colin Tincknell
Hon Tim Clifford	Hon Nick Goiran	Hon Tjorn Sibma	Hon Alison Xamon
Hon Peter Collier	Hon Colin Holt	Hon Charles Smith	Hon Ken Baston (<i>Teller</i>)

Noes (11)

Hon Alanna Clohesy	Hon Adele Farina	Hon Kyle McGinn	Hon Darren West
Hon Stephen Dawson	Hon Laurie Graham	Hon Samantha Rowe	Hon Pierre Yang (<i>Teller</i>)
Hon Sue Ellery	Hon Alannah MacTiernan	Hon Matthew Swinbourn	

Pairs

Hon Jim Chown	Hon Dr Sally Talbot
Hon Michael Mischin	Hon Martin Pritchard

Question thus passed.

Appointment of Members — Motion

On motion without notice by **Hon Simon O'Brien**, resolved —

- (1) That the following members be appointed to the Select Committee into Local Government: Hon Simon O'Brien; Hon Diane Evers; Hon Charles Smith; Hon Martin Aldridge; and Hon Laurie Graham.

Extract from *Hansard*

[COUNCIL — Wednesday, 26 June 2019]

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Hon Simon O'Brien; Hon Sue Ellery; Hon Martin Aldridge; Hon Robin Chapple; Hon Rick Mazza; Hon Charles Smith; Hon Peter Collier; Hon Robin Scott

- (2) That the Chair is to be Hon Simon O'Brien.
- (3) That the Deputy Chair is to be Hon Laurie Graham.