

Mr Chris Tallentire; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Dr Tony Buti; Mr Rob Johnson;
Mr Mark McGowan; Mr Shane Love

CITY OF PERTH BILL 2015

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 23: City of Subiaco may review ward boundaries and councillor numbers —

Debate was interrupted after the clause had been partly considered.

Mr C.J. TALLENTIRE: Earlier I was asking the minister about the people from the south ward and noting that there are some 3 000 people in the south ward. We should always focus on people in this place. I understand that that corresponds to 2 670 electors in the south ward. Of course, a significant percentage—the minister will be able to tell me what that is—of those 2 670 people from the south ward will be shifted into the City of Perth. They will no longer be residents and ratepayers of the City of Subiaco; they are to be in the City of Perth. That must have some implications for the composition of the City of Subiaco council. Hence, clause 23 gives the City of Subiaco permission to review the boundaries and councillor numbers. That is the tone that is presented in this clause; it gives the City of Subiaco the right to do that. It is a little false because the City of Subiaco has been forced to change its composition. It will suddenly find that it has a ward from which the vast bulk of its residents have been taken, so two south ward councillors will remain on the City of Subiaco council but they will represent only a very small number of people. I am curious to know how that will impact on the City of Subiaco until the necessary changes can be made. Is it the case that two ward councillors will represent just a handful of people?

Mr A.J. SIMPSON: I thank the member for Gosnells for the question. He refers to a couple of things. Of those 2 000 people, 1 158 will come over to the City of Perth. With regard to the ward structure, I will go through the reason this bill is before us now. We have already had this debate with the member for Mandurah. In a nutshell, it gives enough time and provisions for the City of Subiaco to do a ward structure review and to ensure that there is equal representation in each of the four wards. It has to go through an advertising period with the community before it goes to the Local Government Advisory Board, which then makes a recommendation to me, which is then signed off by the Governor. This is a regular occurrence with expanding areas throughout the metropolitan area and through the state. They quite often deal with quarterly adjustments. This is very similar. That process will then decide how they can evenly balance elected council members with the number of ratepayers within each of those cities and boards.

Mr C.J. TALLENTIRE: We are imposing this change on the City of Subiaco. By all accounts, it is not something that it is all that keen about. It is quite against its will. I see that there is the possibility for the ward changes to come into effect by 1 July 2016. If that is correct, I wonder what sort of time will elapse when the two ward councillors currently on the City of Subiaco representing the south ward will represent a very small area. Will there be some intervening time when they will represent a small number of people?

Mr A.J. SIMPSON: From 1 July, a new boundary will take place; 1 158 voters will move to the City of Perth. The Subiaco councillors will have to go through a process and do a review of their ward structure. As long as that ward structure is advertised and all confirmed before the October 2017 local government elections, there will be no rush to get their new ward structure representation done by 2015 as long as they are going through that process. All they have to do is go through the process of starting it and working through it. The ward structure will kick in as it runs through that process. As from 1 July, there will be a boundary change and people will come over. The ward structure is up to the City of Subiaco. It will go through that process, including how it will be rolled out.

Mr C.J. TALLENTIRE: The answer to my question is that it will possibly be the case that from 1 July 2016 to whatever date it is in October 2017 the two ward councillors who have been elected to the south ward of the City of Subiaco will represent a very small number of people. That seems to be what the minister is not grasping about my question. Does the minister get it?

Mr A.J. Simpson: Can you say that again? Sorry, I was getting some information. Two councillors will have a smaller ward —

Mr C.J. TALLENTIRE: Currently, two councillors have been elected to represent the south ward in the City of Subiaco. They are in place until the boundary change. The minister has said that from 1 July 2016 their numbers will be greatly reduced. It seems possible that from 1 July 2016 to October 2017 those two good councillors will be representing a very reduced number of people.

Mr A.J. SIMPSON: This provision does not require Subiaco to undertake a review. This bill will pass through this house, hopefully, by tonight and go to the upper house and be passed before February. After it has passed the lower house we will start a dialogue with the City of Subiaco to ensure that it starts to review its ward structure.

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It has to go through a process, as I have explained already. It will be to Subiaco's benefit to get it pretty much sorted straightaway because that provides certainty. As the member can well imagine, to have a councillor represent a part of a ward that is no longer within the city now makes it a smaller part of that ward. The City of Subiaco will have to go through a ward redistribution pretty much straightaway to start that process. It needs to come up with some models, advertise it to the community, select the best model the community wants and run it through council. It ends up at the Local Government Advisory Board and on to me to be signed, before the Governor signs off on it. The ward structure is then in place. Subiaco will have to take that on itself to drive that process of review.

Mr C.J. TALLENTIRE: The two people who have been elected will remain in place at least until October 2017. However, it seems from what the minister is saying that at some point they will be representing a newly configured ward. They will be representing people who did not actually vote for them.

Mr A.J. Simpson: They did vote for them, but they won't be there anymore.

Mr C.J. TALLENTIRE: The 1 158 people will not be there anymore, but the minister is saying that because of the change, Subiaco will have to do a whole reconfiguration of its ward structure. That means that the new south ward—it might have some other name—of the City of Subiaco will be quite differently configured. It will inevitably have to take in areas that are not currently in the south ward. There will be that ward reconfiguration. That means that those councillors who have been elected in south ward will be representing people who did not actually vote for them.

Mr A.J. SIMPSON: I will just clarify a point that I made at the start. When a person takes the oath as a councillor for the City of Subiaco, they do not take the oath for the south ward, they take an oath to represent the City of Subiaco. That is quite clear in the act. The ward structure is only for elections. There are a couple of other little things in this mix that we have not spoken about, and I will also put them on the table. Imagine for a minute that one of the councillors actually lives in the part of the south ward that is going to the City of Perth. They will not live in the City of Subiaco once 1 July comes around, so there could also be a vacancy in the council as well. A number of parameters must be looked at before 1 July to work out where that ward structure will be. All councillors on the City of Subiaco represent the City of Subiaco. They are elected to wards, but they all represent the city. There could be some issues. There might be a vacant position on the city council because one councillor does not live in the city anymore. I do not know that; I am just making that assumption, but that is part of the review process we have to go through.

Mr C.J. TALLENTIRE: I understand that there is a possibility that one of the councillors will no longer live in the City of Subiaco. Can the minister give some more detail on how that will work, if the person is forced to abandon their position?

Mr A.J. SIMPSON: It is just like the member being a councillor in Gosnells and moving to the City of Canning. Unfortunately, he would not be able to be a Gosnells councillor anymore because he had moved to the City of Canning. Through this boundary change with the City of Perth, there will no longer be a south ward.

Mr C.J. TALLENTIRE: I would be doing that of my own free will, but here we are forcing it on people.

Mr A.J. SIMPSON: Correct.

Mr C.J. TALLENTIRE: It is not very democratic.

Clause put and passed.

Clause 24: Preservation of rights of City of Perth superannuation scheme members who became employees of other local governments —

Mr D.A. TEMPLEMAN: This clause is division 2 of part 3 of the bill, and it comes back to the question of the need for clauses that relate to the repeal of the City of Perth Restructuring Act 1993. My understanding of this clause, and ultimately of this division, is that we are ensuring the preservation of the employees' entitlements to superannuation et cetera. Clause 24(1) basically consists of definitions, and the last three subclauses, (2), (3) and (4), specifically set out the entitlements and obligations of the City of Perth in the industry scheme related matters. Clause 24(2) reads —

This section applies to any person who, immediately before section 27 comes into operation, is a person in respect of whom, under the *City of Perth Restructuring Act 1993* section 29, a local government is required to participate in and comply with the City of Perth scheme.

Clause 27 repeals the City of Perth Restructuring Act. I need clarification about exactly what it means when it states that this section applies to any person who, immediately before section 27 comes into operation—referring

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to the repeal of the City of Perth Restructuring Act—is a person for whom a local government is required to participate in and comply with the City of Perth scheme. Is that in relation to the industry scheme?

Mr A.J. SIMPSON: In essence, people who are employed by local government and who were members of the City of Perth superannuation scheme prior to July 2014 and have remained a part of the City of Perth superannuation scheme since that time may continue to be members of that scheme. This clause also continues the obligations on the local government employer of those scheme members to participate in and to comply with the City of Perth superannuation scheme. Subclause (2) is for people who were part of that scheme prior to the break-up in 2014. We think around 20 people are still in that scheme. My apologies, it is people who are members of the scheme prior to July 2016. In my answer I mistakenly referred to people who were members prior to 2014. If a person was in that scheme prior to 1 July 2016—in some cases in the City of Subiaco’s scheme—this part of the legislation makes sure that if they move within local government, the employer can still contribute to that same scheme.

Mr B.S. WYATT: When we were last discussing the superannuation scheme, the minister said it applied to about 20 people. Does the minister have a break-up of which councils they are in?

Mr A.J. SIMPSON: No, I do not have a break-up of the schemes. We know there are around 20 people. I understand this is in the current legislation to take care of members of the superannuation scheme within the City of Perth. The bill we are repealing is the City of Perth Restructuring Act, which was developed to divide the City of Perth into Vincent and Cambridge. That act contained an amendment related to superannuation and the government is carrying that forward into the City of Perth Bill.

Clause put and passed.

Clause 25: Regulations —

Mr B.S. WYATT: Is the minister expecting many regulations for this bill? I ask that because the bill we debated last week had an extensive clause for regulations, but in this bill the minister does not expect to have any at all. I am curious about the nature of the details.

Mr A.J. SIMPSON: No regulations are considered necessary.

Clause put and passed.

Clause 26: Transitional regulations —

Mr B.S. WYATT: I assume that provisions deal with the entire transition; hence, there is no requirement for regulations. I will not let the moment pass and perhaps the minister could give a quick explanation about what this clause allows.

Mr A.J. SIMPSON: This clause enables regulations to be made for transition matters that may arise as a consequence of the introduction of the City of Perth Act or the repeal of the City of Perth Restructuring Act 1993. A regulation may be made to specify that a written law does not apply or is modified in relation to any transitional matters. A regulation may provide that it comes into effect prior to the date on which it is published in the *Government Gazette*, but after this the clause will come into effect. A regulation that has effective priority to this date of publication will not have effect against a person until the date of publication if it would prejudice the rights of that person or impose liabilities on that person. For those people, the regulation takes effect on the date of publication. No potential regulations have been identified at this time, yet again.

Clause put and passed.

Clause 27: City of Perth Restructuring Act 1993 repealed —

Mr D.A. TEMPLEMAN: This clause will repeal the City of Perth Restructuring Act 1993. I think the minister may have received correspondence about this issue from some councils, particularly the City of South Perth, the City of Vincent and, I think, the Town of Cambridge. What will the repealing of the City of Perth Restructuring Act 1993 do to the ongoing status of the entities that were created under that act? That act created the four entities that we now know as the City of Perth, the City of Vincent, the Town of Victoria Park and the Town of Cambridge. It restructured one council into four. Clause 27 will repeal the act that created those four entities.

The concern that some of the councils, particularly the Town of Victoria Park, the City of Vincent and the Town of Cambridge, have raised is that they want absolute clarification and, I suppose, a guarantee that the repeal of the act will in no way undermine their ongoing status as council entities.

How will that status be preserved? My assumption is that it will be preserved under the Local Government Act in terms of the reference to a district. There is a district of Victoria Park as a council entity, as there is for Cambridge and Vincent. Even though the act that set up those particular entities will be repealed under this

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clause, they will continue in existence. I want the minister to clearly state that there is no way that there will be some legal challenge and that the repealing of the City of Perth Restructuring Act 1993 will not mean that the entity known as the City of Vincent will in any way be compromised or threatened, and nor will Victoria Park or Cambridge and nor, ultimately, will the City of Perth, as it was reconstituted under the restructuring act.

Mr A.J. SIMPSON: I can give the member a commitment that the City of Perth Restructuring Act 1993 was to do exactly that—to restructure the City of Perth. Once the Town of Cambridge, the City of Vincent and the Town of Victoria Park were formed, they became local governments in their own right. Repeal Week gives us the opportunity to get rid of this act, which we no longer need, as long as we take care of the superannuation of those people who have been with the City of Perth for 20-odd years, which we did in the previous clause. It has been enshrined in legislation. There are no other encumbrances from the repeal of the City of Perth Restructuring Act 1993 and it will not have any impact on those identities, because they are local governments under the Local Government Act.

Clause put and passed.

Clause 28: Act amended —

Mr C.J. TALLENTIRE: This clause could be best described as the land grab clause, because it will bring the land currently known as Kings Park under the jurisdiction of the City of Perth. How does the Royal King's Park Tennis Club relate to the land that will be brought into the City of Perth? It is located within Kings Park, but on what title is the tennis club held?

Mr A.J. SIMPSON: I do not know what title it is held on.

Ms M.M. Quirk: There is a gym there too.

Mr A.J. SIMPSON: Yes, that is right.

All I know is that it is under the operation of the Botanic Gardens and Parks Authority Act 1998, the provisions of which control Kings Park. The member would remember our conversation about the Swan River prior to the meal break. Again, although the boundary of the City of Perth is being put around Kings Park for it to be included in the promotion of our capital city, it does not mean that the local government has any power or authority over the Kings Park act; it is on its own. Kings Park is independent. It runs its own speed cameras; it runs everything within its jurisdiction. I imagine that the gym and the tennis court operate under an agreement with the Botanic Gardens and Parks Authority, which probably derives an income stream from the businesses that operate within the park. The City of Perth will have no input into that because it is enshrined in the Botanic Gardens and Parks Authority Act 1998.

Mr C.J. TALLENTIRE: Also within the area known as Kings Park that comes under the Botanic Gardens and Parks Authority Act 1998 is the land that is often called the "Water Corporation land". I refer to the maps that were discussed during debate on a previous clause and the boundary separation that was identified that showed Mt Eliza House. That was separate from the City of Perth; however, given that Mt Eliza House is located within Kings Park and that there was an arrangement in place between the Botanic Gardens and Parks Authority and the Water Corporation to manage local government issues, how will that operate now?

Mr A.J. SIMPSON: There are a couple of things there. I imagine that, again, the Water Corporation will manage its asset. The water reservoir is the Water Corporation's asset and that relationship between the Water Corporation and the Botanic Gardens and Parks Authority will be maintained to operate one of our state's major water supply assets for the capital city. I think I am correct in saying that the reservoir is included in the City of Perth already. Although the Mt Eliza reservoir is already in the City of Perth—if the member looks at his map, he will see that it is already included—it is operated as a state government asset and the Water Corporation controls it.

Dr A.D. BUTI: Is the minister saying that division 1 will amend the Botanic Gardens and Parks Authority Act 1998, but it will have no legislative impact on the running of Kings Park and no effect on the Botanic Gardens and Parks Authority?

Mr A.J. Simpson: Correct.

Dr A.D. BUTI: If that is the case, what is the purpose of the City of Perth wanting to have jurisdictional control over Kings Park? What is the purpose of that if the city has no consequential impact on the functioning of Kings Park?

Mr A.J. SIMPSON: Member for Armadale, this is about putting an area within the capital city boundary. It is probably similar to the university, the Perth Children's Hospital and Sir Charles Gairdner Hospital—assets that are within the City of Perth boundary. We have spoken about our goal to establish a true capital city. In debate

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on clause 1, we spoke about the capital city being the gateway to the state. The job and responsibility of the City of Perth is to promote our state and the gateway to do that is to go out and talk about what is in our capital city. The idea was to put those icons and assets within the capital city boundary, and in a lot of cases the jurisdiction does not extend any further than putting a boundary around those assets. They are included in the capital city, but the City of Perth has no power over them, just as it has no power over the university, Kings Park or the Queen Elizabeth II Medical Centre on Thomas Road.

Dr A.D. BUTI: I thank the minister, and understand what he is saying. Is the minister saying, therefore, that if the City of Perth Bill 2015 is passed in its current form, the City of Perth will not have authority to do anything at all in Kings Park?

Mr A.J. SIMPSON: Correct. There will be no changes to the operation of Kings Park. The City of Perth will have no jurisdictional control; it will just recognise, promote and enhance the city.

Dr A.D. BUTI: Would the City of Perth not be able to give approval for any development in Kings Park?

Mr A.J. Simpson: No.

Clause put and passed.

Clause 29: Section 44A inserted —

Mr D.A. TEMPLEMAN: This clause has raised some consternation and concern. Proposed section 44A relates to the authority that will be given to the Executive Director of Public Health. Proposed section 44(1) reads —

Executive Director, Public Health has the meaning given in the *Health Act 1911* section 3;

“Public health” is defined in paragraphs (a) and (b). Proposed section 44(2) reads —

For the purposes of protecting, promoting and improving public health in relation to any designated land, the Executive Director, Public Health has all the powers and authority of a local government under the *Local Government Act 1995* as if —

(a) the designated land were a district for the purposes of that Act; ...

That is a significant addition to the Botanic Gardens and Parks Authority Act 1998. It will give the Executive Director of Public Health some authority, from a public health perspective, over what may or may not happen in Kings Park. That is how I read proposed section 44A(2). There may be an occasion on which the Executive Director of Public Health may, for the purposes of protecting, promoting and improving public health, be called upon to exercise his or her authority over activities and/or initiatives within Kings Park’s boundaries. Can the minister give an example of when the Executive Director of Public Health may be called upon to exercise that authority? I gave an example last night, thinking off the top of my head. Although I did not like doing it, I gave the example that the State War Memorial exists within the boundaries of Kings Park. Again, God forbid, but given the nature of terrorism et cetera, iconic places and spaces attract attention. That may necessitate enhanced security or, indeed, a decision made that restricts access to some of those assets. I do not know whether that is an example. It may be the policing authorities that have jurisdiction over those assets. Major festivals take place in Kings Park, such as Perth Skyshow. The fireworks are launched by barge on the Swan River but vantage points are taken by many people in Kings Park. I do not know whether the powers of the Executive Director of Public Health relating to a public health matter during an event such as that would trigger him or her to use the authority granted in this clause. I will need a little more time.

Mr B.S. WYATT: I am very keen to hear where the member for Mandurah is taking his argument.

Mr D.A. TEMPLEMAN: I suppose we want some clarification and surety. One thing the minister has made very clear is that the City of Perth has no ultimate power to do anything of a planning nature or of a local law nature over the entity known as Kings Park. However, this clause confers on the Executive Director of Public Health the responsibility and, indeed, the powers for taking action. For the sake of clarification and surety, the minister needs to give us a bit of an explanation of the bases behind the clause and the justification for these powers being given to the Executive Director of Public Health.

Mr B.S. WYATT: I will put a similar question to the minister, as he can probably deal with both. My question is about a letter from the Town of Victoria Park that sets out two clauses about which it is concerned. I will read out two paragraphs from the letter it sent to me about clause 29, which I am sure the minister will be able to deal with in his answer to the member for Mandurah. The letter states —

However, there are two (2) provisions within the Bill which present major concern to the Council:

Extract from Hansard

[ASSEMBLY — Wednesday, 18 November 2015]

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1. **Section 29** of the bill seeks to confer the normal powers of a local government to the Executive Director Public Health for areas covered by the *Botanic Gardens and Parks Authority Act 1998*. In short, under the new section 44A of the *Botanic Gardens and Parks Authority Act 1998*, the Executive Director Public Health is granted the same powers and authority which a local government has under the *Local Government Act ...* for the purposes of “protecting, promoting and improving public health in relation to any designated land”.

Mr A.J. Simpson: Yes, perfect; so I should put it in the City of Perth Bill as well.

Mr B.S. WYATT: That has been confirmed by the minister. The letter continues —

In particular, the Executive Director Public Health is given specific power to make Local Laws in respect of such land, which will take precedence over any other Local Laws, including those made by a local government.

Mr A.J. Simpson: Correct.

Mr B.S. WYATT: This is where I get to my question. The letter continues —

Presently, there are only two parks covered by the *Botanic Gardens and Parks Authority Act ...* Kings Park and Bold Park. However, with the decreasing relevance of the Burswood Park Board (under the *Parks and Gardens Act 1898* and the *Burswood Park By-Laws Regulations 1988*), due to the Perth Stadium development, there is a future opportunity for the Burswood Park area to be brought under the same legislation as Kings Park and Bold Park (i.e. the *Botanic Gardens and Parks Authority Act 1998*). If this occurs in the future, the provisions of Section 29 of the Bill and the proposed new Section 44A of the *Botanic Gardens and Parks Authority Act ...* are of major concern to the Council. Significant powers are granted to the Executive Director Public Health who, as an individual, is not subject to many of the checks and balances that apply to local governments.

The Town of Victoria Park is concerned that the power being created for the Executive Director of Public Health may indeed, if Burswood Park comes under the Botanic Gardens and Parks Authority Act, mean that there will be a clash of jurisdictions in that the Town of Victoria Park would be subservient to the decisions of the Executive Director of Public Health. If the minister could respond to that for me, that would be great.

Mr A.J. SIMPSON: To respond to the Burswood question, Kings Park and Bold Park are A-class reserves. There have to be some changes to the land use and zoning before Burswood Park ever looks like coming into that and we can become involved with it.

Mr B.S. Wyatt: In response to the minister, not knowing the Botanic Gardens and Parks Authority Act —

Mr A.J. SIMPSON: I am with the member on that one!

Mr B.S. Wyatt: Are only A-class reserves covered by the Botanic Gardens and Parks Authority Act?

Mr A.J. SIMPSON: Put it this way: the two that the member for Victoria Park has mentioned are A-class reserves.

Mr B.S. Wyatt: Does it have to be an A-class reserve to be covered by it?

Mr A.J. SIMPSON: I would have to ask the Minister for Environment to clarify that for the member. I would have to check that out. Let me just get back to a couple of points. The Executive Director of Public Health currently has responsibility for public health matters within Kings Park. That is a given. All this provision serves to do is maintain the current powers of the Executive Director of Public Health.

Mr B.S. Wyatt: The current powers?

Mr A.J. SIMPSON: Yes.

Mr B.S. Wyatt: Under which legislation does that currently exist?

Mr A.J. SIMPSON: Under the Health Act 1911.

There are no changes to the current arrangements with Kings Park. The Botanic Gardens and Parks Authority will continue to manage parks and reserves. The member for Mandurah raised a situation and asked what could happen and I will touch on a couple of situations that we could possibly need the Executive Director of Public Health to get involved in. If there was an outbreak of disease or a major food poisoning at one of the food outlets in Kings Park, the Executive Director of Public Health would step in, tape it off, shut it down and get the inspectors in to go around. That is about the only time that the Executive Director of Public Health would be authorised to use that power.

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I will clarify one more point; it is the same power that the Executive Director of Public Health has now. We are not adding any more power than the Executive Director of Public Health currently has, as the member for Victoria Park pointed out. We will now put that into this proposed section of the Botanic Gardens and Parks Authority Act 1998. We are just repeating the same law but not adding any more powers. It is the same powers that the Executive Director of Public Health has right now. It is about transferring it and duplicating it and providing transparency around the fact that the Executive Director of Public Health, who is responsible for public health, adds to that the City of Perth.

Mr B.S. WYATT: If the Executive Director of Public Health has these powers now under the Health Act, why would we repeat it? Ultimately, when a power is the same in two pieces of legislation, the government can create the possibility of contradictory legislation. If the Executive Director of Public Health has this power, why are we putting this in another act that may ultimately cause confusion?

Mr A.J. SIMPSON: Just to clarify, as we stand here today, the City of Perth has the power.

Mr B.S. Wyatt: Sorry; say that again?

Mr A.J. SIMPSON: It states in the Health Act that the City of Perth has its own authority to allow the Executive Director of Public Health to operate within the City of Perth. The Health Act also states that the Executive Director of Public Health has the power to investigate, send in health inspectors and manage a stand-alone reserve in any local government—in this case Kings Park. As we move forward and Kings Park comes under the jurisdiction of the City of Perth, we are saying that that will come under the powers of the Executive Director of Public Health, just as that power exists in the capital city now; the power is being transferred to Kings Park. Today, Bold Park, Kings Park and Whiteman Park are covered by a local government. If it is not covered by a local government, the Executive Director of Public Health would be responsible for public health matters. I can only go back to the words that the same powers the Executive Director of Public Health has today will be the same powers the Executive Director of Public Health will have as we move forward.

Mr D.A. TEMPLEMAN: I am just a little —

Mr A.J. Simpson: Confused.

Mr D.A. TEMPLEMAN: I like to use the word “perplexed”. Proposed section 44A(5) in clause 29 states that if there is a conflict or inconsistency between a local law made by the Executive Director of Public Health and a local law made by a local government, the local law made by the Executive Director of Public Health will prevail. We then have an interesting situation. Proposed section 53A(1) in clause 30 states specifically that no local law applies to or in respect of Kings Park. The Botanic Gardens and Parks Authority has the power to make its own local laws. Is there an issue with the wording here? We are saying specifically in the next clause that no local law will apply. Is it not a bit inconsistent? I would like some clarification, because it does not make sense to me.

Mr A.J. SIMPSON: Proposed section 44A in clause 29 is a mirror provision to a provision in the Public Health Bill, which is before the house at the moment.

Mr B.S. Wyatt: Is the purpose of this clause to give the Executive Director of Public Health these powers statewide?

Mr A.J. SIMPSON: Correct. That is exactly right. To get back to the crossover with local laws, we have spoken before about how the Botanic Gardens and Parks Authority has its own act. Kings Park will become part of the capital city. The local laws of the City of Perth will not apply to Kings Park, because it has its own local laws and its own act. I can understand why members would say that it is a bit perplexing. That is why proposed subsection (5) refers to how we can resolve a conflict between the two. That is a reflection of what is in the Public Health Bill, which is before the house at the moment, to ensure that there is consistency. There may be the break-out of a disease or a food poisoning incident with one of the suppliers, in which case the Executive Director of Public Health would step in.

Mr D.A. Templeman: Essentially, if the proverbial hits the fan, the Health Act provides that the Executive Director of Public Health will have ultimate control, no matter where it may occur in Western Australia?

Mr A.J. SIMPSON: Correct.

Mr B.S. WYATT: I want to clarify the final point that was made. If Burswood Park was subject to the Burswood Park Board, or to the Botanic Gardens and Parks Authority, the Executive Director of Public Health would have exactly the same power?

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Mr A.J. SIMPSON: Correct.

Clause put and passed.

Clause 30: Section 53A inserted —

Mr B.S. WYATT: Proposed section 53A(1) provides that no local law applies to or in respect of Kings Park. This proposed subsection gives priority in respect to Kings Park. These powers already exist. The minister has said that. Why do we need to reconfirm that in this piece of legislation? Is there something that the government is particularly worried about that needs to be stated twice, in two separate pieces of legislation?

Mr A.J. SIMPSON: The member may remember that I spoke about how Kings Park is not currently in a district and it is now going into the City of Perth. It is part of that process to make sure that it is covered. This part of clause 30 to amend the local government law does not apply to Kings Park, other than the local law made by the Executive Director of Public Health. Kings Park is regulated under the Botanic Gardens and Parks Authority. This projection is the status quo.

Mr B.S. Wyatt: Presumably, the new Public Health Bill will give the priority —

Mr A.J. SIMPSON: To the whole of the State of Western Australia and everything in between.

Mr B.S. Wyatt: I would have thought that any local law made by the Executive Director of Public Health would override any local law whereby a situation is required to safeguard policies and programs designed to protect, maintain, promote and improve the health of individuals and their communities.

Mr A.J. SIMPSON: Correct; the member for Victoria Park answered very well.

Dr A.D. BUTI: As the member for Victoria Park said, we are replicating legislation that already exists. Under general statutory interpretation, the most recent legislation takes precedence. If they are exactly the same, there is no issue, but it creates confusion. Which one do we actually go to?

Mr B.S. Wyatt: That's why I asked.

Dr A.D. BUTI: Yes; which legislation do we go to?

Mr A.J. SIMPSON: The interesting part of what the amendment to clause 30 does is that this local law is more about broadly ensuring that the City of Perth local laws cannot conflict with the Kings Park Board. Also, because Kings Park is its own authority as it stands today and it has its own executive, we are now putting it into the City of Perth Bill so that it continues to have the same power it has to date. As the member for Victoria Park pointed out, the Public Health Bill that is going through this house will enshrine that the Executive Director of Public Health has the authority over all jurisdictions in which there is not a local government or stand-alone authorities such as Kings Park at the moment.

Dr A.D. BUTI: Of course, those laws have not been passed, so the minister is predicating the possibility —

Mr B.S. Wyatt: Maybe that is why this is in here! They are not concerned about the passage of that bill.

Dr A.D. BUTI: That is right. Is the minister saying that this will be passed on the basis that he thinks another law is going to be passed, but it is not passed, so therefore does not take effect, does it?

Mr A.J. SIMPSON: The health department made a recommendation to keep these powers the same and that is one of the reasons for the amendment to this clause. The member is right, but I think that provision in the new Public Health Bill also takes into consideration, as we have identified here, that because Kings Park is a stand-alone authority and it is not controlled by a local government, an executive director has to be brought into the park estate. That was one occasion. If the member thinks about everywhere around the state that is isolated—let us go to the Abrolhos Islands or somewhere a little bit different—what happens there? I think it would be the same thing and, through the act, if there is an act, it will put the executive director of health in it. When we start saying that we will put a clause in the Health Act to take care of the whole state, it is trying to fix up some anomalies to make sure that we are providing the best care in terms of health in all the stuff that it does from safety and occupational health through to making sure that our toilets operate and food is served safely right throughout the state. The recommendation was to put that clause into this bill to make sure that it lines up with the rest. As I said at the start, it maintains the same power that it has today; it maintains the current powers of the executive director. There is no change to what it does.

Clause put and passed.

Clause 31 put and passed.

Clause 32: Section 170B amended —

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Mr Mark McGowan; Mr Shane Love

Mr D.A. TEMPLEMAN: My understanding is that this clause is simply a subsequent re-wording. We are repealing the City of Perth Restructuring Act as a relevant reference in the Local Government Act. Is it correct that we are simply inserting the new City of Perth Act 2015?

Mr A.J. SIMPSON: That is correct. This clause consequentially amends the flow-on effect from the repeal of the City of Perth Restructuring Act 1993, inclusion of the provision related to the City of Perth superannuation scheme in the City of Perth Act, and the Local Government Act 1960 with regard to the local government superannuation scheme. This minor amendment changes reference to the City of Perth Restructuring Act 1993 to the City of Perth Act 2015.

Clause put and passed.

Clause 33: Section 170C amended —

Mr D.A. TEMPLEMAN: Can the minister confirm how section 170C relates to the superseding?

Mr A.J. SIMPSON: Yet again this clause is consequential and amends the flow-on effect from the repeal of the City of Perth Restructuring Act 1993 and inclusion of the provision related to the City of Perth superannuation scheme in the City of Perth Act. Again, member, it also amends the Local Government Act 1960 with regard to the superannuation scheme. It is a minor amendment to change reference to the City of Perth Restructuring Act to the City of Perth Act 2015.

Clause put and passed.

Clause 34 put and passed.

Clause 35: Section 4.33 amended —

Mr D.A. TEMPLEMAN: Can the minister give us a very brief clarification on section 4.33 as it will be amended with the insertion?

Mr A.J. SIMPSON: Clauses 35 and 36 will not be necessary because we have amended clause 20.

Mr D.A. TEMPLEMAN: So will we need to oppose clause 35?

Mr A.J. SIMPSON: Yes, the member has got it right for clauses 35 and 36.

Clause put and negatived.

Clause 36: Section 4.35 amended —

Mr D.A. TEMPLEMAN: My understanding is that, because there are three new clauses 36A, 36B and 36C, we will still deal with clause 36 as it stands. Do we deal with the amendments first or with clause 36?

Mr A.J. SIMPSON: I think we get rid of the current amendment to clause 36 and then we can adopt new clauses 36A, 36B and 36C. We should vote clause 36 down and then get on to the discussion of new clauses 36A, 36B and 36C.

Mr D.A. TEMPLEMAN: Are we saying no to clause 36 as it stands?

Mr A.J. Simpson: Yes—as clause 36 stands. I will then move an amendment on the notice paper dealing with new clause 36A.

Clause put and negatived.

New clause 36A —

Mr A.J. SIMPSON: I move —

Page 24, after line 23 — To insert the following new clause —

36A. Section 5.78 amended

In section 5.78(1) delete “5.82, 5.83,”.

Mr D.A. TEMPLEMAN: Just for the benefit of members, can the minister explain what is being amended. My understanding is that the elements being deleted simply clean up the information outlined —

Mr A.J. Simpson: What it does?

Mr D.A. TEMPLEMAN: Yes.

Mr A.J. SIMPSON: I am holding a copy of an annual return form for local government. This refers to sections 5.82 and 5.83 of the Local Government Act. I turn to the relevant page in the annual return —

Mr D.A. Templeman: Can the minister table one of those and copy it?

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Mr Mark McGowan; Mr Shane Love

Mr A.J. SIMPSON: Yes, I can give this to the member right now. This amendment tidies up the annual return. It takes out the onus of having to declare gifts and travel. Deleting sections 5.82 and 5.83 removes that. I table that annual return form.

[See paper 3639.]

Mr A.J. SIMPSON: This amendment links those two things and they are taken out of the annual return for the City of Perth. Those sections come out of the Local Government Act. I just moved that amendment.

Mr B.S. Wyatt: This is to be taken out?

Mr A.J. SIMPSON: Yes. Now we will go through new clauses 36B and 36C that define what needs to be declared as a gift and where that is registered, and we will get the debate into line. Just for now we are dealing with new clause 36A, “Section 5.78 amended”, which deletes sections 5.82 and 5.83 of the Local Government Act. Once the attendants have given copies of the annual return form to members who requested them, I will be able show the two components that will be deleted.

Mr D.A. TEMPLEMAN: Just on this, we will have a look at the example of an annual return. Is that what the minister will circulate? It is that the prescribed —

Mr A.J. Simpson: It is the annual return that every council does now; that is what I am referring to.

Mr D.A. TEMPLEMAN: It will be amended subject to the passing of the next three new clauses?

Mr A.J. Simpson: Yes.

Mr D.A. TEMPLEMAN: Just while we wait for the attendants to provide us with those, there is an important need to determine very clear guidelines—that is something the opposition believes very strongly in. For the benefit of elected members, it is important that there be a very clear and transparent process. The document I am now looking at, which was handed to me, is headed “Schedule 1” and it is a form. It highlights part of the disclosure of an elected member. This document has a heading, “4. Gifts”, and it relates to sections 5.82 and 5.83 of the Local Government Act, which is part of what we are debating now. My understanding is that in passing new clause 36A, we are designating that this is a prescribed requirement of an elected councillor on taking office and it outlines their obligations with regard to disclosure. I am happy with that, but I do not know whether my learned colleagues have other questions. The minister might want to respond to that.

Mr A.J. SIMPSON: This new clause will change the Local Government Act 1995; it does not refer to the City of Perth Bill. We moved that motion at the start to increase the scope, so all local governments in Western Australia will have to comply with this change once this bill is gazetted.

Mr D.A. Templeman: That’s good.

Mr A.J. SIMPSON: Yes, it will make them think. The legislation consequentially applies to all local governments throughout the state. The changes relate to requirements to disclose gifts and contributions towards travel in an annual return and the requirement that these are disclosed within 10 days of receipt. Again, we are tidying up that process. As members of Parliament know, currently we all have to do an annual return before 30 September. Before that date, we have to think about the last 12 months and whether we have travelled or received gifts; and, if we have, we include that in the annual return that we table. This legislation will tidy up that process. Proposed section 5.89A states —

(1) A CEO is to keep a register of gifts and contributions to travel.

...

(4) The CEO is to make the register available for public inspection.

That provision will bring to local government a bit of the transparency we have been talking about. There will be a register of all gifts and contributions to travel, and hopefully that will make councils more transparent in what they do.

The ACTING SPEAKER (Mr I.M. Britza): Before I give the call to the member, can the minister confirm whether the paper that he tabled is just a page or the whole document?

Mr A.J. SIMPSON: It was just a page.

Mr D.A. TEMPLEMAN: We are amending the Local Government Act.

Mr A.J. SIMPSON: Yes, I am amending the Local Government Act now, not the City of Perth Act.

Mr D.A. TEMPLEMAN: I look at this form and the new clause that we are about to debate, and I want to clarify that new clause 36B covers all the proposed requirements, including that a relevant person must disclose the gift—that is fine—disclosure must be made in writing and disclosure must be made in 10 days. The new

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clause states, “The disclosure is to include the following”, and the “Local Government (Administration) Regulations” form is for that disclosure. The form requires a description of the gift —

Mr A.J. Simpson: That’s the old one.

Mr D.A. Templeman: Okay; that is what I wanted clarified. In other words, this form will need to be re-formed, because currently it shows only a description, a value and the name and address of the giver, but not the date the gift was received.

Mr A.J. Simpson: Can I just stop the member there so I can clarify a couple of points for him. The page that the member has from the annual return will come out altogether, so it will not appear in the annual return. We are jumping ahead of ourselves here, because I am now speaking on new clause 36B and I have not dealt with new clause 36A yet, but I will come to that in a minute. As the member will see quite clearly, new clause 36B states —

- (1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.
- (1) The disclosure is to include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the gift;

That is what we are saying we will do within the councils, and we will have to reformulate the form to get a stand-alone form.

Mr D.A. Templeman: Yes, to cover those five areas.

Mr A.J. Simpson: That is exactly correct.

New clause put and passed.

New clause 36B —

Mr A.J. Simpson: I move —

Page 24, after line 23 — To insert —

36B. Section 5.82 amended

- (1) Delete section 5.82(1) and insert:
 - (1A) A relevant person is to disclose each gift received by the person.
 - (1B) The disclosure is to be made in writing to the CEO.
 - (1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.
 - (1) The disclosure is to include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the gift.
- (2) In section 5.82(2):
 - (a) delete “in a return”;
 - (b) in paragraph (a)(i) delete “the return period; and” and insert:
a year; and

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Mr D.A. TEMPLEMAN: Obviously, the opposition will support these transparency clauses, having withdrawn our amendment, which was further on in the notice paper. I am assuming that, if passed, these provisions will come into effect on 1 July 2016—or when? I want clarification of that.

These are significant changes that will affect all local government elected members, so I am interested in what program of education and/or information the minister proposes to ensure that all elected council members are well and truly aware of the new requirements under the transparency measures introduced through the City of Perth Bill. In this respect, they are, of course, transferred to the Local Government Act and, therefore, their compliance is, by law, what we propose here. I am interested in what the minister proposes to do about informing councillors, given that this bill is likely to pass sometime early next year, and there is a time limit. It is time critical in some respects, given that it needs to be proclaimed before 1 July. I do not expect that the minister has a firm program yet, but I am interested in what he might do to ensure that elected members are well and truly informed of their obligations as a result of these amendments.

Mr A.J. SIMPSON: Yes; the member for Mandurah is right. These changes deviate from the current annual return process, and when the bill is signed by the Governor and is gazetted, these new changes will take place. Under the current system, councillors have until 30 September next year to do this year's annual return. With the signing of this legislation, these new laws will come in. We have already started work with the Western Australian Local Government Association and Local Government Managers Australia. On a regular basis a government bulletin goes out to all local governments. This one is dated April last year and the title is "Councillor Members and Accepting of Gifts". We have been very strong on this issue to make sure that our local governments comply with the policy. We will put another bulletin together and work on a transition, but more importantly, a template, after working together with the sectors so that each local government has the same template based on paragraphs (a) to (e), which provide for how councillors should comply with each aspect of the new legislation, and then bring it together so we can finally have a smooth transition.

The requirement is that disclosure be made within 10 days of receiving a gift, so there is a little bit of time after the Governor has signed the legislation to implement these provisions so that every local government is in line with the new requirement to report on gifts and travel. That is the goal. We have started the work with WALGA and LGMA through the zone meetings. I will be at a zone meeting on Friday and will report that the new legislation has passed through the lower house tonight and inform the councils of the changes. We will then put out the bulletin to make sure that we inform local governments of the new template and work on getting a date confirmed for them.

Mr C.J. TALLENTIRE: I just want to check that this would cover gifts in kind.

Mr A.J. SIMPSON: Yes, it would cover gifts in kind.

Mr C.J. TALLENTIRE: I guess that would mean that in the schedule someone would place it under item 4, "gift", describing it as a gift in kind, and then the recipient would be required to estimate the value of that gift. How would that work?

Mr A.J. SIMPSON: Yes, the member would have to estimate that gift to put that down. It is always one of those struggles; it is a bit like giving a bottle of wine. One has to estimate that gift, and the normal thing is to check with the CEO —

Mr D.J. Kelly: A bottle of Grange?

Mr A.J. SIMPSON: A bottle of Grange has cost a Premier of New South Wales!

That is pretty much as they do now as well. If it is received in kind, one has to have a valuation, and that is what we have to do now. That part of it does not change. It is just the reporting process that changes.

Mr C.J. TALLENTIRE: So a lot of those gifts in kind relate to people's advertising at election time, billboard donations and the like. Clearly, a currently sitting councillor or a sitting mayor would be required to make that in-kind disclosure, but somebody who was a candidate and not currently a councillor, I suppose, would not be required to, so there is an inequity there that we are creating.

Mr A.J. SIMPSON: The member is right, and that is pretty much how it is today as well. There is no change to that, so today the councillor would have to declare that. The only thing is that the councillor would in the past not declare it until the annual return, and now they will have to declare it within 10 days of receiving the gift and getting it valued. The member is correct.

New clause put and passed.

New clause 36C —

Mr A.J. SIMPSON: I move —

Page 24, after line 23 — To insert —

36C. Section 5.83 amended

- (1) Delete section 5.83(1) and insert:
- (1A) A relevant person is to disclose each financial or other contribution that has been made to any travel undertaken by the person.
 - (1B) The disclosure is to be made in writing to the CEO.
 - (1C) The disclosure is to be made within 10 days of receipt of the contribution by the relevant person.
- (1) The disclosure is to include the following —
- (a) a description of the contribution;
 - (b) the name and address of the person who made the contribution;
 - (c) the date on which the contribution was received;
 - (d) the estimated value of the contribution at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the contribution;
 - (f) a description of the travel;
 - (g) the date of travel.
- (2) In section 5.83(2):
- (a) delete “in a return”;
 - (b) in paragraph (d)(i) delete “the return period; and” and insert:
a year; and

Mr D.A. TEMPLEMAN: This new clause clearly provides for disclosure relating to travel. Obviously, a new form will be created to accommodate these requirements. This relates specifically to travel provided by, ultimately, a third party contribution to a plane ticket or whatever. It relates to the next clause, but it also relates to the register. This clause and the previous clause require elected members to disclose, and there is a description of the criteria for that disclosure. The clause we will get to next refers to the register. Can the minister confirm if there are any local governments—I assume there is none—out of the 141 local governments in Western Australia that do not maintain an active website?

Mr A.J. SIMPSON: Actually, member, there is one local government out of the 138 local governments—the Shire of Nungarin. The Western Australian Local Government Association is working with it now to get up a template so that it can start putting its minutes online. There is a bit of work to do, and we are working with the sector to try to deliver that. The member is right; that is one of the key areas. In 1995 when the current Local Government Act was reviewed, it was stated quite clearly that certain information must be made available at the front counter of a shire office between 9.00 am and 5.00 pm, Monday to Friday. In reality, that information should be available 24/7 through an online register. That is a key issue around transparency, but, yes, that is where we want to get to, and once we get Nungarin up to speed, all 138 local governments will have a webpage that they can put stuff onto.

New clause put and passed.

New clause 36D —

Mr A.J. SIMPSON: I move —

Page 24, after line 23 — To insert —

36D. Sections 5.89A and 5.89B inserted

After section 5.88 insert:

5.89A. Register of gifts and contributions to travel

- (1) A CEO is to keep a register of gifts and contributions to travel.
- (2) The register is to contain a record of the disclosures made under sections 5.82 and 5.83.
- (3) The register is to be in the form that is prescribed (if any).
- (4) The CEO is to make the register available for public inspection.

Extract from Hansard

[ASSEMBLY — Wednesday, 18 November 2015]

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- (5) The CEO is to publish the register on the local government's official website.
- (6) As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.
- (7) Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure —
 - (a) to be kept by the CEO; and
 - (b) to be made available for public inspection.

5.89B. Offence to fail to disclose under sections 5.82 and 5.83

A relevant person must comply with the requirements of sections 5.82 and 5.83 in relation to the disclosure of information.

Penalty: a fine of \$10 000 or imprisonment for 2 years.

Mr D.A. TEMPLEMAN: The minister has answered the first question that I had about the register. I am pleased that the Shire of Nungarin is being assisted in its capacity to comply with an active website. I am assuming that for the purposes of the register, the Department of Local Government will be an ongoing monitor of websites with the compliance of local governments to maintain the website and to update them when required under the provisions of these amendments.

The register of gifts and the register of contributions to travel are kept by the CEO and are available on the local government's website. The issue of the disclosure is different. I am looking at proposed section 5.89A(7), which refers to disclosures made under sections 5.82 or 5.83. Can the minister explain what that means? What will happen to the disclosures? Will they be available on the register?

Mr A.J. SIMPSON: Let us just say that at the next election, a person is not a councillor anymore. The council would have to keep the register of that person's gifts and contributions to travel during his term as a councillor for five years after the person has disclosed them. Whether the councillor is on that council, that stays on the record. It is a bit like keeping tax records for seven years. We picked a period of five years. We should also keep in mind that if a person is still a councillor, what they did five years ago is on the register but what they did six years ago would not be on the register as it would naturally fall off.

I will make one other comment while I am on my feet about the first part of the member's question, which was to do with the —

Mr D.A. Templeman: Under proposed subsection (7), if someone ceases to be a councillor, the disclosure will no longer be on the website because they are no longer a councillor but their disclosure will be kept for five years and under paragraph (b), it can still be made available to the public. In other words, a ratepayer or a person could come into the local council and say, "Councillor Simpson served on this council three years ago. I want to look at his return for whatever year he was a councillor." The obligation is on the CEO to make that available for inspection.

Mr A.J. SIMPSON: That is correct.

Mr D.A. TEMPLEMAN: I refer to the penalty that exists under "fail to disclose under sections 5.82 and 5.83". Is that fine lifted from the existing Local Government Act? Is that the equivalent fine or is there a change? Can the minister clarify that?

Mr A.J. SIMPSON: That is the penalty in the Local Government Act for not completing an annual return. We have taken that and repeated it in these new transparency arrangements that we are now implementing. We have kept the fine that was in the Local Government Act for not conforming to one's annual return. It is the same offence for not disclosing any gifts or travel under this new scheme.

New clause put and passed.

New clause 36E —

Mr A.J. SIMPSON: I move —

Page 24, after line 23 — To insert —

36E. Section 5.89 amended

In section 5.89 delete "5.70 or 5.71" and insert:

5.70, 5.71, 5.82 or 5.83

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Mr Mark McGowan; Mr Shane Love

Mr D.A. TEMPLEMAN: Can the minister explain what the deletion of 5.70 and 5.71 and the insertion of those other sections means?

Mr A.J. SIMPSON: It is a good question. New clause 36E is adding to the penalty that is currently in the Local Government Act—a fine of \$10 000 or imprisonment for two years—sections 5.82 and 5.83, which is to do with the register containing the record of disclosures made under this section. That is what that does.

New clause put and passed.

New clause 36F —

Mr A.J. SIMPSON: I move —

Page 24, after line 23 — To insert —

36F. Section 9.25 amended

In section 9.25(1) after “5.78,” insert:

5.89B,

Mr D.A. TEMPLEMAN: What does this new clause mean? What are we doing and why?

Mr A.J. SIMPSON: This provides that there is no time limit for proceedings to be taken for an offence under the provisions of section 9.25. In the current Local Government Act, even if a person has committed an offence, there is no time limit on how far back it can be declared.

New clause put and passed.

Clause 37: Schedule 2.1 clause 5 amended —

Mr D.A. TEMPLEMAN: As has been indicated on the notice paper, the opposition will oppose this clause. When we read the legislation—it was also not missed by a number of local governments—this was potentially the Trojan Horse, the Simpson’s Horse clause; the one that is wheeled in to potentially use the Local Government Advisory Board as a fall guy. This is what we call the Simpson Horse!

Mr A.J. Simpson: The advisory board worked so well for me!

Mr D.A. TEMPLEMAN: I will tell members what—the horse will be very quickly kneecapped!

Mr D.J. Kelly: It is more like the rabbit in search of the Holy Grail.

Mr D.A. TEMPLEMAN: Yes, it could be the rabbit.

Mr D.J. Kelly: Perhaps a big rabbit.

Mr D.A. TEMPLEMAN: Yes.

Mr D.J. Kelly: Or was it a badger?

Mr D.A. TEMPLEMAN: No, it was the rabbit in that famous film. The concern here was that the —

Mr A.J. Simpson: Fair enough.

Mr D.A. TEMPLEMAN: Do not agree so quickly. Come on, give us a chance!

I have been critical of the Local Government Advisory Board in the past. The advisory board should be independent; it should be seen to be independent and it should be able to perform its duties independently. The opposition has a problem with the wording in this clause; that is, the proposal to advise the board it needs to have regard to the special significance of the role of the City of Perth. The opposition sees this as a redundant, if not sneaky, clause. We oppose it and I understand the government will join us in opposing this, which will then see its deletion from the bill. We will be very pleased and happy for that to occur. I hope that, when we vote on this clause, the government will also support the opposition by opposing it.

Mr B.S. WYATT: I will quickly make a comment, because no doubt the minister’s answer to the member for Mandurah could be his answer to me. He may recall that I quoted a small part of a letter that I received from the Town of Victoria Park, which was very vocal in its concerns about two clauses. We have dealt with clauses 29 and 37, which is otherwise known as the Simpson clause. I will quote from the letter from the Town of Victoria Park. It reads —

Section 37 of the Bill proposes that in considering any future boundary adjustment proposal/s (post 1 July 2016), the Local Government Advisory Board (the LGAB) must have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia with its own legislation (i.e. City of Perth Act 2015) and Objects under that Act. The Objects of the Bill (there are 10 in total) effectively seek to recognise and promote the importance of

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the City of Perth within the metropolitan region. The requirement of the LGAB to have regard to the *City of Perth Act* (if enacted), and particularly the Objects of the *City of Perth Act*, presents a very real risk for the future transfer of the Burswood Peninsula to the City of Perth.

I do not need to revisit the arguments. I have made them at length during the second reading debate and during the course of debate on various parts of this clause. I look forward to the minister's response to the member for Mandurah, the comments I have made and the Town of Victoria Park.

Mr A.J. SIMPSON: I can only restate that I understand the member's concerns. There has been a lot of conjecture about the Local Government Advisory Board. Evidently, it is a committee of the government and it will do what the government of the day wants. I think I have proven that to be a bit of a fallacy, and not true at all, as a result of the reform process that I tried to deal with. Again, I think that we now have a situation in which the City of Perth will have to come back to Parliament. We have enshrined this quite heavily into legislation, so that the advisory board cannot take into consideration the City of Perth Bill, because the City of Perth has to come back to Parliament for an adjustment to its boundary. I can only restate what I said about the advisory board in my second reading speech. A number of years ago—the member for Belmont might correct me, but I believe it was 2007—the City of Belmont moved to take Belmont Park racecourse within its boundaries.

Mr B.S. Wyatt: That was when the rapacious member for Belmont ran the show!

Mr A.J. SIMPSON: There we are. And then what happened? The advisory board came back to Minister Day and said that the river is a natural boundary. It is very similar in terms of the stadium and the Crown Casino coming into the City of Perth in the last reform process. Again, the advisory board made it very clear. I have a lot of faith in the advisory board. It has listened to the community as a whole, and has come back with the right report. I understand that the opposition is not content with this amendment, but I must admit that the amendment is now obsolete because the idea is that the advisory board can take this legislation into consideration, but it cannot make any recommendations about the boundary because we have now put in the provision that there has to be an act of Parliament to adjust the boundaries. With that, I am happy to accede on clause 37, yet again.

Mr B.S. WYATT: I am pleased the minister's contribution ended that way. The cod liver oil no doubt tastes bitter, but I appreciate the minister seeing sense in this sensible approach from the shadow minister to oppose this clause.

Clause put and negatived.

Schedule 1 —

Mr C.J. TALLENTIRE: I want to speak to the schedule. I know that we discussed during the second reading debate how poor the reproduction of this schedule is. Since then, we have been provided with maps that are somewhat legible, but far from ideal. These maps have been a poor part of this process, because many people with an interest in this bill have not had the benefit of knowing exactly which streets we are talking about. I have spoken at great length about the plight of the residents in the south ward of the City of Subiaco and their transfer, against their will, into the City of Perth. The broader community across Western Australia would have been more engaged in this debate had they had the benefit of the maps we have been provided with and not the very poor quality reproduction of a map that is provided in schedule 1. I recall during the second reading debate that the Premier suggested that most of the people who live in the south ward were students. I have recently ridden along The Avenue and Princess Road, and the houses along there are not student houses. I do not think there is anything there for less than a couple of million dollars, and they are very wealthy people who live in those areas. It may well be that they are perhaps professional people who are engaged in further studies, but I am sure they have other private means that keep them in a very well-heeled manner. I know that those residents of Megalong Street, Kanimbla Road and Tareena Street would have to have quite a sizeable income to afford property there. This idea that we have ignored the wishes of a few students is completely false.

I note as well letters that we have received from various people who did engage on this matter in detail. I raised during the second reading debate the comments of Ian Kerr, who is particularly concerned about this bill. This becomes apparent when we look at the latest map that has been provided to us. We did not have the benefit of this map during the second reading debate. The map that we were provided with only this week shows the proximity of Queen Elizabeth II Medical Centre to Kings Park, and if members look across to the other side of Winthrop Avenue, as Ian Kerr suggests, they will see that it is highly likely there would be a logical expansion—at least in the eyes of those in the health service—to the other side of Winthrop Avenue. That is exactly the fear that Mr Kerr puts forward, and he makes that point very well. He also points out that we have given the Executive Director of Public Health these incredible powers to override other laws. I know that to build or develop anything in Kings Park requires the authority of the Botanic Gardens and Parks Authority Act. I have seen construction there, and I think the place that Prince Charles visited on the weekend was built using the authority under the Botanic Gardens and Parks Authority Act. I can see that the way in which we have included

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into this legislation mention of the authority of the Executive Director of Public Health would give the executive director the right to say that he would like to see an expansion, for urgent medical reasons, to the other side of Winthrop Avenue. That would put the Western Australian public in the really terrible situation of having to choose between the preservation of bushland in Kings Park or, perhaps, the expansion of an important medical facility.

Mr B.S. WYATT: I am keen to hear further from the member for Gosnells.

Mr C.J. TALLENTIRE: That would be all because we did not have the foresight to anticipate the need to expand those facilities. We have put so much investment into a constrained site that the only hope would be to expand to the other side of Winthrop Avenue. The reproduction of the map provided in schedule 1 revealed nothing at all to members during the second reading debate. It was only in the last week that we had the benefit of the additional map that enabled us to fully understand what is going on with those people in the south ward of the City of Subiaco. It is only recently that we have been able to fully comprehend the likelihood of a potential expansion of the Queen Elizabeth II Medical Centre to the other side of Winthrop Avenue.

I think that there are some serious issues about the way the government has presented this bill. It is a lesson for the Parliament as a whole that this sort of poor quality mapping leaves us without good knowledge. We are not in a good situation; we are not in a place to be able to properly debate things if we do not have proper mapping. I think it is disgraceful that decent mapping has become available only in the last week.

Schedule put and passed.

Title put and passed.

Third Reading

MR A.J. SIMPSON (Darling Range — Minister for Local Government) [8.41 pm]: I move —

That the bill be now read a third time.

MR D.A. TEMPLEMAN (Mandurah) [8.41 pm]: We have just been through an interesting process. The City of Perth Bill 2015 was conceived through desperation, given the government's failed reform process in the metropolitan area, to allow it to save face in some way. I want to put on record a couple of things. It is disappointing that members of the National Party did not make any contribution to the debate on this bill. Although the constituency represented by National Party members is predominantly in regional Western Australia, they are also part of Parliament and should consider the interests of all Western Australians, including those people who live in the city. It is disappointing. I understand why National Party members oppose the bill, and I saw their press release yesterday in which they highlighted, in a chest-beating process, that they had crossed the floor. However, their contribution to this debate has been minimal, if anything, except that they do not support the bill. I think they have an obligation to explain to Parliament in detail the position that they hold.

The opposition's approach to this bill has been that we believe in the broad concept of an act of Parliament that determines the special status of our capital city. We support that proposal. We believe it is a reasonable proposition to have legislation that embraces the special status of a capital city of any state. When we know that a piece of legislation such as a capital city bill can be a mechanism to enhance the status of the city, it can underpin the important aspects for a particular entity from a social, environmental, historical and cultural perspective. The history of Perth city and the City of Perth as a district is very significant. It dates back, of course, not only to the years of colonisation of Western Australia, but also further back to the first Western Australians—the Noongar people. It is important to note that we may be debating next—we may have one or two speeches tonight on the next bill on the notice paper—the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015. I hope that National Party members contribute to that bill because it covers significant areas of constituencies that National Party members represent in this place.

Mr T.K. Waldron interjected.

Mr D.A. TEMPLEMAN: I hope they will, because the sad thing is that National Party members like to pick the little ones that they can beat their chests on and not those on which they are called to account. We have seen an example of that in the standoff between the Leader of the National Party and the Premier on the issues surrounding Newman and BHP—the each-way bet that they seem to have had. They are going to be found wanting, because if the agreement is strongly opposed, National Party members should have been in here when it was debated and highlighted what they considered to be all of its flaws. I suspect that they have not even read the bill, frankly, and I do not think they have considered the elements of the bill.

However, the opposition sought—I am pleased that we were successful—to ensure that all the amendments it proposed were accepted. The amendments that were debated in the consideration in detail stage were based upon

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the concerns of various stakeholders, including councils such as the Town of Victoria Park, the City of Vincent and others, regarding the Premier's intention, which he has always made clear, to include the Burswood peninsula within the boundary of the City of Perth. We noted the concerns of those councils and moved amendments that in our view unequivocally provided that if the government wishes to do that in the future, it should not do it in what we consider to be underhanded or sneaky ways, but to bring it to this place for debate. That is why our amendment specifically provided that any further or future changes to the boundary must be done via an act of Parliament.

The opposition also believes that this bill should be the template bill for transparency and accountability. It proposed during the consideration in detail stage an amendment that brought transparency and accountability to the issues of disclosure of travel contributions and gifts by third parties. We believe those things should be part of template legislation such as this. The opposition was happy to support that. Of course the minister introduced basically the same criteria of disclosure and transparency, but went one step further—that is, it increased the scope of the bill to impose transparency and disclosure requirements on all elected members. Elected members of local councils should not be afraid that there will now be a very clear and public procedure for the registration and disclosure of the receipt of a gift and/or travel contribution. Three key areas of amendments were passed during consideration in detail. The amendments to the City of Perth Bill 2015 passed tonight will ensure, in this modern era of local councils having registered websites, that councils' websites will have a component where councillors and elected members must disclose details of gifts and/or travel contributions. I do not think anyone should be afraid of that process or disclosure responsibilities. I hope the minister articulates these new requirements in a prompt fashion, and ensures, through the Western Australian Local Government Association and his department's ongoing communication with councillors, elected members and councils, that these new requirements are adhered to.

I am critical of the National Party because it should have made comment on this area. Even if it did not support the bill for the reasons stated in its press releases et cetera, the issue of transparency is important and one on which the National Party should have made a contribution to the debate. If this bill passes in this and the other place, it will require councillors from National Party constituencies to be accountable. It would have been prudent for at least one National Party member to have made comment on whether they supported the thrust of the transparency measures, irrespective of whether the National Party hates the bill or does not want to vote for it. It would have been important for Parliament to hear the National Party's viewpoint on the move to improve transparency measures. We know, given the unfortunate outcomes of the Corruption and Crime Commission report on the Lord Mayor that was handed down over a month ago, that the system is not at the optimum. We are still waiting on the report from the Minister for Local Government's department on what might be the ultimate outcome of the CCC's findings on the Lord Mayor of Perth. But if we learned anything from that experience, it is that we need to make sure that we have a more robust system of transparency and accountability. That is why I would have liked to have heard the National Party's view on, particularly, that matter.

I have no doubt that local ratepayers have a right to know about the disclosures of their elected members, and that it should be able to be done by way of the simple process of going on to the website of their local council. They should be able to say, "There's my councillor. Yes, he's disclosed these gifts and whatever; yes, he's had a contribution of travel by this person." I think that is the right of any ratepayer. Therefore, those amendments to this bill are important.

My last comment is on the nature of the roles mapped out in this bill for the Lord Mayor and councillors who are, and will be in future, elected members of the newly constituted City of Perth. One important aspect is that the City of Perth be seen as the premier council in terms of its status—that is what this bill does. Indeed, we should expect the behaviour of elected members in the carriage of their duties to be of a high standard. I do not think anyone would disagree with the notion that, due to the special nature of the council, elected members to the council of the capital city have a profound responsibility to ensure that the carriage of their duties be done in an open and transparent way, and in the best interests of ratepayers, residents and indeed the status of our capital. It is a little sad that we are in the situation still with a cloud that hangs over our Lord Mayor because we are waiting for a report to come forward. I think it is important to say, for the sake of Lisa Scaffidi herself, that as soon as the report is available, the recommendations should be dealt with quickly. The longer it drags on will not do anyone any good. I think if we have to wait another month for the report or do not have it before Christmas, it will be a little unfair to the Lord Mayor; it will be very unfair to the corporate body of the council—the elected members—and it will tarnish in some respects the reputation of the brand that is the City of Perth. I think it will tarnish it the longer it goes on. Even though the minister has said to me, and I think he has said publicly, that he does not have a lot of power in respect to the department's investigations and findings, as minister he has an obligation to drive his department hard in getting to an end result. He has an obligation, to protect the integrity of the brand that is the City of Perth, to actually get an outcome as soon as possible. I hope the minister will use his opportunity in his third reading contribution to respond to that particular plea from me and from the opposition.

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It will be interesting to see how this bill will proceed in the upper house. I hope the National Party members in the other place will be a little more vocal in their contributions. I would like to hear the National Party's view on the transparency issues and measures that have been supported in the consideration in detail stage of this bill.

That is where the opposition stands. As I said in one of my contributions, we could have been simply obstructionist and said, "Sorry, Premier, you've mucked up the metropolitan area reform process, and why should we even engage with you or consider anything you put up?" But, as the Leader of the Opposition has said publicly, we agree with a number of issues. Yes, there is a logical argument for having the University of Western Australia Crawley campus consolidated under one council. Yes, it can be logically argued for including the hospitals, Queen Elizabeth II Medical Centre and the new Perth Children's Hospital, within the boundaries. Yes, we can understand why Kings Park is an important element within the boundaries, but we have been very careful to highlight in our debate the importance of maintaining the strong integrity and independence of the Botanic Gardens and Parks Authority, and indeed the act that oversees Kings Park, and having a very clear delineation of responsibilities. Yes, we also strongly believe in having deleted the proposed provision that would have allowed non-resident occupiers to stay on the roll effectively indefinitely, rather than the current process that requires them to update and maintain their enrolment eligibility. We are pleased that the government supported the deletion of that aspect, because in our view it was not necessary. Yes, all local councils should have an active program or process of engaging eligible voters, or eligible sections of voters, to be part of the democratic process. However, we thought that was a step too far. With those comments, we are happy with the outcome of our amendments in particular, and therefore we will be supporting the carriage of this bill at the third reading stage.

MR B.S. WYATT (Victoria Park) [9.00 pm]: In speaking on the third reading of the City of Perth Bill, I want to begin by thanking the people of Victoria Park, who, from the moment the Premier announced that he wanted Burswood peninsula to go into the City of Perth, were very firm in their opposition to that proposal, and remain so, as the Premier continues to reiterate his desire to do that within five years. There was strong resistance in Victoria Park to that proposal. That proposal was first announced by the member for Bunbury when he was the Minister for Local Government. That is how long this has been in play in local government reform or amalgamation, however we want to refer to it. The member for Bunbury, when he was the Minister for Local Government, announced, somewhat clumsily, the amalgamation, or forced amalgamation, of councils. Despite the fact that the Metropolitan Local Government Review Panel, which spent a year examining the best structural governance and legislative framework for local government, did not mention a capital city act, and despite the fact that the government's response to the report from the Metropolitan Local Government Review Panel did not mention a capital city act, here we have a capital city act. I think the government has sought to use this capital city act to snatch some victory from the jaws of electoral defeat, after voters in the three local government elections that were held rejected its proposal for amalgamation.

Mr C.J. Barnett: I do not want to interrupt you, but I want to place on the record that the announcement of a capital city act preceded the wider debate about local government reform. It was announced at the top of the tower in Perth, well before the local government debate began.

Mr B.S. WYATT: I will consider that an interruption, Premier, despite the fact that the Premier said that he did not want to interrupt. The state-appointed Metropolitan Local Government Review Panel did not mention, after a year and 30 recommendations, a capital city act, the government's response to those recommendations did not mention a capital city act, and the Robson report did not recommend a capital city act, yet here we have a capital city act. Premier, congratulations! The Premier has snatched a committee from the jaws of defeat, and I congratulate him for that. I know that the City of Perth Committee and the Premier will meet twice a year with the council of the City of Perth, and I hope that they are effective and productive meetings.

However, the irony is, of course, that the most substantial part of this bill, which will shortly become an act, is around transparency. It is not around any legal obligations or responsibilities et cetera that are created for the City of Perth. There has been a boundary change. That is a change. I accept that. We have discussed that at length. The most substantial change to local government—the most significant local government reform in this bill—is the one that was insisted upon by the member for Mandurah, and it is around transparency. The Minister for Local Government, to his credit, was willing to accept that, and indeed he moved some substantial amendments around the declaration of gifts and contributions to travel, and the requirement that a register of gifts and travel be maintained by the chief executive officer, not just of the City of Perth but of every local government in Western Australia. The most significant reform, ever since the member for Bunbury announced this process all those years ago, has been achieved by the member for Mandurah, and I congratulate him on that. The Minister for Local Government has been thwarted on every turn on this, but he has managed to achieve in this bill some significant reform, because I think that transparency is significant. The member for Mandurah is right: I would like to have heard from the National Party. I will not dwell on it, but the National Party did not

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speak to this bill. The issue of transparency will impact all the councils in its electorates too. It is not just a reform for the City of Perth; it is for all local governments.

The fact is that the minister was willing to debate, engage and accept amendments from the opposition to protect surrounding councils from arbitrary encroachment by the City of Perth, requiring now that any proposed changes to the City of Perth come to this place before they can happen, and that is a useful and protective change to this bill. It is one that I know my constituents in Victoria Park will be pleased about, because they do not trust the government anymore on this issue; they just do not. The goal posts are always moved in respect of reform—what it was for, what it was not for—but all my constituents knew was that there was a government wanting to take away a significant part of their rate base, and it still wants to do so. I thank the Minister for Local Government for constructively engaging on that issue and I thank him for being willing to oppose his own Simpson clause. I appreciate that, minister, because I think that clause had the potential to be very sneaky.

I want to emphasise that there was one issue that I discussed with many, many constituents of Victoria Park, many councillors and also candidates for the council at the last election. There was some concern about, I think, clause 29 in respect of the Executive Director of Public Health. This is the third reading debate, so the minister does not need to say anything, but it was a useful debate because that issue confused and concerned people. The Town of Victoria Park was worried that laws made by the Executive Director of Public Health could effectively override local government. The minister has advised us tonight with some determination, and I accept his advice, that that clause simply states the current powers of the Executive Director of Public Health when it comes to the executive director acting in the wider health interests of the community and having to consider the combination of safeguards, policies and programs designed to protect, maintain, promote and improve the health of individuals in their communities, and to prevent and reduce the instances of illness and disability. I do not think any reasonable Western Australian could object to the Executive Director of Public Health having that responsibility and power. Importantly, as the minister confirmed to me, regardless of whether Burswood Park, which was the issue raised by the Town of Victoria Park in that letter, is under the Burswood Park Board or the Botanic Gardens and Parks Authority, the ED of Public Health has the same power regardless. I hope the people who raise the issue in Victoria Park are satisfied with that outcome. Ultimately, boundaries were the issue of greatest concern to the people of Victoria Park. They have now been enshrined in this legislation and I am particularly pleased.

As the member for Mandurah pointed out, we will support this bill. I think by and large it was a bill worthy of marginal support, but the changes around the protection of boundaries and transparency issues—the three amendments the minister moved—now make the bill worthy of support. That is not just a reform to the City of Perth, but to every single local government authority. The question was put to the minister and he answered that this provision has already gone out in bulletins to local governments, but upon the enactment of the bill I dare say it will have to go out in some detail, because it will be a significant change to how local governments have declared such things up until now, and it will ultimately be up to the CEOs to ensure those registers are up and running and maintained.

I want to conclude how I started: by thanking the people of Victoria Park for their consistent determination to stand up to the government on this issue. They succeeded. The Battle for Burswood campaign was very successful and mobilised a huge number of local residents in Victoria Park, and it still does mobilise them. I will be writing to them all after this to let them know what has happened through the course of this debate.

Mrs G.J. Godfrey: You won't be their member.

Mr B.S. WYATT: Sorry, I will not be the member for the people of Victoria Park?

Mrs G.J. Godfrey: No, for the peninsula.

Mr B.S. WYATT: The member probably knows because she is in government, but I do not know the outcome of the redistribution of boundaries.

Mrs G.J. Godfrey: The proposed —

Mr B.S. WYATT: I know what the proposed redistribution is. I am glad that the member for Belmont has finally participated in this debate, because I was disappointed that someone of her standing in local government, and was a former mayor for—how many terms?

Mrs G.J. Godfrey: Three.

Mr B.S. WYATT: The member was Mayor of the City of Belmont for three terms, which is a significant amount of time, and I had hoped that she would participate in this debate, because I think genuinely that she has something of significance to offer, and because the people of Belmont were most agitated about the proposals for amalgamation.

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Mrs G.J. Godfrey: That's because Vic Park wanted to join with South Perth.

Mr B.S. WYATT: No, they were agitated about amalgamation with Kalamunda, and the people of Kalamunda were agitated about amalgamation with Belmont.

Mrs G.J. Godfrey interjected.

The DEPUTY SPEAKER: Order, member for Belmont.

Mr M. McGowan: Take her on, if you dare.

Mr B.S. WYATT: I do not dare to.

I have known the member for Belmont for quite some time, and I think it would have been good to hear from her. I would have liked to have heard from people who have been on a council. I have not been on a council. A lot of members who have been on a council decided to stay silent during this debate. I think they would have been of some use, particularly, as I said, since we have made a significant amendment that impacts on every council. But they did not utter a word, and that surprised me.

The people of Victoria Park want to ensure and will continue to ensure that the Burswood peninsula stays part of their local government boundary. The last time the boundary was under challenge was when the rapacious member for Belmont was mayor and she tried to pinch the racecourse from us.

Mrs G.J. Godfrey: Belmont racecourse wanted to be in Belmont, not in Vic Park.

Mr B.S. WYATT: She tried to pinch it from us. It was an outrageous land grab by the member for Belmont.

Several members interjected.

The DEPUTY SPEAKER: Order, members! Do not make it too hard for Hansard.

Mr B.S. WYATT: And the member for Victoria Park, Madam Deputy Speaker.

After the member for Belmont's outrageous land grab, which thankfully failed, she may at the very least get the peninsula as part of her electorate after the redistribution is finalised. We are delighted in Victoria Park that the City of Perth will stay—I will not say on that side of the river—on its half of the river, where we hope that it stays because, ultimately, that is where it belongs. I note that there has been some disaffection to the boundary change on the western side but, ultimately, I think that most people reasonably understand that having the University of Western Australia's Crawley campus under one local government is a sensible outcome. I know that not everybody will agree with that comment, but I think that it is a sensible outcome.

Well done, member for Mandurah. I am glad that the Minister for Local Government saw sense in the member for Mandurah's and the opposition's suggestions.

Mr A.J. Simpson: I was convinced by the arguments.

Mr B.S. WYATT: The minister was convinced by the member for Mandurah's arguments. At the third reading stage of this bill we might hear the National Party's views on transparency, or perhaps we will hear from some of the Liberal members who used to be on councils and their views on whether these transparency provisions are of some use.

MR R.F. JOHNSON (Hillarys) [9.14 pm]: I will not take up too much time of the house on the third reading of this City of Perth Bill. I think most people know my views on this bill. I want to say well done to the opposition because I think it has been the big winner out of this. It has ensured that there will be more transparency and accountability in not only the City of Perth but also other local councils, and that is an absolutely essential ingredient. I think some local authorities have had questionable outcomes through gifts and travel and the perks they get up to and all the rest of it. I am disgusted that the City of Perth Lord Mayor and councillors get many perks that the ratepayers have to pay for. The biggest benefit of this bill is that there will be more transparency and accountability.

I will be voting against the bill because I want to be consistent and I still believe that this bill will achieve nothing other than that. This bill is the dream child of the Premier. The Premier wanted this bill; he wanted to see the City of Perth become bigger and better and all sorts of things. As members opposite quite rightly said he wanted the Burswood Crown Casino to be within the City of Perth, but that has not happened. At the end of the day not a great deal will be achieved from this bill other than more accountability and transparency. When we think about it, what has really been achieved? The City of Perth, or the Premier, has managed to grab a little bit of land in Nedlands and a little bit of land in Subiaco. The poor devils in Subiaco—I think they number 2 000 people—who do not want to be part of the City of Perth will have to be. The minister said that they will pay 4.5c

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in the dollar in rates as opposed to 5c in the dollar. I do not think they care about that. I think they care about having a say in the City of Subiaco, and that is where they wanted to stay. Now they are being forced to move.

The main reason I will vote against this bill is because I believe in honesty and integrity in government and I do not believe we have been honest and shown integrity with this bill. The Premier promised during the last election that there would be no forced amalgamations. That is what he said; he cannot deny it. He said it on television and it is clearly in print and so on. The minister has done the best job he can with spin that “This is not a forced amalgamation; we are redrawing the boundaries.” That is absolute bullsh*t, quite frankly, because when we take part of that local authority and attach it to another one, and take part of that local authority and attach it to the City of Perth, that is amalgamation. Those two parts of those towns and cities are being amalgamated with the City of Perth. It really is an amalgamation; it is not just redrawing the boundaries, as we are being told. I do not think that is being honest with people, given what was said during the election. For that reason I cannot see what benefits will come from this. The Premier obviously wanted some sort of win out of this, but at what price? He has rolled over and done everything the opposition has wanted. Members opposite have scored every single point they wanted to score, but because the Premier wants a win rather than a loss, he has agreed to all of this. He is the one who should have had carriage of this bill. It should have been called the “Premier of Western Australia’s Bill” rather than the City of Perth Bill, because that is what it is. We are talking about one man’s ego and arrogance. Why we have to put up with it, I do not know. At the end of the day, I will not tolerate that and I will not stand for dishonesty and unaccountability, so I will cross the floor. If I have only the National Party to vote with, that will be fine. The Nationals can have their reasons for voting against it. I just wanted to put on the record why I, personally, Rob Johnson, the member for Hillarys, will vote against this bill.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [9.18 pm]: I want to speak only briefly. The shadow Minister for Local Government, the member for Mandurah, has handled this debate very, very well. I also agree with most of what the member for Hillarys had to say.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: I thought most of what he had to say was very accurate, Premier, but I disagree with some parts.

The opposition has taken a difficult call to support government legislation, subject to some conditions. Some months ago, the member for Mandurah and I discussed what our conditions would be for supporting the legislation. If members want the truth, the core for me for why we wanted to ensure an expanded City of Perth is the University of Western Australia. The University of Western Australia wanted to be under a single local authority. Its view was that that would assist it with development and management of its issues. It is currently divided between three local councils. The university was a particularly keen lobbyist on this issue; it thought it would be significant to be able to conduct its business and become more efficient and potentially, I suppose, attract more students and create more jobs. That was a very important consideration for the opposition.

Considering that the National Party was voting against the opposition on this legislation, the government needed our vote, so we wanted to make sure some greater outcomes were achieved. If the Liberal Party wanted to get this legislation through, we wanted to achieve some greater outcomes. We have achieved those outcomes. Greater transparency for travel and gifts was one of the things that we settled on, admittedly more recently than our earlier discussions. The government has accepted that and there are clauses in the bill that apply to local government across the state. That is a big improvement for local government across the state, or at least for ratepayers across the state. Another outcome was to remove that relatively ambiguous and unusual clause. We were of the view that we could potentially allow the hand of the government to reach across the river and take in an area across the river that I do not think is a natural part of the City of Perth. The City of Perth’s boundary is the river. Admittedly, I have lived here for only 25 years, but rivers are normally boundaries, and I thought that was a natural boundary for the City of Perth, created by Richard Court back in 1995. We wanted to remove that annexation power. The other conditions were removal of what we call some of the undemocratic provisions of the bill. Lastly, we wanted to insert a clause so that if the boundaries were changed again, a referendum procedure would need to be put in place. We attached a bunch of conditions in order to support the legislation, which the government needs, or the Liberal Party needs. Admittedly, it is a very fractured government. Most of the Liberal Party component of the government that is voting for the bill would need our support to get it through the house. We are happy that the government has acceded to our demands, and that those conditions will be part of it.

I have been lobbied very extensively, predominantly by email, by people in Subiaco. They feel strongly about this. Many of them are very upset by these laws. I accept that. I accept that there is unhappiness amongst those people. I understand that they feel they have been let down by both major political parties. I will not apologise and I understand that they have concerns but, just to reiterate, I thought the University of Western Australia’s

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argument was very powerful and that was an important consideration in our deliberations on this issue. Although the people affected in Subiaco are unhappy, I thought the greater good would be achieved if we accomplished all those other things plus the unification of the University of Western Australia under one particular local government area.

The other point I would make is that this is the culmination, at least in this house, of a two-year program, which has been a textbook case in how to waste money and not achieve the outcome that the government originally set out to achieve. Enormous amounts of public and ratepayers' money has been expended throughout this entire process. Anyone who has watched it over time would know that it essentially fell in a heap. Communities were disrupted, local organisations were formed, a massive number of protests were engaged in and people were unhappy and upset. It came about for two reasons. First, the government broke its word that it took to the election.

Mr C.J. Barnett: No, we didn't.

Mr M. McGOWAN: The government said that it would not forcibly amalgamate and then it went about forcibly amalgamating.

Mr C.J. Barnett: We haven't.

Mr M. McGOWAN: The government has not because it fell over.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: The government was going to; okay. The Premier's argument is that he has not broken his word because he was defeated. That is an interesting spin on the argument. The vote was held in three areas. Eleven or so others fell over because the government took a judgement call.

Mr C.J. Barnett: No, because of the vote.

Mr M. McGOWAN: No, the Premier does not understand the process.

Mr C.J. Barnett: I do understand it. We abandoned it because of the vote.

Mr M. McGOWAN: The government abandoned the ones in the areas that were not bound by the referendum, but it engaged in this process, which was ill-advised and against its election promise, and it fell in a heap. That is what happened. The Premier can shake his head and say that is wrong, but honestly, that is what happened. We all saw it. The Premier cannot say it did not happen. That is what happened.

Mr C.J. Barnett: People voted against it and we accepted that. We accepted their vote.

Mr M. McGOWAN: That was in three of the areas. In nine other areas there was no vote. It was going to be by ministerial decree or what was called Governor's orders, as the Premier might recall. The government decided not to go ahead with that, but it would not have happened had the government not proceeded down this course. As I have said before publicly, had the Liberal Party said before the 2013 state election that this was its program and introduced a bill that had the election mandate, it would have got its way. But it did not do that. Two weeks before the election the Premier said something contrary to what he ultimately did. I am stating the historical facts. I do not want to have a petty argument with the Premier across the chamber. It was also based on a flawed idea that having mega councils—really big councils—is somehow better than having more moderate-sized or smaller councils. I do not think, particularly in light of events over the past week, that there is any particular logic to that argument. When I talk to the housing industry and the like, some big councils are really efficient and some are horribly inefficient; some smaller councils are really efficient and some are horribly inefficient. There is no one size fits all in relation to these things. The idea of big councils is not supported by the experience that happens across the greater Perth area. As we have seen in the last week, some poorly judged purchasing decisions on the part of local authorities has demonstrated that bigger councils are not always more attuned to the needs or thoughts of their constituents.

The opposition will vote for the legislation. I thank the member for Mandurah for his diligence. He has done an excellent job in handling this bill. The bill will be passed because the Liberal Party needs the Labor Party to do it. The Labor opposition extracted some very good initiatives for local governments across Western Australia that will improve transparency and accountability across the state.

MR R.S. LOVE (Moore — Parliamentary Secretary) [9.27 pm]: I would like to start off by rejecting utterly the view that there is any doubt about what the National Party thinks about the City of Perth Bill 2015. There could not have been a more stark indication of that than the vote in the house the other night on the second reading of this bill and in the erudite contributions made by the member for North West Central and the Leader of the National Party. There is absolutely no doubt that the National Party has been completely consistent

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in its opposition to this bill all the way through. It will maintain that opposition all the way through the bill's remaining stages.

In terms of other members' positions, it is a little harder to understand where they are coming from. Petition after petition was read out by opposition members regarding the proposals for forced amalgamations or forced boundary changes in their own electorates, and yet here they are, supporting a forced reform in someone else's electorate. That is absolutely hypocritical, if nothing else.

The National Party is not against the idea of Perth city being reflected in legislation as a capital city. It is not against many of the objectives in the City of Perth Bill, but we are very clearly against any form of forced reform of local governments. The National Party will maintain that opposition consistently into the future. There is no doubt and there is no difference in our point of view. Our point of view has not changed from the very first time local government reforms were discussed in this house. The National Party has not been supportive of forced reforms for anybody. It will not accept residents and electors, wherever they might be in local governments, being denied a democratic say in their futures. At the very least that sets up a very serious precedent for the future for all local governments, not just the City of Perth.

Although members of the Labor Party have been congratulating themselves on the extensive changes to the bill that have been introduced, namely through clause 36, I wonder whether that is actually a great way to change an act of Parliament at the last minute, as has happened here. That is especially so as these matters pertain to local governments generally; they do not pertain just to the City of Perth. A general local government legislative amendment bill has already been read into this house, and I would have thought that that would be the more logical vehicle for a considered change to the transparency arrangements. We have consistently opposed this bill and we continue to oppose this bill in all its facets.

Mr D.A. Templeman: Why don't you bring it on? It's a government bill.

Mr R.S. LOVE: I am not the Minister for Local Government; I am not in a position to bring it on.

Mr D.A. Templeman interjected.

The DEPUTY SPEAKER: Member for Mandurah, I have asked you to allow the member for Moore to speak.

Mr R.S. LOVE: I am very supportive of the elements of that bill.

Mr D.A. Templeman interjected.

The DEPUTY SPEAKER: Member for Mandurah, I call you to order for the third time.

Mr R.S. LOVE: We are in an alliance government. We have made it quite clear that our ministers are able to remove themselves from cabinet on issues on which we fundamentally disagree with our alliance partners, the Liberals, and that is the case with local government. Having removed themselves from cabinet, they can hardly then direct the passage of these bills. However, I would have thought that it would be a far more logical way to amend the Local Government Act in these facets that affect local governments throughout the state in the bill that is languishing on the notice paper rather than the City of Perth Bill. We certainly may then have considered making a contribution on those matters. However, it is my party's position that we will not support this bill at any stage or in any form. That is crystal clear. I do not think that there is any need for me to go once again through the Nationals' principled position on ensuring that local governments are not subject to forced reform, no matter where they might be. We will continue to oppose this bill right the way through.

MR A.J. SIMPSON (Darling Range — Minister for Local Government) [9.32 pm]: I thank members for their contributions to the debate on the City of Perth Bill 2015. The important part—the Premier touched on this—goes back to Sunday, 28 July 2013 when we stood on the top of the Central Park building in the morning and launched the first round of the maps for the City of Perth, before the Tuesday when we announced the metropolitan local government reform. It was one of those pre-announcements before the big announcement. At that press conference the Premier made some comments about Perth, and we said then and there that our ultimate goal in this process was to get ourselves a capital city act. It was pointed out today and yesterday that Perth will have its own capital city act. We have one less thing in common with Hobart and Darwin, which are the other two capitals that do not have capital city acts. Now we join with Adelaide, Melbourne, Sydney and Brisbane.

I want to touch on a couple of issues. There has been a lot of debate around the reform process. I want to place on the record that, since coming into government in 2008 and going through the reform process, the government has taken local government on an amazing journey. We look at local governments today compared with where they were in 2008. They have all brought in an integrated planning and reporting process. That means they have a list of all their assets in their local government area, and details of how and when they are going to replace them. They all have asset registers that 83 per cent of them have complied with, and we will get to 100 per cent compliance very soon in that process. That has been a very good program. We have also gone through a 10-year

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forward planning process to look at how local governments are planning for the future and making sure they are sustainable. They are looking at the assets they replace and, more importantly, getting their eyes off the budget cycle and onto the bigger picture of where they need to be.

We have looked at community and staffing plans; a raft of plans have been put in place as part of the reporting mechanism. That has been one change as a result of the reform process. The metropolitan reform process has highlighted myriad differences between local governments and they understand more than ever what their neighbour is doing and how they are doing it, and they are learning from each other. Even to this day, when I go out and talk to local governments, they are talking about sharing resources, from planners to health inspectors, and a raft of measures that will benefit them from the economies of scale. Local government is implementing all the things that we were trying to achieve with the reform process, so the reform process has done a lot for local government. The only thing that the government has not achieved relates to local government boundaries, but we have come a long way in that regard. We need to place on the record that local government is in a better place today than it was because of what we have gone through in the reform process, and it is far more robust.

We have one more step to go in this process. A recommendation was made in 2006 that the Auditor General oversee local government audits, and that was again raised in February this year in the Corruption and Crime Commission report. We would like the Auditor General to conduct not only audits but also performance reviews of local government to see how it is travelling so that we can start dialogue around how local governments compare with each other.

One of the key issues in my job as Minister for Local Government is that I tend to get called in on issues that involve the lowest common denominator, and I point to a local government that is not doing well and has a commissioner appointed to it. Fortunately, out of Western Australia's 138 councils, 83 are doing exceptionally well, and I need to talk more about those councils. The aim of getting the Auditor General to come in is to make sure that we can do that.

It is great that Kings Park will be included in our capital city bill. The member for Mandurah and the Leader of the Opposition referred to the University of Western Australia and the issue of local government boundaries, which has been around for over 60 years. Finally, we have resolved that the University of Western Australia will be under one local government. As development occurs at that part of Thomas Road with Queen Elizabeth II Medical Centre, the new Perth Children's Hospital and the growing medical research area, with Ronald McDonald House out the back and cancer research, a lot more is happening. That health precinct will also come within the City of Perth. Members should keep in mind that these are state government-owned assets and they do not pay rates, so there is no impact from this.

There has been a lot of talk about the Swan River. The middle of the Swan River will become the new local government boundary, which is a classic example for future boundary planning. As I said many times in debate, the Town of East Fremantle has, for the last 50 years, had a boundary in the middle of the Swan River and that is what needs to happen.

A member interjected.

Mr A.J. SIMPSON: As the member for South Perth stated, East Fremantle has always led the way! I might point out that the member is not in his chair.

It was important to include the Swan River in this capital city bill. Currently, part of the Elizabeth Quay development is outside the City of Perth boundary and the developers have to work with the Department of Parks and Wildlife to get approvals. Through this process, the developers will deal once with the department and can then get on with the job.

The other area I want to touch on is transparency. After the recent Corruption and Crime Commission report, I talked to a lot of local governments about what they were doing to provide transparency around gifts, as clearly the guidelines were not working. There seems to be a little confusion around what is a gift. The mayor of a local government might be given the gift of artwork—the mayor might not even think it is attractive—and they take it to their office, but when they leave the office of mayor, they leave it behind. That is not a gift to the mayor personally, but is a gift to the city, so that gift is not declared. It is a gift if they take it home. The definition of "gift" can be quite technical. What about the bottle of wine that is taken back to the council chamber that at some time over the next few weeks evaporates in the council lounge? That is still not a gift. We are trying to get transparency. I do not think we should get caught up on the bottle of wine. In politics we ask whether it can pass the sniff test, which is very important. We have raised the issue and have come a long way on that. All local governments are looking at it, and today we have worked with the opposition on amendments that will provide some very good transparency. We will take gifts out of the annual register and we will put them on an online

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system within 10 days. That is pretty straightforward. The CEO will keep a register. We cannot get more transparent than that.

I need to clarify something about the Corruption and Crime Commission report. I take on board the member for Mandurah's comments. The department is working very closely with the CCC to gather that information from the report. I am working with it. It is a top priority. Hopefully, we can get a result from that. The CCC report clearly identified one thing: the Lord Mayor did not declare it in her return. That is the only offence she committed.

Mr D.A. Templeman: Is there any indication when we might —

Mr A.J. SIMPSON: No, I do not have any indication. The department is working on it. It is a top priority. I hope to have some details soon on how it will transpire. Clearly, the CCC report identifies that the offence was that the Lord Mayor did not put it in her annual return. It does not matter what the gift was; the offence is that she did not record it. That will be part of the legislation. The cost of the gift is irrelevant, as is what the gift was; the offence is that she did not put it in the return. The same thing applies to members of Parliament. The offence is not putting it in the return. That process is being worked through. Tonight we have put a lot of transparency into this bill, which will transfer to the Local Government Act. All 138 local governments will now have to work through a process with the department to make sure that we get that transparency.

It is fantastic to finally get a capital city bill through the house. We are now truly a state. We have reached another level. We will have a capital city act, just as the other states do. I am pretty sure that the City of Perth is looking forward to promoting the fact that it has in its city Western Australia's oldest university, a large botanical park that is probably the largest of that in any capital city, and the other beautiful things that are happening in the City of Perth. It is certainly an interesting time to be in Perth. There is so much transition happening, including Elizabeth Quay, the sinking of the railway line, Kings Square, Yagan Square, the Museum and the new busport. A raft of things are happening throughout the city at the moment. There are exciting times in the capital city and this goes hand in hand with our new capital city legislation to a certain degree. New infrastructure is always being built. This legislation will give the City of Perth recognition as a capital city. I commend the bill to the house.

Division

Question put and a division taken, the Deputy Speaker casting her vote with the noes, with the following result —

Ayes (38)

Mr P. Abetz	Ms J. Farrer	Mr W.R. Marmion	Ms M.M. Quirk
Mr F.A. Alban	Ms J.M. Freeman	Mr M. McGowan	Ms R. Saffioti
Ms L.L. Baker	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr A.J. Simpson
Mr C.J. Barnett	Dr K.D. Hames	Ms S.F. McGurk	Mr C.J. Tallentire
Mr I.C. Blayney	Mrs L.M. Harvey	Ms L. Mettam	Mr M.H. Taylor
Mr I.M. Britza	Mr C.D. Hatton	Mr P.T. Miles	Mr D.A. Templeman
Dr A.D. Buti	Mr A.P. Jacob	Mr M.P. Murray	Mr B.S. Wyatt
Mr G.M. Castrilli	Mr D.J. Kelly	Dr M.D. Nahan	Ms A.R. Mitchell (<i>Teller</i>)
Mr R.H. Cook	Mr S.K. L'Estrange	Mr D.C. Nalder	
Mr M.J. Cowper	Mr F.M. Logan	Mr J. Norberger	

Noes (6)

Ms M.J. Davies	Mr R.F. Johnson	Mr T.K. Waldron
Ms W.M. Duncan	Mr R.S. Love	Mr V.A. Catania (<i>Teller</i>)

Pairs

Ms E. Evangel	Mr W.J. Johnston
Mr J.M. Francis	Mr P. Papalia
Dr G.G. Jacobs	Mrs M.H. Roberts
Mr N.W. Morton	Mr P.B. Watson
Mr B.J. Grylls	Mr J.R. Quigley

Question thus passed.

Bill read a third time and transmitted to the Council.

Extract from *Hansard*

[ASSEMBLY — Wednesday, 18 November 2015]

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Mr Chris Tallentire; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Dr Tony Buti; Mr Rob Johnson;
Mr Mark McGowan; Mr Shane Love
