

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

LOCAL GOVERNMENT AMENDMENT BILL 2013

Second Reading

Resumed from 30 October.

MR D.A. TEMPLEMAN (Mandurah) [4.10 pm]: I am very pleased to stand to comment on the Local Government Amendment Bill 2013. I begin by noting that before we have even had a chance to respond to the second reading speech of the Minister for Local Government, he has already performed a triple backflip on the two key planks of the amendment bill that he announced in his second reading speech. As per the notice paper, the minister will move to amend what he originally proposed in the bill, as highlighted in his second reading speech.

Dr K.D. Hames: That's because he listened to your argument, surely.

Mr D.A. TEMPLEMAN: I have not had a chance to put my argument yet; this is it now! He was obviously pre-empting my argument, which is very perceptive of the minister. However, we need to put on the record today that the minister commenced the second reading speech by saying —

In February 2009, the former Minister for Local Government announced an agenda to reform the local government sector to strengthen the structural viability of local governments. Since that time, the Liberal–National government has continued to press forward with these important reforms.

The minister then outlined in the second reading speech the key fundamental proposals in the amendment bill. One of the key planks was to increase the number of members of the Local Government Advisory Board from the current five to seven. He also outlined in the second reading speech the background to the reasons behind the expansion of the Local Government Advisory Board. One of the other key planks was the proposal by the government to have the Local Government Advisory Board take into account government policy. He referred to the capacity in the Local Government Act for government policy to be taken into account when the board carries out its functions. We now see on the notice paper that two key proposals outlined in the minister's second reading speech will be amended; actually, the proposal by the government that the board be required to take into account government policy when carrying out its functions will be deleted. That poses the question: what has occurred since the bill was second read in Parliament in October?

We know that the National Party decided that it did not like these two issues: firstly, the minister's proposal to increase the number of members of the Local Government Advisory Board from five to seven and the capacity of the minister to have influence on who is appointed to those positions; and, secondly, the proposed notion that the government direct that government policy be considered by the Local Government Advisory Board in its considerations and in carrying out its functions. Those proposals will now be dramatically amended or, in the case of the government policy directive, deleted. We know that there was a meeting with the minister and members of the National Party last week, which the minister will not necessarily want to divulge in his response tomorrow when I expect the second reading debate to finish. I understand that the directive was put to the minister that the National Party would not support this bill in its current form unless those two amendments were applied. I am not sure whether the minister will respond to that, but we know that is what has happened. The minister has been overridden by the National Party on two of his key planks in the amendment bill. It is very clear that the National Party has done that. That is to its credit in many respects, but it also gives us an insight into the ongoing saga that is local government reform in Western Australia under the Liberal–National government.

It was very interesting to read an opinion piece by Gareth Parker in *The West Australian* earlier last month that I think quite eloquently summarised the pain that the government has experienced since 2009 and the little gain that has been made. This is not despite a lot of money, particularly ratepayers' money, being spent by all councils, particularly in the last couple of years by local governments in the metropolitan area, in their attempt to second-guess the government's policy and policy initiatives. Gareth Parker highlighted that in October 2008 the then local government minister, my very good friend the member for Bunbury, whom I have a great deal of respect for, had ignited the debate about the need for local government reform and that there was a commitment to working in partnership with local government to achieve desired outcomes aimed at a rationalisation and a more sustainable sector. Gareth Parker wrote that by February 2009 the rhetoric had toughened and the Western Australian Local Government Association had been given six months to draw up optimal plans for voluntary mergers or, as the government had suggested, a legislative sledgehammer would be used to force mergers. Interestingly enough, some heavy hitters at the time in federal Liberals Barry Haase and Wilson Tuckey, among others, highlighted that they would not support any forced attempts. As Parker highlighted, the Premier then

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became much more involved in policy on the run, undercutting his then minister. By mid-2010 a steering committee was formed. It found that 61 of Western Australia's 139 councils were unsustainable and that targeted government intervention was required. We then saw the process fall over in April 2011 when one of only two merger proposals that emerged under the former minister's leadership fell over, with Perenjori electors using the Dadour provisions to oppose an amalgamation with the neighbouring councils of Mingenew, Morawa and Three Springs. The report then goes on about the history.

The Robson report was then commissioned in June 2011 to give some guidance about what the future process should be for the metropolitan area. Recommendations came out of the Robson report 16 months later. Among other sector issues, there were recommendations that Perth's 30 councils be reduced to between 12 and 20. Then, of course, we had the impending state election, which was on the horizon and the whole so-called reform process stalled again. Tellingly, though, in the lead-up to the state election was the very firm, committed promise by the Premier and, indeed, by his own now local government minister, on forced amalgamations. We know there was a meeting at Armadale in February this year, before the election, at which the now minister, the member for Darling Range, was present in a business forum with the member for Armadale. The now minister said—I have always said this was the truth—that the Liberal Party supported forced amalgamations. Less than 24 hours later he was forced to retract that statement. That retraction included the embarrassing comment along the lines of, "I got it wrong. The Liberal Party will not and does not support forced amalgamations." The Premier repeated that statement in his summer newsletter to the so-called G7 councils in the western suburbs and also made it again going into the 9 March election. The election was held and the Liberal and National Parties were, of course, returned convincingly—no doubt about that. However, within a month or so, and with the member for Darling Range appointed as the new local government minister, the promise not to forcibly amalgamate councils was broken. The Liberal Party and the minister will say that the promise was not broken and that no councils have been forced. The process that we have seen unravel over not only the last nine or 10 months, but also prior to that has, in my view, demonstrated that the Premier and the minister were never going to hold to the promise of no forced amalgamations.

Since the election, two sets of maps have been released by the Minister for Local Government. There has been jockeying from various councils in the metropolitan area about their views of their sustainability and their concerns about the minister's maps versus what they see as appropriate reform outcomes. We saw the City of Perth jostling with the City of Vincent. Perth also jostled with the Town of Victoria Park and the City of South Perth about the ongoing dispute with Burswood peninsula. We saw the fight of "all in or none in" with regards to the City of Vincent and the City of Perth. The minister said, in his words, that he was "listening to the community", and he proposed that all of Vincent go into the City of Perth, but the City of Perth was not happy with that outcome. There have been various proposals by various councils about local communities such as Dianella in the Speaker's seat of Mount Lawley and issues over the historic precincts of Inglewood and Mt Lawley and their future with the City of Stirling versus the new local governments of Bayswater and Bassendean. We have seen what I think is one of the real travesties in this whole process, which is the minister turning his back on his own community—the community of Serpentine–Jarrahdale. That community is very strongly arguing that it should maintain its identity and integrity. Originally, in the first maps it was proposed that the Shire of Serpentine–Jarrahdale be amalgamated entirely with the City of Armadale. In the second round of maps it was proposed that half of the Shire of Serpentine–Jarrahdale, south of, I think, Mundijong Road, be amalgamated with the Shire of Murray, which is outside the metropolitan region scheme by the way, and the other half be amalgamated with the City of Armadale. We also debated the status of Fremantle as a city and an identity. The first series of maps proposed that all of Fremantle, Melville and East Fremantle be amalgamated, but the second series of maps proposed a totally different outcome. The City of Cockburn is a major fatality of this process in the minister's second proposal, which was released some weeks ago. The minister proposes to divide the City of Cockburn into three sections, with the first going to Melville, the second to Kwinana and the third to a newly constituted City of Fremantle. That is, of course, underpinned by the reaction in the City of Cockburn, which we saw last Thursday on the steps of Parliament House when a considerable number of people from the Cockburn city council area rallied wearing orange to highlight how displeased they are with the minister and the Barnett government.

All through this process some key words have been used to describe the behaviour of this government, including "betrayal" and "lies". We have heard phrases such as "turning his back on us" and "disregarding the concerns of community". These terms have been used to describe the behaviour of the Premier and the minister in this process. The minister and government will say that they have listened to the people and that is why they changed everything. The problem is that the government now has a credibility issue, because in my view the goalposts have been changed so many times by what the minister has said during his time as minister, and before, and by

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the number of times the Premier has systematically overridden the minister's comments. One example that occurred only recently was when the minister commented that he would look into and consider capping rates. Less than 24 hours later, the Premier's slapped that down and said it was not happening. This is a pattern of behaviour that we have seen throughout this whole process.

All the way along, the government has had willing participants in this process. Council leadership has been willing to assist the government in a sensible, evidence-based reform process. Councils such as Vincent, Victoria Park and South Perth, and even councils that do not necessarily want to be absorbed but have been realistic—for example, in the hills—have said, "Okay; if you are going to do this to us, we want to be in the tent, but we want to be treated with respect and not have our trust abused." That is a telling point, in my view, of this whole process. I do not think the minister has done this intentionally; he has consistently been undercut by his leader, the Premier, in this whole process. It is no wonder that a lot of the minister's comments in papers and articles and on the radio become muddled in the understanding of the people out there. Each time the minister says something, the Premier quite often comes out later and slaps it down, contradicts it or announces something totally different. I gave one example, but there are a number of them. That has helped to betray the trust of the sector.

The minister cannot go out to the sector and say that he will do certain things and then turn around and do the opposite, sometimes 24 hours after he has said it. That betrays trust. This whole process goes to the very centre of trust by the sector, firstly, in the Premier and then, of course, in the Minister for Local Government. Because that trust has been betrayed, members in the sector do not really know what the outcome will be. They are unsure and uncertain and that increases their vulnerability. A worker in a local council that will potentially be affected, of course, would be thinking, "Am I going to be here after 15 July in my current or substantive position? Is my position going to be collapsed? Will it be reallocated? Will it be under threat?" Will members of the community who live in the suburbs of Dianella or Victoria Park have any certainty about access to services and that their rates will not suddenly skyrocket as part of the government's so-called reform process? These are all legitimate questions of people working in the sector. Some of them have been in the sector for literally decades. They are also relevant and appropriate questions to be asked by ratepayers in the 30 municipalities in the Perth metropolitan area.

I want to now talk about the sideshow that has been the National Party's attempts to seek to influence the process. Before the minister made the announcement and released the set of maps back in late August, the former leader of the National Party, still then the Minister for Regional Development, was famously doorstopped and the media legitimately asked him, "Does this mean country and regional areas of Western Australia will be the next targets?" The response was, "No, we have done a deal with the Premier." It was on television. It was in the media. It was a clear statement: "A deal has been done and we will support the reform process in the metropolitan area as long as you leave the country alone." If that is the deal, fine. I am not criticising it.

Mr W.J. Johnston: I am.

Mr D.A. TEMPLEMAN: The member for Cannington can do so; he can stand up in 36 minutes and do that if he likes. Again, within 24 hours, the Premier—in the way that he has done so many times since the last state election—swiped away that comment and said that there was no deal. In fact, he went further and said that the government would look at regional centres after this program had been initiated in the metropolitan area. That is code—the member for Bunbury and I have talked about this—for what other regional sectors should be targeted next. The regional city centre of Albany went through an amalgamation process. The local government area of Geraldton and the surrounds also went through an amalgamation process. One of the things we know from the process with Geraldton, Greenough and Mullewa in the midwest was that rates increased. I can remember when, only a few months ago, members of the public from Geraldton very famously rang in to Geoff Hutchison's 720 radio show when the minister was on and highlighted the 27 per cent increase in rates in that municipality. They said they had rate notices in front of them from prior to the amalgamation and from after the amalgamation and they showed a 27 per cent increase in rates.

Mr R.S. Love: I think the Mullewa community had no increase in rates.

Mr D.A. TEMPLEMAN: It was a 27 per cent increase. I hope the member for Moore stands and has a say because he needs to look at who is in the firing line here. The fact is that members of the Western Australian public reported this as their experience; there was a 27 per cent increase in rates for some ratepayers in that newly amalgamated council.

The Premier slapped away the deal that had been done with the National Party back when those maps were released; again, totally countering or contradicting what the then Leader of the National Party had said had taken

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place. I do not know whether that took place in the combined party room or whether it was just an agreement between the Premier and the then Leader of the National Party. Regardless, it is fact; that is what the National Party said happened and the Premier slapped it down.

The Labor Party and the opposition would have no argument with the minister if he and the Premier did one thing before the state election. I mentioned this to the member for Bunbury. It all comes back to being true to one's promise. I could have written the policy for the Liberal Party. All it needed to do before the last election was to say, "We do not intend to forcefully amalgamate councils in the metropolitan area. However, if after—insert certain date—reform has not been achieved, we will use legislative and other means to achieve reform." If the Minister for Local Government had said that before the election, I would have no argument with him, because he would have been dinkum. The problem is, he did not do that; that is where he made a fatal mistake, and that is why the sector questions the honesty and integrity of what he continues to propose.

I want to outline the opposition's approach to this, and make it very clear; I have done this on a couple of occasions publicly, including at the Local Government Managers Australia conference and also at the Western Australian Local Government Association conference in August this year. I am not going to stand here and just oppose for the sake of opposing; I am not, because I also believe we need reform in the local government sector. I do not stand aside from that; I believe we do. But I also believe that any substantial reform of and change in the local government sector must be on a level playing field; everyone must know where they stand. Everyone has to know that if they get the ear of the minister or the Premier of the day, they are not going to be suddenly shunted up the hierarchy of nods to someone else. It must be evidence based. The Premier, the minister and the government have all failed to show us what they are basing their policy rhetoric on. There must be evidence; we have not seen any presented. We have not seen a comprehensive report that talks about, for example, the need for X number of councils in the metropolitan area that are of X population and are sustainable for these reasons. The government has not presented that to us.

In fact, I will refer to a report that has not yet been released; apparently I am able to mention it as long as I mention that it will be released by Professor Brian Dollery, one of Australia's leading local government academics, and published in a 2014 edition of the *Australian Journal of Public Administration*. In summary, he says that any hope of economies of scale—these are the issues the minister has been talking about—arising from the termination of 18 councils is largely illusory. He says, furthermore, that only two of the 10 main council functions hold any promise of procuring efficiencies derived from scale. Professor Dollery is also critical of the Robson report for claiming to make evidence-based recommendations, yet providing no evidence for its claims of scale economies—that is, that bigger is better—bar a discredited Deloitte Access Economics study in Tasmania. The Robson report said that among the seven main benefits of amalgamation were economies of scale that result from larger local government areas. Professor Dollery is also critical of the Robson report for claiming to have an open mind on local government reform, yet having terms of reference that focus strongly on structural reform. His econometric modelling of the impact of amalgamation on Perth councils shows that scale economies, cost savings and other pecuniary gains are largely illusory. He says that only two out of 10 council functions have the potential to develop efficiencies through economies of scale, and he highlights those as being recreation and culture, and governance, including corporate costs and expenses.

That report is going to come out —

Mr P. Abetz: Did Professor Dollery actually look at the Geelong case?

Mr D.A. TEMPLEMAN: I do not know; I am just giving a summary.

Mr P. Abetz: Because Geelong's been a real success; there've been a lot of savings there.

Mr D.A. TEMPLEMAN: He may have; I do not know. I am sure that the member will get a copy of the report because I think it is going to be sent to him, and, if not, I can give him a copy. The evidence-based issue is essential to this whole process. If the government genuinely wants to deliver what it seeks to deliver, it needs to show us the absolute evidence that it is based upon.

The opposition's approach to this issue is to ask what effect this reform will have on people. We cannot underestimate the impact that the uncertainty of this process will have. There has been a changing of goalposts, and things have been said by the minister that have been contradicted by the Premier. We have seen one set of maps showing one thing and another set showing another. All these things affect the people who work in the local government sector. Certainty of employment and equity for people who will become potential casualties of this process are paramount to the opposition and are within the parameters of this debate. That includes the issue of compensation. As we will cover during the debate and consideration in detail, there are clauses within this bill

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that deal with capping of redundancies. We must be very mindful of the impact of this legislation on people. Many of these people have been very dedicated and experienced members of local government for a long time, and many of them will be casualties of this process; their expertise, experience, leadership and capacity to nurture new and up-and-coming people within the sector could be lost. A third aspect that the opposition is very concerned about is the potential loss of talent and experience from the sector. There is no doubt that if we are to collapse the number of local government authorities down from 30 to 15 or 16, as is now proposed—the numbers keep changing—we will be facing casualties.

That is par for the course, but I do not want us to become focused on the top-end casualties. Local Government Managers Australia wants us to be concerned about CEOs and higher-level management. I am prepared to listen to those concerns; I have been talking to that association, and I know the government has, and I know it has been lobbying members, but I am actually more concerned about the layers of other people working in that sector and the impact of these reform proposals on them. In many cases those people are lower paid, and some of them have worked in their local communities for many years. Many of them work in areas where, if they lose their job, there may not be any opportunity to move on to another position. They are the ones I am particularly concerned about, and that is something that the government needs to be aware of. I am worried that the minister's body language and words have shifted over the last couple of weeks. He is saying that the implementation of this process is now to be the Local Government Advisory Board's job, and that he is going to stand back. I mentioned Pontius Pilate; I think the minister has to be very careful of that, because he has to be mindful of the process he has started—the process that these people find themselves in now. Just standing back and saying, "Oh well, now it's the Local Government Advisory Board's job; I want them to cop all the flak," is a cop-out, in my view.

The fourth issue is the cost. This is something government has not been able to provide to us at all. We do not know what this is going to cost local governments, ratepayers and, essentially, the taxpayers of Western Australia. This is the government's proposal and reform; it should fund it. Until now it has been a few million; I think the government is budgeting around \$4.5 million in the forward estimates or in this year's budget. I am sure that local governments are telling the government that that would be the amount for the transition of just one local government authority, so we are talking about probably at least \$100 million. Who is going to pay? The question of who will pay must be answered, and the state government's commitment in dollars must be borne out. The government needs to be accountable.

The other matter is the communities' involvement in this whole process. I refer now to one of the sad things. I think most members possibly would be in agreeance with this view, as all of us recognise the importance of local government. Unfortunately, a big section of the community does not necessarily take a great interest in the machinations of local government, unless it directly affects them at a moment in time or unless people are aggrieved about a planning decision or indeed they have a beef about a particular issue. Unfortunately, we saw that in our recent voter turnout for the local government elections. Part of that might have been voter fatigue, as voters had to endure both a state and federal election. Nevertheless, it is still a major problem for Western Australian local government that a great minority of people take an interest in the election process when compared with the majority that simply do not turn out to take up their democratic right. I know there will be debate over coming years about compulsory voting and everything else. I must admit as a former councillor that I am an advocate for compulsory voting, but I also know that lots of people do not agree with that proposal.

In overviewing the opposition's concerns about the government's approach, I turn to my fifth point that relates to this central issue of community; that is, you have to bring the community with you. Again, if the government had from the very beginning made that statement before the election that I highlighted earlier and also said, "This is why we want reform; this is the evidence we base it upon", it would have got, in general, the community's understanding about where it was coming from. That is my honest opinion. However, the government did not do that. There is probably widescale indifference to this process, except for those councillors who are running very effective and admirable campaigns. They are genuinely concerned about what their identities will look like post this reform that the government is trying to foist upon them. That is why Victoria Park and South Perth are getting big turnouts, and why we are seeing strong responses from those in Cockburn.

Let us look at Cockburn very briefly. The government has been talking about wanting to make councils more efficient—that is, to be financially viable, more efficient and to adopt best practice. What does the government do? In its latest round of maps, it actually wants to slice up probably the most financially viable and one of the most effective of local councils in terms of service delivery and debt levels et cetera—Cockburn. The government is proposing to penalise a council that fits what it actually wants the others to be. Again, where is the

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logic? Again, this is why the minister and the Premier have lost, I think, the trust of the sector. Again, the government could have done this differently and still got the outcomes that it seeks to achieve.

The sixth opposition concern is this whole trust aspect. The government cannot keep moving the goalposts; it cannot keep rolling out some of the minister's favourite sayings such as, "We're moving forward!", which is such an overused cliché used by a former prime minister to not much effect. The minister is falling down the same trail. He cannot just keep saying, "We're gonna move forward", while the carnage is left in his wake! It is a bit like that famous movie *The Party*, in which Peter Sellers goes —

Several members interjected.

Mr D.A. TEMPLEMAN: "Birdie num nums"!

Several members interjected.

Mr D.A. TEMPLEMAN: The member is about as tall as Peter Sellers!

Peter Sellers is invited accidentally to this party and created all this chaos. When chaos erupts and we see the big elephant come in and all the people fall into the water, it cuts to Peter Sellers, the main character, always on the other side of the pool whistling to himself and asking, "What's happened?" While there is chaos and disaster occurring, he just keeps moving forward. It will not work anymore; the minister cannot keep saying, "We're moving forward", or "We'll bring out some more maps", or "I'll say something to this part of the sector and another thing to the other." I am afraid he has run out of trust.

Mrs G.J. Godfrey: We're doing something!

Mr D.A. TEMPLEMAN: What is that?

Mrs G.J. Godfrey: We're doing something!

Mr D.A. TEMPLEMAN: Yes, but the government is making a helluva mess of it! Member for Belmont, come on! As an experienced member of council, and a very good local member—I have heard very good things about her as a member of council—she would not, as a local government member, have embarked upon a process in which she says one thing, does another and releases something and then says, "We're not going to do that." She would not let that happen. The member for Belmont should just bear with me; I have only 15 minutes to go.

Having given members that exclusive outline of some of the issues, I want to now go to some of the key amendment clauses in the body of the bill. I mentioned that the government is now proposing that the Local Government Advisory Board comprise nine members, having previously proposed an increase of two new members from the original five. When the minister does his sum-up in response at the end of the second reading debate, I want him to give a clear and concise outline of how he reached that proposal and what changed his mind. I want him to clarify the numbers list. Some time ago, back in September, I raised concern about the independence of the Local Government Advisory Board, particularly through the chair, Councillor Congerton. I do not have a beef with him at all. From my understanding, he has served local council for a long time. But when we are talking about perceptions and independence, both perceived and otherwise, is it appropriate that someone in that position has very clearly aligned themselves to the Liberal Party, as demonstrated in pictures of him in Liberal Party T-shirts campaigning for the unsuccessful Liberal candidate for West Swan? Perception is a big issue. I hold nothing against him personally, but this is a problem for the government. It is a problem when the chair of the Local Government Advisory Board has a very clear Liberal connection, and he is then supposed to be an independent representative in doing what that advisory group is required to do under the act.

The government has now proposed nine members of the Local Government Advisory Board, four of whom will be appointed and nominated by the minister; that is my understanding. Four will be appointed by the minister through —

Mr B.S. Wyatt: The minister seems to agree with that; is that right?

Mr D.A. TEMPLEMAN: He can —

Mr A.J. Simpson: I can reply to it.

Mr D.A. TEMPLEMAN: Yes, the minister can reply.

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Then there is an increase in the number nominated by the WA Local Government Association by two to four. The Local Government Management Association will nominate or put forward to the minister one member, which the minister will still have a say in approving or not.

Mr A.J. Simpson: It is in our list.

Mr D.A. TEMPLEMAN: Yes. Effectively, the minister will still have the potential to veto a nomination, even though the minister is expanding the board to nine members. The minister will still have the potential to say, “No, I don’t like that one.” I have said to the minister privately that whoever is appointed to this board is a crucial matter. If the minister appoints appropriate people who are seen to be absolutely independent, that will do him good. I really hope that the minister does that because it is one of the key issues, queries and concerns of the whole sector. Is this newly constituted—as is proposed now—nine-member Local Government Advisory Board genuine and dinkum? The minister will have to be accountable for that when this change takes place. The opposition supports that change and it does not have a problem with the expansion, but the independence of the advisory board is paramount. The minister will have to convince not only the opposition but also the sector that the government is dinkum about that.

The second issue concerns the minister’s backdown on the government policy issue. In the original second reading speech on the amendment bill, the clause was there—I am referring to clause —

Mr A.J. Simpson: Four.

Mr D.A. TEMPLEMAN: Let me go to that. The original clause 4 provided that in carrying out its functions the advisory board must take notice of government policy. The government is now proposing to amend clause 4 by substituting a new proposed section 2.46(2), which states —

In carrying out its functions under Schedule 2.1 or 2.2, the Advisory Board does not have to act in accordance with any Government policy advised to the Board by the Minister under subsection (1).

I understand that was a sticking point with the National Party and it has been able to bend the minister’s arm to delete that reference. However, I would like the minister in his second reading response—we will flesh this out later in consideration in detail—to outline other mechanisms that will be used to have some direction. The minister has publicly said only recently that through these amendments a truly independent board will be created, but I want the minister to convince us, even with the changes to the original proposal.

I now move to some of the other clauses and amendments. Firstly, I refer to the local government standards panel being given powers to dismiss frivolous or vexatious complaints. I agree firmly with the government on this power. Under the current process, if I, as a councillor, make a complaint to the standards panel and I withdraw it, the standards panel must still continue its inquiry and take the matter to a conclusion. In consideration in detail I intend to flesh out what that means. I am no lawyer, but given that the local government standards panel has the power to dismiss frivolous or vexatious complaints, who determines whether something is vexatious or frivolous? That, to me, is a subjective assessment. A fellow called Mr Roley Paver from Albany has raised with me some concerns about the standards panel.

Mr G.M. Castrilli interjected.

Mr D.A. TEMPLEMAN: It sounds like a former minister knows him also. He has raised with me a range of views about the standards panel and its ineffectiveness, but the judgement whether a complaint is frivolous or vexatious is contentious. I am sure this will be discussed, and I will seek clarification on this particular clause, during consideration in detail.

Another issue I raise is the definition of “metropolitan proposal”. There are a number of references to the metropolitan proposal in the bill which clearly designates—I think that is the intention—the metropolitan reform process. I will ask some questions about that in consideration in detail, because concern has been raised that although the metropolitan proposal is mentioned specifically, some elements of the amendments, by definition, will still affect regional WA, and we want to know what that means for any future local government reform in country WA.

Other clauses provide for investigation timelines. The opposition is concerned about the community and the sector being able to have an input into any final consideration of the board. I will ask a series of questions about that during consideration in detail of the bill.

The opposition also has questions about the clarification of councillor’s remuneration. These clarifications make sense to me—I do not have any great problem with them—and the opposition will support the government’s proposals here. Of course, there is still the issue of capping payouts to local government managers, directors and

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

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Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

chief executive officers, and what they will be eligible for. Local Government Managers Australia has lobbied vigorously for a two-year maximum gap. I think the minister set up a problem for himself when he indicated at the LGMA meeting, at which I was present, that he would consider—I think he gave them some hope—extending it from a proposed one-year cap to a two-year cap. I would like the minister's reasons for his decision not to support that and have only one year. What will be the effect of that on other employees? That will need to be clarified. That matter relates to clause 17 and the issue of a person's contract being terminated and what payout remuneration they will be eligible for.

Another issue included in the original bill, which the minister was seeking to delete but which he is now seeking to put back in, relates to defamation. When I had a briefing with the minister, he explained that that was being done at the request of the WA Electoral Commission. He said that he had legal advice that that section could be better dealt with under the Defamation Act 2005. The minister seems to have done a backflip on this matter. He argued strongly with me that it was being taken out because the WA Electoral Commission said that it will be better dealt with in the Defamation Act, yet the minister now wants to put it back in, slightly amended, without explaining why. He needs to tell us why he is doing that. He argued that he had legal advice telling him that it could be dealt with under another act, yet something has changed. What has changed? I am concerned about that because during the state election there were some examples of local government being ridden roughshod by parties—the minister's party—in relation to local laws. This matter is probably not related to this clause, but I would be interested to hear the minister explain what the proposed amendment means when someone makes false, misleading or defamatory statements during a local council election period. I really think that the minister in his second reading reply needs to give us a very clear explanation of that change, because it is probably the third main change he has proposed since he gave his second reading speech.

Finally, we will not oppose the Local Government Amendment Bill 2013; however, we will spend some time in consideration in detail teasing out a range of questions about a number of clauses, particularly the three key areas that I mentioned at the beginning. Firstly, we will ask about the change in numbers on the advisory board and what that means. Secondly, we will look at the reasoning behind the change that government policy is now no longer an element that can be directed, if you like, or required, to be considered by the Local Government Advisory Board. Thirdly, we will consider that final matter I just mentioned about the defamatory issue and why the minister has suddenly done a triple somersault backwards on that one, given he told me at the briefing it was appropriate.

MR C.J. TALLENTIRE (Gosnells) [5.10 pm]: I rise to speak to the Local Government Amendment Bill 2013. As the member for Gosnells, I will begin by reflecting on my understanding of the implications of the local government reforms for the area that I represent and the local government area beyond my electorate.

The City of Gosnells is a large and substantial area. It is an area that we could describe as being as large as many a federal electorate in geographical terms and very comparable in population terms. The City of Gosnells has some 100 000 people—in fact, there are more. It is a substantial area; my understanding is that the City of Gosnells is the fifth largest of the metropolitan councils. Through the reform process before us in this bill, there is a plan to merge the City of Gosnells with the City of Canning. I am concerned that the level of discussion around that merger has been muted. I am concerned—I look forward to hearing the member for Cannington's comments later—especially for the residents and ratepayers in the City of Canning, because they currently do not have elected councillors and an elected mayor. The council had some problems that led to it being replaced by a commissioner. The commissioner is an excellent person; he is a former Mayor of the City of Armadale, Linton Reynolds. Although I believe he is doing an excellent job in that role of commissioner, I do not think he is in a position to advocate on behalf of the people of the City of Canning in the same way as he would be had he been elected through the democratic process. I express that concern about the merger up-front.

I think it would be fair to say that many currently elected councillors in the City of Gosnells see the merger as fortuitous because the City of Gosnells has struggled to have the same level of affluence in its ratepayer base that the City of Canning has. People are inclined to think that the merger could be good, given that the City of Gosnells would merge with a council that has areas such as Carousel and all the businesses, the retail outlets and the activity on that section of Albany Highway that no doubt generate much rate and other revenue for the City of Canning. The situation is similar when it comes to light industrial areas. Currently, the City of Gosnells has part of the Canning Vale industrial area, but not all of it. Through the merger, there would be an increase in the amount of land dedicated to light industrial activity, and I believe there would also be expansion through the Kewdale area. Therefore, this merger, broadly speaking, is looked upon favourably by many of those in the City of Gosnells. However, it is a merger with a City of Canning that is, I think, winged in many respects; it does not

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have that representation that we would expect from elected representatives. That is one of the concerns I have about this process.

I also note, though—I will go into some detail on this—that currently the City of Gosnells has what could only be described as a no-ward system; in other words, its councillors are elected by people from right across the large area that is the City of Gosnells. Therefore, if someone wants to run for council in the City of Gosnells, which just had a local government election, they have to campaign across an area that is as big as a federal electorate. We all know about the sorts of campaign funds that are required to run a federal electorate campaign; compared with our state campaigns, these budgets are astronomic. It is really quite frightening. Can members imagine trying to campaign, to get their name across and to have their messages understood—what they really stand for—by ratepayers, if they have to campaign across an area with 100 000 people? It would be a very, very difficult task. Although people can be clever and strategic about it in that they can use local media to some effect, they can of course use paid advertising and they can use emerging approaches to campaigning involving signage in people's front yards—people can use all those things—nevertheless, it is on a larger scale than that of our state electorate campaigns. Therefore, I am really concerned about how a no-ward system impacts on the quality of campaigning.

Another aspect of the City of Gosnells' no-ward system is that people do not have to vote for someone who is running for a particular ward; in fact, they have to vote from a pool of people. At the last local government election, 27 people ran for seven spots on the council. There was an enormous list of candidates. The poor ratepayers had to do extensive research, if they were really serious about looking into who they would vote for, or at the very least read through some 27 bios that were sent out through the Electoral Commission. Given that those bios are incredibly brief, it made people's task just about impossible. We imagine that people would just vote for people who they know. I think that is probably what happens, but it is not a satisfactory situation when we compare it with the situation in most local governments across the state that have ward systems. In a ward system, a small area is covered in which it is possible for ratepayers to get to know the people who are their current ward councillors and the people who are running as candidates. It is on a scale that is feasible for people to relate to and to physically access. I think that is important. I mention all this, although I anticipate this merger with the City of Canning to go fairly smoothly. The question I really want to put to the minister, looking at his second reading speech and looking at the bill, is: how does the minister anticipate that this newly formed independent advisory board will advise the newly merged Cities of Gosnells and Canning on the issue of a no-ward system versus a ward system?

That is a very important issue to me because there has been a serious drop in voter turnout at our elections. I know that is not unusual and that many of us in this place lament the poor voter turnout at local government elections. The City of Gosnells has been one of the worst. It has one of the lowest turnout rates. There has been a significant decline in the turnout rate since the no-ward system was introduced. In 2005, there was a reasonable voter turnout of 30.03 per cent. When the no-ward system was brought in and the first election was held under that system in 2009, voter turnout dropped to 24.31 per cent. In 2011, the voter turnout went down to 22.76 per cent. In the 2013 election it dropped to 20.93 per cent. There has been a 50 per cent drop in turnout from the old ward system to this no-ward system. I am very concerned about that. I am very concerned that the disenfranchisement from local government that people already feel could be exacerbated by merging the existing councils into a super council with a very large population.

For a long time it has been said that local government —

The ACTING SPEAKER (Mr I.C. Blayney): Members, there are a number of conversations going on in the house and I am afraid the volume has risen a little too high. I am having a bit of trouble following the member and I would say that Hansard is too. I ask if you are having conversations to take them outside, thank you.

Mr C.J. TALLENTIRE: I believe if we go ahead with this merger and create this super council we could see an exacerbation of the disenfranchisement that people feel. It is a real concern. I related how in the past people said that they felt closest to local government; that it was a level of government they could relate to. The daily gripes people have, the sorts of things that hit them every day—rubbish not being collected, rates going up too quickly, roads not being maintained—are the concerns that people feel very acutely. Some of the legislation that we deal with in this place often seems quite obscure to people and it is distant from their day-to-day lives, but the affairs and concerns of local government seem very real and close to them. I guess that is why many members receive concerns and requests from constituents that are actually local government matters. I think I probably receive a disproportionately large percentage of visits from constituents about local government matters because of the no-ward system in the City of Gosnells. I have become the surrogate ward councillor.

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Mr P. Abetz: Hear, hear. I agree with you.

Mr C.J. TALLENTIRE: I thank the member for Southern River. He and I share a common boundary and our local government arrangements have much in common. It is an interesting situation to be in—people coming to us with matters about verge-side collections, overhanging trees and all sorts of things. They are interesting matters, but not affairs we are supposed to deal with in this place. In some ways I welcome it because it gives people an additional reason to visit me, and that is not a bad thing. When I have street-corner meetings I letterbox the area beforehand and people come along with issues to raise with me. They ask, “Why have we still got potholes in the street? Why is the street lighting not adequate?” They raise matters like that and I am happy to refer them to the City of Gosnells, which is often very responsive to what I say and gets on with the issues, but I feel that I am doing the job of a ward councillor. It is a curious situation to be in. It is unfortunate that despite my various letters to the chief executive officer of the City of Gosnells—I have enormous respect for Mr Cowie; he does an excellent job—we still disagree on this issue. In the last few years, Mr Cowie and I have had a number of exchanges. In a letter from 2011 Mr Cowie put to me his justification for the abolition of the ward system; I quote —

... the need for the City to regularly adjust boundaries due to rapid urban expansion in the Canning Vale and Southern River areas.

The Electoral Commission faces changes in population and it inevitably means that there have to be boundary changes to keep electorates at a similar number, as with wards. I do not think it is something we should shy away from. Unfortunately, good democracy costs money and we have to accept that. I do not think the kind of cost-cutting exercise that disenfranchises residents by abolishing wards is a good thing at all.

I tested the level of engagement residents have with their ward councillors. I do not want to criticise their work at all. The existing councillors, in theory, represent the whole of the City of Gosnells and are across all of the issues residents of the city encounter. An issue of interest to locals is the need for a left-hand turn lane into Garden Street from Sugarwood Drive in Forest Lakes. A lot of people have mentioned the need for a left-hand turn lane to me at street-corner meetings and on other occasions. I wrote to the City of Gosnells asking if any councillors had raised the matter, because I had had so many constituents raise it with me. The City of Gosnells replied that no-one had raised the matter with any councillors. That is just one example of the poor level of contact people have with councillors in the no-ward system.

[Member’s time extended.]

Mr C.J. TALLENTIRE: That situation is a real concern. Another dimension to this issue, which I think is really relevant to the discussion of local government reform, because other super councils could emerge from the merger process and be tempted by the idea of a no-ward system, is to do with election campaigns. I have already spoken about the logistical difficulties of campaigning across huge areas that individuals face when running for local government office. One option for candidates is to form a ticket with a number of other people who may or may not be of a like mind. It is exactly what happened at the last local government election; seven people formed a ticket to run for the position of councillor at the City of Gosnells. Forming a ticket sounds innocuous enough, but we need to be clear that as soon as there is the formation of tickets there is a degree of party-political influence. For better or for worse, that will come into local government elections. The parties that we represent know how to campaign. Some parties have more success sometimes and less success at others—it often depends on the money backing a political party as to how successful it is—but political parties know how to campaign. Political parties know how to organise people at different levels; book advertising; arrange corflute signage and have it distributed; and all the nuts and bolts things that are essential to political campaigning. If we see any further continuation or increase across other local government areas of this no-ward system, we will definitely see a politicisation of local government. I do not think Western Australians are ready for it and I do not think it is what they expect. It would perhaps be an unintended consequence of these amalgamations if they were to allow for that no-ward system. It was pretty apparent that the delivery and the style of the ticket formed in the local government election just gone were remarkably consistent with the style guide of the Liberal Party. There was the blue and the yellow and a 10-point plan, and even the turns of phrase looked remarkably similar to what we saw from the Liberal Party at the last state election.

Mr C.J. Barnett: The Liberal Party does not get directly involved in local government elections.

Mr C.J. TALLENTIRE: I am sure that is the case, Premier.

Mr C.J. Barnett: You may well get Liberal-minded people or branches backing a particular candidate, but at an administration level we do not.

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Mr C.J. TALLENTIRE: I am sure that is the case, Premier, but the fact is that with a no-ward system, people will look to organise logistically and local branches will be there. I suppose when a candidate looks for six or seven other people to form a ticket with, they look for like-minded people, so inevitably they will look to people who happen to be members of a local branch. I simply raise that as a point of concern, if we are serious about wanting local government to be apolitical. The ward system, in which people compete for a position on a council by representing a particular ward, is done on a much smaller and more human scale. I believe we can be more confident that on that scale there will not be that level of political organisation involved in getting people on the council. It is interesting that this is potentially sought in the development of local government, and it is a question that has to be addressed.

Across the metropolitan area, the talk is that we would go from 30 local government areas to 16. We have seen a number of campaigns. There was the very effective “One in, all in” campaign run by the City of Vincent. I acknowledge those people who worked on that campaign regarding the merger of the City of Vincent with the City of Perth. That engagement with local government matters by an area like the City of Vincent was really inspiring and I would love to see that level of engagement happen in the City of Gosnells. However, I am concerned that the amalgamation of the City of Gosnells with the City of Canning will eventually lead to ratepayers feeling a sense of distance from their local government. That is a real concern for me.

I have noticed a trend with the Barnett government of amalgamating and grouping things. I wonder why that is the case. We even saw it with the adjourned debate on the ports legislation and the different port authorities. Instead of having an Albany port authority that can work closely with the City of Albany or an Esperance port authority that can work closely with the Shire of Esperance and so on right across state, there is this amalgamation. I think that will lead to a sense of distance. People will be removed from these bigger bodies—they will not have the same level of input into them. It will be claimed that there will be greater efficiency, but to bring it back to the local government side of things, when I talk to people at the City of Gosnells, their view is that with the population base we have, there is a high degree of efficiency anyway. The quality of service provided across the City of Gosnells for the current rates paid is remarkable. Some people say the rates are too high; naturally, people will always want to have reductions. Many people in my area should legitimately be entitled to some rates concession, and I would love to see that. However, in general terms, I think the rate of service delivery is remarkable.

What will we have with this merger? We will have a lot of new infrastructure—some very nice new council buildings that will duplicate each other. It is my hope that that will give rise to more space for community groups, with perhaps some office space no longer needed. Some of the community groups I have mentioned in this place before, such as the Muslim Women Support Centre, are desperately looking for an office space. Many groups are always in temporary arrangements, such as the local scout group in Gosnells, which is looking for better accommodation and going from week to week, wondering where its future will be. Those sorts of groups desperately need better accommodation and they deserve it. If some office space frees up, perhaps it will lead to those groups getting some additional areas, and I would welcome that; however, I do not know that we can really expect to see that much additional efficiency. I suspect that by amalgamating things and making them bigger, it is somehow easier for the peer-to-peer decisions to be made. Going back to my example of the port authorities, they will be made bigger so they can easily talk to the state government. In the same way, the big, amalgamated local governments can all be together in a room. In regard to the port authorities, there could in fact be just three people at the table—the head of the port authority, the head of this amalgamated local government and perhaps the Minister for Transport, if it were a ports issue. I suppose that would simplify things, but what would it do in the process? It would disenfranchise people. People with seemingly minor but legitimate concerns that they want raised will feel further from the decision-making process and they will not be able to have their views as well heard as they could in the past.

I turn to another aspect of the bill—that is, the issues around the Defamation Act 2005. I note there will possibly be some change to this legislation, and I am sure the minister will clarify that at the conclusion of the second reading debate. My concern is that reliance on the Defamation Act when local government elections are underway is risky because there is a fairly tight time frame. A local government election campaign probably goes for about a month or six weeks, and if a candidate makes some outlandish defamatory claim about an opponent, I doubt that would be resolved under the Defamation Act in the necessary time. I have great concern about that. I note that the present arrangements are not brilliant either. Elections are becoming more and more competitive, and it is fair to say that, at a local government level, campaigns are far more personal than even we encounter in our own state government election campaigns. That sort of personal attack that can be part of local

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government campaigning will not necessarily be solved by the suggestion that we leave the issue of defamation to be resolved under the Defamation Act 2005.

I will quickly touch on a couple of local government matters in my electorate that really need the attention that comes from having a local government close to its people. Some things in my area are in desperate need of attention. I have discussed Lissiman Street with the planning minister on a number of occasions. It is across from the beautiful train station, but it is a dreadful street because in it there are derelict buildings. The minister and I have talked in the past about using provisions in the planning act to enable the acquisition of those buildings. The state and federal governments and the City of Gosnells have put in lots of investment dollars, but private landholders are holding them back. They do not want to develop the sites and they cannot let them out, so the street is just stagnating, doing nothing.

It is a classic case of the failure of private enterprise and it is holding back everyone in the City of Gosnells. The minister and I have talked about this at length and I am sorry to say that we have not seen any progress. I understand that Landcorp is involved in something at the moment. I desperately want to see some action there and I know that the minister does as well. This is an issue that has been talked about for too long. I do not know whether the minister has any up-to-date news on this, but I am afraid that from what I can see, there is still no progress. A development plan is to be released; I thought it would be released by the middle of the year but now we are at the end of the year, so the delays keep coming.

Mr J.H.D. Day: It is being worked on. Is the member talking about Gosnells?

Mr C.J. TALLENTIRE: Yes, I am.

Mr J.H.D. Day: It is being worked on by the City of Gosnells. I am certainly supportive of the improvement plan being put in place. As I understand, part of the planning is working with them, but, as I recall, the onus is on the City of Gosnells.

Mr C.J. TALLENTIRE: Thank you, minister. That is a good note for us to conclude on, but these are the real issues on which people want to see action. They are issues that local government understands and therefore they should be resolved by local government. I am concerned that amalgamated local governments will lose sight of some of these things that are literally on people's doorsteps.

DR A.D. BUTI (Armadale) [5.41 pm]: I also rise to make a contribution to the Local Government Amendment Bill 2013. The bill, of course, continues to shine a light on local government reform, and specifically on local government amalgamation. In many respects the bill is not complex or composed of many sections, although, for a bill that is quite slim, it has a few amendments on the table. It will be interesting to discuss those amendments with the minister. In honour of this debate, I am wearing, as the minister would know, the City of Armadale tie that was given to me, and I presume the minister, at a civic dinner on Saturday. The minister and I represent adjoining local government authorities, although he represents part of the City of Armadale, all of Serpentine–Jarrahdale and other local governments as well, whereas I am in the privileged position of representing just the City of Armadale. The City of Armadale and the Shire of Serpentine–Jarrahdale have approached the issue of amalgamation from different perspectives and have different views on it. I think it is important for me to place that on record because, as the minister stated in his second reading speech, this bill is part of the local government reform agenda being prosecuted by this government. It is important that I place on record the views of the City of Armadale and the Shire of Serpentine–Jarrahdale because, in many respects, the minister's position differs from the official position of the council and many, but not all, of the ratepayers of Serpentine–Jarrahdale; I acknowledge that view.

One of the problems with the amalgamation process is the way it is being handled. There have been so many different positions and the goalposts have moved. There is a lack of certainty. When local government amalgamation was first proposed, when the member for Bunbury was the Minister for Local Government, the Premier said that the Shire of Peppermint Grove should not be amalgamated, which was quite interesting. The Premier was advocating the amalgamation of councils while saying that there were too many small councils and that larger councils would create better economies of scale, but he did not think that Peppermint Grove should be amalgamated. That position did change because at the last election, the Barnett government's position was that there would be no forced or compulsory amalgamations. Of course, the minister-to-be had an interesting perspective on what that actually meant during a debate that he and I had during the election campaign. When he let the cat out of the bag, the Premier advised him to put the cat back in the bag, but it had already been let out. Of course, post-election, the statement the minister-to-be made during the election campaign was reflective of the true position of the Barnett government at the time, which was, basically, to force amalgamations by making

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amendments to the Dadour poll provisions. Then there was a backbench revolt, but we have moved on from that. In his second reading speech on the bill, the Minister for Local Government said that it would not amend the poll provisions, even though he disagrees with that and we have moved on from that.

The amalgamation process will now be developed through changing the local government boundaries and creating new boundaries. That is why the Local Government Advisory Board becomes a very important instrument in this whole process. The amendments on the notice paper will increase the number of members on the advisory board to nine. Another interesting provision is that the advisory board will not have to act in accordance with any government policy advice given to the board by the minister. It will be interesting in the minister's second reading reply and in consideration in detail to get some clarification of and details about the criteria the minister is utilising in making appointments to the board. If this process is to go forward, the membership of the advisory board becomes incredibly important. To have confidence in that process, we need to know what criteria are being utilised for the appointment of people to that board. The member for Mandurah mentioned some concerns he has with one individual that was very close to the Liberal Party. That person may not be biased and may be able to fulfil their role in an impartial way, but there is an issue with the perception of bias, as the minister would know. The minister has to be concerned about not only community confidence and actual bias, but also the perception of bias. If a member of the board campaigned for a Liberal Party candidate during the last state election, it may be difficult for people to not assume that that person would have particular biases when making a decision. This becomes very important, and addressing the issue of the advisory board is part of the reason that this bill is before us.

I will talk later about the amendment regarding deceptive materials and so forth that I believed was out of the bill, but which has now been put back in, but first I will talk about the issues in my own local government authority, the City of Armadale. The City of Armadale has generally taken a position of not being a vocal supporter or opponent of amalgamation, but it has expressed a number of concerns, which I think are very important for the minister to address and which have been raised previously in the house. Show us the empirical, scientific evidence that amalgamations will provide benefits to the community. In many respects, we are asking where the economic benefits are to the community. I still have not seen documentation that shows me that evidence. A report by KPMG states that amalgamation of some of the councils in the western suburbs will provide some economic benefits. That is an assumption, but where are the case studies of other amalgamations that also show this? I do not know, minister. There may be proof, but the minister has an obligation to this house and the community to show us the evidence that amalgamations will provide an economic efficiency dividend.

We would tend to think, generally, that amalgamations will provide some benefit because we may be able to reduce duplications et cetera. However, as we also know, that effect can dwindle and we get to a point at which it becomes too large. That is more of a problem in Serpentine–Jarrahdale, which is in the minister's electorate, as it is one of the fastest-growing local authorities in Australia. As we are told every day, Perth is a very fast-growing city. Local governments are being amalgamated and the population is growing even larger, so how large will these new councils be? I know some predictions have been done on population growth, but I think the minister would know better than me, given where he lives, that the population growth in Serpentine–Jarrahdale is phenomenal. Originally, the whole of Serpentine–Jarrahdale was to be amalgamated with the City of Armadale. That was not satisfying or pleasing anyone; the City of Armadale did not want Serpentine–Jarrahdale and the official position of Serpentine–Jarrahdale was no amalgamation. However, a subgroup said it wanted to go down to the Peel area, which the minister has accommodated in these boundary changes.

Mr A.J. Simpson: Just to put on the record, from the financial years of 2007 to 2012, Armadale built 15 500 houses and Harrisdale built 5 900, so Harrisdale's growth rate was three times faster than Byford's. The fastest growing was 24 per cent growth from a low base. Armadale is very well suited to delivering urban sprawl. It has got a very good pattern now with Harrisdale; it shows it can deliver very well.

Dr A.D. BUTI: This is of greater concern to the member for Darling Range's residents than it is to my residents; the concern is that the amalgamation will result in the centralisation of everything in Armadale. However, personally, in many respects I would be pleased with that.

Mr A.J. Simpson: I go to Armadale now for the train, shopping, movies, restaurants.

Dr A.D. BUTI: The minister does. As he knows, there have been major criticisms of the Serpentine–Jarrahdale council over a number of years. I can understand how the local residents there would be even more concerned that their interests will be relegated further by this amalgamation process and that the City of Armadale will be the big brother and they will be the leftovers, and I think that is a major problem.

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The government's logic and rationale is inconsistent. It would be interesting to know the National Party's position on this, which has been all over the place and quite immoral. If members remember the debate on trading hours, the former Leader of the National Party said he was criticised nonstop for not agreeing to extend trading hours. He said that he was keeping his election promise and that he went to the election in 2008 saying that he would not support extended trading hours. After the 2013 election, when the government was going to force amalgamations, he agreed to a sweetheart deal with the Premier to allow that to happen. He did not mind breaking his election promise to not agree to forced amalgamations when the government, led by a Liberal Premier, decided to do so. Why is it okay to amalgamate city councils, but not country councils or regional councils? Surely there is a greater argument to be made, especially with economies of scale, for the amalgamation of regional local authorities than the amalgamation of city local authorities.

One National Party member is in the house. The member for Moore might say to me that local government authorities are major employers and if one or two of those local government headquarters closed down as a result of amalgamation, major employment problems might occur in small towns. I think that could be justified for some of these small towns. However, it seems absurd that the National Party will block any move for local government amalgamation in the country, but will allow amalgamation in the city where population growth is very rapid. I think the minister or the Premier is on the record as saying that 100 000 people, basically, should be the population of a local government authority. Surely, with our population growth, many of the local government authorities proposed by government will have populations much greater than 100 000. What will the government do then? Will it do another round of amalgamations? I am still waiting for the minister to show me the business case for why amalgamations will be beneficial to the metropolitan community.

The City of Armadale made some interesting points. While it has not been as forceful in its opposition as Serpentine–Jarrahdale has been, it is concerned with the cost of amalgamations and that the government is not providing it with the resources it needs to cover the amalgamation process. The minister interjected during the debate at some stage, as did the member for Southern River, who said that if the local government authorities put up rates, that is their decision. That is absurd. If it is their decision due to the amalgamation process, they have been forced to do it because the government has decided there will be amalgamations. It is like saying if a petrol company puts up the cost of petrol and someone decides to go to the petrol station to fill up their car, it is their fault that it costs more. I cannot wait until the member for Southern River stands to contribute to this debate and tells me that the amalgamation process will cost X amount of dollars and the government will not provide X amount of dollars to local government to cover it, so local government will put up rates to cover costs, but that will not be the fault of the state government and it will surely be the fault of local government! What are local governments supposed to do? Are they supposed to go into deficit to pay for the amalgamation process? I invite the member for Southern River's interjection.

Mr P. Abetz: The amalgamation costs, depending on the locality and all that, are actually not going to be very large.

Dr A.D. BUTI: Rubbish! Absolute rubbish! Even the government has admitted. I will wait for the minister —

The ACTING SPEAKER (Mr I.C. Blayney): Member for Armadale, I would rather you just address the Chair. I would rather you address your comments to me because I do not want it to develop into a free-for-all.

Mr W.J. Johnston: Do you know how much the City of Canning estimates rates will increase because of the government's amalgamation proposal for people in the City of Canning?

Dr A.D. BUTI: How much?

Mr W.J. Johnston: It is 28 per cent.

Dr A.D. BUTI: It is absurd to say that the cost of amalgamation will not be great. Every local government authority—including the City of Armadale, which I think the minister would agree had not been vociferous in its opposition—has stated that there will be a significant increase in costs for amalgamation. Simply the fact that people will be laid off and receive redundancy packages is quite significant. We know how much some of the CEOs at the top end are earning and then, of course, there are people at the lower end of the scale. I am not sure what rulebook or what document the member for Southern River is reading! Councils are very sensitive about rates. They put up rates every year, which they know is not popular. They will not impose significant rate increases if they do not have to. They would do it only because of the cost of amalgamation. It is an obligation on the minister—I should say the Premier, because we know who is driving this—to find the money to subsidise or compensate the councils for the expenses incurred in the local government amalgamations.

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[Member's time extended.]

Dr A.D. BUTI: The City of Armadale had mentioned that the costs involved will be quite significant and it is still waiting to hear from the government how that will be funded. Its understanding is that the government believes that it can be self-funded, which is absurd. The City of Armadale is concerned that the cost of amalgamation will, of course, put back its other projects. As the minister would know, I have been advocating for some time for an all-year-round swimming pool in the Armadale region. It is absurd that a council of that size does not have an all-year-round swimming pool facility. We have to go to the City of Canning or the Town of Victoria Park to swim in winter. It is absurd. I am sure that the minister would agree that we should have an all-year-round swimming pool in the region.

Sitting suspended from 6.00 to 7.00 pm

Dr A.D. BUTI: The member for Southern River and I will not be having a conversation by way of interjection for the next 13 minutes! Before the dinner break I was talking about the cost of amalgamation. One of the concerns in Armadale is that amalgamation would probably put back the project in Armadale to have an all-year-round local swimming pool. The member for Mandurah has just walked back into the chamber.

[Quorum formed.]

Dr A.D. BUTI: I was talking about our great desire in Armadale to have an all-year-round swimming pool. The cost of local government amalgamation could put a severe dent in that. We would love to have a cultural centre in Armadale, as there is in the City of Mandurah, but that also will be waylaid and put back if the cost of amalgamation is not compensated or subsidised by the state government. The state government has shown no inclination to reimburse or compensate local governments.

THE ACTING SPEAKER (Mr P. Abetz): Members, can you keep your voices down. Thank you.

Dr A.D. BUTI: Thank you very much, Mr Acting Speaker. That is a concern. I would be interested to hear the minister's comments on that, because, of course, he lives in the area. I am sure that as a local member he would also be concerned if local facilities were to be jeopardised because of this desire to amalgamate.

I talked about the need for the minister to present evidence in support of amalgamation and not just assumptions about it. I looked at some work of the Shire of Serpentine–Jarrahdale on the issue of amalgamation and I thought it was quite sound. It states —

In general terms, the function of Local Government is to represent their local communities; to be a responsible and accountable sphere of democratic governance; to be a focus for community identity and civic spirit; to provide appropriate services to meet community needs in an efficient and effective manner; and to facilitate and coordinate local efforts and resources in pursuit of community goals.

Mr Acting Speaker, could you ask the government Whip to shut up?

The ACTING SPEAKER: Keep your voices down, please. Thank you.

Dr A.D. BUTI: The shire went on to state —

In order to maximise efficiency and effectiveness, the future function of Local Government should be defined before structural reform is undertaken. Currently, the two core functions of Local Government are efficient and effective service delivery and local decision making. To create economies of scale for service delivery, larger Local Governments are not necessarily the best option. When deciding the structure of Local Government, the significance placed on the economic versus the democratic must be determined.

Minister, how are larger local governments going to improve service delivery? Also, what effect will they have on the democratic process? A problem at the local government level is that most people do not vote in local government elections. If that is carried over into larger local governments, there would be even greater distance between the average resident and the decisions made by the local government, which may be centralised in Armadale, for instance, for people in outlying areas. Where is the democratic value in having larger councils? There may be some, but I want the minister to prosecute that case.

The member for Gosnells made an interesting point. If we have larger councils, local government candidates are going to have to have a greater resource base from which to fund their campaigns. The Premier said that at this stage, the Liberal Party does not get involved in local governments. That is also the situation of the Labor Party. Of course, individual members might support individual candidates. That has been refreshing and is something

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we should try to keep; political party involvement in local government should be kept to a minimum. We know that in New South Wales and even in Queensland, once party politics becomes involved in local government —

Mr A.J. Simpson: Compulsory voting is the trigger. If you bring in compulsory voting to local government, party politics comes into play.

Dr A.D. BUTI: The minister may be right. But what will also be a trigger is if candidates have to finance their own campaigns. If they do, they will be looking for political parties to help them. Also, if there are larger local councils, the decisions that are made will at first blush be more important, and parties will want to have their positions enacted by the various local governments. I am not saying that because there will be larger local governments, party politics will automatically become involved, but there will be a greater chance of that happening. Of course, if compulsory voting were introduced, there would be an even greater chance of that happening. That legitimate concern was expressed by the member for Gosnells. His local government authority has —

Mr A.J. Simpson: No wards.

Dr A.D. BUTI: — no wards. Candidates for that local government basically have to campaign for the same number of voters as candidates in a federal election. Obviously, that has resource implications. We know the money that is involved in trying to finance our own state campaigns, which have a lot fewer voters—roughly 25 000. If someone has to campaign for 100 000 voters, the need to try to obtain third-party support will be even greater. Many a candidate will gladly accept funding from one of the two major parties or another party. I am sure the Palmer United Party will become quite interested in local government elections as a way of getting into the political process. We will all receive another video from the one-and-only Clive Palmer!

A couple of other speakers talked about the amendment that the government now wants to reintroduce into the bill; that is, new clause 5, headed “Section 4.88 amended”. The proposed new clause states —

- (1) A person must not, during the relevant period in relation to an election —
 - (a) print, publish or distribute deceptive material; or
 - (b) cause deceptive material to be printed, published or distributed.

That in itself is not defamatory. Something can be misleading but not defamatory. I could mislead by saying that the minister is a fantastic minister. That is misleading. I am only joking, minister! But that is not defamatory. So something can be deceptive and misleading —

Ms E. Evangel: He listens to the community.

Dr A.D. BUTI: He has not done so in his own electorate. Anyway, we will leave that to one side.

Something can be defamatory but it may not necessarily be defamatory. That clause is looking at something being untrue. However, I query whether that will be constitutionally valid. As members well know, during the last state election campaign my Liberal opponent took a matter regarding posters to the Supreme Court of Western Australia. The City of Armadale had a by-law that prohibited political signage from being posted anywhere—not only on its own land but also on private property. The Supreme Court issued an injunction and said that, prima facie, the by-law would violate implied freedom of political speech in Australia. That, of course, would need to be tested. We will consider the provision in more detail during consideration in detail, but arguably if the government is going to fine someone or imprison someone for a year for putting up a poster that is slightly deceptive, one could argue that that might violate our implied freedom of political speech. The High Court challenge of 1992 occurred because the Keating government tried to reduce political advertising on television. Advertising, to a large extent, is not truthful. It puts across a certain point of view that is often misleading and deceptive. We all know that. One could argue that the penalty in the bill will curb the constitutional right to freedom of speech. As the minister would well know, under our constitution, if a state law is inconsistent and violates the implied right to political free speech—which is considered a right in not only the commonwealth Parliament, but also the Australian political body—the government may run into trouble. I am not sure why this provision is needed, because common law would take care of an act of defamation. If a statement is defamatory, there is nothing preventing a person from taking common law defamatory action. It is a bit more difficult with deceptive and misleading conduct, because if such conduct is by an individual, it will not come under the misleading and deceptive provisions of commonwealth legislation. In that regard, the government may be on sounder ground because the proposed clause refers to deceptive material, not defamatory material. I query whether the High Court would look favourably on a provision such as this. It would look at the effect of the provision. Local government candidates would be severely restricted in what they are prepared to

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communicate with voters with the existence of such a provision. They may not be 100 per cent sure that everything they say is 100 per cent correct and will not be misleading or deceptive. The provision does not impose an intention. Something could be misleading or deceptive when the person did not mean for it to be, and the person could be found guilty. Is it or is it not an absolute liability provision, because it seems that a person does not need intention? The application of this provision in the local government situation is incredibly draconian; indeed, we do not have it in our political process. The government is imposing an incredibly restrictive provision on the political process at the local government level.

MS L.L. BAKER (Maylands) [7.15 pm]: I have previously made comments in the house about the local government reform process. I am sure the Minister for Local Government would remember them. I will say a number of things again, but I will also introduce some new information about the amalgamations and how they will specifically impact the two local government authorities with which I work. I will also share my experience as a councillor on a different council. There are a number of issues about the rationalisation of services that is likely to occur. Indeed, “likely” is probably an understatement, because it is more like standing in front of an oncoming train. Of course, services in local government authorities will be rationalised when the authorities are amalgamated, because it will not be sustainable for councils to have a repetition of little sporting grounds, local halls and waste facilities, such as the rubbish tip that people go to on the weekend. They are all likely to be rationalised.

Mr A.J. Simpson: That is a good point about rubbish, because Bayswater has a three-bin system, Bassendean has a two-bin system and Stirling has a one-bin system. That is a big issue we have to resolve—how we best deal with the rubbish service of the new identity. We have a bit of work to do.

Ms L.L. BAKER: Waste management is probably almost as contentious as parking. I know the minister is aware of the issues. It is my job to make sure that they are included on the public record from the perspective of the councils in my electorate with which I have the pleasure of working. I have spoken about the City of Stirling, which has made submissions to the minister and put on the record its concerns about the impact that the amalgamations will have on it and its ratepayers in particular. The City of Stirling refers to the services that will be impacted. David Boothman, a former mayor of the City of Stirling, told me that his local government offered 210 individual services to the community of Stirling, including recreation centres; libraries; home and community care and waste services, which I mentioned; security services; and community events. He also listed the many small, local and valuable services that the City of Stirling provides to the community. As it stands, the rate increase is likely to reduce those services because the council will not be able to sustain many different libraries, recreation centres, halls and parks. The City of Stirling recently calculated the impact of this reform on its income. It suspects that the latest proposal will mean a 15 per cent reduction in revenue, which equates to an estimated loss of income of nearly \$30 million, which is not to be sneezed at. That is the starting point for local government authorities, such as the City of Stirling, in the negotiations if, indeed, they can be called negotiations. A significant impact has already been mapped by the City of Stirling with a 15 per cent reduction in income of nearly \$30 million. In addition, when it compared rates across the local government authorities, the City of Stirling has maintained a consistently low rate increase over many years. The current rate increase for 2013–14 is 3.49 per cent, which is one of the lowest in the metropolitan area. A comparison of rate increases shows that the percentage increase is 5.277 per cent for the City of Stirling; 7.198 per cent for the Town of Cambridge; 6.99 per cent for the Town of Vincent; and, 5.831 per cent for the City of Bayswater. The percentage increase for ratepayers moving into the new local government structure will be 10.5 per cent in the City of Bayswater, 36.4 per cent in the Town of Cambridge and 32.5 per cent in the Town of Vincent. I think those figures will profoundly impact on ratepayers when they find out that it will translate to dollars and cents that they are going to lose. Although they might not know today what that will equate to in dollar terms, there will be a huge outcry when people get their rates bills and realise that whereas last year they might have paid \$700, \$800 or \$1 000, this year they will be paying 10, 30 or even 40 per cent more. That is a substantial impost on incomes.

Let us talk about the services that will come under threat. The City of Stirling, in particular, is already aware that amalgamations are likely to significantly change the scale of the redevelopments that it has planned. The Scarborough redevelopment is a major project, and I know that the Minister for Police will be very concerned about it. The City of Stirling has indicated to me that that project is certainly one of the things that will have to be re-costed, reconsidered and restructured if this amalgamation is to go ahead.

Mrs L.M. Harvey: I think they’re being a bit alarmist.

Ms L.L. BAKER: The minister is certainly welcome to that opinion, but that is what the mayor has said to me, so that is what I am putting on the public record. It seems to me that his estimate of the cost being \$60 million, with \$30 million from the state and \$30 million from the City of Stirling, will need to be significantly re-costed.

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

p7018b-7080a

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Work on the Stirling city centre is projected at more than \$16 million over a period of years, and that will obviously have to be reworked. The Herdsman parking area, and parking across Herdsman, has been costed at \$65 million and will require a significant investment from the city. Those projects are not necessarily in danger of being cancelled, but they will have to be significantly reshaped for the future.

I will briefly digress to talk about the City of Bayswater. A couple of things will need to be looked at seriously into the future. One that is probably most near and dear to my heart is the development of a well-managed, long-term plan for the health of the Swan River. There was to be a long-term financial plan; the city had decided to develop a 10-year river restoration plan to complement its 10-year strategic community plan and long-term financial plans. One has to ask whether that is going to go ahead and, if so, in what shape or form. It would have to be significantly impacted. It will certainly have to be put on hold until this transition happens. That effectively means that there will be no long-term plan for the health of the Swan River for at least two years, because the transition is estimated to take at least two years. That is of concern to me; there are real warning bells in that for the future health of the Swan River.

Talking about services, and again referring to the City of Bayswater, it is also going to be difficult for amalgamated councils to deliver community services. In my electorate, a home and community care program is offered by the City of Bayswater, which delivers services all across Bayswater. How will that now reorient itself when the parameters of the local government authority change? It is funded to deliver services across a certain area, but if the local government changes its boundaries, there will be changes in what customers can reasonably expect to have delivered under a service such as home and community care.

What is going to happen to those services? I recently read the Western Australian Council of Social Service's pre-budget submission for 2014–15, a document titled "What Really Counts: Investing for Western Australians". On page 31 there is a paragraph headed "Community sector capacity building", and I will just read part of that paragraph. It states, in part —

The current context in which services are operating is one of increasing service demands at a time when significant policy, legislative and regulatory reforms are being implemented. Services face both increasing levels of unmet need, (and hence a demand for more services,) at the same time as tackling increasing complexity of need, (and hence a demand for more intensive services), from a sub-set of service users. In an environment in which the resources to support service provision are also tightening, there is a significant challenge to make services more efficient at a time when service deliverers are being run off their feet.

Now, more than ever effective support is required if we are to continue to have a robust, vibrant and diverse community services sector that enhances civic participation and assist in enabling strong, cohesive communities.

That is specifically talking about the human services industry, of course, and how the many not-for-profit organisations that work in local government areas deliver services. Some of them are supported by local governments and some of them have a percentage of their funding provided by local governments; that is all going to have to be reworked. As members know, the level of intellectual property and the knowledge base of non-government organisations is one of the fundamentally rich aspects of why we use NGOs to deliver human services. They are supported by their communities because they are linked closely to their communities and because they know people in their communities. That may change as demand for services increases. When the City of Stirling's boundaries change and other local government authorities' boundaries change, some of those service providers are going to have to rework what they do, how they do it, and the costs of those services to the community.

Another issue that I want to raise is the transition costs of moving to this model. One of my councils, the City of Stirling, has been told that there is \$200 000 on the table to help with that transition. I just need to check with the minister if that is correct.

Mr A.J. Simpson: It's \$200 000 for the implementation committee.

Ms L.L. BAKER: That is the only dollar figure that it has at the moment as a commitment from the government to work through this process. I am sure that the issues the council has raised with me are the same as those it has raised with all of my parliamentary colleagues. An amount of \$200 000 over two years will not meet any of the real costs of these amalgamations, and anyone who has been on a local government council, worked for local government or knows the sector will know that. I think there was an article in *The West Australian* or *The Sunday Times* the other day about salaries in local government.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr A.J. Simpson: It was about CEOs.

Mr J.E. McGrath interjected.

Ms L.L. BAKER: Some CEOs are paid a significant amount of money, and when we say that we are going to lose a percentage of them, \$200 000 is a pittance in respect of the redundancy provisions alone. That will not even begin to match a little bit of a redundancy package for some of these top CEOs.

I can see the minister forming something there.

Mr A.J. Simpson: It's 12 months of their wage package.

Ms L.L. BAKER: Or 16 weeks, or whatever it is.

Mr A.J. Simpson: It's 12 months of their package. It's quite a bit more than you'd get, member, if you lost your seat at the next election!

Ms L.L. BAKER: I think it would be a lot more than I would get.

We are all familiar with the top end and the problems that CEOs have voiced about this amalgamation process, but I have a friend who has just got a job working in human resources in a local government authority that is being impacted by these changes. She has just started that job and has had to move from down south—I think she might be from the electorate of the member for Murray—Wellington—up to the city, and now she finds she is not sure whether she will have a job, because it is highly unlikely that two HR managers would be needed in an amalgamated organisation. The gardening staff, the rangers and the people who work at the ground level are part of the outdoor workforce that supports everything that we enjoy as ratepayers. Those people's jobs, plus the jobs of those in middle management and senior management and the CEOs, are also at risk. We will not get anywhere with \$200 000. That will certainly not assuage any of the feelings of panic that some people will experience.

I have heard my colleagues speaking tonight about the length of service of some people in local government, which obviously raises the question of how employable they are in other areas.

[Member's time extended.]

Ms L.L. BAKER: If this amalgamation causes a council employee who has been employed for 26 years, 20 years or even 10 years to lose their job, what are their chances of being able to find another job without significant support to transition them to the second half of their career? How will these people be helped with that transition? We certainly do not do it well in government at the moment and I cannot imagine that these changes will suddenly see a pot of money emerge for career transitioning. These people are the most vulnerable in this workforce.

The City of Stirling has estimated that the cost to ratepayers of the package of reforms—the amalgamation itself—will be between \$40 million and \$200 million. What will the council do to meet that cost? It will impose extra fees on ratepayers. When we talk about capping those fees, that is not such a silly idea. When we talk about ensuring that local governments are not forced to meet these costs that way, that is very sensible. If there is a need for reform, it is incumbent upon the government of the day to support that reform process. That is a very clear and logical statement. I urge the government to look at how effective what it has in place will be in helping these organisations to transition.

I want to go into a bit more detail about the impact of the amalgamation on the Swan River, because it seems to me that it will potentially have a very serious impact. On 19 November the City of Bayswater had a meeting to consider what to do when it found out that the riverbank funding it had applied for had been knocked back. The Swan River Trust advised that the riverbank grant applications for restoration works at Clarkson and Bath Street reserves were not successful. The total state government riverbank funding for the financial year was \$910 000, of which \$500 000 was allocated to river walling at the Mends Street jetty.

Mr J.E. McGrath: What a great project.

Ms L.L. BAKER: I am right with the member for South Perth; it is a great project. It is much needed. There was also \$200 000 in funding for foreshore stabilisation at Ascot Racecourse.

Mr J.E. McGrath: That is another favourite spot of mine as well.

Ms L.L. BAKER: I am sure. This is an area of high risk as the city has received complaints about walkers tripping and the riverbank slumping into the river. It is quite dangerous. The city is now proposing to install one of those black plastic fences. That is the solution because it has been knocked back on this funding. I will not ask where the money from the Burswood Casino levy went; it was \$3 million the last time I looked. When we collect

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about \$3 million a year from the Burswood Casino levy, I am struggling to work out why only \$910 000 was given out in riverbank funding, according to the council notes. I think the city has been trying to work with the Swan River Trust for a decade to restore the river. Now we are seeing not just the boundaries of who is responsible for the river changing, but also the removal of the department that is tasked with bringing some commonsense, overarching strategy to how that work is progressed. That level of uncertainty will pose huge obstacles to members of the community and local government officers in developing a well-planned or managed long-term response to erosion of the riverbanks and the health of the river.

It is very clear that the community is concerned about the level of uncertainty that has been demonstrated by these changes. As I mentioned earlier, the Department of Local Government has required local governments to develop 10-year strategic community plans and long-term financial plans. The City of Bayswater had planned to develop its 10-year river restoration plan alongside that to ensure that the health of the Swan River was secured into the future. Surely that will go. It will certainly not be the first project to be looked at by an amalgamated council, the new city of Morley. How much priority will it be given when the number of councillors will be reduced to a handful, not necessarily with coverage of that section of the river? I am very concerned. My constituents have voiced their concerns about how this would likely impact on the Swan River in the future given that we now have different boundaries about who is responsible and arguably far less certainty about funding for the restoration of the river.

In my last few minutes I want to refer to the “Stay in Stirling” public rallies that were held by many local government authorities, as indeed they should be, to talk to their constituents about these plans. I attended one of these rallies in Dianella. The City of Stirling held one in Mt Lawley and one in Dianella and over 700 residents attended. Yesterday morning I received some comments from someone who attended one of those rallies. I wanted to talk a bit about those comments because they refer to the member for Mount Lawley, the Speaker, who is not here tonight. The member for Mount Lawley and I were speakers at that forum in Dianella. A number of presentations were made by people with heritage interests, such as the Mount Lawley Society, the mayor, the CEO of the City of Bayswater, I think the financial manager, the member for Mount Lawley, and me. There was unanimous support for the position put by the City of Stirling over whether to include Inglewood and parts of Dianella in this plan. I want to read a little of the email given to me by Paul Collins, who was the master of ceremonies at the community consultation that both the member for Mount Lawley and I addressed. It states —

Good morning,

The Hon. Michael Sutherland MLA has **surrendered/given up/raised the white flag/retreated/backflipped** on his earlier support for Dianella to remain in Stirling.

He publicly stated at a rally in Dianella earlier this year he supports the retention of Dianella and Inglewood to remain in Stirling.

...

The local member has become a party member for all to see.

All is now revealed.

Please hold him and —

Point of Order

Mr C.J. BARNETT: Mr Acting Speaker, I assume these comments are going to end up in some sort of political attack on the Speaker. The Speaker is not in a position to defend himself if that is the case, and I would ask you to give consideration to that situation.

Mr P.B. Watson interjected.

The ACTING SPEAKER (Mr P. Abetz): Member for Albany, we do not accept interjections during points of order; you know they are to be heard in silence. Member for Girrawheen.

Ms M.M. QUIRK: Further to that point of order, the member was quoting directly from another person—a councillor of the City of Stirling—and not in the member for Mount Lawley’s role as Speaker, but in his role as a local member. I think that distinction is an important one to make.

The ACTING SPEAKER: The advice is that the criticism is of him as a local member, and therefore that is within the bounds.

Debate Resumed

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Ms L.L. BAKER: Thank you, Mr Acting Speaker; I feel slightly flattered that I would be considered as attacking someone successfully! I am not; I am simply saying that the member for Mount Lawley had originally, in a public forum with a number of constituents present, announced that he would support what all those constituents were saying. Recently, he changed his position, and I wanted to make it clear that he has; indeed, he was writing to the Mayor of the City Stirling to clarify his position. I am just taking this opportunity to put on the record what he put on the record. The member for Mount Lawley wrote in his letter to the mayor that —

The reform process was supported by all councils, including Stirling. It was always known that the reform process could affect council boundaries. In that context, I cannot support Stirling's position that its boundaries should be totally unaffected ...

...

Amalgamating the Bayswater and Bassendean Councils on their own does not produce the desired population size which means that other areas have to be found for inclusion in the new council. For that reason, I now support part of Dianella moving from Stirling to the new council.

Whilst I have previously sought to have Dianella remain in Stirling, I now accept that it is unlikely to happen due to the wider public interest being served by the reforms, including the need to create a larger Bayswater/Bassendean council.

Inglewood is now also proposed to be wholly included in the Bayswater/Bassendean council for the same reason.

I think the constituents who heard of the member for Mount Lawley's support of their position in regard to the proposed Inglewood–Dianella amalgamation when he was addressing them will be very sad to find out that he has now withdrawn it.

I hope I have made clear that from my perspective and that of the two local government authorities I have the pleasure of working with, there are a range of concerns and issues that have not yet been clarified, and the path forward is not clear. Very many messy issues are still to be addressed, and the residents I speak to are concerned that they will bear the brunt of these changes. For instance, the City of Stirling thinks that the costs may be between \$40 million and \$200 million, and those residents think they will have to pay for it. I totally understand why they think that; indeed, without a sensible package to help make these changes, there will be no way of assuaging their sense of panic about them. Yes, any change creates a level of uncertainty, which in turn makes people feel concerned about the future; we understand that. But these are very firm figures that have been worked out in relation to the government's now forcing of these amalgamations; therefore, if force is being applied to this issue, the government should be prepared to step up and support local government authorities to make the changes. If, indeed, these changes will be beneficial in the long run, then the government should be prepared to put its money where its mouth is.

MR J.E. McGRATH (South Perth — Parliamentary Secretary) [7.45 pm]: I rise to say a few words about the Local Government Amendment Bill 2013. This is probably the first time I have spoken on it, although there has been a lot of debate around it before it coming before us today. I believe that as a local member I need to express the views of my community. My community will be involved in the proposed amalgamations of local governments; a lot of other members are not in the same position, and I understand that. I will try to explain my rather unique position.

Firstly, I support the amalgamation of councils—I have never been against it—but only when a benefit to the community can be demonstrated. If a benefit can be demonstrated, then the community will come along. I know the minister has been attempting to do that. My council—the City of South Perth—has had a number of meetings with the minister, and it has been very complimentary of the work he has done with it. The problem I face is that my local council has been earmarked for an amalgamation with the Town of Victoria Park, and we are really not sure what the benefits will be. Worse than that, maps have been released by the minister that reveal that Crown Perth casino, which currently sits within the Town of Victoria Park, will be moved into the City of Perth under these boundary changes—an issue the people of South Perth have discussed with me at length. There will be a loss in rate revenue of about \$3 million a year on current values. I understand the minister has redrawn the boundaries on the southern side of the amalgamated councils to put in 7 000 rooftops in Bentley, but I am not sure that will be like-for-like because a lot of money will need to be spent in Bentley. Bentley has a lot of social issues, and I think the City of Canning had planned to spend quite a bit of money in and around Brownlie Towers. All these things would have to be worked through. Hopefully, the Local Government Advisory Board will talk to both councils about that as this process moves forward.

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

p7018b-7080a

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

The other problem is that I am speaking on a bill I do not know the outcome of. I understand this bill will not enable forced amalgamations; it will mainly put in place some structures for the process moving forward. I do not know the decisions the Local Government Advisory Board will make on all these proposed changes. Under the act, the Local Government Advisory Board has the power to make a recommendation to the minister, and the minister has to, I think, take notice of that recommendation.

When I talk to my constituents about amalgamation they say, “Oh, we don’t really care. We don’t care if we amalgamate or not. We have a good city.” The City of South Perth has a long history of being a separate local identity. We can take it right back to the founding of Perth back in 1829. The City of South Perth was all part of that when the first settlers came up the river. The Old Mill, which is still there, was built in 1833 and is the second-oldest industrial site in Western Australia. That is the sort of history that surrounds the city I represent. I only have one local government authority in my electorate—the City of South Perth. There is a great heritage and historical factor in South Perth that I have to take notice of and acknowledge when I talk to people about the fact that we could soon see change with an amalgamation with the Town of Victoria Park.

The people of South Perth also see their city as being very sustainable and having great potential on its own. Some people in South Perth liken it to North Sydney and see the potential for South Perth to one day become a vibrant residential and commercial precinct, sitting right opposite our capital city. The train station will obviously be built, and a lot of people will come into South Perth to work in the Mends Street precinct. Some people believe that down the track, South Perth can stand alone as a city council. However, in spite of that, there have been ongoing talks by various mayors of the City of South Perth about amalgamation. The other day, I spoke to a former Mayor of the City of South Perth, John Collins. He recalls speaking to the late Mick Lee, the then Mayor of the Town of Victoria Park, some years ago about an amalgamation. They actually talked about shutting down Somerset swimming pool in Victoria Park, which was in great difficulty at the time, and building a swimming pool in South Perth. However, the then Gallop government decided to spend money on Somerset pool and did it up, and that was the end of that as the catalyst for an amalgamation.

Mr P.B. Watson: The Premier used to swim there every day. That is why he had it fixed it up.

Mr J.E. McGRATH: Yes. That might have had something to do with it—not our Premier; the Premier of the day.

The member for Belmont may recall this, because I think she was the Mayor of the City of Belmont at the time, but it was suggested to me that there were three-way talks between South Perth, Victoria Park and Belmont. Apparently the Town of Victoria Park was not keen on an amalgamation. However, I have to say that the people of South Perth and the council of South Perth have always been prepared to be progressive.

In February 2009, the then Minister for Local Government, the member for Bunbury, John Castrilli, who was in the chamber a while ago, was up north at a conference, and he flagged that there could be forced amalgamations if local governments did not become proactive. The City of South Perth council took that on board. It went back to the Town of Victoria Park and engaged in discussion. They did not come to agreement immediately. I believe the Town of Victoria Park council put it to a vote and it voted against amalgamation. The City of South Perth council then had a vote, and it voted for amalgamation, and the Town of Victoria Park eventually agreed to have another vote and it voted to go in. A steering committee from both councils was put together and they started to work on achieving an outcome. When those two councils looked at an amalgamation, they based it on the existing boundaries of the Town of Victoria Park and the City of South Perth. The boundary of the Town of Victoria Park includes Burswood peninsula. Burswood peninsula has been inside the Town of Victoria Park since the town was formed in 1993; before that, it was part of the City of Perth, as was Victoria Park.

In the proposed new boundaries that were released by the Minister for Local Government earlier this year, Crown casino and the new sports stadium have been annexed from the Town of Victoria Park and placed in the City of Perth. I have said in this place that I can understand the Premier’s motive for doing that. The Premier has always had a mindset that this is what should happen, and he is the Premier of the day. But I am representing my constituents, and they have some angst about taking Burswood peninsula, and particularly the casino, out of the Town of Victoria Park. We know that there has been a strong push by the City of Perth for a long time to bring Burswood peninsula into the City of Perth. The Lord Mayor of City of Perth has said that in order for Perth to become a truly international city, it needs to have icons such as the casino, and maybe also the proposed sports stadium, within its boundaries. But I ask the question: has it really been an impediment to the City of Perth that the casino has been in the Town of Victoria Park since 1993? It certainly has not prevented the casino from being one of the major destinations for people who come to Perth. I do not think people who come to Perth say,

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

“I know there is a casino in Perth, but it is not actually in Perth; it is in the Town of Victoria Park.” We tend to go to cities and see all the attractions as being within the one city.

A good example is London. London is one of the great cities of the world. The City of London comprises one square mile. It is a very small area. It contains very few of the city’s internationally recognised landmarks. The Houses of Parliament, Westminster Abbey, Trafalgar Square, Piccadilly Circus, Oxford and Regent Streets, Leicester Square, most major museums, Buckingham Palace, Hyde Park and the Tower of London all belong to surrounding local governments. Yet, despite that, London is able to attract 15 million tourists a year. That is the point I am trying to make. Therefore, when the Local Government Advisory Board looks at this matter, it needs to take these things into consideration.

There is also some history to this place called Burswood. This goes back to 1993, when the Court government decided to split up the City of Perth, which back then extended to City Beach and took in what are now the Towns of Vincent and Victoria Park. When that legislation was brought to Parliament by the then Minister for Local Government, Hon Paul Omodei, there was a huge backlash in Victoria Park. In fact, the community outrage was so strong that the minister of the day came into this place and amended the legislation. He said that in making that decision, the government had acknowledged that not enough regard had been given to geographic communities of interest. That is a very important point.

I understand the process that has been put in place by the minister. The Local Government Advisory Board will now look at this matter, and I am assured that it will work through things with the community and, at the end of the day, it will make a decision based on the evidence that it has been able to get from those discussions. So the future of my council sits in the hands of the Local Government Advisory Board. Under this legislation, the board will be increased from five members to nine members. I hope the advisory board will take into account the fact that under its charter, natural geographic boundaries must be given serious consideration when adjudicating on boundary changes. There is no greater geographic boundary in the metropolitan area of Perth than the mighty Swan River. I have raised this issue with many people, and wherever I go and wherever I talk to people, they say to me that the river is the geographic boundary. If that is not the case, why are South Perth and Applecross not within the same local government authority? Neither federal electorates nor state electorates cross the Swan and Canning Rivers, and that is done for a reason.

I trust that the advisory board will take on board the recommendations of the Robson review, which, when it drew up the boundaries, indicated that to ensure financial sustainability the amalgamated local government authorities should have a very strong core rating base such as a major shopping centre or a big commercial centre. I am aware that the City of South Perth broached with the minister that the boundary should extend down to the shopping centre in Cannington. If the boundary was extended that far down, it could incorporate Carousel shopping centre, which is a major rate base. South Perth is very much a residential suburb—it has some high-rating residential properties—and residential rates are its main source of revenue. The loss of Crown Perth will make this amalgamation difficult and a lot of work will have to be done. I am sure the minister will have discussions with the councils involved—my local council and the Town of Victoria Park.

In closing, I believe there is an opportunity for agreement on an amalgamation between South Perth and Victoria Park that will create an extremely sustainable new local government. If Burswood Entertainment Complex stays in, there could be a very strong local government on the other side of our great capital city. This is something that the Local Government Advisory Board should look at, and it would not be an impediment to the city’s growth and development. There are many other cities in which similar things have happened and they are still great tourism centres. I think the minister is doing a good job. I support what he is doing and he has been very approachable with the people from my local government. I will make a submission to the Local Government Advisory Board and I am sure that my local government, the City of South Perth, will do the same. As I said, we have only started on this journey; tonight we are approving the mechanics so that the minister can get things moving. The ball will then be in the court of an independent body—the Local Government Advisory Board—that will come back with recommendations, which I am sure we are all waiting to see.

MR F.M. LOGAN (Cockburn) [8.02 pm]: I appreciate the input from the member for South Perth. Member for South Perth, can I just provide a little bit of advice?

Mr J.E. McGrath: Yes, mate.

Mr F.M. LOGAN: If the member thinks that the Local Government Advisory Board, the Minister for Local Government and the Premier are going to reverse their decision and put the casino back into his council, he can forget it; it is not going to happen.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr J.E. McGrath: How do you know?

Mr F.M. LOGAN: Because it is not going to happen. The member knows it and I know it. The Premier will not let it happen. The member can get up here and say whatever he likes about what he would like to see happen, but he has lost. Although he has done the right thing by his community by coming in here and fighting for it, it is not going to happen. That is a reflection of the government's whole approach to local government reform. Local government reform is supposedly about reducing the number of metropolitan councils to get efficiencies and keep the rate base down, but if one drills down to see exactly what is happening, it is nothing short of chaos. What we are doing here tonight is a reflection of that chaos in this supposed local government reform, which has been going on for the last five years. For five years there has been report after report, inquiries, meetings and money expended by metropolitan councils to provide those reports and submissions to various government bodies, yet we are no further advanced with the process.

The Local Government Amendment Bill 2013 before the house tonight reflects that chaos. The bill has been on the notice paper for some time. It makes a series of amendments to the Local Government Act 1995 that strengthen and change the positions of the Local Government Advisory Board as set out by the minister. It puts into the legislation a provision that allows the government to give policy advice to the Local Government Advisory Board—both in the body of the act and in schedule 2.1—when changes to local boundaries are made under the Local Government Act. The original Local Government Amendment Bill that was tabled as a part of the second reading speech contains provisions relating to qualified privilege and defamation as part of the process of local government reform. What are we dealing with tonight? We are dealing with amendments on the notice paper that amend this bill. Later tonight, when we get to the consideration in detail stage of the bill, we will be amending the amending bill because the minister and the government did a backflip on the provisions contained in the bill that they introduced into this house. They are amending their amending bill before we even get to the process of amending the act. That is a reflection of the chaos that has been going on in this supposed local government reform for the last five years. Nothing has happened. Hundreds of meetings have been held across metropolitan Perth, inquiries have been launched and recommendations made, but not one amalgamation has occurred in the past five years. Premier, there has not been one amalgamation in the past five years. This is the Premier's second term of government and he has achieved nothing. He has brought in an amending bill to try to take his process forward, breaking the promise he made before the election that there would be no forced amalgamations. This bill helps to go around the amalgamation process by changing the boundaries of metropolitan councils. It goes around the amalgamation process and directly changes the boundaries of local governments in metropolitan Perth. The Premier has broken a promise he made to the people of Western Australia, because it is amalgamation by another means. This bill, which is part of the broken promise to the people of metropolitan Perth, has to be amended because of deals between the Liberal Party and the National Party. That is why these amendments have been brought in.

The question becomes: what is this whole process of local government reform trying to achieve? There are 139 councils in Western Australia. Thirty of them are in the metropolitan region. If we were to begin local government reform, where would we start? If we were looking at inefficient and small local governments to try to get some efficiencies of scale and change, would we start for example at Carnamah, with a population of 546, which, since 2006, has dropped 27 per cent? Would we start at Broomehill–Tambellup, with a population of 1 100; Cuballing, with a population of 890; or Koorda with a population of 596?

Ms M.M. Quirk: Each with a shire president or CEO.

Mr F.M. LOGAN: As the member for Girrawheen has just said, each with a shire president or CEO and various governance —

Mr P.B. Watson: A house.

Mr F.M. LOGAN: Yes—a house and various staff and equipment costs and all the other things that go with local government. Would we start in the regions and try to get regional council representation and efficiencies of scale or would we start at places such as Cockburn with nearly 100 000 people in the council, \$800 million-plus worth of assets and a well-run, debt-free council. Would we start there?

Mr B.J. Grylls: Yes, that's where we would start.

Mr F.M. LOGAN: “Yes, that's where we would start.” That is the National Party's view and that is why we are in this position tonight. We are dealing with this second amending bill because there are proposed sections in the original Local Government Amendment Bill 2013 that the National Party does not like. The National Party has pressured the minister, the Premier and cabinet to change those provisions to suit their own ends. That is why we

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are dealing with local government reform in the metropolitan region rather than dealing with the 109 councils in the bush. The Premier knows that.

Mr C.J. Barnett: You might also start with councils less than five square kilometres.

Mr F.M. LOGAN: He knows that, but he is afraid to take on his National Party colleagues. That is the truth; he knows it. He should tell me I am wrong.

Ms M.M. Quirk interjected.

The DEPUTY SPEAKER: Member for Girrawheen, you are on three calls, so just allow the speaker to continue, please.

Mr F.M. LOGAN: The other issue I am trying to come to grips with is why the government has introduced these provisions tonight to make changes to the Local Government Advisory Board. It strikes me as odd that we are doing that given the recommendations of the Metropolitan Local Government Review, otherwise known as the Robson report. Recommendation 14 reads —

The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.

That recommendation is in the bin because the government is clearly not going to pick it up. Instead, the Local Government Advisory Board will increase in size, capacity and involvement, supposedly, in this local government overhaul.

I would like to refer to the provisions of the bill before the house and deal with some of the various changes. I will come back to the make-up of the Local Government Advisory Board. The minister knows I have been critical of the make-up of that board and I will explain why in a short while. But as I am required to do—I am sure the Deputy Speaker would have shortly directed me to—I will deal with the bill itself. Some of the provisions in the Local Government Amendment Bill, and those not being amended, strike me as quite odd. Firstly, I will deal with the qualified privilege section, clause 5, in which, initially, the minister intended to delete section 4.88 of the principal act, but with this bill he is seeking to replace section 4.88. I agree with the minister on this issue. The issue is to do with qualified privilege. Implied in the commonwealth Constitution is a freedom to publish material. The Constitution refers to, firstly, discussing government and political matters; secondly, members of the Parliament of the Commonwealth of Australia, which relates to the performance of their duties in the Parliament or parliamentary committees; and, thirdly, the suitability of persons for office as members of Parliament. The implied freedom of communication in the Constitution goes to those matters and, as we can see, all those matters relate to the workings of the federal Parliament and its members in either an election or their duties as parliamentarians. However, as the minister is probably aware, the High Court in the *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520 said that this precludes the curtailment of the freedom of communication between the people of the commonwealth concerning political or government matters that enabled the people to exercise freedom and informed choice as electors. By that, they mean that the implied provisions in the Constitution allow people to make statements about parliamentarians. In both the High Court *Stephens* case and the *Lange* case, it was inferred that those freedoms of qualified privilege would also be extended to state government and, possibly, to local government. But if we read the cases, we will see that it is the actions of politicians in their role in Parliament, as opposed to councillors, who are not party members for the purposes of representing parties in their councils acting as politicians of political parties. I think, minister, there might be a very clear distinction. The implied freedoms and the qualified privileges from defamation may apply to those jurisdictions in which councils can be elected based on their political affiliation—for example, New South Wales and Queensland. It would probably be a different situation when it is stated in the act here that a person cannot stand for council as a politically affiliated member of a party. Does that qualified privilege therefore extend to Western Australian local government representatives or is the minister right in putting this provision back into the legislation? My humble opinion, even though I am not a lawyer, is that the minister is right. I therefore support the minister's plans there.

[Member's time extended.]

Mr F.M. LOGAN: However, as I said, I have problems with the expansion of the board itself for a number of reasons. One is obviously the open political affiliation of the chairman, which has already been referred to. I raised the issue before about the inclusion of Dr Shayne Silcox, the CEO of the City of Melville.

Mr A.J. Simpson: He has a deputy, though.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr F.M. LOGAN: Yes, I understand. However, as I said to the minister before, given that the carve-up of the City of Cockburn will come before the Local Government Advisory Board —

Mr A.J. Simpson: Shayne's going to stay out of that scheme.

Mr F.M. LOGAN: That might be the case. Ultimately, Shayne might not stay on for the purposes of the issue relating directly to Cockburn and Melville, but he will be there for the overall map that comes back to the minister, which will include the changes to the boundaries of Cockburn; he cannot exclude himself from all of it.

The other issue I raised with the minister is that also on the board is Mark Chester, the CEO of the Shire of Dardanup.

Mr A.J. Simpson: He is a deputy, too.

Mr F.M. LOGAN: Yes. Also on the board is Karen Chappel, president of the Shire of Morawa; and Mayor Ron Yuryevich, who is from Kalgoorlie. Three regional councillors will be determining the future of metropolitan councils, and I do not think that is acceptable—I do not think that is acceptable at all. I think, if anything, the minister should have people from the metropolitan region, even if they are councillors or independent people, determining the future of metropolitan Perth.

Mr A.J. Simpson: So you agree with two committee members.

Mr F.M. LOGAN: No. I think it is wrong that the minister has councillors on the board who will not be affected by these changes, yet will ultimately be making determinations on the future of metropolitan Perth. I do not think that is fair, right or proper at all—apart from the criticism I have of the chairperson and apart from the criticism I have of the inclusion of the CEO of Melville from Cockburn's perspective. Those are some key issues I have with the make-up of that board.

The other issue I wish to raise of course is the chop-up of the City of Cockburn itself. The minister has clearly heard what I have already said to this house in a grievance and also to the representatives of the ratepayers who gathered on the steps of Parliament the other day. I simply cannot understand, nor can the hundreds of ratepayers who have contacted me very, very angrily about the carve-up of Cockburn council, that a council, not a small shire with 590 or 800 people but a council with a population of 98 990, an annual budget of \$122.7 million, assets of \$833 million, cash reserves of over \$70 million, a workforce of 455—which is more than the population of some regional shires—and an operating surplus of \$13.15 million can get to a point in supposed local government reform that that council gets extinguished, gets carved up and sections of it get given to the City of Fremantle and the City of Melville, and what is left of it is encouraged to amalgamate with the City of Kwinana but in reality is actually given to the City of Kwinana. How is that local government reform when, as I say, the council that is being carved up has a workforce bigger than the population of some country shires? That is not local government reform. How can it possibly be local government reform?

We know exactly what it is. The minister declared his hand on this issue, and I accept that he said to the ratepayers on the front steps of Parliament and to the house from his perspective he had to keep Fremantle, he had to make it whole and he had to give it a sufficient rate base—and similarly for Melville. That is not what the Robson report recommended in its two different options. It recommended to government that the City of Fremantle, the City of Melville and the Town of East Fremantle be amalgamated. The first option was a recommendation that Cockburn's boundaries remain exactly as they are. The second option in the Robson report actually took a small part of the north of Cockburn and put it into the new amalgamated Fremantle–Melville–East Fremantle council. However, neither of those options in the Robson report suggested that the minister keep Fremantle and Melville and chop up Cockburn. Those options did not recommend that. The reasons the Robson report did not recommend that is it regarded Cockburn as a secondary centre of population behind the key centres of Perth, Rockingham, Armadale and Wanneroo. We have seen in the planning documents of the Department of Planning that Cockburn would be one of the secondary city centres. Those documents said that because it was recognised that Cockburn's population would grow to 140 000 between now and 2030 and that its expenditure would grow consequentially, it was as big as we want. Cockburn is as big as we want as a local government authority. It is more than sustainable. It is sustainable now. When it gets to its 140 000 population level, it will be a very large sustainable council. There was nothing in the recommendations to say that we should then chop up the entire council and give it to the three surrounding councils.

The minister must bear in mind that the City of Cockburn has a significant proportion of people who do not live in the state parliamentary seat of Cockburn, the state parliamentary seat of Fremantle or the state parliamentary seat of Willagee; they actually live in the state parliamentary seat of Jandakot. I can tell the minister that the

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ratepayers who live in the golf course estate in Glen Iris do not want to be in Kwinana. They live in a very nice golf course estate.

Mr A.J. Simpson: I wasn't moving them to Kwinana.

Mr F.M. LOGAN: They are going into the new area of Kwinana.

Mr A.J. Simpson: Have you done any modelling on it?

Mr F.M. LOGAN: I am not criticising Kwinana. Kwinana is a very nice place, and I represented Kwinana.

A government member: What are you trying to say, member?

Mr F.M. LOGAN: I represented Kwinana. It is a very nice place with very nice people. But there are people who live around a golf course estate in Glen Iris and there are people who live in Atwell, Aubin Grove and Banjup who are not very happy with the member for Jandakot—not very happy with him at all!

A government member: Why not?

Mr F.M. LOGAN: It is because he has not come out and said a word about defending the carve-up of Cockburn, and those ratepayers are very upset with him and feel that they are all going to end up in Kwinana.

Mr A.J. Simpson: What's wrong with Kwinana? You keep saying "Kwinana". What's wrong with Kwinana?

Mr F.M. LOGAN: I reckon what the minister should do —

Ms M.M. Quirk: Ask a real estate agent!

Several members interjected.

Mr A.J. Simpson: You are saying you are going to move house—same postcode, same suburb.

Mr F.M. LOGAN: If the minister thinks that is all okay, I suggest that he go down there and have a meeting with the ratepayers and they will tell him themselves. The ratepayers will tell the minister far more clearly than I can.

Mr A.J. Simpson: There's nothing wrong with Cockburn; I can tell you that!

Mr F.M. LOGAN: There is nothing wrong with Kwinana either! I can tell the minister that thousands and thousands of ratepayers who live in the seat of Jandakot are very unhappy with their member, because so far he has not said a dickie bird. The member for Jandakot has not defended his constituents, who are ratepayers in the seat of Cockburn who want to remain in Cockburn council and who want Cockburn council's boundaries to remain exactly as they are, as recommended by the Robson report. The member for Jandakot has not said a dickie bird!

Mr A.J. Simpson: Cockburn put a submission in with Kwinana!

Mr F.M. LOGAN: I will go back to the act, minister. I refer to schedule 2.1, "Provisions about creating, changing the boundaries of, and abolishing districts". The minister proposes to amend some of that schedule tonight to bring about forced amalgamations. Schedule 2.1(2) of the act states —

The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —

(a) given* notice —

The asterisk indicates that an absolute majority is required, and I would like to see the outcome of that —

to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so ...

I will take up paragraph (a) with the minister in consideration in detail. How will the minister apply this paragraph, given that notice has to be given to electors? The minister has given the map carving up Cockburn to the Local Government Advisory Board to inquire into, but paragraph (a) plainly says that the board cannot recommend any changes to the minister other than those that the minister has asked it to inquire into, unless it goes to those other provisions in paragraph (a) to (c). Effectively, the Local Government Advisory Board is bound by the act not to change what the minister has put forward, which is the carve-up of Cockburn. We will have a discussion about this in consideration in detail, because if the advisory board recommends something other than the map the minister put forward, how will the minister deal with paragraphs (a) to (c)? We will see.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [8.32 pm]: I thank the house for the opportunity to speak on the Local Government Amendment Bill 2013. It is a particularly interesting piece of legislation that is in part the sibling of the Workforce Reform Bill 2013. I am looking forward to seeing how both pieces of legislation act out in the way that they are implemented. I should preface my comments by saying that I am not a great aficionado of local government. I have not served in local government, but I have the privilege of working with staff in my office who have had experience in local government. I am beginning to gain an appreciation for the commitment of a lot of people who are working hard inside the confines of the local government framework to enhance their community. It is not surprising that this issue around the rise and fall of local governments on the basis of whatever accidental posting the minister happens to make on the website is an issue around which there is a great deal of consternation. From that point of view, it is regrettable that we have had this clumsy, ridiculous, shambolic policy process that we have been working our way through since midway through the first term of this government. It is fair to say that the government is learning as it goes along. Under the Workforce Reform Bill the government essentially waved the white flag over its wages policy, understanding that the first term of its time in government was not a happy one when it came to wages policy. The government comprehensively failed in implementing the objective of that policy, which was to restrict the growth of wages inside the public sector. The government failed demonstrably in that task, so the Workforce Reform Bill is a way to delegate the task to the WA Industrial Relations Commission. By binding the WAIRC into the wages policy of the day, the government hopes that someone else will take care of a policy area that the government has so comprehensively failed to take care of itself in its first term.

This week the Local Government Amendment Bill will similarly reflect some of the lessons learnt by the Barnett government in its first term. The Barnett government learnt in its first term that local government reform is a very difficult task. The government set out with the best endeavours to undertake what it thought was the most obvious place to start the process of local government reform, which is the bush, and to look at some of the smaller unviable local government authorities. Of course, that hit an iceberg on day one. The policy had barely surfaced before it bumped fair and square into the National Party. That clearly was not going anywhere.

Mr V.A. Catania: Are you saying that the National Party protected regional councils?

Mr R.H. COOK: I am saying the government understood, as nearly everyone in this place does, that a good deal of local reform can go on in country local government authorities. However, the government realised its mistake early on. It had not stared down the National Party, and it certainly was not going to do it on that issue. The government went about local government in the only way it could, which was to look at local government authorities in the metropolitan area. We have heard the Premier on a number of occasions talk about some of the local government authorities in his area. The Shire of Peppermint Grove usually gets an honourable mention.

Ms M.M. Quirk: He is just cheesed off that he has to go to four citizenship ceremonies! Or maybe they slighted him!

Mr R.H. COOK: I am not sure what the Shire of Peppermint Grove has done to anger the Premier, but it usually gets an honourable mention when it comes to local government reform in the city. We have seen one or was it two Ministers for Local Government come and go, and they have had hapless experiences.

Mr A.J. Simpson interjected.

Mr R.H. COOK: The member for Darling Range is the second. The other was looking a little shaky around the edges. We have seen one Minister for Local government come and go, as he learnt through bitter experience the difficulties in this area. We have seen an increasingly large amount of political capital expended by this government trying to eke out some sort of reform process, all of which collapsed in the shadow of the state election when the government accepted that its ambitions in local government reform would not be realised if it wanted to retain its popularity in the electorate. In the context of the state election, the government abandoned all the pretence around the idea of forced amalgamations and said it was not going to force any amalgamations. The current Minister for Local Government made a great contribution to that debate in the context of the state election and heightened the anxiety and stress associated with local government amalgamations. The minister is now feeling a lot of the intense pressure that has come the government's way as a result of this failed reform process.

The government learnt a lesson with the wages policy, so it has come up with a new scheme involving the Local Government Advisory Board. In the same way that the Treasurer hopes the Industrial Relations Commission will save his bacon when it comes to wages policy, the Minister for Local Government, who is in charge of this reform process, hopes the Local Government Advisory Board will save his bacon. During the last few debates on

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

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Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

this matter the minister has had his palms in the air, almost in the poise of a man in surrender. He has been saying, “Don’t look at me; it’s someone else’s doing. It’s the Local Government Advisory Board. I don’t have any say in it. They’re going to take care of these things. Please stop hitting me; it is starting to hurt. I need you to leave me alone. This is all the fault of the Local Government Advisory Board.” We now see that policy coming into play as this bill is brought to Parliament. The minister has been tweaking and playing with the membership and framework of the Local Government Advisory Board so that he can ultimately achieve what he wants to by way of a proxy, being the Local Government Advisory Board. He also hopes that this will take some of the heat off him, because this has been a very unhappy experience for the minister to date. The government has expended huge amounts of political capital for zero political gain. All we have is this hopeless and shambolic policy process, which has become the hallmark of the Barnett government.

Under this legislation, the membership of the Local Government Advisory Board will be expanded in size and the way in which it undertakes its deliberations will be enhanced, to allow the minister to try to deflect some of the anger that he is feeling at the moment. Some of that anger is coming from people in the Cockburn area, whose highly sustainable, highly efficient, strong in governance local government authority, which is doing a good job and is well regarded both in the sector and by the community that it serves, is, for some perverse reason, looking like becoming the victim of a process that is supposed to produce more councils that will emulate the very characteristics that Cockburn is currently demonstrating. We have this rather bizarre process, under the title of local government reform, that is actually punishing local government authorities that are demonstrating all the characteristics that the government wants emulated. Yet, at this stage, we see no other course of action than the City of Cockburn council getting it in the neck.

The City of Cockburn has large surpluses that will come into play. It has strong administration and strong finances. That begs the question of how those finances will be carved up. The City of Kwinana is part of the area that I represent. That council is highly leveraged in terms of its debt-to-revenue ratio. The City of Kwinana is going to be amalgamated with a portion of the City of Cockburn, which is enjoying a very strong set of books and, indeed, some surpluses. The difficulty comes for those people in the City of Cockburn who will be folded into the greater city of southern Cockburn and Kwinana. What is going to happen to the public finances that control their lives in terms of their rates, the level of community services they enjoy and so forth? A good portion of the finances of the City of Cockburn will be bled, essentially, into the debt of the City of Kwinana. To a certain extent, the debt being carried by the City of Kwinana is well justified—it has gone through a period of enhanced asset growth and is doing its best to ensure that it can deliver better services to its community by growing its physical facilities. In particular, the council has provided a really interesting integrated community facility in the Darius Wells Library and Resource Centre, which incorporates a library and is a home base for a range of community services. It also has a Dome coffee shop, so we know that a lot of people will be using the facility. The reality is that the City of Kwinana is highly leveraged in terms of debt. That portion of the City of Cockburn that will be amalgamated with the City of Kwinana is, as part of the City of Cockburn, enjoying strong financial times. How are we going to resolve those issues?

There is also the issue of the City of Kwinana not having wards, so the councillors pitch to the entire City of Kwinana community, whereas the City of Cockburn has a ward system. I cannot, for the life of me, work out how democratic values can be demonstrated in a system that has no wards. That is a highly undemocratic way to run a local government authority. I have made it very clear to councillors at the City of Kwinana that I think it is a highly unusual way to run that local government authority, because, essentially, those who enjoy the benefits of incumbency utilise the resources of the council to promote themselves right across the city in a way that someone just entering the local government political arena cannot. That system is highly loaded towards incumbency. From that point of view, it is something that needs to be closely looked at. We have to look at the implications of these things and we need some feedback from the minister on how these things are going to be managed.

I will turn to some comments made by the Premier on 18 September in response to a question from the member for Maylands. In that debate, between the various jibes towards members on this side of the house, the Premier made the following observation —

... local government is not a constitutional sovereign level of government; it is a subset of state government where the state government creates, abolishes if it wishes to, and puts in commissions. The state government creates a body to provide local administration and local law, and it allows the community to elect the representatives of councils to administer that on behalf of the state.

The Premier went on —

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There are two levels of government, not three, in Australia.

That is one of the best descriptions of the local government system that I have come across in a long time. It is very instructive. From that point of view, it provides the basis of a very important approach to the way in which we manage local governments. We in this place, as the second tier of government, have a role in ensuring that local government authorities carry out governance at the local community level in a way that reflects the democratic values and standards of governance that we expect to be driven across all local government authorities, regardless of where they are. This is a very important aspect of the work we do in this place. We have one local government that holds elections entirely differently from another, which provides two quite inconsistent ways of viewing the way that people are represented at the local government level. I do not know why we have a system that allows one local government authority to take a very different approach to governance from another. For instance, a colleague of mine talked about the concept of councillors having a conflict of interest. It was put to me, as it was put to this new councillor, that if someone is elected to council on a platform of, for instance, wanting to block a particular development, wanting a swimming pool in an area or wanting to stop a road being built, then it would be a conflict of interest for that councillor to go into the council and vote the way that he or she said they would vote when elected to council in the first place. That is an example of the rather bizarre double life of a councillor; on one hand, they are representatives, as if part of a Parliament, but on the other hand, they are part of a board of directors. They cannot serve two masters in that sense: the people who elect them and the collective board of the council. From a governance point of view that is, quite frankly, arse about.

[Member's time extended.]

Mr I.C. Blayney: Member, I had a similar issue on my council. The council claimed that a councillor had a conflict of interest, and the councillor got me to ring up the minister's department and get it defined, and there was absolutely no conflict of interest. In that situation, you should ring up the department and get it defined, and how it's handled, and they'll probably find it's completely different to what the council's telling them.

Mr R.H. COOK: This is almost off the point to a certain extent, but it is one of my real bugbears. For instance, a member of my staff is also a councillor with the City of Cockburn. As a councillor, he is dragged from pillar to post by the executive of the council. He is often made to go to meetings every night of the week, and sometimes has to come to me and say, "Can I get off early? I've got to go to a workshop". He spends his weekends going to functions, which the council tells him he must do if he is to fulfil his role as a councillor. I think I get it; the idea of the CEO of a council is to run the councillors ragged to the point that they are just so discombobulated by all the information that is being thrown at them that they essentially agree to anything. If they start to get a bit antsy, the CEO sets up a debate about the colour of the curtains in the council chambers, so they can let rip and argue about that until about two in the morning, just so that they do not worry about issues such as the fine print of the budget, which the CEO wants them to overlook. I think the minister is right to say that we need reform in the local government sector; I think we need a truckload of reform, because at the moment we have a situation that is quite dangerous. It is dishonest to the people of Western Australia to say that local government authorities, to a large extent, govern themselves in a manner that we would recognise in a democratic system, because a lot of the time the councillors are quite frankly being snowed under by the administration. They are constantly spending all their time trying to second-guess and chase the administration to try to work out what the hell is going on. I do not want to wade into local government politics but I am told, for instance, that the City of Kwinana has a full-time mayor. There has never been a decision made by that council that the mayor be full-time. The only way that the councillors know that their mayor is full-time is because she is there all the time and draws a salary. One of the councillors said she drew this to the attention of the CEO and the mayor and asked, "When did we decide that the mayor was full-time?" The mayor and the CEO said, "Well, you passed the budget." There was something in the budget that provided for it, so therefore the mayor can be full-time. That is not the way to govern an organisation, and I wonder how much of this stuff goes on.

We have a role in this place to ensure that we are satisfied that the governance of our local government authorities is done properly. This is a very serious role that we have to play, and from that point of view, we should have greater oversight of the way in which the local government authorities work, to make sure that we are satisfied that they work better. That also goes to the issue of voting. I am a member of the Labor Party, and we have a very strong tradition of supporting compulsory voting in this country. I do not understand why we do not have compulsory voting at the local government level. The member for North West Central probably once upon a time agreed, but probably does not now. I cannot understand why we do not have compulsory voting at the local government level; I cannot understand why we do not have a clear framework of governance. I do not understand why we do not take this stuff a lot more seriously than we do.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

From that point of view, the Local Government Advisory Board seems to me to have an incredibly important role to play in the oversight of local government authorities. Therefore, as the minister says, it is important that the Local Government Advisory Board is independent. I have heard all sorts of conspiracy theories about why the minister is expanding the number of members on the Local Government Advisory Board and the different categories from which they come. We take all those on, but I am sure the minister is trying to manage the stakeholders as best he can because he is trying to get the Local Government Advisory Board to deliver him an outcome so that he can remove himself from the world of pain that is this amalgamation process. It is therefore important that the Local Government Advisory Board is independent, that we in this place see it to be independent, that it operates in a manner that expresses that independence, and that it is at arm's length from the state government. That elevates the role of the Local Government Advisory Board, if you like, to make sure that it plays a more proactive role in overseeing local government authorities.

As shadow Minister for Health, I have cause from time to time to get amongst the Tobacco Products Control Act 2006. That legislation deals with the governance of the Healthway board. The board of Healthway, as members will know, is the board that manages the distribution of levies on tobacco products in a manner that does a number of things. It provides what was supposed to be compensation to sport for the loss of tobacco sponsorship with the passing of that legislation. It also works out the best ways to use those moneys to enhance and promote the health message. From that point of view, Healthway has a very esteemed and highly respected position in the health and sporting sectors because of the very deliberate and careful way it goes about its work. One of the ways in which it manages to create that independence is the manner in which the members of the board are appointed, and particularly the manner in which the chairperson is appointed. When the chairperson of Healthway is appointed, the appointment is undertaken by the minister, but section 61(6) of the act states —

The Minister, before making an appointment —

That is, the appointment of the chairperson —

under subsection (1)(a), is to consult with the parliamentary leader of each party in the Parliament.

That is not an extensive process; it is a courteous process and one that has worked and stood us in good stead for a number of years. It ensures that everyone has confidence in the independence of the Healthway board, particularly in respect of its leadership.

I would like to see the same sorts of protocols extended to the Local Government Advisory Board. That is, before the minister makes an appointment to the Local Government Advisory Board—it could be from the Local Government Managers Australia cohort, it could be from the Western Australian Local Government Association cohort—regardless of which cohort it comes out of, I would like to see a clause inserted in this bill that requires the minister to consult with the leadership of the parliamentary parties in Parliament in a manner that will continue to enhance what the minister is trying to achieve here, which is the independence of the Local Government Advisory Board.

Mr V.A. Catania interjected.

Mr R.H. COOK: The obligation would be on the minister to consult the member for North West Central's leader as well, and from that point of view, everyone has skin in the game.

Mr V.A. Catania interjected.

Mr R.H. COOK: Everyone has skin in the game. We are trying to achieve the independence of the Local Government Advisory Board. I support the minister's endeavours to create a truly independent authority. I think we need to elevate that independence; we need to elevate the Local Government Advisory Board. Under the act, the minister should be required to consult with leaders of other parties in Parliament to ensure that these things are done in a respectful, courteous and truly independent manner. Until the minister does that, we will have this ongoing sense that the Local Government Advisory Board is stacked. The minister's hopes and dreams that somehow the rest of the community will see the Local Government Advisory Board as a truly independent authority will continue to be thwarted and he will continue to take the flak from local government authorities. I think it is only appropriate that the minister support an amendment to this effect. This will also provide the member for North West Central's parliamentary colleagues with the opportunity to have a say in this process. From that perspective, this will elevate the role of the Local Government Advisory Board. It will take us forward in the independent manner in which the minister says he wants this amalgamation to be done, and it will provide the real basis for local government reform. I am strongly of the view that this is one sector of the government of Western Australia that greatly needs to be reformed.

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We support the minister's reform agenda but we do not agree with the way he is going about it or with the process. Quite frankly, we think that his party was dishonest with the people of Western Australia prior to the last election when it thought to hose this down as a political issue. We saw this stop, go, stop, go, shambolic, piecemeal policy process, which led to opposition from this side of the house and the ongoing debate and anger and division in the community. The City of Cockburn and the City of Kwinana used to work collaboratively together; now they are on different sides of the political fence, taking pot shots at each other and locked in a battle for survival. Maybe this was the minister's agenda—a divide and conquer scenario. I hope not. If he is sincere about local government reform and the independence of the Local Government Advisory Board, my proposal is certainly one way to go about it.

MR R.S. LOVE (Moore) [9.03 pm]: I rise to speak on the Local Government Amendment Bill 2013. It was interesting to hear that the Labor Party is supporting the bill as it stands today, and to hear many speakers from the Labor Party supporting the forced reform of local government in regional Western Australia as a priority.

Mr W.J. Johnston: Nobody has done that. Don't verbal us. That is not true.

The ACTING SPEAKER (Mr I.M. Britza): Member for Cannington!

Mr R.S. LOVE: I heard the Shires of Carnamah and Broomehill–Tambellup mentioned as prime examples of where forced reform should take place. Therefore, I should be able to conclude that the Labor Party supports forced reform as a priority over metropolitan reform. That is what has been said here tonight.

Several members interjected.

Mr R.S. LOVE: I am talking about what Labor Party members have said in this place. The member for Cockburn made statements about the Shires of Carnamah and Broomehill–Tambellup.

Mr W.J. Johnston: That's a fabrication. Tell the truth.

The ACTING SPEAKER: Member for Cannington, I have called you several times. I call you for the second time.

Mr R.S. LOVE: We have heard that the Shire of Carnamah, which is in my electorate, and the Shire of Broomehill–Tambellup, which is in the member for Wagin's electorate, are prime examples of local government forced amalgamation reform under a Labor government, should that ever happen.

An opposition member: Shame! Shame!

Mr R.S. LOVE: Shame, shame, indeed.

Mr D.A. Templeman: What a load of rubbish! You are making this up. You're misrepresenting what he said.

Mr R.S. LOVE: I do not believe I am.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah, if he is going to take the interjections, we'll take it. If he does not take them, I will protect the speaker.

Mr R.S. LOVE: I do not believe I am telling fibs. I think I heard it with my own ears. I see the Minister for Local Government nodding his head in agreement. We on this side are certainly hearing different things from what those opposite are hearing.

Mr D.A. Templeman: Was a deal done between your former Leader of the National Party and the Premier?

Mr R.S. LOVE: I am neither the Premier nor the former Leader of the National Party so I am not qualified to answer that.

Mr D.A. Templeman: You are going to deny that, are you?

Mr R.S. LOVE: I am not denying or confirming anything of the sort because I was not privy to those discussions.

Several members interjected.

The ACTING SPEAKER: Member for Moore, I ask that you direct your remarks through me. If you are interrupted, I can call members but I cannot protect you if you accept the interjections.

Mr R.S. LOVE: There is no doubt that local government is important to many people in Western Australia, especially people whom I represent in regional Western Australia. It is often cited as being the sector of government that is closest to the community that it serves. I have had extensive experience in local government,

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having been a member of local government from 2001 until earlier this year when I resigned to contest the state election, and serving most of that period as a shire president. Local government itself recognises the need to undertake reform. I was at the City of Stirling a number of years ago when the Systemic Sustainability Study was embraced by almost all local governments in this state. That study identified that local government faced some serious issues and was lacking sustainability in its current form and that it needed to undertake measures to ensure that it was sustainable in the long term. Since then, under the former Minister for Local Government, the integrated planning and reporting framework was introduced into Western Australia, which contains an extensive degree of asset management. In undertaking that work, it has been found that around 80 per cent of local governments in Western Australia have not planned to fund their asset management requirements, further accentuating the sustainability issues that local government faces. I am a regional local government person, well experienced in that area. The minister has responsibility for local government throughout the state, be that metropolitan or regional, with a much wider range of interests.

The Robson review, as we have heard tonight, inquired into a range of local government matters. The first of its terms of reference states —

Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.

Another term of reference states —

Prepare options to establish the most effective Local Government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.

That review contained a great many recommendations. Fundamental to that review was the understanding that local government needed to have enhanced strategic thinking and leadership across the state and local government sector and the wider community, which would be required to manage the extraordinary growth of metropolitan Perth over the next 50 years, and that current local government arrangements will not provide the best outcomes for the community into the future. The status quo cannot and should not remain. Given that, rightly and quite wisely, the government is undertaking a process of metropolitan local government reform. I understand that all parties in the house are supporting the bill in its current form, indicative of the need to undertake that metropolitan reform. The National Party has been subjected to quite a number of attacks over this issue and in our role in helping to determine the passage of this bill. The National Party is committed to local government remaining strong. The health of that sector of local government really lies at the very core of our party. It might be instructive for members to understand that within the constitution of the National Party is listed a series of objectives, including —

To promote and attain a just, democratic, prosperous and secure society in which freedom of speech, worship and association are guaranteed and in which private enterprise may flourish.

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

[Quorum formed.]

Mr R.S. LOVE: Our party has at its very core the promotion and empowerment of local government. In considering matters to do with local government, we are committed to ensuring that it maintains its health. We know there are stresses on local government and that there exists an urgent and real need for reform. It is our belief that that reform should take different forms for city and country local governments.

Point of Order

Mr P.B. WATSON: The member is just reading a speech, and members are not supposed to read directly from their notes. They can refer to their notes, but they cannot just read them straight off.

Mrs G.J. GODFREY: Further to the point of order, last week two members opposite were reading their notes.

Several members interjected.

The ACTING SPEAKER (Mr I.M. Britza): Members!

Mr P.B. Watson: A point of order is supposed to be heard in silence.

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The ACTING SPEAKER: And when I am on my feet, I am supposed to be heard in silence. I understand the point of order but, as far as I am concerned, the member is referring to them. I remind the member for Moore to be sure he is just referring to his notes.

Debate Resumed

Mr R.S. LOVE: Thank you, Mr Acting Speaker. If anyone wants to examine these bits of scribble, they will understand that they are far from a coherent speech; they are speaking points.

Several members interjected.

Mr R.S. LOVE: I am referring to the notes, not the actual outcome!

As a party, we believe there are differences in what could be achieved and the appropriate type of reform for country and city local governments. According to my notes, at the National Party's state conference in York—I am going to read this direct quote from the state conference—it was stated —

This state conference of the Nationals (WA) supports voluntary local government reform and reaffirms their commitment to opposing compulsory amalgamations in regional Western Australia.

That has been the basis of our endeavours throughout this current range of discussions around local government. We are committed to ensuring that there is appropriate reform of local government. As I have said, if members look back at the Systemic Sustainability Study and the asset management programs that have been undertaken by local government, they will see that there is a need to ensure that local governments are more sustainable. But we disagree that the best way to achieve that is always to turn towards amalgamation. That may be the case in closely related, geographically similar city councils, but there is no evidence that that actually works in regional Australia. If members look at the work of Professor Brian Dollery, they will see that he has outlined no examples that I am aware of in which forced amalgamations in regional Australia—not only Western Australia, but also regional Australia—have actually brought about a good outcome.

Mr P.B. Watson: Albany was a forced amalgamation.

Mr F.M. Logan: Geraldton.

Mr R.S. LOVE: No, Geraldton was not a forced amalgamation, so I do not know where the member is getting that information from.

As I said, in our view, reform should be targeted to ensure that local governments can increase their capacity to meet the needs of their communities, while at the same time increasing and enhancing their financial viability. I do not think anyone in this house would have any argument with that as an aim. Local government in country areas needs to react to a diverse range of local conditions brought about by the geographic distribution and disparity of population distribution within Western Australia. Because of that, we do not believe that the simple one-on-one amalgamation of two local governments that might individually have a number of problems already will necessarily result in a stronger local government in regional areas.

We have no problem with the metropolitan reform process, but when that spills out into the country areas, we have a deeper understanding of local government and what makes local government tick in country areas. I think someone opposite spoke today about the employment aspect of having a local government in an area. That is true; local government does act as an employer. It may have been the member for Mandurah.

Mr D.A. Templeman: It was an outstanding contribution, I thought.

Mr R.S. LOVE: It probably was, even if it was entirely supportive of the bill and of forced amalgamation in country areas.

Mr D.A. Templeman: No, no, no—I'm not going to let him get away with that! He was not here for my speech! He wasn't here for most of my speech!

The ACTING SPEAKER: Member for Mandurah! I am reluctant, but I call you for the first time while I am on my feet.

Mr F.M. Logan interjected.

The ACTING SPEAKER: Member for Cockburn, I call you also. While I am on my feet, you need to be held in silence. I encourage the member for Moore once again to speak through the Chair.

Mr R.S. LOVE: Thank you for your protection, Mr Acting Speaker.

Mr D.A. Templeman: Stop goading me!

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr R.S. LOVE: I am not goading anybody! Local governments in regional areas frequently take on a variety of roles that are specifically targeted at providing a service in that area that might not otherwise exist. We often see local governments taking on roles in helping to provide medical services, which is not something that is really a fundamental tenet of their responsibilities under the Local Government Act, but it helps to increase and enhance the amenity of their ratepayers and residents, which is a charge they seek to fulfil under the Local Government Act. To do that, they need to respond to the various local conditions they face. For that purpose they need to stay very closely aligned to their own local communities.

We believe the answer in regional areas is not forced amalgamation, but in other methods such as the development of regional subsidiaries. A piece of legislation around that was presented to the previous Parliament, but it did not progress in time to become law. We would like to see that measure reintroduced to the Parliament and become a reality so that local governments in regional areas can act in a loose coalition partnership arrangement that suits their purpose and their needs, enhancing their ability to serve their communities in a cost-effective manner. I understand also that the Western Australian Local Government Association is undertaking a forum process at the moment with regional governments to develop the best methods of reform for regional areas, inclusive of things such as regional subsidiaries but also including concepts such as parish councils. That might seem to be a very fitting and apt way to develop a robust form of local government in regional areas.

Mr D.A. Templeman: What are they called—parishes?

Mr R.S. LOVE: Parish councils, yes.

Mr F.M. Logan: That just makes it smaller.

Mr R.S. LOVE: No, it is not that at all.

Mr F.M. Logan: A council with seven people.

Mr R.S. LOVE: Wait to see what we come up with, but we will be looking at that with close interest and seeking to progress those matters in the future.

This bill has within it, basically, two streams, I suppose, of reform. One has to do with fairly procedural matters relating to defamatory statements, local government standards, discretion to refuse or deal with certain matters, and the fees and allowances of local government. The matters in the bill that are of greater interest and topicality are the measures to do with the process of reform as it relates to the composition of local governments in the metropolitan area.

The bill in its original form as presented to the Parliament sought to change the composition of the Local Government Advisory Board. The Local Government Advisory Board is charged with examining the appropriateness of proposals to reform, amalgamate and change the boundaries of local governments. That is a very important task. Under the current act, as I understand it, the Local Government Advisory Board comprises one person who is nominated by the minister; one person who is an appointment from the Department of Local Government and Communities, again nominated by the minister; an officer from Local Government Managers Australia who has served as a chief executive officer; and two persons who have some experience as council members, to be put forward by the Western Australian Local Government Association from a panel of members, and to be selected by the minister.

The bill in its original form sought to increase the number of persons on the Local Government Advisory Board from five to seven. It did so by the amendment in clause 18 to include an additional two persons to be appointed by the minister to represent the interests of the community. By virtue of that change, the number of members required in support of a motion that required an absolute majority would change from three to four, and a quorum of four would be required. At that point, there would be four ministerial appointments on the board. That would mean that an absolute majority, a quorum and a simple majority could be achieved without the support of any of the local government members—that is, the members from WALGA and LGMA.

[Member's time extended.]

Mr R.S. LOVE: Furthermore, clause 4 of the bill as first read into the house proposed to add new section 2.46 to the act. That new section states in part —

- (1) The Minister may, in writing, advise the Advisory Board about any general or specific policy of the Government relating to local governments.
- (2) In carrying out its functions under Schedule 2.1 or 2.2, the Advisory Board —

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- (a) must have regard to any general or specific policy advised to the Board by the Minister under subsection (1); but
- (b) does not have to act in accordance with that policy.

These changes would have affected local governments regardless of whether they are based in the country or the city. In my experience up until now, the Local Government Advisory Board has not supported amalgamations or boundary changes that are not supported by all the councils concerned. In recent times in my electorate of Moore we have had some examples of that, when the Shire of Coorow attempted a hostile takeover of part of the coastal portion of the Shire of Carnamah, and the City of Greater Geraldton attempted to take in an area of land that is currently under the auspices of the Shire of Chapman Valley. The balance of the board as proposed in the bill could potentially have led to a change in the position that has been adopted by the Local Government Advisory Board in the past.

As we know, the bill is silent on the Dadour poll provisions. However, those reforms do not apply in the case of an aggressive boundary change or a one-on-one merger. They kick in only when two or more local governments are dissolved and formed into one local government. Therefore, the provisions that would trigger a Dadour poll do not necessarily exist in all forced amalgamation or reform proposals. Potentially, that change in the composition of the membership of the board from a majority of local government representatives to a majority of ministerial appointments would have been, in the view of the National Party, an unwelcome change that would have allowed one-on-one amalgamations and unwanted boundary changes to be supported by the board.

Mr D.A. Templeman: So will you support our amendment?

Mr R.S. LOVE: I do not know what the member's amendment is.

Mr D.A. Templeman: We will give you a copy.

Mr R.S. LOVE: I will have to take that on advisement.

Mr D.A. Templeman: The member for Kwinana highlighted it.

Mr R.S. LOVE: Okay. He said a lot of things, but I did not hear him say that.

Mr D.A. Templeman: He did. It refers to, like the Healthway board, having nominations from the minister.

Mr R.S. LOVE: Was that an amendment? I thought that was a digression into another area.

Several members interjected.

The ACTING SPEAKER (Mr I.M. Britza): Members, I understand that the member for Moore had taken the interjection from the member for Mandurah, so the member for Mandurah was the only person I was interested in hearing. If there are any other interjections, I will call you.

Mr R.S. LOVE: Thank you, Mr Acting Speaker. I thank the member for Mandurah for his advice, but I will take that amendment on advisement.

Mr D.A. Templeman: I will give you a copy.

Mr R.S. LOVE: Good.

The proposed changes to the composition of the board, and the addition of proposed section 2.46, which will require the board to have regard to any general or specific policy advised to the board by the minister, were clearly not matters that we were happy with. Our understanding of that provision was that the board does not have to act in accordance with any government policy as advised to the board. However, it is unclear how much influence that would give the minister and the government over the deliberations of the board. Those changes, if they were to stand, could have led to the perception that the government was going down the path of forced amalgamations. That is against the ethos of the National Party. Therefore, it was important from our point of view to ensure that these provisions, which will affect country and city local governments alike, will not lead to forced council amalgamations in regional Western Australia. To me personally, it is also important that the process of local government reform in the metropolitan area is safeguarded by having an independent Local Government Advisory Board.

I am happy to say that these matters were discussed with the Minister for Local Government, and the minister has taken those concerns on board. As we have seen, an amendment to the bill has been outlined in the Notices and Orders of the Day. The minister in all these dealings has shown himself to be very willing to negotiate and to listen to our concerns and to the concerns of regional Western Australia. The Minister for Local Government and

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our leader, the member for Warren–Blackwood, have been in discussions about these matters and I think have come up with a final bill that, although it will enable metropolitan reform to take place, safeguards country electorates, which the National Party is most concerned about, from forced amalgamations. The bill makes it clear that the metropolitan reform process is entirely voluntary. Also, the provisions of the Local Government Act that safeguard the independence of the board are quite robust. The increase in the representation of local government persons on the Local Government Advisory Board from seven to nine is also very important. The amendment in clause 4, which provides that the board must have regard to any general or specific policy advised to the board by the minister, is proposed to be struck out. The bill will therefore make it clear that although the minister may inform the advisory board, there is no requirement for the board to have regard to that advice, and there is a specific proviso that the board is not required to act in accordance with that policy. As I understand it, clause 18, as it was originally written, will be opposed by the minister in consideration in detail and this new clause inserted. This amendment will increase the membership of local government nominees on the board from two to four persons. Those four persons will be selected from a panel of persons submitted by the Western Australian Local Government Association. That will leave the majority membership, as it has always been, in the hands of WALGA and the Local Government Managers Australia representatives and will lead to all persons being confident in the independence of the board.

As we have heard, the rest of the provisions relating to changes to the submission periods and the fact that the Local Government Advisory Board can look at multiple submissions and come up with results that are different from proposals received are necessary to streamline this metropolitan reform process with the many permutations and combinations that the board will face. In that regard, they can be entirely supported. We are quite happy as a party now that there is no perception that any forced amalgamations will take place as a result of changes to the act regarding the need to consider government policy of the day. Once again, I thank the minister for listening to the National Party's concerns and commend the bill to the house.

MS M.M. QUIRK (Girrawheen) [9.31 pm]: The Local Government Amendment Bill 2013 and the so-called local government reforms we are dealing with tonight are little more than an extract from the Liberal Party's ideological playbook. These ham-fisted boundary changes are little more than constructive forced amalgamations. We are proceeding down a so-called path of voluntary amalgamations without getting detailed modelling on the impact of these amalgamations nor with any evidence of whether it will create negative or positive externalities. It is more a question of following the ideology without knowing where we will end up.

Of course the pin-up boy for council amalgamations is Jeff Kennett and I am happy to say that it led to his ultimate demise. People in Victoria were particularly concerned about the democratic deficit created by forced amalgamations in Victoria. It is interesting to note that on 9 November this year former Victorian Premier Jeff Kennett urged WA to force local government amalgamations. An article by Joe Spagnolo states —

... Victorian premier Jeff Kennett has urged the Barnett Government to find “the courage” to force local councils to reform warning voluntary amalgamations “will never bloody work”

Mr Kennett, who more than halved the number of councils in Victoria nearly 20 years ago, said Premier Colin Barnett should use his parliamentary powers to legislate “meaningful change” instead of trying to pander to bureaucrats.

The article goes on to say —

In a scathing attack on mayors, councillors, chief executives and staff, Mr Kennett said most would never agree to amalgamate because they were protecting their own interests.

The article says further on —

The Barnett Government has been trying for five years to cut down the number of WA councils, but with little success. Its latest plan is to concentrate on the metropolitan area, slashing the number of local governments in Perth from 30 to 14. But that plan has met with fierce opposition from councils.

The article refers to an interesting comment by the City of Perth Lord Mayor, Lisa Scaffidi, as follows —

... forced amalgamations would “disrespect the great work of local government”.

“Pitting mayor against mayor and having local governments fighting is unhealthy,” she said.

The final paragraph in the article reads —

A spokesperson for Mr Barnett said yesterday: “(The Premier) is confident that councils will come to the amalgamating process without the need to force amalgamations.

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As we know, the Premier is confident about a lot of things but that confidence is often misplaced. I think some myths surround the reforms undertaken in Victoria. I, like many other speakers, will refer to an article by Brian Dollery and Ian Tiley, from the University of New England, written in March 2010 entitled “Historical Evolution of Local Government Amalgamation in Victoria, Tasmania and South Australia”. I particularly want to refer to their conclusions about local government amalgamations in Victoria a decade on. In the cool light of day they were able to reassess what happened. The authors state at page 16 —

The Victorian local government reforms decreased opportunities for citizens and community to deliberate on the issues that impacted on their lives. Nevertheless, with the notable exception of Delatite Shire, the forced amalgamations remain in place.

The Victorian amalgamations underpin the complexity involved in boundary changes and organisational mergers and the political will of a state government determined to institute a state-wide program of privatisation and rationalisation of services based on the ‘economies of scale’ argument. Such experience also indicates that poorly planned, hastily executed amalgamations not involving intense consultation with elected councillors, staff and communities of amalgamating councils can result in long-term organisational problems and negative effects on service delivery ...

I think there is a strong warning there that ill-considered amalgamations, lack of evidence on which particular boundary changes have been made—Labor certainly regards some of them as being highly arbitrary—is something that we are very concerned about. The other issue of course with the work that former Premier Kennett did and why the National Party is opposing similar measures in the bush is due to the economic impact that will have on small country towns. I refer to an article in *The Australian*, written in 2004, which is a review of Kennett’s blitz a decade on. This illustrates the impact these amalgamations would have in the country. It reads —

Some see the upheaval of 10 years ago as a positive revolution, but others still mourn, write Royce Millar and Jason Dowling.

In 1994 the Chiltern shire officers had just 16 staff. Still, in a small town that was big business. The biggest in fact.

At lunchtime the council workers bought pies from the local milk bar. After work some were known to have a beer in the pub. They were crucial contributors to Chiltern’s modest economy. More importantly, perhaps, the council employees provided an unbeatable one-stop service.

Then in November 1994, Chiltern, population 1 300, lost its biggest business. It lost the right to govern itself. For some locals that dented the sense of belonging that a small community provided.

This year marks the tenth anniversary of Jeff Kennett’s forced council amalgamations, some would celebrate, some still mourn.

“Back then, the sadness set in when I realised I couldn’t go down to the shire officers and discuss my issues said Chiltern resident and volunteer worker Suzanne Grant. “They dealt with everything you wanted—a building permit, heritage advice and accounts. They could even recommend a good plumber or plasterer.

The article goes on to say —

In a little over a year, the Kennett government sacked 1600 elected councillors and replaced them with handpicked commissioners. Most had Liberal or National Party allegiances.

The other aspect of this article that I want to mention states —

Kennett insisted on an across-the-board rate cut of 20 per cent and capped rate rises, —

I am pleased to know that that is not in play; although it was mooted for a while, it has now been dismissed —

irrespective of the financial predicament of individual councils, and ordered that at least 50 per cent of council services go out to tender.

The Australian Services Union estimates 11,000 council jobs were lost by the late 1990s.

That is the kind of impact that wholesale amalgamation had in Victoria, and certainly even a decade on, as this article indicates, it can have a major impact.

That is why in country towns the National Party is strongly resisting any suggestion of efficiencies of scale because they see local shires as providing a community service. Therefore arguments about efficiency, cost

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

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Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

reduction and more competition are seen as irrelevant when it comes to councils outside the metropolitan area. Whether that is a good or bad thing, it must be acknowledged that this bill refers only to metropolitan councils, and we must concede that, according to the government, the arguments and assertions about efficiencies do not apply in the bush.

Interestingly, as the member for Cockburn said, there are 139 local government authorities in Western Australia and this debate is about 30 of those. I suspect the reason for that—I have read an account from Victoria—is that the National Party understands the concept of subsidiarity, a concept with which the Liberal Party is less familiar. For those members who do not know about the concept, I am sorry but I will read a definition from Wikipedia —

Subsidiarity is an organising principle of decentralisation, stating that a matter ought to be handled by the smallest, lowest, or least centralised authority capable of addressing that matter effectively. The *Oxford English Dictionary* defines subsidiarity as the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. The concept is applicable in the fields of government, political science ... management ... In political theory, subsidiarity is sometimes viewed as a principle entailed by the idea of federalism.

We have often heard in this chamber issues about the federal government taking control of matters and how it can make decisions pertaining to Western Australia thousands of kilometres away in Canberra. We therefore hear the subsidiarity argument advanced by the state government about the exercise of powers by the commonwealth government, but not by the state government about local government. Although local government is best placed to deliver services at a local level, instead the government wants these big councils that are more and more out of touch with their constituents; and that is, frankly, at odds with what the Liberal Party would say about federal–state relations.

We therefore have these diffuse notions that somehow efficiencies will be produced by these voluntary amalgamations. However, it is my contention that efficiencies can still be achieved irrespective of whether we have amalgamations. I will give one very minor example, I served on the Joint Standing Committee on Delegated Legislation for some years and at that time there were 144 local government authorities. That committee from time to time had to look at local laws from each of those 144 local government authorities, quite often dealing with the same subject matter. In the latter time I was on the delegated legislation committee the Western Australian Local Government Association was much more active and produced model local laws so that a number of local governments could adopt effectively the same local laws and did not have to reinvent the wheel. Certainly a number of local councils that produced these local laws did not have the capacity to do so in any event, especially the regional ones. In some smaller country shires there may be a shire president and one other administrative person. They just did not have the expertise to draft the relevant local laws. Those efficiencies of scale, therefore, were achieved by WALGA realising that there were deficits in skills in some of the smaller councils and drafting model laws which could readily be adapted for their own purposes.

As I said, having larger councils creates what I call a democratic deficit: people are less in touch with their local representatives or local councillors. My electorate, for example, straddles three quite large councils: the City of Wanneroo, the City of Stirling and the City of Joondalup. I am certainly aware of the principle of subsidiarity in the context of my seat because it is on the periphery of all three of those local councils. It is necessary, if you like, to remind those councils in the decisions that they make from time to time about what is happening in the outer edges of their boundaries. That is something that I think we have been underestimating: large for the sake of large can have major implications.

On a more pragmatic note, I have to say on behalf of the constituents in my electorate who live in the suburb of Hamersley, which is in the City of Stirling, that rate rises are predicted for those people in the vicinity of over 10 per cent. A document from the City of Stirling headed “Stay in Stirling” states —

The cost to implement these mergers will run into millions of dollars. In addition, under this proposal, the City will lose 20,000 ratepayers producing a rates shortfall of \$10 million per annum. Although there will be some reduction in costs, these will occur over time, meaning that rates will almost certainly rise by 10% or more in the first few years to cover the cost of the merger.

Under the state government’s proposal the City will lose residents to the new mega ‘Western Suburbs’ council or the super-sized ‘Morley’ council. As you can see in the table below, the City of Stirling’s rates are significantly lower than those of the councils that will be combined to create the ‘Western

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Suburbs' or 'Morley' councils. Therefore rates for the residents earmarked to move into these new councils will increase, if not immediately, then over time.

That council has certainly done the calculations. The government momentarily reacted and responded by saying that it would freeze the rates. I think that undertaking lasted about a day. Then other councils got annoyed that as they were not affected by a merger, they would not have the capacity to raise their rates.

Another issue that has not been mentioned much is about the current services provided by councils and that if there is a change in boundary that level of service might change. I will give an example. I was in the member for Cannington's electorate recently.

[Member's time extended.]

Ms M.M. QUIRK: I was approached by a lady there who said that her mother had very good services from the home and community care program. She was concerned and worried that once the merger takes place with Melville it would affect the level of that service, which may well be relocated further to the west.

Mr W.J. Johnston: There is another issue in that the HACC contract is with the City of Canning and the government has not made clear what it expects the City of Canning to do with the HACC contract which, of course, is with the commonwealth, so there is no planning in the government's proposal.

Ms M.M. QUIRK: As the member for Cannington pointed out, there are all these sub-issues that have not been thought through.

The broader issue is that we are getting all sorts of reactive responses such as, "Sorry, they are the wrong maps, we actually meant this", and another set of maps are produced; or, "Oh sorry, no, we're going to freeze the rates; oh no, on second thoughts we won't." This creates confusion and is a real problem. Similarly, the City of Stirling has raised its very good heritage record. It is concerned that the amalgamation will impact on its capacity to deal with heritage issues. The City of Stirling is recognised Australia wide for its comprehensive heritage protection with an award-winning heritage management program and dedicated heritage protection guidelines that are arguably the best in Australia. The city's local planning scheme and associated policies have been developed and implemented consistently over a very long period and are strongly embraced by the communities of Mt Lawley, Inglewood and Menora, which share strong and combined interests. The city's local experience and knowledge that has built up over decades cannot easily be replaced if a new local government is formed and takes over these areas. The City of Stirling's heritage areas are highly valued and it is paramount that these are protected under local government reform. Those sorts of second order issues have not been readily considered.

As we have heard from other speakers, there has been a lack of vision and an overall ideological umbrella or outcome that the Premier and the minister want to reach. We are not quite sure why the government is doing this or what will be the impact of those changes; it seems to be change for change's sake. The opposition is pleased that the government has not proceeded with changes to the Dadour provision —

Mr D.A. Templeman: At this stage!

Ms M.M. QUIRK: — at this stage. I have received strong representations, principally from people in the western suburbs, about those changes. As the member for Mandurah said, we need a firm commitment that the government's resolve not to proceed with changes to the Dadour provision is in fact a permanent state of play and not something that may be revisited somewhere down the track.

It was with some nostalgia that I was reflecting today on this legislation. I thought about how the previous minister had put out a number of press releases about local government reform. I came across one dated 29 January 2010. At that stage, then Minister Castrilli was saying that reform was essential and would generate strong economic growth and afford opportunities to improve facilities and increase range and more efficient delivery of services throughout Western Australia. The government has had many years to establish that that will in fact be the case and mere assertions that will be the outcome are not sufficient. We need strong evidence and we should not just slavishly follow Victoria, which as members have heard, had very mixed results.

MR V.A. CATANIA (North West Central) [9.52 pm]: From listening to debate on the Local Government Amendment Bill 2013, it is clear that the party that is truly standing up for the electorates it represents is the National Party. It is quite concerning to hear about the opposition's plans, and that forced amalgamations should first occur in councils in regional Western Australia. The members for Cockburn and Kwinana clearly stated that the Labor Party's agenda is to start to amalgamate councils in regional Western Australia. The member for Girrawheen pointed out some good reasons why the government should not amalgamate councils in regional Western Australia, including that the shires we represent are often lifelines in the towns in which they are

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located. Yalgoo, Mt Magnet, Cue, Meekatharra, Wiluna and Sandstone are very small towns and local government is crucial in ensuring the survival of those towns. Those councils not only collect rubbish but provide all sorts of services. Since the Liberal–National government was elected in 2008, councils have been helped along through the country local government fund. This fund has assisted in providing the infrastructure that these councils have missed out on for so long. It will be interesting to hear the member for Kimberley’s thoughts on what the members for Cockburn and Kwinana have said about starting local government reform in regional Western Australia. Where does the member for Kimberley think reform should start in regional Western Australia? It is interesting that the member’s colleagues are pushing for forced amalgamations in the regions.

It is clear that the work that the National Party has done through the member for Moore and the new Leader of the National Party, the member for Warren–Blackwood, has clearly resulted in a very good outcome with the minister. The amendments that the minister has kindly accepted and put on the notice paper will assist in protecting regional councils and also, I suspect, will provide the opportunity to maintain the independence of the Local Government Advisory Board. The National Party has been able to negotiate a crucial point in maintaining the independence of the advisory board, so that the policy of the government of the day will not be able to sway the board in any way. It will be a truly independent board. That shows that the Minister for Local Government has listened to constituents around Western Australia and to the National Party so that we maintain a level of independence for councils and so that the community can have its say on the issue of local government amalgamations.

The National Party does not believe in forced amalgamations. It is clear that the opposition wants these amalgamations in regional WA.

Several members interjected.

Mr V.A. CATANIA: I know the thoughts of some members opposite!

Several members interjected.

The ACTING SPEAKER: Member for Armadale, I am calling you for the second time. I do not want any interruptions, please. Member for North West Central, keep your eyes on me.

Mr V.A. CATANIA: With pleasure, Mr Acting Speaker.

Point of Order

Mr W.J. JOHNSTON: Given the member for North West Central is insisting on falsely claiming words have come out of the mouths of Labor MPs, I wonder is it to be expected that Labor MPs will respond to these false allegations or not?

The ACTING SPEAKER (Mr I.M. Britza): There is no point of order because even on your side many things that are said are heard in silence and not retaliated against. I do not regard it as a point of order.

Debate Resumed

Mr V.A. CATANIA: The intentions of the other side are clear: If the opposition had the opportunity, it would start local government amalgamations in regional Western Australia. I think the motion that the member for Kwinana would like to move, which is for the minister of the day to consult with the leaders of political parties clearly states that —

Dr A.D. Buti: Can I ask a question, member for North West Central?

Mr V.A. CATANIA: Sure—go on, member for Armadale.

Dr A.D. Buti: Rather than worry about the words said on this side, for once tell us your philosophical basis for something. You never, ever give us a proper contribution about what you think; all you want to do is pick on what we have said. Just once, member, do you have any philosophical basis?

Several members interjected.

The ACTING SPEAKER: Member for Albany, I am calling you for the first time; you are interrupting continually. The member for Armadale’s interjection was taken by the member for North West Central. The member for North West Central can take it from there.

Mr V.A. CATANIA: One day the member for Armadale may be a shadow minister! I am glad that the member for Albany —

Several members interjected.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

The ACTING SPEAKER: Member for Mandurah, I reluctantly call you a second time.

Mr V.A. CATANIA: Mr Acting Speaker, it is —

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, he is not taking an interjection.

Mr V.A. CATANIA: I am glad that someone has asked me what my thoughts are. My thoughts are that we do not force amalgamations of local governments at all. That is my personal view, and in regional Western Australia I support my local governments. As I outlined earlier, I believe that they are the lifelines for towns in my electorate. I do not support the amalgamation of towns such as Yalgoo, Mt Magnet, Cue, Meekatharra, Wiluna and Sandstone, and making one big super council, because we are talking about distances that city members' little two-wheel drive cars would not be able to make. The lifelines that these local governments give these towns are huge. My view is that it is important that towns remain independent —

Several members interjected.

The ACTING SPEAKER: Member for Kwinana!

Mr V.A. CATANIA: It is important that towns such as Shark Bay, Carnarvon, Gascoyne Junction and Exmouth remain independent and separate; they should not ever be amalgamated because of distance and because of the diversity between them. It is important that they maintain their identities and it is important that those towns focus on the industries that keep them alive and provide the infrastructure needed to ensure their survival. The Shire of Ashburton stretches from Onslow to Tom Price to Paraburdoo to Pannawonica to Wittenoom. That is a huge, vast area. To even think about amalgamating that with other shires to the north is absolutely ludicrous. Given the amount of industry and activity that is occurring in those Pilbara towns, to have one big super council will bring advantages only to resource companies, which unfortunately sometimes take advantage of those shires. Retaining a shire that can focus on those towns and not be part of a larger mass of shires can only put the communities within the Shire of Ashburton in a good place, and I believe that is occurring now, since that shire has got back on track through the leadership of shire president Kerry White.

It is quite clear that the National Party is the party that sticks up for our electorates and our constituents, and that is focused and has not changed tack in its belief in local government. The National Party believes in representing our communities with no fear or favour to ensure that our towns and shires will continue to survive past 2017. I say to regional Western Australia: watch out, because if members opposite get a chance, regional Western Australia is dead.

MR W.J. JOHNSTON (Cannington) [10.03 pm]: It is always such a joy to follow the country member for Victoria Park—I mean, the member for North West Central; the member for North West Central, who has never lived in the bush in his entire life. He grew up in North Perth, now lives in Victoria Park and comes in here to lecture us about rural Western Australia! What an embarrassment! This is the man who came into my office and begged for Labor Party preselection for two consecutive elections—begged me; begged me on his knees, the member for North West Central! “Please, Mr Secretary, make me a Labor candidate for Parliament; please, Mr Secretary. I want to represent the Labor Party in Western Australia”! That is what the member for North West Central asked for!

Point of Order

Mr R.S. LOVE: This is completely irrelevant to the bill before the house. He is just attacking the member for North West Central.

The ACTING SPEAKER (Mr I.C. Blayney): Member for Mandurah, I will thank you if we can both listen to the member for Cannington in silence. I will not take the point of order, but I will ask the member for Cannington to return to the subject of the bill we are talking about.

Debate Resumed

Mr W.J. JOHNSTON: I thank the Acting Speaker very much, because the subject of the bill is the hypocrisy of the member for North West Central.

Withdrawal of Remark

Mr J.M. FRANCIS: Two points on this, Mr Acting Speaker. Firstly, I know that the member of the Cannington is a stickler for members telling the truth and upholding standards in this area; he continually makes points of order in that regard. I can tell members from personal experience that the member for North West Central has a

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house in Carnarvon; I have stayed there. Secondly, the term “hypocrite” is unparliamentary, and I ask you to direct him to withdraw that comment.

The ACTING SPEAKER: Member for Mandurah, did you have a point of order further to that?

Mr D.A. TEMPLEMAN: I am just waiting for your determination.

The ACTING SPEAKER: I ask the member for Cannington to withdraw the term he used to describe the member for North West Central.

Mr W.J. JOHNSTON: I withdraw.

The ACTING SPEAKER: Thank you. Once again, I ask the member for Cannington to return to the subject of the bill, please.

Debate Resumed

Mr W.J. JOHNSTON: What we have here is the question of local government reform. That is what we have been asked to debate here.

Mr A.J. Simpson: No, we’re asking to amend the act.

Mr W.J. JOHNSTON: Is the minister saying that this is not about local government reform? I actually read the minister’s second reading speech, and I agree that it is very confusing given that three major amendments are being brought to the chamber, one of which runs directly counter to the minister’s second reading speech. We will get to that when we get to consideration in detail, I am sure, but there is no question that this is about local government reform.

The City of Canning and the residents of the City of Canning are very upset with the government’s attitude to local government reform and the fact that the government has spent millions of dollars on local government reform but has rejected every recommendation made to it by professional organisations. One has only to read the Robson report to see how far the government has moved from genuine reform of the local government sector. The Robson report specifically recommended two options for the Canning and Gosnells areas. One was a straight amalgamation of Canning and Gosnells; the other was a change to the boundaries of Gosnells, with part of Gosnells going to Armadale and the remainder going to Canning. Yet what are the government’s proposals? A number of weeks ago it made a proposal to cut the City of Canning into four parts and amalgamate the rump into the City of Gosnells. The City of Canning, as required by the minister, went to the expense of preparing a submission to the panel, and what do we now find? The government has published a new set of maps without any consultation with the City of Canning or any of its residents.

This is not surprising, because the Department of Local Government and Communities, under the leadership of the Minister for Local Government, has a track record with this sort of thing. I want to read from the transcript of the current “City of Canning Inquiry”, dated 21 October 2013. I will quote Mr Renton, the counsel assisting Dr Kendall, the inquiry officer. Mr Renton is quoted as saying —

Specifically, the material provided by the Department of Local Government was in a poor state. I use the word “poor” generously. It was not properly indexed or identified. It was not properly filed, with some documents being located amongst the working papers of investigators. Some documents which should have been provided were not, making it necessary to source them from elsewhere.

The work required to address these issues added conservatively several months of preparation time and cost to something that should not have been required. It should have been clear to the Department that the departmental report would be subject to review in this inquiry, and as a consequence, the material relied on in preparing that report would likewise be subject to independent review and consideration.

That is an example, again, from this inquiry into the failure of the Department of Local Government under the leadership of this minister to do its job properly. That the minister comes to us with three substantial amendments to the bill he has just introduced, including one that repudiates parts of his own second reading speech, is an example of the shambles we have in the local government amalgamation–local government reform process. I will come back to the review in a minute.

I will go through a few things that have been said in this Parliament, starting on 12 March 2009 when the then Minister for Local Government, the member for Bunbury, said —

To assist in the reform process, I have set up a steering committee and some working groups. I am very confident that local governments will report back to me with their intentions by the end of August. I

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will wait until I get that report before considering any further action. There is a lot of support from the local government sector and the community at large.

In March 2009, the minister was talking about taking action in August 2009. On 19 March 2009, the member for Bunbury, as minister at the time, said —

Access Economics has suggested that about 60 local governments in Western Australia are unsustainable. The Western Australian Local Government Association and the Local Government Advisory Board have said that the sector is in need of urgent reform.

The question that needs to be answered by the minister is: of those 60 local governments that the Liberal government in Western Australia believes are unsustainable, which and where are they? They are not the City of Canning or the City of Gosnells. So the minister can tell us, in considering these amendments and considering this local government reform he has set up, where those 60 governments are. If the former minister knew there were 60 unsustainable local governments, tell us where they are. Tell us which are the unsustainable local governments, because we know they are not the Cities of Canning or Gosnells, even though they are the ones being amalgamated. The City of Canning is having its boundaries cut up and given away to other councils for political reasons.

I note that on 19 March 2009, the then minister said —

On 5 February I set the wheels in motion for change. I have asked all local governments to come back to me by the end of April to give me a checklist of their current and future capabilities. I have also asked them to sit down with their neighbours to look at what benefits, savings and efficiencies can occur in this process of voluntary amalgamation. In essence, I have put the responsibility back on the 139 local governments. However, this reform goes beyond merely amalgamations, because among other things it is designed to assist local government to adopt enhanced financial and asset management capabilities.

Here we are, four and a half years later, and the government has not advanced.

On 31 March 2009, the minister talked about the 139 local governments across Western Australia and said —

An initial amount of \$10 000 will be made available to assist each local government to prepare its reform submission, which is due to be submitted to me by the end of August.

The minister went on —

The source of funding is \$1 million from the royalties for regions country local government fund, which has been approved, and \$900 000 under the Connecting Local Governments and Structural Reform program ...

Almost \$2 million was allocated to the process four and a half years ago for what result? On the same day, the minister said —

May I say again that I am totally committed to the voluntary amalgamation and voluntary processes for local councils. The Premier made it very clear that it is a voluntary process.

Yet that is not what is happening for the residents I represent in this Parliament. They are being forced to amalgamate in a way that is going to see their rates increase by over one-quarter. On 24 September 2009, the minister said —

For the first time in the history of Western Australia this Liberal-National government has embarked on significant reform in the local government sector. I am very encouraged by the feedback I have had from local government. I am very confident that by 30 September this year all 139 councils will have submitted their reform submissions to me. We have seen the reports from councils that have agreed to amalgamate. I am very confident that there are many more submissions from councils to come. A reform agenda has been embarked on in this state.

There we go. Again, over four years ago, rhetoric but no delivery. On the same day, the minister said —

If 100 local governments or 40 local governments decide to amalgamate, there will be a totally different set of figures.

We know that 100 local governments did not decide to amalgamate and 40 local governments did not decide to amalgamate. There is only one government, representing two political parties, in this state that has brought the

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question of forced amalgamations to the people of this state, and that is the Liberal–National government. It has talked about forced amalgamations, nobody else.

On 20 October 2009 the then Minister for Local Government, the member for Bunbury, said —

If these shires do not want to amalgamate, I am not going to force them to amalgamate.

It is interesting what we see in my community. On 24 June 2010 the then leader of the National Party, the member for Pilbara, said —

The National Party has always been very clear on its policy on local government reform. We do not support compulsory amalgamation of local government.

Yet members of the National Party come to this chamber today saying something else. In fact, that is part of that exact process that the people that I represent in my community have seen. Again on that same day, the member for Pilbara, the then minister, said —

... the policy position of the member for Warnbro can never be taken as genuine because his party will backflip as soon as it gets into government.

There is only one party that is backflipping on forced amalgamations, and it is not the Labor Party. After seven and a half years in government, we had no forced amalgamations.

On 14 April 2011, the member for Bunbury in his role as the minister said —

In the past three years we have spent approximately \$7.2 million on that process.

That being the local government reform agenda. What achievements did we get from that \$7.2 million?

On 28 September 2011, the member for Warnbro asked, amongst other things, about community strategic plans that were being required of local governments. The then minister, the member for Bunbury, said —

By the end of June next year they will be coming back to me to look at what the proper government structure of local government will be in the local metropolitan area and what local government will look like in the metropolitan area to bring us forward for the next 50 years.

What did the government do? It set up the Robson review. The Robson review did not recommend what the government is doing; in fact, most of the Robson review has been ignored by the minister. The other day the minister said by way of interjection that the reason that he was not changing the electoral system in the way that the Robson report recommended was that it did not have the support of the sector. Guess what, minister; neither do his amalgamation procedures. They do not have the support of the sector either. On 2 November 2011, the then minister said —

I would have thought that KPMG is quite a reputable firm in this state and in other places. KPMG came up with a report that said that the savings to the ratepayers on a purely operational basis would be \$3.1 million to \$3.4 million every year, yet the City of Subiaco decided not to proceed with the amalgamation.

That is a comment about the amalgamation of Subiaco and Nedlands. It continues —

At the very least, the council should have, in the confines of democracy, got that report and gone to the people of Subiaco and asked, “What do you think? Give me your ideas”, yet they cut it off at the knees. That is the decision the council made.

The criticism that the former minister was making of the City of Subiaco is the exact criticism that I am making today of this Minister for Local Government. He is not allowing the people of my electorate to have a say on this matter; he is ignoring their opinions.

On 2 May 2012, the member for Bunbury, in his capacity as minister, said —

I will tell members what I found in local government when I became minister in February 2009. Sixty-one local governments were unsustainable and 48 local governments required structural reform in one form or another to meet the future needs of their communities. I also found that only 30 local governments in Western Australia were sustainable. That is what I found.

I again make the point that two of the councils that are sustainable, and that the minister found in February 2009 and since then to be sustainable communities, are the City of Canning and the City of Gosnells. Yet they are the councils that will be impacted on. It is not the 61 local governments that were unsustainable according to the

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minister, and neither is it the 48 local governments that require structural reform. Perhaps the minister can tell us what the 61 and 48 local governments that require action are. I make the point also that the member for Bunbury made these comments three years after he had become the Minister for Local Government, yet there had been no structural reform at any time during his leadership, in the same way as there has been no structural reform at any time since the current minister has taken on the responsibility for local government.

The minister of the day went on to talk about a number of areas of weakness in local government. Yet we did not have a response to those demands. The issues that the minister raised are not what has led to the Local Government Amendment Bill 2013. All those problems are being ignored. That is because of the political consequences for the minister. The minister is taking the easy option. The view in my community is that the reason he is picking on the City of Canning is because we currently do not have elected councillors. So he is seeking to cut up the City of Canning, at the expense of its residents, for political reasons. Let us not forget that in the last Parliament, the Treasurer of this state came into this place and criticised the City of Melville for having invested in subprime mortgages in the United States. Yet the City of Melville is one of the councils that is to be rewarded. It was a bit amusing to see on television last night the current Mayor of the City of Melville talking about standards, after he spent three years hounding out of office the former Mayor of the City of Melville, Katie Jackson, who had been elected to that office by the people of that city. I have heard about meetings of the council that have gone until two and three o'clock in the morning because of the behaviour of the current mayor. That is very interesting to see.

It is not as though some analysis has been done to see what will be a good structure for local government. There has been one analysis. That is the Robson review. However, the government has rejected every element of the Robson review to come up with its political fix. The Local Government Amendment Bill 2013 is part of that political fix.

[Member's time extended.]

Mr W.J. JOHNSTON: This is a sham. No failure standards have been presented by the government. The government will not tell us what a successful council reform process looks like. That is because the government is changing its mind constantly. The government has brought in three substantial amendments to the Local Government Amendment Bill 2013 before we have even got to consider the bill. That includes the rejection of a major element of the minister's second reading speech. This is an embarrassment. I feel sorry for the minister. Clearly, the Department of Local Government and Communities is a shambles. It has no leadership. The leadership should be coming off the minister's desk. The minister may be a nice guy, but he is failing the people of this state. The minister has a responsibility to the people of this state to make sure there is proper administration in local government, but the minister is not doing that. That is because the minister is allowing this shambles to continue.

I want to go through a number of the comments in the City of Canning's proposal to the Local Government Advisory Board. This is the City of Canning's current submission. However, because the minister, in the usual political approach of this minister and this government, has issued a second set of maps for the City of Canning, the City of Canning has had to hire a consultant to prepare a new submission, at more cost to the residents of the City of Canning, to go to the Local Government Advisory Board. That is because the government, for political reasons, and without any proper consultation, and without any input from the people who will be affected, has changed the maps of the City of Canning. That includes the removal of the waste facility of the City of Canning. The minister now wants the City of Canning and the City of Gosnells to amalgamate and have no waste facility; neither council will have a waste facility if the minister continues down this path. It is an embarrassment.

I also make the point that the City of Canning has more workers in the city than it has residents of working age, whereas the City of Gosnells has more residents of working age than it has employment. That is a very important issue when we consider the movement of people in the greater metropolitan area of Perth because people move from where they live to where they work. Therefore, if the government keeps the City of Canning together, it will ensure that it has the opportunity to use the resources to build the infrastructure that is needed for a vibrant community. That is why taking the industrial part of Welshpool off the City of Canning and giving it to Belmont and Kalamunda is such a mistake. I note that on page 9 there is a detailed reasoning of why the rates will increase very significantly. I also note that on the opinions of local people, the submission states —

It is noted that the City of Canning survey on boundary reform generated 1,000 responses compared to the 94 responses that the City of Melville received to its survey. This suggests that Canning residents identify more strongly with their City than Melville residents do with theirs. Of note is that 25% (248 responses) ... of the responses in Canning were from Willetton, with Willetton residents clearly

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

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favouring their suburb to remain part of the City of Canning. This is contrary to the State Government Proposal to transfer more than half of this large suburb to Melville.

On page 16 of its submission, the City of Canning set out a table showing the residential rates, by cents in the dollar, for the City of Canning and surrounding local governments. The City of Canning has 4.3413c in the dollar, compared with the City of Melville on 5.4018c in the dollar and the City of Belmont's 5.4855c, the Shire of Kalamunda's 5.7378c, the City of South Perth's 6.5473c, and it goes on. The point is that the City of Canning has the lowest rates in the metropolitan area and what the government plans to do is increase those rates. That is what the government is trying to do. That will be the very purpose of what it is doing. That is why the government wants to transfer the highest value residential land to the City of Melville and why it wants to transfer industrial land in Welshpool to the Belmont–Kalamunda amalgamation. That is what will happen. The submission also states —

The City of Canning is in the fortunate position of being the lowest residential land rating Council due largely to its significant commercial and industrial base.

...

As the City of Canning is the lowest rating local government in the metropolitan area, any merger with higher rating Council(s) would lead to a rate increase, assuming the same revenue is maintained for the areas to be merged.

...

- Amalgamation with Gosnells could result in a potential rate increase of about 28%. It is likely that this would be phased in over several years.
- Shelley, Rossmoyne and part Willetton could have a 23% rate increase by incorporation into Melville.
- Welshpool's transfer to Belmont could result in a 50% rate increase for property owners.

In other words, the industrial park might also have its rates increase, which obviously would not be very good for the small businesses that operate in that area.

It makes a point about the new proposal to move more of the residents of the City of Canning into the City of Melville. One effect of that is to put the Riverton Leisureplex on the very, very eastern boundary of the proposed City of Melville. There will be a consequence for that. The City of Melville already has two leisure facilities. It closed the Leeming Recreation Centre in the suburb of Leeming, so it has a history of closing facilities it believes cost too much to operate. There is no question that the leisureplex will never make money. We all understand that; it was not built for that purpose. The City of Melville will now need to fund three leisureplexes out of its rates. One of the natural considerations for the City of Melville will be whether it keeps the Riverton Leisureplex. That leisureplex is used by residents in the suburbs of Lynwood and Ferndale in my electorate. One of the probabilities of this amalgamation process is that an important facility that my constituents use will be at risk of closure. The City of Melville, which is not as financially viable as the City of Canning, will have to take responsibility for that. As I have observed before in this chamber, if the minister's proposal goes ahead, there is nothing the minister can say that will change the fact that the City of Melville will decide whether that facility continues or any of the rules regarding its operations, including the price of entry et cetera, are changed. No-one can give a guarantee because it will be for the City of Melville to make that decision.

The City of Canning has concentrated quite strongly on services for aged people. It has a contract with home and community care for the supply of aged services in the community. Before it proceeds any further, the government will need to answer the question: what will happen to that contract? I am looking forward to the minister explaining to us what will happen to that contract. If the City of Canning is to be divided and amalgamated with another council, what part of that contract will be transferred to whom? How can the minister come up with a solution to that clear problem for the City of Canning and its residents and the people who use those services?

I will table some petitions from residents in the City of Canning, including people who do not live in my electorate, but who have asked me to table petitions. This is not a popular decision. The residents of the City of Canning want the city to stay in its current form. They say that if it cannot stay in its current form, it should be amalgamated with the City of Gosnells as a whole. There are individual pockets such as the residents of Wilson who say that if the government is determined to split the suburb of Wilson in half, the whole of the suburb should be given to the City of South Perth, but the number one position is for the residents to stay in the City of Canning. The City of Canning is a sustainable community.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

I will finish on this issue: I refer to page 52 of the Robson report, which reads —

Strategic Metropolitan Centres—multipurpose centres that provide a mix of retail, office, community, entertainment, residential and employment activities and are well-served by high-frequency public transport—Armadale, Cannington, Fremantle, Joondalup, Mandurah, Morley, Midland, Stirling, Rockingham and Yanchep (emerging).

Everyone knows that in 30 years when whoever is in here looks back, Cannington and the area around Carousel shopping centre will be a significant part of metropolitan Perth, yet the government’s plan is to put the Cannington activity centre on the very margin of the combined Canning–Gosnells. That means much of the infrastructure to support people getting in and out of that area and residents taking employment in that area looking for a home to live will not be in the combined city of Canning–Gosnells; they will be in other councils. That is a deliberate decision by this government. It defies any logical planning and is not a sensible decision. Losing the Welshpool land makes the council less capable of supporting the costs that inevitably will arise as the necessary work is done in the Cannington area to deliver the outcomes of “Directions 2031”, which the Minister for Planning has so often trumpeted in this house. I think he might have mentioned it in question time today. Yet the decision of the Minister for Local Government is contrary to the planning outcomes of the Minister for Planning. It is just another example of why this is a shambles in local government.

As I say, the minister is a nice bloke. I love to have a coffee with him; he is a great guy to have a chat with. But that is not how a minister is judged. Ministers are judged on their capacity and performance, and the performance here is way below what the community needs. The political approach that has been taken in using the fact that the City of Canning does not have any elected officials at the moment is a disgrace. My constituents are telling me literally every day that it is not acceptable.

MR M.P. MURRAY (Collie–Preston) [10.35 pm]: It is not with great pleasure that I get up to speak against the Local Government Amendment Bill 2013 tonight.

Mr A.J. Simpson: Your party is supporting it.

Mr M.P. MURRAY: Okay; sorry. Many members in this chamber would say that it will not affect me, as a country person. I want to hear the new Leader of the National Party say very loudly that he does not support a bill that will allow forced amalgamations. I know what is going to happen in the future. I know what has been said. I have also heard the comments of the member for North West Central. I know what is going to be said: “But that was the former leader. That was not me.” I expect that tomorrow there will be a Dorothy Dixier in this place to the Leader of the National Party so that he can say his bit, if he does not say it tonight. I am very surprised that the Leader of the National Party is back in the chamber; I thought he might have been with the minister for alcohol, having a few beers. Maybe he was; from the way he is carrying on, it sounds as though he could have been.

I want to know very clearly the position of the National Party across the board, not bits and pieces, as we have heard. I do not want them to pick out certain shires across the midwest or maybe in the wheatbelt areas, because that is what they have been told to do. I want it in *Hansard* so that it can be referred to in the future. The new leader has been a bit tongue-tied on a few questions and has had to use other people’s petitions and those sorts of things. Maybe he can give country people a bit of comfort about his position so that it is in *Hansard*. I look forward to that in the future. Maybe it will be a long way in the future; I do not know. Maybe I will have to stay longer.

Mr D.T. Redman: I have a very long future on this side of the house.

Mr M.P. MURRAY: No. I am sure that the Leader of the National Party has not read the latest polls. He should know that the only poll that counts is when he walks down the street and people say, “Get rid of those b’s.” It is not the poll in the paper.

Several members interjected.

Mr M.P. MURRAY: We will see. Members opposite can giggle. We have been there, we have done that and we know where they are going, and it is to this side very quickly. Do not worry about that now. We know what they are like.

Mr T.R. Buswell: You sound like Uncle Arthur!

Mr M.P. MURRAY: I do not hear much laughter coming from up the back—from the people who have been cut loose and the icebergs that are bobbing around in the North Sea because they have nothing to latch onto

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because the Premier has cut them off and said, “Go away. You can’t have a train. There’s nothing in local government.” We know where they are headed—to retirement. We do not have to worry about that too much.

Returning to the debate, I have heard the weasel words. We have had two ministers over time with completely different opinions. One minister had to push through what he believed was against his own views. What happened to him? He got his head chopped off. He was “rotated”, to use the words of the Premier, out of the game. I was reminded of it this morning when the American football was on TV. A few of those players dropped the ball and were rotated as well. That is exactly what is happening in this room. Rotation has run out and we are watching the government members who have been rotated sitting on the back bench. I think four of five of them have now been rotated. There is a time to come and stand up. The current minister is not too bad because he is a puppet. We see the Premier’s hand up his back when he gets out the front. He gets it wrong sometimes, but the Premier readjusts the mouthpiece, gets it all done and starts him off again, and away he goes. He is not doing a bad job. I give him about two out of 10 for saying, “I might have got it wrong. I did get it wrong. The Premier told me I got it wrong, and now I am going to change it.” Not correct it, change it. We have seen that on the steps out the front and we have seen it in the house. We have seen a minister trying to defend his job because he does not want to be rotated by the Premier. It is quite simple.

I go to the National Party’s position. How can we really worry about the National Party when we see how Clive Palmer outpolled it in the last federal election? Clive Palmer went over the top in the Forrest electorate by 9–6. What a king hitter! He came in and everyone treated him like a fool. What do people think of the National Party if Clive Palmer can outscore it? It means the National Party does not hold much weight in the south west. Why? Because it does not stick up for its constituents. In this place we hear north west, midwest, north west, midwest. Do we hear south west? Not at all. That is why I thought there might have been a chance with the new Leader of the National Party. I thought we might have had a bit of a chance, but it does not seem so.

Mr D.T. Redman interjected.

Mr M.P. MURRAY: I will move on a bit more. I will not take the interjection, because I have some really worrying news about the country local government fund. It is not from my electorate, but people rang me and asked me to bring it up. My news is about the Shire of West Arthur, which lost its money out of the country local government fund. I will read part of the email I got, which was also addressed to the National Party members. It states —

Good morning Mick, Joe and Tuck —

We sort of know who that is —

It has been brought to my attention that an incorrect statement was made by Brendon Grylls in the following: ...

It then goes on to link to *Hansard*.

In a) he states that we did not acquit our 10–11 CLGF within the two year period. The “two year period” would have expired on 16 September 2013 and the decision that we not receive the 12–13 funds was made before this date.

That is, before the date of the cut-off. That statement misled this Parliament and it is about time it was corrected. There are two ways it can be corrected. Correct the statement, which was an answer to my question on notice about who got what and where. The member for Wagin is sitting there very quietly and is probably a little embarrassed about this.

Mr T.K. Waldron interjected.

Mr M.P. MURRAY: The National Party can do two things. It can correct the record and say that the house has been misled or it can give them the money. What will it do? I will listen to the member’s answer.

Mr T.K. Waldron: When you rang Nicole Wasmann to discuss this, what did she say then?

Mr M.P. MURRAY: I have an email.

Mr T.K. Waldron: You haven’t rung her, have you? I have rung her.

Mr M.P. MURRAY: I can tell the member that she has been on the phone three times in the last two weeks. I will not discuss those things here. That statement was misleading.

Mr T.K. Waldron: You just asked me.

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Mr M.P. MURRAY: No, I will not talk about what she said to me. I will not say that at all.

Mr T.K. Waldron: I will not tell you what she said to me either.

Mr M.P. MURRAY: That is good, because she knows what the National Party is like. It is a deceiver—the biggest deceiver in the country. The National Party says it represents the country people and lets them down badly. It ripped that money out and put it elsewhere.

Several members interjected.

Mr M.P. MURRAY: No, that leader has gone. I forgot, sorry. It was the former leader. Things are getting so bad that I will have to put on two more staff to pick up the workload I am getting from the Wagin and Warren–Blackwood electorates. Staff said to me, “I do not know where we are going to get the money from because staff are being cut,” but I would love to have two more staff members to be able to help the government out because it is not doing its job properly. The number of complaints and people coming through there —

Several members interjected.

Mr M.P. MURRAY: They are not!

The ACTING SPEAKER: Members!

Mr M.P. MURRAY: Twenty-six per cent of them have gone to sleep.

The ACTING SPEAKER: Member for Collie–Preston, I am aware that Hansard is having a bit of trouble following this exchange. Just address your remarks to me and it will probably be easier for Hansard; thanks.

Mr M.P. MURRAY: I will take that direction, but it depends on the interjections from the other side, of course, that cannot go unanswered.

I am saying that more and more I am getting work from the two electorates that border my electorate, the wheatbelt and the lower south west, because the minister is a bit puffed up with his own importance and has forgotten the main people who put him there.

Several members interjected.

The ACTING SPEAKER: Members!

Several members interjected.

Mr M.P. MURRAY: Mr Acting Speaker, can I have the floor back, please?

The ACTING SPEAKER: Members, this is all very interesting, but we actually want to listen to the member for Collie–Preston.

Mr M.P. MURRAY: To answer one interjection, a common question I am asked is: “Do you think we are missing out because it’s a Labor seat?” I say, “Yes, we are, but just remember, as it rotates, the same will be repaid.” I said that the same will be repaid because I believe this government does play favourites, and that is unfair in the political system. We take what comes and we wear it, but we should give everyone in the state an equal chance and equal funding, and that certainly has not happened.

I come back to the country local government fund. How is it possible that people can be chopped out before the cut-off date for completion of their project? I think that is cruel. I also heard that the member for Eyre’s electorate was halfway through a job on a breakwater down there and the local government funds were taken away. However, internally he was able to negotiate enough money to finish that job. It is unfortunate that when we are in opposition we do not have that opportunity. The cost cutting and the poor management of this government leaves us just dumfounded. I am talking about the issue of fully costed and fully funded projects that have not been fully costed and fully funded, especially projects in my electorate.

Another issue talked about today was bias. It will be interesting to see the outcome of an issue that I will put on record because I was asked about it today; that is, the Eaton Boomers Football Club promise that was matched —

Point of Order

Mr J.H.D. DAY: Mr Acting Speaker, I point out that this debate is actually on the Local Government Amendment Bill 2013, which proposes some quite specific amendments to the Local Government Act. Much of

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what the member has been referring to has really no relationship to this bill. I ask that he be reminded of standing order 94 and that he be required to speak specifically to the bill or to sit down.

The ACTING SPEAKER (Mr I.C. Blayney): Member for Collie–Preston, I ask you to direct your remarks more towards the bill, please.

Debate Resumed

Mr M.P. MURRAY: I certainly will. If the member opposite had waited just a few more seconds —

Mr J.H.D. Day: We've been waiting about 20 minutes.

Mr M.P. MURRAY: — I was coming back to talk about a local government that was on the phone to me today about where the money is coming from to fund the promise made to the Eaton Boomers footy club for its clubrooms complex. If we do not know where we are going with these amalgamations and people are not making decisions and the funding is not there, how can we have any view of where we are going into the future? In all seriousness, it will be very, very hard to convince people that the money might be coming in the second year, the third year or the fourth year of the government, because we could have a split up, and that means people will then share facilities with their neighbours. They will not get their new facility; it will be taken back under amalgamations. That is why I am very, very keen to make sure that we do not have forced amalgamations in the country. When such a bill comes through, it will be interesting to see whether National Party members cross the floor to say that that will not happen. I believe they will squib. They have squibbed on many other things in this house and I believe they will do it again, because they simply do not have the courage of their convictions anymore to stand on their own two feet. They are protecting their jobs and ministerial positions at great cost to the Liberal Party, I must say. About four or five people on the other side would certainly shoot them in the dark night to take their positions if they had the opportunity. National Party members are fending and shepherding their positions, but they are not looking after their constituents. That is really the crux of the matter. It is time the National Party really stood up for the south west, not only the north west and the midwest.

Mr D.A. Templeman: The reform process to be effected by this bill also relates to the Premier's comment about the regional areas being targeted next, including the City of Bunbury and the Greater Bunbury area —

Mr M.P. MURRAY: Further, the former Leader of the National Party was also quoted in the *South West Times*—that great journal down our way that always gets it right!—as saying that maybe Bunbury should look at amalgamations. I see that he is not in his chair to answer that, but it was attributed to him that maybe Bunbury should look at amalgamating with the councils around it. He did not say “force” but, by gee, it put a lot of doubt in the people in that area.

I agree with the member for North West Central that there are some slight synergies, I suppose, with areas that have localised areas of interest. It is very difficult. For instance, the only thing that Collie and Busselton have in common is that we go down there in the summertime, have a holiday and pinch their crabs and then come back home. The member for Vasse is very angry about that. But it is about common interests. Look at what has happened in the city when we talk about common interests. There are none when we carve up. We have had toilet blocks on either side of the road in the carve-up. Different facilities, such as agencies that belonged to a local government, will now be outside that local government's boundaries. I read that one such facility will cost \$70 million to be replaced. It is ludicrous that these boundaries have been put in. It is more relevant in the country where the boundaries might be moved 50 or 60 kays; there are certainly different wants and needs in those areas. The government should have put some time into looking at how to share facilities and how to push reform in a different direction, not on a boundary issue. When two bad eggs are pushed together, do they make one good egg? That does not happen at all; the rot moves through and keeps going. We have the same problems over and again and it does not help anything at all. It is only a change in direction.

[Member's time extended.]

Mr M.P. MURRAY: It is only five minutes to 11. Again, a farmer would be just getting in off the tractor, so do not worry about it; members would be out there doing a lot of work and not yawning like many in this house because they have to stay up a bit. Areas of common interest have not been used in this whack-up so far. The minister then back-pedalled and said he would have another look at it. Who drew these lines on their desktop in the first instance? A Google map would have been better than the way this government has done this. Someone could have jumped in the back seat of the car that drives along taking videos for Google maps! They might have found that on one side of the street there was a shire depot and on the other side of the street the shire office, and the boundary had cut them in half! I do not get that sort of logic whatsoever.

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Mr T.R. Buswell: Can you give one example of where that has happened?

Mr M.P. MURRAY: It will happen, believe me! If the minister looks around at areas where this government has enabled major building projects under royalties for regions, he will see that councils were very happy about them until they had to pay the ongoing costs for such things as swimming pools out of a very small rates base. People in country towns wish for many, many things, but once they have them they find it difficult to pay for their upkeep. There is no local government fund to keep those projects going or to do many other jobs that are probably basic requirements for a local council. Having been a local councillor for 12 years, I have seen the powers of councils being taken away, which is another concern about local government reform and council amalgamations. If a bad decision is made in council and it all goes pear-shaped, councillors come to the fore—not before, but afterwards when councillors are there to bear the flak. The CEO, who may have made the decision, just ducks for cover and says it was a council decision. I remember when the powers of councils were gutted, and I must say that a lot of that occurred under a Labor government, of which I was a part. Councillors now have to provide an explanation when they vote against a CEO's recommendation that is on the agenda. They cannot go into a council meeting and make a decision. Members of Parliament, who are at the top of the tree, do not have to do that, so why does someone halfway down the tree have to? Why does a councillor have to explain himself because he has voted against the CEO's recommendation? It defies logic. Why would anyone be a councillor these days? I do not understand why they would, because they only pick up the back end of the problem. If the CEO has made a decision and it is on the agenda, it is very difficult to change that decision. Delegation of authority is good in many ways, but if councillors are not able to challenge that freely we have a problem.

They are the sorts of reforms I would love to have seen, and certainly would have supported. They are the reforms that local government needs. There is some push for that. Under the system at the moment, we would be better off getting rid of councils and running them under a structure with a CEO at the top. A lot of councillors do not know that until they are elected to local government and they are read the riot act; it is then that they work through it and look at how to change things. When they go down the street, it is not a very good look for any councillor to say, "It wasn't my fault; it was the CEO!" That is just not good enough, as councillors have to be just as responsible as anyone else. That is a major problem and I believe it is something the government should have been looking at internally; it needs to make councils function far better than they do now. Although I understand why councillors are now paid, we find that people go into local government for the wrong reasons—it is probably the same in this place. As the finances of local government increase and councillors are paid more, more people will run for local government for the wrong reasons, such as subsidising their wages or pensions. I do not expect people do it for nothing, but I do expect there to be some checks and balances in how much people are paid and whether the council can afford it. There should be some method in how that is done against a council's rateable base, because councils take a fair lump out of the rateable base.

Along the same lines is the matter of chief executive officers' pay, as highlighted in *The Sunday Times*. Most CEOs knock off and go home on a Friday night and come back on Monday morning. That is far different from the Premier or any minister who is paid far less. Look at how many staff council CEOs have under them. The Shire of Collie council, for example, has 32 inside staff and 31 outside staff. We should be looking at those sorts of ratios of staff. The government said it would remove red tape, but we all know that paperwork has increased and has to be dealt with. When more staff are inside than out, we need to make sure the job is being done. Audits should be done on every council every couple of years. There should be probity audits on whether they are doing their jobs properly and how they are going to work on forward plans. That is done to some degree now, but councils must be looked at to ensure that they are working well. If that were done, there would be no need for amalgamations. We would have a far better system, because councillors, like us, would have a check and balance every four years at the polls. Why would there not be one similar for local councils?

Mr D.T. Redman: You nearly got checked and rebalanced.

Mr M.P. MURRAY: The Minister for Training and Workforce Development may talk. I heard that tremor of terror in his voice when he made that very welcome phone call to me and said something along the lines of, "Now I know how you feel." I have done it four times; he has done it only once. That is the sort of check and balance that councils should have because some councils just run on the idea that we need this so we will put up the rates. That is the wrong way to go about it. It is not about changing boundaries but working through how things can be done better. Internal audits would be one method. There are many other ways of looking at this matter. Probity audits are another method to ensure councils follow the letter of the law that would stop a lot of arguments. There have been a couple of arguments about this in the past few years, and I am sure the member for Albany will speak about that, because there has been a long debate about that matter down there. It takes too

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

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Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

long for the system to sort these things out. All the issues that need to be done should be done before we get to the issue of changing boundaries. Lines on a map have never meant much to many people—or any people sometimes. Lines are there and have been defined over the years. People have ownership of their area and they are scared of losing that ownership and want it to stay in place, especially in country areas. It is disappointing, but natural attrition happens over time. We see that when a brown sign on a highway says “This used to be the locality of”, and that sign and perhaps a couple of old chimneys in the paddock are all that is left of a town that is no longer supported. The local government structures were taken away and people moved down the road a little bit further, perhaps 50 or 60 kilometres. That is what will happen in country areas if amalgamations go ahead. One of the councils in the Murchison has only about 800 people, but if that central point, the shire, is taken away and amalgamated with another shire, that central point will fade away and another brown sign will replace it. The minister should really look at this matter again to see where it is going and how it is going to be done; he should look internally and not externally by simply changing the lines on a map.

MR B.S. WYATT (Victoria Park) [11.04 pm]: I, too, rise to speak to the Local Government Amendment Bill 2013. Some commentary has been made by a number of members of Parliament tonight about the Town of Victoria Park and the City of South Perth in particular. As the minister knows I have a keen interest in not only this legislation, but also the reform process being undertaken by the state government. My electorate includes not only the Town of Victoria Park, but also a small part of the City of South Perth, and about 20 per cent to 30 per cent of my electorate is in the City of Canning. The majority is, of course, in the Town of Victoria Park. The member for Cannington has already made some points around the City of Canning, and I endorse his comments in respect of the carve-up of the City of Canning and the fact that its residents have, effectively, not had a voice in this process because they do not have a council. The commissioner, Linton Reynolds, is certainly trying his best to represent those views; there are a number of very active ratepayers in the City of Canning who are trying to be heard.

The comments I want to make tonight are primarily in respect of the Town of Victoria Park and the City of South Perth, because that is where I think there has been some public advocacy generated in the statewide debate. The debate has been centred around the City of Vincent, the City of Fremantle, the Town of Victoria Park and, of course, the City of Perth; that is really where a lot of the local issues are playing out. Quite frankly, from the moment it was raised by the former Minister for Local Government, the member for Bunbury, a number of years ago now the government has been utterly ham-fisted in the way it has dealt with this entire process around local government amalgamations. The government has had a number of different positions. There was the Robson report in which, to be frank, the recommendations around the Town of Victoria Park and surrounding local government authorities were embarrassing. The Robson report made no acknowledgement of either the idea of community of interest or the histories of areas. I think the fact that the government has utterly abandoned the Robson report and its recommendations highlights the fact that it agrees with that view.

In my view, the Western Australian Local Government Association has been absent in this debate. I have not had any clear indication from WALGA of its views on the ham-fisted way the government has gone about local government reform. I have regularly checked the WALGA website looking for commentary or media releases around this issue. I very readily recollect, under the former Labor government, when Hon Jon Ford, as minister, changed the voting system for local government from first-past-the-post to preferential and there was very active advocacy by WALGA, television advertisements that were very critical of the former government and minister and motions of no confidence in that former minister, to now when there has been almost utter silence from WALGA on this process. I have found that particularly disappointing, bearing in mind that WALGA holds itself out to be the leader of local government authorities in Western Australia.

I make some comments about the Town of Victoria Park and City of South Perth. I have made this point to the minister before, and in his contribution earlier today the member for South Perth emphasised it. The minister could have had an easy win, as I think the minister knows, in respect of the Town of Victoria Park and the City of South Perth. It is clear to me that it is the Premier's obstinacy that is creating a problem for the minister in coming to a conclusion around a much more appropriate boundary for that local government authority. I think every reasonable person in this place, from both sides of the chamber, and also in the Legislative Council, whom I have spoken to thinks it is a ludicrous proposition to split part of the Burswood peninsula away from the Town of Victoria Park into the City of Perth. The boundary of the City of Perth will cross the Swan River and will capture not only a small part in land mass of the current Burswood peninsula, but also the current rate base and one future rate base, being the Crown resort and the new stadium. I know that the minister agrees with me on that. The member for South Perth certainly agrees with me on that. I think the Premier is making an awful mistake because this issue has activated the local citizenry in Victoria Park, in particular—less so in South Perth,

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but certainly the mayor, in her leadership, has activated the residents of South Perth. They understand that if local government reform is all about creating sustainable local government, we do not remove key components of the rate base while largely leaving the costs of dealing with those assets around the stadium and the Crown resort with the people of Victoria Park. It is unfair and terribly poor policy. The correspondence I have had with the people who live at the Mirvac development on the Burswood peninsula share that concern. They understand that they will effectively have no voice about any issues that they have with the management of the stadium or Crown now that they fall outside of the local government in which they live. The City of Perth will simply say, “What do we care? You’re not part of our local government area. You go and speak to the Town of Victoria Park or the City of South Perth.”

As the minister knows from the history of this matter, the Town of Victoria Park and the City of South Perth tried to deliver him a win. When the Robson report first came out, the Town of Victoria Park went to its ratepayers, as it should, to seek their views and commentary on what was being proposed by the Robson report. To be frank, the proposals that the Robson report had for the Town of Victoria Park were embarrassing. It simply did not acknowledge any idea of community interest. I wish to highlight the fact that the Robson report panel did not undertake any cost-benefit analysis of those options proposed around the Town of Victoria Park, which perhaps resulted in the less than adequate options identified by the Robson report. The Town of Victoria Park went to the people of Victoria Park with four options and to seek their views. I will go through the four options in the order of the Town of Victoria Park survey. Option 1 was to have the town stay as it is; that is, no changes whatsoever to the boundaries. Option 2—this is one of the options identified by the Robson report—would involve combining the whole of the Town of Victoria Park with the City of Perth, the City of South Perth and the City of Vincent based on current boundaries. That has not been mentioned or proposed by anyone other than the Robson report. Option 3 was to amalgamate the whole of the Town of Victoria Park with the City of South Perth. Option 4, or the other recommendation of the Robson report, is that the Town of Victoria Park be split in two, with part of the town joining with the City of Perth and the other part joining with the City of Canning. Those four proposals were sent to the Town of Victoria Park for its commentary. The results we got back from that survey were very interesting. The survey sample size was 723 respondents, most of which—686—were web surveys, with 37 hard copy surveys. The sample size had a plus or minus 3.6 per cent confidence interval. That survey showed a reasonably high confidence interval. The overwhelming majority of the residents preferred not to amalgamate at all. Sixty-two per cent of the people of the Town of Victoria Park did not want any changes to the boundaries of the Town of Victoria Park. That highlights that the Town of Victoria Park has a very strong individual identity around Victoria Park—a very strong village or community feel. I think that is perhaps a large part of the motivation of the people of the City of Vincent to not want to be split. Their very successful “One in, all in” campaign was very effective in ensuring that the government did buckle to the demands of the people of Vincent. I was, therefore, particularly disappointed, of course, that the Premier chose to utterly ignore a similar campaign run by the people of Victoria Park.

The people of Victoria Park were given four options. The first was to stay as the current Town of Victoria Park, and, as I have said, the people of Victoria Park overwhelmingly chose that option. They were then given three other options if they could not stay as they are currently. Two of those options were the Robson report options, and the other was to merge with the City of South Perth. The people of Victoria Park had to choose between amalgamating with either the City of Perth or the City of South Perth, or splitting up the town and having part of it amalgamate with the City of Canning and part with the City of South Perth. Those are the four options that I referred to previously. The majority, or 71 per cent of the residents, when faced with those three other options, preferred to amalgamate with the City of South Perth over either of the options recommended by the local government metropolitan reform panel; that is, the Robson panel.

There is some history to why the people of Victoria Park overwhelmingly rejected merging in any way with the City of Perth. It goes back to 1994, when the then conservative government split the City of Perth and created the Town of Victoria Park. The people of Victoria Park understood that they were not getting the investment in their local area that was needed, because the focus was, of course, on the central business district and that is where the largest amount of the rates was being spent. The member for Cottesloe and now Premier shared that view back in 1994, and that is why the Court government at the time moved to split the City of Perth. That is very much alive and well in the minds of the people of Victoria Park. It is interesting to look at the sample profile of the people who responded to the survey. Forty per cent of that sample has lived in Victoria Park for more than 10 years, so it is very alive and well in the minds of the people of Victoria Park that if they are to get proper service of their local area, they will need to retain some element of local control and local identity. Anyone who has been along the Albany Highway strip in Victoria Park and East Victoria Park will see the

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fundamental changes that have occurred in that area over the last 10 to 15 years. Indeed, it is my view that that Albany Highway strip is one of the pre-eminent high streets in the Perth metropolitan area.

In that survey that was done by the Town of Victoria Park, a number of reasons were given by Victoria Park people as to why they wanted to retain either the Town of Victoria Park on its own, or merge with the City of South Perth. The view was that if they went with the City of Perth, there would be a loss of community focus, a loss of the town's unique identity—as I have said, the people of Victoria Park are very proud of their unique identity—and a loss of local representation. Some people made the point that they did not want to merge with the City of Canning, for various reasons.

Of course, and most importantly, minister, there is no perceived economic benefit. What has frustrated the opposition is the fact that the minister and the Premier say there will be wonderful synergies, it will be more economically sustainable, and there will be no need for rates to rise or for services to be reduced. But they have not given us one piece of evidence to prove that case. That is one of the fundamental reasons why the people of Victoria Park simply do not accept the argument being made by the government around this issue of merging local government authorities.

In conclusion, after that survey was done by the Town of Victoria Park, it was clear that the general view was, despite an overwhelming preference to stay as we are in Victoria Park, that the City of South Perth would be the best suited with which to join forces. As the minister knows, the Town of Victoria Park and the City of South Perth went about delivering that for the government. Understanding that local government is ultimately a creature of statute passed by this Parliament, those two local government authorities in good faith went to deliver that for the government. The member for Mandurah already outlined to a certain extent the history of this matter. The councils agreed that that would be what they would do to go about delivering that for the government of the day.

To be frank, for them to be betrayed by the government, by its splitting the peninsula with this unhealthy focus on the city, creating a mighty City of Perth at the expense of other local government authorities that join the City of Perth, is not the way to go about local government reform. I think that everybody accepts that a CBD-focused local government authority has unique issues to deal with. I agree with the minister on that. I agree with Lord Mayor Lisa Scaffidi that the City of Perth has unique local government issues that are different from local government authorities that are largely suburban with lots of different ratepayers as opposed simply to the City of Perth being a major location. However, the argument that to create a viable City of Perth we have to go and pinch or land grab individual assets, across that broad natural boundary that since local government authorities have been in existence in Western Australia has been recognised as such, is a ludicrous position to take and the minister knows it. I think that everyone in this place knows that, except for the member for Cottesloe. Certainly, as I have said, in my discussions with members in this place, they agree with that point.

I will read an email that was sent to Joanne Webber, who I think is in the minister's office. It was copied to Cliff Frewing, CEO of the City of South Perth; Mayor Vaughan of the Town of Victoria Park; and Mayor Sue Doherty of the City of South Perth. It is a good email, which is dated 4 October 2013. I will not read it all out, but it outlines a number of very good arguments about why the boundaries of the Town of Victoria Park and the City of South Perth should come together as they are and not have the slice with the Burswood peninsula cut out. Part of the email from the CEO of the Town of Victoria Park, Arthur Kyron, states —

The argument that the City of Perth should hold within its boundaries “Icons” is a position that has not substance or empirical foundation. The idea of icon collecting seems to be a fallacious justification for the takeover of significant and attractive assets held within other council boundaries. If you were to look at one of the greatest European cities and the home of the system of Government on which we operate, London for example, you will notice that the City of London is only 1 square mile in size and apart from St Pauls Cathedral and, being the location of the great fire of London in 1666, contains few of London's internationally recognised landmarks. For example, the Houses of Parliament, Trafalgar Square, Buckingham Palace and Tower of London (the list is endless) are not of the City of London—they all belong to surrounding local governments. There are no sports stadiums located within the City of London (not even the famous Wembley stadium). Based on the icon worshiping position exhibited by the City of Perth, all those elements should be in the City of London.

The CEO of the Town of Victoria Park, Arthur Kyron, is right.

[Member's time extended.]

Mr B.S. WYATT: He emailed to a certain extent in some frustration because he also makes the point that —

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

p7018b-7080a

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

The Town of Victoria Park, on Tuesday 1 October approved the plan to join with the City of South Perth. The City of South Perth approved the plan to join with us on 2 October.

They jointly lodged a submission to this effect to the Local Government Advisory Board on 4 October 2013. Two local governments were doing exactly what the government wanted—negotiating the outcome of amalgamation. Although I would prefer the Town of Victoria Park to remain, I too was willing to accept that. The minister would have had me on board. I think the city of South Perth–Town of Victoria Park made sense until the minister buckled to the Premier’s desire to create this City of Perth by peeling assets from the Town of Victoria Park—the Burswood peninsula—and including them in the City of Perth. I make that point because for most of my time in the electorate of Victoria Park I lived in Lathlain, right near the Red Castle Hotel site that looks down over the Crown resort. It will create, particularly for the people of Lathlain, the residential areas of Burswood and the people living in the Mirvac development on the Burswood peninsula, all the issues of parking management, noise, litter, and passing crowds of people going to and from large locations, which we are very proud to have on the peninsula. By splitting it, the revenue would be left with the City of Perth and the cost with the ratepayers in Victoria Park or the merged entity of Victoria Park–South Perth. That is why the mayor of South Perth, Sue Doherty, is now outraged, and quite rightly. She understands that, ultimately, the City of South Perth sees a sustainable amalgamation with the Town of Victoria Park based on those existing boundaries, and the minister knows that.

As I pointed out previously, the rhetoric from the minister in this place and from the Premier is completely disrespectful of the efforts that the Town of Victoria Park and the City of South Perth have gone to as a result of policy desires of the state government.

I want to spend some time reflecting on community activity that has taken place mainly in the Town of Victoria Park, less so the City of South Perth. The minister changed his mind and split the City of Vincent—some into the City of Perth and some into the City of Stirling. It is fairly obvious because the member for Perth was under some political pressure as a result of the decision to split the City of Vincent, the “one in, all in” campaign, led by Alannah MacTiernan and the Mayor of Vincent, John Carey, was putting political pressure on the member for Perth. The Premier said he had had a coffee in Leederville, I think, and said, “I’ve changed my mind; the whole of Vincent should all go in now.” But he has not then shown the same courtesy to the people of Victoria Park. I have been the member for Victoria Park for nearly eight years and this issue has generated the largest community rally since I have been a local member. There was the battle for Burswood community rally, led by the Town of Victoria Park, at Memorial Gardens, and that was incredibly successful. A large crowd turned out. The member for South Perth came into the audience during my speech. I took great delight in pointing to the member for South Perth and highlighting his support for retaining the Burswood peninsula. I note the member for South Perth said in this place today that he also agrees with that proposal. The other day I tabled in here the postcard petition, which did not conform with our rules, so I could not submit it to the Parliament but I could lay it on the table for the day. There were 2 400 postcard petitions returned, of which 97 per cent supported retaining the Burswood peninsula when that specific question was asked. Ten per cent of my electorate responded to that. On top of that I have a petition I have not yet presented. It is not quite compliant, but I will bring that in and table it, with, I think, two and a half thousand signatures, again supporting the Town of Victoria Park in retaining its identity. We do not want the Burswood peninsula split from us. There are many issues, but one I have highlighted in the local media is this: it makes sense; it is obvious that if a town loses a big part of its rate base, regardless of whether it stays in its current form without the peninsula, or mergers with the City of South Perth without the peninsula, two things will have to happen: either rates will have to go up to compensate for that loss or services will have to decline. That is obvious. The minister can say that that is not true because he is giving us more rooftops, which I think is the saying. I think that means more ratepayers. But that can be an adequate compensation only if services are not being provided. Of course services will be provided. It is a ludicrous argument to say that that is the appropriate compensation.

One area that causes me great fear is Somerset pool at the AquaLife Centre in Victoria Park. Victoria Park has a 50-metre pool. The Premier said earlier in the year that there are not any in the southern suburbs. That is not quite true. The Town of Victoria Park has Somerset pool, which has been there for a long time. It services Victoria Park, South Perth and Canning. The 50-metre pool services a large area, as it quite rightly should, but everyone knows that it does not make money. I go there every Friday morning very early with my two daughters for swimming lessons and it is packed full of parents and kids, but it does not make money. It is my understanding that the Town of Victoria Park subsidises that pool to the tune of about \$500 000 a year. That is not a small amount of money for any local government authority. Of course, if the City of South Perth and the Town of Victoria Park come together and \$4 million is lost from the Burswood peninsula, because that gets

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gobbled up by the City of Perth, and the new councillors of that merged entity look at how to make up their budget, of course one of the vulnerabilities will be the heavily subsidised assets such as Somerset pool. Putting more ratepayers into that merged entity is not compensation, because services have to be provided for those people. That is not compensation. That is just one example that causes me great concern.

Another point I want to make is that the minister has said in this place that the Local Government Advisory Board will do all sorts of analyses. Despite all the arguments that the minister has made about financial sustainability and how merged entities will be a much more sustainable proposition, the Local Government Advisory Board will do all that work and then it will tell us what it will do. But, minister, it is an advisory board. The minister is the minister. He makes the decision. He should do the analysis. He should come in here and tell us why there will be a financially better outcome for ratepayers if this happens. He has never done that. That is why this whole process has been ham-fisted. The lack of clarity has been unbelievable. The Town of Victoria Park is one of the councils across metropolitan Perth that are gridlocked with uncertainty and are unable to implement their strategic plans and borrow and spend and do the things that local governments do because they are uncertain about what the minister thinks because it changes from day to day.

There is one final point I want to make in my last three minutes. The member for North West Central, who is one of my constituents in Victoria Park, said that the member for Cockburn was threatening the mergers of regional councils. I will quote the Premier from 6 August 2013. He said —

In the area to the north of Kalgoorlie there are half a dozen or so local authorities. Most of them have populations of certainly fewer than 1 000, some fewer than 500, and some well fewer than that.

He went on to say that it should be one big outback council. He then made this point —

The wheatbelt grew up in a time of lots of small towns—in fact, some of them were quite big for their day—limited transport, multiple sidings and multiple shopping centres; today, do we really believe that 42 local authorities in the wheatbelt is the right structure?

I say this to my National Party friends: do not critique the opposition, which does not have the numbers in this place, about the future of the wheatbelt, when the Premier himself asks whether we really think that 42 local government authorities in the wheatbelt is the right structure, because he is clearly using wheatbelt examples to justify what he is doing in the city. Members should look at themselves. It is the fellow from Cottesloe who is causing them these problems.

In conclusion, the minister knows that retaining the entirety of the Burswood peninsula in the Town of Victoria Park or the merged entity with the City of South Perth is the right thing to do. It is right on a policy level and it is right on an equity level. The arguments made about the importance or prestige of the City of Perth, about icons in the City of Perth and about future financial sustainability, are not only wrong, but have simply not been proved. Until the government can prove its case, the opposition will not agree with it and the people of Victoria Park will not either. The government needs to show those people respect by making the case and providing evidence to show why they should give up on their local community and merge with another.

MR P.C. TINLEY (Willagee) [11.35 pm]: I will make a short contribution, given the hour, on the Local Government Amendment Bill 2013 to record quite emphatically some of the concerns I have about local councils I represent and the areas they cover that triangulate in the seat of Willagee. A lot has been said by members on this side about the potential problems with these forced amalgamations. Those members often cite a professor from the University of New England, which I have just noted was actually my university.

Dr A.D. Buti: Armidale.

Mr P.C. TINLEY: Yes, in Armidale no less! The professor I am referring to is Brian Dollery. Professor Brian Dollery is a noted expert in the analysis of some of this stuff and on local government more generally. Members have been citing Professor Dollery's work principally through media clippings and I suspect that at the end of this process Professor Dollery will have a whole new PhD topic in relation to the cost to the community, government and ratepayers, both financially and emotionally, with the investment some people have been making in my seat into forced amalgamations. What is really clear from some of the evidence that Professor Brian Dollery from UNE quotes is that it is one thing to talk about boundaries and reform in relation to this bill, but another thing we have yet to hear about is the cost of these reforms—the actual substantive cost—not just in one hit, but over a period of time. In his research Professor Dollery shows that forced mergers in Queensland of 2008, when the state's 256 councils merged into 72, cost the councils \$186 million—that is forced mergers. He

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makes the clear distinction between forced mergers and voluntary mergers, which is where this government started its pathway. This government was looking for voluntary mergers and in fact went to the election on that promise, only to be up to about 40 backflips or broken promises since the election earlier this year, not so many months ago. We are looking at the potential cost of these mergers, and in Queensland there was a median cost of \$7.235 million per council. I really want to hear from the minister about that when we get to consideration in detail, or from anywhere, about where the costs of this merger will be borne and the expectations of that cost in relation to forced local government mergers. Who will foot the bill? We now have a similar situation to schools and cuts to education.

[Quorum formed.]

Mr P.C. TINLEY: I was referring to Professor Dollery's work on the 2008 Queensland forced merger of 156 councils at a total cost of \$196 million with a median cost of \$7.3-odd million per council. He also makes a really important point of distinction, and a lot of his work comes down to one of these papers that he had written called "An evaluation of amalgamation and financial viability in Australian local government", which for the purposes of citing was co-authored with Bligh Grant, also of the University of New England, and Professor Michael Kortt. The substantive parts of this research involved not only their own primary research, but also sifting through all the various amounts of research that was done across several jurisdictions. One of the key points they make in their findings is that when there are voluntary amalgamations, as distinct from forced amalgamations, the cost is dramatically reduced. Subsequently, community acceptance was a lot quicker in a more harmonised voluntary method for the delivery of services.

The truth is that we already find ourselves right up there on an international standard. We are the fourth country in the league with the lowest number of councils. This research from 2007 may be slightly out, but it states that there were 556 local governments or councils within Australia with an average council size of 40 000 residents. We were beaten only by New Zealand with 85 councils and Denmark with 98 councils, but they had the same average-size councils of around 40 000 to 50 000 residents, and in the case of Denmark 55 000. Of course, topping the table was Britain, which has a slightly different system, with 415 local councils or boroughs, with an average council size of 143 000 residents. However, we note that Britain has a different system for its levels of government. It is important to note that on a world standard we are not so bad; that is not to suggest for a second that we are not open for improvement.

Dr A.D. Buti: Open for business!

Mr P.C. TINLEY: Open for business!

It is important to note that in the empirical analysis of the impact of amalgamation the research cites some 10 different independent analyses and products of research that were done way back as far as 1956. There is therefore a long history of detailed work and deep investigation. The research concluded —

... that mergers had not met their intended economic objectives, but had rather led to increased expenditures.

This is talking about forced amalgamations —

Similarly, in their review of the impact of city-county consolidation programs ... found little evidence that municipal consolidation enhanced performance, through either improved service provision or reduced costs for delivering the same services.

Clearly there is a range of evidence that I am sure Professor Robson in his review would have taken the time to look at and take advice on; in fact, it is reflected in his own report. The Hawker report of 2003 again goes on to suggest that there is no compelling argument for forcing amalgamations on the basis of improved efficiency or of somehow reducing costs. It just does not exist. No member of this house has yet got to their feet to point to any academic or empirical study or produced any evidence that suggests for a second that scale delivers a cheaper or better outcome. I will be convinced if somebody can produce evidence of any academic quality that suggests for a second that forced amalgamations work or produce anything. It is important to put on the record that the Hawker review of 2003 found that a merger is not a panacea. It refers to other structural solutions, such as —

... a mentoring arrangement with a larger more prosperous council, or membership of a regional organisation of councils —

As far superior outcomes to simply forced amalgamations—I add these words—under the veil of reform. It states that continued cost-shifting by state governments could diminish the efficiency enhancing effects of amalgamation. This is a quite detailed body of work, but it is not the only body of work. From a cursory

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search of the internet, we can find research by Professor Dollery and his colleagues about the size, shape and sustainability of any local government authority once it has gone through a forced merger. I quote again from the report where it refers to the Queensland amalgamations —

... stressed the importance of the ‘voluntary’ nature of any amalgamation proposal to its ultimate success.

There is a bunch of information on it available to any member in this chamber and certainly to the minister. The final commentary that Dollery makes with Grant and Kortt is —

It is thus clear that the weight of evidence derived from these public inquiries strongly supports the bulk of the academic literature in its skepticism over local government amalgamation as an efficacious instrument for improving the financial sustainability of local government.

It does not get much clearer, yet the government seems to ignore and go in the face of all the available evidence—including that of our own Professor Robson, an eminent academic—and thinks in its paternalistic way that it knows better.

I now turn to the impact of the forced amalgamations on the constituents in my area. As I have said before in this place, I have the pleasure of having a seat that sits at the tri-border area of three local government authorities—Fremantle, Melville and Cockburn. I get to compare and contrast the activities of those three councils from both listening to what the constituents who come through the door tell me about local government matters and also talking and engaging with the councils over their different plans and what they intend and hope to do. It is clear to me that the rate base mix is really important. To have somewhere close to a 50–50 rate base mix between commercial–industrial and residential, as has been said by others in this place, is its own target. As other members have said, the more residents there are, the more services that are required, such as parks, swimming pools, refuse control and movement services, landfill—you name it. Providing services to residents is a huge part of the cost of a local government, whereas the commercial side pays rates but does not use those services. For an example we do not need to look any further than the City of Perth, which has a very high rate base from a commercial viewpoint. I will stand corrected by interjection if someone thinks it is not true, but I believe that the City of Perth has the lowest rates in the metro area simply because it can offset rates against the amount of outgoing services. It is a wonder that it may not have wanted to include many single residential lots et cetera.

Mrs G.J. Godfrey: They have a large income from parking.

Mr P.C. TINLEY: Yes, of course, they do. I get all that, and I thank the member for Belmont for highlighting that. However, I am making a point about the offset, because there is a differential between revenue take, including parking, and outgoing costs. That is the key issue, but that is not the only thing that should guide the best way to reform local government. This government has tried to make a virtue out of reform where it does not exist. The idea that we can reform local government by simply talking about the size of the council and where the boundaries may or may not go is not of itself anything close to reform. It is seemingly easy to do that. The hard reform is what happens inside local government. It would be hard to go across all local governments and try to provide uniformity in some of the planning issues they have. When I was the shadow Minister for Planning I was continually confronted by anomalies among local government authorities in relation to who can construct what and how they can construct it. For example, in Perth, the technical specifications for crossovers are amazing—that is, from the road to the property line. Perth has 64 different technical specifications for crossovers. Someone may want to put a segmentally paved crossover or a concrete or bitumen crossover down, and each and every one of those councils is likely to have a different technical specification.

Mr A.J. Simpson: You would think together they would come up with six, wouldn't you? I thought that too.

Mr P.C. TINLEY: It is harder to reform what happens inside local government authorities. The second point I make is: why do we have one local authority that decides to deliver services into its community that another local government authority does not deliver? This is not to decry the laudable objectives of what the City of Fremantle is trying to do, but why does it manage, run, support and fund, in part or whole, refuges for women who are subject to domestic violence? Where does it say that the local government authority should deliver those sorts of services?

[Member's time extended.]

Mr R.H. Cook: It should not be the deliverer of those services?

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Mr P.C. TINLEY: It relates to both, and whether it should or it should not deliver that service. I have nothing against what the City of Fremantle is doing, but why does the City of Fremantle provide women's refuges but it does not provide a local security service like the City of Melville and the City of Cockburn? What is the minimum level of service delivery? That is the harder reform. That would get them all going. I would say that the government would have a less public problem if it tried to address some of those reforms than it has had with the block lines it has drawn on a map. I am not suggesting for a second that the 30 000-odd residents of Fremantle are in any way, shape or form close to being unsustainable. There is a certain threshold below which size does matter and that some additional support is required from outside agencies. I am not picking on Fremantle, but it is not unlike Cottesloe in some parts, because it owns and looks after a significant piece of tourism infrastructure that is used by all people of the state in heritage buildings such as the round house, the old asylum and a range of others. The City of Fremantle has large areas of unrateable land, such as the University of Notre Dame, the port authority and the Public Transport Authority. It is the crossroads of many government departments being represented down there and the poor old City of Fremantle is trying to do deal with this. The City of Fremantle to its credit has a strategic plan that is very workable. It has spent a lot of time working out how to reinvigorate the CBD and ensure a revenue flow to deliver the services it needs to provide. It has identified a requirement for 3 000 people living in the CBD to reinvigorate its daily routine.

In the southern part of my electorate, simply carving up Cockburn to support the amalgamation or change a line on a map is of itself no help. I have never received so many approaches from constituents in relation to a government intention as I have from Cockburn. Hundreds of people have contacted the office over the last month or thereabouts. They are confused, concerned and misinformed in many ways. Unfortunately, they are getting no satisfaction from me or this government about what is going to happen. It was a pleasure, as the local member, to go to the swearing-in dinner of the City of Cockburn, ironically with the minister, who was well received on that night. I think map mark 1 was out and not the current one that we are working under, so the minister was well received. The City of Cockburn thought it was going strong and had nothing to worry about, but it was low-hanging fruit because it had undertaken some advanced discussions with Kwinana on a voluntary basis to work out how they might merge. We know that there is a lot of detail inside these mergers. We can easily draw lines on a map, but if these local governments were to merge there would be a lot of work to do. The human resources component alone would be enormous because they have people's livelihoods in their hands, and they could easily cause a great deal of anxiety. It needs to be managed carefully. We have the old bogey of information technology, which is one of the most difficult things to pull together. If anyone has been in a large organisation that has taken on new IT or had to marry up two lots of IT, they will know how hard it is. It never, ever works on the first go. It never works when the geeks walk in and say, "By the time you come in tomorrow you will be able to log in again and it will work." It is just not true! I have lived it so many different times, it is not funny. I can think of all the little bits and pieces, not to mention the big stuff, such as the infrastructure such as swimming pools that the member for Victoria Park talked about. What is appropriate and what are the rationalisation plans? Who is going to do what and how are we going to manage asset development and asset management? Right now we have a massive amount of confusion, dazed and confused residents, senior management in local government authorities not knowing what decision they could make today and elected members trying to deal with their own constituent base. The City of Cockburn deserves a better opportunity than it has had at the moment, a better opportunity than the paternalistic imposition of a boundary that takes it from well down the track in a voluntary approach to something where it will end up going kicking and screaming.

I will come back to Fremantle because something needed to happen, but I do not think anybody in this chamber thinks the City of Fremantle should be dissolved. I do not think anybody thinks that the first mercantile town of the colony of Western Australia, this state, should not be supported for a range of reasons. There is a really important point to make here, if we eventually have to talk about boundaries, to talk about community of interest. The first boundaries that the government proposed to merge were the City of Melville and the City of Fremantle, which was completely and utterly hopeless. On the basis alone of community of interest, the City of Melville is completely oriented towards its own challenges around the Murdoch activity centre, with 37 000 people likely to work there on a daily basis and all the new growth areas out to the east of it; it has no cultural alignment in a social sense with Fremantle. Fremantle is a coastal mercantile town with a big tourism infrastructure and a big relationship with the coast, the sea, and the Swan River. Its community of interest is with North Fremantle and East Fremantle, and a large piece of the coast of Fremantle. We should not impose the penalty that was identified by this plan on the City of Cockburn.

Residents of the City of Cockburn deserve better. The City of Cockburn has been a great deliverer of services. It has responded every time, very well and efficiently, to any of my representations on constituent matters. It has a

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very fast turnaround time on single lot dwellings or small renovations. The evidence is there that Cockburn is a functioning council and it needs to be treated better than by simply compulsorily carving it up and doling it out piecemeal because it is an easier thing to do than to go to the people of Cockburn and try to win the support in a more consultative fashion.

Mr M.P. Murray: Before you sit down, was that group out the front the other day in the orange T-shirts the Rajneeshees or some other protesters?

Mr P.C. TINLEY: That is what happens when local government gets its act together and becomes an activist community group. That group was made up, in a large measure, of people from the City of Cockburn, happily expending council money, people's rates. They believe they are acting in the best interests of their ratepayers, and they have expended, and will continue to expend, a serious amount of money to distract them from their daily and more strategic business, such as what they are going to do about Cockburn Central and the Cockburn coast. I am sure that all the other initiatives they have been happily working on have been put on hold for at least six months or maybe more. I do not think that they deserve the sort of treatment they have been getting in Cockburn. There is a better way to do it. They were on a pathway to find a better solution to meet closely, or approximately, what the government wanted, yet they were cut off at the knees and any opportunity for consultative and easily negotiated solutions was completely removed. I implacably oppose that sort of behaviour. It is not what this state is about and is not what delivers the best outcomes.

MR P.B. WATSON (Albany) [12.02 am]: Welcome to the new day. I would like to thank the Whip for making the oldest member of the caucus get the graveyard shift!

I have some concerns with the Local Government Amendment Bill 2013. One is the Local Government Standards Panel, which has been an issue in my electorate for a long time. As the Minister for Local Government will know, there have been a lot of problems in the City of Albany in the last few years, including a couple of chief executive officers leaving in unfortunate circumstances. I continually asked the former Minister for Local Government about this issue and he did not do anything.

The bill will make a number of changes to the operation of the Local Government Standards Panel. As a result of the amendments, the standards panel will now gain the discretion to refuse to deal with complaints in certain circumstances. That has already been done to one of my constituents, Roley Paver, a former Albany councillor. He is still having problems two or three years after he first went to the panel. I have raised this matter in budget estimates hearings, question time and grievances. I was told by the minister that the standards panel is being remodelled, but when I look at what is being done, I see that the second reading speech states —

This includes cases in which the complaint is officially withdrawn or the board determines that a complaint is frivolous or without substance. Although the panel will gain the discretion to refuse to deal with complaints, this will not prevent the panel from fully investigating a complaint if the panel deems it appropriate.

In the event that the panel decides to refuse to deal with a complaint or chooses to investigate a complaint after it is withdrawn, the panel must provide its reasons for taking this action.

Roley Paver is still trying to get some answers to things he put in front of the panel three or four years ago. I am not saying whether he is right or wrong; I just think he has been dealt with unfairly by the standards panel. Its aims are very confusing at the moment. It was confusing to my constituent and me, and I think this document reads that even if a complaint is withdrawn, the panel can do something. My constituent has been in the panel's face for three or four years but nothing has happened. That is just one of the issues.

On the issue of amalgamation, we should be careful of what we wish for. The Town of Albany and the Shire of Albany amalgamated probably 12 years or 13 years ago and there have been tremendous problems. People in the shire think that their roads have not been fixed and all the money is going into the city. I think the minister will have the same problems with the local governments here. Everyone will be paying the same sorts of rates, but the minister will find that he will not be able to satisfy everyone, especially the bigger councils in Perth. He is going to find it very hard to keep everyone happy. For members in marginal seats, in probably three years' time when the new rates come out, it will be a great boost for their re-election chances when everyone starts getting their rates up from 12 per cent to maybe 20 per cent! That will be very interesting. I must admit that the members for South Perth and Perth stood up for their electorates, but a lot of other members have just sat back and toed the party line. I must admit that my daughter, who is probably apolitical, went along and heard the member for Perth and Hon Alannah MacTiernan speak and was very impressed. My daughter lives in North Perth, and she is hoping that commonsense will come from the panel the minister is putting together.

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

p7018b-7080a

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

I think a lot of other members who are not sticking up for their electorates will find it tough. They can come here and make maiden speeches and say all the different things they want to, but when it comes to the crunch, people want to know what they stand for. Whether they are in the Liberal Party or the Labor Party, people will soon work them out. People will work them out really quickly, and if members do not stick up for their electorates, the people will get rid of them. A lot of people have come into this place on the swing of the government, and I have seen members on both sides—the ones who have not stuck up for their electorates—go very, very quickly. It does not matter what the margin is. When I first got in, there were issues in my electorate that the previous member did not stick up for. He had a margin of 11.5 per cent, and he got done. These are the sorts of things about which members might sit here and think, “My constituents don’t worry about this; they don’t worry about what’s happening in Parliament.” But when people’s basic rights are being taken away, like they are now, they do. These people are happy with their council or shire, and why change it? It is only because one person wants to. I feel sorry for the minister, but he has to have the ticker to stand up to the Premier. After the next election the Premier, as I have said before, will be sitting up on his farm counting his sheep or whatever he is going to be doing, and these people here are the ones who will have to carry it. I think it is about time that some of these people, especially in marginal seats, stood up, because it will affect them.

When the Town of Albany amalgamated with the Shire of Albany, it was promised \$1 million by the then minister, Hon Paul Omodei. He said the government was going to offer \$1 million. I know that lots of promises have been made that people will not lose money in the amalgamation, but be very, very careful. I agree with what the member for Collie–Preston said about not amalgamating in regional areas. I thought there was a bit of scaremongering by the two National Party members who spoke. As the member for Victoria Park read out, the Premier said more or less the same thing but what he said was much worse. He said, “All these ones can go.” So I would be more worried about the Leader of the Liberal Party than I would be about this side of the house.

I am also interested in the amount of money that the previous minister gave the National Party to go into regional areas and find out how they were going to work out amalgamations in those areas. A lot of money was given to the National Party—I think it was in the millions of dollars—but nothing ever came back that showed where that money went or what was done with that money. It would be very interesting if the Leader of the National Party could get up in the third reading debate and say something about that.

Mr R.S. Love: If I may, in what regard do you say the money was given to the National Party? Do you mean given to the department?

Mr P.B. WATSON: The Leader of the National Party was given money to go into the wheatbelt and other places and find out what they wanted to do, as Minister for Regional Development. The government gave the money. I am not saying it was given to the National Party. I am saying it was given by the government to the Minister for Regional Development. I have not heard anything about that. Maybe there was a report that I do not know about.

Mr V.A. Catania: I understand what you are saying, but I do not think you are right in the way you have said that.

Mr P.B. WATSON: That comment is probably as good as what the member’s speech was earlier. I did not understand what the member said either.

I do not want to keep everyone here all night. But the minister needs to be very careful about what he does in this matter. It might sound good on paper. It is very hard to talk about the second reading speech, because it is not the same as what we are dealing with now. We generally look at the minister’s second reading speech so that we can make a comment on the bill. But the second reading speech is completely different from what is in front of us at the moment.

The City of Albany has had a lot of problems. But I admit that the City of Albany is now going very well. We have a good council at the moment. We have a very good chief executive officer. I would like to congratulate the council on getting the Clipper Round the World Yacht Race to Albany at the weekend. It was great to see all those people come into town from all over the world. I gave a 3.5-metre Australian flag to one of the Clipper boats, PSP Logistics I think it was, because it had the most Australians on board. However, when they took off from Albany today, they were not even out in the harbour yet and—I was going to say the bloody Pommy boat, but that is unparliamentary—the British boat rammed it and they both had to go back into port. So the Ashes has continued on the water.

As I said, be very careful with this, minister. People say that the minister is a good bloke. But I think the Premier has conned the minister on this. The minister needs to remember that, as the minister, he is the one who will

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make the final decision, and he is the one who will have to wear it. If the minister is not happy with any of this, and if some of his members are not happy with this, they should have a bit of ticker and stand up to the Premier.

MR A.J. SIMPSON (Darling Range — Minister for Local Government) [12.13 am] — in reply: I thank members opposite for their contributions this afternoon and this evening on the Local Government Amendment Bill 2013. I want to touch on a number of issues that were raised. I will start with the bill. A number of changes have been proposed to the amendment bill that was tabled in this house. I will explain a couple of those changes to start with. The Local Government Advisory Board was to have two extra community members on it. The member for Moore has explained that reasonably well. The most important thing from my perspective is that in the general community and in local government, there is a lot of concern about the independence of the advisory board. The member for Mandurah raised this issue in terms of the chair. We have discussed that issue, and we are now proposing to add two more community members to the board, to be chosen by the minister, and also to add two members from the local government sector—that is, four from the Western Australian Local Government Association, and one from Local Government Managers Australia. Of the nine members, five will be made up from the local government sector itself. The sector will have control over the advisory board in that sense and will make up the quorum. I think it is more important that we ensure that the board is seen to be clear, transparent and independent in this process. Therefore, I am happy to put those amendments on the notice paper; I think it is very important to do that.

The second part is to do with the Defamation Act. We got some advice on this, and this one is a bit different. Since I introduced the bill, the Western Australian Electoral Commission advised about the issues specified relating to section 4.88(1)(b) of the Local Government Act. It is concerned that deleting the section entirely would affect the restrictions on publishing or printing material. The defamatory aspect is taken care of in the 2005 act, but the printed word is not and that change was going to be made in the bill. As I was advised after I had actually read in the bill, that provision will have to be put back in there. It is one of those oversights that happen in this job from time to time.

Through that process, another amendment is to do with the line in the bill that referred to the board's functions being in accordance with any government policy. This provision tells the board that it has to take into consideration any government policy. However, it is actually in the act already in a different line just below it. The idea was that we would simply take the clause before the bill currently and provide that the board must have regard to the policy but does not need to follow it. Again, the point is that this is trying to ensure that the board is clearly independent and not directed by the minister. The opportunity was there to take out that line and move it up in part of that section. Clause 4 was just trying to clarify those points. The two amendments that are to be put in, besides the amendment dealing with defamation, again, from my perspective as the minister, make sure that the minister does not have any input into the process of the advisory board and to make sure that it has that clear, transparent process.

There is a couple of other things that I will just touch on. A lot was said about staff uncertainty for their jobs in the local government sector. As of 1 July 2015, all staff in the new local government entity that is born are guaranteed two years' employment, so they will have up to 2017. I take into consideration that there will be some scaling back, but in the outer metropolitan areas, the clear line we are seeing is that of growth. If I take the example of Armadale and Serpentine-Jarrahdale, they have identified an increase; another 100 staff will be needed for the growth they will have in the next few years. Therefore, some local governments will grow and others will be in the situation of reducing their manpower in some way or form. However, that is also part of the process of reform.

The member for Albany also touched on the issue of the Local Government Standards Panel. The member is right: that issue has been around and people have been told over a number of years that we will review this standards panel. We have looked at that and done some work on it. My understanding is that approximately 30 per cent of all the complaints investigated by the panel since it was established, have been dismissed due to a lack of substance. A letter comes in complaining but there is no substance to it. The panel then spends time investigating it, so we are trying to find a way that if a complaint does not have substance, the panel can dismiss it and get on with other work. However, what is happening is that genuine complaints are getting put back further and further, as the member would probably understand, and it is taking six to eight months to have decisions made about complaints to try to resolve the issues.

Mr P.B. Watson: Will they go back to some of the ones that they never got to?

Mr A.J. SIMPSON: If there is a situation in which someone put in a complaint, the most important thing is to make it substantial. The problem is that a lot of people will put in a complaint about a council or a council CEO

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or someone such as that and just write a letter but do not back it up with any substance. The hard thing is to try to get the evidence for the standards panel to report back to say, "Here is a genuine complaint." Therefore, the only advice I can give the member is to make sure that people put something substantial behind the complaint.

There was a lot of discussion this evening about boundaries and where they will be. I think every member touched on their local government area and how it will go on there. I make one thing very clear: I, as the minister, have put in a submission to the advisory board. In no shape or form is that the final map. The advisory board has submissions from local governments; I think we are up to 40-odd submissions now and they are still building. By the end of this year, hopefully before Christmas, there will be an advert in the paper advertising public submissions into the inquiries of these new entities that will be born. I have to stress that it is just a submission, and everyone can put in a submission. The member for Cockburn spoke about the government's proposal. I know that Cockburn and Kwinana put in a submission not long after the submissions opened. A number of submissions have come in. There is also the opportunity for the community to get involved and put in their submissions. The only advice I can give to local government and the community in general is, as has been touched on a fair bit tonight, that it is not about boundaries or lines on a map; it is about a community. If we pinpoint a community centre, whether it be a shopping centre or a regional community hall, we can draw a circle around it in the knowledge the people using the community centre are paying for it. They are the most important things in local government. We touched on pools and so forth. The people in that vicinity should be paying for it; that should belong to the local government. That is the area I am trying to work on. The Local Government Advisory Board will do a fair bit of work around that because a lot of work has to be addressed in terms of interests in common.

The interesting part is trying to build those economies of scale. We have been asked about the modelling around it. Many reports have been done. I think today someone touched on a Systemic Sustainability Study report that started in 2005 or 2006. That was one of the key reports that started the reform process that identified how to build sustainability into a local government. A report was done on Subiaco–Nedlands by KPMG and there is the Robson report. The most important thing here is that the advisory board will do some of that work. At the moment I am asking the advisory board to accept submissions and it will bring out a report. The report will then go back to the councils to pull their report apart and they can vote on the report in deciding whether to go down this road of reform.

Under the act I can do two things with that report from the advisory board: I can accept it or reject it, but, under the act, I cannot amend it. The advisory board is independent. That is where the work will be done. We can come back and have a final debate with the community on that process on the benefits outlined in the report and whether it identifies the community of interest.

There has been a lot of talk about the boundaries and members touched on wards. The member for Gosnells and the member for Kwinana raised it. I will touch on the Robson report again. Do we take out wards; should we have popularly elected mayors or should the council choose its mayor or president? That is another debate. I have seen both work well and both work badly. I have also identified that small wards can work well, but they can get too big. In my time representing Kwinana, the wards were taken away and I lost Wandi ward as a result because the town took over the councillors. The situation in Gosnells is probably similar.

Mr R.H. Cook: That is a very good example.

Mr A.J. SIMPSON: That is an interesting aspect. I understand what members would like to achieve, but Gosnells is almost the size of a federal seat and candidates have to campaign. I think the advisory board can do some work and make some recommendations. With the larger local governments I think the board will lean more towards wards because it gives a more even representation. Obviously the advisory board must work with the two councils to work out how we can best do that.

A number of members touched on modelling, and what the final maps will be. The only advice I have is that the Local Government Advisory Board will do that work. Members touched on financial sustainability and asked where is the evidence. I think we have done a fair bit of work already. I think we need to do the modelling around the identities. We can start putting figures together and bring in some modelling. We touched on the Cockburn issue. If members stand back and look at what will be Cockburn and new Kwinana, they will see that a very powerful council will cover from the Jandakot Airport right through the Kwinana industrial strip, picking up Cockburn central and Kwinana, Baldivis and Bertram where there is strong growth. It will be interesting to look at financial sustainability around that model.

Mr R.H. Cook: Not Baldivis; that's still Rockingham.

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr A.J. SIMPSON: It will be quite an interesting model to look at, but we have to do the modelling on that and have a discussion about whether it is the model we want. That is the advisory board's work. I will not stay here; it is coming up to 12.30 at night. I have a lot of work to do in consideration in detail.

Mr R.H. Cook: I think we were beaten by time in terms of the member for Cockburn's speech. He was making the point at the end of his speech that the Local Government Advisory Board, in responding to the minister's proposal, cannot —

Mr A.J. SIMPSON: Yes, I am chasing it up myself.

Mr R.H. Cook: You were nodding at the time, but I was not quite sure whether you were confirming what he was saying.

Mr A.J. SIMPSON: I have read it and I have just sent it away to get some clarification. I heard the member for Cockburn say that under the act the Local Government Advisory Board has to deal with the minister's submission to the advisory board and it has to deal with that submission only. My reading of it is that the advisory board has to deal with all the submissions and I have no power to tell the advisory board to draw a line on a map. But I will get clarification before we get to the consideration in detail stage and I will be able to have that conversation with the member for Cockburn.

Mr D.A. Templeman: Minister, I also asked in my second reading contribution for an explanation about the re-inclusion of the defamation section. In your original amendment, you sought to delete that section of the act.

Mr A.J. SIMPSON: The defamation section?

Mr D.A. Templeman: Yes, and that was based upon legal advice that you had. Now your amendment on the notice paper is to reinstate that. I would like to know the reason why.

Mr A.J. SIMPSON: I will give the member a summary, but we can deal with it further in consideration in detail. The member is correct. I got advice from the commission that this does not belong in the Local Government Act as it currently stands because the Defamation Act 2005 will take care of that. The original act refers to all things to do with an election campaign, publishing words about someone that are not true and defamatory remarks, so we said that that had to come out. But we have been advised—as the member will realise, in this job other people have input—that we should take it out, but not all of it; we should leave in the bit about printing, publishing or distributing material, because the act is quite clear in what it is trying to achieve. It does not say anything about the defamation of people; it states that a person must not, during a period in relation to an election, publish, print or distribute deceptive material or cause deceptive material to be printed. The section is still there, the fine is still there and the enforcement is still there. It will take away only the defamation bit; it is to do with only the printing bit. But we will get more information on that for the consideration in detail stage when we can discuss it a bit more.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr D.A. TEMPLEMAN: The commencement of the act, as outlined, is highlighted. We expect this bill to be passed by the house this week—in the next day or so. It will then pass to the other place, and I would expect, given that the other place has this week and next week to sit, the bill will be given some priority there. If it passes both houses before Christmas and if royal assent is given before Christmas, will it affect the ultimate timing? The minister has a period set towards the middle of next year in which to have determinations from the Local Government Advisory Board. I am interested in the timing related to the commencement of the act and the time line proposed with regard to the recommendations from the Local Government Advisory Board, both for next year and then ultimately for the proposal to have total reform of local government in place by July 2015.

Mr A.J. SIMPSON: I thank the member for the question. The current act allows us to go through a process to put in a submission, which we have done. Things are open for submissions and it is possible to advertise for a period of time. This legislation expands the advisory board's membership and also gives it a bit more freedom to move around. This bill may get through both houses before the end of the year or it may not. The reality is that it

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may have to be next year. Those time frames will not impact on the advertising for submissions or on the time to work on the submissions. That is all fine because it is covered under that time frame. If the bill has not gone through the other house before the Christmas break, when we get back next year, things will be done at the earliest possible time. That will not affect any of the time frames that I have put in place for the advisory board. It would certainly help the advisory board and the amount of work it has to do to have a few more members on the board, but it is not crucial to the time frame, as long as we can get the bill through sooner rather than later. It would be helpful to get the bill through both houses before Christmas, but in the world we live in, when trying to work through the parliamentary process, as we both know, sometimes things do not quite go to plan, much as we hope they will. Getting everything back by the middle of 2014 and keeping that in line with the 2015 date should be fine under the current legislation.

Mr D.A. TEMPLEMAN: I suppose that then calls into question the process the minister is seeking to extend the number of members of the board. In the context of the act's assent and the timetable, what is the timetable to have the new members appointed? If the bill is passed tonight, or if it is passed as part of the legislation to expand the number, there would need to be a process of selection, there would need to be a recommendation to the minister, and then as part of that process the minister's final acceptance of those recommendations. Given that we will be entering the busy period of Christmas and the early new year, I cannot see the minister effectively getting those nominations finalised until probably February at the earliest. I am not sure whether the minister intends to support our amendment that follows the model of Healthway, which the member for Kwinana will be moving later in clause 18. Irrespective of that, once this bill is passed the minister must embark on a process of seeking nominations for the additional members, and I would like the minister to comment on that as it may affect the commencement of the act and the capacity of the amendment to the act to fit in with the overall timetable of reform that the minister outlined previously.

Mr A.J. SIMPSON: The member is right: the time frame has to be advertised. Also it has to be signed off by cabinet, so I will have to put in a cabinet submission and work through that process. The member is right that it would probably take a good 10 weeks or 12 weeks—give or take a bit—to get it through that process and get those people signed off and get it through cabinet so that they can take a position on the advisory board. It has to go through advertising and keep in mind that I have to go back to the Western Australian Local Government Association for a new list of members it wishes to put onto the board as well. That also has to go through a process so it will probably take a bit longer to go through that.

Mr B.S. Wyatt: Has WALGA given you the two extra names yet unofficially?

Mr A.J. SIMPSON: No.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 2.46 inserted —

Mr R.H. COOK: I am not sure whether it is this part of the bill that the member for Cockburn was drawing to the minister's attention earlier, but this clause refers to the board being informed of the minister's policy but not having to pay regard to his policy. It is a funny form of doublespeak. Why would the board need to be advised of the minister's policy but not need to pay any regard to the policy? Indeed, why would the minister submit a policy in the first place?

Mr A.J. SIMPSON: I thank the member for the question but I rise also to say that I will move an amendment standing in my name on the notice paper. I would like to move that amendment to clause 4. Do I need to read it out?

The ACTING SPEAKER: To say that you are moving it as per on the notice paper is adequate, I think.

Mr A.J. SIMPSON: I move —

Page 3, lines 12 to 18 — To delete the lines and substitute —

- (2) In carrying out its functions under Schedule 2.1 or 2.2, the Advisory Board does not have to act in accordance with any Government policy advised to the Board by the Minister under subsection (1).

I thank the member for the question in regard to clause 4 of the bill, which currently provides for the —

Point of Order

Extract from Hansard

[ASSEMBLY — Tuesday, 3 December 2013]

p7018b-7080a

Mr David Templeman; Mr Chris Tallentire; Dr Tony Buti; Ms Lisa Baker; Mr Colin Barnett; Acting Speaker; Ms Margaret Quirk; Mr John McGrath; Mr Fran Logan; Mr Roger Cook; Mr Shane Love; Mr Peter Watson; Mrs Glenys Godfrey; Mr Vincent Catania; Mr Bill Johnston; Mr Joe Francis; Mr Mick Murray; Mr John Day; Mr Ben Wyatt; Mr Peter Tinley; Mr Tony Simpson

Mr W.J. JOHNSTON: If we have moved an amendment, are we now debating the amendment or are we debating the clause?

The ACTING SPEAKER (Mr P. Abetz): The minister is just introducing the clause.

Mr W.J. JOHNSTON: I thought the minister just said that he moved it.

Mr A.J. Simpson: I have introduced it. I am sorry; my apologies.

Mr W.J. JOHNSTON: Has it been moved or not, Mr Acting Speaker?

Mr A.J. Simpson: I am moving and speaking to it.

The ACTING SPEAKER: The minister has introduced the amendment and is speaking to the amendment at this point in time.

Debate Resumed

Mr A.J. SIMPSON: I am also answering the member for Kwinana's questions. Clause 4 of the bill currently provides that the minister may advise the Local Government Advisory Board on policy relevant to local government. Clause 4 provides that the board must have regard to that policy, but does not need to follow that policy. Some are concerned that clause 4 of the bill may reduce the independence of the board. I am moving this amendment in response to those concerns. The proposed amendment will further clarify that the board does not need to have any regard to the policy. This will ensure that the board is clearly independent of the minister.

If the board is undertaking a review of a local government boundary, it will take into consideration the Directions 2031 planning document that was mentioned today when it looks at government policy, but it is not directed by the minister. That policy is available to the board to look at when it is making a decision about a desired boundary or an adjustment, or whatever is in the map, to find where best suits it. The board would also take into consideration boundaries of suburbs and other boundaries that also come into effect along the way. I can think of about three other things to do with emergency service boundaries, postcode boundaries and other boundaries to do with other government agencies.

Mr R.H. COOK: I take it, therefore, that the minister is relying upon the goodwill of the advisory board for this broader range of policies, but it is not bound to take consideration of any of these policies. We could foresee a situation where even though the board may have the Directions 2031 document, it could effectively ignore all these guidelines under these amendments.

Mr A.J. SIMPSON: I clarify the point that the advisory board will have to come back to me with a report so I can go back to the council. It has to take into consideration all possible opportunities. More to the point, when a local government that puts in a submission meets with the advisory board, it will ensure that the advisory board is aware of the government policy that deals with boundary changes and so forth. The idea of this amendment is to make sure that the board does not have any input from the minister. It is about government policy. The theory is that the government policy could be something to do with the reform process or some sort of change of policy. The idea is that we can step away from that and get the advisory board to look at it, and it can make its own decision through that process. However, it still has to report back and look at every opportunity around it. The idea of this amendment is that we are trying to make sure that the board is seen to be clearly independent of the minister.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 12.43 am (Wednesday)