

**CITY OF PERTH BILL 2015**

*Second Reading*

Resumed from 24 November 2015.

**HON ALANNA CLOHESY (East Metropolitan)** [2.54 pm]: I am pleased to stand as the lead speaker for the opposition on this City of Perth Bill 2015. It is an important bill for many reasons, principally because it confers capital city status on the City of Perth for the first time and puts in place governance mechanisms to manage it. That in itself is important; it is the first time this has happened and that is welcomed. However, WA Labor is extremely concerned about the bill. It was so concerned that amendments to the bill were moved in the other place. The bill in front of us contains several Labor amendments that were made to try to make this bill workable. Those amendments were, of course, agreed to by the government, which is why this bill is in front of us now. The government was aware that the bill was deficient and accepted Labor's amendments. However, some issues of concern remain, which I will address. I will explore them and they will be explored also by my colleagues, particularly those from the North Metropolitan Region, for whom a number of issues are of extreme concern.

We first need to be clear about the context of this bill. I do not want to labour these points but, in part, our concerns about this bill and its genesis come directly from this government's inconsistent and haphazard approach to the management of local government. Concerns about local government and the state government's approach to them extend back a number of years. I will concentrate on only a small portion of that, but remember: this bill has not been drafted in isolation and those concerns about local government are concerns that we have held for a long time. Members will recall some of them. They are important because they set the context of the bill.

As we know, the government's handling of local government since it took office has been nothing more than shambolic. It has been poor management at best and bungling at worst. It started before the last election in 2013, when the Premier promised there would be no forced amalgamations of councils, but soon after the election, as with so many of this government's other issues and policies, it broke that promise, and broke it roundly and soundly. That was despite some councils working away quite happily towards amalgamating, for example, the City of Swan and the Town of Bassendean. They had been talking about amalgamation and had been working on that together in looking at mechanisms for amalgamation, systems and other issues. They had been talking to people and were working quite happily on an unforced amalgamation. However, the government broke its promise and sought to force the City of Swan to amalgamate with the Shire of Mundaring, and the Town of Bassendean with the City of Bayswater. I use those as examples because they are specifically in my electorate of East Metropolitan Region. They also typify what could have been but was bungled by this government. That was the government's first broken promise on amalgamation. Councils were told they would be forced to amalgamate and, in that, ratepayers were not to be given a say about which councils were to amalgamate with which and the way in which it would happen. We all remember the serious level of concern in the community about forced amalgamation. We all received thousands of representations from people concerned about the impact on services and the way in which their council was being treated, and from councils about the cost of the exercise and the likely impact of forced amalgamations on their operations, services and ratepayers. We all remember the rally at the front of Parliament House on a Tuesday evening, in which thousands of people protested their concerns about forced amalgamations. That was a broken promise, and that broken promise and the way in which the forced amalgamations were proposed by this government caused local councils to lose trust in the government. The way in which the whole process was conducted resulted in councils losing trust in what the government had to say, and any processes that related to their future as local councils.

Fast forward to almost exactly a year ago today, when the Premier announced that he had given up on widespread forced amalgamations of local governments. He said that he could not win the confidence of local governments or residents and would progress with amalgamations only where they were wanted. That was really only another hiatus; it was only a further tussle on the part of the state government. Although some local governments breathed a sigh of relief, we knew that there was more to come. All of that resulted from the government's lack of vision on local government. We knew then, as we know now, that local government is the heart of our community, and that was on show when local governments across the metropolitan region protested so loudly about forced amalgamations. We know that local governments provide services and operations to the heart of our community, and they are important for businesses and residents alike. We saw that tangibly in the demonstrations that followed. The way local governments were dealt with during the forced amalgamation process, and other issues, does not demonstrate respect from this government for the local government sector. I think local councils actually feel that lack of respect and trust, and it has made them very wary of their relationship with the government.

By the time Premier Barnett had blown the whistle and called time on forced amalgamations, the government had wasted millions of dollars trying to force amalgamations, and councils had been forced to spend money on preliminary arrangements for amalgamations that at the time were not forced, and later on arrangements to address forced amalgamation. They were forced to spend that money that otherwise would have gone into services for local people. Typically, this government did not take the blame for that shambolic approach, and its contempt for the local government sector is pretty well documented. Let me just demonstrate that in one way. When the Premier was conceding that this shambolic process of so-called reform would be consigned to the dustbin, he tried to wash his hands of any blame. He was quoted on ABC radio as saying —

“I’ve got a responsibility to do all that we can to provide good government, we gave it and I gave it my best shot,” he said.

“We failed and I concede that, we’ll now focus on the City of Perth. I’ve failed, I’ve put up the white flag, move onto the next issue.”

The next issue, of course, was the City of Perth, but in the meantime he had caused a lot of damage to good-faith negotiations and trust, and a lot of concern about what the government actually thinks about the sector. Here we are now considering the City of Perth Bill, and that is its genesis. The government jumped straight from forced amalgamations and blaming local government for its failure, into this bill. But even this bill has had a rocky start because the government could not get it right. The government tried to force the City of Vincent to amalgamate with the City of Perth, but the City of Vincent, its residents, its elected officials and its mayor were having none of it. The government backed off and withdrew its plans to force the City of Vincent into the City of Perth. It has also backed off from excising the Burswood Peninsula from the Town of Victoria Park. Again, there were serious concerns about why that was happening. That backdown occurred only as a result of issues raised by the Labor Party, and there are still some concerns around that, which I will go into in a little bit more detail. For example, when backing down on excising the Burswood Peninsula, the government tried to sneak a clause into this bill that, had it been allowed to stand, would have provided for the Local Government Advisory Board to give special regard to the expansion of the City of Perth’s boundaries. It was almost a sneaky way into boundary changes; it could probably be called boundary changes by stealth. We know that that sneaky clause is no more because of the work of my colleagues, but it shows yet again that the government cannot be trusted on local government. It says one thing and does another. Like in so many other policy areas and issues that we have had to deal with, it cannot be trusted and it breaks its promises.

Labor tried its best to make this a functional bill, including by dealing in the other place with the amalgamation-by-stealth clause but, as I said, there are still some concerns about this bill, as amended. Some of them have to do with seeking straightforward clarification on some of the issues—for example, the objects of the bill. The other concerns we have are more substantive and are concerned with consultation and transparency, and how or whether the transition provisions have been made and that some of those transition provisions will be put into regulations, which makes the clause that deals with those issues a Henry VIII clause. In order to explore those concerns and other issues my colleagues and I will be seeking to refer this bill to the Standing Committee on Legislation.

Let us look at the top of the opposition’s list of concerns. What consultation has been done with the City of Subiaco? The opposition is very concerned about forced amalgamation and the consequential impacts of that in the context of this bill. How much consultation was undertaken in the development of the bill and with whom? We have to ask that question about this bill because, as I said, very little consultation on forced amalgamations was undertaken originally in the bill to amend the Local Government Act. How much consultation was undertaken on the development of this bill, with whom and when?

All members have received—I assume government members as well as those of us on this side—a lot of representations on forced amalgamations on not only this bill, but also earlier legislation. I have received a significant amount of correspondence and emails on this bill from a range of stakeholders. They expressed a range of concerns, but their primary concern is about being left out of the consultation process in the development of this bill. They are rightly worried about that, and given this government’s bulldozer approach to local government, I think they should be worried. In addition to what should go into this bill and the issue of who is affected by this bill, people have raised with me the consequential impacts of this bill; that is, transitional arrangements and who will be affected. Depending on who we talk to, when we talk to them and what we read, variously, we have heard that 3 000 electors, 2 595 electors or 1 160 electors are affected by this bill. Most recently when we received a briefing on this bill, we were told that 1 347 electors would be affected by this bill. The figures on the number of electors who will be affected were drawn from conversations and reports over the last few months. The fairly large variation in those figures leads me to believe that no-one is very clear about who or what is affected. That is one reason for the need to consider who has been consulted and what they have been consulted about, because if there is such variation in the number of residents who might be affected by this bill, what other variations exist that we do not know about?

In addition, as we have seen and as I have described in the context of this bill, bad decisions about local government are informed by having either no policy, bad policy or policy that is developed in isolation from and opposite to the affected communities. This bill appears to have been developed in isolation from one of the significant stakeholders in this legislation, which is the City of Subiaco. I received a substantial amount of correspondence from the City of Subiaco when the bill was being debated in the other place and as it came out of the other place, all of which has raised significant issues. I will let other opposition members talk about some of the detail of that, but the question that raised for me about the development of this bill is: when did the government start consultation with the City of Subiaco? It is pretty clear that if consultation occurred, it did not happen recently. Did the government have a concept or an idea for the bill and then walk it through with local government? Did it discuss the impact of the boundaries with any of the parties; and, if so, with whom did it talk about it? In the other place, the government said it was working with the City of Subiaco, but the City of Subiaco certainly does not believe that is the case. Mayor Heather Henderson pointed out in May last year in the *Subiaco Post* that the city had no interaction with anyone from the government since it had met with two people, Jennifer Mathews from the department and Nick Sloan, a ministerial adviser, at the beginning of March.

The City of Subiaco now says that it has not had significant interaction with the government over either the concept of the bill or the bill and the transitional arrangements, and now it is in this place and we are debating it. The question is: how and when did the government consult with the City of Subiaco about the transfer of electors to the proposed new City of Perth and also about transitional arrangements? I will come back to this in a minute. It makes me wonder whether the obvious lack of consultation on this bill is just another example of a vacuum created by the government's approach of full steam ahead at all costs.

I have so much correspondence on this bill that it was difficult to find my copy of it. Clause 22 becomes pretty important in this bill when we think about who was consulted and when. It calls for the City of Subiaco to carry out a review of its ward boundaries. I refer to part 3, "Miscellaneous, transitional and savings provisions". Clause 22 provides that the City of Subiaco may review ward boundaries and councillor numbers. This bill requires that review be undertaken by 31 March 2016, which is a month away—if that.

**Hon Ken Travers:** Five weeks.

**Hon ALANNA CLOHESY:** There we are—five weeks.

**Hon Ken Travers:** It can't happen now until after 1 July.

**Hon ALANNA CLOHESY:** Hon Ken Travers is absolutely correct. That makes the issues relating to consultation even more important and it also questions what it does to the status of the City of Perth Bill 2015. It is an issue that we could explore in Committee of the Whole, but it is one that needs to be explored in greater detail.

Gee, this is a bit tricky without a clock, isn't it?

Several members interjected.

**The ACTING PRESIDENT (Hon Amber-Jade Sanderson):** Order, members! Please allow the member on her feet to continue.

**Hon ALANNA CLOHESY:** Thank you, Madam Acting President.

The issue of a lack of consultation also raises other questions. For example, clause 4(d) allows for the revision of the boundaries of the City of Perth. How that will work is a really important question. In what ways will the City of Perth have power over its own boundaries? How was the clause developed? Was it developed in consultation with the City of Perth? Other paragraphs in clause 4, which is titled "Objects", are expanded more fully in clause 8, but the paragraph on boundaries is not. We need to ask whether this is consistent with the Local Government Act, what relationship the object will have with the Local Government Advisory Board, whether the Local Government Advisory Board will be required to consult with residents in the City of Perth and what requirements there are for the new City of Perth to consult with residents and other stakeholders. Members can see that even that one-line paragraph raises a number of questions.

Members need to understand that my concerns about the bill come not only from how it has been developed, but also from the government's track record of not consulting with local residents. Certainly, my concern about a lack of transparency measures was shared by my Labor colleagues in the other place. As we know, transparency is a really important issue for all local governments, not just the City of Perth. In the context of this bill, it is really important because this is the capital city bill. This is an important bill that will confer status on the City of Perth and, as such, it is important that it model good transparency and accountability behaviour. The City of Perth is the lead local government in Western Australia. It is important that it be transparent, accountable and clear so that the community knows what it is undertaking. As we know, prior to the debate in the other place, no transparency and accountability mechanisms were attached to the bill; there are now because Labor moved

amendments in the other place. Labor stood its ground and called for them because there was such a yawning gap, not only because of the special status conferred on the City of Perth as a capital city, but also because it is important to ensure that the general public is confident of its local government authorities.

This bill was debated in the context of the Corruption and Crime Commission report into the Lord Mayor of the City of Perth. I will not dwell on that by any stretch of the imagination nor will I go into any detail, except to say that the discussions about accountability and transparency clearly demonstrated why those measures are important. As I said, they are important because the City of Perth will be the Western Australian flagship council and we need to make sure that there is absolute transparency. The amendments put up by Labor in the other place can be seen as a template, if you like, for other local governments; in fact, the amendments will amend the Local Government Act to bring about those same measures for other local government authorities, which is a great thing. The amendments enhance the bill's transparency and accountability measures because they will bring local governments into the modern era and give local government authorities and residents some sort of confidence in being clear about their councils.

The amendments moved by Labor in the other place, which are now clauses in this bill, do a couple of things. They require elected officials and senior officers—I am talking about clauses 33 through to 39—to declare gifts that they receive in the course of their work in the council. They have to disclose those gifts within 10 days of receiving them. They also have to meet certain other requirements, including providing a description of the gift, the name and address of the person who gave the gift and the date on which it was received. Clause 36 requires councillors and senior staff to also disclose travel contributions. One of my concerns relates to the requirement for the chief executive officer of the City of Perth to report those gifts. As it stands, the chief executive officer has to publish that information on a website provided to her or him by councillors. The bill is deficient in one regard in that it does not give the CEO a time frame in which to publish the information that is provided by a councillor. Councillors and senior staff have 10 days from when they get a gift or a travel requirement to put such information on the register and inform the CEO. However, the CEO does not have a time frame in which she or he is required to publish that information. Another concern I have is about the value of a gift. Nowhere in the clauses can I find whether the gift or travel contribution has to be declared in Australian dollars. Recently, some federal members of Parliament were not sure about the value of the watches they received and when they received them. As it turned out, they were \$40 000 watches. Is the value of a gift to be determined in the currency of the country in which it was received or is the value to be given in Australian dollars? How do we identify that and how are people given the opportunity, particularly when it is a gift, to say, "That is a really nice Rolex. How much is it worth?" There are specific ways in which those important accountability and transparency measures will need to operate. The best place for those to be considered would be in a committee. That is an example of the kinds of issues we need to consider with accountability and transparency.

Mayors from other local government authorities, including the Mayor of the City of Vincent, John Carey, have been championing accountability and transparency for a long time. The bill does not cover what, for example, the Mayor of the City of Vincent has suggested that local government authorities need to consider. John Carey has been advocating for more accountability by councillors when reporting contact with developers, particularly in areas where there is significant or high-value development, not just in the City of Perth. As this bill is the template for accountability and transparency, we must consider whether that needs to be included in this legislation.

Hospitality as a gift is another matter for consideration. One of the questions we must consider is whether hospitality is included as a gift or whether it should be separated out and included in the bill in its own right. The cost of hospitality is very difficult to gauge, so if we are considering that it is a gift, it will be very difficult to work out how much that hospitality is worth. Then there is the issue of being accountable to residents, to ratepayers, about who is wining and dining and for what reason. There are two parts to hospitality: whether to declare it as a gift and determining the value of that, and also being clear and open with the community about whom the councillors are meeting, when they are meeting them and why they are meeting them, particularly in the context of, but not exclusive to, high-value developments.

Several attempts have been made to get accountability and transparency measures included through local government, particularly, but not exclusively, led by the City of Vincent. They have been valiant efforts but they have not made it very far because of concerns raised by other councils. As this bill is to be the template for accountability and transparency, we have a responsibility to consider whether those other elements of accountability need to be included in this legislation. We must ensure that the framework that this bill puts in place through amendments to the Local Government Act is sufficient and does not need to be expanded. We also need to work out whether that will be extensive enough for that.

I want to move on now to issues relating to transitional and savings provisions. Most of that is included in clause 26 in division 4 of the bill, which will establish the capacity for regulations to be developed to consider transitional matters. That means that when this bill is passed, several matters will need to be considered about

how the changes contained in this bill are transitioned, particularly from the City of Subiaco through to the City of Perth. I mentioned earlier that because of concerns about the lack of consultation, some of those transitional arrangements are not clear and, in fact, have not been developed at all. There are two parts to this. The first relates to the Henry VIII clauses—I am sure my colleagues will expand on this, simply because they are more expert in this area than I am. As members would be aware, putting in regulations anything that has the capacity to change the act is a Henry VIII clause. I am sure we will hear from my colleagues about the history of Henry VIII clauses. Suffice it for me to say that the opposition is very concerned that any transitional arrangements that have the effect of changing the act and have not been explored in any detail, either by this place or the other place or by consultation with the affected local government authorities, should be subject to close scrutiny. That is an important reason to look at that in detail. Why are we giving up, again, substantial parts and issues to be dealt with by regulation? I ask that, particularly given the context and the lack of consultation I have talked about. I also raise the principle of why we use Henry VIII clauses when there is no need to do that. I think they are really important issues that need to be considered.

Some of the transitional issues that are yet to be dealt with because of the lack of consultation on this bill include transitional arrangements for assets. How will assets from the City of Subiaco, for example, be transferred to the City of Perth? What are those assets and how will they be determined? How will a fair and true value for those assets be determined? Who will determine that? All those issues need to be considered in great detail. Because of the importance of this transition and because of the importance of us having close scrutiny of a bill, we need to have an opportunity to consider that in detail. What about arrangements for employment provisions for the staff who will be affected by the transition? First of all, we do not know how many staff will be affected by that. Who has identified, and by what process have they identified, how many staff will be affected? We do not know. We certainly do not know that when we are debating this bill, and it is an important matter to be aware of when we are looking at this bill. What levels or grades of staff will be affected?

I now turn to liabilities. I have read so much and talked to so many people about this that I cannot actually remember the source of this information, but I read either in the local newspaper or in some correspondence about rates being withheld by residents. Rates are a very clear and obvious liability. How will those liabilities held by the City of Subiaco be determined? How will they be transferred, and in what form, to the City of Perth? What will be the impact on those people who are withholding their rates? Maybe some people cannot afford to pay their rates. How will they be dealt with by the City of Perth?

One issue that the City of Subiaco has talked about, both publicly and in correspondence, is its loss of revenue not only in this current year in working on this transition, but also over the next 10 years. The city estimates it will incur a loss of \$44 million. How can that loss of revenue be mitigated? The thing about forced amalgamations is that none of this has been worked out for any local government authority. It was a huge issue in the debate over forced amalgamations over time. Many councils raised loss of revenue with us directly and, more importantly, with the government. Again, we have loss of revenue. How will it be dealt with? What will happen?

They are examples of issues that need to be considered more fully. I have set out the opposition's concerns about the context of the bill and I have set out our concerns about the way in which the bill was developed. I have also set out our concerns about specific components of the bill and its impact on not only local government authorities, but also on ratepayers, council staff and the councils themselves. More issues could still be considered in the context of this bill. Some of that would be better able to be dealt with by a committee.

*Discharge of Order and Referral to Standing Committee on Legislation — Motion*

**HON ALANNA CLOHESY (East Metropolitan)** [3.43 pm] — without notice: I move —

That —

- (1) Order of the day 15, the City of Perth Bill 2015, be discharged and referred to the Standing Committee on Legislation for consideration and report, including on the following specific matters, by no later than Wednesday, 30 March 2016 —
  - (a) the extent and adequacy of consultation undertaken by the Minister for Local Government and the government with the City of Subiaco regarding the transfer of electors to the new City of Perth;
  - (b) the details and adequacy of employment provisions for staff affected by the transfers proposed by this bill;
  - (c) the effectiveness of the transparency measures contained in the bill; and
  - (d) the impact and detail of any Henry VIII clause.

(2) The committee has the power to inquire into and report on the policy of the bill.

**HON SIMON O'BRIEN (South Metropolitan)** [3.44 pm]: In my research for matters relating to the City of Perth Bill 2015 I came across a joint media statement from the government dated 20 May 2015 extolling all the benefits of this bill. It is headed "Class act for WA's capital city". Upon closer examination, what an ironic heading that is—"class act" indeed, as we will see.

Hon Alanna Clohesy's motion that this bill be referred to the Standing Committee on Legislation for examination and report is certainly valid. It is valid to the extent that members would have to consider any report before considering whether to support the bill in any other way. I do not think the motion goes far enough, but I look forward to discussing what Hon Alanna Clohesy has put forward. I might have an amendment to Hon Alanna Clohesy's motion to hopefully support her proposal. This is what we are meant to do in this house of Parliament. This house is often called the house of review—capital "H", capital "R". Members here have always held dear that we have a particular responsibility to rigorously examine bills that may wash up to the bar of this place from another place and either fix them all up and shoot them back, or deny them outright. We might do that for a number of very good reasons. Those reasons might include that the bill itself has no useful purpose or that it is so fatally flawed in its construction that it needs to be withdrawn and the process started again, perhaps having regard to all the things that Hon Alanna Clohesy mentioned that had either been neglected or not done properly, such as consultation. The member mentioned any number of examples in which the process would be seen to be inadequate and too rushed, or simply ignored, or failing to show the basic respect that should be shown by any government saying, "We've got a bill to enshrine capital city legislation so that Perth can really stand up as a capital city and be recognised as such globally." Yet this bill falls far short of any pretence that has been touted by the government in its conduct so far.

Let us have a quick look at some of the items that Hon Alanna Clohesy referred to that I would like to see in their entirety referred to a standing committee of this house as we contemplate the issue now before the Chair. The bill itself has had two versions, which have been quite different. The first one was presented to the Legislative Assembly. It has been rejigged in ways that were explained just now. If we look at the whole bill from the start, we come first of all, as I did, to the long title. I do not think it was because I was feeling narky on the day, as I sometimes might —

**Hon Ken Travers:** I've never seen it!

**Hon SIMON O'BRIEN:** Indeed. Members would have noticed the long title. Right from the start, some things there struck me as curious. It states —

**An Act to —**

- **continue the City of Perth as a local government district but redefine its boundaries;**

Members, please feel free to go through your copy of the bill.

**Hon Ken Travers:** I am following you explicitly.

**Hon SIMON O'BRIEN:** Good man.

Why on earth do we need a bill to continue the City of Perth as a local government district? Is there some suggestion that we do not? But apparently we need to do that and we need to redefine its boundaries. Does that mean change its boundaries? If it does, why not say "change" its boundaries or "amend" its boundaries; but what does "redefine" mean? Perhaps a committee might be able to explore these matters and tell members who do not have this depth of understanding about local government as others seem to possess what it actually means. The proposed act will also —

- **recognise Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that;**

Again, I ask members: is the City of Perth not already recognised as such? Perth has a namesake—it is in Scotland. I think I read somewhere that it has about 64 000 people. It is a decent sized town in Scotland. It has been there a lot longer than we have. Has anyone been there?

**Hon Alanna Clohesy:** It's very pretty.

**Hon SIMON O'BRIEN:** Has Hon Alanna Clohesy been? Has any member of this place been?

Several members interjected.

**Hon SIMON O'BRIEN:** A few members of this place have been; in due course I hope to join those members in having been there—that could be a useful committee activity!

Several members interjected.

**Hon SIMON O'BRIEN:** Hon Ken Travers has the trifecta! We will engage him in a consultancy capacity!

Several members interjected.

**Hon SIMON O'BRIEN:** Perhaps not all of us will go to Perth, Scotland, and I do not know how many residents of Perth, Scotland will ever come to Australia, let alone to Perth, Western Australia. I tell members what: I reckon every schoolkid in Perth, Scotland knows their town has a namesake on the other side of the world. Do members know how they describe it? It is the capital city of Western Australia. If kids in Scotland know that, why does a bill of Parliament need to declare it? What is the point? There must be some other point.

The long title of the City of Perth Bill 2015 states that it will —

- **establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth; ...**

Do we not have that already? What is wrong with governments and the elders of the City of Perth that we do not already have that? The fact is we have it already; we do not need this bill. We do not need that sort of “facilitation of collaboration”, and if it is not working properly now, the people who should be making it work ought to have a bit of a look at themselves.

**Hon Ken Travers:** Do you mean the Premier or the Lord Mayor?

**Hon SIMON O'BRIEN:** I mean the whole shooting match. I do not believe there is a lack of capacity to communicate or that that is not occurring. I am pointing out that these matters need to be looked at in detail by a committee and explained before we consider passing this bill.

I will skim through a series of points related to whether this bill should be referred to a committee. I will not make some sort of substitute second reading contribution at the last minute or anything like that. To address the motion before the Chair, one's attention must be drawn to clause 8, “Objects of City of Perth”. The objects inform us on a whole lot of unnecessary things, including —

- (1) The objects of the City of Perth are as follows —
  - (a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors;

Is that not already the case? I could ask the same rhetorical questions on point after point. I know Hon Ken Travers is following my contribution with his copy of the bill, but I think paragraphs (f) and (g) of clause 8(1) are worth looking at. Those paragraphs read —

- (f) to initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area;
- (g) to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone;

I do not know whether we want to attract and welcome everyone, but let us assume we do —

**Hon Ken Travers:** We often think about closing the bridges to the south.

Several members interjected.

**Hon SIMON O'BRIEN:** The attempt of Hon Ken Travers to save us south of the river from the influx of unwelcome refugees from Subiaco, perhaps, and elsewhere is welcomed, but my point is that what this is all about is not clear.

This is not a bill of Parliament; this is a second-rate draft press release. If the government wants to establish a head of power to create a capital city and take pride in our state so that it can hold its head up in all forums, national and international, as something to be proud of, it should not read like this. The bill reads “vibrant cultural and entertainment precincts”: what the heck does “vibrant” mean?

**Hon Adele Farina:** It means many things to many people!

**Hon SIMON O'BRIEN:** Does it really? Vibrant? We will all be vibrating with cultural and entertainment precincts! I do not know whether it means seismic. Does it? How much vibrancy —

**Hon Adele Farina:** Get the dictionary out —

**Hon SIMON O'BRIEN:** Hon Adele Farina has a dictionary; we know that from last week's effort! Perhaps we had better find out what "vibrant" means. One presumes there are degrees of vibrancy. "How much vibrancy would you like with that when you come to the City of Perth? That much?"; "Oh, that's a bit too much vibrancy for me, thank you very much!" For the record, I am speaking flippantly and pouring scorn on what is written on the page. But how about using words that are a bit more statesmanlike if we are trying to establish legislation for a capital city? Words like "dignity" rather than "vibrant", because I think that will cause problems in these lawyer-infested litigious days here and elsewhere. But it is all right because, as I and Hon Ken Travers know, clause 8 states "This section does not"—so including whatever it describes; the whole lot —

- (b) impose on the City of Perth or the City of Perth Council any obligation that is enforceable in a court of law; ...

Phew! It does not impose, after all, any absolute measure of vibrancy to challengers; in fact, it does not have to be done at all. So, what is the point? I will not talk anymore about those matters, but I could go through the whole bill—indeed I have—and put notes —

**The ACTING PRESIDENT (Hon Amber-Jade Sanderson):** Order, member! I ask the member to outline what this has to do with the motion to refer to committee.

**Hon SIMON O'BRIEN:** Absolutely, Madam Acting President.

**Hon Martin Aldridge:** They are his introductory remarks.

**Hon SIMON O'BRIEN:** No; I was just about to point out that the elements of this bill or anything suchlike are just the sorts of things that this house has to be satisfied with before we agree to pass a bill into law. The mechanism that Hon Alanna Clohesy has asked us to contemplate in this case is a referral to the Standing Committee on Legislation so that we can examine the matters that need to be examined. I am pointing out a range of things that also need to be examined because I indicate that I am about to move an amendment to the detail of the motion. I am glad I have been able to reassure Madam Acting President on that point as I canvass a few other matters that a standing committee needs to look at in this bill. I think I quote Hon Alanna Clohesy fairly when I say that the member said a standing committee would have to contemplate the purpose of this bill, the identified need and what we are trying to achieve. After being asked, those questions have not been satisfactorily answered. I do not know what on earth this bill is for, so how on earth are we as a house meant to measure whether it achieves its aims? What are its aims? We do not even know that. This is a matter of great importance. I can pick apart a bill like the City of Perth Bill 2015, which has been drafted on the run to try to rescue something out of the carnage and wreckage of the failed forced amalgamations process that was terminated last year. That is not a reason to legislate, and until somebody can demonstrate to me—as they should demonstrate to a committee inquiry—why such a bill should be brought into existence and why such a policy should be pursued, the Parliament should not support the enactment of a law that prescribes that that will happen.

As we examine the progress of the issue, it becomes apparent that so many things have not been done that should have been done in relation to this bill, and a committee needs to examine all those things. What is the bill for? That is unclear. What is the deficiency that this proposed new law seeks to address? We do not know. Are the measures contained within this bill going to achieve whatever its objects are? Again, we do not know. All these things need to be examined.

If it were up to me, I would not go down this path. I would look at this bill, as I have, and I would say, "No, kick it to the kerb now; it's irredeemable. Go back and start again, and this time do it with respect to the people concerned, to the local governments concerned, and with respect to this Parliament." That is what I would tell them to do, but for some reason that view is not going to prevail because the Australian Labor Party, for some reason, has decided that it is going to support this bill; it has already done so in the other place. I was not expecting to see this bill here and I am surprised that we are having this debate. I am surprised it came out of the Assembly at all, but then again, what it does should not really surprise me, I suppose.

Now it is up to us to pick up the slack, as we have so many times in the past, and consider which of our instruments—in this case, the one proposed, which is the Standing Committee on Legislation—we are going to use to try to make something out of a bill that, apparently, both sides of the house want to make something of. If we get to the end of the day, I will tell you where we are going to land: I will be voting against this bill. I have advised my colleagues and I have advised my leader. I am voting against it because I think it is irretrievably broken, but if we have to take it to a committee to demonstrate that to this house collectively, then that is the avenue I am going to pursue, and that is why I am speaking in favour of this motion, though I have alluded to and foreshadowed a potential amendment in just a moment. I hope members opposite can tune in to the other things we have to say, because they have been a bit all over the place so far.

I do not know what goes on north of the river; Hon Ken Travers, who seems to —

**Hon Sally Talbot:** Not many of us do!



**Hon SIMON O'BRIEN:** No. They have a newspaper over there—I am sure they have several—called *The Post*, all editions; perhaps that is something added by a media person. Anyway, it is *The Post*, and I think it is a very large circulation local rag in the western suburbs, is it?

**Hon Ken Travers:** It covers the western suburbs, but *Wanneroo Times* or *Joondalup Times* would probably have larger circulations. Not as well-read, I suspect!

**Hon SIMON O'BRIEN:** Right; okay. When we come up with a bill to make Joondalup the capital of Western Australia, we will deal with that, but I have *The Post*, and if members have not seen it, they really ought to have a look at the headline on page 1 of the edition of 21 November 2015; it is a pearler. It is a story by a Lloyd Gorman, titled, “Labor shafts Subi’s South ward voters”. That is not the most dignified expression, but what it lacks in dignity it wins points back with a charming lack of ambiguity. There is no doubt where he is coming from with this. Mr Gorman—not O’Gorman—writes —

**Labor leader Mark McGowan has dumped thousands of Subiaco residents in favour of the University of WA.**

Earlier this week the Opposition Leader threw his party’s support behind the Barnett government’s push to ram through its City of Perth Bill, forcing part of Subiaco into Perth without vote.

Labor bartered a deal with Mr Barnett that excludes the Burswood Peninsula from the proposed City of Perth’s boundaries but did nothing to protect the interests of almost 3000 Subiaco residents.

There will not be a poll on the boundary change, despite an undertaking by Mr McGowan not to support any law that denied residents a vote on their future.

I thought I would just mention that for interest; it is a nice article and members following this debate will find it interesting—I certainly did. It is highly relevant to the question before the Chair, because it summarises neatly the fact that the ALP does not really know where it is on this issue, and it might benefit from a committee inquiry and a report to help clarify some of the matters that have been raised.

That was *The Post* of 21 November 2015. They keep going, these weekly papers that come out; do members want to know what was in the edition of 28 November 2015? There was a big headline in that one: “I’m no sell-out, says McGowan”, but the reporter basically then goes on to say what I have just quoted in the previous article, so that is unfortunate. That is on page 1 as well and continues on page 109, but the really damning thing —

**Hon Ken Travers** interjected.

**The DEPUTY PRESIDENT:** Perhaps Hon Simon O’Brien will bring the relevance of these extracts from newspapers to the referral motion at some point.

**Hon SIMON O'BRIEN:** Absolutely; as I just did about two minutes ago. I am going to keep doing it regularly, so I do not incur your displeasure, Madam Deputy President.

**The DEPUTY PRESIDENT:** I am pleased to hear that!

**Hon SIMON O'BRIEN:** I will leave members with the 28 November 2015 edition of *The Post*—not hanging on a precipice—by referring to the worst, most damning thing of all, which is a letter to that newspaper from a Ron Norris, the Mayor of the Town of Mosman Park. What is the most damning thing you could say? I am not about to say anything unparliamentary, Madam Deputy President!

**The DEPUTY PRESIDENT:** I am pleased to hear that!

**Hon SIMON O'BRIEN:** Do members know what Mayor Norris says about the opposition?

*Point of Order*

**Hon SALLY TALBOT:** On that rousing note, can I interrupt Hon Simon O’Brien and just take a point of order, Madam Deputy President? Because the clocks are not working and I really need to know how to pace myself through this stunning contribution by Hon Simon O’Brien, can you just remind us whether he is the lead speaker and therefore has unlimited time?

**The DEPUTY PRESIDENT:** No. I understand Hon Simon O’Brien has 21 minutes remaining.

*Debate Resumed*

**Hon SIMON O'BRIEN:** I am trying to wrap up before question time; that is my absolute limit! Maybe I will seek leave to continue tomorrow and the day after!

The heading of the letter from Ron Norris, the Mayor of Mosman Park, is a terrible thing to say to members opposite, and they will hate it: “Labor is just like the other mob”. Does it not upset you to be told that?

**Hon Ken Travers:** It's as close to an insult as you could get!

**Hon SIMON O'BRIEN:** So why not join with me in supporting the view that this bill needs a bit more scrutiny and a bit more expertise than it has had, because that is the key thing we are arguing at the moment? There are several things that specifically need to be referred for closer examination. I have mentioned briefly the objects and the purpose of the City of Perth Bill. They are important. If we are to have a capital city act, it has to be a standalone statute that helps promote the dignity and purpose of our state and its primary metropolitan area. It should not be something that is done on the run because when we do it like that—a committee would soon find this out—we end up with an unseemly hotchpotch that will be an embarrassment, rather than achieve the things that the press release from 20 May last year said the government would achieve.

I will raise in summary form some but not all the key issues—there are others that we may not know about—and ask members to consider just how substantial these issues are or could be in the future. As I say, I have spoken about the objects of the City of Perth Bill. I ask whether we need a whole lot of preamble couched in the words that I have lampooned and others like them, telling us what already happens about the special role of the Lord Mayor. It is the only Lord Mayor we have, but we have a Lord Mayor; we know what the role is. The preamble tells us about the general role of the councillors. Again, I do not think we need a special act for that.

Then someone came up with another idea—a City of Perth Committee. Why? Are the government and the City of Perth incapable of talking together whenever they need to? Apparently so. Do we have to have a law to set this out—black and white legislation—to get down to the detail of who is on the committee? The Premier or his designate and the Minister for Local Government will be members of that committee. Why? What about the Minister for Planning? What about the Minister for Transport? If we want to be big on vibrancy and cultural stuff, what about the Minister for Culture and the Arts? Why on earth do we want the Minister for Local Government on the committee? It is crazy; but in any case, do we really need a law to say that the Lord Mayor and the Premier should sit down and speak a couple of times a year? Of course we do not, but here it is laid down here and they have to meet, I think, twice a year. Perhaps the committee can look at why not 50 times a year or why not 10 times a year. How about they just get on with business and do it as required, whether it is daily this week because of something important that is happening or once in a blue moon and perhaps at some other times, as required. But no, we apparently need a law to do that. The bill sets out some functions. I am not sure what the ramifications of them are but I want the committee to look at them before I agree to the bill.

I come now to the boundaries of the City of Perth. The City of Perth apparently needs some more territory, although this is a bit of a moving feast. This is serious stuff, a bit more serious than some of the things I have been talking about. This will impact on people. Being the capital, it will impact in several ways on all Western Australians—Western Australians who are asking, for example, why the city has to encompass Kings Park and why Kings Park has to be part of the local government district of the City of Perth. Why? Nobody has been able to answer that question. I have asked it and others have asked it but there is no apparent answer. Kings Park is run as a standalone place and runs very well. It ain't broke, so why are we trying to fix it? What the dickens are we up to? Is there some other agenda here that we do not know about—a lot of people are worried about that—or is it a case that this is some well-meaning, feel-good exercise that does not have any real effect, so why would we legislate for it? Or are we going for some feel-good thing that we think will not make any difference but might actually have some hidden implications? That is why Hon Alanna Clohesy has moved for this matter to be examined by a committee. Perhaps the committee could consider that question, because the government may or may not have. I do not know. Kings Park is its own reserve—is that the word I am looking for?—its own entity set in the wider metropolitan area with its own arrangements, its own act and its own staff and in its own special place in people's hearts as well as on the map.

**Hon Liz Behjat** interjected.

**Hon SIMON O'BRIEN:** Does it?

**Hon Liz Behjat:** Yes, it does.

**Hon SIMON O'BRIEN:** Why does it have to be included within the City of Perth? If it must be extended, why can the City of Perth boundary not go around Kings Park, doughnut style, without intruding on Kings Park? That way we would not have to clutter up the flagship capital city legislation with all this guff about executive directors of public health, and people such as those who petitioned the Parliament today would not be worried about the future agenda of Kings Park. I will not go on in any more detail about that because the point is we want a committee to look at it.

The other aspects that need examining are about the City of Subiaco and include the questions that have already been raised, so I will be brief about them. The City of Subiaco is very upset about this bill and we know why. We have all received the correspondence and these matters have been raised in this debate already. I do not blame them. Reportedly, 3 000 or so residents of Subiaco will have their status changed from residents of Subiaco to residents of a new City of Perth. I will ask the rhetorical question: did anyone ask them how that sits

with them, how they feel about that? No; I do not think they have because no definitive information is available. I object to that because it has nothing to do with sound business principles; it has nothing to do with the process that should be followed of putting a case to this Parliament that says, "Here's a better way of doing something and everyone is prepared to go ahead with it." No; it does not do that. It is a case of these people being collateral damage because someone has drawn some lines on a map and, inconveniently, they live within the line. It is a bit like the scramble for Africa in colonial times when people in Europe were drawing lines on maps, "Oh, yes, you can have this bit and you can have that bit." It does not matter about the consequences. Perhaps it is not quite that serious here, but this approach not only offends against good business practice and good governmental practice; it just plain offends. Who the hell do the proponents of this bill think they are that they can treat thousands, or even one, of our citizens in such a cavalier and contemptuous fashion? I have not had that question answered, yet they presume to treat those people in that fashion. Is there to be a poll for the people of south ward, shafted twice, apparently, by both sides? No. These are also matters that need to be looked at by this committee and I want to know the answers that I have not been able to get. The only hope I have of getting them is if we agree to this motion before the Chair.

A number of other matters could probably be raised, but I will limit myself to highlighting just a couple. One, I have specially selected for Hon Ken Travers.

**Hon Ken Travers:** I am excited.

**Hon SIMON O'BRIEN:** I want to engage the member in this, because not too many people have been properly engaged in this process to date, so let us reach out across the house. I will forgive him his outrageous remark about bridges across the river being closed.

**Hon Ken Travers:** Let's reopen them in the chamber for this afternoon.

**Hon SIMON O'BRIEN:** I can feel the gates being flung open, even as the member interjects.

There are a heck of a lot of parking places in this area that we are talking about—the University of Western Australia, the Queen Elizabeth II Medical Centre, and the Perth Children's Hospital. I wonder whether these areas will come under the purview of the Perth Parking Management Act at any stage.

**Hon Ken Travers:** It would require a change of the boundaries in that act for that to occur. But, you are right; it is a question worth asking.

**Hon SIMON O'BRIEN:** I would also ask the member to consider what would be the method for changing those boundaries. An interesting point has been raised. I do not intend to pursue it, but it might be worthwhile for the committee to ask a few questions about it. Maybe there is something in that. If there were, what a colossal change that might make to the equation. Very big sums of money would be involved if that avenue were to be explored by some sort of avaricious, hard-up Treasury. Believe me, I know; I have seen it happen when I used to be responsible for that act.

**Hon Ken Travers:** If you look at the contract for the failed privatisation of the car park at QEII, it would go straight onto the top of the already outrageous prices.

**Hon SIMON O'BRIEN:** I will leave the honourable member to make his contribution about that. It is the sort of thing that could be an unintended, or an intended, consequence. Given the other imprecise matters contained in this bill, one of our standing committees ought to inquire into this. As with other matters that we think might be unforeseen circumstances, we need to know about it before we give our approval as a house of Parliament.

I think that the motion to refer is well made, in the sense that the numbers in the house are not such that there is a mood to defeat this bill. As I have already indicated, that would be my preference, and it would be within the power and, to my mind, the responsibility, of this house to do so. However, if we are to persist with this bill, we need to knock it into a far better shape than it is in now. Ad hoc changes made in the course of this bill's passage since the press release I alluded to have taken out clause 37. That is what this bill was always about; it was about putting Burswood and other places into the City of Perth. Since that piece of the bill was taken out, there is no further point in this bill. I do not know why we are going through this pretence, but we are, and if we have to do it through a standing committee, then that is how we do it.

The standing committee, I suggest, should be able to advise us on whether we should agree to a capital city bill that, in addition to losing its reason for being after the removal of the old clause 37, has acquired a whole lot of other matters that sit very incongruously in what is proposed to be capital city legislation. There is no talk here about how Western Australians, proud of our state and confident in our future, assert that our capital shall be Perth. There is none of that sort of stuff in here. It is about executive directors of public health holding sway over Kings Park. If members do not mind me saying so, the current clause 37 is about a register of gifts and contributions to travel being obtained as part of an amendment to the Local Government Act. Seriously, is that

the sort of stuff we would put in a basic assertion that we have a capital city? I do not think so. All sorts of other dross contained in the bill does nothing to advance the dignity of this place, if we were to pass it.

Noting that we need a standing committee to examine all these matters, and others—I could go on for a long time about questions of unforeseen consequences or possible and apparent agendas that may lurk below the words of this bill—we also need a standing committee that can say in its report that this bill does not do what it sets out to do and should be rejected, not amended. It is not a pig that we can put lipstick on and pretend it is something else. The committee also should be able to say that this bill contains matters that it should not contain, whatever they are. I am now going to move an amendment, which I hope will get some support, to the motion moved by Hon Alanna Clohesy.

*Amendment to Motion*

**Hon SIMON O'BRIEN:** I move —

To delete all words after “referred” and insert —

to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Tuesday, 16 August 2016.

That will give time for a proper examination of this matter. I do not care that someone has set some artificial boundary of 1 July for matters to happen. This house does not have to toe that artificial line. We have already heard that there is insufficient time for the part about Subiaco doing its ward review to take place. The bill has not been passed yet, so that is a realistic time frame for report. I do not know how delighted my colleagues on the Standing Committee on Environment and Public Affairs will be, but I can guarantee that one member is very interested in having a good look at this bill, and that is why I commend the amendment to the motion to the house.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [4.29 pm]: One of the best things that happened out of the recent round of Liberal Party preselections for the upper house was that the South Metropolitan Region team stayed intact. The reason I think that is one of the best things is that each of the members of the south metro team make their own special contributions to this place from time to time. I value them, and I value the one that was just made by Hon Simon O'Brien. However, I fear I am going to disappoint him, because I indicate that although the opposition certainly does think that this bill needs to be referred to a committee, it does not agree with the amendment to the referral motion, and I will spell out the reasons for that. I make this point: opposition members think that a number of the elements of this bill are sound, and, as Hon Simon O'Brien pointed out, as a package, we will be supporting the bill. However, we think that the people of Subiaco in particular—the people to whom Hon Simon O'Brien referred—were not listened to, did not have a voice but are entitled to have a voice, and that a parliamentary committee is the appropriate place to give them that voice and to put on the record exactly what they think about the consequences of the bill. To the extent that the opposition is able to facilitate that by moving a referral to committee, that is what we will do.

Debate interrupted, pursuant to standing orders.

[Continued on page 583.]