

**CITY OF PERTH BILL 2015**

*Second Reading*

Resumed from 15 October.

**MRS M.H. ROBERTS (Midland)** [3.16 pm]: I rise to speak on the City of Perth Bill 2015. I do so with some disappointment about the way the government has mismanaged this legislation and, more broadly, how it has mismanaged local government in this state. Few bills could illustrate more fully what a dysfunctional and shambolic government we have. Looking at the portfolio area of local government over the term of the Barnett government, it is completely shambolic. It has been botched like no other portfolio. Of course there is quite a bit of competition when it comes to the mismanagement of portfolios, but this government has been a disappointment in the local government sector. We saw at first the government's very flawed so-called amalgamation process. For years there was the nonsense of the Premier saying that there would be no forced amalgamations yet at the same time the Minister for Local Government and others were putting the case for amalgamations. There was a stage when some local government authorities constructively looked at how they might amalgamate should they need to, how they could fit with the overall aims of the government so that perhaps rather than find themselves in a situation of forced amalgamation, they could choose how they might amalgamate with neighbouring authorities.

I will deal with the shambles in the eastern region. The Town of Bassendean, for example, looked at a possible amalgamation with the City of Swan. At one point that looked like a potential amalgamation, and I am aware there were others. But along came the government with its own shambolic process. As part of that, it said that Mundaring would have to amalgamate with Swan and that Bassendean would have to amalgamate with Bayswater and so forth and so on. Enormous expenditure was used because of what the government said would happen. Towards the end of that process, we found out that it would happen everywhere pretty much, bar the western suburbs represented by the Premier. This went on for another year or two or three. There was a huge hiatus in local government. An enormous amount of money was wasted by just about every council in the state, but particularly in metropolitan councils as they investigated what this would mean. I can only assume that the government got some really bad polling on it and as a result suddenly decided to back off altogether. The government walked away from it entirely. Ratepayers' money had seemingly been responsibly spent by various councils because of what the government had put out there and said it was going to do, and suddenly it pulled the rug out on that as well. Therefore, when I say that it has been handled in a shambolic fashion, I do not say that lightly. I say that because that is exactly what has happened. Local government has been in some weird kind of no-man's-land for years now. That is mainly because of the actions of the Premier. I do not blame the Minister for Local Government for this shambles. The blame lies fairly and squarely with the Premier. I believe that the Minister for Local Government and his department have tried quite earnestly to work through a process. They thought they had the support of the Premier and also of cabinet for that process. However, every so often, the Premier would enter the fray and make some public pronouncement and say black is white and white is black, or now we are going to have pink. It made no sense at all. Potentially, the Premier would have been better off if he had tried to get along with his own local shires. It seems to me that the real failure in this process is that the Premier and this government did not try to deal with the small local government authorities in the western suburbs. That matter has still not been dealt with effectively. The big anomaly that we have had for many years is the proliferation of small local government authorities in the metropolitan area, largely in the electorates of Cottesloe and Nedlands. I think most people have said all along that until the Premier can get his own house in order in his own electorates in the western suburbs, he should not try to tell everybody else what to do. Local government in this state has generally thrived. However, that is despite this government, not because of it.

I want to take this opportunity to highlight the shocking irony that we had last week when our constituents got their land tax assessment notices. The Premier went into the community and said, "I think local governments should cap their rates. It's not fair. Some of them are putting up their rates by too much each year." Although I agree with that sentiment in part, local governments provide a service for their ratepayers. At least people are getting their bins emptied, footpaths and roads constructed, and lighting put in. No doubt people would like to get more services, and no doubt they would like their rates to be lower, but at least they are getting some services for the rates that they pay. I acknowledge that there has been pressure on local governments because of the imposts that have been forced upon them by the state government. We all know that the cost of water, gas and electricity—all things that are used by local governments—has all gone up dramatically under this government. On top of that, there was the needless expenditure by this government on its botched amalgamation process. That process has been botched right from the top by the Premier of this state. The Premier is critical of local governments and wants to be able to restrict the percentage by which they can put up their rates each year. On the face of it, that is a good thing. However, what the Premier is recommending is a very flat instrument. Some

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local governments have managed to keep their rates down and are charging a much lesser rate in the dollar than is the case in other local governments. Those councils should not be penalised.

The big hypocrisy is that the Premier is presiding over a government under which land tax has gone up dramatically. People have come into my office with land tax bills that have gone up by 50 per cent. In fact, some of those people have a note on their land tax assessment notice that says that the rate is capped at 50 per cent for this year. However, as I have pointed out to them, that means that until they get to the highest point from their combination of revaluation and percentage increase from the government, their land tax bill will go up again next year. We are not talking about increases in land tax of five, six, eight or 10 per cent. We are talking about massive increases in land tax. I know that land tax is not the topic of the City of Perth Bill that is under discussion. However, I could not let the opportunity pass without drawing members' attention to this issue. A lot of people in local government read the debates that take place in this house. I know that people in the City of Perth will read the discussion about this bill. The member for Victoria Park has outlined, as shadow Treasurer, the extent of the increases in land tax. He has pointed out that the Barnett government has form when it comes to land tax. This is not the first time that there have been massive land tax increases under this government. It is not just a matter of people's properties being revalued. It is a straight tax increase from the Barnett government. Of course a revaluation will increase the amount of land tax that people have to pay. Even if the land tax rate was kept static, the government would still get a windfall in revenue from land tax because, as we know, property values tend to go up. I am aware of instances in the City of Swan in which a person's property has been rezoned from rural to industrial, or light industrial, and, as a consequence, when the Office of the Valuer-General does its revaluation, the gross rental value of the property is increased, and that means that people have to pay much more by way of land tax even without any increase by the government in the rate of land tax.

The final point I want to make is about the services that people get in exchange for paying land tax. People get precisely zip—nothing—from paying land tax. It is just a tax. It is just an impost on people who own property. If people own more than one property, they are charged a higher rate in the dollar for land tax. Therefore, the more property people own, the more land tax they pay. The real irony or hypocrisy is that the Premier has pontificated and said that local governments should not be allowed to put up their rates by such a large percentage. However, when it comes to land tax, the Premier has allowed land tax to go up at a much steeper rate over the term of his government.

I will return now to the topic at hand. Firstly, I have established the hypocrisy of this government when it comes to local government, because it is very much a case of do as I say, not as I do. Secondly, this government has undergone a shambolic process over the last seven or eight years of saying maybe there will be forced amalgamations or maybe there will not be forced amalgamations, and maybe councils will be able to choose who they want to amalgamate with. We then had an arbitrary process whereby councils were told who they had to amalgamate with. That was followed by a couple of years in which we had mismanagement, a shambolic process and a complete waste of taxpayers' money by this government, as councils had to work out how they could progress those amalgamations. For example, my constituents live in the City of Swan and in the Shire of Mundaring. Those local governments went a long way down the track towards amalgamation. That involved a lot of expenditure. They tried to progress that amalgamation as constructively as possible. I note that councillors from both authorities linked together quite well, as did the staff. Before I close on the issue of the shambolic process of amalgamations, I need to highlight the impact that had on the staff at those local government authorities. Although only a small number of councillors at each local government authority were affected, literally thousands of people work in local government throughout Western Australia. Many of those people were left with a great deal of uncertainty about their future employment as part of that amalgamation process.

I return now to the City of Perth. Members will be aware that I have had a long-term interest in the City of Perth. In fact, I was elected as a councillor of the City of Perth on 3 May 1986 and served on that council for a period of nearly eight years.

**Mr W.J. Johnston** interjected.

**Mrs M.H. ROBERTS:** Member for Cannington, I was born on 29 February so I am still only 13! I have had 13 birthdays—but back to the topic.

There has been a lot of talk over the years of having a capital city authority, but in Western Australia the City of Perth has been a plaything of conservative parties, principally of the Liberal Party. As a rule, the National Party is quite happy to keep its own fiefdoms of local governments in country areas and does not have a lot of interest in what happens with the City of Perth and the major metropolitan authorities; all it is on the lookout for in this bill are the principles of forced amalgamations or the like, because the last thing that the National Party wants to see is amalgamations forced on country shires against their will. It is also worth pointing out here that very rarely does the Labor Party have the numbers in the upper house—I suspect under the current electoral laws, we will

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not see it again any time in the near future as the conservatives dominate the Legislative Council because of the gerrymander that exists in the Legislative Council in which 50 per cent of seats currently are reserved for country members and 50 per cent for city members. Some 80 per cent or 90 per cent of people actually live in the city, so the 10 to 20 per cent of people who live in the country areas get 50 per cent of the seats in the upper house. That certainly disadvantages the Labor Party and disenfranchises people who live in the metropolitan area, and it also means as a result that it is always much harder for a Labor government to govern in this state and it is certainly much harder for us to make arbitrary changes to legislation. That probably means that Labor governments govern better because they have to convince people of the merits of their arguments and of the legislation; they cannot just rely on the numbers to get legislation through the upper house. It is the reverse for the Liberal Party when it is in office, either in a so-called alliance government or by themselves; they often treat the upper house very much as a rubber stamp. It also gives the Liberal Party the opportunity to put through some very bad legislation, some controversial legislation and legislation that is not necessarily supported by the broader community. But oftentimes we see that it embarks on that legislation in the early stages of a government term in the hope that people will forget about it by the end. One of the things that the Court Liberal government did back in 1993 in its first year in office was to break up the old City of Perth into four separate authorities—Victoria Park, Cambridge, Vincent and the City of Perth.

[Member's time extended.]

**Mrs M.H. ROBERTS:** Back then, the Court government was talking about creating a capital city authority for Western Australia. That was the promotion at the time. I was incredulous that the Court government put an argument to create a fairly tiny geographic centre, saying it was going to be a magnificent capital city authority. Of course, now it seems that that legislation was very much inadequate and it certainly did not mirror what was put in place in other capitals. Now we see the Barnett government having another go at it. There was, of course, nothing much wrong with the old City of Perth. A number of capital city models operate around Australia and no doubt around the world. The City of Brisbane, for example, is a massive council covering a very broad area. Last time I read about it, it had a bigger budget than the state of Tasmania, so it is huge. That gives the City of Brisbane certain synergies, abilities and so forth. The City of Perth boundaries are somewhat more historic because of endowment lands at Floreat and City Beach and then the amalgamations that had taken part in the earlier part of the nineteenth century, as areas such as North Perth, which was a separate municipality at one point in time, were amalgamated into the City of Perth, along with areas on the other side of the river over at Victoria Park. I think that the City of Perth had a cumbersome number of councillors with 27 councillors and a Lord Mayor who was elected across that whole area. Certainly, it gave the City of Perth a diversity of interests and provided a significant rate base for a capital city council. There was little point to that breakup. It is interesting that the next Liberal government to come along has said that it is not so happy with what the last Liberal government did and it is having another play at it. For a while, one position that the Liberal Party held along this shambolic journey was to have half of the City of Vincent reunited into the old City of Perth. There was some merit in that, but that was soundly rejected by the people of Vincent, and quite rightly so. They put the proposition that it should be all or nothing, because all of Vincent formerly was with the City of Perth.

**Mr C.J. Barnett:** Which we agreed to.

**Mrs M.H. ROBERTS:** The Premier agreed to what—all of it?

**Mr C.J. Barnett:** To all of Vincent going into Perth.

**Mrs M.H. ROBERTS:** Yes, but the problem is that the whole process and the way the government has gone about it was too late.

As a general proposition, it is interesting now that if the Liberal Party had not messed with the City of Perth in the first place, the City of Perth would have incorporated not only all of Vincent but also Burswood—one area that this government had signalled it wanted put back into the City of Perth—and the whole of Victoria Park in the City of Perth. By and large, I think that would have been a good thing. The costs involved in the original split-up were simply horrendous. This government has form, and Liberal governments generally have form, when it comes to messing with the City of Perth and local government.

We have here a pretty inadequate bill that does not achieve much of anything. I read with some interest the various comments that have been sent to me from a number of interested parties. I am guessing that this gentleman must be getting on a bit now, but back in 1993 and way prior to that Emeritus Professor Martyn Webb used to express quite a lot of views and write to people about the capital city of Perth. I have not agreed with everything that he has put forward over the years, but he is clearly someone who has had a very long-term interest in the City of Perth and its proper functioning as a capital city and has done so for a period of well over 30 years. In his latest correspondence, which other members may have already referred to, he makes some very good points that I agree with, although I do not agree with all of his points. He highlights that had the

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government embarked on a proper process in a proper and constructive way in which it involved people with a genuine interest and goodwill about the future of the City of Perth, it could have come up with something that was excellent. It would not have been beyond us to come up with a good solution, not a compromise solution, which is what we effectively have in front of us.

Reading through this bill, I do not see that it actually provides for very much change at all when it comes to Perth as a capital city, and we can look to that when we deal with the various clauses of the bill during the consideration in detail stage. There are some matters in the bill that concern and alarm me; they are really some process matters. I note that the minister's second reading speech states —

To encourage all residents and ratepayers to become involved in the affairs of the city, all those who enrol to vote will remain on the electoral roll until they otherwise become ineligible. Currently, this applies only to residents and property owners; now occupier electors within the City of Perth will be treated in the same way.

That is a direct quote from the minister's second reading speech. I interpret this as a way to disempower residents' votes in the city and effectively to reduce residents' voting power. It is really misleading for the minister to start that paragraph with the words, "To encourage all residents and ratepayers to become involved", because by his own admission, in the very next sentence, all residents are already encouraged to be involved and all residents stay on the roll until such time as they become ineligible; that is, they move to a different state electorate and register their change of address. So that is a bit of sophistry; it is not about encouraging residents' involvement. In fact, it is not even about encouraging all ratepayers. If a person who is an owner of a property registers to be on the roll, so long as they continue to own that property, they will not be knocked off the roll in any local government authority, let alone the City of Perth.

We find that the provision is not about the residents or the owners of properties; it is about the business occupiers. Every business will be entitled to have two nominees on the electoral roll, and there is a process for them to register. This provision will allow a business that occupies a premises to nominate a couple of people. The business might change hands three or four times and if the subsequent businesses do not register the new people as occupiers or as their nominees—that is the other category; a person does not have to be an occupier but can be a nominee—someone in the City of Perth, if they wanted to, could nominate for their business the member for Cannington and me to vote on behalf of that business. Why would they do that? Why would they nominate people who have nothing to do with their business, which is exactly what they will be able to do? They will do it so that, effectively, they can get back to the old multiple-vote situation. A business premises might be jointly owned and have two people specified on the title. Therefore, those two people—let us say Mr and Mrs Smith—would get a vote. Mr and Mrs Smith might run their own business from the premises. If they register themselves as the nominees on behalf of the business, they do not get another couple of votes; they have just a single vote each, and if they live in the area, they will continue to get a single vote each, so there is already a doubling up to some extent because of the business interests, because businesses can nominate not one, but two people in addition to themselves as nominees for their business. Effectively, people will get four votes out of a property—the two owners and two nominees on behalf of the business. The nominees on behalf of the business will not have to live in the City of Perth and they will not have to have any interest in either the business or the property; they are simply nominees. This provision will allow for those people to remain on the roll for a very long time.

We know—obviously this is one of the gripes of the business community, which wants to maximise its vote and turnout for the City of Perth—that those people do not tend to nominate with any proper frequency. We will put a lot of focus on this clause when we get to this part of the bill during the consideration in detail stage, because it will mean that if people are lazy—I should not say lazy—or not keen to put their nominees on the roll, the previous nominees from maybe the business before or the business before that can stay on the roll and continue to exercise a vote. That is not fair. If a resident moves residence, they are required by law to update their electoral enrolment to a new residence, so their previous enrolment would come off the roll automatically. This is about building in a whole bank of business voters that I can only assume the government thinks are inclined to support conservative candidates. It is about keeping those extra numbers on the roll and, in my view, creating a rort in favour of people who are non-resident electors in the City of Perth. That is one little thing that I have time to highlight; I clearly have issues with other clauses of the bill, and this is poor legislation.

**MR W.J. JOHNSTON (Cannington)** [3.46 pm]: I want to make some brief remarks about the City of Perth Bill 2015. In doing so, I want to highlight a few things that have been happening in local government in Western Australia, because we have had a lot of discussion about reform, but no actual reform. Sadly, the City of Perth Bill 2015 may have individual elements that can be supported, but it is in fact still not a reform of the sector. I note that recently the Premier made comments on behalf of the government of Western Australia on two issues that might be seen as a reform, and I think they would be actual change and actual reform. One of those is

involving the Auditor General in auditing not just the finances of local governments, but also giving the Auditor General a broader role so that he can bring his capacities and effectiveness in that auditing approach to local government. I think that is a great idea. If members want to know how that might work, I suggest they read the 2006 Public Accounts Committee report that recommends that that be introduced. The committee was chaired by my good friend the member for Butler in that former Parliament. It is a very easy-to-read report that gives good detail about how the Auditor General could be given a role in the operations of local government, which would be an excellent amendment. I would also comment that if the government had pursued that as vigorously as it tried to pursue the forced amalgamation agenda, we would have actually had some reform in local government in Western Australia, which, sadly, we have been unable to get during the life of the current Liberal–National government.

The next thing that I note the Premier talked about recently is the idea of rate capping, which is the idea of a tied amount that councils would be able to increase rates without proper explanation. Of course, I note that a system of rate capping was a policy of the WA Labor Party at the 2013 election. I make it clear, too, that the Labor Party did not say that rates could not go up faster than inflation, but rather that if rates were to go up faster than inflation, there had to be a proper reason for that and there had to be proper accountability from the council back to ratepayers, which would be, in my view, an appropriate way to handle those things. I congratulate the Premier on picking up the member for Butler's suggestion from the Public Accounts Committee report in 2006 about the involvement of the Auditor General in local government, and the Leader of the Opposition's ideas about bringing in more accountability for rates increases, so we do not have this situation in which there is no accountability for the level of rates increases.

Having noted that, I point out that rates in the City of Canning have gone up at a lower rate than that with electricity charges during the life of the current government. It is interesting that if council rates are going up too fast, what is the government doing about its own charges? That is even before we look at the question of land tax. The other day, a constituent showed me his land tax invoices of \$11 500 for the last financial year and just shy of \$29 000 in change for the current financial year—his land tax rates had more than doubled. Yes, council rates need to be kept to a fair and reasonable level, but the government needs to get a mirror before it starts complaining about local governments increasing their rates at a higher rate when it is upping charges and taxes.

[Quorum formed.]

**Mr W.J. JOHNSTON:** Before I was so rudely interrupted, I was talking about the fact that the government has put up its charges and taxes much faster than councils have put up their rates over the last eight years. I was reflecting that it is a perfectly reasonable thing to hold local governments to account, but I imagine that the community is keen to hold the government to account for its behaviour. There is a bit of irony in the government complaining about councils putting up their rates quickly when it is doing exactly the same thing.

I note that the bill makes the City of Perth special because it states —

... unique responsibilities of the City of Perth that flow from Perth's status as capital of Western Australia, ...

...

the flow-on effects on the broader metropolitan area are considered;

The government thinks that this council will not just be about the operations of the CBD, but it will also have an impact across the metropolitan area. Of course, that includes the area that I represent in Cannington, which crosses the City of Canning and the City of Gosnells. I want to congratulate the newly elected Mayor of the City of Canning, His Worship Paul Ng, who won the ballot to be elected mayor. I look forward to working with him and his newly elected councillors at the City of Canning where democratic control of the council has been returned after nearly three years without democratic accountability. It is interesting that during that time the government brought down the Robson review that recommended the City of Canning and the City of Gosnells be amalgamated to form a single council called Cannington. Failing that, the Robson review's second recommendation was for the City of Canning to be combined with portions of the City of Gosnells to form a different council, which was also suggested to be named Cannington. The government rejected both of those recommendations and tried to force Canning to be cut up into four pieces and handed out to the City of Gosnells.

**Mr A.J. Simpson** interjected.

**Mr W.J. JOHNSTON:** No—go and read the Robson report. The Robson report did not recommend that.

**Mr A.J. Simpson** interjected.

**Mr W.J. JOHNSTON:** I am not talking about that, minister. I am talking about the one that was done at arm's length from government that did not reflect the government's views, but rather the views of efficiency. The Robson review recommended that Canning and Gosnells be amalgamated into a single council, or, failing that,

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that Gosnells be divided and added to Canning and Armadale. My view is now and was then that changes to council boundaries should only be made by a democratic process. In the end, of course, the overwhelming majority of the residents in the City of Canning opposed the forced amalgamation plan. The point I was highlighting, minister, was that the plan dreamt-up by the government without regard for the people of the City of Canning was not recommended to it by the reviews that were done into local government amalgamations. That is one of the reasons that the people in the City of Canning were so cranky with the Liberal Party in this state; it was because it went behind their backs. It tried to use the period that commissioners were in place unelected to get this amalgamation done. Having listened to the community, when Commissioner Reynolds objected to the amalgamation, he was then sacked and other commissioners were put in place.

**Mr A.J. Simpson:** He wasn't sacked.

**Mr W.J. JOHNSTON:** He was sacked. I am sorry; it is a matter of fact.

**Mr A.J. Simpson:** No, the facts state that I didn't reappoint him when his term was up. I didn't sack him.

**Mr W.J. JOHNSTON:** Is it not interesting. Let me make it clear; I had not completed this point. The report of the inquiry came down. The commissioner's term had not expired and any claim of that is untrue. That is an untruth, and the minister knows it to be untrue.

**Mr A.J. Simpson:** I did not reappoint him.

**Mr W.J. JOHNSTON:** That is right. The minister did not reappoint him; that is not the same as saying his appointment came to an end. His appointment had not come to its conclusion. In responding to the inquiry, the government decided to appoint new commissioners. It is not true to say that his term had come to an end; that is not true. I hate to point this out, but the Acting Speaker might be interested to know that when an employee's contract of employment is terminated other than by their resignation, it is usually called a sacking. Therefore, it is hardly unusual that I used that exact term in respect of Mr Reynolds. He was a fine person; he continues to be a fine person and the treatment of Mr Reynolds by this government was a disgrace and continues to be a disgrace. However, I am very glad that we now have elected councillors. Quite frankly, I had a good relationship with the three commissioners who were appointed to follow him, and I think they were quite effective in the role. However, none of those four people—Mr Reynolds or the other three commissioners—were elected by the people of the City of Canning, and therefore their work could never be complete because they did not have democratic authority. In the City of Gosnells, I want to congratulate Olwen Searle on her re-election as mayor. Having spent a short period—four years—as a councillor but not mayor, I am very pleased to see her re-elected to the role. I am sure that she will again provide high-quality service to the people of Gosnells as she did well in the past when she was previously mayor and all the time that she has been a councillor. Olwen Searle is a woman with a very strong reputation around the City of Gosnells. She is a former teacher of preprimary at Beckenham Primary School and is currently on the board of Brookman Primary School in Langford while fulfilling many other duties right across the City of Gosnells, but outside my electorate.

I want to quickly reflect on some other accountability issues. I draw the chamber's attention to Vincent Mayor, John Carey, who got 82 per cent of the vote when he was re-elected at the October elections in the City of Vincent. I would be very pleased if I ever saw 82 per cent of the community support me. I do not imagine that will happen, but if it did, I would be very pleased. Certainly John Carey will probably go down as the most popular politician in Western Australia for getting 82 per cent of his community to support him. In August he encouraged the Western Australian Local Government Association to support some proposals to increase public accountability of local government. Sadly, the WA Local Government Association—I say inexplicably—rejected Mayor Carey's suggestions. They included—I am reading from an ABC news report of 7 August —

... a proposal to require all councils to have a public online register of travel expenditure, gifts and hospitality.

... banning donations from developers to local government election candidates, and that councillors be required to record any contact with developers.

Those proposed reforms were rejected by the Western Australian Local Government Association. The ABC news report goes on to quote Mayor Carey as saying —

“I find it extraordinary that the sector would not even consider an open discussion and debate about future reforms for transparency.

“Local government leaders may think they can hide and run from transparency reform, but ratepayers deserve this information, they have a right to it and we should make it as accessible as possible.”

I note that the news item quotes the president of WALGA, Lynne Craigie, as follows —

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She said it was unfortunate that Mr Carey's motion did not get up at this conference, but it did not mean the proposals were off the table forever.

I think WALGA has a responsibility to the community to put those reforms back on the table immediately. We need the WA Local Government Association to be acting in the interests of ratepayers and not just the interests of councillors. I find that the WA Local Government Association's rules do not support democratic accountability. I explain it this way: WALGA's membership fees are paid by councils but there is no control by ratepayers about how councillors vote when they get to WALGA.

[Member's time extended.]

**Mr W.J. JOHNSTON:** There is therefore this strange situation of WALGA representing councillors and not councils and certainly not ratepayers. The association of Local Government Managers Australia represents people involved in managing councils. We should all remember that councillors do not run councils; they are run by their full-time executives. It is often a misconception in the community that when we elect a councillor, the council changes, but that is not the case. Councillors only set the policies of the council and deal with the issues that are brought to them but the person who runs the council is the chief executive. That is why the WA branch of Local Government Managers Australia is an important creature of the system. WALGA needs to clearly understand that its best role is to represent ratepayers, so accountability has to be at the top of its agenda.

I remember when the Labor government was in power and WALGA ran TV ads attacking Hon Jon Ford as Minister for Local Government over whatever happened to be going on at the time. I always found that very unusual. Why would a local government association run TV ads that attacked a minister about reforms raised in the Parliament? It did not make any sense. It is interesting to compare it to the period during the forced amalgamation disaster. I wrote to the WA Local Government Association and asked specific questions about the proposed break-up of the City of Canning, and the Western Australian Local Government Association wrote back and replied that it would not answer any of the questions and it did not have anything specific to say about the City of Canning. It was extraordinary that it wanted to go that way. The WA Local Government Association has an obligation to put ratepayers' interests first, and so does the Department of Local Government. Mr Speaker, it is good to see you.

**The SPEAKER:** There was nearly a casualty there!

**Mr W.J. JOHNSTON:** Yes.

**The SPEAKER:** Member for Cannington, sorry to disturb you.

**Mr W.J. JOHNSTON:** That was very exciting.

The Department of Local Government recently gave public evidence to the Public Accounts Committee. Although obviously because of standing orders I cannot discuss what the Public Accounts Committee is doing, I can talk about what occurred at the hearing. There have been two hearings: one in August and one just last week. The transcript from last week is not yet final, so I will not quote from it, but the one from August is already finalised. If, based on the information presented in public at the two hearings, I suggested that the department was at the limit of its capacity, I would be being kind given some of the questions we asked. Members of the committee asked the Department of Local Government questions in the context of the 2006 PAC report into the coverage of the Auditor General of local government. A response to that report was tabled on the Parliament's website; anyone can find it. The Department of Local Government and the Western Australian Local Government Association formed a committee to prepare that response and the government tabled the response prepared by those organisations. In its response the department laid out its objectives about accountability through the mechanisms that were available. I asked the Department of Local Government whether it thought that local governments were being effective. The departmental officer made some comments, and I asked —

I am just asking: is it doing it or not?

In other words: was it being effective?

The answer was —

I think it depends what effectiveness means.

I then asked —

What does effectiveness mean then?

There was a circular argument in which the officers could not tell us whether councils were being effective because they did not know what "effectiveness" meant. I asked the department —

How you are measuring local government's delivery of services to the community? Do you survey communities? Do you do random community surveys to see whether people are satisfied?

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

p8318b-8375a

Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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The department official answered —

Essentially we leave that to the sector at the moment.

I asked —

How does the department then measure that effectiveness?

The official said —

Partly through our monitoring of the integrated planning and reporting framework.

The point here is that the planning and reporting framework is in fact local governments themselves telling the department whether or not they are succeeding. Further, the agency does not publish any of the information that it has been given. It is getting reports from local government. I unkindly used the term, which they took offence at, and I can understand why, when I said, “So you put them in a bottom drawer.” They said that they analyse them and process them, but the public cannot see them because they are not made available.

**Mr A.J. Simpson:** The annual reports are public documents. You can ask questions in Parliament.

**Mr W.J. JOHNSTON:** Minister, the agency is not reporting publicly on these things.

The annual report does not have a summary of them; they are collated nowhere. In our hearing last week, the Department of Local Government and Communities said that individual councils report to their ratepayers through the annual reporting system, but given that very few councils have many people attend their annual meetings, it is a completely inadequate way to report. This is a modern age. All these documents should simply be published on the web by the Department of Local Government and Communities.

**Mr A.J. Simpson:** Now we come back to the act in 1995.

**The SPEAKER:** Minister!

**Mr W.J. JOHNSTON:** No. With respect, these are all documents that can be made available under freedom of information and would be if somebody spent the \$30. On that basis the department should just publish it anyway. Sunshine is the best disinfectant.

I do not have the transcript from last Wednesday, but I was at the hearing and I asked for supplementary information. When any organisation has an audit done, it gets two pieces of paper. The first piece of paper is an audit letter that is attached to its financial report to make it the audit report. That states whether the organisation has complied with the rules and accounting rules et cetera. It also gets a second letter which is sent from the auditor to any organisation. When I was state secretary, I used to get these too for the Labor Party. Anybody who runs an organisation will get these two letters. The public one is attached to the organisation’s accounts, which shows that they are accurate, so far as the auditor can tell. The second one is the things that the auditor found while doing the review. At the moment what happens with those letters from the auditor—they are called management letters—is that they go to the council, and the councils provide it to the Department of Local Government and Communities. However, nobody makes that information public. Again, I do not have the transcript in front of me but I can say, because I was there at the hearing, that we used as an example a couple of councils that had failed to even have their accounts ready by 30 June. The department has never made that information public. There is a consequence of that. A council that cannot do its accounts is probably not doing other things well too, because accounts are the basic building blocks of any organisation, whether it is a sporting club, a council or, indeed, a government agency. An organisation’s accounts are its building block. Everything else comes after that, because it has to know what is happening with its money. Therefore, a council that cannot get its accounts in order for the auditor by 30 September probably has deep problems. The Department of Local Government and Communities chooses not to make any of that information available publicly and my view is that that is covering up for inefficiency and poor management in local governments. If those councils do not have external pressure on them, guess what? They will not support reform and they will not reform. The best way to get genuine reform in the local government sector is to make sure that people understand what is going wrong. If we take the Cities of Canning and Gosnells, no-one can reasonably say that they are too small to survive. It might be true of councils in the western suburbs; maybe some of them are too small to survive.

**Mr C.J. Barnett:** They are.

**Mr W.J. JOHNSTON:** That is fine, I am not arguing for or against that position.

Canning and Gosnells were never in that position, yet there was this concentration on what was happening in the eastern suburbs, the City of Belmont et cetera.

We have a crisis in local government but it is not being exposed because the Department of Local Government and Communities is choosing not to make this information available. It should make it available. The

Public Accounts Committee will have its deliberations, it will do whatever it chooses to do with the two hearings that we have had, and I am not canvassing any views that may or may not be discussed at the Public Accounts Committee because I am terribly aware of the standing orders. My own view about the information provided by the agency at those two hearings is that there is a genuine problem that information is available to the agency, but it is not making it to the public generally. I make the point that the agency's view was that that was the responsibility of the local government; the local government needs to make it available. If a member of this Parliament wanted to have a picture of what is happening in the sector, they would not be able to get that at the moment because they would have to make 138 requests for information. That just will not happen, there is no way it can happen, whereas the agency, the department, has this information available to it. It has a legal right to publish it, if it chooses to do so, and it should be publishing. The department should publish everything it gets. The more information that gets published, the better it is for everybody. Governments need to be open; they need to be accountable. The Premier seems to be vaguely interested in what I am saying. It is true of state government as well. I have spoken here previously about when I went to Florida as state secretary for the mid-term elections in 2002. I was very lucky to be the guest of the state department in America. We went to Florida and they told me about what they call the sunshine law, whereby every piece of information that has been created using government resources has to be publicly available. It is not about FOI, it is about just making it available. The more information about local government that is available in a digestible format, the better it will be for the state and the more we can do genuine reform; the sort of reform that Mayor Carey talks about, rather than just amalgamating eastern suburbs councils. I look forward to the consideration in detail of the City of Perth Bill.

**MR P. PAPALIA (Warnbro)** [4.16 pm]: It is a pleasure to follow on from the member for Cannington. Whilst I listened to his reflections on the process that led to the City of Perth Bill 2015, I was trying to recall some of the complexities and the numerous versions of the government's stumbling attempt to assault local governments in Western Australia, which it masked by calling it a reform process, that it had embarked upon. I was reflecting upon the fact that it went all the way back. This bill, regardless of the name of it, is just the latest attempt at applying some degree of fig leaf to the abject failure of the government's activities in the local government sector. I was reflecting upon that and thinking back to when I was the shadow Minister for Local Government when we lost office in 2008.

I remember in early 2009, when this whole process began, the first warning sign; the alarm bells were ringing way back in February 2009. We had lost office in September, the government eventually came to office after some deliberations with the Nationals, and then nothing much occurred until February, when the then Minister for Local Government, the affable but almost accident-prone member for Bunbury, went to Exmouth for a meeting of local government representatives. Inadvertently—I am sure it was inadvertent—he let slip the intention of the government to force amalgamation on councils right across the state. That was met with shock and anger by many of those present and many other local governments across the state for one very good reason: before the election, the Liberal Party had promised that it would not force amalgamations. At that time, only four months earlier, promises had been made to all the councils across the state that were the Liberal Party to come to power, no councils would be forced to amalgamate, and here it was in February 2009, only a few months later, breaking that significant promise. Of course, the minister then tried to walk away from that statement. Fortunately for him there was no media in attendance. However, the president of the Western Australian Local Government Association at the time was very quick to notify the media of the broken promise and the reports came to light. We then heard for the first time of an intention on behalf of the government to not only break its promise but also impose a significant process on councils—a costly, demanding, wasteful process on councils across the state.

In trying to recall what happened, I pulled out a speech that I had written to present to a local government conference a year later, in February 2010. Since 2008 there had been so many iterations of what councils were supposed to do in response to the government's demands that I could not recall them all. I thought it might be helpful to reflect upon how many different demands were placed on local governments in the first year under the guise of reform. There was never an objective to achieve reform; the only objective was to achieve a reduction in the number of councils. That was the very simplistic assumption underlying that process. It assumed that fewer bigger councils would be better than the status quo. It abandoned all the work that had been done prior to that time in a collaborative and cooperative fashion with local governments across the state to achieve reform. It just abandoned that completely. That is why local governments felt betrayed. Collectively, local governments were very slow in responding to the challenge, but ultimately councils individually gave up on the government. It took a long time and they tried very hard. They spent a lot of time and money trying to comply with the government's demands, but in the end they just gave up because it was a failure.

I made some dot points for my speech when I was looking at what had happened in that first year. On 5 February, the unheralded statement was made in Exmouth—the breaking of the promise. From that time, it took over a month for the government to release any sort of guidelines about what it was trying to achieve. That

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statement derailed all collaboration that had been conducted before it threw the entire local government sector into disarray and uncertainty. Out of 13 000 or so employees in the local government sector across the state, including all of the elected officials, no-one knew what was going on. They did not know right up until recently when the government finally backed down on the forced amalgamation process. It was a period of five years. It was extraordinary.

In 2009, the government provided no intended outcomes, no targets and no aspirational objectives. It undermined the process by suggesting that not all councils would have to amalgamate. A student of the local government process in the last five years will recall the announcement of the “Monaco” of Western Australia—the Shire of Peppermint Grove—being excluded from the forced amalgamation process despite its small number of ratepayers and its small geographical area. At that time there were no guidelines from the Premier, but if one assumed that he was trying to reduce the number of councils, Peppermint Grove would have to have been at the top of the list as a council worthy of amalgamation. When the Premier was beaten up—not literally —

**Ms S.F. McGurk:** Verbally.

**Mr P. PAPALIA:** No, not even verbally; I meant metaphorically beaten up by some of the heavyweight Liberal players who reside in Peppermint Grove. When the Premier was beaten up, he backed away. That was only a matter of weeks after the statement in Exmouth. The Premier backed away and said, “Not everybody will have to amalgamate; some councils will be excluded. Not all councils are equal; some are more equal than others.” Peppermint Grove was to be excluded from the process. That was one of the extraordinary revelations that undermined the whole process.

After that, the Minister for Local Government, despite having threatened the councillors who were present in Exmouth, went on to say that it would be voluntary. I am talking about this because this bill is the end point in this whole local government process. What has been termed “reform” by the government has been termed “disaster” by anyone else in the sector. This process was, and has been, an abject failure from the start. The minister, having threatened to forcefully amalgamate, then told everyone it would be voluntary. This was way back in 2009. He was trying to use spin and semantics to avoid confronting the fact the government was breaking a promise and forcing amalgamations. It took a while, but we finally extracted from the National Party a commitment that it would keep its pre-election promise and oppose amalgamations. That came about in the middle of 2009. That put a lot of pressure on the Premier and the former Minister for Local Government; they knew they were in trouble. In those days the numbers in the house were different from what they are now. That meant that no process could move forward unless it was collaborative instead of forced. While all of that was happening, the Nationals, who had control of the royalties for regions scheme and the expenditure of it, threw \$400 million at the local government sector. The Premier and the local government minister were heralding the need and the urgency for a reduction in the number of councils and improvement in their capacity because they were incapable of being sustainable and were not able to operate in the fashion that they had been, yet the same government, via a different party in that government, was throwing hundreds of millions of dollars at a lot of these very small councils—the same councils the government had criticised for being incapable of operating in an efficient manner. There was a degree of evidence to suggest there was a need for reform in the local government sector, but it was not about amalgamation. It was about ensuring there were proper processes in place and proper governance. I did not hear whether the member for Cannington referred to a recent Public Accounts Committee report or the 2006 one that I am aware of.

**Mr A.J. Simpson:** He was referring to one from August this year.

**Mr P. PAPALIA:** Okay. So we are talking about prior to the shemozzle that it became—the government was fully informed by the 2006 Public Accounts Committee inquiry into local government accountability. The report found that 30 per cent of councils experienced significant compliance issues in annual compliance reports to the department and that 44 per cent did not comply with their annual compliance report requirements by the deadline. If that were the case and that was part of the Premier’s motivation for trying to change local government, why did he not focus on governance? Why did he instead decide to focus purely on forcing reductions in the number of councils? Why did he throw \$400 million at councils that were incapable of operating?

**Mr A.J. Simpson** interjected.

**Mr P. PAPALIA:** In 2009, when I was the shadow Minister for Local Government, it was anecdotal evidence because there had not been a more recent update than 2006. It was suggested to me that something like 50 per cent of councils did not have an infrastructure management plan or an asset register. This is why the process was so self-defeating. Some things came out of it ultimately but it was not the initial objective. The initial objective was to reduce the number of councils and force them to reduce. In so doing, the government compelled the councils to jump through a whole series of hoops that kept changing. The targets kept changing.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

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They had to produce asset registers and provide infrastructure maintenance plans and the like. Ultimately, that came about over a period of about a year and a half. It was not the stated intended objective at the outset. The intended objective was to reduce the number of councils. The way it was rolled out was bizarre. I could not understand it, and I do not think I was the only one. I do not think many people in Western Australia could understand what the intention was. The only time the Premier spoke about local governments, his only objective seemed to be to reduce the number of councils, as though that would magically make everything better. There is no evidence to suggest, particularly in some regional areas, that better outcomes are achieved through a council spread over a greater geographical area. If there had been evidence, and if the Premier had presented it, people might have understood what he was trying to achieve. However, the Premier did not ever bother to do that.

As I have said, that was pulled from the dot points of a speech that was made in early 2010. How many iterations has this process been through? I think there were three more after that one. That was the first one. That started in Exmouth in 2009. There was the Robson review. However, before that, I thought there was another one. I have lost track of the number of different attempts —

**Mrs G.J. Godfrey:** There was also the SSS report.

**Mr P. PAPALIA:** That systemic sustainability structure report was done when we were in government.

**Mrs G.J. Godfrey:** Local government decided not to force reform and said it would do it itself, but it did not do anything.

**Mr P. PAPALIA:** That is the thing. The local government sector had engaged in the process of the SSS report. I was there when the Western Australian Local Government Association briefed us in late 2008, shortly after we had lost the election. A Local Government Managers Australia conference was held in Fremantle, and there was a discussion about adopting the objectives of the SSS report. The objectives were to reform from within by encouraging the amalgamation of councils over time in a collaborative and cooperative fashion, if that was deemed to be the best outcome. WALGA signed up to that. It was pretty significant that the entire local government sector adopted that approach. However, that was abandoned in February 2009. The moment that was dropped, we did not have a framework, and every time the government tried to put forward a framework, it became too difficult and resistance built up, and it was abandoned.

**Mrs G.J. Godfrey:** That is because local government wanted the state government to give it a plan, and it came up with the Robson report.

**Mr P. PAPALIA:** I agree. Local government wanted the state government to give it a plan, but it did not get one. A plan was presented, but it was unpalatable to a large number of local governments, and the state government backed off. There was also a lot of rhetoric around how the state government was going to force local government to do certain things, and that added to the uncertainty.

[Member's time extended.]

**Mr P. PAPALIA:** This bill is the final step, I guess, in the whole process. I have to tell the minister that I was not happy that we are giving the minister any sort of concession. Personally, I think that this process has been so mismanaged, disruptive and costly that I did not see any value in the opposition assisting the government to get some sort of dignity out of this whole process. However, cooler heads than mine prevailed, and the shadow Minister for Local Government said yes, we will support the bill, but we will do it in a responsible fashion, and we need to make some changes to the bill. That is particularly post the embarrassing situation in recent times with regard to gifts and disclosure. The amendments that are proposed by the opposition I think are quite reasonable. They reflect the views of the Western Australian community, particularly after the flurry of media focus on the disclosures by the Lord Mayor of the City of Perth. They will also provide for reform within the local government sector more broadly. However, I am concerned that the government has indicated that it is not prepared to agree to the amendments that have been proposed by the opposition. The government is doing what governments frequently do; that is, say that the opposition has made a good suggestion, but then reject it and come up with its own amendment and suggest that is a better version.

**Mr P.C. Tinley:** Plagiarism and incompetence!

**Mr P. PAPALIA:** Yes, plagiarism!

As has been stated publicly by the Leader of the Opposition and the shadow Minister for Local Government, that is not good enough. We will accept some of the amendments that have been suggested by the government, because that may enable us to end up with a good result. However, with regard to a couple of clauses in the bill, we will not accept anything other than the government's agreement to our proposal. Clause 20 is one such clause. Clause 20 refers to the enrolment eligibility of businesses. We will not be supporting clause 20. We stand firm in our opposition to that clause and we will not be accepting it.

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**Mr A.J. Simpson:** Why will you not be supporting that clause?

**Mr P. PAPALIA:** I will let the shadow minister make the argument. During the consideration in detail stage, we will go into the specific reasoning behind our opposition to that clause. I understand that we will be supporting the other clauses that the government is seeking to amend. The government has sought to amend its own bill, having received advice from the opposition, and we accept that.

**Mr D.A. Templeman** interjected.

**Mr P. PAPALIA:** The member for Mandurah wants a fee!

There are a couple of clauses on disclosure. This might reflect public discussion on disclosure, probably led by the Mayor of the City of Vincent more than anybody in recent times. We support the amendments to insert new clauses 36A and 36B, which will seek to amend proposed sections 5.78 and 5.82. We also have difficulty with, and will be opposing, clause 37, which proposes to amend clause 5 of schedule 2.1. I assume the minister has been advised of this, because it is on the notice paper. I am familiar with the reason for our opposition to that clause and am quite comfortable in relaying that to the minister. We see clause 37 as a stealthy way by which the government can prepare the ground for the future inclusion of Burswood peninsula in the City of Perth. We assume that is what that clause is all about.

**Mr A.J. Simpson:** Let's have a look at the history here.

**Mr P. PAPALIA:** The minister knows where we stand on this amendment. We stand with the people, who rejected the minister's entire amalgamation process, based primarily on this point.

**Mr A.J. Simpson:** No. The Local Government Advisory Board rejected the proposal by the City of Belmont to take Belmont racecourse and said the river was a natural boundary.

**Mr P. PAPALIA:** Look at the wording of the amendment, minister. It states —

After Schedule 2.1 clause 5(2) insert:

- (3) In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.

There is all manner of opportunity for interpretation of the phrase "special significance". If I were a suspicious individual, I might suggest that that could easily be used as a means to determine that the special significance of the City of Perth dictates that its boundary must be expanded to take in the Burswood peninsula.

**Mr A.J. Simpson:** One of your amendments—the member for Victoria Park mentioned this one—is that the City of Perth can move the boundary only through an act of Parliament. Is that right?

**Mr P. PAPALIA:** Yes.

**Mr A.J. Simpson:** Just to clarify it, we do not use the advisory board, and we do not go to the public—the government of the day will decide what the boundary will be, regardless of input from the community.

**Mr P. PAPALIA:** If anyone wanted to change this boundary, they should bring it to Parliament. Do not do it surreptitiously or sneakily. Do not be slippery about it. Do not allow a clause to be injected by stealth into the bill so that at a later date, when it suits the government of the day, it can just change the boundary.

**Mr A.J. Simpson:** The advisory board will have the final say.

**Mr P. PAPALIA:** Who appoints the Local Government Advisory Board?

**Mr A.J. Simpson:** WALGA and the government.

**Mr P. PAPALIA:** Minister, who really appoints the board? Come on, the minister can be honest with us! Who appoints the Local Government Advisory Board?

**Mr A.J. Simpson:** It worked so well for me! The independent advisory board did everything I wanted! I must remember that.

**Mr P. PAPALIA:** I concede that the minister had a few problems with the process, but that is not related entirely to the Local Government Advisory Board. The process was so mismanaged from the get-go that it was doomed to failure. That was prior to the minister getting the portfolio. There were many different versions of the amalgamation process, even by the time the minister caught the football—the hospital pass—immediately after the election. Having been such an ardent critic of forced amalgamations prior to the election, it was interesting that the minister then received the local government portfolio after the election. Someone might make the observation that that was a calculated move. The minister caught the football, but by that time the whole process

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had already been so maligned and undermined that it was never going to succeed. From that moment on, there was never an opportunity for the minister to regain the trust of people in the local government sector, most of whom had given up by that stage. Although not all of them had given up, because as the minister knows a significant number of people were drinking the Kool-Aid and had participated in the process right up to the point at which they had even agreed to amalgamate but, as everyone else had held on, the government abandoned the process and they realised they had been done over. If the minister asked them now, they would think the whole process was an abject failure.

**Mr C.J. Barnett:** They failed to undertake the reform they promised. They were incapable of reforming themselves; they turned on each other.

**Mr P. PAPALIA:** It was about the discussion, Premier. I was reflecting on the 2009 discussion, which was pretty aggressive. What upset and angered them was the government abandoning the position it had held only a few months prior to that time. Those councils had already agreed to reform. The government squandered an enormous amount of goodwill. In 2006 the systemic sustainability study process had commenced. An agreement was reached in 2008, just before the election I think it was—it may have been earlier—so they had finally come to the point at which the Western Australian Local Government Association had signed up to reform. That was a pretty extraordinary achievement but the government abandoned that process in 2009 and started talking about forced amalgamations. That was a threat. That might have been the stick, but there was not much carrot associated with the discussion. The problem was that by the time the current Minister for Local Government got the portfolio, there was nowhere for him to go because there was no more trust and he needed a degree of buy-in from that sector.

**Mr C.J. Barnett:** This is an example that came to me several times: what do you do when a local authority says, “We know you’re right, but we can’t do it; you’re going to have to do it”? That was the consistent response.

**Mr P. PAPALIA:** That might have been one local authority, Premier. Does the Premier know what I think was the final nail in the coffin? It was when the Premier gave up on the country and said that the only councils he would force to amalgamate were city councils. That was duplicitous. Prior to then, the whole process had been about reducing the number of councils. I was at the WALGA conference at which the Premier said that small councils were unsustainable and they had to go. The vast majority of small councils are in the country!

**Mr C.J. Barnett:** That’s right.

**Mr P. PAPALIA:** The Premier gave up on the country and said he would not focus on them, but would only deal with the metropolitan area. That was unfair.

**Mr C.J. Barnett:** I said we were going to concentrate on the metropolitan area, where nearly 80 per cent of people live.

**Mr P. PAPALIA:** No; the Premier was forced by the National Party—this strange relationship the Liberal Party has in government with the National Party, which seems to be in a difficult position right now—to concede that he would not go near the country. If the Premier had gone to any National Party conference, he would know they were passing motions saying, “We’re opposed to forcing amalgamations of local governments.” The Premier’s government partner—people sitting in his own cabinet room—were opposed to the whole process. That looked to anyone in the metropolitan local government sector as being unfair and not sustainable as a process. How could the Premier apply that process using the suggestion that small councils were unsustainable and they needed to be amalgamated to make them sustainable and then not even deal with the 30 or 40 small councils in the wheatbelt? It just did not make sense, and it was not fair. Unfortunately for the minister, he ended up carrying the can and having to front up to people who no longer trusted the government or the process and who had left it sometime beforehand. This bill will give the government something out of the entire process and the tens of millions of dollars that have been squandered and probably much more than that in the way of in-kind contributions from local governments, because I know the government did not calculate the many millions of dollars’ worth of time that local government officials spent on the numerous processes since 2009. At the end of it all, this bill will be passed only if the demands of the opposition with respect to those two clauses are acceded to. The opposition does not want to back down on those things. As I said, we think the government’s first goal is clearly about trying to grab the peninsular, and I am sure the shadow Minister for Local Government will explain the second goal more thoroughly, but it relates to re-enrolment processes for businesses.

**MR P.C. TINLEY (Willagee) [4.45 pm]:** It is great to make a short contribution to the City of Perth Bill 2015. I am pleased that the opposition will support this bill, because it allows me to make a contribution to its passage.

**Mr D.A. Templeman:** Conditional support at this stage!

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**Mr P.C. TINLEY:** I thank the Whip—it is conditional support. Debate on this bill will allow the opposition to progress what the government should have been attempting to do as it went through the tortuous local government amalgamation process that cost a lot of time, money and anxiety for a range of people, including the government. I think the minister has gone grey before our very eyes during the progress of this bill. It is a very distinguished look.

**Mr C.J. Barnett:** I would not be surprised, to be honest. Let me place on the record for 10 seconds that some of the personal insults directed at the minister by local authorities were just awful. They have lost my respect for that personal attack on the minister, which they repeatedly did. I know the member will not, because he is a decent fellow.

**Mr P.C. TINLEY:** I note the Premier's point, and in all places and at all times in public life we should all be at least chastened and show some sort of humility and decency for other people, if nothing else in a professional sense. I, too, join the Premier in severely condemning anybody who would make a personal attack. I know things get pretty heated in these affairs, but they should always be on a professional basis and there is no room for personal insults, but the minister is a tough man! He is not only an erudite man but also a tough man, and he has had to endure the slings and arrows of local government as well as the barbs of the cabinet, and no doubt each and every member of the party room would have come to him either individually or collectively voicing their concerns in small or loud voices. The member for Belmont might be one of those people who gave the minister a particularly difficult time.

That process is finished. We see today the remnants, if you like, of that local government amalgamation attempt today in the City of Perth Bill, which will pass with the conditional support of the opposition. It is really important, from my perspective, that this bill progresses the aspirations of people in the state of Western Australia and what ambition we hold for the future not for the past. The City of Perth, as has already been identified, holds 79 per cent of the population of Western Australia, which cannot be ignored. Notwithstanding the ambitions, issues and opportunities we may find from time to time in regional Western Australia, we should never lose sight of that large percentage of the population, and just because they are not numerically superior in geographic area does not mean their issues are any less valid. A true application of equity would see that their needs are also met.

The point I make is that the ambition of this bill is to identify Perth as a central lead, if you like, in so many things that we want to achieve or the aspirations that we might have for the state. It is a well-known fact that, in a globalised world, people typically do not talk about jurisdictions, states, provinces or the like; they typically talk about towns and cities. For example, we do not talk about France; we talk about Paris. We do not talk about England, typically; we talk about London. We talk about New York and Los Angeles. These places are iconic in their contribution and their position globally for a range of reasons. San Francisco, for its own particular reasons, and Beijing, which is of more particular interest to us, are locations with a particular intent, I suppose, or evocation of the ambition of those particular places in those countries and what they may contribute to it. If we stepped outside of Western Australia and stood in countries to the north and put ourselves in the shoes of our neighbours, we would look to Perth and wonder what Perth might represent. That is what I think this bill is attempting to do, and I will make some comments in a moment about how far it does not go. If I were standing in Jakarta and I looked to Western Australia and Perth, the typical thought I might have—I would be projecting here—is that it is a mining town; it is an oil and gas resources town that is world class and a world leader in so many areas of mining resource development and all the associated technology that goes with that.

The issue with this bill that I want to talk about is the idea that a concentration of effort in a particular city is emblematic of those wider ambitions of the state. The minister said in his second reading speech —

This bill contains a number of provisions to enhance the City of Perth's status and the role it plays representing the broader metropolitan Perth area.

I do not think that goes far enough. Why would Perth city represent the Perth area? To me, Perth city, in the context of a global position in a true market sense, represents Western Australia to the world. During the world sailing championships conducted in Fremantle a few years ago, I, as a Fremantle boy, had to suffer the sight of the word "Perth" in big white letters as the backdrop for all the television cameras to see. It was an international event and it was galling for the member for Fremantle and the people of Fremantle to see the label "Perth", but they did not understand that, for a global audience, Fremantle did not resonate; Perth resonated. That is where this bill does not go far enough. The point I make is that if we are truly keen to understand the connectivity that comes from a critical mass of humans living together in Perth in an isolated state such as Western Australia, we must understand that we are trying to present a global brand to the world in order to attract the sorts of things that we want to attract. Of course, foreign direct investment is not new to Western Australia. Since 1965 or 1968, the large lumps from the exploitation of the iron ore in the Pilbara and from the gas fields later on in the 1970s

have allowed Perth to be identified as a destination for foreign investment. There was very much an open-for-business approach through the goodwill, leadership and sheer determination of several leaders of this state to make sure that it came to pass. That same intensity is required to take the step change needed in Western Australia for Perth to step up to its full potential as the global leader of the brand for Western Australia.

For the people in the regions who are hearing only Perth-centric issues, my point about Fremantle is probably played out larger and louder in the regional towns of Albany, Bunbury, Geraldton, Kalgoorlie and all those places beyond. One of the things that we must impress upon those regional areas—I hope through the good agency of the Nationals—is the importance of a cascading effect if we get it right. Let us take tourism as an example. The airport at Busselton has been expanded to take larger jets. None of the airlines would look at Busselton as a destination because all they would see is that they would be taking off a load share of the tourism market that already comes to Perth anyway, unless they were developing a new market. If a critical mass of tourists came to Perth and saw Perth as a global brand, there would be a natural flow-on effect. The people in the tourism sector—I am indebted to the chief executive officer of Perth Airport, Brad Geatches, who highlighted this for me—talk about the idea that second and third-time visitors or friends of first-time visitors look for experiences beyond Perth. The growth of regional towns or regional tourist destinations will come when we get the critical mass of Perth right and when people from the east come to Perth as a destination and look for other experiences and opportunities. If we get small, short-haul aircraft moving to these regional towns, eventually they will grow, particularly the south west and those areas that are easy to get to and have a variety of opportunities for people to experience a fantastic lifestyle.

The other point to make about this critical mass argument is that Perth is a prosperous city. In my view, it is very important that we create a sense of creativity and a sense of energy that will promote the brand of Perth as a prosperous place to do business with global connections. We need look only at where we sit in the time zone, and we have talked ad nauseam about this. Sixty per cent of the world's population live in our time zone. Quite interestingly, the argument against—dare I raise this issue—daylight saving is that we live in the same time zone as our business is done, so even though three hours is a big jump, why should we particularly care that we do anything other than be aligned with our customers to our north? Everybody knows that the top 20 companies on the ASX have their headquarters here. The top 300 international companies have their offices here. The biggest value on the ASX by sheer volume of capital is Perth, Western Australia. It is the place to do business. It is the place for connectivity.

It is quite interesting when I go to some things at the various mining houses and resource companies. Chevron is a good example. It is like walking into the United Nations. There is a variety of nationalities inside those companies, particularly the oil and gas companies, and there is a global movement of expertise that is extremely portable, and we should never lose sight of the fact that it is mobile and will go if we let it and do not chase it down. Of course, included in this is the idea of a liveable city. Perth needs to continually attend to the idea of how people want to live in this built-form environment. I go back to the tourism point. This was explained to me by somebody in Beijing, of all places. We think that tourists want to see things—that they want to visit things and have experiences. They go to New York to climb the Empire State Building and do other things, or they go to other iconic cities such as Sydney to see the Sydney Opera House and do those sorts of things. When I asked this particular person what was unique about Western Australia, he said, “Nothing. Nothing is unique about Western Australia.” I had a quizzical look, because he was being mischievous. He said, “Yes; nothing. You have a blue sky and you have nothing but space between people.” We are promoting space, blue skies and area in Western Australia. The same applies to this legislation and the idea of a liveable city. Initiatives such as our bike infrastructure plan absolutely have to be front and centre of what we might want to describe as a liveable city. We are well off the pace in keeping up with world standards in those areas.

Finally, that brings me to round out on education. Education is our second most important sector. We have a significant challenge in Western Australia to improve our standing in the global attraction of talent to our schools. We do very well, relatively, with our positioning nationally for undergraduate courses, but we could always do better and there is always more room. In postgraduate studies, we are fourth in the order of march, and behind by a long way compared with New South Wales and Victoria. In per capita terms, we are probably closer to fifth than fourth in attracting foreign postgraduate students—I am talking about Masters and PhD students—who are particularly important. We are also finding from talking to educators in Perth that we are experiencing a funny effect whereby people from Indonesia and other Asian nations who have done undergraduate courses here are flying over Perth to Melbourne and Sydney to undertake postgraduate courses. It belies logic that we can get them for undergraduate courses, but we cannot seem to attract them for postgraduate courses in great numbers.

I said before that this bill does not go far enough. In my view, it is short-sighted to talk about Perth city in terms of the CBD and inside a metropolitan area. Although I believe that the City of Perth should have particular legislative attention, we should also have a far wider view of Perth nested inside and leading as the primary

brand for Western Australia. I am talking about things such as how long it takes to get a simple cafe, a small business, approved. I note that we are losing ground—for example, New South Wales reduced a seven-step process to get a cafe up and running in the Sydney CBD to a three-step process. We take far too long to do that. The 10 objects identified in this bill do not attend to any of those issues. Although the objects are interesting, they are too generalised in my view and I would hazard a guess in some cases that they could be called motherhood statements—as they say, just once over lightly. Where are the objects? Bear with me; I might seek a short extension or a normal extension.

[Member's time extended.]

**The ACTING SPEAKER (Mr P. Abetz):** I can give you a normal extension—a 10 minute one.

**Mr P.C. TINLEY:** Mr Acting Speaker is so generous.

Clause 4, "Objects", states —

(a) to recognise, promote and enhance —

- (i) the special social, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and
- (ii) the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level;

That is fine and of themselves the objects of the bill are no great problem; however, they do not describe in enough detail the sorts of expectations or outcomes that need to come from this legislation. I would have thought that in this bill or by regulations, which we can amend more easily than the body of a bill, we would have made reference to issues such as the quality of service provided. I wonder about the role of a state government by which local government is formed under an act. Why would we need a Western Australian parliamentary committee to oversee a committee elected by the electors of Perth? Why establish a committee to oversee another committee? Why not have a relationship like we have with every other local government—obviously a little more nuanced and specialised, I suppose, given it is a capital city—and the minister perform the functions of the executive arm of government that he currently performs and, importantly, does that in a way that enhances the outcomes and the effects that we want to achieve? Unfortunately, although this legislation refers to boundaries and the like and very functional things, it misses the aspirational desire and the aspirational objectives that I believe we should have that attend to the four key areas: a global city, a prosperous business destination, a liveable city—I am talking about the entire metro area—and, of course, an education city. I note that in the second reading speech the minister talked about the University of Western Australia as the oldest and most prestigious university in Western Australia. Minister, there are four other universities in Western Australia that I think would take exception to that particular claim. If we had a singular view of Perth as a brand, we would go out of our way to promote the whole and not the sum of the parts, or even some of the parts. I want to conclude that Perth as a global brand needs nurturing, investment and development to a point at which it absolutely wins world-class attention, because once it does, many, many things will flow from that.

**MS J.M. FREEMAN (Mirrabooka) [5.06 pm]:** I rise to speak on the City of Perth Bill 2015. I note at the outset that this bill is the ultimate piece of legislation that came from a long and protracted local government reform process. As the member for Mirrabooka, that process seemed to take away from the residents whom I represent in Mirrabooka, Balga and Westminster a whole set of resources, because there was this massive dispute over maintaining Mt Hawthorn, Mt Lawley, areas near Wembley and other areas such as that in their local government area. Thankfully, nothing happened to the City of Wanneroo, so we did not have the same sort of resource intensiveness in suburbs there. As someone representing people in my area, it seemed to me to be a good—or bad in that fact—representation of how badly managed the process was. People who really did not need to be concerned about the outcome of the process, because their council was going to be maintained, had a global view, and certainly had a view in terms of whether the process would deliver better rates, services and efficiencies in local government, suddenly had resources and councillors' attention pulled away from them. From the perspective of the residents of the City of Stirling I represent, it had a very detrimental and negative impact. Basically, for a couple of years, the local government was not focused on the important things such as their town planning and other issues. That is not to say that the council wanted to do that; it is just that it only has so much capacity. Councils' capacity was taken over by a fight that they should not have had to take on about an issue that could have been dealt with so much better around the principles that came out of the Robson review. A collaborative process would have led to benefit for all residents in the community—both those whose councils were to be reconfigured and those who were to have no impact upon them.

It is worthwhile putting on record that that failed process had an impact throughout communities. The impact was on not necessarily only the communities that were directly impacted because the configurations of the new

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councils were going to have a direct impact on them, but also the communities that it did not have a direct impact upon and which suffered from a process that pulled resources away from them.

I hope that when this bill is enacted, which obviously remains to be seen because a number of amendments are needed to ensure that it meets the needs of the community, it will encourage the Perth city council to go back and focus on rapid transport to Mirrabooka. Although the council criticised the Metro Area Express light rail route, it certainly did not state that it did not want light rail in the area. The council was part of the process of light rail being talked about so it would be good for it to hold the government to account over its 2013 election promises around light rail into that corridor of the city that is in such need of rapid transport.

I want to congratulate the Perth city council. I went to the mayor's swearing-in and I was extremely impressed to find out that over 50 per cent of the councillors are women. Clearly, being a councillor is prestigious and it adds to a person's profile and the aims and objectives they want to pursue. It is an interesting aspect to think about how our city council attracts women to take on the arduous task of the many meetings and juggling the many differing demands on their life. We can compare it with other councils—there are 138 councils. If we take out Perth city council, there are 137 councils. From my understanding, and certainly from some things the minister has said in this Parliament, the representation of women on those councils is appallingly low. That is a concern considering what diversity women bring. The reality is that all members of our community bring different perspectives. Women and men bring different perspectives because they often have different lifestyles and different ways of dealing with issues in their community. Women tend to be the predominant volunteers in the community. It is not that women do not have the capacity for input and being involved. Either they are not putting up their hands or they are not getting elected. Not having that sort of diversity and representation is of grave concern in the greater Perth area, and certainly the greater state.

Another thing that I congratulate the Perth city council on is its diversity of councillors. Not only were more than 50 per cent of the councillors women, but also it had someone from a Chinese background and, I think, a Greek background and a Taiwanese background. Obviously, there were other people who came from a more traditional Anglo-Saxon Protestant background, as I like to call it, or Western Australian-settler background. That is pretty impressive. I am sure that is not reflected in a lot of our other councils. However, it would be really impressive if our City of Perth council had an Aboriginal council member. It seems to me that we have missed an opportunity with this legislation before us. It designates that a mayor is directly elected, but there could have been some discussion around the first people of the nation—the people who would have settled along the banks of the Derbarl Yerrigan—having some representation in the forthcoming history and development in the City of Perth. I think an Aboriginal council member would have had a great input.

I recently went to Wellington. As people who have travelled to New Zealand know, wherever people go they get the Maori names of places and lots of the stories behind them. There is an opportunity here—a missed opportunity—to frame our city. Part of that could have been embracing our heritage and our history by making sure that a person of Aboriginal Noongar descent—most likely—was elected to the council. Perhaps that might not be done through an elected position; I am not suggesting there are no other ways. The legislation sets up the City of Perth Committee to have a Premier and their nominee, and a minister and their nominee, and the mayor. If the government is going to have this City of Perth Committee, there will be a Lord Mayor and a Deputy Lord Mayor. If the government does not want to have something too radical such as a quota to elect someone of Noongar descent, why could it not also have someone as a representative on that committee from the South West Aboriginal Land and Sea Council? It only meets twice a year and, as I am looking at it, it does not seem to have any formal role in voting. It could be done as a collaboration and a forward-thinking way of looking at how the community wants to operate with the state government in the City of Perth. We all stand up in here and say how great the recognition of Noongar people is in the Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015, but then we do not do anything to actualise that. I want to put on record that I think it is a great opportunity lost.

Then there is this juxtaposition that, in the same bill, business occupiers are given a right to vote in perpetuity. It reminds me of that whole idea of “vote early, vote often”. The bill does not recognise the first nations people; we will not recognise the opportunity that we have to recognise them within the City of Perth—in the heart of the legislation for the City of Perth—to show our commitment to the first nations people who the settlers took the land from. We will not do that; however, we will make sure that business occupiers, once they have enrolled and made their two nominees, can keep voting pretty much in perpetuity until someone comes along and it is swapped because someone else puts their name on that particular property. As I understand it, and the member for Midland explained this very well, business occupiers will have two nominees. If a new business comes into that same premises and takes over, if that new business does not make new nominees, the two nominees or the business occupiers will stay in perpetuity. For example, let us say that it is a large real estate company with a prominent position in the City of Perth that has the two nominees; it gets to keep those nominees even though

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those business occupiers are not there any longer. Suddenly, these two people who have a vested interest in how the city develops and who maintain these two nominee positions and votes can vote to elect someone who may vote against or undermine an Aboriginal heritage precinct or another aspect of environmental need. If we are going to allow business occupiers to be able to continue their vote in perpetuity, it seems to me that that is ripe for the sort of stuff we have seen in New South Wales and other areas, where people become very despondent about how developers do not act in the best interests of the community as a whole, and more in their own interests.

The member for Midland outlined that there could end up being four votes out of one property—two owners and two nominees. That is a very powerful little voting bloc there, especially when we combine it with a first-past-the-post voting system and a no-ward system. If we get a few situations in which companies own a property, rent it out and keep the two nominees because they are happy to nominate the owner as the prominent real estate company in the area, thinking they are going to do the right thing, we will suddenly see these voting blocs that are really motivated by self-interest and are not necessarily to the benefit of the citizens of the whole area. We could say that that would go against the objects of the City of Perth Bill 2015, but it does not, because objects such as “to represent the community and encourage community participation in decision-making” are really aimed at the councillors, once they are elected, and they will think that they are doing that if they are elected by a certain grouping because they will see that grouping as being people within the City of Perth who have voted for them and to whose interests they are responding. It causes me great concern that that particular clause of the bill could be ripe for abuse by people using it in an incorrect manner.

**Mr D.A. Templeman:** Member, I hope the minister was listening to you because you’ve put a very good case there. I suspect the minister wasn’t listening to the case you were putting about why we’re opposing clause 20. Maybe his advisers might take some notes.

**Ms J.M. FREEMAN:** Would the minister like to interject on me and ask me to repeat my case against clause 20?

**Mr A.J. Simpson:** The easy part about clause 20, member, is that what we’re trying to do is give City of Perth ratepayers and voters the same as every other ratepayer in Western Australia. Currently, every two years they fall off the roll. If I point to the member for Belmont, who used to be the —what was the title, member for Belmont?

**Mrs G.J. Godfrey** interjected.

**Mr A.J. Simpson:** The rates electoral officer at the City of Perth for just on 10 years, and her and two other staff’s job was to manage the roll, so if we’re going to cut red tape, this would be a really good starting point.

**Ms J.M. FREEMAN:** We will still need people to manage the roll, because people come on and off the roll all the time. Two people are not really that many to manage a roll of that size. How many people actually voted in the City of Perth?

**Mr A.J. Simpson:** It was 25 per cent.

**Ms J.M. FREEMAN:** Was it 25 per cent of the roll? Beautiful!

This is not about ratepayers. We currently have residents and property owners who stay on the roll; these are occupier–electors, and predominantly they will be businesses. They usually get two nominees and I would think they tend to give those nominations to other people to cast their votes.

[Member’s time extended.]

**Ms J.M. FREEMAN:** I understand how this works. Obviously someone who is renting a house is already on the roll. If they are renting and they live in the City of Perth, they are on the roll and they become eligible to vote in the City of Perth elections without having to apply to be on that roll.

**Mr A.J. Simpson** interjected.

**Ms J.M. FREEMAN:** Yes. I represent a pretty diverse part of the world and during council elections I ask quite a few of the people who hold permanent residence visas, “Did you know that you can vote in the council elections?” They say, “No, I didn’t”, and I say, “This is how you go about doing that, if you’re interested”, because they can get a vote. I have not seen a lot of that in the City of Perth and I have not seen a lot of it in the areas that are going to be taken in around the University of Western Australia, Crawley and Princess Margaret Hospital for Children, so I am not convinced by the minister’s argument that this is because he has suddenly grown a social conscience for permanent residence visa holders. I am saying that he has developed an interest in businesses being able to get themselves two votes and to hold onto those two votes in perpetuity, unless someone else comes in. That is what the Liberals always do; they always look after their business mates. This is just the minister looking after his business mates, just like he always does and just like he always will. This is not about

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people power or about giving people any greater representation, otherwise the minister would have taken the opportunity to look at the first nations people, the Noongar people, in the context of this legislation. If he really cared about different inputs into this legislation, he would have said, “We think it’s great that the City of Perth has different percentages of people, great gender equity and great diversity.” If he were really going to be at the forefront, avant-garde cutting edge of making the City of Perth reflect its population diversity, he would have done this in a completely different way. All clause 20 does, in the main, is give businesses that are occupier-electors the capacity to nominate two people to those other areas.

I think that is worth knowing. It is interesting, though, that the minister talked about that in terms of businesses, because I want to talk about a business owner within the City of Perth that, in fact, I think I introduced the Premier to—the cupcake business owner. I cannot remember where we were, but I recently introduced the Premier to the owner of the cupcake business down on William Street. Because of all the building, he has had a lot of problems. They are a lovely Afghani family that have lived here since the 1980s, so they are from an earlier wave of migration. It was the Mirrabooka Senior High School graduation ceremony, and they wanted photos with the Premier!

**Mr C.J. Barnett:** We don’t usually hang out together!

**Ms J.M. FREEMAN:** No, not very often, Premier!

I introduced the Premier to this family, who have been here since the 80s and have struggled to establish and run businesses. They want to do the best they can, so they are down there on, I think, William Street, with their cupcake business. First there were building works that changed the traffic direction one way and then it changed the other way. The City of Perth said to them, “It’s all going to be finished by July.” They bought the business in April on the basis that the works were to finish in July; I do not have the specific details, but it was something like that. I want to put this story on the record because if we are going to look at these objects, these are the sorts of things that the City of Perth needs to address. These people bought the business and saw the documentation from the City of Perth to the effect that the roadworks would be finished within a couple of months after they bought the business. The roadworks were then extended because of some difficulties for a further six months—not a month, not two months, but six months. They wrote to the council and said, “Look, we’re not getting any passing trade because you’re doing so many roadworks. Can’t you help us with our rates? Can’t you give us some discount on our rates or some sort of compensation?” The City of Perth said no. I wrote to the city and said that it just does not seem fair. These people bought the business on the basis that they saw the documentation from the city that indicated the roadworks were going to be finished. They are establishing a business; they are in that most important early stage when a business needs to get cash flow. They knew that they would not have cash flow for that period and then suddenly the city got an extension of six months for the roadworks. I wrote to the city and said, “Isn’t it worthwhile you doing something here?” The city replied that it was not going to do anything and said, “They knew. They saw the works. We’ve informed them.”

**Mr A.J. Simpson:** Did they exercise their right to vote in the City of Perth local government election?

**Ms J.M. FREEMAN:** Just recently?

**Mr A.J. Simpson:** Yes, because they are a lessee of the shops.

**Ms J.M. FREEMAN:** I do not know. I have the sort of background that I love to get people activated and make them activists, but it is really hard as a state member of Parliament to know how to do that without politicising it. My understanding is that we are not supposed to get involved in politicising the council. To tell the minister the truth, in this case I did not speak to them about that. However, I did speak to people and businesses in the area that I represent, because they need to know what they can do. I certainly spoke to people who are on permanent visas and told them that they could exercise their right to vote and that they did not need to be —

**Mr A.J. Simpson:** Back to the cupcake shop, did they contact their local councillor, who can say, “This is my problem, the passing trade.”

**Ms J.M. FREEMAN:** I always tell people to contact their local councillor.

**Mr A.J. Simpson:** Obviously then they have to vote in that election. They could have said, “We need to vote for somebody.”

**Ms J.M. FREEMAN:** The minister is right. I probably should have got them to vote and make their two votes heard and get a nominee from everyone around them. They certainly tried really hard, and the people next to them tried really hard, but there was nothing open to them.

The other thing I want to talk about is how ruthless the City of Perth is about parking tickets. I do not know what it is like in South Perth, but in the Cities of Stirling and Wanneroo, if a person can give a good case why someone was parked where they were and the circumstances around it—I know the City of Vincent does this,

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because I have written a reason for my son—they will waive it on the basis that the person does not do it again. The council will say, “Don’t come back and try this again on us.” They will waive it the first time but the City of Perth will not.

**Mr C.D. Hatton:** What about Subiaco?

**Ms J.M. FREEMAN:** I do not know what Subiaco is like.

A young woman who went to John Septimus Roe Anglican Community School was performing in the choir at St George’s Cathedral but was running late, as 17-year-olds do, and she parked where she could find a parking spot. She was rushing so she did not look closely and when she came back, not long after having got her licence, she got a parking ticket, which means she had grief with her parents. They came in to see me, because that is what people do—they come to see their local member when they get a parking ticket—and I said, “There is not really much we can do.”

**Mr J.E. McGrath:** Some of us could pay the parking fine for them!

**Ms J.M. FREEMAN:** I am not going to do that. That is not going to happen!

I wrote to the city and said, “Think about this.” The council did not even think about it. It was done. If we are trying to create a community and a city, there needs to be some give and take in the Perth city council.

I want to talk about two other things. In clause 8(1) of the bill, the “Objects of the City of Perth” include —

- (b) to represent the community and encourage community participation in decision-making;
- (c) to provide a safe, clean and aesthetic environment for community members, people who work in the City of Perth, visitors and tourists;

It goes on with all these great objects, including to nurture and support the initiatives and to develop and maintain collaborative inter-governmental relationships. Are those objects in the Local Government Act? Can I go to the local government that covers the people whom I represent and say, “These are the objects and I do not think you are meeting them”? Are those sorts of objects there? Why should the privilege of those objects be afforded only to the City of Perth CBD? Why are the privileges of those objects and that capacity to deliver to a member’s community not also in the objects for general councils? I agree with the member for Willagee that we really missed out when we talk about the City of Perth and that is all we are concentrating on. If we want to create that sort of collaboration and capacity, that is an issue for the whole of local government and the greater City of Perth. Certainly in my electorate, I have things such as Mirrabooka Bushland, which is getting more and more degraded because the City of Stirling will not take over the management of it because the state government is not going to pay the council to manage it. The Department of Parks and Wildlife, which used to be the Department of Conservation and Land Management, cannot manage it, because it does not have the capacity or the money to manage it. Mirrabooka Bushland is under the management of the Department of Lands and it is degrading. People are constantly breaking through the fencing to use it as a four-wheel drive dirt-bash area. It is a great piece of bushland that has important aspects to it, such as bird migration.

Before I finish, the whole concept that the government has to set up a committee by legislation to facilitate collaboration really shows to me that the government’s relationship with local governments is completely broken. If the government has to set up a committee that is only advisory and has no voting powers, it is broken.

**MR A.J. SIMPSON (Darling Range — Minister for Local Government)** [5.37 pm] — in reply: I thank the opposition for its support in the City of Perth Bill 2015 and the 16 speakers.

**Mr P. Papalia:** Don’t make too many assumptions!

**Mr A.J. SIMPSON:** Very good; the member for Warnbro is correct.

It was a good dialogue to have. I will touch on the last comment from the member for Mirrabooka on the City of Perth Committee. That was part of the process we went through with the City of Perth. One of its recommendations was to establish the City of Perth Committee. It really is an unusual time in the City of Perth right now because we have a lot of projects going on.

**Mr B.S. Wyatt:** Are you going to go to 6.00 pm, or not?

**Mr A.J. SIMPSON:** Probably not.

It is a very unusual time when we have a number of things happening in the City of Perth. The railway is being sunk and Yagan and Kings Squares are being built, as is Elizabeth Quay and the new children’s hospital. A lot of development is happening in the City of Perth. It is very unusual to have so many projects going on at once. Normally we would have only the odd one. It was a recommendation from the City of Perth to establish that

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committee so that there is a bit of dialogue. The legislation states that the committee must meet twice a year, but obviously it will meet as often as it needs, and right now I imagine it would be more regularly than just once or twice a year. That committee can meet with the Ministers for Planning and Transport over the new City Busport and all those types of things that go on within the City of Perth. It is in the legislation, but it is more about having a dialogue with the city.

There are a couple of clauses I want to touch on. I will table two large maps of the City of Perth because there has been a bit of discussion around the boundaries. It is a little bit hard to read the maps in the current legislation so I am happy to table these two large boundary maps of the City of Perth.

[See papers 3631 and 3632.]

I want to touch on a couple of issues and show why the subject of the river has come up a number of times regarding clause 17 and why the local government boundary is in the middle of the Swan River. There are a couple of reasons for this. Using the river boundary is one issue, but we must also keep in mind the change we have seen from East Perth, right through to Elizabeth Quay. There are also jetties and so forth that go out of the city's boundary and have to deal with a different authority, in this case with the former Swan River Trust. It does not want to do any activity out there. If that was put into the boundary of the City of Perth, it would give it authority to deal with any issues that might arise within its boundary. We also need to keep in mind that if in the future we were to build a jetty or put up a restaurant, regulations would need to be made to deal with food and other things—even things like dog laws—and planning applications would need to be made. This will give the local government the authority to deal with those issues. It does not take anything away from the current rules that apply to the Swan River. All the rules that are currently in place will remain in place. Over 50 years ago, the boundary of the City of East Fremantle was extended to the middle of the Swan River. That is similar to what is happening here. It will not impact on the jurisdiction of the City of Perth. Rivers and estuaries come under the Department of Parks and Wildlife. That will not change at all. We just want to ensure that we are moving forward.

We have had a reasonable amount of discussion this afternoon about clause 20. It was interesting to hear the comments of the member for Mirrabooka about the issue of the electoral roll. There is a different way of looking at this issue. If a person has a lease—a cupcake shop is a classic example—so long as they are registered to vote in a general election for the Legislative Assembly of Western Australia, they are eligible to go onto the electoral roll. That means that a lessee can nominate to vote in the City of Perth elections and have the opportunity to choose their councillors. The member for Mirrabooka said that we were trying to put people on the roll and we are just looking after our businesspeople. The other side of the coin is that a councillor in the City of Perth will have their friendships based around businesses and will tell them to nominate and vote for them so that they can look after their database. However, they do not let them fall off in two years, which will mean that no-one else can take hold of them; they go back and ask them to renominate. It is a very interesting situation. I know that members opposite will argue the case that they are only lessees and not permanent residents. However, that is no different from people in the suburbs who rent a house. They can nominate to be on the electoral roll, and they are eligible to vote in their local government elections. It appears that there is one rule for the City of Perth for shop owners and a different rule for people in the suburbs. As I pointed out to the member for Belmont, when she was in her former life for 10 years, she had to manage that role. It is quite complicated. The nomination falls away in two years and people have to renominate. This amendment came from the working group that was set up by the City of Perth earlier this year, and they agreed that we should not have a different rule for non-resident occupiers and they should remain on the roll like everyone else. We were happy to take on board that recommendation from the working group. There will probably be a bit more debate about that during consideration in detail.

Clause 27 seeks to repeal the City of Perth Restructuring Act 1993. Members may be aware that in 1993, the City of Perth was broken up into the City of Vincent and the Towns of Cambridge and Victoria Park. The repeal of this act will have no effect on the City of Vincent and the Towns of Cambridge and Victoria Park. Once those local governments had been created and the transitional arrangements had been completed, the restructuring act ceased to have effect, except for the provision that relates to superannuation, which has been brought forward into this legislation.

There was also a discussion about clause 29, which deals with the role and responsibilities of the Executive Director of Public Health. This refers to section 16 of the Health Act 1911, which provides that the Executive Director of Public Health and people authorised by the holder of that position may exercise any powers and responsibilities of a local government in any area that is not within a local government district. To clarify that, I will put on my hat as a former baker. When I had my bakery, almost every three months the local health inspector would inspect my premises and give me a report card and tell me what I was doing right and what I was not doing right. The health inspector is the most powerful person in a council. Health inspectors have the authority under the Health Act to go onto any site and inspect the premises. The Executive Director of Public

Health currently has responsibility for public health matters within Kings Park. It was the desire of all parties, particularly the Botanic Gardens and Parks Authority, that this position be maintained. An amendment could have been made to the Health Act to achieve this end. However, as the Public Health Bill 2014 is currently before the house, such an amendment may have been short-lived and would not have provided the certainty that is desired. In fact, the Public Health (Consequential Provisions) Bill 2014 includes a provision to amend the Botanic Gardens and Parks Authority Act. That provision is identical to this clause. All this clause serves to do is maintain the current powers of the Executive Director of Public Health when it comes to Kings Park. He has that exact same power now.

Under the Health Act, local government health inspectors have the power to inspect food premises, dog kennels, and anything to do with public health. That power is given to them by the Department of Health. The health inspectors in local government are given that executive power. A health inspector could walk into Fraser's Kings Park restaurant and inspect it; they are probably doing that as we speak. This will now come under the City of Perth. It does not change anything. It does not give the City of Perth the power to put a car park into Kings Park, as I read in the paper. I want to make that very clear.

**Mr J.E. McGrath:** Will they be inspecting the public barbecues and things like that?

**Mr A.J. SIMPSON:** That will be up to the Botanic Gardens and Parks Authority and its operations. I do not know whether the member has driven into Kings Park, but they have their own radar guns and can pick up people for speeding. That is how much power they have under their own act. They are a bit like Monaco. They have their own regulations to control speeding and everything that is done in the park. That will now come within the City of Perth, but by boundary only. All clause 29 will do is give the health inspectors the authority to do what they are doing currently. I want to clarify that. This clause will give no additional powers to the Executive Director of Public Health. The Executive Director of Public Health will have no planning or development powers. His or her powers are limited to protecting, promoting and improving public health in relation to Kings Park. "Public health" is clearly defined in the bill in clause 29, proposed section 44A, which states —

*public health* means the health of individuals in the context of —

- (a) the wider health of the community; and
- (b) the combination of safeguards, policies and programmes designed to protect, maintain, promote and improve the health of individuals and their communities and to prevent and reduce the incidence of illness and disability.

That covers that whole process. There has been a lot of talk about this clause. However, the Executive Director of Public Health has that responsibility as we speak.

The member for Mandurah asked whether businesses within Kings Park would be rateable by the City of Perth. Section 6.26 of the Local Government Act 1995 states that land which is the property of the Crown and which is being used for a public purpose is not rateable land.

Another issue that has been raised is signage and powers of the City of Perth over Kings Park. Clause 30 of the bill specifies that the only local laws that will apply to Kings Park are those made by the Executive Director of Public Health. The Botanic Gardens and Parks Authority currently governs Kings Park through regulations, and this will continue to be the case. The City of Perth will not have authority over the Botanic Gardens and Parks Authority and its operations. That is quite clear.

Members opposite also raised concerns about clause 37. There has been a bit of conjecture about the Local Government Advisory Board, which makes recommendations to do with boundary changes and boundary movements. I am happy to accept the opposition's request that this provision be removed from the bill, because I know this is a no-go area. I put on the record that in about 2007, the City of Belmont tried to take over Belmont Racecourse. The advisory board did a report and identified to the minister of the day that the river was a natural boundary. There was a proposal for Crown Casino and the new stadium to be part of the City of Perth, and again the advisory board said that the river is a natural boundary. The minister can only accept or reject the reports from the advisory board. I have been quite clear in saying that. I understand where members opposite are coming from. As the member for Warnbro pointed out, this may be just smoke and mirrors, because we pick the members of the advisory board and so forth.

I want to make a couple of other points about this issue. I understand the reason behind the proposed amendment that the boundary of the City of Perth can be changed only by means of an act of Parliament. I understand why the opposition would want to do that. However, I have to question that because, currently, the system of the Local Government Advisory Board is quite robust. It goes out for public submissions. It takes only 250 people to put in a submission to start a proposal. It is quite a good, I would call robust, way of dealing with boundaries and

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there is a lot of public input into that process. If this were set down in an act of Parliament, the government that is the flavour of the day would have the numbers to move for amalgamations without any input from local government, although I admit that would be a brave government. The current system has worked well, and in my time as minister, the Local Government Advisory Board has proved to be quite robust. I submitted all the boundary adjustments to the advisory board, but out of nine, I got only five. The processes are clear. The advisory board dealt with each proposal and gave it back to me. The system works fine; we can work through that.

The only other problem with the advisory board is one that I see quite regularly. For example, if a farmer has bought a paddock in an adjoining local government area, we tend to move the local government boundary so that he pays rates to one local government instead of paying rates to two. It is normally a fair deal between two local governments and it happens quite regularly; in fact, every other month I am signing off on one. If that were the case in the City of Perth and I wanted to move one lane of one road, I would have to come back with a complete boundary change, which would take up a lot of government time in dealing with the boundary adjustment. However, I take on board members' input on that.

In conclusion, the City of Perth Bill maintains the status quo with Kings Park and nothing changes in that process. The City of Perth and the Executive Director of Public Health have no greater or lesser power over the Botanic Gardens and Parks Authority than they do at present. The bill will recognise Perth as a capital city. Every other capital city in Australia has that recognition. The bill sets out the objectives and functions of the city, and establishes the advisory committee. Again, that was a recommendation that came from the City of Perth, which has progressed matters jointly with the state. The bill also removes anomalies in the current boundaries for our leading education and medical establishments. As members travel down Thomas Road they will see the children's hospital, Sir Charles Gairdner Hospital and a few other places that are medical research centres, which will all come within the City of Perth. The University of Western Australia is at the end of Thomas Road and the bill provides that the whole of UWA becomes part of the City of Perth. At present, the boundaries of the local government areas of Subiaco, Nedlands and Perth meet just outside Winthrop Hall. We have talked a lot about that over the years, but to this day it has not been resolved. One of the main reasons for bringing in this legislation is to change the boundaries so that the university has to deal with only one local government. Members should keep in mind that at present it is dealing with three local governments with any type of development application. The boundary changes in this bill will provide that our medical research centres, the children's hospital and Sir Charles Gairdner Hospital will be in the City of Perth.

I take on board the comments back and forth regarding the role of the Lord Mayor of Perth. This is an interesting part of the bill. The Lord Mayor of Perth has a number of roles in hosting international guests and quite often represents the state of Western Australia when dignitaries come from overseas. The bill defines the roles and responsibilities of the Lord Mayor of Perth and gives status to the Right Honourable Lord Mayor of Perth.

Clause 20 touches on the eligibility of voters, and we will probably need more discussion on this. That clause came about through a recommendation of the City of Perth on what it would like to see happen.

I will touch on the last couple of things to take debate through to six o'clock and then we can come back to consideration in detail after the dinner break.

I have touched on the issue of transparency. Accountability and transparency are very important. I stood up during Local Government Week and made it very clear that everything to do with local government should be transparent. The member for Cannington touched on the 2006 systemic sustainability study report, which recommended input from the Auditor General. This week, I said that we would start the process of bringing the Auditor General into local governments. We have put together a working group and are very close to bringing that together. The transparency and accountability that was recommended in the SSS report has probably not come about. All the information that the member for Cannington spoke about is available from local government but, as he said, it is not put out in the wider community or made available on the internet for the whole world to see, and people have to go through a process to get it. The government is trying to find some way to achieve that transparency. One of the key issues is to make sure that our local governments are accountable. The Auditor General conducts audits of over 200 government agencies. We also want the Auditor General to conduct performance reports and to rate each local government on how it is performing. That is something we need to do.

I take on board the opposition's comments during the second reading debate. I want to look at the issue of gifts and travel. I think that a couple of local governments have addressed that. We want to get that information out to the public. At the moment, the current local government return includes a section on travel and gifts. I think the world has moved on and instead of once a year declaring travel and gifts, it should be done on a weekly or monthly basis online. I think that the City of Vincent has already started that process. I am really pushing this more and more with the sector when I speak to them. If they put this information online and get a bit more

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transparency around it, it takes away people's suspicions that they are hiding stuff. Members of Parliament have to make annual returns. The sector should be leading back to the government and taking declarations on travel and gifts online. The Local Government Act 1995 clearly states that certain documents must be available at the front desk of local governments between the hours of nine and five, Monday to Friday, but that was before the internet, and local government needs to take that on board.

I would like to put the second reading of the bill to a vote before dinner, so I will sit down. I have received some advice that I have to read in a motion before the next level.

*Division*

Question put and a division taken, the Acting Speaker (Mr P. Abetz) casting his vote with the ayes, with the following result —

Ayes (37)

|                   |                    |                  |                                    |
|-------------------|--------------------|------------------|------------------------------------|
| Mr P. Abetz       | Ms J.M. Freeman    | Mr F.M. Logan    | Mrs M.H. Roberts                   |
| Mr F.A. Alban     | Mrs G.J. Godfrey   | Mr J.E. McGrath  | Mr A.J. Simpson                    |
| Mr C.J. Barnett   | Dr K.D. Hames      | Ms L. Mettam     | Mr C.J. Tallentire                 |
| Mr I.C. Blayney   | Mrs L.M. Harvey    | Mr P.T. Miles    | Mr D.A. Templeman                  |
| Mr I.M. Britza    | Mr C.D. Hatton     | Ms A.R. Mitchell | Mr P.C. Tinley                     |
| Mr G.M. Castrilli | Mr A.P. Jacob      | Mr M.P. Murray   | Mr B.S. Wyatt                      |
| Mr R.H. Cook      | Dr G.G. Jacobs     | Dr M.D. Nahan    | Mr A. Krsticevic ( <i>Teller</i> ) |
| Mr J.H.D. Day     | Mr W.J. Johnston   | Mr J. Norberger  |                                    |
| Ms E. Evangel     | Mr D.J. Kelly      | Mr P. Papalia    |                                    |
| Ms J. Farrer      | Mr S.K. L'Estrange | Ms M.M. Quirk    |                                    |

Noes (7)

|                 |                |                 |                                  |
|-----------------|----------------|-----------------|----------------------------------|
| Mr V.A. Catania | Ms W.M. Duncan | Mr D.T. Redman  | Mr B.J. Grylls ( <i>Teller</i> ) |
| Ms M.J. Davies  | Mr R.S. Love   | Mr T.K. Waldron |                                  |

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Pairs

|                 |                 |
|-----------------|-----------------|
| Mr N.W. Morton  | Mr P.B. Watson  |
| Mr J.M. Francis | Ms L.L. Baker   |
| Mr M.H. Taylor  | Mr M. McGowan   |
| Mr M.J. Cowper  | Dr A.D. Buti    |
| Mr D.C. Nalder  | Mr J.R. Quigley |

Question thus passed.

Bill read a second time.

*Sitting suspended from 6.02 to 7.00 pm*

Leave denied to proceed forthwith to third reading.

*Bill's Scope Extension — Motion*

**MR A.J. SIMPSON (Darling Range — Minister for Local Government)** [7.00 pm]: I move —

That the scope of the City of Perth Bill 2015 be extended to allow amendments to be moved by the Minister for Local Government to insert new clauses into the bill relating to disclosure of financial interests provisions in the Local Government Act 1995.

**MR D.A. TEMPLEMAN (Mandurah)** [7.01 pm]: I think I am allowed to speak on this proposal, but I do not think I will use 60 minutes! My understanding of this procedural motion is that it will allow for the scope of the bill to be expanded—specifically to enable consideration of amendments that are broader ranging in relation to transparency measures so that they will be for all local governments rather than focusing on the City of Perth as a unique entity. The opposition is supportive of the expansion of the scope of this bill for this purpose. I understand that this is the only aspect for this purpose, apart from some amendments that are contributory to the Local Government Act as it exists now, and the increase in scope will allow that to happen. We will get to the debate on the proposed transparency measures, and the opposition has put forward a number of amendments to them. I am pleased to see that the government has embraced the spirit of our original amendments and has proposed to expand them so that they relate to all local governments. We do not have a problem with that in

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relation to ensuring that all local governments in Western Australia are subjected to the same transparency provisions with regard to the disclosure of gifts, travel et cetera. The Corruption and Crime Commission report that was handed down some four weeks ago is still under investigation by the Department of Local Government and Communities in terms of its response to the alleged breaches of the Local Government Act by the Lord Mayor. Obviously, that highlighted the need for a much more transparent and, I think, a much more modern reporting process for elected members who hold an elected position within a council.

I would be disappointed if the sector responds to this in a negative way or talks about these proposed measures, which the opposition will be supporting, as being onerous in any way. I would be disappointed if that response is received, including from country and regional councils, which may use this as an excuse to say that this will be an onerous task. In the modern world, in twenty-first century Western Australia, the simple fact is that it is not an onerous request that a local government have a process that requires disclosures to be posted online, as the proposed amendments seek to do, and that information pertaining to those disclosures be made public. In the amendments that we will get to discuss and debate in further detail later on there is a proposal to post this information online and for the disclosure to be made within a set period et cetera. These are measures that are not uncommon in many other local governments in Australia. The City of Melbourne, for example, has a process very similar to this which means that if a gift is received, there is a very simple process whereby that gift is recorded, and there is an onus on the chief executive officer to ensure that that is dealt with according to that council's particular legislation.

It is interesting that there are no National Party members in the chamber tonight for this debate. The great bastion of regional WA cannot even turn up for a contribution to the debate! They were happy to just oppose this bill in its entirety, but where are they when we want to talk about important aspects of transparency? They are not here. A pox on them, quite frankly, because, in the end, we should all be concerned about ensuring greater transparency in local government. It is disappointing that they made a very small contribution to the second reading debate—not all of them spoke; I think only one or two of them did—and I will be interested to see whether they make any contribution during the consideration in detail stage.

With those words, I am obviously indicating that the opposition will support the provision to expand the scope of this bill, noting that it specifically relates to additional clauses focusing on transparency and accountability processes. Our concept, of course, in terms of the introduction of the City of Perth Bill to this place—it is reflected in our initial amendments in regard to transparency and accountability—was to ensure that the City of Perth Bill, as the capital city bill, be the template legislation or be seen as a piece of template legislation. That is despite the fact that I think it is the sort of last bastion legislative offer by this government, after having seen the dismal failure of the so-called metropolitan reform process, which spectacularly crashed into the Swan River earlier this year after numerous communities voiced their opposition to proposed mergers. We need to see this in the context of the minister clamouring for some way to save face. The opposition will support the increasing of the scope of this bill and I look forward to this particular element—the increased scope of the clauses in the bill relating to transparency—because we have more issues to raise about that.

Whilst it does not relate directly to this, I suppose I am also interested in when the department might report to the minister on its investigation of the CCC's report into the Lord Mayor.

It has been a month since the release of the Corruption and Crime Commission's "Report on an Investigation into Acceptance and Disclosure of Gifts and Travel Contributions by the Lord Mayor of the City of Perth". As I read it, it is fairly specific in detailing the parts of the Local Government Act that the CCC found the Lord Mayor had breached. My understanding is that the Minister for Local Government's instructions to his department were to now report to him. I understand that minister does not have ultimate jurisdiction in, I suppose, policing the outcome of the investigation by his department. My understanding is that there are ultimately two choices. The first is that the Local Government Act contains a provision under which the Lord Mayor can be reprimanded. It is my understanding that the department has the option of recommending some sort of reprimand, or the option to invoke a criminal process if the minister's department believes that should be a course of action to be undertaken. Under the Local Government Act, as we know, a range of punitive measures can be implemented. I am very interested in knowing when we might hear the outcome of that. Being open and honest, it is true to say that while this investigation has been taking place the Lord Mayor has, as I can understand, been very careful about any comment she makes. I understand she has been saying publicly that she feels she has been constrained in responding to a lot of questions. As to the Lord Mayor's profile, she certainly has not been as visually out there as she was before this issue arose. To provide natural justice for her and the position, we need to try to bring this whole saga to an end. I think the minister needs to tell us when he expects his department will report to him, as he requested of it a month or so ago, so that whatever the outcome of the department's investigation may be, we will know what course of action, if any, it recommends. It has to be done in a timely fashion. It is now two days short of a month since the local government elections, but the CCC report

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was released before the election. It has been more than a month since the CCC report was released, and I think the ratepayers of the City of Perth, and indeed the stakeholders broadly in the local government sector, now need some clarity and a resolution of what has been a very unfortunate experience in the local government sector.

**MR B.S. WYATT (Victoria Park)** [7.13 pm]: I will make a couple of brief comments. Could the minister, by way of interjection, confirm that this is simply a procedural motion under —

**Mr A.J. Simpson:** Yes.

**Mr B.S. WYATT:** Did the minister read out a standing order? If the minister did, I missed it.

**Mr A.J. Simpson:** Member, the motion reads —

That the scope of the City of Perth Bill 2015 be extended to allow amendments to be moved by the Minister for Local Government to insert new clauses into the bill relating to disclosure of financial interests provisions in the Local Government Act 1995.

**Mr B.S. WYATT:** By extending the scope, I understand the member for Mandurah —

**Mr A.J. Simpson:** Yes, it will go across all local governments.

**Mr B.S. WYATT:** Yes, but we would extend the scope only as far as these amendments are concerned?

**Mr A.J. Simpson:** Yes. It is the financial —

**Mr B.S. WYATT:** This will not allow the government to make all sorts of other amendments to the legislation.

**Mr A.J. Simpson:** It covers the disclosure of financial interests provisions.

**Mr B.S. WYATT:** As the member for Mandurah has pointed out, we will of course be supporting this motion to implement what I think may be the most significant reform, if you like, out of that diabolical period. This may in the end, after probably five years of talking about local government amalgamation, be the most significant reform, and it came at the instigation of the member for Mandurah. I note that issues around transparency have received some comment in the public space of late. During the second reading debate, many members on this side made comments around the transparency of local government—particularly, in this case, the City of Perth because that is what we are dealing with. I and others referred in particular to the City of Melbourne as being almost the precedent to follow. The City of Melbourne has been very good at both statutory and non-statutory registers that are, importantly, available for inspection by members of the public, rather than forcing members of the public, be they media or ratepayers, into a freedom of information process. That is an unreasonable burden in modern governance. We expect all levels of government to be transparent, particularly around the way public money is used and from where they get gifts or contributions to expenses. The minister may recall that I focused on the clothing allowance in my second reading contribution on the City of Perth Bill 2015. It is my view that the clothing allowance is archaic and has to go.

**Mr A.J. Simpson:** Yes.

**Mr B.S. WYATT:** I was not saying that the allowance needs to be cut. I have no problem with councillors having the right to call on an allowance for travel, for conferences —

**Mr A.J. Simpson:** For training.

**Mr B.S. WYATT:** — and for personal and professional development. I have no problem with that. But I think the idea of a clothing allowance is embarrassing. We were always seeing it in the paper; every so often this sort of embarrassing story would appear. It was embarrassing for everybody, I think, not just those involved. But, ultimately, here we are. I think the City of Perth might have been able to take leadership on this so that we would not have needed state legislation to change behaviour. The City of Melbourne has pursued a range of non-statutory registers that it has made public. I emphasise the points made by the member for Mandurah, and we will come to the substantial issues when those amendments are moved.

Question put and passed.

*Consideration in Detail*

**Clause 1: Short title —**

**Mr D.A. TEMPLEMAN:** Can the minister give us a very brief outline of the conception of this bill and how it got to this place? Some interesting discussion was advanced by, in particular, the Premier some time ago on a general view about the introduction of such a bill. As, unfortunately, seems to be the Premier's personality now, he tends to dispense thought bubbles and throwaway lines et cetera. That is why, when this bill was first publicly

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floated, a number of councils, including the Town of Victoria Park, the City of South Perth and others, were understandably concerned about where they fitted in with what the Premier had articulated as a vision for Perth and a vision for an act to consolidate and enhance the status of the district of Perth, which is known as the City of Perth. What I want to know from the minister is a bit of a brief time line. I am very interested in knowing who was consulted in the decision to progress the creation of the City of Perth Bill. I want to know which key stakeholders were consulted and to what degree, including the peak body, the Western Australian Local Government Association, but other important entities have a vested interest through the existing structure of this bill, including the City of Nedlands and the City of Subiaco and, obviously, the Town of Victoria Park and the City of South Perth initially, because the Premier has publicly articulated in this place and in the media his wont to look at revisiting in five years the annexation of the Burswood peninsula into the City of Perth. He has made no attempt to conceal the fact that he thinks the Burswood peninsula should be within the boundaries of the City of Perth. I would like the minister to briefly give the time line for the conception of this bill. Whose idea was it; was it the minister's idea or was it the Premier's? What entities were consulted about the progression of this bill and the drafting instructions to parliamentary counsel et cetera? I think it is important that we put on record when talking about the short title how the bill was conceived, the motivation behind it, who was consulted and, indeed, the scope of consultation, or was it just the Premier's whim and therefore that was the main drafting instruction—to do whatever the Premier wants? I will be interested in the minister's comments on that.

**Mr A.J. SIMPSON:** I thank the member for the question. This was identified in the Robson report, which referred to a capital city many times. Part of the discussions around the City of Perth came out of a conversation late last year between the Lord Mayor, the Premier and I about a raft of issues. We catch up on issues about twice a year. The Lord Mayor meets with the Premier, but sometimes she meets with me or the Minister for Transport or the Minister for Planning to deal with some issues. We have always spoken about a capital city act, even before I became the Minister for Local Government. Cabinet made the decision late last year to start investigating the City of Perth Bill. The City of Perth Bill formally recognises Perth's status as the capital city of Western Australia. The legislation also recognises the initial roles and responsibilities of the City of Perth's Lord Mayor and councillors, which flows from Perth's special roles. All other capital cities in Australia, except for Darwin and Hobart, have capital city legislation enshrining their status as gateway cities to their state and recognising the additional responsibility placed on their councillors.

With regard to consultation, late last year and early this year, we met with the City of Perth, the City of Vincent, the Town of Victoria Park, the City of South Perth, the City of Subiaco, the City of Nedlands, the Western Australian Local Government Association, the University of Western Australia, the Botanic Gardens and Parks Authority, the Chamber of Commerce and Industry of Western Australia, Local Government Managers Australia WA, and key interested groups within the district of Perth. Formal submissions were also invited starting in November and December.

I will touch on a couple of other issues that the opposition raised about the City of Subiaco, which will probably be the local government most affected by the movement of the boundaries. Some issues are still to be resolved. We are keen to move on with this legislation and to try to get it debated in the upper house next year, mainly because the Subiaco south ward needs to be reviewed. Once this is gazetted, the City of Subiaco will need to kick off a review of its ward structure because 1 158 of the 2 595 electors in the south ward will be transferred to the City of Perth. The City of Subiaco currently has four wards and each one has between 22 and 28 per cent of the populace per ward.

**Mr B.S. Wyatt:** How many electors did the minister say?

**Mr A.J. SIMPSON:** There are currently 2 595 in the City of Subiaco south ward and 1 158 will be transferred into the City of Perth. There will have to be a big change to the Subiaco ward structure as the ripple effect takes place when just over 1 100 electors are transferred out of Subiaco. There is a bit of work to be done to make sure that there is even representation. The Local Government Advisory Board will do a review of the ward structure. The City of Subiaco will have to go through an advertising period as well.

I again clarify for the member of the opposition that we have consulted far and wide and have received submissions. As I said, the legislation enshrines the capital city to give it true status.

**Mr D.A. TEMPLEMAN:** I have previously raised in Parliament the issue of consultation. The Mayor of the City of Subiaco has denied the minister's statement in Parliament on 21 May this year in response to a dorothy dixer question when he said —

... the government is working with the City of Subiaco on transitional arrangements for affected ratepayers in the area known as the Crawley finger.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

p8318b-8375a

Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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The Mayor of the City of Subiaco, Heather Henderson, strongly denied this statement in the *Subiaco Post* when she was reported to have said —

“The city hasn’t had any interaction with anyone from the government since ... the beginning of March.

That was a damning claim against the minister’s comment in the house on 21 May that the government had been working with the City of Subiaco. I think I asked a subsequent question of the minister and, to paraphrase his answer, he said that his departmental people had been talking to some middle management people within the City of Subiaco. I think it is true to say that if the minister did not mislead Parliament on 21 May, he really bent the language. The City of Subiaco’s main concern is for its electors who will be affected by the proposed boundary change to the City of Perth. As the minister has mentioned, it will affect just over 1 100 residents who will be transferred from Subiaco to the City of Perth. I think it was a little disingenuous of the minister to say that the government had been working with the City of Subiaco on transitional arrangements, because clearly the Mayor of the City of Subiaco strongly denied that in her comments in the *Subiaco Post* when she was reported to have said —

“The city hasn’t had any interaction with anyone from the government since ... the beginning of March.

That comes to the crux of the question of consultation. If this bill is the result of genuine consultation and genuine input, I am absolutely surprised and amazed that a mayor, whose local government area is affected by the bill, would make that claim. I am afraid that that goes to the point of the argument of not only the opposition, but also numerous individuals and indeed collegial groups within the sector about the minister’s and the Premier’s approach to the entire local government sector. That is why there is distrust. That is why there is so much concern about this bill and other government processes or proposals. The trust has been so severely eroded that the opposition needs to—as it will do with this bill—analyse every clause. That is also why the opposition proposes some deal-breaker amendments. The minister’s comment about who was consulted is interesting, and countered by the Mayor of the City of Subiaco’s comments earlier this year.

**Mr A.J. SIMPSON:** I thank the member for the question. I will restate: yes, there have been a number of letters back and forth between the City of Subiaco and the department. The department has met with the City of Subiaco. My director general met with them at the start. The member for Mandurah said that the City of Subiaco had not been consulted, but I have a number of letters that show the correspondence back and forth between it and the Premier, dated from 22 June. I would be happy to table these letters to show him that we have been communicating with the City of Subiaco. I replied to a letter from the mayor on 13 March, and then, again, the city wrote back to me on 11 May. I replied to the chief executive officer on 23 March. There has been a lot of communication back and forth.

**Mr D.A. Templeman:** I would be happy for that correspondence to be tabled.

**Mr A.J. SIMPSON:** Okay.

[See paper 3633.]

**Mr A.J. SIMPSON:** Towards the end of the consultation period, the department made numerous phone calls to the city to seek a meeting to go through the finer details. All calls were not returned; no-one got back to us. We made a concerted effort on a couple of occasions and chased those calls up with a letter. I can provide the member with more information that shows how we tried to get in contact with it. Subiaco chose not to meet with us or return our calls. I am not sure what happened in that process. I guess that it tried to step away because it was not happy with how things were going and its answer was to not communicate with us.

**Mr D.A. Templeman:** If that is true, that is very serious. What is the status of the consultation between the department and/or the minister’s office and the City of Subiaco at this point in time?

**Mr A.J. SIMPSON:** Is the member asking about this point in time?

**Mr D.A. Templeman:** Are you saying that there is still no-go—no response?

**Mr A.J. SIMPSON:** I have bumped into the CEO and the mayor at functions and have spoken to them, as at today, in the last, say, three to five months. But during the process of bringing forward the City of Perth Bill, we wrote to them; my director general met with them in the first part. When the bill was introduced, there was another meeting between the department and the city, so there has been contact.

**Mr D.A. Templeman:** Who turned up? What level of management? I don’t need names, but was it CEO level, middle management, or was it the receptionist?

**Mr A.J. SIMPSON:** It was my executive director.

**Mr B.S. Wyatt:** But can you remember who from the City of Subiaco?

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

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**Mr A.J. SIMPSON:** It was with the mayor and the CEO.

**The SPEAKER:** We have to start reining this in, member for Mandurah. Clause 1 is the short title of the bill. You have had a lot of latitude to now.

**Mr B.S. WYATT:** The short title of the bill is the City of Perth Act. I would like to make a couple of points and pose a follow-up question to the member for Mandurah's first question to the minister. I want to confirm something that the minister said when he referred to the Robson report. After the state government's Metropolitan Local Government Review Panel spent a year investigating the best structure, governance and legislative framework for future local government in Perth, it came up with 30 recommendations. Not one of those recommendations was a capital city act. The state's formal response to the Metropolitan Local Government Review Panel recommendations did not include any reference to a capital city act. Similarly, the concept of a capital city act, in my understanding, was not raised throughout the Robson report. I think the minister said—I may have misheard—that the Robson report referred to it and the state's response to the Robson report's recommendations did not reference a capital city act. I am curious. What is in the City of Perth Bill other than a boundary change? I acknowledge the boundary change. What is in that City of Perth Bill that currently cannot be met by the current Local Government Act? I am not seeking a long-winded reply, just a general idea.

**Mr A.J. SIMPSON:** There are a couple of things. The City of Perth is the capital city of Western Australia. What is in this bill is not in the Local Government Act. It enshrines the city as the capital city, as in every other state.

**Mr B.S. Wyatt:** What is it that could not be done in the Local Government Act?

**Mr A.J. SIMPSON:** The Local Government Act would have to be amended to do everything that we are doing today. We could possibly do that.

**Mr B.S. Wyatt:** So you couldn't create a committee under the Local Government Act?

**Mr A.J. SIMPSON:** That could be done, but it would have to be done by an amendment. In answer to the member for Victoria Park's question whether I could do everything that we are doing today in the Local Government Act, I could probably have done about 99 per cent of it. But the idea of the bill is very similar to giving the City of Perth its status. Hence, we are moving the bill tonight to make sure that our capital city is enshrined into legislation and that it has its own status.

**The SPEAKER:** I will remind you again, member for Victoria Park, that this is a short title—the City of Perth Act. We are going all over the place.

**Mr B.S. WYATT:** It is good to know that 99 per cent of what is being done in the City of Perth Bill could be done under the Local Government Act. I think the minister's answer is that the reason for doing it this way is to increase the prestige of the City of Perth. To bring the debate back to the desire of the Speaker, I think the minister said in the second reading speech that this will enhance the roles of the Lord Mayor and the councillors. What will this do to change the roles of the Lord Mayor and councillors?

**The SPEAKER:** I am going to tell you again, member for Victoria Park, that this is the short title of the bill. You are going all over the place.

**Mr B.S. Wyatt:** I'm not really.

**The SPEAKER:** You are going all over the place. I want germane questions on the short title of the bill, not a general discussion on everything else.

**Mr A.J. SIMPSON:** I will sum up for the member for Victoria Park. The act provides additional roles and responsibilities for the City of Perth Lord Mayor and its councillors, which flows on from the special role of Perth. Clause 10 explains in a bit more detail the special role of the Lord Mayor. We could probably thrash out what those roles are when we come to clause 10. But, more importantly, the bill is about giving responsibility to the Lord Mayor. As I said in my second reading reply this evening, the Lord Mayor is more than just the Lord Mayor of the City of Perth. She is an ambassador for Western Australia—and often is a host. This will recognise that and take it a step further by enshrining it in an act for the City of Perth.

**Mr B.S. WYATT:** Why have we called it the “City of Perth Bill”? Why have we not called it the “Lord Mayor of the City of Perth Bill”?

**Mr A.J. SIMPSON:** Because what we are trying to do, as the member mentioned at the start of his question to me about this being the boundary and what else is there, is make this the boundary for the City of Perth. Consequently, the majority of local governments are defined by their boundary and their name, hence it is the City of Perth Bill because it has a boundary.

**Clause put and passed.**

**Clause 2: Commencement —**

**The SPEAKER:** I do not want to be ruling people out of order but please keep your comments germane to what we are discussing.

**Mr D.A. TEMPLEMAN:** This is obviously the commencement clause. The minister mentioned earlier that he expects the bill will make its way into the upper house but he does not expect that it will be debated in that place until early next year. Paragraph (a) of the clause refers to part 1 of the bill coming into operation on the day on which the bill receives royal assent and the rest of the act on the day after that. Part 1 relates to the terms, the objects and the relationship with the Local Government Act 1995. Then the next day the rest of the bill from part 2 onwards comes into being. Part 2, division 4 refers to the boundaries in clauses 16, 17 and 18. Let us say that this bill passes through Parliament. It then goes to the Governor in Executive Council to receive royal assent and proclamation. It is published in the *Government Gazette*, which is part of the process of proclamation. This may sound pedantic, but is there at all any risk of any issue, problem or complication in the intervening period between part 1 and the rest of the bill being enacted? I suppose I am asking from what point does the royal assent of part 1 come into being? Is it 12 midnight and then 24 hours later the rest of the bill comes into being? From a technical perspective, what do we know? I ask that because on my reading of this, royal assent is given on the first day, and all that sets up is the short title, the terms used in the bill and the objects of the bill. I just want a bit of clarification about what this means when the rest of the bill will be enacted the next day. Perhaps I have not been paying attention to bills going through Parliament in which one part is assented to on one day and the rest of it on the following day.

**Mr A.J. SIMPSON:** I will clarify a couple of points. The proposed act will take effect on the day after royal assent is given. The new boundaries will be set from that date. However, the change in boundaries will take effect from 1 July 2016—that is, part 2, division 4, sections 17 to 19, as the member pointed out correctly. The changes in boundaries will take effect from this later date to allow participants to change the boundaries of three separate local government districts, and in particular to include administration and financial matters. The latter date for boundaries to come into effect will also provide time for the City of Subiaco to conduct a ward and councillor number review in the lead-up to the changes. To clarify paragraph (b) of the clause, “the rest of the Act—on the day after that day” means after midnight on the day following the day on which it receives royal assent.

**Mr D.A. TEMPLEMAN:** Further on, the bill sets up the 1 July date. We are talking about just over 1 000 residents in Subiaco and I am concerned about the period between the day the bill receives royal assent and 1 July, because it is specifically 1 July 2016. Therefore, the minister is specifically saying that this bill will be passed before 1 July. The minister is assuming that is going to happen.

**Mr A.J. Simpson:** I do.

**Mr D.A. TEMPLEMAN:** I want to be reassured about who of those 1 000-plus residents of the Crawley finger, as it is known, will be ultimately responsible for them between the assent date and 1 July, whichever comes first—no, 1 July cannot come first.

**Mr A.J. SIMPSON:** No, it cannot; that is correct. The member is spot-on. In the case of all transitions when there is a day to work to, the day after assent, the residents will stay within the City of Subiaco until 1 July. On 1 July they will then become the responsibility of the City of Perth, so transition arrangements have to be in place prior to that for picking up bins. Rate notices will more than likely be issued from the City of Subiaco prior to that, and there might be some transition arrangements whereby the City of Perth might say, “Hold off and we will send them out as we are talking it over.” That is part of the transition process once the bill has passed through Parliament and gone to the Governor before 1 July. I am hoping also that once the bill passes this house and over Christmas and new year the two cities can start looking at the transition arrangements sooner, as they will start rolling out rather quickly. The more lead time they have to deal with all those other issues going on in local government will give them more lead time to get to 1 July when the City of Perth takes over. Hopefully they will have a smooth transition so that ratepayers will notice no difference to the service they receive from their local government and things will flow on smoothly. For instance, they will put out their bin on the same day that they did the week before, which is one of those changes that has to be implemented sooner rather than later.

**Mr D.A. TEMPLEMAN:** In terms of the striking of rates, normally the budgeting by local governments has been more or less completed before 1 July. I assume that there would be no need to account for rates on a pro rata basis, as they are calculated for a financial year. Effectively, therefore, those people in the Crawley finger will be rated as City of Perth residents from 1 July and their rateable year will be 1 July 2016 to June 2017.

**Mr A.J. Simpson:** Yes.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

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Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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**Mr D.A. TEMPLEMAN:** In relation to that, if residents in that area of Subiaco are transferred and rates have been deferred or not paid but owed and any charges for rates and/or services have fallen in arrears, I assume that there will be an automatic transfer of that liability—if it is a liability—to the new council. Hypothetically—I am not trying to be pedantic, but I think this is important—I live on the Crawley finger and on 1 July I owe the City of Subiaco unpaid rates of —

**Mr A.J. Simpson:** Unpaid rates of five grand.

**Mr D.A. TEMPLEMAN:** Yes. What is the City of Subiaco's legal status concerning that property that is now being transferred to the City of Perth precinct? What is the City of Subiaco's liability and how will it get its money back? Under the minister's government, I understand that, unfortunately, due to financial reasons, a number of people—this is something local governments are concerned about—will choose to defer their rates. If those members in the area we are talking about have chosen that pathway, what recompense will there be for the City of Subiaco because it will have provided services for those people over a period, yet they will not be able to receive that money? We know that some people defer their rates until their death. They say, "I don't care, I'm not going to pay rates anymore. I'll die and you can fight over it with my kids. You'll have a big blue and I won't know because I won't be here; I'll be pushing up daisies." I would like the minister's response because I think it is important. If we owe anything to the affected residents of Subiaco it is important to clarify such matters.

**Mr A.J. SIMPSON:** The member raised a very good point. There will be no interim rate notices because rates are based on a financial year. Rates are assessed from 1 July to 30 June, which is the financial year. From the financial year of 1 July onwards, the ratepayers in the south ward of the City of Subiaco will pay rates to the City of Perth. There will probably be a raft of people whose rates are in arrears and who have different types of payment arrangements with the city. They will be part of the negotiation process when they go through individual lots or each address. Those that are up to date will be transferred and those in arrears such as the case of the \$5 000 the member raised, will be negotiated with the City of Perth to see whether it wants to take them on or it has to pay the City of Subiaco. That is part of the deal they can work out between themselves. The cities' financial executives will get together and go through it lot by lot for the 1 000 people. I am not quite sure how many rate notices are involved. They sit down and go through that as part of their financial due diligence. Obviously, the new identity, the City of Perth, will not want to take on any current debt but at the same time if rates are owed to the City of Subiaco, it will want its money. It will be entitled to the rates in arrears because it needs the money to pay for infrastructure in general. Hence we hope that negotiation period will start early next year so all that sort of stuff can be sorted out to enable a smooth transition and no loss of services to the ratepayer.

**Mr D.A. TEMPLEMAN:** This raises some interesting issues. What is the minister's understanding of any legal matters that might be current between a resident and/or ratepayer and the City of Subiaco? If, for example, I live in the Crawley finger and I am in dispute over a planning request the council allowed, and I am suing the council, so it is currently under legal process, and on 1 July 2016, the entity that I am suing changes, not through my choice but through the government's choice, what will be the status of any pending or future legal action? I could have purchased a house and the finance could settle on 30 June 2016 and on taking possession of the house—I sound a bit like the lawyer on the ABC 720 *Mornings* program—which settles on 30 June 2016, I discover an anomaly with what I bought and what was delivered that is specific to the council. Whom do I sue? Would it be the City of Perth as a new council entity or the former council entity under my jurisdiction? I probably should ask Mr Speaker this question!

**The SPEAKER:** I am tempted to answer but I will not.

**Mr D.A. TEMPLEMAN:** It is all very well to say we will sort out these matters before 1 July next year, but they are real possibilities and, indeed, the minister should have an answer. I would like the minister to provide, if he is able to, perhaps during the third reading debate tomorrow—his department should be able to find out from the City of Subiaco pretty quickly—whether there are any pending or existing legal actions on those places. Another example is that on 30 June I am using a motorised vessel on the Swan River. Under the ascension of this City of Perth Bill, the proposed boundary changes include a significant section of the Swan River. Once again, an accident or something happens and as a litigious person, I decide that I want to sue the council for not properly sign-posting some markings in the water. It may sound pedantic, but I think in these transitional processes, we should, at the very least, protect the interests of those people being transferred into those boundaries. Someone might cut themselves on something in the water in an area of the river that is overseen by the council. We need to clarify the legal status of the 1 100 and whatever individual households that will be transferred in that transition period when, on 17 July, they will be City of Perth residents, not City of Subiaco residents.

**Mr A.J. SIMPSON:** I thank the member again. They are a couple of questions on legal action. To put this into context, if someone buys a business that has an outstanding legal claim against it, it would be a matter of, “You’re going to take care of that; I’m buying this. I don’t want any encumbrances on this business. I’m buying the business and this person is taking you to court, so you can take care of that as part of the contract deal. I don’t want to take on any of that.” The situation with local government is very similar. If there is outstanding legal action with the City of Subiaco, the City of Perth will go through it with the City of Subiaco and decide whether it wants to take on the legal action. The majority of the time it will say, “Part of this deal is that you will have to resolve that issue before 1 July. If you can’t resolve it, we’ll have to find a way to deal with it in what is called the transition. Okay, we now have to take that on, so we’ll be billing you the cost of the deal.” It is called the transition arrangements between the two cities, which will work out how to get through those transition arrangements, depending on what cases are outstanding, what debts have been left behind and any outstanding infrastructure. There could be something in the south ward of Subiaco such as a park that the City of Subiaco has agreed to spend X amount on to put in a new playground. It will say, “We won’t put our ratepayer money into that now; in fact, you should probably pay us as a bit of that because we’ve spent a considerable amount of money.” As part of the transition arrangement we have to make sure it is fair and equitable for the ratepayer as well as dealing with the transition stuff.

Issues with the Swan River are always a bit interesting. The member for Mandurah may remember the boat accident the former member for Alfred Cove’s son had when he was driving the boat. There have been a number of other accidents in the jet skiing area towards South Perth. If the people in the jet ski area were to crash into each other there would be no insurance. It is a matter of skier beware, and is very similar to people riding off-road trail bikes in gazetted areas in Gnangara, Pinjarra, Medina or Lancelin. In those situations, there is no insurance if a person has an accident. It is up to the individual. In the case before us, the river is a river. When we talk about putting the boundary of a local government into the middle of the river, that has more to do with the hard infrastructure on the edge of the river. We have seen the city grow with the development of Elizabeth Quay and East Perth. When we go around the bottom of the Crawley finger, we will see a yacht club, a jetty and a raft of other jetties with boat pens. The local government authority has to get planning approval and then it goes back to Parks and Wildlife, which takes care of the rivers. At the same time, Local Government is the first department to go to for the development approval and then we need to take into consideration all those other laws around running a marina, including a jetty or any other infrastructure such as a boathouse or cafe. The idea of expanding that boundary into the middle of the river is just to give clarity. At the moment, the City of Perth is dealing with Parks and Wildlife, the old Swan River Trust. Part of Elizabeth Quay is not in the City of Perth’s boundary, which makes it a little messy. One of the recommendations is to put the boundary down the middle just to give continuity and so that people need to deal with only one local government. This has been done in East Fremantle for nearly 50 years. The East Fremantle boundary goes out to the middle of the Swan River, which works well.

**Mr D.A. TEMPLEMAN:** We will probably get to the question of boundaries. I want some clarification on the assent of the bill. When the bill is assented to, the new Swan River element of the boundary comes into account on the following day.

**Mr A.J. Simpson:** On 1 July.

**Mr D.A. TEMPLEMAN:** Sorry, it comes into play on 1 July. I will pursue this in greater detail. The maps that the minister provided show that the boundary of the City of Perth has been extended. Where does the other half remain in terms of ownership or jurisdiction?

**Mr A.J. SIMPSON:** In local government, the current boundary of the City of Perth will stay the same. As of 1 July, this will become the new boundary. Is the member asking who has responsibility for this part?

**Mr D.A. TEMPLEMAN:** I drive my boat past this point. Whose locality am I in now once I am over here?

**Mr A.J. SIMPSON:** The river comes under the control of Parks and Wildlife; it has that responsibility. It was known as the Swan River Trust. The boundary of the local government is used only for planning matters but every time a developer wants to do something on the river, they still have to go through Parks and Wildlife to get approval. Any works occurring on Elizabeth Quay must have approval from Parks and Wildlife because the boundary is on the river, but it still has responsibility. When driving a boat or riding a jet ski anywhere, particularly on the river, the river is the river and the rules remain the same. The local government boundary is more to do with planning and how the city operates.

**Mr B.S. Wyatt:** I wanted to clarify that one point. In terms of any cause of actions outlined by the member for Mandurah, the actual defendant would be Parks and Wildlife, not the local council?

**Mr A.J. SIMPSON:** Yes.

**Extract from *Hansard***

[ASSEMBLY — Tuesday, 17 November 2015]

p8318b-8375a

Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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**Mr D.A. TEMPLEMAN:** However, because we are designating part of the Swan River to be within the district of Perth and this is the only jurisdiction that is getting this —

**Mr A.J. Simpson:** East Fremantle has been there for 50 years.

**Mr D.A. TEMPLEMAN:** That is fine. That would technically allow the City of Perth to propose a statue, for example. In the past the Lord Mayor suggested that there should be something in the middle of the Swan River, whether it be a sculpture or a Wagyl or whatever—something that protrudes from the water. Do these boundaries give the proposed City of Perth entity greater opportunity to propose something of that nature within its designated boundary because it is now in the district of Perth's boundary? For example, the excavation of Elizabeth Quay and the excision from the river is not shown on the map. If a future Lord Mayor and/or future City of Perth council decided it wanted to build a major sculpture that lit up and emerged from the water, spouting magnificent 50-foot fountains, with colourful elements that were lit up in the evening, does this extension of the boundary into the Swan River provide that greater chance?

**The ACTING SPEAKER (Mr P. Abetz):** Members, the issue of boundaries is dealt with in clause 16. I do not believe that we should be pursuing this debate under the clause dealing with commencement. It is not really part of the commencement issue. The question is: where should the boundaries be? That comes under clause 16. I will allow the minister to respond but I will shut it down after that.

**Mr A.J. SIMPSON:** I thank the member for his question. He has great vision. I think he has already sold me on it. Again, although the boundary for the City of Perth does go through the middle of the Swan River for planning purposes, Parks and Wildlife, which controls the river, will have the first and final say on anything to do with the river. As much as the city may have a vision for a grand statue in the middle of the river, unfortunately Parks and Wildlife would have the final say.

**Mr P. Papalia** interjected.

**Mr A.J. SIMPSON:** Yes, it involves navigation. Again, Transport takes care of boat ramps and navigation systems. The river is quite complicated in terms of legislation. Local government is just a boundary and there are some planning regulations over it. It is similar to the boundary of South Perth and the river wall. We have had a lot of discussion over time about replacing that river wall. Again, there was an issue with the local government boundary. Now it will all be within the City of South Perth, so it can replace it, with the cooperation of the state government. It will have no more powers than it has now, especially when it comes to the river because Parks and Wildlife will have the final say.

**Mr R.F. JOHNSON:** Clause 2 relates to the commencement of the act, which the minister is hoping will be 1 July 2016. I think that is the case. That is a very important date to many people. I understand that on that day approximately 3 000 people from the existing City of Subiaco and the City of Nedlands will be forcibly amalgamated with the City of Perth. Based on the fact that we are supposed to be the servants of the people, not the masters of the people, has the minister had a great deal of consultation with those residents who will be forcibly amalgamated? How many people have been to see the minister? That will be a very important day for those residents in those two cities. We are supposed to represent those Western Australians. Could the minister please tell me whether they have been to see him? At the end of the day, we are supposed to pass legislation that benefits the people. Can the minister tell me who this legislation will benefit other than one person?

**Mr A.J. SIMPSON:** I thank the member for the question. In regards to the City of Subiaco, we dealt with the short title at the start of consideration in detail. Before the member came into the chamber, we had a long discussion about who I have consulted, where I have been and the people I met with. They are all listed in *Hansard*. The benefit for 1 058 voters in the south ward of Subiaco is a reduction in rates; the rate in the dollar will go from 5c down to 4.2c, the minimum rate will go from \$750 down to \$650 and even the average residential rate will go from \$1 400 down to \$1 100. The benefit for the ratepayers of Subiaco will be cheaper rates. The services of local government will be the same: the bins will be picked up each week; the streets will be swept once in a while; and the parks and infrastructure will be maintained.

The important part to touch on is the benefit to our capital city of Perth. This legislation will enshrine the capital city of Western Australia. It will also recognise the additional roles and responsibilities of the Lord Mayor of the City of Perth and the councillors, which will flow on to their special roles. This legislation also creates the City of Perth Committee. This is an unusual time in Perth, and a lot is happening. This legislation makes sure that the City of Perth is talking to the state government of the day about infrastructure. Again, apart from Darwin and Hobart, every other capital city in Australia has a capital city act, so we will be part of that with Melbourne, Adelaide, Sydney and Brisbane. Perth will have its own capital city legislation to benefit those people. When I travel around the world, I do not say I come from Byford; I say I come from Perth, and this is about making it a true capital city and gateway to our state.

**Mr R.F. JOHNSON:** As far as I can understand, the minister seems to think that the main beneficiary will be the City of Perth as a body. He has not explained to me how, and he has not convinced me that those ordinary Western Australian residents in Subiaco and Nedlands will benefit, other than by a few cents in the dollar that might be on their rates. At the same time, they will have to pay for hairdos, dress allowances and all sorts of things that they have in the City of Perth, and the junkets that they go on. Is it fair to inflict on those good citizens in Subiaco and Nedlands the situation that we have at the moment, in which a Lord Mayor has had adverse findings brought against her by the Corruption and Crime Commission?

**The ACTING SPEAKER:** Member for Hillarys, I am not sure that that really is relevant to the commencement date of this bill.

**Mr R.F. JOHNSON:** I do not canvass your opinion, Mr Acting Speaker, but I was just trying to make the point that that is the date on which these people, in their minds, would become disadvantaged, and there is no benefit to them. There may be a benefit to the City of Perth, and there may be a benefit to one particular person who wants this bill, but the people of Nedlands and the people of Subiaco who have spoken to me—the mayors, the councillors, various other people and residents—have said that they do not want this to happen. As I said earlier, we are the servants of the people, not their masters.

**Mr A.J. SIMPSON:** Just to clarify one point, no people in Nedlands are affected. In fact, in conversation and negotiations, the City of Nedlands raised a very good point that Hollywood Private Hospital and the suites around it are worth a lot of money—I think somewhere around \$600 000 worth of rates. The mayor quite clearly said to me that if I gave Nedlands back Hollywood Private Hospital, he would support the City of Perth Bill. That is what we did, so that was part of the negotiation process. There are no affected ratepayers in the City of Nedlands. The parts that Nedlands had, past Hollywood Private Hospital, were all government-owned utilities, the university and hospitals, and they were not paying rates, so the City of Nedlands did not lose any income at all, or any residents. I take on board the south ward of Subiaco and the 1 158 electors we are moving to the City of Perth, but I am confident that the City of Perth will provide just as good service at a cheaper rate to benefit the ratepayers.

**Clause put and passed.**

**Clause 3: Terms used —**

**Mr B.S. WYATT:** Can the minister clarify for me whether the terms “City of Perth”, “City of Perth Council”, “councillor” and “Lord Mayor” are defined in other pieces of legislation? I will assume that they are.

**Mr A.J. SIMPSON:** “Councillor” is defined elsewhere, but “Lord Mayor” is not.

**Mr B.S. Wyatt:** Which legislation would they be defined in?

**Mr A.J. SIMPSON:** “Councillor” is in the Local Government Act. We might find the word “councillor” in a few other acts as well, but I cannot think of them at the moment, but it is definitely in the Local Government Act.

**Mr B.S. Wyatt:** And “City of Perth”?

**Mr A.J. SIMPSON:** No.

**Mr B.S. WYATT:** The City of Perth is defined as the body corporate in clause 6(1). I am not going to go into clause 6(1); we will get there in due course, but it reads —

There continues to be a body corporate called the City of Perth.

Is the minister able to tell me the current number of ratepayers in the City of Perth? There must be something in the minister’s notes about it. While his advisers are looking for that, can the minister also clarify something else for me? I may have this wrong, in which case the minister can correct me, but my understanding is that a city must have a certain number of ratepayers. Does the City of Perth, having quite a small number of ratepayers—it is a small council—meet those qualifications, or are we effectively defining it as a city regardless of that through this bill?

**Mr A.J. SIMPSON:** I will answer the last question first. A municipality needs 20 000 ratepayers to become a town, as in the Town of Victoria Park. Once the number reaches 30 000 it becomes a city. The City of Perth does not have 30 000 ratepayers, but as part of the process we have named it the City of Perth. This bill takes that one step further to enshrine it in legislation.

**Mr B.S. Wyatt:** So even though it does not meet the definition of “city”, we are defining it as such.

**Mr A.J. SIMPSON:** Correct.

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**Mr B.S. Wyatt:** I get that. Have you got the numbers?

**Mr A.J. SIMPSON:** Yes, I have. The electoral roll for the City of Perth 2015 election shows 8 432 residential ratepayers, and just 2 900 owner-occupiers, for a total of about 11 300. Just to clarify, these are the numbers of eligible voters, not the whole population.

**Clause put and passed.**

**Clause 4: Objects —**

**Mr D.A. TEMPLEMAN:** The objects of the legislation are listed under clause 4(a). Particularly in reference to the recognition, promotion and enhancement aspects, in the process of drafting were these terms lifted from template capital city legislation, as reflected in other capital cities in Australia? If I looked at the City of Melbourne, or the City of Adelaide legislation, would I see anything vastly different in the objects of those acts? I want a bit of background about where these objects were derived from. The other objects relate to the role of the Lord Mayor and the City of Perth councillors, the establishment and facilitation of the City of Perth Committee, and the revision of the boundaries. I am interested in where the minister may have looked to find these words, or did he simply decide that this is what he wants to do? If he referred to other capital city acts, could he give us a bit of detail on that?

**Mr A.J. SIMPSON:** Yes, that is correct. In carrying out research to work out what would be the best legislation that would suit the city of Perth we looked at a range of current acts around Australia. This clause was based on that of the City of Adelaide, which is the one that most closely corresponds with the City of Perth in size, demographic and what it is trying to achieve. We also took some other parts out of other capital city acts, especially those of Melbourne and Sydney. We looked at all the acts and how they were put together, and what constituted the roles and responsibilities, but this part of the legislation is based more around the City of Adelaide legislation.

**Mr D.A. TEMPLEMAN:** This may be playing with words, but clause (4)(a)(i) refers to the special social, economic, cultural, environmental, and civic role of the city. Was any consideration given to including the historical role? One important feature of any capital city is its historical status, and included in that is the historical and cultural significance of the City of Perth, as it is now known, to Indigenous Western Australians. We know that Mount Eliza—I cannot recall the Indigenous name for it, but Kings Park—has specific and special significance to the Indigenous people of Western Australia, particularly the traditional owners of that area. This bill transfers probably one of Perth's most significant, if not the most significant, cultural, historical, recreational, probably economic and certainly environmental assets to the City of Perth, with limitations, as the minister has already highlighted in his second reading speech and his reply to the second reading debate. I am interested why in clause 4(a)(i) the word "historical" was not added to the objects.

**Mr A.J. SIMPSON:** I take on board the member for Mandurah's comments about recognising the promotion and enhancement of special social, economic and cultural roles. I think the cultural role takes in a bit of the diversity of Western Australia in the city. I take on board the expansion of the environmental and civil roles that the city plays. We could probably talk about the heritage of the city as well, but I think the heritage is covered under the Heritage of Western Australia Act and by the Minister for Heritage; that is already there. I think we are trying to sum things up in a bill and to capture it all, acknowledging traditional Aboriginal owners and culturally diverse backgrounds. The words "special social, economic, cultural, environmental and civic role" pretty much sum up what is trying to be achieved with the bill. I take the member for Mandurah's comments on board and I think it is important to recognise those things and I think we have captured them. I also see that the city, as an elected council body, can play a better role in those things and drive them to make sure that diversity and culture within the city are taken on.

**Mr D.A. TEMPLEMAN:** I refer to the objects of the bill. Were traditional owners consulted about the conception of this bill? Were they consulted at all about the objects of what this bill sets out to do, particularly, as I say, given the significant location of our City of Perth, including Kings Park? It is a very significant place for Indigenous Western Australians and non-Indigenous Western Australians. I think 11 million people visit Kings Park every year. Forget about the other aspects such as the role and responsibilities of the Lord Mayor, but regarding the objects of the bill—the promotion, recognition and enhancement—did the minister consult Indigenous leaders, traditional owners; and, if not, why not?

**Mr A.J. SIMPSON:** Earlier I read out a list of groups we met with. The City of Perth represents its ratepayers, its community; Aboriginal people and the community as a whole. I do not know whether any one of those organisations would have some connection to traditional owners in Perth, Vincent, Victoria Park, South Perth, Subiaco or Nedlands, or within the Western Australian Local Government Association, the University of Western Australia or the Botanic Gardens and Parks Authority. Key interest groups within the district of Perth

were consulted and there was also an invitation for submissions, so we gave the opportunity to as many groups as possible to have input into the bill. To answer the member's question straight out, the answer would have to be directly no. We did not consult directly or make a beeline to ask directly for input. However, through that process, submissions could be put in because we advertised widely.

**Mr D.A. TEMPLEMAN:** The reality is that they were not consulted. Does the minister not think that was perhaps an oversight considering the significance of this bill and the focus of its intentions? I was previously Minister for the Environment and in that role I had the responsibility for Kings Park. I hope the minister was not rolling his eyes at his adviser, because this is a serious issue; this is important. The Botanic Gardens and Parks Authority has a special relationship and consultation process when consulting with a group of Indigenous elders about aspects and objects of Kings Park and what it wishes to deliver. When new additions have been proposed to the park or changes to its configuration have been looked at, part of that process was consultation with the appropriate Indigenous leaders and communities. Would the minister admit that this is an oversight? I think it is. Central to this new enhanced status, which is one of the objects of the bill—to enhance, recognise and promote the status of the city—are the first Western Australians and the role and significance of this place for them and their part in the story that is Perth, the capital city, and the City of Perth. I think this is an oversight.

**Mr A.J. SIMPSON:** I take on board the member for Mandurah's comments, but it is important as we move forward that the Botanic Gardens and Parks Authority is there. It is able to be consulted with. Through this legislation it is being enshrined in Parliament that Perth is our capital city. Nothing has been taken away from anybody. The same people who are there today will be there after 1 July 2016. They can still be consulted as part of the ongoing dialogue that is always there. The member has just touched on Kings Park. There is a good connection with traditional owners and that will still go on. That process will not be changed and the same will apply to the capital city as it expands; that objective is still there. Hence, the words quite clearly state that the objective of the act is to reinstate the special, social, economic, cultural and civic roles, which will all still be in place and they can continue as we move forward under the act.

**Mr P. PAPALIA:** I acknowledge that the objects of the bill are, as identified by the member for Mandurah, to recognise, promote and enhance the subsequent things listed. The consequence of this bill, and the minister's intention, is to recognise, promote and enhance the role of the City of Perth. Does the minister anticipate that the Lord Mayor and councils of Perth will expect an increase in remuneration for the role they will play, which to my mind will be probably almost identical to the one they already fulfil? In light of the minister's bill that has come into Parliament and probably provided an excellent opportunity to present evidence of enhanced responsibilities, is it likely that the Lord Mayor will now cost ratepayers a lot more, as will councillors, even though they will play exactly same roles?

**Mr A.J. SIMPSON:** The remuneration of councillors is set by the Salaries and Allowances Tribunal in a similar manner to the way our salaries are set. A bandwidth is set up for all local governments and the bandwidth someone is in depends on the size of the local government. They cannot go out of that bandwidth; they have to stay within it. It is set by the Salaries and Allowances Tribunal. It is definitely one step away from the member and I and how it should be, but there is no room to take it up. I spoke with a couple of councillors just last week and, as I did in the second reading speech, I raised the grooming and clothing allowance. I asked whether anything was being done and I was told that in the new year there would be a review of those allowances. I do not have any power over those allowances; an individual local government has power over them. There was an issue prior to 1 July 2013 when the Salaries and Allowances Tribunal stepped in and took over pay rates for councillors. The idea of that was to get rid of the allowances, because there are allowances for a lot of different things and one local government was not doing what another one was. There was a flat pay of just over \$7 000 a year per councillor; now it is set on the rate-basis size of local governments. The idea of bringing in the Salaries and Allowances Tribunal on their pay was supposed to get rid of those allowances. I am confident that the City of Perth will be reviewing all its allowances in the new year and will make some changes that will reflect our modern society. Members need to keep in mind that all councillors had a pay increase on 1 July 2013 when the Salaries and Allowances Tribunal took over, so we are expecting them to look at that as well. I am confident, given the recent finding in the Corruption and Crime Commission report, that all local governments will be looking at their transparency, especially around gifts and travel. As to pay, no, that is set by the Salaries and Allowances Tribunal, and there is no room to go back to the tribunal to ask for more because they think they are better than another council. It goes on a bandwidth. Unless the bandwidth moves, councillors cannot get a pay rise.

**Mr P. PAPALIA:** Is their salary or remuneration constrained by bands that are linked directly to the rate base or to the population?

**Mr A.J. SIMPSON:** To clarify, the bandwidths are based on the size of the population. Because the City of Perth covers our capital city, it jumps up to the top band. Even though the City of Perth is not quite entitled to

that bandwidth because of its population, because Perth is the capital city the councillors have higher roles and responsibilities, so they are put within the top bandwidth. They cannot get any more in that process. I am correct in saying that all local governments work within bandwidths, but the City of Perth is in the highest bandwidth because the council covers our capital city and the roles and responsibilities of the Lord Mayor and councillors are higher, but they cannot get a pay rise unless the Salaries and Allowances Tribunal grants one.

**Mr P. PAPALIA:** So if the Salaries and Allowances Tribunal operates in the way in which it normally does, it will reflect upon the enactment of this bill and those additional responsibilities and roles. I do not see that their role will be any greater than the one they currently perform, but perhaps it will be because of the enhanced esteem with which the people in those positions in the City of Perth are now held. The minister has consistently said that the intention is to elevate the status of the City of Perth. Would it not be a natural consequence of this legislation for the Salaries and Allowances Tribunal, in assessing those entitlements, to determine that City of Perth councillors will be entitled to more pay and will raise the upper limit of the band?

**Mr A.J. SIMPSON:** The member is probably right in some ways. The Salaries and Allowances Tribunal looks at all parameters around wage increases, such as what other states are paying, what the feds are paying and what the rate of inflation has been, and it will do the same with local governments. With regard to the City of Perth, yes, it will now have legislation that enshrines the capital city. Unfortunately, the City of Perth is hooked into that bandwidth. If the tribunal were to raise the bandwidth, it could not raise it just for the City of Perth—it would also affect the City of Stirling, the City of Joondalup, the City of Wanneroo and the City of Rockingham. I am pretty sure that it would acknowledge that the City of Perth is —

**Mr P. Papalia:** Councillors are rubbing their hands together at the city.

**Mr A.J. SIMPSON:** Hang on. I think the Salaries and Allowances Tribunal would also take into consideration that the City of Perth already receives a bonus for the complexity of its huge budget—it has already moved up a bandwidth even though it does not meet the criteria on size. That would be taken into consideration. I am confident that this bill will not influence the Salaries and Allowances Tribunal at all. It is a bit like our influence on the Salaries and Allowances Tribunal—we have no impact at all!

**Mr P. PAPALIA:** I do not share the minister's confidence. In fact, I would almost be willing to bet the minister that if the only capacity to increase the remuneration of the City of Perth is to raise the whole band, the tribunal will raise the whole band.

**Mr A.J. Simpson:** It would have to justify it in a report.

**Mr P. PAPALIA:** It will. The minister has justified it with this legislation. The minister has spent hours talking about how important they are and how much extra responsibility they have.

**Mr A.J. Simpson:** The tribunal would have to justify why it would raise the top bandwidth.

**Mr P. PAPALIA:** It is because that is the only way it could remunerate those people fairly.

**Mr A.J. Simpson:** But it would not remunerate 15 local governments because of one.

**Mr P. PAPALIA:** I do not know; we will see.

**Mr A.J. Simpson:** It would have to be justified in a report. We should have a wager on it, member.

**Mr P. PAPALIA:** Okay, we will have a beer on it. That aside, I would like to return to the clothing allowance, which the minister seems fairly confident will be dealt with by the councillors at the City of Perth. I do not know about that, either! Would it not be a natural consequence of this legislation being passed, all the language that the minister has employed and the intention that he has indicated to elevate the status and importance of the role of the councillors and Lord Mayor of the City of Perth, that the councillors and mayor pass for themselves an increased clothing allowance to reflect that additional esteem and responsibility, noting their willingness to give themselves that allowance already and to spend it in many cases? Would it not be a natural consequence of this legislation being passed and the language the minister has employed for them to expect to have to spend more money?

**Mr A.J. SIMPSON:** I can only restate: I do not believe that the clothing and grooming allowance is in tune with modern society. I think the city is reflecting that. I am confident from the conversations I have had with councillors that they will undertake a review of the allowances in the new year. They agree that the world has moved on and that this is one of those allowances left over from the days when people were paid very little money to be a councillor.

**Mr P. Papalia:** It's interesting, because I didn't see your commentary when Councillor Harley was trying to pursue that change in the use of the lines of the allowance.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

p8318b-8375a

Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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**Mr A.J. SIMPSON:** I actually made some huge statements during Local Government Week in support of the City of Vincent.

**Mr P. Papalia:** Did you support the motion?

**Mr A.J. SIMPSON:** It was in my speech. I congratulated the City of Vincent. I have done it again. In fact, as I stand here tonight, I can tell the member that Mayor John Carey has met with some developers and businesses. He has also met with the Square Dance Society of Western Australia; that was on his webpage. I am not quite sure that I want to envision John doing square dancing, but he has had a meeting with that group. Again, the interesting part is that I was quite quick to put in my speech to Local Government Managers Australia that this is how we can deliver transparency. I have been pushing back on the sector to say that now this has come out, the days of putting details of gifts and travel into an annual return—to think back over a year about who gave them a gift valued at more than \$300 and what travel they received—have moved on. The act was reviewed in 1995. There was no internet or computer. We should take that out and make it a live stream, so that at each council meeting they can update any gifts received, travel taken or training undertaken by councillors and put it on the public record and make it available for the world to see.

**Mr P. Papalia:** Did you talk about a clothing allowance as well in your speech?

**Mr A.J. SIMPSON:** Yes. I made the comment that it was part of a bygone era and that it is now time to move on. The City of Perth is the only council that has not. That is what the other local governments do not like, because they seem to think that everyone thinks that they get it, but they do not—only the City of Perth gets it. All the other local governments are saying that we should get rid of it because it reflects on them as well. I am confident that we have turned that corner. I put a lot of faith in the City of Perth to review its policies around this in the new year.

**Mr C.J. TALLENTIRE:** I refer to clause 4(c), which states —

to establish a City of Perth Committee as a means of facilitating collaboration between the State and the City of Perth;

It seems that we are almost admitting that there is a degree of failure in what we are trying to create in the City of Perth Bill, because we are saying from the outset that there is a need to create a body to facilitate that relationship between the city and the state government. Why would we not have it as a plain objective that there will be harmony between the City of Perth and the state government? It seems like some sort of admission of failure from the outset that there is going to have to be this separate body called the City of Perth Committee and that it is going to have this facilitation role. Is it because the government is anticipating some serious areas of conflict between the City of Perth and the state, or is it that the government thinks that there are other gaps in the relationship? I am trying to work out, from the very outset, right in the objects of the bill, why we have this creation of a facilitating body.

**Mr A.J. SIMPSON:** This provision came from the consultation. The City of Perth wanted to put this provision in the City of Perth Bill 2015. The Premier regularly—twice or sometimes three times a year—catches up with the Lord Mayor for a meeting or a standard catch-up or chitchat. The Minister for Planning may be invited along; I have attended a couple to raise issues about local government, communities or any of my portfolios. The same happens with the Minister for Transport because of the new busport being built. We consulted with the City of Perth and it was decided that a minimum of two meetings would be provided for in the legislation. We

need to keep in mind that quite often the Lord Mayor hosts dignitaries from overseas and interstate guests, and the Lord Mayor represents the people of Western Australia at those functions. We want the connection between the Premier of the day and Lord Mayor of the day to be harmonious, and we wanted to try to ensure that we have a regular catch-up. This year has been a little unusual. In the last couple of years the Minister for Planning has been very busy working with the City of Perth on the sinking of the railway, and on Kings Square, Yagan Square and Elizabeth Quay. A raft of projects are happening throughout Perth so there has been a lot of development that has been controlled through the Metropolitan Redevelopment Authority, with input from the City of Perth. This clause will mean there will be a minimum number of meetings, but there may be more. We already are doing that now, but it will now be legislated for. That was a recommendation made by the City of Perth so that there will be dialogue between the Lord Mayor, the CEO, the government and the Premier of the day. We already do it, but it will now become part of the act.

**Mr C.J. TALLENTIRE:** It just seems odd. The minister has said these relationships already function quite well, and that the Premier and other ministers have, I think, good working relations with the City of Perth, but now the minister wants to create a separate body that will formalise things. I wonder whether that will fudge things, and whether there will be confusion about the roles of the state government and state government ministers and the roles of the City of Perth and the independence of the City of Perth council. That will be

confused by creating the City of Perth Committee. If its role is to bring those things together for the City of Perth, why would the government not do that for a whole host of other local governments across the state?

**Mr A.J. SIMPSON:** I need to clarify a couple of points. This provision exists in the City of Adelaide (Capital City Committee) Amendment Act 2014. It was put on the table when we looked at all the acts from around Australia. The committee provided for in the City of Perth Bill 2015 will have no power or planning powers. It will be a consultative group. As I said, the City of Perth suggested this; it wanted it included in the bill and we were pretty happy to look at it. I think it is important to acknowledge the role and responsibilities of the Lord Mayor in connection with the Premier of the day, and to ensure that they have regular catch-ups. The bill specifies a minimum number of meetings, but sometimes, depending on what is happening in the City of Perth and the legislation that has been put forward, there may not be a need for a meeting. Right now there is a need to have a meeting at least three or four times a year with various ministers. Clause 4 will enshrine the capital city committee that will meet with the Premier. As members know, all ministers meet with local governments throughout the state. On Friday I will fly to Exmouth to meet with the Gascoyne Country Zone for a one-on-one with five or six local governments. This provision will go one step further and enshrine those meetings between the Lord Mayor and the Premier of the day into the City of Perth Bill. The committee will meet but will have no planning power, and I think it is important to acknowledge the responsibilities and role of the Lord Mayor as our spokesperson—the gateway to Perth, the capital city of our state—and it will promote a good relationship with the Premier and government of the day.

**Mr C.J. TALLENTIRE:** When we get to clauses 12 and 13, we will look at the actual functions of the committee. The minister commented that this will be a facilitating advisory body, but when I see that the Premier and any minister of the Crown required will be on the committee, I think the minister is setting up a conflict between the City of Perth—the council and councillors—and this committee. It is hard to see how such a powerful body would be anything other than overarching and a key decision-maker. The suggestion that it would simply be advisory seems a bit odd.

I turn to another quite separate point on how the objects of this bill will impact on the objects of other acts with the passage of this legislation. The Botanic Gardens and Parks Authority Act 1998 sets out the functions of the board of Kings Park and is very clear about the powers of that authority. Section 10(1) states —

The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

They are detailed in the act, and we can look into them in some detail. Has the minister thoroughly tested whether any potential conflicts will exist between the objects of the Botanic Gardens and Parks Authority Act and the objects set out in the City of Perth Bill?

**Mr A.J. SIMPSON:** Yes, I have looked into that quite closely. The Botanic Gardens and Parks Authority Act stands alone. The City of Perth boundary takes in Kings Park and the Swan River, but it has no planning power or planning authority over those areas. The only thing this bill will allow, through the Health Act, will be the health inspector from the City of Perth to inspect premises. It will enshrine the current arrangements with the Department of Health that allow the department to inspect the restaurants and so forth. The City of Perth has no power over the Botanic Gardens and Parks Authority, Kings Park or the Botanic Garden; it has been included in the bill only for local government. I had a long conversation with the Botanic Gardens and Parks Authority—I have met with it on many occasions through the drafting of this legislation—and it is very comfortable that it will still stand alone and have its own act, that the City of Perth will have its own act, and that the two will never meet.

**Mr C.J. TALLENTIRE:** Is the minister saying that the City of Perth will not have any special powers over the Botanic Gardens and Parks Authority's decision-making on events, for example? I think we could use that as the first example. Obviously, it was a decision, I imagine, of the state, in conjunction with the Botanic Gardens and Parks Authority, to have His Royal Highness The Prince of Wales visit on the weekend to see the botanical work going on there, especially the species propagation work—no doubt that is something of great interest to Prince Charles. The decision to have Prince Charles, I would imagine, was agreed to by the Botanic Gardens and Parks Authority, and was obviously agreed to by the City of Perth, but there could be other occasions when the City of Perth would like to see an event held at Kings Park and the Kings Park board would not be so enthusiastic about it. I know there are such events around; the minister is probably aware of them also. What will happen if there is a conflict of views?

**Mr A.J. SIMPSON:** I will clarify a couple of points. The bill specifies that the only local laws that will apply to Kings Park are those made by the Botanic Gardens and Parks Authority. The Botanic Gardens and Parks Authority of Kings Park, through regulation, will continue its role. The City of Perth will not have authority over

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the operations of the Botanic Gardens and Parks Authority. As much as the City of Perth would probably like to hold a concert or event in the park, if the Botanic Gardens and Parks Authority does not want it to happen, it has the final say because it has its own act and powers. The idea is that it will be encompassed within the capital city, but the Botanic Gardens and Parks Authority will have the final say on all operations within the park.

**Mr C.J. TALLENTIRE:** Under “Objects” it is stated that the City of Perth will have the power “to recognise, promote and enhance”. If the City of Perth deems that the holding of a concert of some description in Kings Park is a means of recognising, promoting and enhancing the City of Perth, how will that not override the provisions of the Botanic Gardens and Parks Authority Act?

**Mr A.J. SIMPSON:** The City of Perth Act will not override the Botanic Gardens and Parks Authority Act.

**Mr C.J. Tallentire:** But the objects might.

**Mr A.J. SIMPSON:** No; the bill will not allow for that. The objects have no input and the bill will not override it. There is nothing in the bill that says the proposed act will have power over Kings Park. Kings Park has its own act and its own authority. The two do not allow one to override the other.

**Mr C.J. TALLENTIRE:** Where is that written? The objects of the bill are to recognise, promote and enhance and it goes into detail how that can be done for the City of Perth. If the City of Perth deems some event would lead to the enhancement or the promotion of the City of Perth, surely it is going to be in a position to do that, unless the minister is telling me there is a specific provision in here that states that this bill does not override the Botanic Gardens and Parks Authority. I have not seen that provision, but perhaps it is in the bill somewhere.

**Mr A.J. SIMPSON:** I restate that this act does not allow any more power. I will put it this way: although the member for Gosnells lives in the City of Gosnells, it does not mean that the City of Gosnells could hold an event in his backyard because it is his property. That is probably the easiest way to talk about the rights of Kings Park.

**Mr C.J. Tallentire:** Because it has freehold title.

**Mr A.J. SIMPSON:** Kings Park is owned by the government; it is Crown land and it has its own act. Basically, the Botanic Gardens and Parks Authority operates under its own act. We are not amending or changing that at all. It is the landowner or administrator of Kings Park. Yes, the City of Perth Bill refers to the objectives of raising the status of the City of Perth and its roles and responsibilities, but nowhere in the City of Perth Bill is there provision for any power over the Botanic Gardens and Parks Authority. It stands alone. It has the final say on everything that happens in Kings Park. That will be very similar to the provision that will move the boundary of the City of Perth to the middle of the Swan River. People will still have to go to the Department of Parks and Wildlife if they want to do anything within the river’s boundary because that is still part of that act. Although the city boundary will extend further, that will not override parks and wildlife’s authority on the river; it does not override Kings Park and the Botanic Gardens under their acts.

**Mr C.J. TALLENTIRE:** Why include it? The object of the bill at paragraph (d) is “to revise the boundaries of the City of Perth”. What an amazing power to give to the City of Perth under the objects of this act. Why give the City of Perth power to take in an area if it cannot do anything about what goes on in that area?

**Mr A.J. SIMPSON:** What is important is that the bill will recognise, promote and enhance the City of Perth. I want the City of Perth to have the ability tell the world that the city has a beautiful park in its backyard—Kings Park. We are asking the City of Perth to promote Western Australia’s oldest university and Perth’s biggest park—to talk about it and sell it in its promotions. That is the idea of the bill providing for that promotion and enhancement. I can only restate that the bill will not provide the City of Perth power over Kings Park, but will provide for the city to go out and sell it to the wider world and tell people what a great park we have in our backyard and to come and have a look. Western Australia is unique in having Kings Park—the Minister for Environment is not in the chamber at the moment to tell me how big it is—on the doorstep of the metropolitan area. It is certainly a great asset, and part of this bill provides for the city to go out and sell the wider city to the whole world.

**Mr C.J. TALLENTIRE:** Is the minister saying that one of the objects of the bill is a tourism or promotion function? I do not see any mention of that in the bill either. There is no mention of tourism in the bill.

**Mr A.J. Simpson:** The objects of the bill are to recognise, promote and enhance.

**Mr C.J. TALLENTIRE:** The minister is specifically nominating tourism as one of the functions of the new City of Perth. The minister seems to be saying that representatives of the City of Perth would go to various tourism trade fairs to promote the City of Perth. It could do that anyway for Kings Park; it would not need an act of Parliament to do that. The minister is saying that is one of the City of Perth’s key tasks, yet that is not mentioned in the objects.

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**The ACTING SPEAKER:** Perhaps that could be dealt with that under clause 8, which deals with the objects of the City of Perth in more detail.

**Mr B.S. WYATT:** Clause 4(b) states —

to provide for the constitution of the City of Perth Council and recognise the unique role and responsibilities of the Lord Mayor of Perth and City of Perth councillors;

Is there provision somewhere later in the bill for the constitution or is this bill the constitution? Can the minister clarify that for me? I am a bit confused.

**Mr A.J. SIMPSON:** The constitution of Perth will be eight councillors plus the Lord Mayor. Clause 9 recognises that the City of Perth has the title of Lord Mayor. This is consistent with the current constitution of the City of Perth council, which is provided by the act of 1993. It is “constitution” as in “made up of”.

**Mr B.S. WYATT:** It “constitutes” as opposed to a “constitution” that sets out how an organisation will and can run, for example.

**Mr A.J. Simpson:** Yes.

**Mr B.S. WYATT:** Thank you, because I read that as a constitution.

**Mr A.J. Simpson:** Yes.

**Clause put and passed.**

**Clause 5: Relationship with *Local Government Act 1995* —**

**Mr D.A. TEMPLEMAN:** This clause sets out which act supersedes the other, specifically for the Local Government Act 1995. This clause provides that if there is a conflict or inconsistency between the proposed City of Perth Bill and the Local Government Act, the City of Perth Act will prevail. Is there any perceived possibility of a conflict? We have already agreed to increase the scope of the bill to add the transparency clauses, and those will ultimately be an amendment to the Local Government Act and will be part of this act but subsequently will amend the Local Government Act and affect the transparency components of all councils, which we accept. Could there be any perceived conflict with the passage of this bill as it relates to the Local Government Act? I would assume that has been investigated, but is there any perceived conflict or inconsistency, to the minister’s knowledge at this point?

**Mr A.J. SIMPSON:** Clause 5 provides for a relationship with the Local Government Act 1995. Once enacted, the bill will act in conjunction with the Local Government Act 1995. The City of Perth will continue to be subject to the provisions of the Local Government Act except to the extent of any inconsistency between the two acts or when a conflict or inconsistency is raised, in which case the City of Perth act will prevail. For example, currently a local government can change its boundary under the Local Government Act. However, under this legislation the City of Perth will not be able to change its boundary via an amendment to the Local Government Act; an act of Parliament will be needed to do that. That is the difference between the City of Perth Bill and the Local Government Act 1995.

**Mr B.S. WYATT:** I listened to the minister’s previous comments on an earlier clause in which he said that 99 per cent of what is being done in this bill could be done under the current Local Government Act. I wrote that down. Can the minister confirm whether this inconsistency clause—the member for Mandurah asked about this when he was contemplating a specific scenario and in light of the fact that the minister already has the power to do everything that is being done in this bill anyway—is inserted simply for future statutory interpretation purposes? Is that why this clause is included?

**Mr A.J. SIMPSON:** Yes; in effect, it is.

**Mr D.A. TEMPLEMAN:** Given that a further clause in the bill gives specific jurisdiction to the Executive Director of Public Health, that clause supersedes —

**Mr A.J. Simpson:** No.

**Mr D.A. TEMPLEMAN:** I am just trying to find the page. It is clause 27.

**Mr A.J. Simpson:** It is clause 29.

**Mr D.A. TEMPLEMAN:** Clause 29, sorry. That clause refers to the Executive Director of Public Health.

**The ACTING SPEAKER:** Members, can you keep your voices down a little? Thanks.

**Mr D.A. TEMPLEMAN:** On page 22, proposed section 44A(5) states —

If there is a conflict or inconsistency between a local law made by the Executive Director, Public Health under ... and a local law made by a local government under the *Local Government Act 1995* ...

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From my reading, that means if there is an inconsistency or a conflict, it is the Executive Director of Public Health who prevails in relation to that.

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** Does that proposed subsection (5) conflict with the clause we are now debating, which refers to this proposed act prevailing if there is a conflict with the Local Government Act? I suppose what I am getting to is whether the wording in the subsequent clause cancels the other one out. My reading of it is that if there is a conflict, the Executive Director of Public Health has pretty strong powers that could supersede the Local Government Act and also supersede the City of Perth Bill. Could the minister clarify that for us?

**Mr A.J. SIMPSON:** I will just clarify that. I understand where the member is coming from in terms of what he is trying to say about a conflict or inconsistency arising with the City of Perth. The amendment to do with the Executive Director of Public Health is to the Botanic Gardens and Parks Authority Act 1998, which is an amendment for changes to Kings Park. When we talk about the responsibility of the Executive Director of Public Health, the executive director's current responsibility is for public health matters in Kings Park. We are modifying the Botanic Gardens and Parks Authority Act 1998 to make sure it stays in place. We are not actually adding it to the City of Perth Bill. The bill actually states that Kings Park comes under the botanic gardens act. However, I think the member was referring to any inconsistency between this bill and the Local Government Act 1995. I will state that there is not much change to public health matters. I know that there has been a lot of conspiracy about the Executive Director of Public Health having a lot of power and being able to step in and do a lot of stuff. However, this clause is to do with matters that currently exist and enshrining them in the Botanic Gardens and Parks Authority Act to make sure that the authority takes responsibility for Kings Park. That is why this bill points towards Kings Park and points towards the Botanic Gardens and Parks Authority Act to resolve a conflict of interest between the two.

I am pretty sure that if we dug a bit deeper, we would find some other conflicts to do with other parts of the bill. The problem is that the City of Perth Bill enshrines the capital city and underneath that there is a wider act, the Local Government Act 1995, which takes care of all local governments in Western Australia. The City of Perth Bill will sit beside it and they will work together. Clause 5 refers to the relationship between the two and for them to come together to resolve conflicts in the case of variations between the two. There will be some more conflicts. I am sure that if the member digs a bit deeper, he will be able to find a conflict somewhere.

**Mr D.A. TEMPLEMAN:** Further to that, are there any other acts that we should be aware of that this clause should or could supersede? It is probably a question relating to proposed section 44A, but I am not sure. The powers in proposed section 44A will be given to the Executive Director of Public Health. I will give a hypothetical example about Kings Park, which has in it our State War Memorial. God forbid, but in the current environment of terrorism it may be considered appropriate at some stage for a period to restrict public access to part of Kings Park for health and safety reasons. The reality is that in the world we live in now, war memorials are symbols of significance and, unfortunately, are potential targets. Whose decision would it be, in relation to other acts, for example to restrict access by the public to our State War Memorial? It sits in the jurisdiction of the Botanic Gardens and Parks Authority.

**Mr A.J. Simpson:** Within the greater city.

**Mr D.A. TEMPLEMAN:** Within the City of Perth.

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** But I understand that there is an act that itself refers to it. I am not sure but I suspect there is an act of Parliament that specifically relates to war memorials, such as a war memorials act.

**Mr A.J. Simpson:** Correct.

**Mr D.A. TEMPLEMAN:** All I want to know is whether there are any other acts, given the nature and significance of Kings Park and given the nature of the terrible environment we are now in, in which someone has the ultimate decision to close it down. My understanding of this bill is if the Executive Director of Public Health decides that for the wider health of the community he or she should act, then they have the ultimate power. That is what this bill is doing for them. The Executive Director of Public Health could say, "We have a terrorism threat for some of our public buildings or public institutions, including the State War Memorial. The power vested in me under the City of Perth Bill will allow me to close it down." Can the minister clarify that for us?

**Mr A.J. SIMPSON:** I will clarify a couple of points. The member asked in the first part of the question how many other acts this bill touches on. It touches on only the Botanic Gardens and Parks Authority Act 1998 and, of course, the Local Government Act 1995. They are the two acts affected by it. In regard to a public risk at the State War Memorial, I guess that would come through a process of some sort of police state security. In my time

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in this chamber I saw a raft of powers given to police for the Commonwealth Heads of Government Meeting to deal with every type of event that could break out; they would step in and take over. Keep in mind that Kings Park is on crown land and it is a public purpose place, so the authorities would attend to that. It would not come under public health; it would come under public safety, more importantly. But again, I could draw a comparison between the power the Executive Director of Public Health has, which the member talked about, and the same power that every local government has in Western Australia. The Executive Director of Public Health has the power to go into any local government and inspect health and wellbeing in a public place. That has not been done before anywhere else, so I do not see there being any extra power or any reason to go into Kings Park and start saying, "We're going to change and do what we do today." I am sure that the Executive Director of Public Health has enough on his plate to do without getting involved in other things. However, I hear the member's point.

This bill touches only on two other acts. The Local Government Act and the Botanic Gardens and Parks Authority Act, to do with Kings Park, are the only two acts that have effect within the City of Perth and the provisions are quite clear on what the Executive Director of Public Health can and cannot do. However, I can give the member confidence that the Executive Director of Public Health has that power now within Kings Park; we are just putting it into this legislation. We are not giving him any more powers than he has today. We are just amending the Botanic Gardens and Parks Authority Act 1998 to give the Executive Director of Public Health the right to do what he has to do to ensure the health of the 10 million people who visit the park every year.

**Mr D.A. TEMPLEMAN:** This is more about a question I said we would raise in consideration in detail; namely, on the rating of businesses in Kings Park such as Aspects of Kings Park and food providers. Under the current arrangements, the Botanic Gardens and Parks Authority is the authority over the businesses within Kings Park and obviously rates are paid to the authority.

**Mr A.J. Simpson:** It's a lease agreement.

**Mr D.A. TEMPLEMAN:** Yes. Will that change for businesses within the boundaries of Kings Park so that they become rateable by the City of Perth?

**Mr A.J. SIMPSON:** Section 6.26 of the Local Government Act 1995 states that land that is the property of the Crown and is being used or held for a public purpose is not rateable land. Kings Park being crown land and used for public purposes cannot be rated. Every business within that boundary of Kings Park has a lease arrangement with the Botanic Gardens and Parks Authority, which as a business charges a lease and the money it collects is used to upgrade infrastructure and maintain the beautiful gardens. That is the authority's income to manage the park. The authority makes those decisions but the City of Perth will have no capacity to apply rates. There will be no impact on businesses at all. The Botanic Gardens and Parks Authority will have ultimate control over the park regardless of the administration and lease agreement.

**Clause put and passed.**

**Clause 6: City of Perth continued —**

**Mr D.A. TEMPLEMAN:** In clause 6(2), reference is made to the City of Perth Restructuring Act 1993. It is a definition, if you like, as follows —

The City of Perth is the same body corporate that was continued by the *City of Perth Restructuring Act 1993* section 9(4).

Given this legislation repeals the City of Perth Restructuring Act 1993, what, if anything, will that do to this particular reference? After this bill has passed, the reference to the City of Perth being the same body corporate that was continued by the City of Perth Restructuring Act will no longer exist as a legal entity. Is there an issue there given we are repealing that restructuring act?

**Mr A.J. SIMPSON:** It will make no difference at all. This clause confirms that the City of Perth is an ongoing entity. It is the same entity that continued under the City of Perth Restructuring Act. It confirms its status as a city. There will be no change to its legal status. Elected members of the City of Perth will continue to be elected members of the City of Perth. As I said in my second reading speech, this bill will dissolve the City of Perth Restructuring Act, which created an entity for the purpose of breaking up the City of Perth into Cambridge, Vincent and Victoria Park. This will tidy up what we call loose ends. The only thing that kept it going concerned sections providing for superannuation, and they have been brought into this legislation. The only provisions left over from the City of Perth Restructuring Act concerned some provisions relating to superannuation that we have brought into this legislation.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

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**Mr D.A. TEMPLEMAN:** It essentially relates to the repeal of the City of Perth Restructuring Act. The entities created under the City of Perth Restructuring Act 1993 are the existing City of Perth, the Town of Victoria Park, the Town of Cambridge and the City of Vincent. What, if any, will be the effect of the repeal of that act because that act created the four entities? How will the legal status of the existing four entities be protected when the act that set them up is repealed?

**Mr A.J. SIMPSON:** I think section 9 of the City of Perth Reconstruction Act created the entities for all purposes as though they were created by a government's audit under the Local Government Act. Once the local governments had been created and transition arrangements completed, the restructuring act ceased to have effect except for the superannuation provisions. The act was created to provide a transition vehicle to set up Victoria Park, Vincent and Cambridge councils. Now that that has happened we have an opportunity to tidy up loose ends and fix up the superannuation provisions and include them in this legislation.

**Mr D.A. Templeman:** It is an omnibus issue.

**Mr A.J. SIMPSON:** Yes.

**Mr D.A. TEMPLEMAN:** Will the 1993 act be redundant, irrespective of this bill?

**Mr A.J. SIMPSON:** Yes. The act contains a provision to ensure that once the government audit has been signed and the three local identities established, the exemption provision for superannuation will be brought forward. That was a vehicle to set up Cambridge, Vincent and Victoria Park.

**Mr D.A. Templeman:** It should have been transitional.

**Mr A.J. SIMPSON:** That is correct. Some superannuation provisions have been carried through to this legislation.

**Mr B.S. WYATT:** The minister raised the provisions regarding superannuation. I was going to wait until we dealt with the repeal of the City of Perth Restructuring Act. I assume the minister is referring to section 29 of the City of Perth Restructuring Act 1993.

**Mr A.J. Simpson:** Yes.

**Mr B.S. WYATT:** Can the minister explain to the house again what will happen to section 29? Even though we are repealing the act, he said it will be carried forward or something.

**Mr A.J. SIMPSON:** It relates to a superannuation scheme. Before 1993 when the old City of Perth provision was included so that when employees were disbursed into positions in Vincent, Cambridge and Victoria Park, they could carry on their super and that was part of the transition process. That is why the legislation was put in place and why it exists today. Those provisions have been transferred into this legislation.

**Mr B.S. Wyatt:** Into which clause of this bill?

**Mr A.J. SIMPSON:** Clause 24.

**Mr B.S. Wyatt:** I will come to it; I just want to keep it in my head.

**Mr A.J. SIMPSON:** Twenty staff are still involved.

**Mr B.S. Wyatt:** Is that all-up in the other councils that were created outside the City of Perth?

**Mr A.J. SIMPSON:** Yes.

**Mr B.S. WYATT:** I will deal with it now so that I do not have to deal with it later. This issue was raised specifically by the Town of Victoria Park concerning sections 28 and 29 regarding lands held in trust by the City of Perth. Can the minister explain whether it is simply repealed or is the land held in trust by the City of Perth dealt with as well and included in the City of Perth Bill?

**Mr A.J. SIMPSON:** It was dealt with in the transition period in 1993 and was to do with superannuation and land in trust. The City of Perth was in transition; it broke up and there was a heap of land in trust, especially in Cambridge. That was all sold through the 1993 act. That was the vehicle used to break up the City of Perth into the three other identities and take care of that transition period to do with the trust itself.

**Mr B.S. WYATT:** I ask the minister to clarify that because I want to deal with an issue that was raised in the Town of Victoria Park's submission to the minister. One of its key observations was that sections 28 and 29 of the City of Perth Restructuring Act 1993 must continue in operation for the good governance of the citizenry of the Town of Victoria Park and possible "City of South Park". Does the minister remember those days? The minister has dealt with section 29 with respect to superannuation. From what I can gather—the minister can correct me if I am wrong—section 28 was effectively dealt with in 1993. Section 28 was part of the transition

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from the City of Perth to the City of Perth, Cambridge, Vincent and Shepperton, as it was then. Can the minister confirm that for me?

**Mr A.J. SIMPSON:** It was pretty much all dealt with in 1993 as part of that transition process to break up the City of Perth.

**Mr B.S. WYATT:** I seek clarification on one more issue, which I think the minister has nearly done with the member for Mandurah. Section 9 of the City of Perth Restructuring Act 1993 specifically created the four councils—Shepperton, which became Victoria Park, Vincent, Cambridge and Perth. The government’s position is that that was simply transitional and all of the City of Perth Restructuring Act 1993, except for that superannuation section, effectively became redundant once those four councils were created. Can the minister confirm that that is correct?

**Mr A.J. SIMPSON:** The act of 1993 did that. It was a vehicle that established the Town of Shepperton, the Town of Cambridge and the Town of Vincent. That is it. It is done. It was in place. Superannuation was the only thing left in it.

**Clause put and passed.**

**Clause 7: Perth is capital of Western Australia —**

**The ACTING SPEAKER (Mr I.M. Britza):** I will be very interested to hear this, member for Mandurah.

**Mr D.A. TEMPLEMAN:** Why do we not refer to Perth as the capital city of Western Australia? Why is it just referred to as the capital? Where does that wording come from?

**Mr A.J. SIMPSON:** I am guessing that it is the capital. If we went to a quiz night and were asked what is the capital of Western Australia, we would say it is Perth. We would not say that it is the city of Perth. I think this clause recognises the fact that Perth is the capital of Western Australia.

**Mr D.A. Templeman:** The City of Perth is, in fact, a corporate body.

**Mr A.J. SIMPSON:** Correct.

**Mr D.A. Templeman:** The capital of Western Australia is Perth, not the City of Perth.

**Mr A.J. SIMPSON:** Correct.

**Mr D.A. Templeman:** That is the answer.

**Mr A.J. SIMPSON:** Yes, that is the answer. The member answered his own question.

**Mr D.A. Templeman:** But you could still call it the capital city.

**Mr A.J. SIMPSON:** We can. That is correct. But the capital city of Western Australia is Perth.

**Mr D.A. Templeman:** It is true to say “the City of Perth”, not “the capital city”. The City of Perth refers specifically to the corporate entity. Therefore, should we not be saying that Perth is the capital city of Western Australia?

**Mr A.J. SIMPSON:** No. The city is defined as a local government. It is defined by its boundaries, as we are doing here, so the capital of Western Australia is the metropolitan area of Perth.

**Mr D.A. Templeman:** Is that consistent with other legislation? I am assuming it is.

**Mr A.J. SIMPSON:** Yes, I think so.

**Clause put and passed.**

**Clause 8: Objects of City of Perth —**

**Mr D.A. TEMPLEMAN:** Pages 4 and 5 of the bill refer to the objects. We do not have trouble with those. Where have these been lifted from? They refer to a range of things that the City of Perth should do, effectively. It should provide good governance, it should represent the community and it should encourage community participation. What happens if it does not? I am assuming that the answer to that question would be that if it does not, the voters of Perth would have the opportunity to choose somebody or some people whom they think would do a better job. Where did this wording come from? Was it lifted from existing capital city legislation in other parts of Australia or was it conceived on a whiteboard or by a think tank or lifted from the Local Government Act?

**Mr A.J. SIMPSON:** The objects of the City of Perth are quite strong, as shown in the list. They include providing for good governance, representing the community and providing a safe and clean environment. These

objects came out of our work group—the people we met with when we discussed it. In summary, they should guide the City of Perth in its actions and decision-making. The objectives recognise the breadth of stakeholders in the city of Perth, from those who visit the city of Perth regularly, such as people who work in the city, to interstate and international business travellers. Tourists holidaying in the city need to be considered when providing services and facilities. While making the objectives complementary, all those things come into it. The important part of the whole process of the City of the Perth Bill are the key objectives of the city and when the legislation is passed, it will set out what we want to achieve. This is clearly what we are trying to do. We are trying to strengthen it, open it, promote it, nurture it, support it and develop it. All those objectives go towards achieving a good capital city, but they also give us the opportunity to sell our city far and wide and overseas and attract more visitors and vibrancy into the city.

**Mr B.S. WYATT:** The member for Mandurah is quite correct. These are wonderful words. I think we all support paragraphs (a) through (j) but the most important component of this clause is that these words mean nothing at all. Actually, they mean nothing. They have no impact, no power and no obligations. They mean nothing. I draw the minister's attention to clause 8(2), which states —

This section does not —

- (a) limit the role, functions, powers and obligations of the City of Perth or the City of Perth Council under the *Local Government Act 1995* or any other written law; or
- (b) impose on the City of Perth or the City of Perth Council any obligation that is enforceable in a court of law; or
- (c) confer on any person any legal right that is enforceable in a court of law.

It does not mean anything. All clause 8 means is that the City of Perth and the City of Perth council still have to comply with the Local Government Act.

**Mr A.J. Simpson:** Correct.

**Mr B.S. WYATT:** Thank you, minister. That is all it means. These other words are nice and we can all furiously agree with them, but they actually do not mean anything. The member for Warnbro raised the point earlier and asked whether the councillors using this bill will seek higher pay. No, it does not require them to do anything one dot differently from what they currently do. It will do if our transparency provisions get up, member for Mandurah.

**Mr D.A. Templeman:** It might encourage them to do lots more international travel.

**Mr B.S. WYATT:** It may do. I want to emphasise that, colleagues. All this two-page clause does is state that the City of Perth and the City of Perth council have to comply with the Local Government Act 1995. That is all it does. I am glad that the minister—unexpectedly, I must admit—confirmed that by way of interjection across the way. I will ask a question; it will come with a question mark at the end of it now that I have made that point because I know the Acting Speaker is about to get agitated. If indeed this is such an important bill, if we are enhancing the prestige of councillors and the council and if we are seeking to do all these things set out in clauses 8(1)(a) to 8(1)(j), why do we not create an obligation?

**Mr A.J. SIMPSON:** I take on board the comments of the member for Victoria Park, but I refer to clause 11, “General roles of Lord Mayor and councillors”. I am jumping ahead of myself, but clause 11(2)(h) reads —

to have due regard to the objects of the City of Perth in informing the City of Perth Council's work and in the making of decisions by the Council;

The member made some comments about the words about promoting the objective, but councils also have to take into consideration the general roles and responsibilities of the councillors and the Lord Mayor, as they go through their decision-making processes. They must take these as what they operate off, as part of the charter for what they are trying to achieve for the City of Perth. To take it one step further, they take into consideration their roles and responsibilities as the Lord Mayor and councillors.

**Mr B.S. WYATT:** I get “to have due regard” but I would say that I would struggle to walk around Western Australia and find a councillor in any local government authority who did not get to the job and sit at a council meeting saying that they were there to provide for the good governance of, say, the people of the Town of Victoria Park, including residents, ratepayers and visitors, to represent the community and encourage community participation, whether a councillor is in Broome, Esperance or Victoria Park. Of course they must have due regard; I understand what the minister is trying to do. Perth is the capital of Western Australia—it is a statement of the bleeding obvious; we know that. Ultimately, councillors will have regard to this, and I hope they already do. I hope every councillor and every local government authority in Western Australia has in their mind

the objects of the City of Perth and applies those to their own council. I just wanted to make that point; I do not expect the minister to jump up and respond.

**Mr A.J. SIMPSON:** The important part is also realising that each councillor takes an oath, and that also pretty much sums up what they are there to do. They are there to represent the whole council, not just their ward.

**Mr B.S. Wyatt:** Of which there are none, of course.

**Mr A.J. SIMPSON:** Yes, correct, but the member was talking about other local governments. That is one of the key issues when people are elected to local government and find out that they take on responsibility for the whole local government, not just the ward they are elected to. That is part of the obligations. These are the objectives of the City of Perth, but I would hope that all local governments would follow this type of mandate for what they do and where they live, in promoting and making sure that they do the best for the city where they live.

**Mr C.J. TALLENTIRE:** It is an interesting discussion about the non-binding nature of these objects, and other members have expressed a certain degree of support for the aspirations that are expressed here, but I would like to voice concern about an issue that I think is a serious omission—that is, the failure to acknowledge any obligation to Indigenous heritage. I note that the term “cultural” is used, but there is nothing in these objects that specifically mentions regard for or protection of Indigenous heritage. I am especially looking at clause 8(1)(f), which reads —

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 —

We are accepting that there is an obligation to do something about the natural environment —

and having due regard to the flow-on impact on the Perth metropolitan area;

There is no mention at all here about making sure that we initiate and promote the continued growth, and do things with respect to Indigenous heritage. I think that is a serious omission. I would like the minister’s comments.

**Mr A.J. SIMPSON:** It is important to acknowledge that the community as a whole is all the ratepayers. Aboriginal heritage is very important, and Western Australia is strong in its recognition of this. In this house a couple of months ago we recognised Aboriginals in the Western Australia Constitution, which I think is a really big step. When we talk about culture, we are talking about heritage, which takes that into consideration. Touching on that, I think the member for Mandurah raised the Kings Park issue, and I am pretty sure that Kings Park takes that into consideration. We have tried to show in the objects of the City of Perth Bill that we make sure we embrace all people in the city of Perth, and everyone in Western Australia.

**Mr C.J. TALLENTIRE:** The minister is saying that it is quite reasonable to not have any mention of Indigenous heritage here, but I look at the outline of the proposed new City of Perth and note that, for example, it takes in an area through which it is known that the Wagyl went, and therefore is an area of spiritual significance to Noongar people of the area. There is no mention of that, but it is plainly there. We know, from days gone by when there was a big debate about the old Swan Brewery site, how significant the Wagyl is. I know that in Kings Park, as the minister mentioned, there is respect for that part of the heritage. Yes, Kings Park is doing it, so why cannot the City of Perth?

**Mr A.J. SIMPSON:** I totally agree with the member for Gosnells, and I think part of the objects is to represent the community as a whole. There is nothing stopping the City of Perth from taking that one step further and recognising Indigenous heritage within the City of Perth. I know a lot of local governments go through special services, giving recognition in parks, events and so forth throughout Western Australia, but with the City of Perth Bill, we are trying to talk about the community as a whole. Just to touch on the Swan River, it is always controlled by the Department of Parks and Wildlife. I touch on those issues to do with Aboriginal culture and heritage, but it is controlled by the Department of Parks and Wildlife, and does not have an input from the City of Perth as such.

**Clause put and passed.**

**Clause 9: Representation on City of Perth Council —**

**Mr B.S. WYATT:** I would like the minister to confirm something for me again. Is this the first time the City of Perth Council has been defined as eight councillors and a Lord Mayor?

**Mr A.J. SIMPSON:** It was defined in the City of Perth Restructuring Act 1993.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

p8318b-8375a

Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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**Mr B.S. WYATT:** While the minister and I are both shuffling through various pieces of paper, I have the City of Perth Restructuring Act 1993 in front of me. It was defined in that act, but as a site. Was the City of Perth Council defined as well?

**Mr A.J. Simpson:** I think it refers to a Lord Mayor and eight councillors.

**Mr B.S. WYATT:** I have found it in section 10(1), which states —

The council of the City of Perth is to consist of a mayor and 8 councillors.

We have stumbled across it at the same time. Can councils make decisions to either increase or decrease the numbers of councillors they have? Can other local government authorities make decisions around the number of councillors that they have, or is that also embedded in state legislation?

**Mr A.J. SIMPSON:** For the City of Perth, it is in the bill, which defines it as eight elected councillors and the Lord Mayor. Any other local government in Western Australia can apply to the Local Government Advisory Board for a reduction in the number of councillors. They can choose to change their mayor or president from being elected by the council to being popularly elected. That is for the individual councils to decide, in the same way individual councils can decide whether they want a district ward or a ward structure as well. Each change they effect has to go through quite robust advertising and also has to be balanced out. In the case of wards, they must be equally weighted before they can make changes to that process. However, the city of Perth structure, of the Lord Mayor and eight councillors, is in the bill.

**Mr B.S. WYATT:** I have one question for the minister. We are about to get the special role of the Lord Mayor. We just dealt with the objects of the City of Perth and I pointed out the fact that no standing, power, obligations or responsibilities were created. We have also dealt with clause 7, stipulating that Perth is the capital of Western Australia. This bill is all about enhancing the prestige of the City of Perth. Was any consideration given in government to requiring compulsory voting to elect the City of Perth council? I asked this simply because —

**The ACTING SPEAKER:** You need to qualify this question for me, member.

**Mr B.S. WYATT:** We have just been talking about representation.

**The ACTING SPEAKER:** Okay, thank you.

**Mr B.S. WYATT:** Ultimately, it is about representation on the City of Perth council. We know there is not compulsory voting to elect local governments and there has been talk about low voter turnout. The City of Perth already has a small number of voters, as we discussed earlier this evening, compared with other surrounding local government authorities. I am curious about whether any consideration was given to the fact that the enhanced prestige of the Lord Mayor and the eight councillors could be ensured if they definitely had the mandate of those eligible voters. As the minister pointed out to me earlier, the number of eligible voters comprising the residents or ratepayers of the City of Perth is large. I ask my question simply out of curiosity.

**Mr A.J. SIMPSON:** Compulsory voting has been quite a contentious issue throughout the sector. The member spoke before about the Robson report and its 30 recommendations. One of those recommendations was to bring in compulsory voting. In saying that, it has to be understood what it would mean for local governments if we were to go down that road. Would all councils have to hold elections every four years? That would have to be lined up with our state electoral cycle every four years, the federal cycle every three years and then the local government cycle every four years. For example, in 2013 we sent voters to the polls three times in state, federal and local government elections. There has been a lot of discussion about that. Without getting too off-track, with compulsory voting in Victoria and New South Wales party politics is in the front door.

**Mr B.S. Wyatt:** Do they have compulsory voting? I did not know that.

**Mr A.J. SIMPSON:** Yes, they have compulsory voting. It is very expensive for a council to campaign in a local government election when everyone votes. It is no different from the member for Victoria Park or I going to the polls; it is an expensive process. What tends to happen is that local government candidates attach themselves to local members, and local members associate themselves with local government candidates and use their political will to get them sent to council. There has been a lot of discussion on this. The sector as a whole does not support compulsory voting for that reason.

**Mr B.S. Wyatt:** The sector or the Western Australian Local Government Association?

**Mr A.J. SIMPSON:** The sector and WALGA. I have heard some people mention it, but WALGA and the sector as a whole have rejected it outright, mainly because of the cost. It is very expensive to campaign when everyone votes. A large amount of money has to be spent because it is no different from the member for Victoria Park and I going to the polls in the normal election campaign, and it is very similar in other states. It is well and truly worth having a conversation about this. One of the things we talk about is local government as the third tier of

government; it is an arm of the state government. Local governments abide by the Constitution, and there are local taxes where they are. Remember that there was a discussion about the referendum to put local government into the Australian Constitution, which was due to happen in 2013.

**Mr B.S. Wyatt:** The referendum never happened.

**Mr A.J. SIMPSON:** It never happened. Again, there is a bit of discussion that if local governments want to be seen as real and as a third tier of government, maybe they should possibly do that. Maybe they could step up to the plate and make voting compulsory. Maybe they could do a bit more and make things a bit more robust. As the minister, I am in the hands of the sector. Yes, 90 per cent of the sector is WALGA now, and it does not support compulsory voting. In this case, we would have to get to one local government and not the rest. That would have to be questioned as well.

**Mr B.S. WYATT:** I just want to clarify that the point I was making was about the City of Perth, not the local government sector. Effectively, what is being said by the passage of this bill is that the City of Perth is a unique local government that differs from all the others. I think earlier on the minister said that the size of the budget, for example, means that the City of Perth councillors are entitled to move into a higher pay bracket than they otherwise would be if it was just due to population and the number of ratepayers, because of the size of the budget. I accept that. The question I raise about compulsory voting relates only to the City of Perth. The minister is right that there are issues about the electoral cycle, but in light of the fact that there are eight councillors and one Lord Mayor, I think it could be resolved. My question was about whether it was considered, and clearly from the minister's answer it was, but only in terms of the broad conversation around the issue of compulsory voting, not specifically in respect to this bill.

**Mr A.J. SIMPSON:** I suppose I can sum this up for the member. Of all the stakeholders we met with, not one person raised that as an issue.

**Mr B.S. Wyatt:** Robson.

**Mr A.J. SIMPSON:** Correct, in that recommendation, but during this City of Perth process, the issue was not raised. As I said before, it is an issue of what the sector is trying to achieve as a third tier of government and how it wants to be seen. That is possibly a conversation that should be had.

**Mr D.A. TEMPLEMAN:** I have a question further to the minister's answer about compulsory voting and also the cost issue. The minister would be aware that significant money was spent in some councils by some individuals in the local government elections only last month. Indeed, anyone who drove through some of the council areas, including the City of Canning, and saw the sort of money spent on advertising on bus stops, bins and signage, saw that it was basically like a state election. A person would think a state election campaign was underway because of the dollars spent. I would be interested, given the declarations of donations and otherwise, whether there has been any analysis of what sort of money was spent by some candidates to be elected. I think part of that issue relates to whether there are wards—I think that is an issue—for councillors and I note that has been discussed previously. I am happy to leave it there.

**Mr A.J. SIMPSON:** The member raises a good question about costs. I do not have a breakdown, because I have to wait for an annual return, as the member can well imagine for a public document, to work out what anyone had spent. I would not be interested in sending my department to find out what the costs were. This is where things get a bit different for a local government minister. In an election process a couple of things kick in. One is called the Western Australian Electoral Commission. It takes care of the election process and there are rules around how a campaign can be run and where advertising can be displayed. Then there is a local government planning policy. With the issue of signs in someone's front yard, the act fully states that a different person's business cannot be advertised in someone's front yard. Only an advertisement for the resident's business or a "for sale" sign can in be put in a front yard, and there are a lot of laws around that. It is an interesting issue for us. As state and federal election campaigns go up another level, there are corflute signs going around at pretty much every election cycle. We are recycling very well, and local governments now use them! In the election in Canning we could see quite clearly what one of the candidates did with his corflutes. He changed the bottom sticker and took it out again to use it at the state election. He was successful at becoming a member of the council, but was not successful in running for mayor, which was surprising, given the amount of signage. Sometimes all the best money spent on signs does not guarantee a seat. Electors think before they vote, which is good. We just wish we could get a few more people to vote than the average 25 per cent. It would be really good if it that got up to around about 50 per cent, as we saw in February with three local governments going to a vote on the reform process—the amalgamation poll provision. We managed to achieve over 50 per cent across three local governments. There were a lot of people out there doorknocking to get residents to vote, but come local government elections, we were back down to 25 per cent, which is a fraction better than 13 per cent and 23

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per cent, but still a long way from where we would like to be in terms of having robust local government elections.

**Mr C.J. TALLENTIRE:** Clause 9 would perhaps be the opportune clause for some mention of a wards system and to perhaps suggest that this would be a good direction for the City of Perth to go in, given that it is proposed that the new City of Perth will include an area that is currently within the City of Subiaco. Those 3 000 residents in the south ward of the City of Subiaco have clearly benefited from and enjoyed having a ward councillor, but they are not going to have that under the City of Perth, looking at the current provisions. Why would we not perhaps leave open the possibility that wards could be deployed if that was the wish of most ratepayers? The minister might have the figures on this, but it strikes me that the City of Subiaco has always had a pretty good, strong voter turnout. In comparison, the voter turnout for the City of Perth has been quite weak. The mayor is elected upon the back of about 2 500 votes—I do not have the exact figure in front of me. The minister would be able to tell me what that is as a percentage of the overall turnout. I would like that comparison with the City of Subiaco, which does have wards. The City of Subiaco south ward residents are going from a good situation that they are happy with. I think the minister is trying to tell me that they are going to a better situation with the City of Perth. How will that be when they will actually be going to a local government authority that, in all likelihood, will not give them a ward councillor and that also has a poorer voter turnout, which will therefore mean less engagement with the local government process when compared with their previous situation?

**Mr A.J. SIMPSON:** I thank the member. I will clarify a couple of points. In terms of voter turnout, the City of Perth got 35 per cent and the south ward of the City of Subiaco got only 27 per cent, so in fact the City of Perth had more people voting than Subiaco did.

**Mr C.J. Tallentire:** How many votes did the person whom we are calling “Lord Mayor” get?

**Mr A.J. SIMPSON:** Thirty-seven per cent.

**Mr C.J. Tallentire:** How many votes?

**Mr A.J. SIMPSON:** I can get that for the member.

**Mr C.J. Tallentire:** I think it was 2 500.

**Mr A.J. SIMPSON:** It was close to 2 000.

**Mr C.J. Tallentire:** That is absolutely pathetic when compared with the voter numbers elsewhere.

**Mr A.J. SIMPSON:** I can only restate the words that I said before I sat down from the last question from the member for Victoria Park about trying to get more people to vote.

**Mr C.J. Tallentire:** But you are saying it is high; it is 37 per cent.

**Mr A.J. SIMPSON:** If the member can find a way to encourage people to vote in a non-compulsory election, things would be a lot more robust than they are today. I will touch on two issues that the member raised about the ward structure. The City of Perth has made it clear throughout this whole process that it does not want wards. It does not have wards now. It would rather say that it has a district ward, which means that it has just the one ward. The City of Perth believes that the eight elected councillors represent the whole City of Perth and are not limited to wards. When councils have wards it can become a bit of a competition in terms of money and so forth, whereas the City of Perth says that its councillors take into consideration the whole city. That has worked well since the 1993 act came in. The City of Perth has no wards and that system has worked well. If we look back to before the break-up of the City of Perth, one of the key issues was that the money was being spent in the suburbs and not in the city. I think we have achieved what we set out to do with the 1993 act in taking Cambridge, Vincent and Victoria Park out of the City of Perth—the city has flourished and now has a great vibe about it and is growing quite strongly. The interesting part is that the councillor in the south ward of Subiaco was elected with 378 votes.

**Mr C.J. Tallentire:** Out of how many?

**Mr A.J. SIMPSON:** Out of 2 670. The point I am trying to make is that the numbers are always low, regardless of where it is. The City of Perth has a 35 per cent voter turnout, which is high. We could also deal with this under clause 20 regarding lessees having a vote. That could be why there is a higher vote. There can be two votes; one for the person who owns a building and one for the person who leases the building or rents a shop. We will get to that under clause 20. The City of Perth did not want wards. I am confident that the people in the south ward of Subiaco will get the same services for cheaper rates and will benefit from capital city growth.

**Mr C.J. TALLENTIRE:** The issue of wards is very important. The minister has previously said that when a councillor is sworn in, they swear an oath; is that the correct expression?

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**Mr A.J. Simpson:** Yes, they do; they take the oath.

**Mr C.J. TALLENTIRE:** They take the oath and, in doing so, they bind themselves to respect the interests of not only their ward, but also the whole of the local government area. That suggests to me that there is a protection and they will not be focused just on their ward. There is the benefit of having a ward system in place whereby people know who their ward councillor is, but that ward councillor is elected to represent the whole community. The minister has the best of both worlds, but he is saying that, under clause 9, he is not going to bother about wards.

**Mr A.J. SIMPSON:** Just to clarify that, that is not stated in clause 9. Clause 22 goes into what the member is talking about in a bit more detail. I can only restate that we are happy to have the district ward in the City of Perth. That is how it has been at the council since 1993. The councillors think that that works well and, through the committee process, they agreed that they should keep the current process of a district ward. It does work well.

**Mr C.J. TALLENTIRE:** I know it always gets confusing during consideration in detail when there is reference to a future clause, and one can be lulled into a false sense of security that a decent debate will be had on an issue because it will come up later. However, I do not see much reference in clause 22 to a ward structure.

**Mr A.J. Simpson:** It is in subclause (3).

**Mr C.J. TALLENTIRE:** Subclause (3) states —

However, an order under the *Local Government Act 1995* cannot —

- (a) abolish the district of Perth; or
- (b) divide the district of Perth into wards.

**Mr A.J. Simpson:** It refers to ward structures.

**Mr C.J. TALLENTIRE:** That is the point at which it will be put in place. So, there will be no wards for the City of Perth. The minister is saying that he wants to promote the City of Perth and he wants the area to grow dramatically and perhaps eventually it will be home to, let us say, 50 000 or 100 000 people, but he still wants to say that that number of people can be governed at a local government level without a ward; in fact, he is putting in place legislation that will prevent that. I would have thought that clause 9 would be the perfect point to refer to representation on the City of Perth and that it would be essential to leave it open for wards to be created. I am unclear why it has been left to clause 22, which refers to the Local Government Act. At this point, I think we need to leave it open so that wards can be created. The minister is clear that he wants there to be a big influx in the population of people living in the area. I would have thought that would imply that there would be a need for a new governance arrangement that would accommodate those people's needs and that that would, by necessity, require a breaking down into individual wards.

**Mr A.J. SIMPSON:** If the people of the City of Perth wish to have a ward structure, we can bring another bill to Parliament to amend the act. That is very similar to the effect of the member's proposed amendments; they will provide that we will have to come back to Parliament to change the boundary of the City of Perth. If people wish, we can amend the act. However, based on the evidence from the consultation we have done, the current system works well. The current council is committed to a district ward, and I am happy to support it on that.

**Clause put and passed.**

**Clause 10: Special role of Lord Mayor —**

**Mr D.A. TEMPLEMAN:** Clause 10 outlines the special role of the Lord Mayor. Again, I ask: Where did these provisions come from? Were they proposed by the City of Perth or by the current Lord Mayor or were they lifted from a lord mayor template in existing legislation? I do not have a problem with special roles, because they focus on the objects of the bill, but they provide a great deal of scope for the special role status of the existing and any future Lord Mayor. Would the minister answer that first question before I follow up with another question? Where did those words and provisions come from? Who suggested them, if they were suggested?

**Mr A.J. SIMPSON:** Basically, the special roles, according to clause 10(1), are —

- (a) to act as an ambassador for the City of Perth in hosting international delegations and attending local, regional, State, national and international civic functions and events;
- (b) to carry out civic and ceremonial duties associated with the office of Lord Mayor;
- (c) to develop and maintain inter-governmental relationships at regional, State, national and international levels, and as part of that to develop and implement strategies and policies that seek to ensure consistency in policies and strategic direction at all levels of government;

Most of the special roles listed here are closely aligned with the roles of a mayor as set out in section 2.8 of the Local Government Act 1995. The roles are re-created in this bill so that the role of the Lord Mayor is set out in one act as much as practicable. This will not limit the Lord Mayor's role, functions, powers, obligations or responsibility as found in the Local Government Act 1995 or elsewhere. Paragraphs (a), (b) and (c) were pretty much copied from the City of Adelaide Act 1998.

**Mr D.A. TEMPLEMAN:** In terms of international protocols, the role of ambassador provided for in paragraph (a) outlines the “hosting of international delegations” and also “attending local, regional, State, national and international civic functions and events”. The Corruption and Crime Commission report found that the current Lord Mayor accepted a gift from BHP Billiton and an invitation to an international event—that is, the Beijing Olympics—and we have not seen the subsequent departmental report. The CCC made a very clear finding that that not only breached the Local Government Act but also was not declared at all. I am interested in the term “ambassador”. By definition an “ambassador” has certain rights and responsibilities, and privileges. When I think of ambassadors, I think of UN ambassadors who get out of paying parking fines and I think about diplomatic immunity and how in New York there is a huge list of unpaid fines by delegates and/or ambassadors and/or others who have claimed diplomatic immunity. The ambassador role gives a lot of scope to the Lord Mayor to do —

**Mr A.J. Simpson:** Pretty much anything.

**Mr D.A. TEMPLEMAN:** Yes, pretty much anything. Given these new powers that we are proposing, or the special roles we are proposing, where does the Lord Mayor sit in the hierarchy of other officers of note? I note that Mr Speaker is in the chair. I understand that if Mr Speaker were to go to China—I have not been to China, but I understand that previous Speakers have been to China—he would be treated like royalty; roads are closed and entourages are promoted. I would be very open to an invitation to travel with you, Mr Speaker, if that were to occur; but there is a hierarchical protocol. Are we creating a Lord Mayor with an enhanced status over and above that of the Premier of the day for bids for international events? Perth last hosted the British Empire and Commonwealth Games—now Commonwealth Games—in 1964. What role, from a hierarchical perspective, will the Lord Mayor play on such occasions? Where did these provisions come from? Did the Lord Mayor say, “Hey, I want these powers”, or, “I want this role; this is really what really is required”? If that is the case, that is fine; I have no problem with that. The minister said they were lifted from the Local Government Act, but this is the special role of ambassador. I have not seen “ambassador” mentioned in the Local Government Act. I would like the minister's comment on where this clause will place the Lord Mayor, given the legitimate query of the member for Gosnells. As the member for Gosnells stated, under the current voting regime a Lord Mayor of the City of Perth can be elected by 2 500 people. I think there is a glaring, stinging sort of, “Ooh, is that right?” given the role.

**Mr B.S. WYATT:** I am very interested in where the member for Mandurah is taking this argument.

**Mr D.A. TEMPLEMAN:** I am interested as well; exactly where I am going is interesting!

Can the minister tell me the specific aspects of the role of ambassador? The other roles referred to are civic and ceremonial duties. The Lord Mayor, like all mayors and shire presidents, conducts citizenship ceremonies and all those sorts of things and greets visiting people et cetera. But some of these elements, particularly the ambassadorial role, are new, special functions. If we were to put this clause into the Local Government Act for every mayor and shire president, they would have great scope to do all sorts of things under these words. They could say, “I am going on a delegation to Venice because I am an ambassador and I want to foster a relationship with Venice.” I have been trying to encourage the City of Mandurah to have a sister-city relationship with Venice for years, given the canal developments down there, and have asked that they consider taking me as the local member on the first entourage! Sensibly, the City of Mandurah has resisted!

**Mr I.C. Blayney:** They could make you the ambassador.

**Mr D.A. TEMPLEMAN:** I would be open to anything. If my city wishes to bestow on me as local member a role such as that, how could I refuse? It would be inappropriate and a slap in the face to the city if I were to refuse! But I jest.

Minister, I will get back to that question. The Leader of the House has been doing some research in the *Oxford English Dictionary*. I am sure the minister will read out the definition of “ambassador”. I am interested to hear about when the role of Premier might supersede the role of Lord Mayor, and whether we could have a constitutional crisis if a Lord Mayor, using their ambassadorial special role imposed upon them by this legislation, decides that they are actually more important than the Premier of the day and entertains a visiting delegation from Beijing without inviting the Premier because they do not like him. I can see that happening; I do not know whether it would happen with the current Premier. I am interested in the minister's comments on that.

**Mr A.J. SIMPSON:** I thank the member. I will mention a couple of things about the special role of the Lord Mayor. One of the key things is to act as an ambassador for the City of Perth—not to be the ambassador but to act as the ambassador. Quite clearly, as the Leader of the House just informed me, the definition of “ambassador” in the *Oxford English Dictionary* states that it is a representative or promoter of a specified thing—an ambassador of peace. Basically it is someone representing and promoting that we are talking about in the word “ambassador”, as opposed to the diplomatic sense or of a board member representing his or her country. There are two definitions of ambassador in the *Oxford English Dictionary*, and it is the second one, of a representative or promoter of a specified thing, to which the bill refers. I can only restate that we copied those special roles from the City of Adelaide Act, and then a raft of things came out of the working group, such as to provide good leadership and guidance to the City of Perth council; to preside at meetings in accordance with the Local Government Act; to speak on behalf of the city; to liaise with the chief executive officer of the city on City of Perth affairs; and of course to perform whatever other functions are given to the Lord Mayor by the Local Government Act 1995 or any other written law. It is important to note that what we are trying to state here is that the Lord Mayor acts like the ambassador of the city, and, as we talked about the city being the front door and the capital of the state, the Lord Mayor quite often hosts functions.

I will touch on the gift issue. There is no grey area here. Quite clearly the Corruption and Crime Commission report identified, as it says in the act, that local government members must declare on their annual return all gifts and travel, in particular gifts valued at more than \$300. The only reason for the fine was that the Lord Mayor did not comply with that part of the Local Government Act, and that is the part that the department is now investigating. Regardless of what trips she did, the act quite clearly states that if they receive a gift over \$300 they must declare it in their annual return. That is the part that the department is dealing with now. There is no grey area on that. I have to clarify to the member more importantly that no-one is above the law.

**Mr C.J. TALLENTIRE:** Did the minister say what kind of passport the Lord Mayor would travel on?

**Mr A.J. SIMPSON:** It is just a standard Australian passport. She is no different from anyone else. Although she is the Lord Mayor, she is like anyone else and does not get any special privileges.

**Mr C.J. Tallentire:** They don’t get an official one or a diplomatic one?

**Mr A.J. SIMPSON:** No.

**Mr B.S. WYATT:** I read through this bill. We do not have in clause 10, or indeed clause 11, which gets onto the general roles of the Lord Mayor and councillors, what we have at clause 8(2), which is the effects and non-effects clause. Despite all that, it does not mean anything, but when I read clause 10—please correct me if I am mistaken—we are not creating any extra legal obligations, responsibilities, duties or powers on the Lord Mayor that do not already exist in the Local Government Act 1995.

**Mr A.J. SIMPSON:** There are a couple of things in addition to the current Local Government Act. Subclause (1) states —

The role of the Lord Mayor is as follows —

- (a) to act as an ambassador for the City of Perth in hosting international delegations and attending local, regional, State, national and international civic functions and events;

That is new.

**Mr B.S. Wyatt:** But that is completely consistent with the Lord Mayor’s obligations under the Local Government Act.

**Mr A.J. SIMPSON:** But these are roles and responsibilities in the City of Perth, which are not in the Local Government Act. We are saying tonight that the City of Perth Bill provides that our Lord Mayor has responsibilities and roles and we are defining those roles and responsibilities.

**Mr B.S. Wyatt:** These are roles that are already undertaken by the Lord Mayor.

**Mr A.J. SIMPSON:** Correct, they are, but we are now saying they are part of the responsibilities.

**Clause put and passed.**

**Clause 11: General roles of Lord Mayor and councillors —**

**Mr D.A. TEMPLEMAN:** As the minister is aware, there is an amendment that stands in my name. I will withdraw this amendment; however, I wish to speak to the clause on transparency.

**Mr A.J. Simpson:** There’s one a bit further on from my amendment.

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**Mr D.A. TEMPLEMAN:** Yes. Mr Speaker, I am speaking to clause 11.

**The SPEAKER:** Are you withdrawing the amendment?

**Mr D.A. TEMPLEMAN:** I will, but I am giving some background. I will finish my remarks by withdrawing the amendment, subject to some clarification.

When the Corruption and Crime Commission report came out, it centred on issues associated with the acceptance of gifts and travel et cetera. After seeking advice, I drafted an amendment that would first of all insert, as per my proposed amendment, a section on the responsibility of the Lord Mayor and the councillors to act in a transparent manner. That is why under my name on the notice paper the clause starts with a new paragraph (aa) that refers to the transparent manner in which the Lord Mayor and the councillors essentially should perform their duties. It then sets out in subparagraphs (i) and (ii) to determine the process for that. This amendment is specific to the City of Perth Act and therefore the City of Perth. So that I am absolutely crystal clear, the minister has three new clauses: proposed clause 36B relates to gifts, clause 36C relates to the disclosure of financial contributions made for travel, and clause 36D relates to the process for registering gifts and contributions to travel. So that members are aware, in withdrawing the amendment that stands in my name under clause 11, the opposition is indicating that it will support the minister's proposed amendments that insert clauses 36B, 36C and 36D.

Why are the new transparency provisions not being inserted under clause 11? I need clarification that the provisions will be inserted under clause 36. Clause 36, "Section 4.35 amended", states —

*The City of Perth Act 2015* section 21 makes it an offence for certain persons ...

I seek clarification about why these transparency amendments, which we support, are in clause 36 and not where I proposed, which was clause 11?

**Mr A.J. SIMPSON:** The amendments support the member's proposal to have transparency around travel and gifts. By moving it to clauses 36B, 36C and 36D, it puts it into the Local Government Act 1995 as well as the City of Perth Act. If the provision is in clause 11, it will refer only to the City of Perth. If it is in clause 36, it is in the Local Government Act as well, because the clause amends that act as well as the City of Perth Act.

**Mr D.A. TEMPLEMAN:** So that members are clear, by supporting the government's amendments, we are imposing these amendments on all councils and all elected members.

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** So that members are well aware, under the City of Perth legislation, if passed, these new clauses proposed by the minister will affect all councils.

**Mr A.J. SIMPSON:** It will amend the Local Government Act 1995, so it will have an impact on all 138 local governments.

**Mr D.A. TEMPLEMAN:** The opposition supports that, so with that understanding, I formally withdraw the clause 11 amendment standing in my name.

Clause 11 refers to general roles of the Lord Mayor and councillors. Given that we have debated the special role of the Lord Mayor as proposed in this legislation, we are now referring to general roles of Lord Mayor and councillors. I will ask my standard question: where have they been lifted from? I assume many of them are from the Local Government Act. If they have been lifted from other capital city legislation, I would like to know. The clause states, in part —

- (1) In addition to the role set out in section 10, the role of the Lord Mayor includes the matters set out in subsection (2) ...
- (2) The role of a councillor is as follows —

It is also outlined in the paragraphs. Is there any reason that no reference is made to either the Deputy Lord Mayor's role in his or her capacity of acting Lord Mayor, when that may become relevant, or the role of any other councillor who, for whatever reason, might have to fulfil the role as acting Lord Mayor or acting Deputy Lord Mayor? God forbid again that the Lord Mayor or the Deputy Lord Mayor should become very ill, but what process in this bill refers to someone acting in the position? There is no reference to that and, in fact, I can see no reference to the role, if there is any special role, of the Deputy Lord Mayor in either his or her capacity as acting Lord Mayor or as stand-alone Deputy Lord Mayor. I want to know why there is no reference to that position.

**Mr A.J. SIMPSON:** Section 2.9 in part 2, division 2 of the Local Government Act 1995, quite clearly states —

**Role of deputy mayor or deputy president**

**Extract from Hansard**

[ASSEMBLY — Tuesday, 17 November 2015]

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The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Quite clearly, the roles and responsibilities of the Deputy Lord Mayor are in the Local Government Act 1995, so they do not need to be in the City of Perth Bill. Regarding the general roles of mayors and councillors, the provisions in the City of Adelaide Act, which we used as a model, are drawn from the current Western Australian Local Government Act and these were modified and updated to the roles appropriate for our great city. We have gone through the process of trying to identify the roles and responsibilities of mayors and councillors. I think we have a good balance between our capital city as it grows and the responsibility of those councillors.

**Mr D.A. TEMPLEMAN:** If, God forbid, a future Lord Mayor passed away while in office, particularly early in their term, what provisions under the Local Government Act would be relevant? Would we go to another lord mayoral election? Is that provided for under the Local Government Act? I ask the minister to give us some clarification on that.

**Mr A.J. SIMPSON:** The Local Government Act makes provisions for by-elections or extraordinary elections in the case of a resignation or the passing of a Lord Mayor. Of course, there are some provisos, without giving too much detail, depending on how many days out it is from a general election. If the election had been in October and there was a resignation or death sometime around May, the council would not have to go to an extraordinary election because it would be too close to a general election. There are basic rules under the Local Government Act to operate under. In the meantime, as I stated before, all responsibilities would go to a Deputy Lord Mayor.

**Mr D.A. TEMPLEMAN:** Without pre-empting the report the minister should receive soon on the outcome of the department's inquiry with regard to the Corruption and Crime Commission report, can the minister clarify for the house that if a future Lord Mayor were found guilty of particular breaches and it was determined that criminal charges should be laid that included a recommended fine and/or a jail term, what would that render? If members of Parliament are charged with something, their seat can be declared vacant. What is the case with a Lord Mayor being charged with a criminal offence?

**Mr A.J. SIMPSON:** This goes to where we are today with regard to the CCC and the current Lord Mayor. The act is quite clear. To put this on the record, the CCC found that the Lord Mayor did not declare three lots of gifts on her annual return. It is for my department to now go off and seek some advice, and it is currently working through that. It is working with the State Solicitor's Office to put the evidence together. With regard to the Lord Mayor, as minister I do not have the power to sack a councillor, a Lord Mayor or a president; my position does not allow me in any way to do that. In a case in which someone is charged in a court of law, I think the act quite clearly states that if they are not able to do their role, they will have to resign. If they were to be found guilty and could not do the role for whatever reason, the act would provide for a process of electing a new mayor. It actually leaves it quite open at the end of the day. The act is quite clear to me; the only thing I can ever do is what is called a probity report into the local government's operations. The probity report goes back to the department, and the department makes a recommendation to me as to whether there should be some sort of inquiry. In this instance, the former minister changed the act to allow for a time frame of six months' holiday instead of complete suspension, so there are some variations in each of the acts to make sure that we can try to find a way to resolve the issue and give good governance back to the people of that local government.

**Mr B.S. WYATT:** I just want to try to clarify one thing; it should be very quick. It is in respect of the amendments the minister will be moving. I know we are yet to get to that, but we are talking about it, so I just want to clarify one thing. The amendment on page 14 of the notice paper inserts proposed section 36D. Part of that amendment is proposed section 5.89B, "Offence to fail to disclose under sections 5.82 and 5.83", which reads —

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

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

Am I reading this correctly or not: we are criminalising 5.82, which is failure to disclose a gift, and 5.83, which is a failure to disclose whether a financial contribution has been made, but not failure to keep a register—have I got that right?

**Mr A.J. SIMPSON:** Under the Local Government Act, failure to disclose information on one's annual return incurs a \$10 000 fine.

**Mr B.S. Wyatt:** Is that the current penalty?

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**Mr A.J. SIMPSON:** That is correct. As we now define a gift register, contributions and travel under the Local Government Act, we are adding the same provision to this bill as well.

**Mr C.J. TALLENTIRE:** I am interested to know the relationship between the Lord Mayor and the chief executive officer. In clause 10 we saw that a responsibility of the Lord Mayor is to liaise with the chief executive officer. In clause 11, the clause that we are considering, I do not see any mention of how that relationship will apply to councillors. Does that suggest that councillors are not to have direct connection with the chief executive officer or are we just leaving it open that that relationship can work as it may want? I know that sometimes local governments have certain rules about how councillors can relate to senior officers at a local government authority but I think we need some clarification in this clause about how that relationship between the councillors and the CEO will work.

**Mr A.J. SIMPSON:** I thank the member for Gosnells for his question. I will clarify a couple of points. The Local Government Act quite clearly states that the council is an elected body. The elected body then employs the CEO. The CEO employs everybody else. The CEO runs the organisation and the council is at the top of the ship directing the captain where to turn, how much fuel to use and where to put the people on the ground to provide the services, to use an analogy. Those responsibilities are quite clearly defined in the Local Government Act. This is one of the key areas. The member may remember that I recently put a commissioner into the Shire of York because it went through three CEOs in six months. There were definitely some problems between the elected body and the person it employed. The best thing to do was to put a commissioner in, give the councillors a six-month holiday, give the councillors training, sort out the administration and bring them back together under better terms and conditions and move on from there. Quite clearly, the role of the CEO is not in this legislation because it is in the Local Government Act already—how it operates between a council-elected body and the CEO and administration.

**Mr C.J. TALLENTIRE:** The minister is saying that how the relationship works between the elected body and the CEO is in the Local Government Act but my question really relates to the relationship between elected councillors as individuals who may have issues that they are particularly interested in and their relationship with the CEO.

**Mr A.J. SIMPSON:** The mayor has direct access to the CEO. Obviously, we cannot have nine people going to the CEO with different questions. The mayor has the direct connection. A councillor in the chamber is entitled to seek advice and ask questions. If they have to raise concerns with the CEO, they can do that through the mayor. The roles, responsibility and conduct of councillors is quite specific. It is the same with the Lord Mayor or the president of a local government. The boundaries are quite clear in that process. That is in the Local Government Act as it stands today.

**Mr C.J. TALLENTIRE:** Does that work in practice? An elected councillor is not allowed to pass on a message, raise an issue with the CEO —

**Mr A.J. Simpson:** Yes, he can.

**Mr C.J. TALLENTIRE:** They can do?

**Mr A.J. SIMPSON:** By all means, a councillor in a council meeting can go through the present mayor to raise concerns to do with an item in front of him, and then in general council business, he can raise some issues to do with his street, ward or suburb or an update on a major project within his city. It is quite straightforward to do that—as a councillor. That is available by direct email and so forth. There is a code of conduct involved in how to deal with that.

**Mr C.J. TALLENTIRE:** Why is that not spelt out here? It was seen fit to spell it out as far as the relationship between the mayor and the CEO goes—we saw that in clause 10. Presumably, in the Local Government Act that is the standard relationship between a mayor and a CEO. Clause 10 repeats what is in the Local Government Act, but clause 11 remains silent on the issue. I do not understand why there is that inconsistency.

**Mr A.J. SIMPSON:** In this part of the bill we are trying to say that these are the general roles. We are trying to implement what councillors and the mayor should do in their roles within the City of Perth. As we have already stated, it is a capital city, so we are trying to get that process. I have to restate that the administration, roles and responsibilities of all councillors and mayors are already in the Local Government Act 1995. Their roles are quite clearly defined. This is just the general roles of the Lord Mayor compared with the role and responsibilities in clause 10. The two are quite different clauses. This one is what we call a general role for the Lord Mayor and councillors.

**Mr B.S. WYATT:** My question is similar to one I asked under clause 10, “Special role of Lord Mayor”. Clause 11, “General roles of Lord Mayor and councillors”, states —

**Extract from Hansard**

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- (a) to represent the interests of electors, ratepayers and residents of the City of Perth;
- (b) to serve the current and future interests of the community in the City of Perth;
- (c) to provide leadership and guidance to the community in the City of Perth;
- (d) to facilitate communication between the community and the City of Perth Council;

And it goes on. That is generally the standard operating procedure for councillors. I seek the minister's advice on clause 11. It seems that we are not creating any legal responsibilities or obligations for the Lord Mayor or councillors that are not already stipulated in the Local Government Act 1995.

**Mr A.J. Simpson:** That is correct—spot on.

**Clause put and passed.**

**Clause 12: City of Perth Committee —**

**Mr D.A. TEMPLEMAN:** Division 3 contains clauses 12, 13, 14 and 15. They effectively determine the nature of the City of Perth Committee. I understand that in other capital city bills, a similar committee is established. Questions have been raised by a number of councils and individuals about these clauses. In some respects they relate to the membership of the proposed committee. As an example, the City of Nedlands raised the issue. I will quote from a letter that the City of Nedlands sent to the Leader of the Opposition about clause 12. It states —

If the intention is to build better relations with the State Government and provide a better mechanism to address key issues of planning (best practise urban design) and transport infrastructure for the CBD then it makes more sense for the proposed City of Perth Committee to include the Ministers of both Planning and Transport to coordinate and plan for the Capital City rather than the administrative functions of the Minister for Local Government.

That council is questioning why it is the Minister for Local Government and not the Minister for Planning and/or the Minister for Transport, given the issues associated with planning and infrastructure.

Back in July this year, the City of South Perth sent me a letter about clauses 12 to 15, which states —

The Metropolitan Local Government Review Panel made a number of recommendations to the State Government in relation to greater collaboration, coordination and partnership between the State and local governments on strategic issues. These recommendations were relevant to all local governments, not just the City of Perth.

I suppose those councillors are saying that the relationship between state and local governments should be productive and based upon trust. As I have said previously in this place, and publicly, that trust, unfortunately, has been eroded by the Premier, in particular in his approach to the relationship. Trust has been eroded. I am interested in why it is only the Minister for Local Government. I accept and acknowledge that clause 12(3) gives the Premier the autonomy, if you like, to invite any minister of the Crown. I am assuming that if the City of Perth said that it wanted the Minister for Planning to come along because of a specific issue, that request would be acceded to. I am interested in how the composition for ministerial representation has been arrived at, given the comments, which I think are legitimate, by two councillors who had input. I suppose the City of Nedlands refers to the minister's role being predominantly in the administrative and governance related issues. He is responsible for ensuring that local governments abide by the Local Government Act, whereas he is not directly involved in major planning or infrastructure issues, as is the Minister for Planning or the Minister for Transport. I would like the minister's comments about the input from the City of South Perth and the City of Nedlands, and some justification for the arrival at this composition of the City of Perth Committee.

**Mr A.J. SIMPSON:** This was put together with our working group at the start of the year to work out how we could put this committee together. Again, as the member touched on, this came out of other capital city acts throughout Australia. We identified the need for a working committee with the City of Perth and the Premier and the government of the day. I draw the member's attention to a couple of issues. Part of the purpose is to meet with the Minister for Local Government, the Lord Mayor and the Deputy Lord Mayor or chief executive officer, but it also says that the Premier may invite any minister of the Crown or parliamentary secretary, or maybe the member for Perth might want to come along as the local member, to have a discussion about Elizabeth Quay, sinking the railway, or whatever is happening. We have opened it up quite wide, but at the same time we are trying to enshrine that relationship in this legislation, and a meeting has to happen at least twice a year—it may happen more often—between the government of the day and the Lord Mayor of the capital city. That is the idea behind it. The committee is an advisory committee only. It is basically more about what is happening in the city. There may be concerns. Just in my time in this government, we have gone through some major changes. The Commonwealth Heads of Government Meeting was a big event, so obviously if this committee were in place, it

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would be talking about what was happening, and of course last weekend Prince Charles was here and perhaps there would have been conversations around Prince Charles opening the Treasury building and then going to Kings Park for a barbecue. It can be seen that there is a connection there. Putting it in the legislation will make sure that we keep it going. That is what we are trying to do. I take on board that I can see times when the Minister for Planning or the Minister for Transport could be there, and probably even half the cabinet sometimes, depending on the issues. At the same time, the legislation is about trying to establish a relationship between the city and the government of the day.

**Mr C.J. TALLENTIRE:** Can the Premier invite a federal minister along to the City of Perth Committee?

**Mr A.J. SIMPSON:** Yes, he can.

**Mr B.S. WYATT:** We are establishing a committee, so that we can come together and talk to each other, which is important. The minister made the point that this provision was lifted from the Adelaide act. Is it the intent at any point that this committee will have, or could have, powers delegated to it from other pieces of legislation, such as planning? Can that happen, is it impossible, or is it not anticipated that way?

**Mr A.J. SIMPSON:** It is not anticipated, and it cannot happen.

**Mr C.J. TALLENTIRE:** I recall during the local government elections that one of the candidates for the lord mayoral position had an idea for a tunnel underneath Kings Park. It struck me that that sort of idea would impact on other local government areas. I am looking at the membership composition of the committee and wondering whether it would be possible for the convener of the City of Perth Committee to invite other local government mayors on to the committee. I am not sure whether that is possible, yet many of the ideas that the City of Perth might have would impact other local governments. I am curious to know why the minister would not want to get that level of liaison. We have talked about the possibility to invite any number of members of the cabinet, but what about the leaders of other local government authorities?

**Mr A.J. SIMPSON:** We are talking about the City of Perth Committee. The member is referring to a wider debate around infrastructure and dealing with neighbouring local governments. That would be beyond the realm of that committee. Let us take the example the member raised of the tunnel. That would be a decision for the state government to make, and to lead and drive; and it would then consult with those local governments that are affected. This committee is not designed to do that type of work. It is designed to have a relationship between the government and the Lord Mayor of the day on issues regarding the capital city as it develops.

**Mr B.S. WYATT:** I want to give the minister an example. Could there be a cabinet meeting that the Lord Mayor, the Deputy Lord Mayor and CEO of the City of Perth are invited to attend on an issue of interest? Would that qualify as a meeting of the committee?

**Mr A.J. SIMPSON:** I guess it could. The clause provides that the Premier and the Lord Mayor would meet twice a year; it does not state under what circumstances, so the answer is possibly yes.

**Mr D.A. TEMPLEMAN:** Clause 14 specifies that the Premier calls the meeting and decides when the committee meets.

**Clause put and passed.**

**Clause 13: Functions of Committee —**

**Mr D.A. TEMPLEMAN:** One of the key functions of the City of Perth Committee is highlighted in paragraph (a), which is collaboration between the state and the City of Perth, I suppose, to try to achieve the objectives of the act set out in clause 4(a), which we have already debated. We debated the objects of the City of Perth in clause 8. Would it be an occasion for calling the committee together to discuss, for example, a proposal by the state to bid for the supercar race, where cars are driven through the city streets? The Premier of the day has decided that for tourism purposes the state would bid for that.

**Mr A.J. Simpson:** The V8s through the City of Perth would be great.

**Mr D.A. TEMPLEMAN:** Yes, that one. I am not a petrolhead so I am not sure.

I assume that because that sort of proposal relates to driving V8s along St Georges Terrace, around into William Street and along Wellington Street, it would be within the bounds of the potential purpose of the City of Perth Committee and that the Premier, who will have the capacity to determine a meeting of the committee, could call a meeting of the City of Perth Committee. If it was the other way around and the Lord Mayor decided that the City of Perth, with the support of the state government, wanted to bid for such an event but did not have the capacity to officially call together the members of the City of Perth Committee—the only person who will be able to do that is the Premier—is there any foreseen problem of only one person ultimately deciding when the committee will meet? At the moment, under clause 14—I know we are about to debate that—the committee

must meet at least twice a year. What happens if it does not? Only the Premier will decide when the committee will meet. If the committee is to foster and facilitate collaboration, was any consideration given to the Lord Mayor also having the capacity to call a meeting of the City of Perth Committee?

**Mr A.J. SIMPSON:** The member is drawing a bit of a long bow, but I can understand where he is coming from. Let us use the analogy of promoting the V8s in the City of Perth. This is one committee that will meet with the Premier, as, I imagine, do a lot of other committees. All ministers have various meetings with local governments. I am pretty sure that the Minister for Tourism would probably promote it and would meet with the Lord Mayor to have a bit of a conversation. This type of meeting with the Premier is about the Lord Mayor raising concerns so that the Premier can take them on board. This is only one meeting. As the member knows from the terms of reference, the power of the committee is limited in that it has no planning power. This is about the committee having a conversation about what is happening in the capital city. By all means, everything can be on the table, but it is not a decision-making committee; other committees can make those decisions. That could be done through other agencies.

**Mr B.S. WYATT:** I want to seek the minister's confirmation on a question I asked on a previous clause. He will note that under clause 13, the committee's functions include —

- (d) to identify and promote opportunities to improve, simplify and streamline the requirements and processes of the City of Perth with respect to development applications under the *Planning and Development Act 2005*;
- (e) to develop and promote more efficient and effective transitioning arrangements for developments that are undertaken by or on behalf of the State and that are to become wholly or partly the responsibility of the City of Perth;

This clause does not contemplate powers under legislation being delegated to this committee; it will simply provide an advisory role to government to aid and abet those things contemplated in paragraphs (d) and (e).

**Mr A.J. SIMPSON:** The member for Victoria Park assumes correctly. At the moment that is more to do with the planning authority and done through the Metropolitan Redevelopment Authority, which is currently carrying out the developments in Perth. Once development has happened, the City of Perth Committee can be part of that transition process. The handing back can be part of the conversation. The member is right: its powers have nothing to do with development. The Metropolitan Redevelopment Authority has responsibility. This clause refers to the government doing development and we need to talk to the city, and part of that conversation is about handing back those assets to the city.

**Clause put and passed.**

**Clause 14: Meetings of Committee —**

**Mr B.S. WYATT:** This clause is similar to clause 7. Perth is the capital of Western Australia. Ultimately, the committee must meet at least twice a year and the Premier will decide when it will meet. What happens if the committee meets once a year?

**Mr A.J. Simpson:** I think the sky might fall in!

**Mr B.S. WYATT:** I went looking for the penalty clause. Why does the clause stipulate a number of meetings a year? Is that to encourage people to come together and talk about nice things?

**Mr A.J. Simpson:** Yes.

**Clause put and passed.**

**Clause 15: Committee may regulate own procedure —**

**Mr B.S. WYATT:** The member for Mandurah referred to this clause a little while ago. It states —

The Committee may regulate its procedure in whatever manner it thinks fit.

I assume that effectively means that the committee can decide whether it will be a catch-up in a local cafe or in the cabinet room.

**Mr A.J. Simpson:** Or down at the Lord Mayor's office—nicer food.

**Mr B.S. WYATT:** Yes.

**Mr D.A. Templeman:** Venice.

**Mr B.S. WYATT:** Yes; or in other parts of the world. This is to ensure that the committee may meet as casually and as informally as the committee may decide.

**Extract from *Hansard***

[ASSEMBLY — Tuesday, 17 November 2015]

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Mrs Michelle Roberts; Mr Bill Johnston; Mr Paul Papalia; Mr Peter Tinley; Ms Janine Freeman; Mr Tony Simpson; Mr David Templeman; Mr Ben Wyatt; Mr Rob Johnson; Mr Chris Tallentire; Acting Speaker

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**Mr A.J. SIMPSON:** That is exactly correct. The idea is that the committee can regulate its own process, as it states clearly.

**Mr B.S. WYATT:** Does the minister anticipate that this committee will take minutes of its meetings and therefore be subject to the operation of the Freedom of Information Act?

**Mr A.J. SIMPSON:** Yes. It will be entirely up to the committee whether it takes minutes. We envisage that the majority of the time there will be conversation and there may be some follow-up. The Premier may take notes and pass them on to the Minister for Planning or the Minister for Transport to deal with issues that the Lord Mayor raises, but it is up to the committee whether it will take minutes and how those issues will be moved forward.

**Mr B.S. Wyatt:** FOI was the second part of my question.

**Mr A.J. SIMPSON:** Only if a record is kept, and then I suppose, yes, it would be, but it will be up to the committee whether it chooses to keep records.

**Clause put and passed.**

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