

Extract from Hansard

[COUNCIL — Wednesday, 24 September 2014]

p6754b-6772a

Hon Darren West; Hon Nigel Hallett; Hon Sue Ellery; Hon Brian Ellis; Hon Lynn MacLaren; Hon Helen Morton; Hon Phil Edman; Hon Nick Goiran; Hon James Chown; Hon Kate Doust; Hon Col Holt; Hon Ken Travers

LOCAL GOVERNMENT AMALGAMATIONS

Motion

Resumed from 17 September on the following motion moved by Hon Ken Travers —

That this house —

- (a) expresses its view that the Local Government Act 1995 never contemplated the use of boundary changes to amalgamate local governments;
- (b) believes that the correct approach under the act is to abolish existing local governments and to create new local governments as this ensures that local communities are given a voice as intended by the Dadour provisions of the act;
- (c) is of the view that any attempt to force local government amalgamations by using boundary changes to circumvent the intent of the Dadour provisions is an abuse of the act; and
- (d) therefore calls on the government to ensure that any proposals for amalgamation of existing local governments involve the abolition of all affected councils and the creation of new councils.

HON DARREN WEST (Agricultural) [2.09 pm]: I will make my comments today brief because I know that many other members would like to have a say on this important issue, and it is very important that everybody gets to have their say on this issue that affects people at the level of government closest to the people. I will allow the opportunity for other members to participate, but before I do, I will reiterate a couple of points. First, the position of the opposition has been very consistent and my position has been very consistent that the Dadour provisions in the Local Government Act are paramount and that any attempt to circumvent them should be thwarted. I hope that becomes the case. The people who live in the affected local governments must have a say in what their local governments will look like in the future. The words that people use are very important. There is a lot of language around this issue but at the end of the day it is how people vote that matters. A clear and consistent position has been offered from this side, and let us hope that that clear and consistent position gets some support. Of the 61 local governments in the agricultural region, every single one is awaiting the conclusion of this motion to see who supports local governments in regional areas and who does not.

HON NIGEL HALLETT (South West) [2.10 pm]: It is disappointing that we have to be debating this motion. It is a very good motion but I think it has highlighted the process of council amalgamation. The sad part of it is that Western Australia had the opportunity to take the best of the best from all the other states that have gone through this process. In the last term of Parliament, I certainly swayed a bit either way on council amalgamation. Hon Max Trenorden said, “How about coming and having a look at South Australia and Queensland with an open mind and having a look at the process?” It is probably one of the best things that I have done. I hope that members who have clear views on local government have taken the time to visit the other states and look at the process. It is a contentious issue. However, we must consider the viability of towns and shires with fewer than 1 000 people, because some are debt free.

Getting back to the motion, we know that using local boundary changes is a bit of an underhanded way of going about forcing amalgamation. One must ask why we are picking a number to reduce shires from 140-odd to 90, or whatever the figures are. If we are going to do that, surely we should have gone through a cost-benefit analysis of the process. We have seen natural boundaries put in place, whether they be the Swan River in the city or Kings Park, but we are now seeing very ad hoc decisions such as, “We will put the university into the city; we’ll do this, we’ll do that.” None of it is set down to a plan and none of it is costed. Some people say that when they visit the city, they should find the major structures in the city. I am damned sure that when I go to Singapore or somewhere else in the world, I do not inquire whether the casino is situated in the city or where it is located. If I want to go to the casino, I go to the casino; so, that does not have much of an impact.

I think we have to question why we are attacking the local government issue in this way. Professor Brian Dollery, who has been very involved with government amalgamations across Australia, put forward some pretty good points. Generally, his view is that there are no real savings from amalgamation and that it is a costly path to follow. I will quote what he said —

Even where ... scale economies occur, it ... does not follow that mergers are the best way. Experience in other States has demonstrated amalgamation is expensive to implement, and typically robs small communities of effective representation.

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The South Australian model was estimated to save \$196 million. It cost over \$200 million to implement, and the savings did not occur. In remote areas of Queensland and South Australia—quite rightly—councils were untouched. They were left basically as road boards. The older generation, such as Hon Ken Baston, Hon Brian Ellis and I, know about the role they played. They played a very important role in some of those communities.

In the event of any amalgamation, a few key points need to be looked at: first, the financial audit; second, the cultural audit; and, third, the infrastructure and assessment audit. I do not believe that any of this has been done as far as this council amalgamation debate sits now. Some councils are wealthy; some are not. The audits in other states proved to be a very important part of the process. Other major issues are the splitting of assets, as there must be an apportionment of debt, and the future sustainability of parts of councils that are not amalgamated. We must also put like with like. There are examples in South Australia where that did not happen and today the communities in those areas are still not working together. Perhaps in those sorts of communities we should start looking at a subsidiary model et cetera. Getting back to the motion, the opportunity to do that was presented, but using a measure such as government boundary changes was the wrong way to proceed.

One of the most common problems we hear from local government is about planning. Do we throw the baby out with the bathwater because planning is the issue? Why do we not just fix planning? Then we can move towards getting shires to come into a subsidiary model and start working together. It is not just a matter of bringing a hammer down on these issues. We should be getting a business plan to outline the economic and social benefits to all these areas that have been targeted. It does not matter whether the area is in the city or in the region, there still should be a business plan. Any person expanding a business will go to their bank with a business plan. We know that amalgamations will cost in the vicinity of \$200 million. We know that funding is not in the budget. Who will pay? Going on the clear impact on the people in the City of Canning in Hon Simon O'Brien's electorate, there will be a considerable increase in their rates. We have seen in Geraldton an increase in rates of some 27 per cent and an increase in staff of about 20-odd full-time equivalents.

I will touch on Queensland. According to the Department of State Development, Infrastructure and Planning over there, the Whitsunday Regional Council inherited a debt of approximately \$33 million; the Cassowary Coast Regional Council, \$26 million; Cairns Regional Council, \$76 million; and Fraser Coast Regional Council, \$83 million. The general rate increase in the first year in Queensland was approximately 30 per cent. I will read another quote from Professor Brian Dollery —

The WA Government is ... not alone in its belief that “bigger is better” in local government. However, the main problem is that amalgamation programs enacted in other States have failed to improve financial sustainability.

The 2006 national report by Price-WaterhouseCoopers ... established that many Australian local councils are in a parlous financial state. This includes both States which have used amalgamation and local government systems, like WA ...

Local government relies on state government assistance, but the state government also relies on federal government assistance. We can say, therefore, that we are having to cross-subsidise. Whether it be transport in the city or transport in regional areas, cross-subsidy is what happens—it is part of life and we get on with it. There certainly needs to be an impact study on this modelling. If we can get local government and local councils to start working together, some amalgamations can be achieved. However, the model based on distances in Western Australia is quite different compared with the Victorian model; and the model based on the number of people in shires is different. We are talking about agriculture being the next boom industry. Why are we looking at downsizing regional towns?

I will certainly be supporting the motion. I think there is a lot to be gained out of getting the process right and in not pushing it in the direction it is going at the moment.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [2.19 pm]: I am certainly not going to take all the time that is available to me, because I know that other members want to speak. But it is important that those members who represent South Metropolitan Region speak on this issue, because this issue is live, and it is causing grave consternation in our electorates right now.

There are four limbs to the motion that is before the house today. The first limb is that the house expresses its view that the Local Government Act never contemplated the use of boundary changes to amalgamate local governments. The case has been made by Hon Ken Travers, with reference to the *Hansard* of 1995 when the Local Government Act was enacted, and also by reference to as far back as 1975, that the Western Australian

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Parliament has deliberated on the method by which local government boundaries and entities should be changed and has made a very conscious decision about those matters. So I think that has been demonstrated.

The second limb of the motion is that the house expresses the view that if the government wants to achieve its policy aim, which is to reduce the number of local government entities, the correct approach under the act is that it should use the existing laws. If those existing laws do not suit the government—as the government has said—the government should change those laws. It should not seek to circumvent the laws of the land, which were put in place in good faith by Parliaments before us.

The third limb of the motion is that the house expresses the view that any attempt to force amalgamations, with the aim of reducing the number of local government entities, by using boundary changes to circumvent the intent of the Dadour provisions, is an abuse of the act. I certainly think that is the case, and it is seen by the electorate to be tricky, to be a bit too clever by half, and to be cute. People do not like it when governments are cute or tricky.

The fourth limb of the motion calls on the government to ensure that any proposal for the amalgamation of existing local governments uses the steps that are outlined in the law—that is, if a government wants to reduce the number of local government entities, it should abolish the existing councils and create new councils, and give the people a say in how that is achieved.

When the bill that deals with changes to the Local Government Advisory Board was before the house—a piece of legislation that is still technically before us, but that I am told quietly will never see the light of day—we had some debate on local government matters. During that debate, I referred to a meeting that the Minister for Local Government held in February of this year when he launched the local government reform toolkit. That was a kit to be used by mayors and councils during the local government reform process. It seems to me that it is actually the Minister for Local Government who needs a toolkit, because he is not handling this very well, and he needs to get the right tools. Maybe the Minister for Fisheries can talk to him about how to get the right kind of tools to do the right job. In any event, at that meeting in February, Minister Simpson promised that he would explain his reasons for preferring boundary changes rather than the abolition of councils. He said —

- Some people have asked why I prefer boundary adjustments.

For both outcomes—an amalgamation or a boundary adjustment—Mayors, Shire Presidents and Councillors of all councils can stay in the job until 1 July next year.

I will come back to that, because the Commissioner of the City of Canning, Linton Reynolds, has not been able to stay in his position until 1 July next year. The minister went on to say —

- But a boundary adjustment allows for a smoother transition.

At least one of the councils will continue. So there is no need for new bank accounts, ABN numbers or GST registration.

He went on to say —

- So how was the continuing council chosen? We took account of the local government least affected by boundary changes, the location of activity centres and how best to ensure the ongoing provision of good government to the community.

My contention, and the contention of the constituents who live within the City of Canning who have come to my office, have emailed me, have phoned me and have written to me, is that when those criteria are applied to the City of Canning, we cannot reach the same conclusion that the Minister for Local Government has reached—that is, that the City of Canning should be divided among other councils. That is because the City of Canning, by virtue of its geography, the growth in its demographics, its size, and the infrastructure that it has in place, would meet every test of whether it is a viable local government authority. The disruption to the City of Canning by virtue of the government's proposals to the Local Government Advisory Board as to how it should be treated was magnified last week when the bluntest of instruments was used against the Commissioner of the City of Canning, Linton Reynolds. Commissioner Reynolds was appointed by the Barnett government, after an inquiry had found that there was reason to be concerned, and therefore to take the next step and hold a further inquiry, that the conduct of the elected members of the City of Canning was not appropriate. I will not go into the range of reasons why that was done. But it was a good decision, and it was a decision that I supported.

One could not pick a better person to heal a large eastern suburbs local government authority than Linton Reynolds. One could not pick a more qualified person, a more respected person or a more competent person. I commended the appointment of Commissioner Reynolds. He did a number of things. In a very short space of time, he brought the staff of the council—who had been through a very traumatic period in the lead-up

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to the dismissal of the elected council members—back into focus, and he brought them back together as a team. But, more importantly, he gave the local community a sense of confidence that their local government authority was doing what they wanted it to do. He was doing an excellent job. But, as a result of his dismissal, there is now further disruption to the smooth running of that local government authority; there is further uncertainty for staff; there is further uncertainty in respect to the financial projects that are underway; and there is certainly further uncertainty and anger from ratepayers about what will happen to the services that they get from their local government authority.

The question that needs to be asked is: why is this happening? Hon Simon O'Brien asked that very question. I will go one step further than Hon Simon O'Brien and propose an answer to that question. But I first want to turn to some of the comments that I have made in this place about what local government reform means to this government, and what the government's real purpose is in trying to achieve local government reform. It seems to me that what local government reform means to this government is a reduction in the number of local government authorities. That may well be a laudable aim in terms of achieving efficiency and better governance for Western Australia at the local government level. But I think that what the Premier really wants to achieve is two things. I think he wanted to focus on the western suburbs. I think he also wanted to focus on the wheatbelt. He knew that he could not get the western suburbs without the National Party's support. So, he entered into an agreement—which was outlined to the house last week by Hon Martin Aldridge—about protecting the wheatbelt from that process. According to the version put to us by Hon Martin Aldridge, the National Party feels that that commitment has not been properly honoured.

Hon Paul Brown: Not just the wheatbelt—the whole of regional WA.

Hon SUE ELLERY: I will tell members what I think. Hon Paul Brown is right. He wanted to do it in regional WA. But I think the two areas that he particularly wanted to focus on were the western suburbs and the wheatbelt. That is my judgement of what the Premier meant when he talked about regional Western Australia. That is what I think. As a consequence—I have made this point in this place before—South Metropolitan Region is suffering the collateral damage from that. I have argued before in this place that in terms of size and the financial turnovers et cetera, we could argue that perhaps the Town of East Fremantle should be amalgamated with another local government authority. We might reach that same conclusion about the City of South Perth and perhaps the Town of Victoria Park. I have declared my interest before. I am a ratepayer in the Town of Victoria Park; my electorate office sits within the City of Canning. South Perth and Victoria Park reached an agreement more than a year ago to amalgamate and the residents support it, as do I, and I will vote for the name of "South Park".

Putting that to one side, which two biggest councils are effectively being abolished by this exercise? They are Cockburn and Canning city councils. However, those two councils do not meet the criteria that the minister set out at that launch in February. They are large. Yes, there were serious governance issues under the previous elected members to the City of Canning, but the appointment of Commissioner Reynolds turned that around. Those governance issues were properly addressed and in due course there would have been an election of new members. I am confident, despite what some might think, that those previously elected council members responsible for the governance issues would not have been re-elected. On all those measures—size, geography, growth and demographic—that the minister says need to be tested for whether a council should survive as a local government authority, the City of Cockburn and the City of Canning meet the test. In pursuing what I think the Premier really wanted, which was to fix up the western suburbs and have a go at regional WA, particularly the wheatbelt, why is South Metropolitan Region being put through this enormous amount of uncertainty and disruption and why are lots of people being caused lots of distress? Not only are we to be put through it but the mechanism the government has chosen to achieve its aim, which will see major disruption in the South Metropolitan Region, is not a legitimate method. It is not the method set out in the act. It is not the method anticipated when the act was drafted. It is not a legitimate way to do this. Give the people a say. The Dadour provisions set a very high threshold to give the people a say but this government will not even apply that high threshold. I am deeply concerned that South Metropolitan Region is paying a very high price, one that will be hard to undo because of the Barnett government's actions.

Hon Nick Goiran: How can we pay a high price if it hasn't happened yet?

Hon SUE ELLERY: It may not happen, but I have to judge the government on the proposal it made to the Local Government Advisory Board, because that is the government saying this is what it wants councils to do. The Local Government Advisory Board may reject that, and I hope it does, but the position of the government, which Hon Nick Goiran is a member of, is that the Local Government Advisory Board will decide that the City of Canning will be abolished. The method by which the government wants to achieve that is illegitimate, and it is that illegitimate method we are debating today.

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I go back to the question posed by Hon Simon O'Brien: why are we doing this and why have we sacked Linton Reynolds? Think about the time frame for this. According to the government's timetable, by June or July—someone might correct me—next year, the day-to-day governance of those councils that are to be abolished according to the government's proposal will be taken over by the major council for three months, until the election of new councillors in October. Commissioner Linton Reynolds had only until June or July next year to serve out his position. The government has not only dismissed someone who was doing very competently what he was asked to do and who restored faith in that local government authority, but also made it harder for staff and for the community and added more uncertainty because that council faces more disruption. There are now three new commissioners, who, I am sure, will go about their job with the same diligence and in the same positive way Linton Reynolds went about his job.

Nevertheless, for a very short time the City of Canning faces further disruption. Why? That is the question Hon Simon O'Brien asked. The answer I have concluded is that the member for Riverton wanted two outcomes. He has said publicly that he wanted his entire electorate to be within the City of Melville. He is entitled to make that judgement. It would certainly be easier for him politically and, administratively, it would be easier for him to deal with one local government authority rather than two or three. That is his judgement to make; I think it is the wrong judgement because it stretches the boundaries of Melville too far and we start to lose the common points of communality, I guess, if that is the right word.

Several members interjected.

Hon Ken Travers: Community of interest.

Hon SUE ELLERY: Thank you, friends, for your assistance. We start to lose community of interest. Nevertheless, that is his judgement to make and he can do that. In the last eight or nine months I think another reason arose for why the member for Riverton wanted to support Commissioner Reynold's ultimate dismissal; that is, the most vocal opposition to what the member for Riverton wanted was Commissioner Reynolds. Commissioner Reynolds was the public voice—a very eloquent, measured and considered voice—for the people of that part of Canning that is in the seat of Riverton. The commissioner was the face of the opposition to what the member for Riverton wanted and, for that, I think the member for Riverton convinced his cabinet colleagues and the Premier that Linton Reynolds needed to go part way through his contract with less than a year to serve until all the transitions happen. That is something I think the member for Riverton and those members of cabinet who shared his view should be embarrassed and ashamed of. To do that to a person like Linton Reynolds, who is well respected and highly competent, and at every opportunity I saw him—I have attended several public meetings on this matter—he spoke in a very measured way. When people in the public meetings and elsewhere were calling for him to take extreme positions or to, if you like, be on the edge of the argument, he refused. He took a very measured and considered position but he expressed it publicly. He said he did that because without any elected councillors, the people paying rates to the City of Canning had no other public voice. He was doing what he thought was the right and honourable thing to do, and it was effective. As a result, the government shut him down. I think, of all the uncertainty, all the disruption and all the illegitimate tactics used to achieve this government's aim for local government reform, the sacking of Linton Reynolds was one of the most appalling things I have seen in politics. We could not meet a nicer guy, someone who was more competent, more measured and more reasonable, than Linton Reynolds. To sack him in the way he was sacked was truly appalling. It has just added to the public picture that this local government reform is in fact not a legitimate exercise because of the way it is being conducted.

Hon Nick Goiran: Do you support sole commissioners or do you think there should be multiple commissioners?

Hon SUE ELLERY: I do not mind, frankly. I do not have an issue with that. I think both have been used by both governments. I hasten to add that I have nothing against the three new commissioners. I am sure they will do their jobs professionally and competently, but I think they have been put in an unfair position because they will have to deal with a lot of anger from people who are unhappy about what happened to Linton Reynolds, which was not of their making. I think that is really unfortunate. Nevertheless, I come back to the motion before us. I think the four limbs of the motion have been demonstrated. It is well within the means of this house to call on the government to ensure that any proposals for amalgamation of existing governments involve the abolition of all affected councils and the creation of new councils, and that that is done in accordance with the law of today, which is what is in the act right now.

HON BRIAN ELLIS (Agricultural) [2.40 pm]: A number of members who have spoken so far on this motion have addressed the issue of whether they agree with local government amalgamations. I have my own views on amalgamations, but I believe this motion actually does not call for comments on amalgamation—rather, it questions the method by which amalgamations have been proposed in the terms of the so-called spirit of the

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legislation. It also calls on the government to implement amalgamations by abolition of all affected councils and the creation of new councils. I intend to confine my remarks to the legislative matters raised in the motion.

I want to first address part (a) of the motion, which states —

... the Local Government Act 1995 ... never contemplated the use of boundary changes to amalgamate local governments.

In my view, it could be argued that this is not the case. Under part 2, division 2, “Districts and wards”, section 2.1, “State divided into districts”, it states —

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (a) declaring an area of the State to be a district; or
 - (b) changing the boundaries of a district; or
 - (c) abolishing a district; or
 - (d) as to a combination of any of those matters.
- (2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.

Schedule 2.1 is headed “Provisions about creating, changing the boundaries of, and abolishing districts”. The very fact that these three provisions are grouped under the same heading implies to me that they are at least of relevance to each other and, it could be argued, have an impact on each other. Based on my current understanding of the act after reading it a number of times, it can be a bit confusing—I point out that I am not a lawyer—but the boundary changes are a legitimate part of the amalgamation process and are encompassed in the legislation governing that process.

This leads me to address part (d) of Hon Ken Travers’ motion that states —

therefore calls on the government to ensure that any proposals for amalgamation of existing local governments involve the abolition of all affected councils and the creation of new councils.

I wonder, then, whether Hon Ken Travers wishes to ensure that by only allowing abolitions, he has satisfied clause 8 of schedule 2.1 of the act, which entitles electors to demand a say in the amalgamations. Clause 8(1) states —

Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the districts) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.

As you know, Mr President, this is to notify the electors of their right to request a poll regarding amalgamations. As Hon Sue Ellery has mentioned, it only takes the signatures of 250 electors or 10 per cent of the electors of one of the districts to trigger the poll. That can be quite easily achieved with any active lobby group. However, for the poll to take effect, there must then be a 50 per cent participation rate and the majority of those must vote against the recommendation for the minister to reject it. Local government elections are traditionally poorly attended and it is possible for a general unrepresentative vote to be manipulated by action groups. In fact, in his remarks on the issue in the other place on 18 September 2013, Ben Wyatt said —

... at least 50 per cent of the electors of one of the districts have to vote in the poll. That will be very difficult. In an environment of non-compulsory voting, it would be quite a task to get more than half the members of, say, the district of Victoria Park to vote.

My feeling about part (d) of this motion is that effectively they are words in disguise, and I wonder whether Hon Ken Travers is not really calling for electors to have a vote on council amalgamations. This is echoed in the wording of the question that Hon Samantha Rowe asked of the minister representing the Minister for Local Government on 14 August 2014, which read —

Does the government agree with WALGA’s position that the poll provisions should be extended to councils being abolished or significantly affected by a boundary change proposal?

I find it interesting that Hon Samantha Rowe’s question seems to suggest that councils can be abolished by the boundary change proposal. Similarly, on 27 February 2014 Hon Sue Ellery told this house the following —

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I referred to the minister's speech in February about why he was supporting boundary adjustments rather than amalgamations. He explained to the councils present that day that there would be a period from 1 July to October, when the local government elections are held, in which the council that the government has determined is the least affected by the proposed boundary changes will take over the decision-making and running of the councils that, by that stage, have effectively been abolished.

Given Hon Ken Travers' motion, which differentiates between boundary changes and abolitions, does the Labor Party have a split view on whether councils are absorbed by boundary changes or abolished by them? If the Labor Party thinks they are abolished by boundary changes, surely part (d) of this motion is redundant—or is the word “all” of more significance in part (d) of this motion when he moves that “all councils be abolished in the process”? I just wonder whether that is Hon Ken Travers' backdoor way of attempting to overcome the provision of clause 8 of schedule 2.1 of the Local Government Act stating that there must be two or more councils abolished to trigger a vote. It could just be possible that Hon Ken Travers wished to move a motion to create a division between the Nationals and the Liberals. It just could have been one of the reasons he moved that motion—maybe. It is a pity, and I am surprised that Hon Martin Aldridge fell for this trap. I was astonished at his extraordinary comments last week when he took some cheap shots at the Premier and made false accusations about some agreements that had been reneged on. That is simply not the case. In conclusion, I will not support this motion on the basis of my statements about the relevance of the motion to the Local Government Act.

HON LYNN MacLAREN (South Metropolitan) [2.49 pm]: I rise to support the motion moved by Hon Ken Travers. The support of the Greens was sought to have this motion debated in a timely manner. It is not a political game, as some members suggested in their contributions. I, like every member in this chamber, have received dozens of emails from ordinary people around the state imploring us to defend the Dadour provisions. That is why I rise to my feet today on behalf of the Greens. We wholeheartedly support this motion. I remind members that one year ago a very similar motion in my name appeared on the notice paper under non-government business. In fact, it still remains on the notice paper. One year ago, I moved —

That the Council calls upon the Barnett government to —

- (a) acknowledge the outpouring of community concern regarding the government's process for forced local government amalgamations;
- (b) not proceed with removing the Dadour amendment from the Local Government Act 1995;
- (c) recognise the principle that local communities should be the drivers of policies in relation to council amalgamation; and
- (d) consider that changes to council boundaries should consider shared communities of interest.

Unfortunately, because non-government business time is very limited, members did not have an adequate opportunity to participate in that debate at that time. It is interesting to note that I moved that motion on 12 September 2013, which is just over one year ago, and we are still going through this process of local government amalgamation that the Barnett government embarked upon. We have not had an opportunity to have this debate. That is why I wholeheartedly welcome this motion at this time. I commend all parties for enabling us to debate this at this time. The essence of this motion is about democratic participation in the rules that govern us. That is all we are calling upon the government to do at this point—that is, not to run roughshod over the provisions that enable local communities to determine what they want.

As a member for the South Metropolitan Region, every single thing that Hon Sue Ellery put on the record is well known to me. We have been living through this process of carving up and spitting out communities of interest into an amorphous blob. Now we are looking at South Perth, Victoria Park and parts of Belmont. That is just the east part of my electorate. Down in the south, the first council to really be upset about this of course is the sustainable City of Cockburn. Everybody knows how highly it ranks in sustainability. If there was no other example to expose that the stated purpose of this local government amalgamation is not the reality, one only has to look at the City of Cockburn. For all intents and purposes, it is being dissolved. It is one of the most sustainable models of local government in the city.

The residents who I work very hard to represent have been emailing me for at least 18 months about this local government amalgamation process. I had to go into the archived section of my email to pull out the many emails from people who have cried out to retain the Dadour provisions. At first they said, “Don't force amalgamations.” When they worked out exactly how the amalgamations were going to happen, every single email was, “Do not lose our ability to have a say in our local government boundaries.”

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I also want to dispel one of the comments just made by Hon Brian Ellis. He implied that there is some mysterious political purpose of this beyond only looking at local government amalgamations. It is right and proper that Hon Martin Aldridge stood and spoke out against this process. I have received emails not just from all those citizens in the South Metropolitan Region, and most recently the City of Canning—because of the issues raised by Hon Sue Ellery—but from citizens throughout the city and the country. One of the most articulate emails that I have received is from the shire president of Woodanilling, which states —

The Shire of Woodanilling asks that you consider the rights of electors of local governments to self municipal governance—as was granted by their predecessors in 1870 —

The many members who received these emails would have seen that line. That is harking to the democratic tradition in Western Australia that goes back to 1870. That is what we are talking about defending here. The email continues —

and has never been rescinded, when you debate the Local Government Amendment Act in the very near future.

It says we should consider the rights of electors of local governments. The email continues —

The Shire of Woodanilling opposes any amendment to the poll provisions of the Local Government Act 1995, highlighting that the removal of this democratic right is a wholesale silencing of our community, as well as the voice of every other citizen in WA. The poll provisions, otherwise known as the Dadour Amendment, protect the rights of voters to decide for themselves on whether to proceed with any proposal to amalgamate their Council with other Councils.

This democratic right to self-determination ...

I do not want to be tedious in the detail here, but I would be delighted to table this from Councillor Russel Thomson, the shire president of the Shire of Woodanilling. I will seek leave to table this email at the conclusion of my remarks.

It also relates to other parts of the city. I want to quote one Subiaco elector because it illustrates that it is not just limited to the country or to the South Metropolitan Region. This is not the first email I have received from this elector in Subiaco. It says —

Dear Lyn, I am counting on your active support to respect and help keep the democratic rights of the people of Western Australia. Democracy should not be surrendered for political convenience. If amalgamations are a good idea then the people who will be impacted should have the right of determination. Please keep these amendments. I have never felt so strongly about anything before and will be in the gallery watching this vote. I have something up on this on SOS Save our Subiaco. This is not just about the community where I live, it is about having a democratic right and having that right taken away for political expediency. If Barnett is so certain everyone wants amalgamations he should not be afraid of this process. Please help us.

I have just put on the record two emails from the two spectrums—one was an official response from the Shire of Woodanilling in the country; the other was from a similarly concerned Subiaco resident. This is a widespread problem; it is not a small issue.

Hon Helen Morton: Two people does not make it widespread.

Hon LYNN MacLAREN: I can read some more. This email is from Margaret in Daglish. It states —

I am appalled and distressed that the State government is about to make changes ...

This one is from the Haywards, who say —

I am asking you to do what YOU can to protect the rights of electors of local governments to self municipal governance ...

And they go on and on. I have an inbox full of them for members. I have not counted them. At one point, I was responding to everyone in the City of Cockburn and its surrounds who were appalled by this process, and there were 100 in that area alone. I assure members that if they have not heard the voice of our electors, they are not listening.

The motion before us is an opportunity to restore democracy and the democratic right of people in Western Australia to expect their voice to be heard in local government and in deciding their communities of interest. We have excellent processes for doing that. This could have been done by, for example, the Electoral Commission, which makes boundary changes from time to time. This could have been done in various ways. When we

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started—I think it was in the last term of government—I contacted all the mayors in the South Metropolitan Region and asked them about their views of the plan for local government amalgamations, whether they were being consulted fully and how they felt their interests were being served, and the only mayor who said that they were fine with the process was, ironically, the Mayor of the City of Melville. Hon Sue Ellery has mentioned that the City of Melville is seemingly at the heart of this matter. It seems to be the only local government that approves of the process.

Hon Kate Doust: It will reap a significant benefit.

Hon LYNN MacLAREN: As Hon Kate Doust has mentioned, it will reap a significant benefit. In my consultation processes, the City of Melville stood out as the only local government that is perfectly fine with the process. I do not think that anyone else is perfectly fine with the process. In fact, my “Battle for Burswood” T-shirt is now a bit faded as I have worn it so often. I do not know what T-shirts are being worn in the East Metropolitan Region, but no doubt there are some “Save our community” T-shirts. As members know, there are Facebook groups fighting this. There is plenty of evidence for members of the government to see that this is a widespread problem and that we should at least support the motion put forward by Hon Ken Travers to ensure that any proposals for the amalgamation of existing local governments involve the abolition of all affected councils and the creation of new councils. That would at least be a comprehensive handling of this issue.

I am a citizen of East Fremantle. I love East Fremantle. It is small, but I love it. The Town of East Fremantle will always have a special place in my heart, because that is where I took my citizenship oath when Andrew Smith was the mayor. I know that all my neighbours feel similarly. However, the more important thing to note is that we will retain our sense of community and our sense of community interest even if the boundaries of local government change, and we know that. The Town of East Fremantle has been talking to the City of Fremantle for many years about joining forces and perhaps amalgamating, so that is not new to the agenda in East Fremantle. But the way that this is occurring has stirred people up in a way that no other issue has in my time as a member. I urge members to support this motion and speak out on behalf of their electors. These concerns are widespread and people have a right to their democratic say.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.03 pm]: I will try not to take too much time, but obviously I have to put the government’s position on the record. The government’s position is that we will not support this motion, and I do not think there is any surprise about that. The first paragraph of the motion states —

expresses its view that the Local Government Act 1995 never contemplated the use of boundary changes to amalgamate local governments;

Members heard from Hon Brian Ellis about the fact that it is written into the legislation to enable it to happen in that way. The provision has been in the Local Government Act since 1995. A boundary adjustment means that one local government alters its boundary to include a street, a suburb or an entire local government district. In July 2013, when the Premier and Minister for Local Government launched the first set of maps that kicked off the reform process, the minister discussed the possible ways to achieve a merger by boundary adjustments or amalgamations. There is no secret about it; it was up-front at the beginning. It is no surprise to local governments that boundary adjustments are a legitimate way of achieving reform; in fact, many of them have submitted their own proposals for boundary adjustments. In fact, eight local governments opted for boundary adjustments: Armadale, Cambridge, Melville, Gosnells, Bayswater, Belmont, Cockburn and Kwinana. There is no secret, it is legal and it is contained within the existing legislation. Equally, State Solicitor’s advice has been sought and given that it is legitimate and legal under the legislation. It was not ruled out in any way, shape or form in the act and it was contemplated by local governments.

The second paragraph of the motion states —

believes that the correct approach under the act is to abolish existing local governments and to create new local governments as this ensures that local communities are given a voice as intended by the Dadour provisions of the act;

The process that is being undertaken at the moment is the process that is laid out for local governments in the act. The Minister for Local Government is managing this process directly as the legislation requires it to be managed. The minister has made a number of proposals to the Local Government Advisory Board, as have local governments. The majority of the proposals lodged have been from local governments and one community group, and these proposals are for a mixture of amalgamations on one hand and boundary changes on the other hand. Who knows what the outcome will be? I have heard that it will be a mixture of amalgamations and boundary changes. The minister’s proposals have no more weight with the board than any other proposal. The

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advisory board, not the minister, will determine whether there should be an amalgamation, a boundary change or no change; the minister does not get to determine that. The minister can accept or reject the board's recommendations but he cannot amend them. Under the Local Government Act, if local government B is to be incorporated into local government A, local government B will cease on 30 June 2015 and the expanded local government A will remain in place. It is as it is being done.

The third paragraph of the motion refers to the Dadour provisions. I make it absolutely clear that I do not think it is very democratic that 25 per cent of 50 per cent of people can refuse to enable some amalgamations to take place. I do not believe in that. The Systemic Sustainability Study instigated by the Western Australian Local Government Association on behalf of the sector comprised an independent panel's research into the sustainability of local government. A number of recommendations followed, followed by an engagement process enabling industry consideration of the report and its recommendations, leading to an industry-wide action plan. In December 2006, the Systemic Sustainability Study panel released its first report "In Your Hands: Shaping the future of Local Government in Western Australia". The release of this report culminated in months of work by the panel and WALGA to consider the long-term sustainability of local government. What happened? It showed that, despite this very clear advice, no action was taken by the sector. Even though all the research—let us take the Robson review—shows us that this needed to take place, no action took place. It was with this background and in this context that a further local government review was commissioned in June 2011. The metropolitan local government review panel was appointed to examine the current and anticipated regional, social, environmental and economic issues affecting the growth of metropolitan Perth in the next 50 years. The panel's task was to recommend the most appropriate local government structures and governance methods for metropolitan Perth. After undertaking its review, it was the panel's view that metropolitan local government faces major challenges in planning for an increasing and changing population. This includes changing community perceptions of housing, size and density; fulfilling the demand for a diversity of housing of suitable size and location; planning for increased road use; and planning sustainable urban forms that retain amenity, liveability and affordability. The panel found weaknesses with the current metropolitan local government arrangements including a significant level of duplication and wasted resources.

It has been difficult for people to really grasp this idea. Somebody talked about the history of local government, which I will now go over a little as well. European settlement occurred in Western Australia in 1829. It took about 80 years for a system of local government to develop, which covered the state. In 1871, legislation was passed that lay the foundations for a comprehensive system of local government containing seven municipalities and 21 road districts in Western Australia. That is how local government evolved. Municipalities had broad local government functions, much like the present local government, but road districts had only limited functions being primarily the care and control and the roads. Since 1961, municipalities have become cities and towns and road districts have become shires. Many new local governments have been established and many have been dissolved. Some local governments have been in place since 1871 but the current number in Perth is 138, with 30 in metropolitan Perth. In the post-war period, relatively few local governments were being established including Kwinana, Cambridge, Victoria Park and Vincent in 1993, and Joondalup in 1998. The fragmentation of the local government structure has been a recurring issue.

Major reviews—not just one review—have been conducted by the state and include the following; the 1953 Departmental Report on Boundaries recommending a reduction to 11 or 19 local governments; the 1968 Local Government Assessment Committee's statewide review recommending a reduction from 144 to 89 local governments; the 1972 Local Government Boundaries Commission that recommended a reduction from 26 to 18; and the 1974 Royal Commission on Metropolitan Municipal Boundaries, which was focused on the metropolitan area and recommended a reduction from 26 to 18. The 1996 Structural Reform Advisory Committee conducted a statewide review but had no recommendations and in 2006 the Local Government Advisory Board conducted a statewide review that examined structural and electoral reform and identified the need for more amalgamations. Despite all those changes, it has been really difficult to get the sort of amalgamations that should have taken place over the many years.

In closing, when I was a very young person and perhaps even a child trying to be a grown up, I would speak out inappropriately at times without the benefit of knowledge, wisdom and life experiences. At that stage my mother called me a twerp. I thought to myself what on earth does that mean? So I went to the dictionary as I was want to and found out what a twerp was—members opposite are tweeting away at the moment trying to find out what a twerp is. However, I was reminded of my mother calling me a twerp when I heard Hon Martin Aldridge speaking the other day and comparing himself to the Premier in terms of knowledge and understanding of the country area. Hon Martin Aldridge was eight years old when the Premier started as a member of Parliament and ended up travelling the length and breadth of this state in the many roles that he undertook as a minister and as Premier. Apart from the obvious attempt to be disrespectful, Hon Martin Aldridge showed little knowledge of

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the reality of country representation in Western Australia. Hon Martin Aldridge made some comment about the Premier having a few acres and a few sheep in Toodyay and how that does not qualify him in that regard, nor does coming up to a regional community every now and again for a media opportunity. The Premier has travelled the entire length and breadth of this state and has been to more non-metropolitan communities in his role as a Premier than Hon Martin Aldridge has ever aspired to. Unlike National Party members, the Premier is the Premier of the entire state who travels extensively and spends a lot of time in regional areas.

The other comment made by Hon Martin Aldridge was that his electorate had something in the order of 63 local governments, which is not inaccurate, spread across three assembly electorates, and he went on and on about that. At the last election, the honourable member represented 61 local governments across the Agricultural Region with nearly 500 local government elected members for a population of around about 137 000. My electorate, the East Metropolitan Region, for example, contains 13 local governments with 139 elected members and a population of over 543 000, so let us compare more numbers. The total cost of elected member sitting fees in the Agricultural Region is up to \$6.16 million, a cost of around about \$45 per person. In my electorate, the cost of elected member sitting fees is around about \$3.5 million, and looking at the numbers that is around about \$6 per person.

Another point made by Hon Martin Aldridge was that he thought he had secured an agreement. I do not know about the agreement to which he referred but obviously something has scared the Nationals. The Minister for Local Government stated that he has no plans and no time frame for structural reform in country areas. The honourable member has a fundamentally different view on reform from the Minister for Local Government or the Premier and it is unknown where he is coming from in that respect. Hon Martin Aldridge said he wants to see our local governments remain sustainable; however, they have to be financially sustainable in the first place to remain viable or sustainable.

In 2009, the Western Australian Local Government Association's Systemic Sustainability Study Panel's report found 83 local governments to be financially unsustainable, and the commentary even argued that local government is not viable without embedded subsidies or grants. Looking at local government self-reported financial ratios for 2012–13, 26 country local governments were considered to be below standard in their ability to cover their costs through their own revenue generation. What was even worse, 62 country local governments were considered to be below standard in their capacity to produce sufficient cash to cover their own debt repayments.

Last Monday, 15 September, the president of the Shire of Menzies, Greg Dwyer, went on ABC regional radio to defend his council from any possible amalgamation move, taking exception to the Premier's remarks in the other place that his shire relied on commonwealth grants and state funding to remain viable. However, he ended up proving the Premier's point. The newsreader paraphrased Mr Dwyer saying that the shire received most of its budget from commonwealth grants but would like to remain independent. Mr Dwyer then admitted that the shire got the majority of its revenue through grants and that \$2.8 million is raised by rates, and of course that leaves the balance to come through commonwealth and state funding.

As I said, it seems that something has scared the Nationals at the moment; it is probably the reality of their position, which is very short-sighted. The government does not support this motion and is really a bit surprised by the support for it from across the chamber.

HON PHIL EDMAN (South Metropolitan) [3.19 pm]: I want to talk very briefly about local government. I have said before in the house that I was a local government councillor in the City of Rockingham from 2004 to 2009. In that time, I liked and loved local government, as I like and love local government now. I want to talk about what is happening in the local governments in my electorate, not about what is happening in the western suburbs or in the bush, because to be honest with members I am not an expert on what is happening out in the country or in North Metropolitan Region. However, I do have some idea about what is happening in South Metropolitan Region. Local governments in my electorate do a pretty good job. They empty rubbish bins and put lighting in parks and run community centres, libraries and so forth. They are a very important part of our community. Reform is needed; it is time for reform. I agree with Hon Lynn MacLaren that reform of the Town of East Fremantle, which is small, is definitely needed and the councillors have been speaking about it for ages. I have also spoken to the Mayor of the City of Fremantle, Brad Pettitt, who also thinks amalgamation might be a good idea. Without getting into the debate, and without upsetting Hon Nigel Hallett and having him hit the morning ABC news again with a storm-out, I can say that I honestly thought this amalgamation process was supposed to start in country areas. Not being an expert on the number of people in each council, I thought that was what it was all about. I thought it would reflect similar issues in the likes of smaller councils such as the Town of East Fremantle.

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My electorate also has problems with the industrial park that starts in Kwinana and goes through Cockburn and Rockingham. Do members know that park? It is turning over between \$16 billion and \$17 billion now and employs about 15 000 people. It is a very important part of Western Australia. However, three local governments look after the planning processes of the park, and I have to say it is a bit of a joke! It is impossible when big business goes in there and has to deal with one planning process in the City of Cockburn and a different planning process in the City of Kwinana; so there does need to be some reform. I do not want to cause a ruckus in this place, but I believe that the way my government has gone about this process from the very beginning to date has been a bit shambolic. I have actually found it embarrassing at times when I have gone to citizenship ceremonies and Christmas parties. Do you know what, members? Sometimes I have actually been avoiding them. I thought, as a member of Parliament in this place, that I could make an informed decision and let my government know about a certain way that we should be doing things. I have always said that Kwinana, Rockingham, Cockburn and Melville councils are big enough to stay on their own; they are quite large councils and Kwinana is growing by the minute. However, I have actually failed in that process to date. I just do not know what the financial benefits are to ratepayers if Cockburn and Kwinana are amalgamated, but I am keen to know what they are. None of the mayors or the CEOs in my electorate can tell me what the financial benefits are.

As a ratepayer—I have a few houses in South Metropolitan Region; I have worked very hard to get in that position, so I pay a fair bit of rates—I would like to know what will be gained by the council spending my ratepayer money on a proposal, on meetings and on lawyers to fight this process. Do you know what, members? I underline the phrase “fight this process”. We can all say that councils are happy to go along with the process. I believe that is because most of the time they feel as though they have a gun to their head. That is the information that has come back to me from local councils in my electorate. Do members know what really hurt and upset me the most? It was when the City of Cockburn last year decided not to send in a proposal by the date the government said it had to be sent in. The council decided at a meeting chaired by the deputy mayor at the time, Kevin Allen, not to put in a proposal. Within weeks, all of a sudden, the government said it would do another boundary change and the City of Cockburn was virtually gobbled up by the City of Kwinana. I could not believe what was happening. The government had council set against council. The next thing that happened was the government said it would change the proposal again. Someone with a pen or a pencil was changing things every five minutes. It was at that point that I said, “I’ve given up on this.” I said to the mayors and the CEOs and to anybody who has ever listened to this debate, “That’s it. Don’t come and see me anymore and lobby me about lobbying my government to help you with your problems, because I can’t help you, and I apologise for that.” The City of Kwinana has just done another proposal for this process and the councillors want to come and see me in Parliament. I just said, “You’re wasting your time. I am happy for you to send it to us, but I don’t believe in my power I can really do much anymore.”

I want to use this opportunity to get a few things off my chest, especially to some local governments that I feel I have offended, yet I have done nothing wrong. It is not my fault that this is happening. I have not egged it on by any means or in any shape or form. I have tried my best to give local governments the outcome they want, and I am sorry that they have had to go through the pain of this process that I believe could have been done a lot better. I am all for reform and I am all for a change if it will make Western Australia a better place to live. If it will give a financial benefit to ratepayers in Western Australia, let us get on with it and do it.

The last thing I want to say is that I am completely against forced council amalgamations. I am a member of the Liberal Party and I belong to and am a resident of one of the greatest countries in this world—Australia. Australia believes in being democratic. I personally have a major problem with touching or mucking around with the Dadour provisions and taking away people’s right to vote. That belief has been installed in many generations of my family as Australian, and I do not believe that we should bypass that process whatsoever and take away people’s very simple right to vote.

HON NICK GOIRAN (South Metropolitan) [3.26 pm]: I rise to briefly make a contribution to the consideration of this motion. The last time I spoke about local government in this place was on 25 February 2014. At the time I hastened to bring to the attention of members that I was surprised to have to engage in a contribution on that bill, the Local Government Amendment Bill 2013. I suppose I am equally surprised today to have to engage in the process of talking about local government once more. To get the record absolutely crystal clear, I underscore and concur entirely with my comments on 25 February 2014, which I re-read yesterday. I do not resile from one word of the contribution I made at that time, as unwelcome as they may have been by some of my colleagues in the executive. Nevertheless, that is not the matter before us today, which is something that I believe has been missed by a number of members of this honourable place this afternoon and indeed last week when this motion was first debated.

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The matter before us and the question before the house is the motion that has been drafted by Hon Ken Travers. Interestingly, the Leader of the Opposition today said, according to my notes, that the four limbs of this motion have been demonstrated. The members of this place must therefore consider this afternoon whether the drafting by the most experienced member of the opposition is of an adequate and competent standard for them to agree to it; and, secondly, whether the members concur with Hon Sue Ellery that the four limbs of this motion have been demonstrated. For the reasons I will give now, clearly that is not the case. Indeed, this motion is premature at best, and incompetent and irrelevant at worst. Let us look at the four limbs that the Leader of the Opposition has suggested to us today have been demonstrated.

Hon Kate Doust: What about we talk about what is happening in our electorate and your government's decision that is causing major problems for local government?

The PRESIDENT: Order!

Hon NICK GOIRAN: Mr President, I welcome —

Several members interjected.

The PRESIDENT: Order! Can we have one member contributing to the debate at a time, and they have to be standing in their place, not sitting elsewhere in the chamber.

Hon NICK GOIRAN: I welcome the contribution of Hon Kate Doust, because by her interjection she has proven exactly what I am talking about. She has just asked me to talk about the issues in my electorate. I dare to refer her to my speech of 25 February 2014—the member can feel free to read it at her leisure—which goes exactly through the issues in my electorate. But that is not the question before the house today. The question before the house today is not what is happening in the South Metropolitan Region, Hon Kate Doust. The question before the house is the poorly constructed motion drafted by her colleague Hon Ken Travers. Hon Kate Doust's colleague who is sitting to the right of her—the Leader of the Opposition—has today suggested that the four limbs of that motion have been demonstrated. Let us look at the four limbs that the Leader of the Opposition tells us have been demonstrated.

Hon Sue Ellery: It is your right to disagree.

Several members interjected.

Hon Sue Ellery: He is not speaking to the Chair. He is speaking to me.

The PRESIDENT: Order, members!

Hon NICK GOIRAN: The first limb, drafted by the most experienced member of the opposition, states—

expresses its view that the Local Government Act 1995 never contemplated the use of boundary changes to amalgamate local governments;

What we learnt last week, Mr President, pursuant to the ruling that you delivered—a most excellent ruling—with respect to the issue of sub judice, is that, among other things, a trial date has been set down on this very issue for 25 November 2014. Again, the incompetent members opposite do not understand the difference between liberty and licence. The ruling that you gave us last week, Mr President, gave us the liberty to debate the matters before us. But that does not necessarily mean that we have the licence to do so, or that we ought to do so. One of the great things about this place is that we have the right to stand and deliver a speech and be protected by parliamentary privilege. But that does not mean that we ought to abuse that privilege. This is a matter that is plainly before the Chief Justice to be considered on 25 November this year, yet the most experienced member of the opposition suggests that we should express our view on the interpretation of the Local Government Act 1995. This experienced and honourable member opposite ought to know that there is a difference between the role of the Parliament and the role of the courts. It is the role of the courts to determine the interpretation of legislation. It is not the role of this place to do that today. In fact, although we have the liberty to express an opinion about that, I would suggest to members that we ought not to have the licence to do so, and we should exercise some self-control, and, indeed, some respect for the Chief Justice, and await his determination on 25 November. Furthermore, the most interesting thing—which members opposite, experienced and otherwise, clearly do not understand—is that the view of the thirty-ninth Parliament in respect of that particular limb is utterly irrelevant. What actually matters is what the Chief Justice thinks the interpretation of the Local Government Act is—not what Hon Ken Travers has dreamt up one night and decided to deliver to the house.

Let us move to the second limb, which again the Leader of the Opposition has suggested to us today has been demonstrated. The second limb, in fairness to Hon Ken Travers, I have much sympathy for, and that would be consistent with the remarks that I made on 25 February 2014. However, as my hardworking colleague

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Hon Simon O'Brien, the member for South Metropolitan Region, mentioned last week, the drafting of this part of the motion is not ideal. It could have been drafted better.

Hon Jacqui Boydell: Why are you commenting if you think the court should make a ruling? Why don't you just sit down and let the court make a ruling?

Several members interjected.

The PRESIDENT: Order, members!

Hon Jacqui Boydell: I am just pointing out that you made that point.

The PRESIDENT: Order, members!

Hon NICK GOIRAN: I welcome the contribution from Hon Jacqui Boydell. What she presumably is aware of is that today, we have a motion before us that we need to decide whether we are going to vote for or against. One would have thought that as we are considering that motion, we might listen to the competing views and would not suggest to one of the members who might have a different view that they should sit down. That might be the respectful course of action.

Nevertheless, I move to the second limb, which Hon Sue Ellery tells us has been demonstrated. As I have said to Hon Ken Travers, through you, Mr President, I have some sympathy for that second limb. However, it has not been correctly drafted. For example, it tells us what the correct approach under the act ought to be. I say to Hon Ken Travers, through you, Mr President, that I suspect he might agree with me that the word "correct" is probably not the ideal word to use. The spirit of what Hon Ken Travers is trying to tell the house today is almost an aspirational limb of the motion—that is, what would be the best and preferable approach. But it is not necessary the correct approach. As soon as we fall into the trap of using the words "the correct approach", we are instantly injecting ourselves into the matters that need to be considered by the Chief Justice on 25 November. The Chief Justice will tell us what is correct and what is not correct. I therefore think it is okay for us to say that we believe this is the best and preferable approach to take on these things, for the reasons that Hon Ken Travers has articulated.

Nevertheless, let us move ahead, because time is dwindling, to the third limb, which again the Leader of the Opposition has indicated has been demonstrated. Plainly, that is false. The third limb states —

is of the view that any attempt to force local government amalgamations by using boundary changes to circumvent the intent of the Dadour provisions is an abuse of the act; ...

It is that final phrase that members need to be cognisant of in this debate this afternoon. It is not for us, the Legislative Council, to determine whether something is an abuse of the act. Once again, that is a matter for the Chief Justice on 25 November. Our view, as I indicated on the first limb, is that the view of the thirty-ninth Parliament on this issue is utterly irrelevant. It is what the Chief Justice says on 25 November that will count.

Lastly, we move to the fourth limb. Members may recall that last week I suggested, as a course of action that Hon Ken Travers might have wanted to take, that he withdraw limbs (a), (b) and (c) and have a debate just around limb (d). I think that would have been the appropriate course of action. But Hon Ken Travers has chosen to not do that. The fourth limb states —

therefore calls on the government to ensure that any proposals for amalgamation of existing local governments involve the abolition of all affected councils and the creation of new councils.

Hon Ken Travers: If we delete (a), (b) and (c), will you vote for the motion?

Hon NICK GOIRAN: This is not a new issue. In fact, Hon Ken Travers, the expert in interjection in this place, on 25 February —

Hon Sue Ellery: Hon Simon O'Brien is probably rightly offended by that!

The PRESIDENT: Order! I am offended that anybody could have such a title.

Hon NICK GOIRAN: On 25 February 2014, the drafter of this motion—the most experienced member opposite—decided once again, as per usual, to interject on my contribution. This is what he said —

Do you agree that it is an improper purpose to try to abolish a council by extending the boundaries?

So, this is not a new issue that Hon Ken Travers is bringing to our attention. He was already thinking about this issue in February. However, he has decided to take until September to bring it further to the attention of the house. My response to that question, which will be of interest to Hon Ken Travers, as he was the man who asked that question on 25 February, was —

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I would not want to make an absolute statement on that, Hon Ken Travers, because there may be circumstances in which that is appropriate. Perhaps an off-the-cuff example might be a scenario like the Town of East Fremantle, a very small town next to the City of Fremantle. Maybe in those circumstances the complete abolition of the Town of East Fremantle to be subsumed into the City of Fremantle is appropriate. I do not want to rule out that possibility and say that it can never be done in any situation. What I do know, Hon Ken Travers, is that it is entirely inappropriate for the City of South Perth. I would say the same if it were in reverse. If the City of South Perth's boundary were to take over the whole of the Town of Victoria Park, the same principle applies.

Those were my remarks on 25 February. I do not resile from any of that. For those reasons, I cannot support the motion of Hon Ken Travers.

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [3.39 pm]: I have not spoken on local government issues in this house on any occasion since I have been a member. Before I commence, I would like to congratulate Hon Brian Ellis, Hon Helen Morton and Hon Nick Goiran for their more than adequate responses to this motion moved by Hon Ken Travers. In fact, they have shown Hon Ken Travers' motion up for what it is—light on fact, heavy on rhetoric and nothing but a political debate about a matter that is underway as we talk. It is not an issue in the communities that people on the other side of the house represent.

Hon Ken Travers: What?

Hon Sue Ellery: Have you been south of the river?

Hon JIM CHOWN: I, as have many other people in this place, have been a ratepayer in more than one location. This debate has been underway for at least 18 months. In the metropolitan area last October, the average number of voters who came out to support their local government representative was about 23 per cent, such is the concern of the community at large about local government reform. I am one of the hundreds of thousands of ratepayers who do not know who their local government representative is, do not wish to know and will never try to find out.

Hon Sue Ellery: You're a great parliamentarian!

Hon JIM CHOWN: That is a factual statement by hundreds of thousands of ratepayers in the metropolitan area. If members opposite got out and walked the streets and asked the damn question, they would get the same response. All that ratepayers are concerned about is that their rubbish is collected, their parks are looked after and their rates do not go through the roof.

Hon Ken Travers interjected.

Hon JIM CHOWN: This sentiment is expressed —
Several members interjected.

The PRESIDENT: Order! Member on your feet, do not try to shout over the din; I will bring the din under control, then you can resume.

Hon JIM CHOWN: Thank you, Mr President. The sentiment I am expressing here is demonstrated every time there is a local government election. In fact, as I said, this debate has been underway for 18 months. The Western Australian Local Government Association, as mentioned by Hon Helen Morton, put out a comprehensive systemic sustainability study paper 10 years ago about local government reform in a voluntary manner across the state. However, the process proved to be too hard because there are too many vested interests. Too many people in local government believe that they know what they require on behalf of their communities. This government has stood up and made a decision on behalf of the communities in the metropolitan area. With regard to the debate that has taken place over the past 18 months, I will attempt to quote what the WALGA president said on ABC television on this matter some three to four weeks ago. Mr Troy Packard said —

Hon Kate Doust: Pickard, Pickard.

Hon JIM CHOWN: He said that on the matter of local government reform, the process is underway, let the process finalise.

Hon Sue Ellery: That was deep!

Hon JIM CHOWN: That is fine. He happens to be the president of WALGA and I assume he represents all local government bodies throughout the metropolitan area. Deep or not, it is a factual statement.

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With regard to our National Party colleagues' sentiments about something that is not even on the agenda, I am very surprised that the National Party has decided to cross the floor and vote with the Labor Party on something that is underway and, from a regional perspective, is not even on the agenda. Until this process is finalised, I do not believe that regional Western Australian local government reform will be even contemplated. I also do not believe that any deal was done in cabinet between Brendon Grylls, the Leader of the National Party at the time, and the Premier of this state, Hon Colin Barnett. If any deal was done or any agreement reached, there would have been a combined press statement, as has happened on previous occasions about decisions between the National and Liberal Parties. Brendon Grylls' name and the Premier of Western Australia's name would have been on it. I firmly believe that no such deal was done, not that it is a matter worthy of discussion in this place at this time because it is not something that will happen in this government's current framework.

Hon Ken Travers: Have you put in an FOI yet?

Hon JIM CHOWN: On that matter, I have some interesting figures on local governments in regional Western Australia.

Hon Darren West: In your electorate?

Hon JIM CHOWN: In my electorate, yes. I will stand in this place and say that local government reform needs to take place in my electorate in regional Western Australia.

Hon Darren West: Which ones?

Hon JIM CHOWN: For example, 10 regional local governments have 13 vacancies. That means that they cannot find councillors for 13 positions among 10 councils, such is the community's disinterest in some local governments.

Hon Ken Travers: Abolish them then.

Hon JIM CHOWN: Reform is required for a number of regional local governments.

Hon Darren West: Which ones?

Hon JIM CHOWN: I am not saying all local governments, but certainly a large number. There is apathy in regional Western Australia towards finding councillors for local government. Councils cannot work without councillors. A critical mass of the population is required and if that means boundary changes in certain areas, so be it. Local government representatives need competition. Members opposite know as well as I do that a number of councillors have been diligently and loyally serving their councils for 20 or 30 years. They want to retire but their colleagues have talked them out of retiring because they will not find replacements for them. Members cannot tell me that that is an efficient form of local government in regional Western Australia.

Hon Sue Ellery: How would you achieve that reform in regional WA?

Hon JIM CHOWN: I would encourage this government, on winning the next election, to look at local government reform in regional Western Australia.

Hon Ken Travers: So it is on the agenda?

Hon JIM CHOWN: No; I would encourage this government to do that on winning the next election for the betterment of local governments and rural communities. I am not saying that every local government needs reforming but certainly reform of some local governments needs to be examined or at least contemplated. Some of these local governments today, regardless of the National Party members' sentiment, who are quite frankly out of touch on this issue, know full well they are ticking along. They are going through the motions of serving their communities.

Regarding the comment about the National Party being out of touch with the electorate, there are two things. Firstly, listening to the self-interest of councillors is not serving the community. Good community relations is about listening to what the community in general wants and knowing what the service requirements of local government are. Secondly, to have the National Party come into this place and support the Labor Party on a motion that 30 or 40 of its delegates put forward at a state conference beggars belief. Their depth of knowledge on this matter, as expressed by a couple of its members, shows quite clearly that local government reform from their perspective is not on their agenda, much to the detriment of their communities and the communities they represent here.

I will close by saying that I too support Hon Helen Morton's comments about some of the statements made by Hon Martin Aldridge about the Premier. I have been a member of this place for six years, and I have never heard a Leader of the Opposition or a Premier of this state vilified in such a manner. It was uncalled for and

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unnecessary, and, quite frankly, not factual. I remind Mr Aldridge that he sits on the government benches and in effect —

Several members interjected.

The PRESIDENT: Order!

Hon JIM CHOWN: — the disrespect shown by a member of government towards someone who is, effectively, his leader—the Premier of this state—is quite outrageous.

Hon Martin Aldridge: I don't think so.

Hon JIM CHOWN: I believe Mr Aldridge has two options —

Several members interjected.

The PRESIDENT: Order!

Hon JIM CHOWN: He has two options: he can either apologise to the Premier in this house or he can remove himself and sit on the crossbenches. That is my opinion on this particular matter.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [3.50 pm]: I will only speak briefly in favour of the motion moved by my colleague Hon Ken Travers, having listened to the debate over the last two sessions. I note the comments made by my other colleagues in the South Metropolitan Region, Hon Simon O'Brien, Hon Sue Ellery and Hon Lynn MacLaren, and I find I am in full agreement with the matters they raised in connection to the problems experienced amongst the 10 local governments in our region. I think they have been quite eloquent. I also pick up on what Hon Nigel Hallett said, in what I regard as probably his finest speech in this chamber, and his concerns about the way the government has managed this so-called reform process. I do not think anyone in this chamber would dispute the need to have reform in local government, but the process put in place by this government is not reform in its genuine sense; it is simply about boundary changes. It has caused incredible upheaval and the initial cause of that was the broken promise from the Premier at the election that there would be no forced amalgamations, and, for all intents and purposes, we are seeing that happening. We have seen this issue moving from around the western suburbs and other areas to the various metropolitan regions, and as I said, South Metropolitan Region has been impacted by the government's decisions. Just in the last few days we heard the Premier say that the whole issue around reform is really about having a significant CBD area that we can all be proud of. The whole reasoning behind this so-called reform process is constantly evolving and changing almost on a daily or weekly basis, depending upon how the Premier is trying to put a spin on it to manage the problems he encounters.

I want to correct the record. Hon Simon O'Brien said I have been missing in action on this issue of reform and local government. I want to say to him that not only have I put in a submission to the Local Government Advisory Board with my colleague Hon Sue Ellery, I participated in the rallies that were held here about the Cockburn amalgamations with Kwinana, I have been in constant contact with my constituents about these issues all the way throughout south metro, I have been involved in the issues about Canning, I have met with the mayors throughout my electorate on a number of occasions to talk about the various issues and learnt from them about the problems each of them have had, I have participated in the rallies for the battle for Burswood and, again, I have engaged my local community around that issue. My colleague Hon Nick Goiran, when he does not want to talk about the matter of substance, simply talks about the language of the motion because he cannot engage in this debate, but I think he is really missing an opportunity to stand up and defend his constituents in south metro. My colleagues are correct. This issue will add an additional burden to our constituents in the rates they pay and it will add problems to how they interact. The government has only started to talk about real reform in the last month. I note that the minister has been quoted in the September edition of *Western Councillor*, which is a publication put out by the Western Australian Local Government Association. He said —

I want to talk to you about consistent local laws. How can we achieve them? For more than 100 years we've had different rules from one area to another in just about everything.

He then goes on to say —

It's time for change. Get your heads together and work out how it can be done. People say to me "just legislate". No, I am not going to.

Why was the minister not talking about this at the beginning of the process? That is what real reform is about. That is the type of reform our constituents want to see. They want to see the removal of red tape and they want to see the uniformity of the planning process and building requirements. Those are the sorts of things they talk to us about. They want to see a decent level of rates in our areas. They do not want to see these high ever-increasing rates because of bad government decisions, and that is what they will see when this process comes through.

Extract from Hansard

[COUNCIL — Wednesday, 24 September 2014]

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I encourage those members across the way who fully support what their government is doing to reflect upon the decisions they are making. If they do not support the motion moved by Hon Ken Travers, they will ultimately be answerable to their constituents, particularly those in the metro area who will ask them, “What were you thinking? Why have you done this to us? You have removed democracy for us. You have taken away our right to have a view and to express that, and the impact upon us will be detrimental.” I thank Hon Ken Travers and I look forward to, hopefully, this motion passing successfully.

HON COL HOLT (South West — Parliamentary Secretary) [3.55 pm]: I say from the outset that the Nationals are not against local government reform; in fact, we encourage local government reform in the voluntary sense. Our support for the voluntary regional organisation of councils in regional Western Australia is widespread and well known. We will continue to work with those organisations to improve efficiencies within local councils and on a regional level. That is why the member for Moore has introduced a regional subsidiaries bill to help them work together in better and more efficient ways. We know that has some challenges in terms of their size and efficiencies, but they are an important part of the fabric of our communities and the service delivery to our regional communities. We introduce bills like that because we want them to work together more efficiently and get some outcomes that go beyond their size.

I represent the South West Region and a lot of discussion always comes around the amalgamations—boundary changes would be a better description—around the City of Bunbury. I talk to the councils around the City of Bunbury consistently about criticisms from people having to deal with three or four shires in the greater Bunbury region. It is mostly criticism about planning, and I think we just had a contribution about planning. I say to them that they should work as efficiently as they can with each other to ensure that there are some uniform laws across boundaries to take away that criticism. The fact remains that amalgamation will not fix that; all it will do is shift the boundaries a bit further along. In actual fact, it will remove the whole ability for some of those shires to cross-subsidise their services into regional Western Australia. That is not a view from councils; that is a view I formed by talking to the committees of the south west.

I think Hon Jim Chown is actually correct when he says he does not believe there will be amalgamation of local governments in regional Western Australia, and I will tell him why there will not be any at this point in time. While we have some influence in this chamber and this government, we will ensure that the message continues to get delivered that forced amalgamation by boundary change or whatever other means will not be accepted by the Nationals, who represent regional Western Australia. That is not because of Hon Jim Chown’s influence —

Several members interjected.

The PRESIDENT: Order, Hon Col Holt has the call, not 14 others.

Hon COL HOLT: That is not because Hon Jim Chown has the influence within this chamber or cabinet and, I have to say, it is not because Hon Darren West is the saviour of the regions in opposition in the shadow cabinet. We will use every means we have, while we have influence in this place, to ensure that our regional local governments are not forced into amalgamating, but have the opportunity to work together to gather efficiencies in a voluntary sense.

HON KEN TRAVERS (North Metropolitan) [3.58 pm] — in reply: I want to thank members for allowing this debate to be had. I think it is important that the house expresses a view on the way in which local government amalgamations are being conducted. I want to remind the house that to support this motion is not to oppose reform of local government. As, I think many members have stated, and Hon Col Holt most recently, there are many ways in which local government reform can occur without the process that has been adopted by this government. This motion is about both the process the government has adopted to force local government amalgamations and denying people having the rights that I believe are enshrined in the Local Government Act to have a voice as the final determinants of that. That is the issue we are debating today. Members can support this motion; it still means they support and recognise that there is a need for reform of local government, as there is a need for reform of state and federal governments on an ongoing basis. I do not want members to think that, by supporting this motion, they completely oppose any arguments about local government reform. Hon Max Trenorden originally brought the idea of regional council subsidiary models into this house. It is a model that has not been explored.

Members spoke about the systemic sustainability study process. That process was about the state government trying to work with local government to achieve reform. It did not start with amalgamation as the answer to reform; it started with: What issues are wrong with local government? Where can improvements be made to local government to reach a conclusion? At the end of that process, we may have seen amalgamations and they would have been entered into in a voluntary way, as we have seen with South Perth and Victoria Park. Until people tried to interfere, they willingly went down the path of saying, “We actually believe it is in our

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community's best interest." They removed themselves from that process only when people tried to interfere in it. The reason that system was broken was that when the current government came to power, it rejected that longstanding process and the documents that had been developed about it. Instead, it tried to start the forced amalgamation process. At the time, the government said, "We need to move on; this is taking too long." The view at that time was that if we continued down that path, there would have been outcomes within four years.

It is now six years later and we are having this very divisive debate in the community. Anyone who looks at the debate in this chamber over the last two weeks will understand the level of division it has created in our communities. That is the problem. That is the thing that will cause great damage to local government and the standard of local government in Western Australia. This debate got personal over the last two weeks; imagine what it is doing in our communities. It is incumbent upon this house not to wait for court cases and the like. This house should express its view about what is the correct process for local government amalgamations. What is the correct process that the government should pursue when it comes to amalgamating local governments? That is what this motion is about.

Hon Nick Goiran said he had been thinking about this since February. He is correct in so far as I have had a longstanding concern about the process that has been adopted. Members know that when the Local Government Amendment Bill 2013 came before this house, I moved an amendment. I advised members of my intention to do that. The government has never brought that bill back on to allow this house to have the opportunity to express a view about how it believes local government amalgamations should occur. Because of what is going to happen over the coming weeks, it is important that this house expresses a strong view to the government of the day—to the executive—about how it should proceed. I hope it will listen and will recognise that when a house of Parliament expresses a view in a strong way, it will take that into consideration during deliberations. Hopefully it realises that the path it adopted is not the right path for Western Australia. We are breaking down the fabric.

In my view Hon Jim Chown was incredibly disrespectful to local government in some of his comments this afternoon, but I accept that that is a view held within our community. He is a reflection of a component of our community. I do not believe it is as widespread as he indicated. As a member who represents both small and large local governments—in fact the largest local government; I represent three of the largest local governments in the state but also some of the smallest within the metropolitan area—my experience is that the communities that have the closest engagement with their local councils are the smallest. Members of the community do not have to read about what is happening in their local council; they know because they run into their councillors down at the local shops on a Saturday morning. A question that is never raised when we talk about local government amalgamation is: what is the sense of community and what is the sense of social fabric that local governments provide to our societies? It is important that if the government wants to go down the path of reform, it does it in a way that takes those communities with them. This process has, in my view, started to break down that fabric. It encourages the community to be disrespectful of the institution of local government. That will ultimately feed into state and federal Parliaments. That is not a good thing. It will allow others to undermine the fabric of our society.

The division occurs because of the dishonesty that constantly occurs during the debate. Before the last state election we were told there would be no forced amalgamations. The Premier then wrote to local communities and said that would never happen. After the election, the Premier did the exact opposite. The Premier's community is probably the one metropolitan area that will ultimately still have a say under the Dadour provisions. But for many other sections of the metropolitan area, they will never get the right to have what I believe was embodied in the 1995 act.

I say to members: look at the history of the way the Local Government Act 1995 was developed. I respect that Hon Nick Goiran has a different view, but I strongly believe that my comments make the case that it was always intended that when two councils merged, they would both be abolished and a new council would be created. That was the intent when the act was written in 1995. I remind members of the comments in the second reading speech of Hon Paul Omodei. He did not talk about the abolition of councils. He said that when two or more councils amalgamate the public in those councils should have a right to a poll that is binding—it is a final decision. In my view, that is a key issue.

People can try to twist or take out the words of the different clauses. I accept that maybe the detail of the way in which the 1995 act is written is not as good as the 1962 act, which it amended. There was not a single mention in the second reading speech, or during the committee stage of the 1995 bill, that the government was trying to change the intent of the 1962 act. As I say, the second reading speech of the minister at the time made it very clear that when two or more councils amalgamate, there should be a binding poll. That is what I seek to achieve by this motion. That is what I am asking this house to express a view on this afternoon. Hopefully the

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government will reflect on that and will realise that when it wants to amalgamate councils, it does it in a way that takes the community with it. It should not do it in a forced way. It should not do it in an underhanded way.

Finally, let us never forget that the process, until this most recent arrangement was put in place, has always been that when two councils amalgamate, they are both abolished and one equal council is created under that new process, and the community gets the final say. They get the final voice on whether or not that should happen within their local communities. Members, I appreciate the comments that have been made. I urge members to support the motion this afternoon.

Question put and passed.