



**The Hon Tony Simpson MLA
Minister for Local Government; Community Services;
Seniors and Volunteering; Youth**

Our Ref: 49-02063/2

18 NOV 2013

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr O'Brien

PETITION N^o 13 – CITY OF BUNBURY COUNCIL SUSPENSION

Thank you for your correspondence dated 31 October 2013 in which you provide me with the opportunity to comment on a petition tabled by Hon Adele Farina MLC in the Legislative Council on 10 September 2013.

Firstly, in relation to the terms of the petition involving the City's operations and affairs, I am advised that on becoming aware of the major issues affecting the City, my Department of Local Government and Communities met with involved parties within the City in an attempt to resolve the difficulties facing the local government. The issues were identified as predominantly involving a breakdown in the relationship between the Mayor and the Chief Executive Officer.

Consequently, a strategy was formed to address these issues and ultimately to implement changes designed to assist in improving the City's separation of powers. This approach involved the appointment of an independent assessment officer to manage the allegations of misconduct and the introduction of a communication strategy to define appropriate protocols for elected member interaction with City employees. The strategy was formally adopted by Council and fully implemented by the City.

I have noted that the petition, in part, requests the suspension of Council and members of the executive management team pending an inquiry into the City. I wish to advise that, under the *Local Government Act 1995*, I do not possess the power to suspend local government employees including the Chief Executive Officer. Furthermore, I advise that the consideration to suspend a Council and undertake an inquiry occurs in circumstances where significant evidence exists to indicate the local government is failing to provide good governance for its residents and ratepayers, or is conducting itself in a manner contrary to the Act, or when all other attempts to achieve a resolution have been expended.

My Department has advised that evidence has not been forthcoming which would indicate the City is failing to provide good governance to the district or is conducting itself in a manner contrary to the Act.

Accordingly, after considering this and the prompt actions of my Department and the full cooperation demonstrated by the City in adopting the strategy, I see no justification in committing further resources of my Department to suspend Council and conduct an inquiry.

Notwithstanding the above, it is of the utmost importance to me that the City continues to conduct itself in accordance with the Act and to discharge its responsibilities and, as such, my Department is continuing to liaise with the City and provide advice, where appropriate.

Finally, in answer to your appeal for information on current investigations involving Council, I advise that my Department is finalising an assessment of a received complaint alleging that two City Councillors may have failed to comply with the financial interest provisions of the *Local Government Act 1995*. I am advised that this matter is separate from those issues raised in Petition No 13.

I trust this advice is of assistance to you and, once again, thank you for providing me with an opportunity to comment on the issues raised by this petition.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tony Simpson', is written over a faint, illegible stamp.

HON TONY SIMPSON MLA
**MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;
SENIORS AND VOLUNTEERING; YOUTH**