

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

LOCAL GOVERNMENT AMENDMENT BILL (NO. 2) 2006

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
MONDAY, 15 JANUARY 2007**

SESSION TWO

Members

**Hon Louise Pratt (Chair)
Hon Bruce Donaldson (Deputy Chairman)
Hon Kate Doust
Hon Paul Llewellyn
Hon Robyn McSweeney**

Hearing commenced at 12.57 pm**FOWLER, MR TIM****Director, Capacity Building,****Department of Local Government and Regional Development, examined:**

CHAIR: Thank you, Mr Fowler, for making yourself available to the committee today. I am obliged to make a few introductory remarks so that we can go through the formalities of signing you in as a witness. On behalf of the committee I would like to welcome you to this meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document.

Mr Fowler: Yes, I have.

CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphone and try to talk into it, and ensure you do not cover it with papers or make noise near it. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of your evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

To begin with, I would like you to give the committee a general overview of the purpose of the bill, from the department's point of view, that the committee is inquiring into.

Mr Fowler: As the committee will be aware, the bill was split in two in Parliament, and the bill before the committee deals with proportional preferential voting; a term that is, I guess, being used to broadly describe what is being dealt with. The bill sets out the main changes to the Local Government Act that are necessary to change from the first-past-the-post system to the proportional preferential system. The bill includes a schedule that broadly describes how the different counting system works. Previously, the first-past-the-post system occupied the best part of one page. The schedule has now been amended to include details of single-member electorates and the fact that the system is basically a preferential system of counting. For multimember electorates, the schedule deals with what is described as the proportional system. That essentially reflects the system that applies for the upper house of Parliament in Western Australia. The government's policy decision was to include that as the basis for the voting system. That pretty much exactly reflects the system that is described in the Electoral Act.

When the bill was first introduced in Parliament, it provided for only a very general description of the systems, and then referred to the details being in regulations. However, the government decided that it would provide those details and put them into the bill. When the bill was in the Legislative Assembly, it was amended to include the full details of how the counting system would work, which now means that those details are in the actual act. The matters that now need to go into regulations are largely the more detailed forms and the more specific non-technical information in the description, which will now be in the act. Essentially, the regulations will now provide for the way in which a person fills out a ballot paper; that is, instead of putting ticks on the form, the form will now be numbered - one, two, three, four - down the page, under the preferential system. The

regulations will now include only technical details. When the elections are finished, local governments will have to provide reports including details about how many votes each candidate received; things of that sort will have to be included on the form. The form will also have to be amended to reflect the fact that it is a different type of system. The regulations will now really deal only with minor matters. The bill now includes the full details of the actual system. That is essentially what is in the legislation and what is proposed for the regulations. I am here today to help the committee with any questions or issues it has about that. The department is gearing up and getting ready for this to happen, should the legislation get through Parliament. The department has plans in place to be prepared, together with the Western Australian Electoral Commission, to advise local governments about what they will need to run elections, and to also provide information to the general public. There is a big re-education process involved with this.

Hon BRUCE DONALDSON: You talked about the regulations and said that they will now apply only to technical details. If that is the case, where are the proposed regulations at this stage? Have they been ticked off? Is it likely that the minister may furnish the committee with the regulations prior to the finalisation of the report, as Hon Kim Chance, the Minister for Agriculture and Food, has done with the biosecurity and agriculture management bills for the Standing Committee on Legislation? Will you take it on notice that the committee is very interested in looking at the regulations prior to finalisation of the report?

Mr Fowler: I can certainly take that request back to the minister and organise that. It is normally the case that the regulations are not prepared until the legislation has made its way through the Parliament. However, the tight time frame for this legislation means we will need to develop the drafting instructions and proposals for amendments to the regulations. That is so that they are completed well in advance and no delays occur in that part of the process. However, the question of whether the actual drafting will have occurred by that time is one that I can take to the minister.

Hon BRUCE DONALDSON: It has a very big bearing on the legislation. You mentioned that there will be no ticks on the ballot form, only numbers. Will there be any form of voting above the line? These are the sorts of questions that people are probably asking at this stage.

Mr Fowler: The details about voting above the line are included in the bill. The bill does not allow voting above the line. People will need to completely fill out the ballot paper, and put a vote or preference against each of the candidates. Those details are actually in the bill.

Hon BRUCE DONALDSON: Is it true to say that it would be doubtful whether local governments have the ability to conduct elections using the proportional preferential voting system?

Mr Fowler: With respect to providing assistance to local governments so that they are prepared to run elections that they might decide to run themselves rather than use the services of the Western Australian Electoral Commission, the department is planning to prepare computer software and special programs to enable local governments to have access to those resources. The resources will be provided by our department and distributed to all local governments so that they will have that material. One of our tasks will be to prepare that and to engage experts with the capability of putting it together. We would then disseminate those resources to local governments. We will try to do that as early as possible so that local governments can decide whether they want to run the election themselves, or to use the Western Australian Electoral Commission.

CHAIR: The regulations will cover the manner in which someone has cast a vote, and the way the ballot paper has been marked. That effectively means that the formality of votes is decided by regulation. What was the reasoning behind that? Most other things are covered quite comprehensively in the legislation. Is there a particular logic behind those things being in the regulations rather than in the bill, particularly if the new voting system is to be kept in line with state and federal principles?

Mr Fowler: The Local Government Act provides for a returning officer to accept a vote if the voter's intention is clear. That is a general provision that the returning officer has anyway. There are not really any regulations that necessarily deal with this in any more detail. The department prepares a manual for returning officers and examples are provided of votes which do not follow the specific line, but for which the voter's intention is clear. That material is made available in the manual provided to returning officers, to help them make those sorts of decisions, which certainly maximises voting.

[1.10 pm]

CHAIR: Hypothetically, should a single councillor be elected in a constituency? Will the way in which the formality of votes is judged be the same as for state elections?

Mr Fowler: For a single one, essentially we are dealing with first-past-the-post; that is, obviously, putting a tick against the preferred person. Under the preferential system for a single one, it means that they would need to be numbered - the first preference would be number 1, and the others would flow down from that.

CHAIR: If, for example, there were eight candidates and only 1 to 5 were numbered, what would be the formality of that?

Mr Fowler: That would be an informal vote. Under the act, people will be required to indicate their preferences from 1 to 7 and they can leave one of them vacant, which, under the legislation, is taken to be their last preference.

CHAIR: That is within the bill, as opposed to the regulations?

Mr Fowler: That is right, yes.

CHAIR: What will the regulations cover?

Mr Fowler: As I said before, the regulations will deal with the forms and what a ballot paper will look like, and will have instructions for how a person is to fill out the ballot paper.

CHAIR: For example, instructions for the elector about the formality of votes?

Mr Fowler: That is right. They will go on the back of the ballot paper.

CHAIR: The committee wants to clarify whether there is a drafting error in item 9 of division 3 on page 6 of the bill, which refers to "an election other than a one member election". Does that need to be changed?

Mr Fowler: I think the reference to "one member election" is similar to terminology in other parts of the Local Government Act. It has been worded in a similar way to other parts of the act to ensure that the drafting is the same.

CHAIR: The committee will have some discussion about the different impacts of this legislation on different municipalities. Has the department done any analysis of the number of municipalities that have single-member wards versus those that elect multiple members, and those that have elections every year or every couple of years whereby two members are elected for a single ward, and of the reaction of local government? I suppose I have two questions. Have any views been expressed about the impact that will have on whether people will change the length of terms and whether that will still be subject to their discretion? They might have single-member wards or perhaps multimember wards, but done in different years, if that makes sense. Will some local governments want to change to proportional preferential voting? Clearly that might be a question for local governments, but I just wanted to know your views about that. What is the general proportion of councils that will have preferential voting versus proportional preferential voting?

Mr Fowler: Our department has statistics on the different types of wards that councils have and the number of wards that will be single-member wards versus multimember wards. We can provide that to you as supplementary information if you would like it.

CHAIR: That would be terrific.

Mr Fowler: We can present that to you. There has been a trend in recent times for many councils to move away from having wards to having just one district essentially as the ward, with multiple members for those. We have seen that trend increase. I think there are now more than 40.

Hon KATE DOUST: What is the reasoning behind that change?

Mr Fowler: The Local Government Advisory Board requires local governments to conduct reviews of their wards and representation. As part of that process, they have to carry out a review once every eight years and report that to the Local Government Advisory Board. When a number of them have sat down and done those, they have reflected upon the representation and have decided to move away. It is a trend that we are seeing right across the state. In the past some rural councils were very keen to have different wards for the rural-type areas, but some of those have changed from that and now have effectively the one district. I expect that we could obtain information from some of the Local Government Advisory Board reports about the reasons that some councils are moving away.

Hon KATE DOUST: I wonder what the advantages are for a council to move from a ward system to a region system, particularly in the metropolitan area. Is it just the cost saving associated with a decrease in the number of councillors?

Mr Fowler: You might find that the number of councillors remains the same. It just means that they would all come under one ward.

Hon PAUL LLEWELLYN: I think the line of questioning was about what is driving this. They have an obligation to review, but is it a matter of administrative procedure, costs or simplicity? What is the driver, in your view?

Mr Fowler: As I was saying, it would be a matter of reviewing the reports from the councils to see the reasons that they did it. At this stage I would not have a general overview particularly of the predominant reason. Some might find that it is for ease of administration, and others might feel that it is better in the interests of representation across the community to have people represent the whole district. That is a judgment that they would make themselves.

Hon BRUCE DONALDSON: Tim, you might be able to refresh my memory, but I think that the Shire of Katanning was one of the first rural councils to scrap its ward system. There was some fear at the time that the townspeople would form the biggest representation. In fact, that did not occur, and it has been fairly balanced over the years. Other councils that have gone down the same path have found that it does not discriminate against the rural sector. There seems to be a balance, and that has led to a fair bit of confidence in local government. Sometimes it does not fit with the dispersal of the population in some rural councils and they cannot justify some of the rural wards on a one vote, one value system. I think the figure that was referred to was 40, but the last figure we had was 26. I knew that this review was being undertaken, and a number of councils have indicated they will opt out of the ward system. With the amalgamation of councils, the number could possibly increase; I do not know. There may be just two wards. I do not know how the Town and the Shire of Northam will set their boundary. However, because of the urban population in the Town of Northam, I would be most interested to see whether they will scrap the ward system altogether or just have two wards. You may know what they will do.

Mr Fowler: With the two Northam councils, it is probably early in the process to work through that. The Local Government Advisory Board will need to complete its report about that before we see the final outcome. One could imagine that in the initial merger, they might want to keep the area representation, and then do away with it over time. We will have to wait and see. People in rural communities tend to have a strong community of interest, and that might be reflected in the types of candidates who nominate. Often strong candidates come from the rural sectors, even

though there are no wards. Probably that is one of the reasons that a lot of the successful candidates are community-minded people.

CHAIR: There has been a lot of discussion in many of the submissions to the committee about the potential cost of changing the voting system. I note that you have said that the department will be able to provide software that will facilitate counting once the data has been inputted. I appreciate that it is very easy to count them, but I know that many councils use computer software so that they can track each bundle of votes, where they came from, how they were received etc. Have you done any studies of the costs for councils and whether there is likely to be any real impact from additional costs, or do you think that most of that will be able to be managed because computer software will be provided?

[1.20 pm]

Mr Fowler: As you say, quite a number of them have taken the initiative of using computer software under the current system. I guess that some would have done that under the previous preferential system. Those who have done that have done it themselves. Our department has not put any resources into assisting. We provide a hands-on manual for returning officers that goes into great detail about how to do the count and things of that sort. That information is conveyed to them through those advisory publications.

In relation to moving towards proportional representation and having software for that, in conjunction with the WA Electoral Commission, we are looking to put that together and make it available to local governments free of charge so they would have that information at their fingertips to help them run elections if they want to do it themselves. That is something we are putting in train. The state will bear the costs of that.

I do not have any data to indicate to what extent the costs would otherwise increase for local governments. In the half a dozen or so pages of the Local Government Advisory Board's report on structural and electoral reform that deals with these issues, there is some reference to an anticipated cost increase of that sort that the advisory board obtained from the Electoral Commission. It gave us one example of the City of Stirling, indicating that for a local government of that size, there was an anticipated increase of about \$6 000.

Hon PAUL LLEWELLYN: Six thousand five hundred.

Mr Fowler: That is a fairly early indication. You may be able to get more specific information from the WA Electoral Commission.

CHAIR: Is there likely to be a cost for the many councils that are not currently using computers? Are there costs associated with hiring or bringing a collection of computers together into the room in which a ballot is to be counted? Other than that, I cannot imagine the individual costs would change dramatically unless extra mail will be distributed by virtue of the education component of costs. Is it foreseen that the state government would pick up that cost or would it be picked up by the Electoral Commission or local governments? I would imagine that if you are seeking a specific standard in the level of education that is undertaken, you would not necessarily be able to obligate local government to pick up those costs.

Mr Fowler: That is correct. We anticipate that we would prepare pamphlets in such a quantity that we would encourage local governments to distribute them themselves through their own communities, as well as running advertising in the newspapers and things of that sort. They are things we would need to put together. The state would obviously carry some of those costs. In disseminating that information in their own communities, local governments would have costs that would probably go with that as well. We would be preparing the uniform information.

You raised the issue of computers. It reminds me of the situation we were in more than 10 years ago in the early 1990s when proportional representation was being discussed. Back then the IT systems that local governments had were probably not at the forefront of good technology. When

we were looking at software that we would need to prepare, we were also making sure that they had the IT to run it. Having moved on 10 years now, the situation is much better.

CHAIR: To further develop that point, back in 1995 when the last set of changes came in, perhaps the motivating factor at the time might have been the difficulty of counting proportional preferential ballots. That is much easier these days with the well-developed computer software system.

Hon ROBYN McSWEENEY: There was never proportional preferential; there was only preferential.

Mr Fowler: When the decision was made by the then government to move away from proportional voting to first-past-the-post voting, that was a decision it made and it weighed up the pros and cons.

CHAIR: It makes it easier to move to a proportional preferential system now that those ballots are so much easier to count by virtue of inputting the data and having it allocated by computer. Is that a fair statement?

Mr Fowler: The technology is certainly there to assist that process.

Hon KATE DOUST: When that change occurred in 1995, what was the justification for the change provided by government? What reasons did it give for making that change?

Mr Fowler: I understand that was a policy decision of the then government and that it instructed the department to prepare the legislation.

Hon KATE DOUST: As we heard earlier this morning, when that issue was discussed in the party room of the government of the day, two options were put forward and the option that was eventually moved surprised people. There must have been a reason that it jumped one way and not the other. Why did it not stay with the status quo?

Mr Fowler: That is information that the department would not have been privy to at the time.

Hon KATE DOUST: That is fine. I thought there may have been information provided at some point.

Hon PAUL LLEWELLYN: I am thinking about how the responsibilities are distributed. We have the Electoral Commission, the Department of Local Government and Regional Development and the local governments. What is the current split of responsibilities in holding a local government election, and how will that change if we change the system?

Mr Fowler: Under the current legislation the duty is on the local government to conduct the elections. That sphere of government has a requirement under the Local Government Act to do that. They do have some discretion, though, to the extent that they might decide to use the WA Electoral Commission but that is a decision for local governments to make. They do not have to. That decision is based on their own cost-benefit analysis.

Hon PAUL LLEWELLYN: So they outsource it, effectively.

Mr Fowler: They can use only the WA Electoral Commission if they want to run postal voting. They can use the Electoral Commission for in-person elections, but they can also engage another person other than a CEO to be a returning officer for an in-person election. Some will do that when the CEO and the council feel that is the better way to go.

Hon PAUL LLEWELLYN: In the current arrangements, what is the role of the Department of Local Government and Regional Development versus the role of the Electoral Commission versus the role of local governments? I am trying to see how it is split.

Mr Fowler: When it comes to the operations of all types of things that local governments do, our department's role is largely advisory. We prepare support information and run programs to assist the councillors, staff and returning officers understand the law and how they need to deliver it to

their communities. Our role is largely advisory, as well as assisting the minister of the day with the preparation of legislation to put through the Parliament.

Hon PAUL LLEWELLYN: In terms of this educational role that might have to happen if we change the voting system, you were saying that your department would produce flyers and pamphlets and so on. Is that not a role that the WA Electoral Commission should be undertaking? How would that normally happen under the current arrangements?

Mr Fowler: If the local government decided to engage the WA Electoral Commission to run its elections, although they are the types of things that it could contract with the WA Electoral Commission to provide, it would be up to the local government to decide if it wanted the Electoral Commission just to run the formal legislation and only that or to engage it to maybe do other advisory types of things as well. The extent that it can do that is dependent on its own resources and its ability to provide other types of assistance. I guess that is a decision for the local government and the WA Electoral Commission to make jointly.

[1.30 pm]

CHAIR: I have another question with regard to educational material. When looking at putting together written material, you know that councils structure themselves in diverse manners. For example, as we have already outlined, there may be multimember setups across the whole council, there may be wards that elect more than one member, or there may be single-member wards. Does that mean that the material will need to be written in a way that is specific to each council? It would seem that you do not want to provide all the information to all individuals, because otherwise you will have a situation in which people are being educated about things that do not exist in their area. I imagine that you will need to be quite strategic about how you put those materials together and package them in a way that is most suited to the individual needs of each council. Have you thought your way through those issues very far yet?

Mr Fowler: They are certainly considerations that would come into the types of programs that we would be putting together. In local government, up to one-third, or even more, of all elections result in a person being elected unopposed. In holding elections, there is a cost that goes with that. There has been a trend slightly of moving towards more elections being determined with people being elected unopposed. It has roughly been about one-third; it has been like that for quite a period of time. The last time we did a survey it had gone up marginally. There are different views about why that is happening across WA. We would target the types of programs that we have with some of those things in mind. However, you never can tell. We may find that although a local government has had uncontested elections, suddenly there is a new community issue that starts. Therefore, we would err on supplying the information to everybody, I think, to make sure that they were geared up.

CHAIR: But not the same information to everybody; it would need to be unique to the electoral circumstances of each council. Does that make sense? For example, if it was a ward-based council versus a non-ward based council, you would not want to confuse electors by giving them information about other councils.

Mr Fowler: The ballot paper is filled out in the same way whether you are dealing with preferential or proportional. The public, when they come in to vote, will be faced with the same method of voting. It is only when you go away later and do the count that you actually have a different way of working it out. Therefore, the information about how to fill out a ballot paper would go out to every local government, because it would be pertinent to all electors. Some local governments would have only multimember electorates; they would not have single ones. The way the councillors around the table elect the president or the mayor, when it is the council that conducts the election, would be one example of a single-member vote. The preferential system will still apply. We will still supply the information to all the local governments because in some way they will all be affected by the different varieties that exist in the system.

Hon BRUCE DONALDSON: Tim, do you see any problems or any confusion between division 2 and division 3 of the bill? I ask that because I think you have indicated to us that under division 3, with the multimember system under the proportional preferential voting system, people would be allowed to be one number short. Is that correct, or would people have to number every box?

Mr Fowler: For all types of voting, whether it is single, multiple or whatever, the way people fill out the ballot paper will be the same. You can always leave that last one free. That one will apply generally across the act. That is a provision that is in the actual act itself. That would apply anyway. There would not be any difference between the different types of systems as to how people would fill out the ballot paper.

Hon BRUCE DONALDSON: The other question is: has this been an issue that the local government department has been lobbied on in any way by people within local government to see electoral change? I am talking about the department itself; forget about the policy.

Mr Fowler: The minister of the day appointed the Local Government Advisory Board as the organisation to go away and look at the whole subject and report back to the government about that. That has been the vehicle for this matter to be researched and reported back to government. The department was not asked to go and do this. It was a function that the Local Government Advisory Board carried out.

Hon BRUCE DONALDSON: It has been stated that the proposed change to council elections is supported by personal submissions from councillors and senior staff to the recent Local Government Advisory Board inquiry. No doubt, you have read the report. I know that 90 per cent of councils are against this particular change. I cannot work out where this has developed from.

Mr Fowler: They are questions that you probably need to put to the chairman of the advisory board, who I think will be appearing tomorrow. He can give you an assessment of that.

Hon BRUCE DONALDSON: Okay; fine. That is no problem.

Hon PAUL LLEWELLYN: I want to go back to 1995 again because it seems to me that, from talking about the policy of the bill with Dr Harry Phillips, we need to look at how the transition will take place if we introduce a new system. How did the transition take place previously from the preferential arrangements through to this one? Was there confusion? How much effort had to go into making the transmission smooth?

Mr Fowler: Basically, the department did all the things that I mentioned we are thinking of doing now for this change, should it happen. It was a matter in that particular case of the first-past-the-post system, by its very nature, not requiring a lot of information about assistance that would go to the councils when it came to using computer programs and things of that sort, because the very nature of the system was quite different. The material that would have been provided to local government and the community would have centred more on the fact that we were shifting then away from a preferential system - which is what everyone was using - to a first-past-the-post system, which was quite different then to what was being used by other jurisdictions such as the state and the federal governments. They used the preferential way of marking a ballot paper. To come up with a system that required a tick instead of a number was considered then to be the most important change. A lot of resources were put into explaining to people the difference and that they needed to be aware of that. I guess that was the main area that we centred our work on then.

Hon PAUL LLEWELLYN: You made an electoral change from something that was the norm to something that was clearly not the norm - back to first-past-the-post. Was there a high incidence of informal voting as a result of that change? Clearly, it is a simpler system. Were there hiccups in the way in which it went? Was there some sense that it had distorted the process?

Mr Fowler: With the information that the department, and the local governments as well, made available to the communities, we found that the level of informal votes did not go up at all. The informal votes were kept to quite a minimum. That was either because the system was simple, or

the work that we all did in disseminating the information worked. It was maybe a combination of all of that.

Hon PAUL LLEWELLYN: Did participation in local government elections increase as a result of making this simpler?

Mr Fowler: I do not have any statistics to indicate whether the vote went up or not. In local government it is optional for people to vote; it is not compulsory. Issues of whether people vote or not usually come back to issues of topical local matters where there might be some controversial planning decision that is being made or some other issue that happens within the community that brings people out to vote. From our inquiries, it tends to be the issues that get people to turn out to vote and not necessarily the voting system.

Hon PAUL LLEWELLYN: What I am trying to unpack here is that an electoral change did not drive people away in droves. One of the streams of argument is that it tends to be a more complex system and that it will disenfranchise voters and so on.

Mr Fowler: Certain statistics that we have kept have not shown that that has happened.

[1.40 pm]

Hon BRUCE DONALDSON: It is interesting that, from the point of view of local interest, you can have a turnout of 96 or 98 per cent in a small ward in a country electorate. However, for some years there is no contest at all and the sitting member is re-elected, either because people are apathetic or they are happy with the member. However, it is also true to say that the postal vote that came in has helped to lift the vote in a lot of councils, because it was pretty pathetic. I think people in local government and the department, and the government I guess, have been trying to look at ways and means, other than compulsory voting, of lifting the interest. Certainly when there are problems within a council, there is a better vote. I do not think a change in voting patterns will alter the number of voters, but I feel that at the end of the day we could see a getting together of people without having a ticket to determine who will be elected. I do not think a change in voting patterns will alter the number of voters, put it that way, but I feel that at the end of the day we could see a getting together of people without a ticket to determine who is going to be elected. With the first-past-the-post system, it is up to the candidates to go out and sell herself or himself in a far different way from proportional representation, because if a candidate has a few friends on that so-called voting list, he may not have to work as hard; I do not know. It would be interesting to find out.

Mr Fowler: We certainly do not have information to show which way works better in that respect.

Hon BRUCE DONALDSON: I am trying to keep away from policy, as I know that is not something for you to answer. What is the public test that has been applied in the thinking, without going into policy, which is to the benefit of electors generally in the state within local government? Is there any public advantage, community advantage or electoral advantage in the sense that there is better representation? Is any work being done anywhere by the Local Government Advisory Board or the Department of Local Government and Regional Development?

Mr Fowler: In a general sense the department has been keen to, I guess, increase the voter turnout. Some more people are participating in the voting system; it is also encouraging more people to nominate to go onto council as well. Certainly we have information that is disseminated to encourage people to be candidates and to participate. We run briefing sessions for candidates who indicate that they might like to nominate and are still making that judgment. We tend to run general programs that are pitched at that type of level, I guess, to increase the number of people participating in the system, whilst we currently have a system that is not compulsory. We have programs to assist in that respect and that is what we have tended to concentrate on.

CHAIR: Does the government have any proposed amendments to the bill? I was wondering whether any were under consideration or whether the bill, in its current form, is fairly final?

Mr Fowler: It is my understanding that the bill includes the government's current policy decision about the content.

CHAIR: I want to know what statistics the department keeps, I suppose, in relation to the sustainability of councils. How many councils have a large turnover of members from election to election versus those that do not? Does the department have any view about the pros and cons of the stability and good management of a council if there is a large turnover of members versus those that seem to be quite stable from year to year? Does the department have any view about the perceived impact of changing the system that elects members and whether it may be likely to change quite substantially away from incumbents etc? I know that you do not have a vested interest in the actual outcomes and that really it is just good management. You do not care who gets elected but it is just good management that you want to oversee. However, is that sustainability and turnover of members something that should be of concern?

Mr Fowler: Certainly right across the state, if we started to pick up trends that showed the participation rate was dropping off extensively, yes, that would be, I guess, a warning sign for us to start looking at that and advise government on how that could be improved, but it does not appear at the moment that there is a definite trend of that sort. I guess that is something that we just need to monitor and keep an eye on.

CHAIR: In saying that therefore, because the electoral system may or may not substantially change the members who get elected, is no specific risk attached to having a high turnover of councillors?

Mr Fowler: We are certainly not aware that that would necessarily be the case, but we will certainly monitor that as time goes by and see what the trends are. If it requires initiatives of the department to take up particular matters, we will address those then.

CHAIR: Is it expected that there might be an initial dramatic change and that once you are using the same system, it would then be sustainable; or is it expected that there will still be a level of continuity between the old system and the new system?

Mr Fowler: In relation to people turning up to vote and filling out the ballot paper, which I guess is what the public will be confronted with?

CHAIR: Yes.

Mr Fowler: When we last saw the change from preferential to first-past-the-post, that did not seem to result in any significant reduction in participation, so changing back the other way, I guess we would anticipate that there would not be a change.

CHAIR: I think my question is also directed to the candidates who actually get elected and whether there is likely to be a dramatic shift in that instance. Clearly it is a new system, and it is designed to be so; therefore, it will throw up different democratic results. So in terms of the sustainability of the council, in terms of having a big shift, some councils might already from year to year have fairly big changes in that one group will be thrown out and another group come in, but I do think that is fairly rare. Do you imagine under a new system we will be awash with a different set of incumbents or do you believe that will not be the case?

Mr Fowler: I do not have the information to indicate whether that will be the case.

Hon PAUL LLEWELLYN: I have a line of thinking that is following that. You talked about looking at quantitative participation, the number of people voting and the number of candidates. I am thinking more about whether, looking at the quality of governance for example, we are getting more educated people standing for local government. Do you keep statistics about what kind of skills come in with our local government representatives? Also when you changed the electoral system in 1995, was there an increase in the number of financial insolvencies in local governments? Was there an increase in the number of complaints about local government? Was there a change in

the number of people participating in council meetings? For example, are we getting the same cohort of responsible councillors? Did people change their participation in committees? In other words, was there a qualitative change, a measurable change in a sense, that happened as a result of change in the electoral system?

Mr Fowler: We certainly have not been made aware of trends of that sort happening and did not attempt, I guess, to monitor those types of things either; but at the same time we were introducing new initiatives across the Local Government Act as well in other areas that were to increase the public's involvement to get involved in local government issues. There was a range of other initiatives at the time where committee meetings were open to the public and different things of that sort. To try to differentiate which of those would be impacting the way you have described is not something we ever set out to do.

Hon PAUL LLEWELLYN: What we are talking about is that there are some certain measurable parameters: how many candidates you get and how many people voted. Then there are other measurable parameters. Who tracks that sort of stuff? Is it the social science department of UWA or is it the WA Electoral Commission? Who takes care of looking at the quality of governance? I think it is measurable by the number of local governments that go belly up. Have we improved our financial prudence? I do not know. Do you have a sense of it?

[1.50 pm]

Mr Fowler: Certainly the department will pick up issues when there are matters that come to our concern, and we will then look at particular trends of that type. I think WALGA itself through its own members looks at particular issues of the sort you have described and from time to time may conduct some research and so on. As you say, some of it is academic research that might be done. In relation to the department, it is looking at the overall system, as I mentioned, and wanting to make sure the system is operating successfully and running smoothly, and things of that sort.

Hon PAUL LLEWELLYN: When the electoral system changed, a series of other institutional changes came with it: more servicing, more resources, more computers and more complexity in the task. Is it fair to say that local governments are now more supported with resources and skills than they were, say, 10 years ago?

Mr Fowler: From the department's point of view, I guess we have more advisory programs that we run to help local governments with day-to-day problems, and also general cross-industry issues and things of that sort. We combine with the Western Australian Local Government Association and Local Government Managers Australia to jointly run a lot of those programs. The technology that is around now means that it is easier for councils to provide more complicated services and deal with issues that arise. Elections are one area where they would benefit from the improved information technology that exists. They are general comments about that point.

Hon BRUCE DONALDSON: Talking about the regulations, I think it goes without saying that if there are 10 positions available on a council, with no wards, and there are 20 candidates, there will be an order of appearance on the ballot paper, as with first-past-the-post or preferential voting, so they will be numbered 1 to 20.

Mr Fowler: That is right; it is exactly the same. Instead of having only 10 boxes to tick, a voter will be required to show a preference all the way down to number 19.

Hon ROBYN McSWEENEY: Do any local governments around Australia - I know South Australia has something similar to what you are proposing - have a computer program that you can poach or do you have to set up a new program for the counting?

Mr Fowler: We will certainly be looking at other states that are running proportional voting for local government elections and seeing what support local government departments in those states are providing and also whether the electoral commissions are helping with it. We will certainly be looking at the material they have provided, but there are some differences. I think you will find, as

was mentioned by this morning's speaker, that there is a weighted Gregory system operating here, which means the count is done a little differently from the way it is done in the other states. Those differences would need to be included but we have the benefit of the WA Electoral Commission already having that in its software programs. That would flow through and we would have continuity in the way this is working, so we will have more efficiency by having the same system in WA as operates for state elections.

Hon ROBYN McSWEENEY: You would have to have the same system as the Electoral Commission. You both have to have dual systems.

Mr Fowler: That is right. There would be continuity of expertise.

Hon ROBYN McSWEENEY: If this legislation goes through, do you expect it to be in line with the October election? Is that what you are working towards, similar to the government?

Mr Fowler: Certainly it is my understanding that, assuming this legislation gets through the Parliament and there is time to put everything together, the government would be aiming to introduce it for the October election.

Hon BRUCE DONALDSON: Are you saying that if you move to a WA Electoral Commission weighted Gregory system, there is a difference in the value of the transferred vote; it is not necessarily a value of one?

Mr Fowler: I understand those changes to the state Electoral Act have gone through Parliament. That is now part of the system.

Hon BRUCE DONALDSON: I understand that. In the Legislative Council election the surplus quota is not always necessarily transferred on the full value.

Mr Fowler: That is right, and the same system would apply.

Hon BRUCE DONALDSON: That makes quite a difference.

Mr Fowler: It means that the preferences coming down are at a far lower rate, but the defeated candidates at the bottom come up with the full value of one.. That is why it is so hard to plan what the result is going to be and why this system seems to benefit the more independent groups who might be able to get up under this type of count.

Hon ROBYN McSWEENEY: That was my next question.

Hon KATE DOUST: Is that necessarily a bad thing?

Hon ROBYN McSWEENEY: Minority of single interests?

Hon KATE DOUST: In a democracy everyone should be able to nominate for any position they choose at any level of government and give it a go. I do not have the same concerns as Hon Robyn McSweeney about single-interest groups running for local government.

Hon ROBYN McSWEENEY: I do; I have big problems with that.

Hon BRUCE DONALDSON: Big problems.

Mr Fowler: I guess that is a policy decision.

Hon KATE DOUST: That is right. It is just a view. Whilst the legislation has been passed in relation to the change in date, has the change in date been proclaimed? I know it has been assented to.

Mr Fowler: It came into operation on assent.

Hon KATE DOUST: All right. We know there has been a lot of negative feedback from local governments about this part of the legislation, but has the department received any feedback directly from ratepayers about their view on the change? I note there are a couple of letters to the

editor from ratepayers. I wonder whether there has been any direct feedback to the department from ratepayers.

Mr Fowler: In relation to the community - ratepayers - responding to the government's policy announcement on the legislation, letters would have gone through to the minister either supporting or opposing the proposals. They would be many and varied and they would have gone to the minister, not the department.

Hon KATE DOUST: Any idea of numbers for or against?

Mr Fowler: I do not have those statistics.

Hon KATE DOUST: Would it be possible to get some feedback on ratepayer response on the issue to either the minister or the department?

Mr Fowler: I can certainly make that request to the minister if you would like, because those letters would have been to the minister, and see if he is prepared to make them available.

CHAIR: I imagine the department has put together a planning program subject to the legislation passing. What are the key benchmarks and tasks you are undertaking to implement the legislation?

Mr Fowler: The key ones would be preparing the software for councils to run the system themselves. We would be looking to provide that software to them on a CD or something of that sort. We would be preparing and upgrading all our advisory manuals - the returning officers' manual and other publications that we have for councillors and candidates. We would also be looking at advertising programs for the WA community. We would be looking at preparing pamphlets and distributing them throughout Western Australia. We would also be looking at a range of other ways whereby we could bring this to the attention of the public. We already have to run some advertising because of the change of election day from May to October. We would also be looking to do some advertising on that leading up to May so that people are informed that the May elections are not happening, and more of that as we get closer to October. We would be looking to combine that advertising with other types of changes, such as the issue the committee is looking at here, should that come to pass. We will be looking to develop programs to deal with the whole issue of preparing information and disseminating it to communities in WA. They are the key issues we will be attending to.

[2.00 pm]

CHAIR: Great. We have had some discussion this afternoon about costs to local government, and we have had the example given of Stirling. I suppose the \$6 000 cost is probably not an overwhelmingly significant figure, because Stirling is such a large council, but it is still, indeed, an impost. Do you have any understanding of how much smaller councils might be affected in respect of the relative costs of conducting elections under the new system?

Mr Fowler: I do not have any information of that sort. You could probably acquire that through the Electoral Commission, which you will be meeting with tomorrow, I understand.

CHAIR: Yes, all right. I do not have any further questions at this point. Thank you very much.

Mr Fowler: Thank you.

Hearing concluded at 2.01 pm
