

LOCAL GOVERNMENT AMENDMENT BILL 2006

Instruction to Committee of the Whole

HON PAUL LLEWELLYN (South West) [2.16 pm]: I move -

That it be an instruction to the Committee of the Whole to divide the bill into two separate bills -

- (1) The first to have the title of the “Local Government Amendment Bill 2006” and is to consist of -
 - (a) the long title;
 - (b) clause 1;
 - (c) clause 2 with subclause (2) deleted and substituted with -
 - (2) Section 15 comes into operation on a day fixed by proclamation.
 - (d) clauses 3 to 11 inclusive, 13, 14, 15 and 18,
- (2) The second to have the title of the “Local Government Amendment Bill (No. 2) 2006” and is to consist of -
 - (a) a long title -

An Act to amend the Local Government Act 1995.

- (b) the following clauses -
 - (i) clause 1, “Short title” -

This is the Local Government Amendment Act (No. 2) 2006.
 - (ii) clause 2, “Commencement” -

This Act comes into operation on a day fixed by proclamation.
 - (iii) clauses 3, 12, 16 and 17,

and to do such things as may be necessary to achieve that purpose, and thereafter report the bills separately to the house.

The Local Government Amendment Bill 2006 comprises essentially two separate components. The first component deals with the change to the local government election dates. Instead of the elections being held on the first Saturday in May, it is proposed that they be held on the third Saturday in October. It is a sensible proposition and is a non-contentious part of the bill that should be passed immediately.

The second part of the bill deals with the introduction of a proportional preferential voting system to replace the present first-past-the-post voting system, which I understand was introduced in 1995. This part of the bill is somewhat contentious. A number of issues have been raised about the way in which the proportional preferential voting component was introduced into the bill. For this reason, following considerable consultation and questioning in this house, I have moved this motion to split the bill and refer that part dealing with proportional preferential voting to a committee to consider the procedural issues of the impact on local government of the proposed preferential voting system.

The reason that I have moved a motion to split the bill is that from consultations with the Western Australian Local Government Authority and a lot of correspondence from many local government authorities, they believe they have been inadequately consulted on the inclusion of the proposal for a preferential voting system in this bill. In effect, their claim is that the proportional preferential voting provisions were introduced too hastily and without sufficient consultation. In discussing and making the decision to move to split the bill and refer part of it to a committee, the Greens had to resolve another matter that underlay the introduction of this bill to the house. I will need to provide some of the reasoning that I used in reaching this decision. Quite a number of local governments, and the Western Australian Local Government Association, claimed that they were not consulted at all about the matter of proportional preferential voting and changing the electoral arrangements. I could see that it was not entirely explicit in the documentation that I received from the Minister for Local Government and Regional Development that proportional preferential voting would necessarily flow on from the consultations, but my conclusion from looking at the evidence was that there was a fairly robust and open discussion about the various arrangements. A report prepared by the Local Government Advisory Board on local government structural and electoral reform in Western Australia fairly clearly states that structural and electoral reform is intended to ensure the future sustainability of communities. It has a very significant section about the polling of local governments on whether there should be a new electoral system and a new voting system. It discusses

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various voting systems at some length, including the arrangements in Victoria, New South Wales, Queensland, Tasmania and South Australia. On the strength of this report, I would say that it is not entirely accurate to state that there has been no consultation or discussion about the matter of proportional preferential voting.

The DEPUTY PRESIDENT (Hon George Cash): As Hon Paul Llewellyn would be aware, this motion to give an instruction to the committee to divide the bill is very much a procedural motion. In debating this motion, there is no opportunity to go into great depth on some of the issues that would be raised in the second reading debates of the bills, if the bill is divided. If the member contains his comments to the reasons the house should divide the bill, we will make progress.

Hon PAUL LLEWELLYN: Thank you, Mr Deputy President. I was attempting to put on the record the fact that the Greens did not make this decision lightly. We consulted quite broadly and looked at the documentation that was already available. I do not want to go into the substance of those documents, but I want to go into their content. I was not at the time interested in the substance of the arguments; I was primarily looking fairly forensically to see whether a consultative process was in place. It seems to me that there was a consultative process, but the minister's timing in introducing the changes proposed in this bill was fairly poor. I am told that people in local government were quite surprised that the bill, which originally set out to deal with changing the date of local government elections - for good reasons - was expanded to include the new provision. On the balance of evidence, there was a reasonable opportunity for local governments to discuss the matter of proportional representation and the voting system. I do not think that they were pleased with the outcome of that discussion, which is in part driving their desire to extend the process. However, it is fair to refer that component of the bill that refers to the electoral system to a committee to resolve some of the procedural issues and the impact of changing the electoral system, and provide the opportunity for some individual local governments to put the case - there is clearly a very large community discussion about the proposal - and to ensure that the proposed arrangements are not only workable but also fair. Splitting the bill and referring part of it to a committee will achieve all those objectives.

Question put and passed.

Second Reading

Resumed from 26 October.

HON ROBYN McSWEENEY (South West) [2.27 pm]: This bill highlights the arrogance of a government that did not consult with the Local Government Advisory Board, the Western Australian Local Government Association, the 144 individual local governments and local government managers. All of them say that this bill should never have been introduced in the manner in which it was. I agree with splitting the bill, because it would allow for the date for local government elections to be moved from May to October, which makes a lot of sense. I was elected as a councillor in May 1991 and participated in local government until 1997. New councillors are elected in May and the budget is presented in July. New councillors do not have enough time to understand what everything is about. Moving the election date to October will give new councillors a chance to learn the system a little before they are required to discuss issues of budgeting. The other area that needs changing is that which determines who can vote. Only people aged 18 years or over should be able to vote in local government elections.

I return to the notion of arrogance. I will show the minister two advertisements published in the newspaper. The first is headed "Why does the State Government want Party Politics in councils?" and the second is headed "Our Communities Deserve Respect of State Government". These advertisements refer to the second part of the bill, which is intended to change the first-past-the-post system to one of proportional preferential voting. Local government councillors and communities believe that this change will bring party politics back into local government.

Hon Kate Doust interjected.

Hon ROBYN McSWEENEY: Hon Kate Doust said that party politics is already in local government. Down south where I come from party politics is not an issue, because everyone involved in local government works for the betterment of the community. It does not matter whether they vote Labor, Liberal or Green.

Hon Kim Chance: It is different in the wheatbelt where we have both parties - the Liberal and National Parties!

Hon ROBYN McSWEENEY: Of course!

All the councillors get together to work for the betterment of the community.

Hon Norman Moore: Has the Leader of the House been endorsing candidates?

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Hon ROBYN McSWEENEY: He must have been. There are no National candidates down my way. Hon Murray Criddle is the perfect example of a good National Party member.

Hon Murray Criddle: I thought you were going to say something nice about me.

Hon ROBYN McSWEENEY: I did!

Local government people in my area are concerned about community issues; they do not make party-based decisions. It is unfortunate that some councils in Perth have been caught out being very political.

Hon Kate Doust: Wanneroo and Joondalup.

Hon ROBYN McSWEENEY: Yes; they have been caught out being very political.

Hon Bruce Donaldson: It is terrible the way the Labor Party infiltrates local government.

Hon ROBYN McSWEENEY: That is what the community is afraid of: that the Labor Party will start stacking. The government introduced one vote, one value legislation, which removed eight seats from the country. Its next move will be to start stacking local government in its favour. The 144 local government authorities are on to the Labor Party. That is why I am pleased that this bill will be sent to a committee. I do not know which committee it will be sent to.

Hon Jon Ford: It is the one that you sit on.

Hon ROBYN McSWEENEY: The one that I sit on?

Hon Jon Ford: It will be sent to the Standing Committee on Environment and Public Affairs.

Hon ROBYN McSWEENEY: That makes sense. Hon Bruce Donaldson is a former Western Australian Local Government Association president. I have had experience in local government, but Hon Bruce Donaldson is a champion of local government. Hon Kate Doust is also a member of that committee. The advertisement that appeared in *The West Australian* is headed "Why does the State Government want Party Politics in Councils?" and states -

Local governments risk losing having a say in their Councils as a consequence of the State Government wanting to change the way we vote.

Councils are highly likely to become hijacked by party politics or by directed alliances under the State Government's plan to force the changes to the Council election system.

It will be forced. A letter signed by Minister Ford was sent to all local government authorities apologising for the shortness of time in letting everyone know that this change was to be dumped on them. There was no consultation. The government has been arrogant. Yes, there was a Local Government Advisory Board report. However, it stated that the voting system should not be changed. However, because Jim McGinty came along and said that that was to happen, that is what they will have.

Hon Jon Ford: It also told me to amalgamate, but we chose not to.

Hon ROBYN McSWEENEY: The amalgamation of local governments is another issue. It is not relevant to this bill so I will not go down that path.

Hon Norman Moore: The government wants to do that.

Hon ROBYN McSWEENEY: Yes, that will probably be the next issue dumped on local government. The article continues -

Consultation with the community on significant projects would become irrelevant as ultimately any decision would be determined by Councillors voting on party lines.

I have never seen that happen in country local governments. The advertisement continues -

The very introduction of the legislation to change the Local Government election system demonstrates the arrogant lack of integrity of the State Government when it comes to the interests of local communities.

That advertisement appeared in *The West Australian* and was written by Councillor Bill Mitchell, the president of WALGA.

Hon Kim Chance: It definitely must be true.

Hon ROBYN McSWEENEY: Yes. I have not mentioned WALGA's television campaign. I have never seen a peak body attack the government in the way that WALGA attacked this government. WALGA conducted a

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prime television advertisement campaign against Minister Ford. Six weeks ago, 37 no-confidence motions had been moved against the minister. That number has probably increased.

Hon Jon Ford: There have been 23 no-confidence motions moved against me.

Hon ROBYN McSWEENEY: I asked a question in this place and the minister told me that 37 votes of no-confidence had been moved against him. Twenty-three no-confidence motions is not bad; it is a substantial number.

Hon Kim Chance: It is only about a quarter of the number of local authorities in my electorate - but still.

Hon ROBYN McSWEENEY: Would the Leader of the House like it if 23 no-confidence motions were moved against him? I think not. The advertisement continues -

In introducing the legislation last week, the State Government went back on its word on agreements to consult with Local Government. The legislation to change from the first-past-the-post election system to a proportional preferential system was introduced by the State Government without consultation with Local Government and in fact ignoring that the overwhelming majority of Councils had already said they did not want a change. By not consulting with the sector, the State Government ignored the State/Local Government Partnership Agreement; the Intergovernmental Agreement; and the advice of its own Local Government Advisory Board.

I remember seeing a glossy magazine some months back, the cover of which had a picture of the minister shaking hands with a local government representative. An article in the magazine stated that the minister said that he would take notice of the intergovernmental agreement. The intergovernmental agreement states that the government must consult at all levels. The advertisement also states -

Local Government's opposition to changing to the proportional voting system with its inherent preference distribution mechanism is that it is open to manipulation by political parties. Exacerbating this is that it is not well understood by many people and as a consequence voters often are uncertain who ultimately gets their vote. Under the simpler system of first-past-the-post, the person elected is the candidate that more people believe is the best - their first choice - rather than the candidate that receives the most preferences from other candidates.

When I asked the government's advisers why the government wants to change the voting system from first-past-the-post to a preferential proportional system, I was told that it will remove confusion in elections. Federal and state elections are the same and the government is trying to bring local government in line. People are not stupid. They know when federal, state and local government elections are held. People understand that they must vote in federal and state elections, and that voting in local government elections is voluntary. The government is trying to introduce a system similar to a compulsory voting system. That will not work. If the government introduced compulsory voting - I do not agree with compulsory voting - the federal, state and local voting systems would be the same. However, it is a load of old cobblers to say that the government will bring the system into line. The public is not stupid; it knows the difference.

Hon Jon Ford interjected.

Hon ROBYN McSWEENEY: So the government is to introduce compulsory voting?

Hon Jon Ford: I haven't said that we will not.

Hon ROBYN McSWEENEY: The minister should. That is on the record. The advertisement also states -

An example of this is the by-election that first elected WA's Attorney General, the Hon. Jim McGinty to State Parliament for the seat of Fremantle. Despite being a safe-Labor seat, Mr McGinty lost the first-past-the-post votes to local identity Arthur Marshall but won the seat when preferences were distributed. That is more people wanted Mr Marshall as their first choice but because other candidates in the election had been convinced to allocate their preferences to Mr McGinty, he was elected.

By putting that advertisement in the newspaper, Bill Mitchell was indicating to the voting public that the system would be changed. It continues -

Under the current first-past-the-post system, a voter only needs to choose their most preferred candidate. Under the proposed system, a voter must list preferences for all candidates, some of whom they may not know anything about. This inevitably facilitates the practice of 'ticket' voting, where voters follow the instructions of their preferred candidate as to where to rank other candidates on their

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ballot paper. The implications for ticket voting lead inevitably to deal making, alliances and factions as candidates negotiate with each other where they will sit on each 'ticket'.

In other words, the preferences are stacked. A pretty smart person in a small local community could do just that. The advertisement continues -

The practice of creating alliances and factions to ensure a particular distribution of preferences can also lead to manipulation of the system via dummy candidates.

That will happen a great deal of the time if there is proportional preferential voting. It goes on to state -

Local Government in Western Australia has so far managed to remain largely free of party politics. This is not to say there are not Councillors who are demonstrative in their political beliefs or members of political parties. Rather Councils do not suffer from being under the control of block voting by groups of Councillors as determined by an external political party.

Sometimes they are, but in the main they are not and that is the way we want it to remain - community based. It continues -

The voting alliances that develop within Councils generally result from shared objectives of the actual ratepayers who elected the Councillors rather than a separate political ideology.

Local Government prides itself on being the sphere of government closest to its constituents, providing services and infrastructure to build local communities reflecting the needs and interests of the people contained within them.

The introduction of party politics into the Local Government election process will lead to Elected Members being drawn into State and Commonwealth issues and the local issues currently being addressed may be overlooked. Undoubtedly the State Government would prefer to have political control of Council decision making, but this would be disastrous for local communities. Local Government needs to remain independent of the party political process to ensure that ratepayers continue to be the most important voice in local communities.

When I asked the minister why he had dumped this system on local government, so to speak, he said that it was Labor Party policy. That is the arrogance of the government. There is no reason for this change, except that it is Labor Party policy. It was the same with one vote, one value; it was Labor Party policy. There is no valid reason for the change to the voting system. Local government is being treated as a second-class citizen.

When the Western Australian Local Government Association first knew that the voting system was to be changed, it said that it was contrary to the express wishes of WALGA and the majority of its member councils and, as I have said, the recommendations of the Local Government Advisory Board. The first-past-the-post voting system has been used since 1995. Bill Mitchell, the association president, said that he was disgusted that such an important change was being considered without consultation. He said that 90 per cent of member councils wanted to retain the current first-past-the-post voting system. If 90 per cent of councils do not want it to be changed, and the minister decides to be arrogant and make that change for whatever reason - the reason still has not been explained to me, except that it is ALP policy - the minister has a problem. He knows that he has a problem because we both attended the Local Government Managers Australia conference and there was a lot of angst in that room, which was full of chief executive officers. I spoke to many of those CEOs. Obviously 90 per cent of councils do not want the voting system to be changed. I did not speak to anyone who agreed with the change. Bill Mitchell also said that he did not believe that the change would serve any purpose when it is against the preference of all councils. I am absolutely astonished that the state government will attempt to make this major change to the voting process for local government in complete contravention of its consultation protocol and in total contradiction of its own advice. This is the act of an arrogant government riding roughshod over local communities.

After the advertisements appeared on television, the minister must have realised he was doing something very wrong to be attacked in that way by local government. The proposal to split the bill was put forward and the minister, to his credit, agreed to it. However, he did not have much choice, because the Liberal and National Parties and the Greens (WA) agreed to the motion to split the bill and refer one bill to a committee. In effect, he has been forced by the opposition to listen to 144 local government authorities via the parliamentary process, which happens to be working very well. Hon Murray Criddle and I do not particularly like the idea that the government is forcing this change on local governments. I believe that Hon Paul Llewellyn did not like the consultation process and would like to further investigate that area of the bill. If the government had not agreed to split the bill, I would have opposed it all the way up and down the west coast. However, the government has

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agreed to split the bill. I want the government to realise that we have demanded that the bill be split. The government is not so arrogant at present because it is not getting what it wants.

Local communities and local governments do most of the work at the local level. Local governments are required to undertake a lot of compliance duties without any thought being given to them by the commonwealth or state governments. Both levels of government are pushing all sorts of agendas onto local government. One huge agenda for local governments is to address social issues without being allocated more money to do so. The grants system needs further consideration. A review of the grants system always seems to be under way. Hon Bruce Donaldson will have a lot to say on that issue when he makes his contribution to the debate.

Another advertisement, headed "Our Communities Deserve Respect of State Government", authorised by Councillor Bill Mitchell, states -

Voltaire said that "Governments need both Shepherds and Butchers", but maybe all they really need is to honor their agreements and show a little respect.

The Association has been executing a vigorous campaign on behalf of Local Government aimed at holding the State Government accountable for its attempt to change the voting system.

The direction and expense of our campaign has been questioned, as it is costly and focuses as much on the Minister for Local Government as it does on the State Government itself.

He goes on to outline the key issues that led to the focus that local governments had on Minister Ford. It continues -

As the Minister for Local Government, Jon Ford is the embodiment of the State Government at the local level. If he wants to be the Minister FOR Local Government, he's got to accept all that goes with it. It's not just about cutting ribbons and wandering the State. Local Government is serious business. We take it seriously. He should take it seriously.

This huge advertisement appeared in *The West Australian* and was distributed far and wide. It is a pretty serious blow to a minister when everybody in Western Australia thinks that he does not take his job seriously. It continues -

If he is sitting in a Cabinet meeting and somebody says "Let's change the Local Government system", the Minister has got to have the capacity to say that there are processes that need to be followed - agreements adhered to - and have the strength to carry the debate. If he can't do that, he's failing the sector and his Cabinet colleagues, because that inability to be strong in Cabinet will result in the Government falling into more fiascos, just like this one.

The expense of this campaign has been possible due to reserves that have been built up specifically for events like this. Part of our strategic planning has recognized that Local Government is vulnerable to intimidation and bullying by the other spheres of government and we've prepared for that.

This campaign has put Local Government forward as a sector that stands up for itself, that won't be pushed around.

When you consider that, I don't think justifying the expenditure is an issue at all.

The Association remains adamant that first-past-the-post voting should remain, as it is what our members want. Our survey told us that 90% of councils support retaining the current voting system.

I could almost guarantee that if an election were around the corner, the Minister for Local Government and Regional Development would not be game to bring this bill into this Parliament with the fuss that has been created as a result of the arrogance of his trying to do it. It continues -

Even the Minister's own Advisory Board statistics - which he quoted in reply to questions from the Greens - indicate 84% support for it.

Secondly, it's simple to understand as a voter and it's simple to administer. This simplicity makes it cost effective. We believe costs will sky-rocket under proportional preferential voting, and the State Government hasn't put any money or resources on the table to mitigate this.

This makes it an issue not just for Elected Members but also for Local Government managers - they're the ones who will have to find the staff and the resources from their existing budgets, as well as carry the responsibility for administering the system.

I presume that the minister already has a computer package that is ready to go and that he has done costings, and that the state government will pick up the tab for the costs of all this.

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Hon Nigel Hallett: They have not done the costs.

Hon ROBYN McSWEENEY: I also believe that to be the case. Once again, the government is inflicting something on local government that it does not want, that it cannot afford and for which it does not want to allocate staff. The minister must realise by now that he has made a huge mistake. It continues -

“This campaign has put Local Government forward as a sector that stands up for itself, that won’t be pushed around.”

Local Government is not, however, against electoral reform. We’ve never said reform is not an option. We understand that the Government has a party policy and it wants to implement this. That is its prerogative.

Equally though, the Government has a Partnership Agreement with Local Government and there is a clear mechanism and process for negotiating change with the sector. All we ask is observance of this in the pursuit of their policy.

In terms of our relationship with the Minister and the State Government, I don’t think there is any way back to what it was - frankly, nobody wants that.

There is however, a way forward. We believe that there are still people with good faith and good intent within the State Government and the Cabinet who want a real partnership and working relationship with Local Government - people who want to offer genuine leadership, people who want to foster inclusive policy making and shared responsibility.

We will seek those people out and we will work with them.

That is telling the minister that local government would like to work with him; it does not want to be told what to do and when to do it. Local government would like a cooperative agreement with the minister. Local governments have agreements in writing. I think it is about time that a bit of cooperation was shown with the hardworking shires. I will read a couple of letters from Hon Kim Chance’s electorate and from Hon Murray Criddle’s electorate, as Corrigin is in his electorate. The chief executive officer, Julian Murphy, writes -

The Shire of Corrigin opposes the proposed change to the local government election system which Council believes has the potential to have a detrimental impact on the good management of Councils.

Legislation to amend the *Local Government Act 1995* to replace the existing first past the post voting system with a proportional preferential system of voting was recently introduced without consideration or consultation . . .

Council supports the views of the Western Australian Local Government Association that a proportional preferential system:

- Encourages the use of factions and party politics in local government;
- Is less understood by voters and more open to manipulation by candidates;
- Involves listing the candidates rather than voters aligning with one candidate;
- Results in high error rates in completing voting cards; and
- Potentially increases the cost of administering the voting system.

The Shire of Corrigin seeks your support to oppose the Government’s changes to legislation . . .

I have another letter from the Shire of Wongan-Ballidu, which is also in the electorate of Hon Murray Criddle. Duncan Holme, the shire president, writes -

It was recently reported in the Local Government News . . . that the Minister for Local Government had introduced into Parliament the above Bill containing an amendment to remove the first-past-the-post elections and apply the proportional system of voting which currently applies in vote counting for the Western Australian Legislative Council.

The proportional system of voting is complex. The Amendment Bill states that details of the system are to be as described in “Regulations” however our Association . . . informs me they have no detail as to the content of the proposed Regulations.

We have met with local government and it has provided some information on how that would work. Local government and the minister realised that that aspect needed to be introduced into the bill, and that was done. The letter continues -

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It is extremely disappointing that your State Government has introduced this Bill given the resounding and outstandingly clear vote against it by 90% of all 144 Councils . . .

He is disappointed about the manner in which the action occurred. He writes -

. . . demonstrates a complete disdain and disregard for your signing and your commitment to the State Government - WALGA consultative agreement. . . .

Premier: I urge you on behalf of our constituents - the residents of WA whom we represent as your representative at the local level (the State's closest tier of Government): to reconsider the Bill and retain the current system. More importantly - I urge you to re-pledge your commitment and bring faithfulness to your consultation agreement with Local Government by ensuring this and other proposed changes which impact on local government (its residents . . .) are carefully considered via the adopted consultation protocol.

Local government usually takes a back seat, but it certainly has not in this case. Everyone in Western Australia knows that the minister tried to dump this bill on local governments without proper consultation. In the letter that the minister wrote to local government he apologised for not giving local government much time, or words to that effect. I am happy to support the first measure to change the date. I am happy that this bill will go to the Standing Committee on Environment and Public Affairs so that proper consultation can occur. I am sure that local government will be very pleased with that. I look forward to the committee stage.

HON MURRAY CRIDDLE (Agricultural) [2.59 pm]: I do not think there is any need for me to go through a whole range of issues with this bill. The bill is to amend the Local Government Act 1995, and to facilitate changes in local government elections and the voting system. Everybody knows there are 144 local governments. Hon Kim Chance knows that there are about 65 in our Agricultural Region electorate. We are dealing with 1 400 elected members across the state, so they are a very large part of the community. Their decisions in local government are very important for the community.

The basis of the agreement is the change in timing of local government ordinary elections from the first Saturday in May to the third Saturday in October. The minister knows that local governments have strongly supported this proposed change. I think it would be reasonable to say that they suggested it, to ensure that new councillors who are elected in October will have more time to familiarise themselves with the local government budget processes and other proposals that are put before them. It is very reasonable to have that particular arrangement in place, and we will be dealing with that in the bill today.

There are a number of other issues in the bill, including the change from a first-past-the-post voting system to a preferential proportional voting system. There is also a change to the anomaly that arises in the Local Government Act 1995 to enable 17-year-olds to vote. The issue of the Electoral Commission bearing the cost, as it currently stands in the bill, will also be discussed. The heart of the concern of the Western Australian Local Government Association is the intergovernmental agreement, signed by the government, to ensure that full discussions take place before any move is made to change legislation. I have met with local governments across the state and received their feedback. They are concerned that there has not been sufficient consultation, or sufficient regard given to whatever consultation has been carried out, in respect of the change to first-past-the-post voting. They raised the issue with me that the Local Government Advisory Board inquiring into electoral reform recommended that the first-past-the-post voting system be retained. It is clearly stated in recommendation 2.5, on page 175 of that report, that the current provisions of the first-past-the-post system should be retained.

The Western Australian Local Government Association and a number of other local governments have strongly urged me to oppose any shift away from first-past-the-post voting. The association has surveyed local governments on the electoral reform issues, and the responses are very clear and unequivocal. They indicate the views of Western Australian local governments on electoral reform. Eighty-four local governments responded to the survey, representing a sample of 55 per cent of all local governments. On the key aspects of that consultation with the Local Government Association, 72 per cent said that compulsory voting should not apply to local government elections; 70 per cent said that postal voting should remain optional for local governments; 90 per cent said that the first-past-the-post voting system should be retained; and there is virtually no support for a move to a preferential proportional voting system. Clearly, the message from the Local Government Association was that it did not want to change from the current voting system. That voting system was put in place in 1995 when the Local Government Act was introduced in Western Australia. That was a change from the proposed system to the first-past-the-post system. The simplicity of this system of voting is valued and preferred by the Western Australian local governments, and, as I said, there is currently virtually no support for a change. Hence, we moved to split the bill and refer it to a committee, so that those local governments can come forward and put their points of view. The crux of this will be that local governments come forward and consult with the

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committee. I am sure that the committee will make itself well and truly available to people, and the points of view of local governments will be made clear. As I have said, a number of local governments have made their position plain to me. Some have been a little apprehensive at opposing the minister's point of view. The way they express it, they are a little apprehensive that something could go against them in the future. This is clearly an opportunity for local governments to make very clear to the Parliament the way they want to go and the direction they want us to take. I am keen to see the part of the bill that deals with the electoral system progress through the house and go to the committee. We can then deal with the change to the date of elections today and move through the process very quickly.

HON BRUCE DONALDSON (Agricultural) [3.05 pm]: The lead speaker, the shadow Minister for Local Government, Hon Robyn McSweeney, and, of course, Hon Murray Criddle have spelt out the content of this bill. It seems like such a simple bill. I guess it will clear up an anomaly that has been around for a very long time; that is, a number of new councillors being elected on the first Saturday in May, and almost immediately being confronted with budget deliberations. Usually in the six to nine months preceding an election the council adopts certain policies, which, for example, may relate to reserve funds or a planned program of housing and works to be undertaken. Local governments supply accommodation and plant replacement in many cases - especially in smaller country towns. When new councillors are elected it is hard for them to pick up the budgeting process quickly, even though they may be clever businessmen and understand accounting procedures etc. This change to the date on which elections are held is long overdue. I think it has been talked about over a number of years. It is a very positive move and local governments are generally solidly behind it.

The other amendment will clear up the anomaly of 17-year-olds being able to vote, and that is sensible. I suppose the government could not help itself when it included in the bill an ideology that it believes is in the best interests of I do not know who. Certainly, I have not seen or heard anything anywhere suggesting that we should have a proportional preferential system of voting in local government because of such and such. Nothing has come forward. Perhaps the minister, with pearls of wisdom today, might be able to explain why the government should go down this pathway.

I do not think the second part of the bill was well done. I do not know who is at fault; whether it is the minister, the local government department, or the policy advisers. The consultation with local government has been a little hit-and-miss over the past few years. I remember being in local government when I dealt with a state Labor government and a federal Labor government. We had a very good consultation process. We did not always agree with the government's proposals, but we met on a very regular basis with the local government minister, at least once a month, and with other ministers as required. I also had the privilege of talking to the Premier of the day at any given stage. I have probably said before that the consultation was on the community sporting and recreation facilities fund. It had been cast aside and there was no funding for it. I can remember the then Premier ringing me to say that a local government conference was coming up. Every year we put a number of issues to a budget subcommittee of the cabinet. One issue was that of libraries; there were many. Another was the re-establishment of the fund. The Premier asked me whether it was an issue that local government would welcome. Both Tim Shanahan - who was the executive director at the time - and I spoke to the Premier and said yes. Sure enough, the local government conference came along and the Premier announced that the fund would be revamped and that \$15 million would be available over three or four years of the cycle. I will not say that it was not politicised because the money was given out pretty quickly. After the first year there was nothing left for anybody else who was not on the program. Nevertheless, it was a very major thing for local government and the wider community. Recreational facilities and centres were established in many country towns that would not normally have been able to establish such facilities. They were established on a funding basis of one-third from the government, one-third from the local shire and one-third from the local community. It was a pathway for country people and country towns to have access to some very good, top-quality sporting facilities. That is when a system of consultation can work both ways. From that point of view, we were able to iron out a number of problems that existed between local government and the state government. In lots of cases the government was able to see where local government was heading. In some cases it was able to facilitate some of the changes.

I was very surprised to see a proportional preferential voting system being introduced through this bill because all the letters I have received from local government indicate that there has been practically no consultation about it. Whether that is correct or not, it is what I am led to understand from the correspondence I have received. I do not agree with proportional preferential voting in local government. As we are all fully aware, there was a system of preferential voting in local government until the introduction of the Local Government Act 1995. The system was changed at that time to a first-past-the-post system. During that period a lot of people said that they did not agree with preferential voting because when they voted for somebody, they did not necessarily see a second choice. They said that voting was voluntary and asked what was the point because with a preferential system they did not know who would get in. They felt that they would not support the person who did get in. Introducing first-past-the-post voting was the subject of a very robust debate in our party room in late

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1994 and early 1995. The debate included whether preferential voting should be maintained. I am not revealing any secrets because it was about 12 years ago but there was a bit of a mix-up in the party room. The vote went for a first-past-the-post system. Some members were a bit confused about what they were voting for at the time. My colleagues who were around at that time will remember what happened in the party room. At the end of the day it was a good outcome. It has been cemented into the operation of local government ever since. Also, the introduction and encouragement of postal voting has resulted in higher voter turnouts since that time.

It has been alleged by the minister that changes to local government voting will enable single-issue candidates to get elected to council. With all due respect to single-issue candidates, I certainly do not want a single-issue candidate sitting at my council's table because local government is more than a single issue. Local government plays a very wide role across many sections of community interests these days. We do not want somebody who concentrates only on one issue because he will not end up contributing as a councillor should. I would rather see a more broad-based candidate elected.

Proportional preferential voting allows for ticket-like arrangements in local government elections. I do not believe that is the way we should be heading. I would much prefer to see a primary vote in each ward, shire, town or city to ensure that the candidate who is first past the post wins an election. He or she has probably gone out and run a good campaign and obtained support in his or her community. That is not usually the outcome with proportional representation.

The Minister for Local Government and Regional Development has probably received a lot of correspondence about the change. No doubt, local government has vented its feelings through a number of forums. I suspect that about 30 per cent of opposition to the change is due to people feeling that they have been sidelined and have not been involved in any form of debate with the minister or the government on this issue. That is understandable. If I were in local government today, I would be very annoyed. I understand Councillor Bill Mitchell's position because I once held it. If I were still in that position, I would be annoyed because there should have been, at least, a series of consultations. At the end of the day there may have been agreement to disagree. It is not a very smart move to sideline local government.

Many years ago there was a very good Department of Local Government. With the creation of the Department of Local Government and Regional Development, many good officers left the original department; numbers have diminished. I always felt that the Department of Local Government played a vital role with local government in the state. That was for more than one reason. Councils often have small "bushfires" raging; some of them are personality issues and some may be about a development that is going to occur within the local authority. The Department of Local Government was often able to snuff out some of those bushfires before they started to rage. With all due respect to the private auditors that now audit local government accounts and books, the Department of Local Government used to have some very good inspectors. Not only did they conduct audits, but also they were able to give very good advice to a chief executive officer or treasurer - or whoever was doing the books - and put him on the right path before he stepped off and got on the wrong path and got the council into financial trouble.

It was a very sad chain of events that led to the Department of Local Government losing the status of auditors of local government.

I support Hon Paul Llewellyn's motion because it gives an opportunity for the consultation process to take place. I can almost guess what local governments' position will be on that. Regardless of whichever committee this part of the bill is referred to, the committee will need to take a broader view and consider the input from the community and listen to the Department of Local Government and Regional Development's case. The number of witnesses who appear before the committee will increase as the committee determines the direction this referral will take.

I support the majority of this bill, but I cannot support the change to the voting system. When we sit around a committee table, we leave our personal opinion and bias outside the room, and most of us are mature enough to do that. I inform members that I am a member of the committee to which it has been suggested that the part of the bill relating to the proposed voting system be referred; however, that will not make any difference. It would be irresponsible of me to go into that committee without an open mind and to consider the issue without bias. If that part of the bill is referred to the committee of which I am a member, I do not want members to think that I will take my personal opinions with me. I have declared that now so that, at the end of the day, someone will not say that I was against it from the start and, therefore, I knew what form the report would take.

I support the bill, apart from the proposed change to the voting system. I ask the minister to reflect on it and seriously think about the direction in which he wants to take local government. The minister may be able to explain to members the logic and rationale behind the reason for this change to the voting system.

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HON NIGEL HALLETT (South West) [3.23 pm]: I take this opportunity to make a few comments on the Local Government Amendment Bill 2006, and I will try not to go over the ground covered by previous speakers. Although I have not been in local government, my experience in regional development means that I have had a lot to do with it over the past few years. I find it difficult to understand what is driving these changes, if it is not political gain. The widespread opinion of local authorities is that there has been no consultation between them and the government. From the time the government made its decision, it has failed to listen to the local authorities and, in some cases, its Local Government Advisory Board. Hon Robyn McSweeney quoted from speeches and media statements prepared by the state president of the Western Australian Local Government Association. It is evident that absolutely no consultation took place with local government. The only way the president of WALGA found out about the provisions in this bill was via a phone call from one of the minister's staffers just minutes before these changes were announced and, two days after the event, by written advice from the minister's office.

The change to the election date from the traditional first Saturday in May to the third Saturday in October seems to be for the sake of change. Although I can go along with it, I do not see the reason for it. I have heard that more time is needed to enable the newly elected members to get used to a budget. Members elected to the Legislative Council take their seats on 22 May and they go straight into consideration of the budget. Should that date be changed from May to October? If a local government candidate cannot come to grips with a run-of-the-mill shire budget, he or she should not be running for local government. Perhaps the candidates should familiarise themselves with the previous year's budget to try to understand the process. This change will not increase voter turnout. The newly elected members will be six months behind in their knowledge of the budget - which some council chief executive officers would not mind.

My main concern is with clause 12, which proposes a change to the system of voting in local government from a first-past-the-post to a proportional preferential system. One may ask why there is a need to change this system when the Local Government Advisory Board recommended that the current voting system be retained. One might be slightly cynical and question whether these changes are about a grab for more power by the Labor government. We know the real reason behind this change is the recent electoral change to introduce one vote, one value. That is highlighted by the fact that the least populated areas gain increased representation and the areas of greatest population growth outside the metropolitan area get less.

Hon Robyn McSweeney and I represent the South West Region, which is one of the fastest growing areas in Australia, and under one vote, one value, it will have one fewer member to represent it. The representation for the Mining and Pastoral Region, which the minister represents, will remain as it is. One must question the integrity behind that. We know what party will gain politically from this change. We talk about fairness. If a local council has an election, the most preferred candidate will win, regardless of the number of candidates. Traditionally the voter turnout at local government elections is low, and that will not change. I do not support compulsory voting in local government elections. Local government is about local people in a local area. Most people who stand for local government are committed to their area. Many of them do not have any interest in state or federal government. The preferential voting system will encourage alliances of political parties for the distribution of preferences and increase the likelihood of party politics in local government. We do not want party politics in local government. People work for their local area for a small fee, because they love their area. We do not want the manipulation of dummy candidates to increase political grouping. As members of this Legislative Council, we have been part of the political process and not one member could look me in the eye and say that it is not about numbers. We know that it is. When we consider the number of councils that have passed a vote of no confidence in the minister - some 18 to 20 - we would have to be concerned.

Hon Robyn McSweeney: It's 23.

Hon NIGEL HALLETT: It is increasing every day.

Hon Jon Ford: Out of 144.

Hon NIGEL HALLETT: We might have to conduct an auction.

I have a large file of letters from local governments condemning the proposed system. It is interesting that the government is hell-bent on introducing this system. When I posed the question some two or three weeks ago of what it would cost, the answer was that a costing had not been done. I do not know of any individual who, when looking for a specific item, would not have costed the item. Why is the government imposing this system on councils? It is prepared to provide the software for the 144 individual councils and to run seminars to explain the system. I asked the minister what this will cost. Can he give me a dollar figure of what it will cost? After the question of two or three weeks ago, I hope that he can, because if he cannot, that just shows another area of incompetence. Why is the minister not prepared to leave the system as it is and put this several million dollars - that is the likely amount it will cost - back into local government? The minister cannot tell me it will be

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\$100 000 or \$200 000. I have worked in government departments, and I know that when they do a turnover of their computers, it does not cost \$100 000; the cost is more like \$400 000 or \$500 000. The minister should not shake his head and try to bluff his way through this, because we know he is wrong.

There is uniform agreement across the state that the voting changes will politicise local government. It is not good for local communities. The long-term issues for local governments will increase the cost to local councils. The government will not fund these long-term requirements; it will walk away once it has got its way. The cost will be too much for some shires. The effect of the higher error rate on ballot papers - that is, the informal vote - on already low voter turnouts will make elections a bit of a sham. The system will be less understood by voters. In my original home town of Bridgetown there were many people with varied political backgrounds and ideologies. I am not suggesting that this will necessarily happen, but Bridgetown is an example of a place in which a council could be elected and not be able to operate because there is no continuity of people who want to progress. We know that the new electoral system will encourage factions and party politics in local government. No-one on this side of politics wants that. We want open and accountable local government that works for the people and is strong. We know that the vast majority of the state's 144 councils are not in favour of this. They have demonstrated the depth of feeling in local government and the anger at interference without consultation by this minister and the Labor government.

I implore members of this house to think about this issue of voting. We all recognise that local government is an important third tier. It is the one closest to the people. Surely local people can keep local government free from politics and the grubby hands of politicians. I support the referral to a committee of the part of the bill dealing with elections.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [3.33 pm]: By way of explanation, when the second reading vote is taken on the Local Government Amendment Bill, the opposition will not call a division, because we agree with some parts of it and not others. The decision has been made to instruct the Committee of the Whole to split the bill; therefore, in due course we will finish up with two bills dealing with two separate issues. As I understand it, the intention is to refer the part of the bill dealing with the voting system to a committee, which will make some recommendations, and we will then decide what to do about that. I indicate to the house that the fact that the opposition is not dividing on the second reading does not reflect any support for the principle of the voting system contained in the bill, but is an acknowledgement that we agree with some other parts of the bill. On that basis, there will be no division.

HON PAUL LLEWELLYN (South West) [3.34 pm]: When the house was dealing with the motion to instruct the Committee of the Whole to split the Local Government Amendment Bill, I dealt with the question of the two obvious parts of the bill, one of which is uncontentious; that is, the changing of the dates for local government elections from May to October and the inclusion of a provision to ensure that only people aged 18 years and over can vote. The contentious part of the bill is the change to the voting system, and that part of the bill will be referred to a committee to consider the impact on local government of changing the voting system, the administration of the new system, the costs and who pays, and so on. The component of the bill relating to the voting system is a lot more complex in that it sets up a proportional preferential voting system. However, it should be borne in mind that local governments used a preferential voting system from 1908 to 1995.

By way of reconciliation, and as an attempt to move forward to produce a good outcome for local government democracy, we should at least acknowledge that most people in this chamber have admitted that it is a logical and reasonable move to shift the date of local government elections from May to October. This will give local government councillors in their first year in office an opportunity to acclimatise and induct themselves into the system. To give credit where it is due, if this was such an obvious and sensible reform, why was it not introduced years ago? We need to acknowledge that, and work towards reconciling differences in this chamber rather than always taking the high moral ground.

The 144 local governments and their 1 400 elected members represent the third tier; the grassroots level of our three-tier democracy. The Greens (WA) are committed to improving the quality of service delivery and democracy at the grassroots local government level. We are committed to resourcing local governments and, if necessary, paying a larger honorarium to local councillors, particularly when they represent a large city rather than a small local shire. Such a role is demanding and involves complex decisions, and it tends to mean that the only people who can afford to be involved in local government are those who are wealthy enough to not have to look after the day-to-day things. A range of reforms are required in local government to ensure that we improve the functionality of local governments, facilitate people's participation and create a level playing field.

I am sure that all members visit the Greens' web site regularly and check out all our policies, which are usually wide ranging and considered in some depth.

Hon Robyn McSweeney: I have some bad news. I have never looked at the web site.

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Hon PAUL LLEWELLYN: That is it. We do our research, and we visit the web sites of other political parties to look at the range of policies, not just in Western Australia, but right across Australia, before we construct our own policies.

Hon Robyn McSweeney: I looked at the economic policy once and nearly died of fright.

Hon PAUL LLEWELLYN: As a matter of fact, we do well in the area of economics.

Those members who have visited the web site will know that the Greens support a shift from the first-past-the-post system back - I emphasise that it is a move back - to a proportional preferential voting system, because it provides a more equitable and democratic mechanism for representation. That should be no more important than at the local government level. Members were elected to this chamber under a proportional preferential system.

I will deal with some of the assertions that have been made about shifting to the first-past-the-post system. Members must bear in mind that that system was the norm for 80 years or so. If I am to believe the comments of Hon Bruce Donaldson, the shift back to a first-past-the-post system was an accident; it did not come about after clear deliberation.

Hon Bruce Donaldson: It was not proportional.

Hon PAUL LLEWELLYN: I take Hon Bruce Donaldson's point. From my reading of the situation, we stumbled into the first-past-the-post system.

Hon Murray Criddle: The Local Government Advisory Board recommended first-past-the-post.

Hon PAUL LLEWELLYN: Is Hon Murray Criddle talking about what happened in 1995?

Hon Robyn McSweeney: That is when the act was changed.

Hon PAUL LLEWELLYN: For the best part of 80 years we used preferential voting and now we are talking about a reform process. It is intended that the bill be referred to the Standing Committee on Environment and Public Affairs so that it can consider what impact that reform will have on local governments. That is fair given the controversy that has arisen as a result of this very public debate.

I challenge the contention - several members referred to this - that local government will become politicised if we change the voting system from first-past-the-post to proportional preferential. Evidence clearly shows that local government can be politicised, regardless of the type of voting system that is used. Members would be aware that the United Kingdom uses the first-past-the-post system, particularly at the local government level. Its local governments are highly politicised. Many members of this house have moved from local government to Legislative Council representation through the party system. That supports the notion that there is a certain amount of politicisation of local government, regardless of what voting system is used. Both systems can be manipulated and are open to abuse. Dummy candidates can be put up under both systems. If we commit to an agenda of improving democracy at the local government level, we should commit to resourcing local governments. We should clean up the arrangements for funding the services and processes managed by local governments. We should be committed to ensuring that the cost shift does not extend downward from federal to state and from state to local government until there is nowhere else to go. At that point the cost would be shifted to householders. We must ensure a more robust funding arrangement so that we can deliver at the local government level. We do not want to burden our local communities. We must improve the quality of decision making. The Greens (WA) believe that the public should receive formal training - all members of Parliament should receive formal training - about the way local governments work. All citizens should be familiar with the important role played by local governments. Further, they should be familiar with the way that the electoral system works so that it is less open to abuse, regardless of what type of voting system is in place.

I received many letters from local governments that had voted on a motion on the proportional preferential representation system. Most of them opposed proportional preferential voting. I went to the trouble of polling over the phone some of the chief executive officers who had signed the letters. I asked them whether they would send me the minutes of the debate on proportional preferential voting. Without exception they told me that there had been very little debate. In fact, it was almost like an omnibus proposal. Some people I spoke with said that they did not know that they had voted on the matter.

Several members interjected.

Hon PAUL LLEWELLYN: I am saying that as a matter of precaution. I have taken note of the way the debate has emerged in the public arena. The Greens tend to fill the hot seat on these matters because of their unique role. I have done some homework on this issue. I am not saying for one moment that I canvassed everybody or that my poll is a representative sample. However, it is interesting that there had been little discussion. From my small poll it would seem that quality debate did not exist at the local government level, which is surprising given

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that it is a controversial issue. When I asked the CEOs to provide me with the minutes of the voting system debate, which is what they had written to me about, without exception they could not provide any substantial minutes.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Paul Llewellyn has the call.

Hon PAUL LLEWELLYN: I am saying that there was no extensive debate at the local government level. If we engage in robust community conversation about changing the electoral system, we must ensure that there is robust conversation at every level of democracy.

Hon Peter Collier: Did any councils give you their minutes?

Hon PAUL LLEWELLYN: No. Without exception the debate on the voting system occurred as a line item. I am not drawing too much of a conclusion; I am merely saying that that was the line of inquiry that I undertook. The Greens wrote to the councils that had written to us. We were transparent about the fact that on principle we support proportional preferential voting. However, we told them that we are interested to hear their substantial arguments. When the Standing Committee on Environment and Public Affairs investigates the bill, the various proponents will be able to outline their issues and concerns. Was that the Leader of the House? I hope that *Hansard* caught that yawn. It was a very deep yawn. I wonder how that will be reflected in *Hansard*.

Hon Peter Collier: He's as subtle as a flamethrower!

Hon PAUL LLEWELLYN: I am sorry to have bored the Leader of the House so much! Nevertheless, I will continue with my comments.

I also received some letters from the president of the Electoral Reform Society of Western Australia. Its view, which I think is fairly informed, is that there is no explicit evidence one way or the other that the proportional voting system is any more or less politicised than the first-past-the-post system. I will not go into the detail of its views.

The path that we have chosen to take - that is, to split the bill and to refer one bill to a committee to deal with the contentious matters and some of the substantial concerns - is the right path. I agree that the Minister for Local Government and Regional Development did not give adequate notice that the bill would provide for proportional preferential voting. That might not have been a breach of the letter of the contract arrangement between the Western Australian Local Government Association and the minister, but it was a breach of the spirit of the contract. However, it must not be thought that I believe there was no consultation about the electoral system, because the documentation clearly indicates that there was consultation. I just believe that introducing that arrangement at short notice breached the spirit, if not the substance, of the contract. The Greens support the second reading of the bill, and after the question is agreed to, I will move a motion to split the bill.

HON JON FORD (Mining and Pastoral - Minister for Local Government and Regional Development) [3.52 pm]: The government supports the main aspects of the bill. However, it will agree to divide the bill, because it gave a commitment to local government that the change to the election date would take effect before the end of the year. The government understands that many local governments expect to have a ballot in October, and of course local governments have budgetary issues to consider in relation to that change. I am very happy that the parties in this place have indicated that they support that part of the bill and have agreed that it can pass through all stages today, if that is possible. I thank members for that.

I reject the assertion that there was no consultation on the change to a proportional preferential representation voting system. Hon Paul Llewellyn was right. When representatives from the Local Government Advisory Board speak to people one on one and in public forums, seek submissions and refer to sustainability issues and electoral reform, any reasonable-minded person would presume that electoral reform was on the agenda. The Western Australian Local Government Association knew that was the case because it made a separate submission, which I tabled some weeks ago in response to a question. In my travels around the state I have had many informal discussions with the mayors and chief executive officers of local governments, and I found that the general feeling on this issue was ambivalence. The comments that were made to me were either supportive of, or ambivalent about, the issue. Obviously, in the scheme of things, there were far more pressing issues. The most pressing issue at the moment is the sustainability of local governments, and that has been reflected in all the conversations I have had. Claims have been made that \$740 000 was spent on a huge public advertising campaign against these changes. If I were a council member, I would be a little concerned with that amount of money being spent on an advertising campaign.

I recently attended a meeting of the wheatbelt zone council in Merredin. I think it was attended by representatives from 16 or 17 local governments.

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Hon Bruce Donaldson: The great eastern zone council.

Hon JON FORD: Yes, the great eastern zone council. The mayors, shire presidents and chief executive officers of 16 or 17 local governments attended the meeting. Two main questions were asked at the meeting. The format for the meeting was that I gave a 10-minute speech and then exposed myself to questioning from the local government representatives. That went for about two hours.

Hon Bruce Donaldson: You said “exposed yourself”. That is a bit of a worry! Was that a slip of the tongue?

Hon JON FORD: I exposed myself to questioning. Two main questions about elections were asked. One related to the PPR system. They wanted me to understand that they had some concerns with it, because I had explained the government’s position on it during my speech. The other question related to the Electoral Commission and the way in which it charges for elections. In the particular case that was raised, it was claimed that a non-contested election had been held but the local government received a substantial bill for it, even though the election was run by the Electoral Commission and no vote had been cast. I said that I would look into that. Most of the discussion during those two hours centred on sustainability issues, roads, connecting and engaging with ratepayers, the cost of headworks, the competitive nature of attracting people to the community and making it a physically attractive place, and health issues. Most of those concerns have been raised with me in letters. In that two-hour discussion, about five minutes at the most were spent discussing the PPR voting system and the rest of the time was spent discussing those other issues. That has also been the case with every local government group that I have met. I am told that I have had 91 meetings to date. I do not keep count, but my staff do. I have spoken at 91 similar forums.

I have met with the zone council in Albany. One of the members of the zone council is a board member under the WALGA structure. He put a very eloquent argument along the lines of WALGA’s standard thrust but he then conceded, to not only me but also everybody at the breakfast, that far more important things concern people, two of which are the survival and sustainability of local government and the drought as it affects people further north. He asked whether the government would give a commitment to help those people.

Hon Robyn McSweeney: You brought the bill in. There must be more important things out there than this bill.

Hon JON FORD: I am explaining to members the context of the debate. The case has been put that this is a huge issue, but I can tell members that is not my impression, notwithstanding some advertising on the television and in newspapers. That is the beauty of getting out there and talking to people on the ground. The campaign run against me has worked its magic. People have become aware. The number of responses I have received from residents and ratepayers has now outstripped the number of responses I had previously received from local government. The majority of those responses are in support of the legislation and none too flattering of local government. I do not agree with many of the statements, but it shows that when we get a debate going, we must be careful, because in the public arena we do not always get the expected result.

Hon Nigel Hallett said that people opposed these changes because they wanted to keep politicians’ grubby hands off local government. I do not regard any member of this or the other place as having grubby hands. I do not accept that anybody has any motivation other than to act in the best interests of the community. I do not regard any member of this house as my enemy. I regard every member as doing the same job as I am doing because we are all motivated in the same way - we just have different ideas of how things should be done sometimes. If the ledger were brought out, we would find that we agree on most issues. Unfortunately, that does not make great news. We will not look at the seven o’clock news on the ABC or the news on any of the commercial stations and hear that the opposition and government have agreed to make a number of great decisions in the best interests of the citizens of Western Australia. That does not sell news. I reject the assertion about grubby politics.

I also reject the assertion made about party politics. We are all part of party politics. We are proud of our parties. There are aspects of party associations on both sides of the house that we are not pleased with from time to time. We do our best to drive those agents out of our parties. Party politics has served Western Australia and, indeed, the nation well. From an international perspective it gives great stability. In the western world it gives low sovereign risk. For example, I have spoken to Hon Bruce Donaldson about how fisheries are run. The management of fisheries and programs is consistent across the board no matter which party is in government. The Department of Fisheries last night won an award for a program that has been going for 10 years. It was initiated under the Court government and has been carried on under the Gallop and Carpenter governments. That also says a lot about public servants and our democracy. I get a little bothered by this argument about party politics. We must be careful in all our debates not to demean our democracy, because our democracy is very important. I will cop the arguments about lack of consultation, the fact that this is no great system and all the rest of it, but we must think hard in our debates about having a go at the political structures that get us into this place.

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I turn to why I think proportional preferential voting is good. We are standing here as a result of it. Before I came into state Parliament, I had different views about the Legislative Council. I used to be one of those people who talked about the Legislative Council being dissolved and having a unicameral Parliament. I went to Queensland the other day on a fisheries matter. I looked at the empty chamber of the Queensland Parliament, which is now a huge meeting room. I bet that some people in Queensland would like to a return to a bicameral Parliament, especially when they consider some of the problems they have had. During the debates here and particularly during my chairmanship of the Standing Committee on Legislation, I realised just how valuable this house is; in particular, the committee system. Indeed, when I talked to local governments and to WALGA soon after this legislation was introduced, I said that it was not a done deal because the Legislative Council had a mind of its own. I said that some people might say that the minister had given them a challenge and they should let democracy have its way. This chamber is a good example of what proportional preferential voting does. Four political parties are represented in this chamber. No one party has an absolute majority. In the last Parliament, five parties were represented in this place, which meant an even more interesting time when negotiating bills and other legislation. The important thing about negotiation is that, even if a bill does not go through the committee system, it makes us think harder about what we are doing and what we are considering. Without a doubt we get much better outcomes, even though we may get frustrated with the process. I am sure that members opposite, especially those who were in government last time, have felt that, although I think they had an absolute majority.

Hon Norman Moore: No.

Hon JON FORD: There are times when we get frustrated with the system, but in the end we have a much better result.

Hon Nigel Hallett: Have you convinced the president of WALGA that it is a better system?

Hon JON FORD: Obviously not. The president of WALGA is sitting in the President's gallery. I have obviously not convinced him, but that is politics. We held a meeting this morning as part of our partnership agreement when we reaffirmed that even though we have disagreements from time to time, we are dedicated to the partnership. Although I will not concede that no consultation has taken place, I will concede that there is a communication issue that I have now moved to address by meeting local governments. When we are considering legislation or policy that directly affects local governments, we will either write directly to all 144 local governments in response to their particular concerns -

Hon Robyn McSweeney: You have to do that anyway.

Hon JON FORD: No, I do not.

Hon Robyn McSweeney: Yes, you do, under the agreement.

Hon JON FORD: If the member waits, she will find that I have not yet finished. Not only will I do that, but also when we formulate our position I will send out another note. Hon Bruce Donaldson will recognise the system because it is exactly how we consult with fisheries and stakeholders. We will send them a letter informing them of the position we are taking, and provide them with an opportunity to come back to us. We are already doing that with the matter concerning concessional rebates for charitable purposes. When I make a decision, I write to tell them what the decision is and give them a further opportunity to talk.

Hon Robyn McSweeney: Or learning one's lesson.

Hon JON FORD: That is about communication. Interestingly, I have a letter and an agenda from the Town of East Fremantle. It provides the Town of East Fremantle's views on the Western Australian Local Government Association's request for a vote of no confidence in the minister. It is interesting; I will not go through the whole letter, but it is typical of the majority of letters I have received. Just to show that I am even-minded, the letter criticises me in some parts, and does not in other parts. This reveals to me the importance of communication as it applies to local government. The letter states -

Nevertheless, Minister, with all due respect, I make the comment that the lack of prior consultation, no matter what the circumstances and whether avoidable or not, has obviously made it easier for WALGA to take the position they have and harder for Chief Executive Officers/Councils, who consider WALGA's position is both unbalanced and an over reaction, to defend the way this matter appears to have been handled.

The letter goes on to offer advice to the Legislative Council with respect to the agenda and the letter that I wrote concerning WALGA's position. After considering the relative positions, the chief executive officer makes his view known to the Legislative Council. The letter continues -

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My personal sense is that, in deciding to change the election date (in respect of which consultation *had* occurred) the Minister and/or others in the Government also saw the opportunity to carry out the ALP preferential voting platform, and took this opportunity, without sufficient prior consultation with WALGA and information going out to local governments.

Whilst the author is not justifying this, it is also noted the same Minister unilaterally ruled against forced amalgamations, despite this also being a recommendation of the Advisory Board's report, without prior consultation with local governments or WALGA. Yet this did not produce the same response from WALGA.

In this case Council is being pressured by WALGA, to an extraordinary degree and almost daily, to pass a vote of no confidence in the Minister on this issue. WALGA has also commenced a newspaper and TV advertising campaign against the voting system - which the Chief Executive Officer has been advised is costing WALGA (ie member Councils, who were not directly consulted on this matter) approximately \$750,000. A copy of one of the newspaper advertisements is attached.

In the Chief Executive Officer's view this advertising is quite inappropriate in terms of the sinister intent attributed to the Minister, completely unbalanced and little more than scare tactic propaganda.

For example, in response to an approach to WALGA by the Chief Executive Officer regarding the attributes of the proposed new system and how it would work, the Chief Executive Officer received the following advice from WALGA:

The arguments for and against proportional voting system are as follows:

For:

- *More democratic than "first past the post"*
- *Most popular candidates are elected that best reflects the will of voters*
- *Candidates can work together to get votes for each other*
- *Each individual is elected in proportion to the total number of votes he/she won*
- *Gives voters a wide choice of candidates and a chance to elect candidates from different parties/groups.*

Against:

- *The system may result in people voting for a list rather than a person, which may not encourage strong ties between Council members and electors*
- *Less understood by voters*
- *Encourages the creation of alliances and factions - increased party politics in Local Government elections*
- *Voting system can be manipulated by the use of alliances and dummy candidates*
- *Voters' ballot-papers are more difficult to mark correctly*
- *Vote counts are very long and complicated to work out.*

Yet WALGA are not advising of these advantages and disadvantages to the general public.

WALGA, in their promotion of the current first-past-the-post system, have also declined to acknowledge that this system has only been in place since 1996, and from 1919 to 1995 the system was preferential voting (although not the "proportional preferential" variation now being proposed).

It is unclear as to why WALGA have reacted as strongly on this issue as they have.

When the Liberal Government some 11 years ago changed the voting system from the arguably more democratic "straight preferential voting" system to the arguably less democratic current first past the post system - the Chief Executive Officer cannot recall much consultation with the local government industry, let alone the general public, or much of a reaction from WALGA.

I am advised that it was actually moved from the floor in the other place without notice and without any reference to the bill that was being debated.

Debate interrupted, pursuant to sessional orders.

[Continued on page 8753.]

Extract from *Hansard*

[COUNCIL - Thursday, 23 November 2006]

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Hon Paul Llewellyn; Deputy President; Hon Robyn McSweeney; Hon Murray Criddle; Hon Bruce Donaldson;
Hon Nigel Hallett; Hon Norman Moore; Hon Jon Ford

Sitting suspended from 4.15 to 4.30 pm