

Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker;  
Mr Ian Blayney; Ms Janine Freeman; Mr David Michael; Mr David Templeman; Mr Tony Krsticevic; Mrs  
Alyssa Hayden; Mr Shane Love; Mr Bill Johnston

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**LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2019**

*Second Reading*

Resumed from 4 April.

**MR T.J. HEALY (Southern River)** [3.39 pm]: I appreciate the opportunity to speak about the Local Government Legislation Amendment Bill. I am a former Gosnells councillor. The entire electorate of Southern River is within the City of Gosnells. It is a fantastic community and a fantastic council. It employs hundreds of staff who deliver an incredible number of services and I am honoured to be able to stand and speak to that. Today, I am going to speak about the importance of the CEO review. The CEO is the most important staff member that the council employs. I am going to talk about gift and travel registers; universal training and how important that is in helping councillors across Western Australia to understand the importance of their role; the mandatory code of conduct; and meeting attendance. I would like to commend the Minister for Local Government for the work that is being done, the chair of the Local Government Act review—the member for Balcatta, I believe—and all local governments and stakeholders for being a part of the discussion and working towards reform in this area, something that has not been done for so long.

I am so lucky that I get to represent the City of Gosnells as part of my electorate. It is a fantastic council. I believe in local government and the services it can deliver. I believe in the ways that we can inspire our community to know about and believe in their local government leadership, whether that is the CEO, directors, councillors, mayor or deputy mayor. We have a responsibility through this and all local government reform bills to ensure that we give the best support to our community. We can always do better in raising expectations and showing our community that local, state and federal governments are important institutions. This bill is about local government, but the majority of people in my community do not really know or care too much about the differences between their local representatives. They want to know whether those representatives are delivering what they said they would deliver and listening. It is important that all elected members in our communities know that.

I believe in transparency and accountability. As a young, new councillor, I was able to meet with the then Mayor of the City of Vincent, now member for Perth, John Carey. As I said in my last contribution, I am definitely part of the John Carey school of transparency and accountability. I believe that when councils act transparently, hold themselves to be accountable, minimise interstate travel, put developer registers on, show the community where they are driving to and declare gifts, then we will help to restore faith and belief in all levels of government. I have also said in the past that at election time every two years our councils can only be as good as those who stand. We need to call upon members of the public in all our constituencies. We need nurses, parents, teachers, public servants, and working mums and dads to stand up so that our councillors can come from the best. There is an opportunity within council that can be more than just catching dogs and picking up bins. The number of services and the work that can be done is incredible.

I would like to talk first of all about the elements of the bill that talk about CEO review. Members will be aware that a council is not a sitting parliament like the state or federal Parliament; it essentially operates as a board of governors. We have 600-plus members of staff at the City of Gosnells. The council does not employ them. The council employs one person and that is the chief executive officer. That CEO then employs directors and heads of department and organises the budgets, the administration and all the actual work that gets done. CEO review is important. We have a great CEO—Ian Cowie. He comes from a great background within local government. As a councillor and member of Parliament, I have only ever worked with one CEO, but others tell me that he is pretty good, as do the councillors and the community. I had been elected as a councillor for only one or two months when we were asked to do a CEO review. I do not think that I was ready, only two months in, learning all the things that I needed to know. We participated. An independent consultant came in and asked us a bunch of questions about whether we were happy with this or that. I participated and the CEO continued his contract. We tried to set some further key performance indicators, but generally everyone was happy.

CEO reviews are one of our most important jobs as councillors, but I think that they should not happen one month out from a fresh election. I think that what is included here as part of the CEO review is very, very important. I was apparently the only councillor to ask for a copy of the contract. Again, it was not that I wanted to get rid of the CEO, but if I was being asked to renew this contract, I needed to see the terms. I found it disappointing that I was the only councillor who asked for that. The independent consultant at the review meeting said that the majority of councillors did not even fill in the elements of the feedback sheet. I am not saying that there was anything wrong with that review process. We had a great CEO; maybe the more experienced councillors were simply saying that they were happy and things should continue. On reflection, I wish I had more of a chance to be involved and to learn more about that. After a year as a councillor I was much better informed and perhaps I could have been better involved. Again, it is absolutely key that we have a functioning and well-working CEO, and that a council knows the terms of its contract when it may need to look at redirecting the council.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 9 April 2019]

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The City of Gosnells is very lucky to have an incredible team of directors. Many members would know—I think it was mentioned in the second reading debate last week—that in 2018, the councillors of the City of Gosnells voted unanimously in a vote of no confidence in the existing mayor. While those kind of frictions are going on, our CEO and directors keep working and delivering for our area. They keep working no matter what, and they run an amazing organisation. I have mentioned the CEO, Ian Cowie. I would also like to mention the director of planning and development, Chris Terelinck; the director of business services, Grant Bradbrook; our new director of community engagement, Glenda Blake; and our new director of infrastructure, Martin Glover. I want to also acknowledge former directors David Harris, Ron Bouwer, and the incredible Adelle Cochran, who ran such an incredible team of people to deliver services in my community. I would also like to mention the members for Thornlie, Forrestfield, Jandakot, Cannington and Kalamunda, with whom I share the City of Gosnells.

Gift declaration is very important. I commend the minister for the inclusion that any gift over \$300 will need to be reported online within 10 days. It is important for us as members of Parliament to declare gifts, but councillors operate in a different framework. There are different levels of scrutiny. There is not a state media; there is local media, and often interested members of the public hold councils accountable. There are vested interests in our areas that people need to be informed about. Again, I am not saying that anything is inappropriate, but when a light is shone on declarations of gifts, the community can know and continue to know that we stand clean and transparent; that we are trying to say, “Look, we do not think anything is inappropriate; here are the gifts that I have declared”, whether I have been to this function or that function, so that the community knows. If there is then a conflict of interest, I can exclude myself.

I was very proud to pass the first online gift register in the City of Gosnells. The *Comment News* article of 16 February 2016 entitled “Healy’s proposal for online gift register popular with big gallery” states —

Councillor Terry Healy proposed that the City’s chief executive make Gosnells’ elected member and employee gift register publicly accessible in electronic form on the website.

...

The almost full gallery exploded into applause following Mr Healy’s statement and when the councillors voted for the motion to pass.”

It certainly got a positive response. It is very important to realise that not all councillors understand what a gift is and why a gift declaration is important. One of the first events I went to with my wife was an invitation from the owners to a corporate box at the local baseball park. The mayor threw the first ball down the pitch and we received lovely hospitality. After the event, I went to the CEO and said that I needed to declare my first gift. He helped me to make that declaration. The corporate box for my wife and me was worth about \$200 to \$400. It was difficult to cost because the pricing information was not available publicly. We tried to find the information on the website, but it was not easy. After I declared the gift, some councillors said to me, “We went to that event. Why did you declare that as a gift? That is not a gift.” I said to them, “Do you remember when the owner of the baseball park came to us and told us about how much the council charges them to water the park and maintain the facility? They gave us that gift for a reason. In the next couple of years, when those issues come up, we need to be able to tell the public that we attended that event.” A few councillors were not happy that I declared the gift because then they had to, but, again, there was a lack of declaration of gifts.

In 2016, I was very lucky that my wife agreed to marry me. I declared my wedding presents. We were married at the council gardens and I declared broadly the gifts I received because, all of a sudden, I was getting gifts from a number of people and it was important that I told the public. I do not necessarily think there were any conflicts of interest, but I said that I was going to do it, and we did it. Hon Pierre Yang and I were both councillors. Pierre is now in the upper house. We were both councillors when other reforms and discussions on local government came through. When I became a candidate in the state election, in the lead-up to the state election, I declared gifts from WA Labor. It was essentially money used in my election campaign for state Parliament for advertisements in the paper that said, “Terry Healy is the local guy”, banners, street signs and the like. If I did not win, at the next council election people could construe that that assistance had helped my profile. Hon Pierre Yang and I said that we needed to declare those gifts. I think Hon Pierre Yang and I declared more gifts than anyone else.

I do not think there was any question that we had done the wrong thing, but it was important to us that we said to the community, “If I’m getting something, I will declare it of my own choice not because I feel that I need to, but so the community can have faith in what I am doing.” Again, when light shines on the issue of gifts to councillors, the community has greater faith in them. We need the journalists on good local papers who go through the travel and gift registers and inform the community and those fantastic members of the public who go to council meetings to talk about why those registers are important.

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Universal training is very, very important for councillors. After I became a councillor, I was lucky enough to attend two training sessions run in the city and completed two or three online modules. That training helped me to learn about my role in terms of governance. I found it very, very valuable. The training in its current form has been available for almost a decade. It is very important that all councillors should complete training. Better training will mean better councils and councillors. When I went to council training, one of the councillors who had been on the council for 20-plus years told me that the training was useless. He said, "It's a waste of time. Don't do it; it's useless." About six months later, he had to apologise to the council for a conflict of interest. When he was a presiding officer, he had voted on a motion on his son who was also a councillor for not coming to meetings. Interestingly, the department declared that he needed to apologise for not understanding his role as a councillor.

Many councillors, whether they have been on council for some time or newly elected, do not always understand what a conflict of interest is. The debate we just had in this chamber shows that not many opposition members of Parliament know what a conflict of interest is. It is very important that the community knows that elected members understand what a conflict of interest is. Gosnells council has a number of former Liberal candidates at state and federal elections serving as councillors. I am not saying that there are conflicts of interest. But many of those councillors—this is why universal training is important—do not realise that the links that they had as candidates at state or federal elections, when they have linked into property developers, been given an office site for free, had yard signs put up or received gifts and donations, need to be declared as a conflict of interest and they need to step out of the chamber.

**Mr J.E. McGrath:** Surely, you remind them.

**Mr T.J. HEALY:** I do not follow the agendas and meetings that much, member for South Perth.

It is important that members and councillors are aware of conflicts of interest. Again, more training will make our councils better. A current Liberal candidate in our area, who is also a councillor, has a sign advertising his personal business on the side of one of the bowling clubs, which I assume he has paid for, that says, "I'm this local person, come and use my business." Next to that sign is another big sign that says, "I'm the Liberal candidate for Burt. Come and vote for me." I am not saying that it is wrong that the sign is on the side of a publicly funded facility, but members and councillors should know when there are conflicts of interests. What if a councillor is a lobbyist for organisations? What if a councillor is a lobbyist for religious groups and places of worship, and makes very public media statements about places of worship and who should build churches and where they should be built in the council and in other councils? When issues about places of worship come up on the council agenda, will that councillors know when to declare any potential conflicts of interest? I am not saying that they are conflicts of interest, but, again, universal training and education of all members when they complete their enrolment as a candidate will assist and councils will be better.

At a council meeting in March, a councillor claimed for fuel to drive almost 300 kilometres.

[Member's time extended.]

**Mr T.J. HEALY:** I understand from the council minutes that a councillor recently claimed almost \$280 for a 300-kilometre round trip to an event outside the City of Gosnells. During another councillor's motion to refund that money to the City of Gosnells, that councillor voted against it. Maybe that councillor should have excused himself from the debate because he was defending his claim. I do not know, maybe that councillor could have thought that they had a conflict of interest on that matter. The vote on the motion was a tie.

**Mr J.E. McGrath:** How did the vote go?

**Mr T.J. HEALY:** It was tied, five and five. The vote was tied and the councillor who drove to the town held the casting vote. He voted not to refund the money. Again, I am not saying that this is a conflict of interest, but perhaps it does not present well. Universal education will assist councillors and give them the opportunity to avoid those opportunities and those problems in the future.

I want to acknowledge the great wisdom and experience of many councillors. Councillor Olwen Searle is a great longstanding councillor. I always joke with her. She has been on the Gosnells council since the 1970s. She has been on the council longer than I have been alive and has an incredible wealth of experience. She is hardworking and wise. The Local Government Act has evolved during her time on council. All councillors would benefit from that and we should find those long-serving councillors and ask them to help with councillor education. They have an incredible amount of knowledge and wisdom to share.

It is very important that we annually report on the training that is completed. Again, that is an important accountability mechanism. Meeting and event attendance is important for accountability. As a councillor I helped pass the first Gosnells online travel register that provides some information for councillors. We can now see who

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has travelled to Sydney and why that was relevant. We can now go online and see who drives and who has been claiming \$600 a month, who has been claiming nothing, who has been claiming \$50 a month to drive to different events and what those events were. It is important. Councillors should list these things, though it would be great if councillors perhaps list zero kilometres for what they want to claim so that we could save some money, but it is important that members of the public have access to that information. I commend a mandatory code of conduct for councillors and candidates and the new standards panel. Also, certainly in the Gosnells context, mediation of those things is a fantastic option to look at. It is really important that when our leaders cannot agree, there is a role and a way to mediate that.

I finalise my comments by simply saying again that the City of Gosnells is a fantastic organisation. It has great councillors, great directors and a great CEO. I want to thank all the incredible staff and elected members, current and former, who have chosen to serve our community. I invite and look forward to many more participating in our democracy and I thank members for the opportunity to make those comments.

**MR P.J. RUNDLE (Roe)** [4.01 pm]: I rise to make a few brief comments regarding, I believe, stage 1 of the Local Government Legislation Amendment Bill 2019. Firstly, to let members know, my electorate of Roe is 106 000 square kilometres. It has 41 towns and 18 local governments. Certainly, when I—at times with a group—travel through the electorate, whether I go through Esperance or drop in to Ravensthorpe, the first port of call is always the local government. Certainly, as a regional member, we most certainly liaise with our local governments, and whenever we call into a town, generally the first person we talk to is the shire president or the CEO. They are a very important part of regional communities. When I first looked at the legislation, I wondered whether it was tilted slightly towards the City of Perth situation, but I hope it covers the whole state, whether it be regional or metropolitan councils. The first thing I will comment on is that I welcome this legislation because we have been operating under the Local Government Act since 1995. In the 1995 act I believe there is a bit of a blurred line about what councillors can and cannot do, and it is probably a bit of a lopsided scenario that goes towards the executive. I like to think that this legislation will balance things out. Firstly, I believe that the engagement and consultation has been good. Over this period, the minister has certainly made a serious effort to get out there. The minister has done well getting out to our regional communities, talking to people and giving everyone an opportunity. I congratulate him on that.

Secondly, I support transparency. That is probably the most important element of our local governments. Having said that, I have never been in a local government myself, but I am certainly interested in listening to the member for Southern River's stories about his experiences in local government.

**Mr D.A. Templeman:** Did you ever consider going into local government?

**Mr P.J. RUNDLE:** I certainly considered it at times. I was mixed up more in the world of regional development commissions, having been on the board of the Great Southern Development Commission. That probably took me on a slightly different pathway, but there was obviously a lot of governance in that. I also graduated from the Australian Institute of Company Directors as part of that, which taught me a lot about governance. That is an important element.

One thing I worry about is that at times people tend to go on to council with one purpose in mind. They may have one issue that is really important to them, whether it be property development or some other issue such as a sporting or cultural issue or something in their community that they are very passionate about. But they need to understand that they have been elected to cover a wide range of issues. That is a really important element, and the training will hopefully help with that.

Moving on to the training, one of the question marks I have would be the pre-election training. It is almost unheard of to have compulsory pre-election training. In some ways it is unusual, but quite interesting to think about that part of it.

**Mr D.A. Templeman:** I like to be unusual and interesting.

**Mr P.J. RUNDLE:** Certainly for me, I suppose if they want to be a member and the minister gets this legislation through, they will have to attend the pre-election training.

**Mr D.A. Templeman:** Can I just clarify? It is an induction, not, essentially, full-blown training. It is an induction of the role and responsibilities of what they might likely get into if they're successful.

**Mr P.J. RUNDLE:** It is a relatively brief induction, so not too onerous. Would that be the minister's description?

**Mr D.A. Templeman:** That's right. The idea is to ensure that anybody who is considering standing gets a clear up-front understanding of what will be expected of them if they're successfully elected. We have had a lot of feedback from people saying that had they known certain things before they were elected, they would have perhaps

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reconsidered whether they had the time or the energy to make a contribution. There's a difference between training and induction.

**Mr P.J. RUNDLE:** That is certainly a good point. When councillors come in, they get elected and come in with a lot of enthusiasm. Someone plonks the Local Government Act in front of them and says, "Read this." They look at it and say, "I don't think I signed up for this", but by that time it is too late. Perhaps the induction, in retrospect, might be quite a good idea, providing it is fairly brief, not too onerous and gives those people the opportunity to understand what they are committing to.

I see that some of the other parts of the training are online or potentially online, which is important given that obviously some of our regional counsellors are a long way from Perth, or wherever the registered training organisation might be located. One question that the minister may have to think about is the five-year element of the training, because really, councillors are in a four-year election cycle. It would be better if it were tied into the three-and-a-half-year or four-year cycle, rather than five years. They may have to go through another heap of training when they are just about to bow out. There may be thoughts about how the minister could improve the timing on that.

When I look at the professional development issue, I see that perhaps local ratepayers and councils will have to pay for that. I assume it will probably be fairly expensive for ratepayers. I do not know whether the minister has any numbers on that that we might be able to see. It will develop into quite an expensive exercise for ratepayers. I think the powers of mediation are a good element of the standards panel provision. I think that is important. However, I am a little concerned that council members can be censured, albeit, I believe that that capacity already exists in the Local Government Act. Potentially, councillors could be targeted by the executive; if things are not going their way, they may have that ability. The question I ask is: can the executive be censured in the same way? In this provision, a scenario is being created in which we are saying that a councillor can be publicly censured. Can a member of the executive be publicly censured also?

Further, I refer to the proposed section that provides that local governments are to have a complaints officer. It provides that the CEO will designate who a complaints officer is, but if one is not designated, the CEO will be the complaints officer. I do not think that provides enough independence. We should probably look at someone from outside the system. When a CEO moves from one council to another, they sometimes have a tendency to take other executive staff with them. If the CEO is the complaints officer, the censure officer or whatever the minister likes to call them, it could create a bit of a problem in that they will not be inclined to censure their own staff. That is something I have identified as perhaps an issue.

I took on board what the member for Southern River said about gifts, and I tend to agree. It is an important element that should be clarified to members of a council as soon as they are elected. Whether we be councillors, parliamentarians or whatever, the gift register is important to all of us. It is important also that people are up to speed with their obligations.

I notice best practice is referred to regarding CEO recruitment. References are made to the Public Sector Commission, and I think those sorts of guidelines could be useful. The other week I was talking to a councillor whose CEO was looking at moving on. I asked whether he was looking at recruiting someone from within the world of local government. A problem that I have identified is that there seems to be a big circle of CEOs who keep moving within the local government sector, and none of our councillors ever looks to recruit outside the circle. When a CEO moves on to another job, I think it is an opportunity for councils to look at that. This councillor said to me that, through its process, their council would be looking outside. I welcome that because, certainly, every single CEO I have known who has been appointed over the last five years has come from another local government elsewhere in the state. That is an issue to me. I think it is important that we look at that. When a CEO takes long-service leave, the Western Australian Local Government Association, or whatever, seems to have a pool of CEOs who have been moved on from other councils and, all of a sudden, they appear as the replacement CEO for a short period. I understand that the Local Government Act is complex. It covers tenders and all sorts of other things that are relevant to local government, and it is important to have a working knowledge. However, to be honest, some of our local governments are a bit frightened of picking up someone from outside their local government sector. As I said, there are 18 local governments in my electorate, and I generally get on very well with them. We have some fantastic councillors and CEOs. However, down the track, I would like perhaps a bit of clarity from the minister on some of the issues I have identified, particularly about looking outside the square.

**Mr D.A. Templeman:** One of the most important decisions that councils make is in fact their appointment of the CEO. As you will see in this amendment bill, we give greater responsibility, if you like, and buy-in by all the councillors as part of that recruitment process. That is an important step, but it underpins also the important understanding of all councillors about the role they need to play in that important decision of a council. I think

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from a professional perspective, Local Government Professionals Australia can do a lot more to develop the profession so that we have an increasing pool of capable people who are able and available to fill new positions when they come. Due diligence is critical. When councils are making a decision about the CEO position, they need go through very strong due diligence and recognise the important role they all play in that choice.

**Mr P.J. RUNDLE:** I certainly agree with those comments, minister. As I have said, I find it quite amazing at times that we keep seeing a circular flow of CEOs. Why not bring in someone from the mining sector, the public service or wherever it might be? They might have to brush up on the Local Government Act, but there is a lot of capability out there. Hopefully, with increased training for our councillors, presidents, deputies and so on, the opportunity will arise whereby they take it on and say to themselves, "Let's have a look outside." Maybe the best person is inside the sector already, and that is fine, but they should at least be prepared to look outside the circle.

That is probably the majority of my comments. I am curious also whether consideration has been given to former executives going onto a council. I am also curious about incumbent CEOs being given automatic contract renewal. I think there is a feeling among councillors that they automatically have to roll over the current CEO's contract when there is no real reason the position cannot be declared vacant and the CEO cannot reapply along with anyone from outside the sector.

They are probably the main points from me. I wanted to clarify a few of those issues. As I said, councils are very important to us as regional members. I deal with 18 councils, so it is quite a challenge at times to remember the name of every councillor in every town and so forth, but we really do deal with our councils, CEOs and executives a lot. They are very important to us as local members. I look forward to this legislation going through with some of the proposed changes and perhaps further modification. I also look forward to stage 2, minister!

**MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary)** [4.18 pm]: I am pleased to address the Local Government Legislation Amendment Bill 2019. I begin by saying that for me this is all about increasing community engagement in local government by increasing the voter turnout rate. We have to agree that right across the state, the turnout rate is disappointingly low. In some cases, it is probably appallingly low. We have to turn that around, because many of the complaints we get through our offices as state members—I am sure it is the case for federal members as well—are local government matters. How do we turn that around? One way is to ensure that all the procedures are in place that will instil confidence in the community and ratepayers so that they are actively engaged in the local government process right from the early conversations that might be had when people are talking about putting their hat in the ring and becoming a candidate right through to them running their campaign—battling through the campaign—and maintaining good contact with ratepayers when they are on the council. The bread and butter of our role is to make sure that we maintain good contact with our voters. It is the same in local government. I am very pleased to see that many of the proposals in this legislation will instil a much higher degree of confidence in the way local government is carried out in this state.

I want to address the campaigning process a little further. This legislation has a code of conduct that can apply when there are alleged breaches during a campaign. All of us in this Parliament have gone through fairly torrid campaigns at times. However, they are somewhat depersonalised because we are in party structures. Attacks do not always feel personal, but they can be. But in local government, when a campaign gets really torrid, very personal attacks occur. Because of the personal nature, we need processes that are very solid. When a breach is alleged, I think it needs to be dealt with during the campaign. I do not think we should leave it until after the campaign and hope that the right person has won, that it will all be forgotten in the wash and that we can move on. It is something that needs to be addressed at as early a stage as possible. How can it be done without putting a halt to the campaign process and the running of an election? I am not sure, but that needs to be examined. There is no doubt about it: the severity of the personal-attacks phase of campaigning is exacerbated by local government connections with social media, which we are all connected with. Social media has certainly heightened the tensions, aggressiveness and, at times, downright nastiness that goes into some campaigning. As the rule creators for the local government process, we have to make sure that we are on top of that and are looking out for how to keep these systems in check.

As a matter of interest, I was at a community safety forum last night. Police were in attendance and this very issue was raised—how can we deal with policing matters in the era of social media? Some downright nasty things are said on Facebook pages and local Crime Watch pages. I did not have an answer before going into the discussion last night, but during the course of the discussion it became apparent that the community is quite self-filtering and that there will be an element of decision-making in the community about what is a credible Facebook page and what is a page that is simply salacious, nasty and not to be trusted. It is interesting that we are perhaps getting through this early phase of the development of good social media etiquette. At the end of the journey, society will have a way of dealing with what can be absolutely outrageous claims. We also have to have structures in place to make sure that people are protected. If we do not deal with this, the end result will be that good people do not put

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up their hands to become councillors. That is a real fear. The minister will have the statistics on this, but I think that at the last local government election, which was held in 2017, we came a long way in increasing female representation and, to some extent, representation of people from non-English speaking backgrounds. There is a lot more work to be done there, but not too long ago a paper was released with the title “Male, stale and pale”, which describes local government. As someone who is middle-aged and male —

**Mr D.A. Templeman:** But you're not stale!

**Mr C.J. TALLENTIRE:** Not stale—I thank the minister.

It is an interesting criticism. People can stay around for too long in a role as well. If a particular demographic is dominating councils, that is not healthy. I think that was a really good sign. The member for Southern River articulated very well some of the qualities of the City of Gosnells, which has achieved a 50–50 gender diversity split. That is a really positive sign, but I do not think the body of councillors reflects the ethnic diversity in the wonderful City of Gosnells. There is definitely more work to be done there. I keep an eye on surrounding councils and look to them for different ideas. One of the big topics is the model for electing the mayor. It is certainly a very live issue at the moment—the direct-elect method versus the council-elect method of mayoral election. I can see arguments both ways on this issue. The City of Canning has a directly elected mayor, whereas the City of Gosnells has councillors electing the mayor.

**Ms S.E. Winton:** Was that the council that tossed the coin?

**Mr C.J. TALLENTIRE:** That is true. The current mayor's name was drawn out of a hat. I have to say that Gosnells has a mayor who is working hard, which is one of the things we want in a mayor. We want someone who is prepared to be there with lots of enthusiasm and commitment. That could possibly have been said about any of the three people whose names were in the hat. That was an unfortunate quirk of the system.

We are responsible for the election system. We could intervene and dictate a direct-elect mayoral system. If that were the case, perhaps we would advance the cause of greater community engagement because people might take a stronger interest in who they are voting for as mayor. The City of Gosnells has another peculiarity. It is a massive council—the fifth biggest in the state population-wise—and it has a single ward system, which means about 30 candidates run for six or seven councillor spots. At voting time, the poor ratepayers get an envelope with a Melbourne Cup field of candidates and their little 100-word bios, and have to work out who corresponds the best to their personal values, views and aspirations for the area. I do not think that works, because it is just about impossible for ratepayers to work out who is who in that field. That is why I am a strong believer in the ward system. That would distil the field to a more reasonable five, six or seven candidates, so it would be possible to work out who best corresponds with voters' views. Later on, when they are elected, people will also have that sense of connection and will be in a position to approach them readily. Comparing the different systems around the state is very interesting, particularly those in my area.

I want to raise a point on the issue of gifts. The legislation is excellent. We really do need training so people understand what is required and so there is full transparency around the declaration of gifts. It is a very sensible approach, but I think we have to be very clear about what the definition of a gift might be. At the last City of Canning election, I noticed one councillor had a cafe in premises that were owned by the City of Canning, which they rented at a very reduced rate. That is kind of a gift, but I do not think it was ever declared in the campaign. The person was unsuccessful so it does not really matter, but they did use the cafe as a place to hand out leaflets and to promote their candidacy. There are these other, peripheral issues. We have to aspire to a perfectly cleanly fought campaign. There will always be challenges and things always crop up to make it just that bit harder to achieve, but we need to be able to assure our voters that when they engage in the local government process—when they are choosing, as ratepayers, their ward councillors and councillors—a legitimate process is in place to help them get the best people to represent their area and make some pretty big decisions. Now that we have things like joint development assessment panels, some of the bigger development approval processes are handed over to them. That is good, but the composition of a JDAP is certainly, at times, contentious as to who is on the panel and what is involved, which is something we have to work out. A lot of important decisions are made in local government and we have to be absolutely sure that the right people are in place to make those decisions.

The training component of this legislation is also really important. An induction prior to someone lodging their candidacy papers will help a lot of people to realise what is involved. I think it is true that a few people end up on council not knowing what the job really entails and not really realising what the workload might be. We have also seen people get on council and basically realise it was not for them. Councils also have had a fairly poor attendance rate, which is detrimental to their operations. That is not something we want to happen, and I think it could be avoided by having a good, thorough induction process to give people a sense of what council is about. It is very important. It also lets people know to what extent they can really present their particular interests. It is perfectly legitimate that

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people are elected to council with particular passions—things that really drive them. Just recently, I had a very interesting meeting with a councillor from the Town of Claremont, Councillor Kate Main, and a councillor from the Town of Cottesloe, Councillor Helen Sadler. They have lots of really strong interests, but the one they came to see me about was the development of a cyclepath that would enable cyclists to traverse the train line and get onto the bike path that runs between Swanbourne and Perth. It is going to be extended to North Fremantle, thanks to the fabulous work of the Minister for Transport. To make those linkages happen, Councillors Main and Sadler saw me about the opportunities to fund the project. It is really important stuff for them because they are all about active transport, active commuting and making sure their communities are fit and healthy and able to get around by means other than motorised vehicle. I think this is where induction programs can help people to understand how they can most efficiently pursue those sorts of interests. It is really important that they are armed with that knowledge so that they do not spend a couple of years on the council wondering what levers are open to them. I still hear about some councillors who have not presented a motion or have not really helped to gather signatures on petitions about issues. An active councillor is out there and talking to people. That is the sort of stuff that can be conveyed right up-front in the induction process. If somebody thinks it is not really their bag to be talking to people about issues in their community, then it is a fair call for that person to decide not to run—to not pursue their candidacy.

I also note, which the member for Southern River expressed very well, that we have an extremely well-run council and our CEO, Ian Cowie, does an amazing job. There is a lot of healthy passion and, at times, tension in the council body itself. However, I worry that as an election looms, that tension will increase and the attacks will become more and more personal. I think that is unfortunate.

When I travel around the state occasionally, I run into some really amazing local government people. I am thinking, member for Moore, of President Dee Ridgway from the Shire of Beverley. She is an excellent, passionate person who is really looking to reinvigorate the Shire of Beverley—a wheatbelt shire that probably has some issues around depopulation or is looking for new industries and opportunities. Certainly with people like Shire President Ridgway in place, there are good signs for the future of a wheatbelt shire with an amazing heritage. I was out there for the Beverley Heroic ride on the gravel roads. We were reliving the race from Beverley to Perth, which was once a great Western Australian tradition. There were 10 000 people at the old Perth Oval to welcome the cyclists at the end of the ride. We have lost that bit of history, but we were rekindling it. Handlebar moustaches and old, steel bikes were to the fore, so it was good fun. It is excellent to see the vision that people like Shire President Dee Ridgway have for their areas. I have spoken to other people in areas like the City of Joondalup, such as Councillor Mike Norman. I heard about his commitment to his community and all sorts of really good work that goes on there and the passion that they bring to the task.

I am really encouraged by the measures in this legislation. I think the bill will go a long way to improving things and making sure we can give Western Australians confidence in local government. We have a really clear key performance indicator here—whether the voter turnout rate goes up. In Gosnells, voter turnout was down to about 20 per cent, but it has gone up. If it keeps going up, we are doing our job well in terms of setting the rules, but at the same time, local government is doing its job of motivating people by contacting them and being out there in the field, engaging them and letting them see the value of local government to their lives. I am very optimistic that we will have a great improvement in that most important KPI—improved voter turnout—thanks to this legislation.

**MRS L.M. O'MALLEY (Bicton)** [4.38 pm]: I rise to add my contribution to the Local Government Legislation Amendment Bill 2019. I do this with some experience and firsthand knowledge, having served as a local government councillor with the City of Melville from October 2015 until my election to this place in March 2017. I will begin by reflecting on what the member for Thornlie was talking about regarding elections, and the ward system versus the district system. The City of Melville has a ward system. I was elected to the Melville–Palmyra–Willagee ward. I also strongly agree that the ward system works really well. It works particularly well for our community members, because they are able to get a good understanding of and feel for the person who represents them. The challenge, however, in my experience at the City of Melville—I would guess it is similar in other local government jurisdictions—is that once elected to a local government councillor position, the focus shifts to representing the district. In fact, it becomes a little challenging and a bit of a potential conflict for the elected councillor, who is voted into the role based on their representation of a ward, but is then faced with a focus and emphasis on elected local government members putting the district ahead of the ward. That was my experience. I would be interested to hear whether other members who have been local government councillors had a similar experience.

I congratulate the Minister for Local Government on this important bill, which is the third major piece of legislation that has been brought to the Parliament with the purpose of reforming the local government sector. It is largely recognised both in this place, within local government and in the wider community that reform of the Local Government Act is long overdue. The Local Government Act 1995 is no longer fit for purpose. The introduction of this bill is further evidence of the McGowan government's commitment to ensuring that the legislation governing

**Extract from Hansard**

[ASSEMBLY — Tuesday, 9 April 2019]

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local government provides a framework that supports excellence in the sector. The Local Government Legislation Amendment Bill comes to this place following extensive consultation, including the receipt of 243 submissions, with approximately 40 of those coming from local governments in both regional and metropolitan districts. Submissions were also received from peak bodies such as WALGA, Local Government Professionals Australia WA, the Chamber of Minerals and Energy and the Property Council of Australia. Submissions were also received from the Public Sector Commission and the Corruption and Crime Commission. Approximately 30 submissions were received from elected members and approximately 130 from the general community. Of all these submissions, 171 were published on the department's website. These numbers reflect the high level of interest in and the importance of the reform of the local government sector.

Local government is the level of government that is most accessible to and, in many cases, the most obvious in our local communities. Yes, local government is about rubbish, rates and local roads, but contemporary local governments are responsible for so much more, such as investing in local infrastructure and supporting small business opportunities, sporting associations, community groups and organisations, and community initiatives like festivals and events, which bring our communities together. We need a local government sector that has the capacity to deliver to communities that are as diverse in nature as the landscapes in which they deliver these services—from the smallest, the Shire of Peppermint Grove, with a population of around 1 600 residents and an area of just 15 square kilometres, to one of the biggest city councils, being the City of Melville, with an estimated resident population of 106 294 over an area of 53 square kilometres, to one of the more remote regional shires, such as the Shire of Yalgoo, which is spread over an area of 33 257.9 square kilometres with a population of just 120 residents in the town of Yalgoo itself and an additional 400 living within the shire.

The changes contained within this bill are designed to support the sector to be its best and, therefore, to be able to do its best in delivering many services across the state to residents and ratepayers in an increasingly complex and all-too-often combative and hostile environment. Excellence in local government should matter to all of us, and not just those who are responsible for policy and legislation. We all depend on the local governments in the places in which we live to deliver the vital services we need and the extra things we want, which make those places not just liveable but also vibrant, connected, safe and sustainable.

I take this opportunity to acknowledge everyone who works in the local government sector, from operations to administration, parks, planning, community development, water and waste, health and fitness, libraries, and culture and the arts. I also acknowledge the Department of Local Government, Sport and Cultural Industries and the sector associations. I also thank our councils for the incredibly important work they do. I acknowledge the three local government jurisdictions within the electorate of Bicton, being the City of Melville, the Town of East Fremantle and a tiny sliver of the City of Fremantle.

The Local Government Act 1995 provides the framework for local government within Western Australia, including mechanisms to scrutinise the affairs of local government and regulate the conduct of officials within a local government. I would like to expand on one of the first lines of the Local Government Act and the importance of autonomy contained within it—that is, the words “providing a framework”. Local governments are autonomous bodies; they are able to do the important work they do because of this framework. The key to strengthening this framework lies within the reform agenda, which this government is engaging in through this amendment and the broader review of the Local Government Act. I am excited by the bill before us. I see in it a great opportunity for both the local government sector and the community. This bill does important work in strengthening the local government framework to enable greater confidence within and of the sector.

The local government reform agenda represents many opportunities for the sector and the districts they represent. These include, but are not limited to, an opportunity to restore and increase community confidence in the sector which, therefore, will lead to increased engagement, particularly at election time. That was also referenced by the member for Thornlie. When I was elected, voter participation within the City of Melville was around 25 per cent. That is certainly not representative of the broader community. With local government election participation rates now at around 37 per cent, it is important that we see a further increase in participation, so that representation on council more closely reflects the communities that councillors represent. The bill provides an opportunity to increase standards across the sector with the introduction of minimum standards and universal training. It also provides an opportunity to provide greater support and protection to individual councillors through the introduction of a mandatory code of conduct and amendments to the standards panel. The bill will enable greater access to information held by local governments and increased transparency of process. The components of the bill that do this work fit into the key areas of training, code of conduct, standards for CEO recruitment, gifts, transparency and red-tape reduction. I will use the rest of the time I have today to reflect on these key areas through the lens of my own personal experience as a former City of Melville councillor.

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Training is the cornerstone of all good organisations. I am particularly pleased to see provision in the bill for universal training. When I was elected as a local government councillor in October 2015, I was fortunate to be somewhat familiar with standing orders having previously been a state councillor with the peak public school parent body, the Western Australian Council of State School Organisations. I am very grateful to WACSSO for the wonderful experience I enjoyed of its good governance structure during my time as the state councillor for Fremantle, under the leadership of WACSSO president Kylie Catto. I sincerely thank Kylie and my fellow WACSSO state councillors of the time. I had more preparation than many and yet I still found those first weeks as the ward councillor for Palmyra–Melville–Willagee daunting. As has already been noted, the role of a councillor is diverse and challenging. Most councillors are also juggling full-time work, family and other commitments whilst fulfilling their duties on council. Likewise, councillors themselves come from diverse educational, work and life experiences and backgrounds. I believe that is a really good thing and that every council would benefit from even greater diversity of gender, age and ethnicity to more closely reflect their communities. It is in this diversity of experience and background that the importance of universal training takes on even greater significance, so that councillors and prospective council members have the necessary understanding to carry out that role. This bill includes universal training for both candidates and council members.

I will again reflect on my personal experience. When I decided to nominate for the City of Melville, I went straight to the WALGA website and chose to do some induction-type training. It certainly was not compulsory, but I thought it was really good preparation. Of course, it did not give me a full understanding of what it would be like, but it did give me a bit of an understanding of the framework around local government. The member for Southern River talked about some of his experiences, which I can absolutely relate to. Council members who had a great deal more experience than me were not only quite dismissive of training, but also, in some cases, actually suspicious of training, along the lines of, “It’ll be like brainwashing. I wouldn’t go there!” That was quite an interesting comment to put to me about training. Previously, someone mentioned the Australian Institute of Company Directors—AICD—training. I was fortunate enough that the City of Melville extended that opportunity to councillors. Although those who had been councillors for quite some time did not take up that offer, I thought it was a really terrific opportunity, which I went straight into within a few short months. It gave me a terrific understanding of the role and importance of good governance.

Finally, on induction, the City of Melville offers a six-week induction program that all new councillors attend. However, on occasion I questioned whether the approach was in fact an induction or some form of indoctrination. The other reflection I had, which is also an interesting one—certainly from personal experience—was that I sometimes questioned whether some of the induction training we received was aimed at empowering us as councillors or was in fact appointing some element of control. By the end of the induction I certainly had greater knowledge, but I was also somewhat daunted and a little bit fearful to go out and actually engage with my local community, as there was a big emphasis on reporting. This is, of course, important and is part of the act; however, it was put in such a manner that it became almost onerous to go out and engage with the local community because of the reporting mechanisms and standards that would be applied. Again, this is only from my personal experience.

The type of training that is involved in this bill includes an online induction program, which must be undertaken prior to nominating for a local government election. I am absolutely 100 per cent in support of that. I am also pleased to see that the training is available online, making it accessible and convenient for candidates. It is fantastic to see that the training does not stop there. There are five foundation training modules to complete within 12 months of being in office. The training modules are also available online and include understanding local government, serving in council, meeting procedures, conflicts of interest and understanding financial reports and budgets. If I may add one to that, which I think would be fantastic to see at some future point, it would be planning. It is quite a technical field. I have no background in planning. I was largely directed by the recommendations that come from officers. This is fine on the technical nature, but it would be really empowering for local government councillors to have at least a basic understanding of planning when they go into the job. Further professional development is assured with the requirement for councils to develop an ongoing professional development training policy, as well as the requirement for councils to report annually on the training to be completed by all councillors. I am pleased to see that there is a very positive approach in this. We are not looking at penalties; we are looking at opportunities. I think that is a terrific way to start this mechanism around universal training.

Community expectation of its local government is very high, as it should be. Important work needs to be done to restore the community’s faith in the sector. The introduction of a mandatory code of conduct will be instrumental in this. The code of conduct will include: overarching general principles to guide the behaviour, such as the requirement to act ethically and honestly; specific requirements relating to the behaviour of council members that are to be dealt with at the local level; and, rules of conduct, the breaches of which will be considered by the standards panel. I see councillor conduct and universal training as central to a positive and cohesive culture within

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our local governments, together with the mechanisms in amendments already passed in this place that enable individual councillors with poor behaviour to be dealt with by suspension, dismissal or training. I have great confidence that with these changes, councils will become better workplaces for their councillors. Good leadership is crucial to the effective functioning of a local government and for the community to have confidence that its council is working in the best interests of the residents and ratepayers of the district. The appointment and reappointment of the CEO is key to this, and the adoption of minimum standards in relation to the recruitment, selection, performance review and dismissal of a CEO is an important feature of this bill.

Having personal experience as a local government councillor, I can relate directly to the need to simplify and streamline the rules around gifts and to standardise provisions for the appointment of authorised persons, thereby reducing red tape around various acts, including the Dog Act, Cat Act and Caravan Parks and Camping Grounds Act.

[Member's time extended.]

**Mrs L.M. O'MALLEY:** On the introduction of a revised gift framework, and as important decision-makers in their districts, it is vital that councillors be free from improper influence. The changes set down under the Local Government Legislation Amendment Bill 2019 regarding gift disclosure ensures this freedom. Councillors and CEOs are required to declare any gift, either a one-off or an accumulative gift, over \$300 that is received in the ordinary course of their duties within 10 days of receipt, and to publish it in the online gift register also within 10 days. This is an important requirement amongst the many others contained in this bill. One other anecdote from my time in local government is that I am aware of a former councillor who was recommended to go to the standards panel because she failed to declare a \$25 meal she had with a resident. Certainly, these sorts of frivolous recommendations from council to deal with those types of issues will definitely be taken care of with the changes in this legislation, which is very pleasing to see.

I will conclude with the area of transparency, which, in my opinion, has the power to have the most positive influence on the success of all the others. When applied across the key areas and more generally to the local government sector, transparency has the ability to transform the sector and return confidence to the community. With significant advances in technology since the act was first introduced in 1995, this bill enables local governments to be more efficient and flexible in ensuring greater access to information held by the local government. A public notice in the local paper or placed on noticeboards around the district is no longer adequate for public notification. The introduction of regulations that will prescribe the requirements for public notices to be futureproofed to account for changes in technology is critical for the transparency of local government. This sits alongside provisions already in place for the live streaming of council meetings. Initially, the regulations will require that the public be notified via newspapers, social media, email distribution lists and any other means that suit the district. To increase transparency, the bill requires local governments to publish more information on their websites.

Live streaming of council meetings is particularly important, as it enables community members who have an interest in local government but are unable to physically attend council meetings to engage with their council's decision-making process. Live streaming of council meetings is becoming more common across local governments statewide. Not everyone can make it to their local council meeting. Work and family commitments, transport issues or disability are some things that could make it difficult, if not impossible, to physically attend meetings. Some councils have been live streaming council meetings for years, including Joondalup, Bunbury, Geraldton and Vincent. This service improves access to and the transparency of the council's decision-making process. I urge the three councils in the electorate of Bicton to adopt this service, if they are not already doing so, for the benefit of their residents and ratepayers.

I will finish by expressing my gratitude to the Minister for Local Government for his determined pursuit of local government reform, and thank everyone who has participated throughout the extensive consultation program. I encourage everyone with an interest in making local government better to continue to engage in, and support, local government reform. I commend the bill to the house.

**MS S.E. WINTON (Wanneroo)** [4.59 pm]: I, too, am very happy to have the opportunity to speak on the Local Government Legislation Amendment Bill 2019. It has been very interesting to hear the contributions of members from both sides of the house. We all know that local government is an important tier of government. It is the closest level of government to the residents in our communities. Councils are at the grassroots of what happens in our communities. It is also the level of government that tends to receive the most criticism, because it is closest to where the action is. These days, councils are much more than just roads, rubbish bins and rates. Councils have now transformed themselves beyond a narrow focus and are successfully delivering broader objectives to promote social, economic, environmental and cultural wellbeing for our communities.

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I have with me statistics from the Western Australian Local Government Association website. In 2015–16, Western Australian local governments raised \$2.1 billion and received \$218 million in grants. They administer assets in excess of \$40 billion. Although it is a grassroots level of government, it is very important and it is, for want of a better term, big business. That is the kind of governance going on. Our councils are administered under the Local Government Act 1995. They manage assets worth \$40 billion. The member for Bicton talked about the opportunities that we have in this day and age to embrace technology to modernise local governments. In 1995, most people did not have the internet or mobile phones. Things have really moved on in many facets of people's lives. This legislation is much needed.

I want to congratulate our Minister for Local Government for bringing these reforms to this Parliament. They are significant reforms—the first ones in over two decades. We are about agile, smart and inclusive local governments of the future. This amendment bill is part of that. I cannot help but compare that with the botched job of the previous government when it came to local government. A lot can be read in the media about that. Lots of people are still experiencing trauma. I was a local councillor at the time the previous government tried to drag people to change. In an ABC radio report of 10 February 2015, the previous Premier, Colin Barnett, finally raised the white flag and said that he had given it his best shot but had failed. I quote —

“We failed and I concede ... I've put up the white flag, move onto the next issue.”

I am really happy that we have a local government minister who is prepared to give this process a proper crack—and a proper crack we are having.

Compare what the previous government did with what we are doing. We are about consulting. It was very interesting to hear the minister, in his ministerial statement last week, let the house know of the significant consultation that has been going on as part of this local government reform. We have received over 3 000 responses. Hundreds of workshops, forums and meetings were held asking for feedback and contributions from the sector, the public, and various industry organisations. The changes we are seeking to drive are based on good governance. In essence, that is about accountability and transparency. It has been interesting to hear various members' contributions about those two things.

Local government reform was an election commitment. Day after day when we come to Parliament we are delivering on our election commitments. The commitments that we made about reforming local government were very popular when I was campaigning prior to being elected. It was something that was absolutely desired. People were very dissatisfied with the previous government's failed efforts. I would suggest its failed efforts set the sector back a long way, as well as the relationship between state and local governments. Our local government minister is building those relationships back up.

The member for Carine is the lead speaker for the Liberal opposition on local government. I listened to his 60-minute contribution to the debate. Although he talked a lot about consultation, he did not really spend too much time critiquing or analysing reforms. I look forward to the consideration in detail stage, when we might get a bit more robust debate from the opposition in its role of ensuring that legislation is the best it possibly can be, rather than it making motherhood statements. I hope we drill down into it to ensure we have legislation that can take the local government sector forward.

The member for Carine mentioned he was a bit concerned that not many councils or councillors contributed to the consultation process. I might talk about this further in a moment. There might be a bunch of councils and councillors who are quite happy with the status quo. This is absolutely clear: in many instances, people in charge of multimillion-dollar budgets are being elected by less than 25 per cent of the population. In fact, in many regional councils, people are being elected unopposed. The member for Thornlie is correct in that one of the key things that needs to happen in the local government sector is an increasing uptake of people voting. I do not accept for a moment that the lack of participation or the lack of voter turnout is due to residents' satisfaction. I think that other things are at play.

Before coming here, I was a councillor with the City of Wanneroo. I, too, have a fair amount of personal experience in how councils operate. I have a fair bit of experience with the dissatisfaction and disconnect between communities and councils. It is not always about angry ratepayers; it is also a lack of understanding by many people about levels of government and how they operate. As a teacher, members know that I bang on a fair bit about the importance of knowledge. Knowledge is power. I have to confess that I was stunned when I first put my hand up to run for council. A number of my schoolteacher buddies phoned me up and said, “Sabine, I hear you're running for council. Can you tell me how we can vote for you?” These teachers did not understand the process. Teaching children and communities how the various systems of government work in all levels of democracy is so important if we are to ever expect increased participation.

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From my experience as a councillor, no-one goes to public meetings. Most are not recorded; and, if they are, trying to get transcripts of what has been debated is really hard work for members of the public. Agendas are published and publicly available. We get minutes, but it never ever shows debate. People can never tell from minutes of any council meeting what the actual temperature in the room was or what people's positions were, other than the actual vote outcome. To me, that is something that is really lacking in the process. The member for Bicton suggested that there ought to be a bigger uptake of online streaming. I absolutely support that wholeheartedly as a way for the public to watch the performance of their councillors and to see how much they are engaged. Our reform is about lifting the accountability and transparency of local governments.

Councils need to take responsibility for agendas and the details in reports, which refer to millions of dollars' worth of business for the city in question. When a councillor turns up to a local council meeting, they cannot just say, "Whoops, I haven't read the agenda. I will just keep my hand down." Under the act, they have to make a decision. It is a bit scary sometimes when councillors turn up to council meetings and are just opening their 600 to 800-page packs of detailed reports, and the requirement under the act is for them to put their hand in the air to vote. I wholeheartedly support anything that opens up those processes for the public to see. The City of Wanneroo is a great and growing local council. I appreciate that councils have different circumstances and different needs. Certainly, the City of Wanneroo, as a growing council, faces different issues from other councils. The 2017–18 annual report for the City of Wanneroo outlines that it collects \$151 million in rates, has revenue of \$188 million per year, has operating expenses of \$176 million, on capital alone spent \$53 million, and manages assets worth \$2 billion. It is very important that the reforms we are introducing in this bill pass this place, to ensure that councillors have the skill set and ability to contribute to making those very important decisions.

The power of local government to provide services and facilities and make local laws is derived from state legislation. The Local Government Act 1995 is the principal act. We want to change that act significantly. People outside this place sometimes forget that there are three inextricably linked tiers of government in Australia. Quite often, I am frustrated because, in my experience, there is a cultural mismatch. Local governments want autonomy. Very often the relationship between councils and the state government is a them-versus-us process, in which each level of government chooses whether to be the bad cop or the good cop depending on the political circumstances at the time. Certainly, the previous government's botched job of trying to review the local government sector did not help the process. There has often been a tit for tat between local and state governments. We need to promote collaboration between the sectors, rather than the them-and-us approach, and I think the approach our minister is taking in driving this reform will do that.

I want to talk specifically about some of the aspects addressed by this bill and the first phase of the reform. In particular, the legislation will introduce universal training—I have a bit to say about that—a mandatory code of conduct, chief executive officer performance and management standards, revised gift standards and improved reporting to the community. In particular, I want to pick up on universal training and the mandatory code of conduct. Training is important in every facet of one's life, and some organisations do it better than others. Individuals can show initiative, because we should all be lifelong learners and always go outside our comfort zone. In my experience, it was up to councillors to take the initiative to seek training and upskilling as required. I enrolled in a number of diploma-level units at the Western Australian Local Government Association while I was on council. They were funded through my local council. I have to confess that my local council was very encouraging of councillors taking up that opportunity at no cost. It is a personal issue, though. As I mentioned before, the role of the councillor is complex; it is mandated. It is not about turning up to have a coffee and a party pie and shaking a few people's hands; it is about reading and analysing very complex documents and making decisions.

I want to quickly refer to the councillor position statement in the Local Government Act review, phase 1 consultation paper, which outlines the roles councillors have to perform. Councillors have to have an understanding of the role and structure of local government as prescribed by the act, the quasi-judicial town planning role of local government, the integrated strategic planning frameworks, and the process of managing and choosing the chief executive officer. They have to have the ability to read and understand financial statements and reports, and a basic understanding of legal processes and risk management. The audit committee is a very, very complex area of governance that councillors need to be involved in. Our changes to universal training as part of this review of the act are very important. Councillors do not require qualifications. Often, as I said before, people can become a councillor with less than one-third of ratepayers voting in an election. Many times in regional areas, people are elected unopposed. One in four elected members have not completed year 12. Lots of people suggest that ministers and councillors play a similar role, but I do not agree with that. It is important that this bill insist that there is some mandatory training around the role of a councillor. It would be great if we could get this legislation in place for the next round of local government elections in October. Is that the minister's intent?

**Mr D.A. Templeman:** That's our intention.

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**Ms S.E. WINTON:** That would be fantastic.

**Mr D.A. Templeman:** That's why we want it to pass both houses by June.

**Ms S.E. WINTON:** A number of members talked about the induction process for councillors; I agree. Depending on the candidate, people may or may not need an induction. Certainly, when I put up my hand to run for council, I was well versed in what was required of me, having spent the three years previous as the council pest. I was well aware of the functions and roles of a councillor, but I have to admit that many people who put up their hands have never been to a council meeting and do not understand what is involved in terms of the requirements under the act. I think an induction process is reasonable.

[Member's time extended.]

**Ms S.E. WINTON:** We are talking about a two-hour induction process to ensure that if a person is going to put up their hand, they are willing and able—or could be trained—to be a good councillor. When I looked through some of the submissions from local governments about this aspect of the reform process, I found some of the local councils' feedback about who should fund the training a bit concerning. It is quite extraordinary that any local government would think that the state government should fund training for its elected member at the local government level. I think funding for training should and can come from local government budgets. Some members have suggested that it is pretty expensive for some local governments, but if we look at the overall expenditure of any local government, I suggest that the majority of ratepayers would think that ensuring good governance is in place is a good investment of their rates.

I turn to another change proposed in this legislation—that is, the code of conduct. We want our councillors to conduct themselves to a high standard. We demand that they act ethically, diligently, honestly and with integrity. It is reasonable to demand that councillors are accountable for their behaviour. There is an existing mechanism through which councillors' conduct can be held up, but it is often inadequate and misused. Quite often, there is inappropriate behaviour, and members have highlighted some of those circumstances. The Local Government Standards Panel deals with breaches of these rules. The feedback from the consultation on this bill clearly shows that there is a strong appetite to continue with the independent umpire—the standards panel—but we will make it better and stronger. Our reforms will increase the sanctions available to the standards panel. Importantly, we will include mediation between parties so we can, at the lowest level, try to get people to come to terms with what are often trivial and personality-related issues between parties. I support ordering councillors to reimburse costs to the panel for adverse findings. It is a great way to discourage people from misusing that process. The time frame of six months to lodge a complaint is reasonable. I think there are examples of people historically dragging up things that do not serve the purpose of council at all; it is political stuff that is going on.

I am also very supportive of the fact that reporting is going to be improved. Censures are going to be published on the website and the tabling of breaches are going to be dealt with in the next ordinary council meeting, which is fantastic. I read through the City of Wanneroo report and noticed that there were some censures, but they are very generic. The annual report does not state which councillor the particular censure was against. I think we need a lot more transparency with that kind of stuff. The number of allegations of breach, the number of findings of breach and the costs associated with the standards panel are going to be published in the annual report. It is definitely required. Too often, the breaches are hidden and not reported; therefore, councillors are not held to account.

It has been interesting to hear some members opposite argue that there ought to be similar standards for members of Parliament and councillors. I have served in both places, and I have to say the scrutiny of a state MP is by far greater than anything a councillor is subjected to. The member for Perth highlighted some of those things. We have two houses, we have question time, we have estimates, we have committees, and we have press releases. In fact, anybody can look in *Hansard* at any time and see the contributions made by various members of Parliament in this place, unlike when I went to my local council meeting, where I could just put my hand in the air and go home after an hour. If I did that for the next four years, I suggest my performance on the parliamentary website, where all my *Hansard* contributions are listed, would look very sad. That is good—it makes sure that all members get up and make a positive contribution to this place. Perhaps we need to introduce *Hansard* into local councils. Would that not be wonderful!

I do not think we can compare councillors with MPs, because we are operating in very different circumstances. The member for South Perth said in his contribution last week that we learn as we go. Most of us do, but it is not true for all of us. Sometimes, councillors get themselves into trouble inadvertently. Sometimes we can excuse, forgive or accept councillors' minor breaches, particularly when the breach is accidental because they are oblivious to their responsibilities or unfamiliar with the code of conduct. Sometimes we can excuse them because they are apologetic and contrite to the residents they represent. However, sometimes there is not an excuse, and sometimes it is not acceptable to breach the code of conduct.

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I would like to share with the Minister for Local Government an example of what I think is not an acceptable breach, particularly when it involves a former Minister for Local Government. The previous member for Wanneroo is now a councillor with the City of Wanneroo. He recently got himself into trouble with the Local Government Standards Panel. He published a confidential council decision, which is a clear no-no. I would have thought the majority of people would understand that about confidential documents. He has no excuse—he was a former Minister for Local Government who had administered the very act that he breached. He was found guilty of misconduct by the Local Government Standards Panel. That is not the worst part. As I said before, we all make mistakes; we all apologise. I have seen people get up in this place and take back things that they have done wrong. Ms Power from the standards panel said —

‘Cr Miles has not acknowledged the minor breach, nor apologised or accepted responsibility for his misconduct,’ ...

That in itself explains a lot: this is someone who cannot take responsibility for his actions, despite being a former minister responsible for that act.

It has been great to listen to the contributions so far. Obviously, this sector is in dire need of reform. I am very excited that this Parliament is dealing with it. I am also looking forward to the second phase of the review, in which we will elaborate on and see how the minister intends to deal with such things as beneficial enterprises; financial management; rates, fees and charges, which I know a lot of my residents are interested in; administrative efficiencies; council meetings; community engagement; and, most importantly—what everybody has been talking about—elections, to make sure we have a local government sector that has maximum participation through the democratic election process.

**MS L.L. BAKER (Maylands — Deputy Speaker)** [5.25 pm]: I thank my colleague the member for Geraldton for his generosity in swapping the speaking order so close to the dinner break. I will keep my comments fairly succinct. I want to speak in support of the Local Government Legislation Amendment Bill 2019. I am sure that members on the other side of the house will not be at all surprised to hear me say that.

I start my comments by pointing to what I think has been a very good community consultation process. It is one of the things I have noted, having been quite closely aligned with the work of the Department of Local Government, Sport and Cultural Industries and the Minister for Local Government, Hon David Templeman, on a lot of other stuff as well. The minister has set a very strong precedent in the way that he has directed his department to undertake this consultation, and it has returned some very good responses. The 243 submissions that were received during the first phase reflect the diversity across the sector and the local government authorities that want to have an opinion and be heard on this subject.

It is a very diverse sector. For those of us who have been on local government—many in this house have, as have I—we understand that it is very difficult to have one agenda or one set of reforms that meets every local government’s needs. I was here during the previous government’s attempt to reform the sector, and watched the hideous outcome of that attempt, in which the consultation was really zero. Local governments were simply told that they were going to amalgamate. Even those local governments that expressed they had been involved in a process with their neighbouring local governments, hoping to amalgamate in the future, ended up being jacked off with what was going on. The City of Bayswater committed over \$1 million in the process of trying to anticipate what it would need to do and for the staffing that was required in order to try to second-guess what the Liberal–National government was attempting to do with its forced amalgamations. All of that would have left a pretty bitter taste in the mouths of many local governments. I am very, very pleased that consultation during the drafting process went down the path of genuine discussions with councils and a genuine assessment of their concerns.

In the short time I will be speaking, I will look at some of the messages that the McGowan government is attempting to achieve. It is well and truly time we had a more modern local government and that we took account of the changes that have taken place globally, including expectations around the recruitment of CEOs and how their key performance indicators are set, and the discussions that should take place on how an agency is run. The CEO is the accountable officer in these cases, of course. During my time on the Shire of Mundaring, it was simply not possible for me as a councillor to find out what the CEO’s key performance indicators were. I found that ridiculous. Having had a director or an executive role in local, international and state governments for most of my adult life, I found it inconceivable that as a councillor—an elected representative of the people of my shire—I was unable to be involved with forming the KPIs or working with the CEO, or, indeed, even finding out what the KPIs were once they were set. It was all done behind closed doors, which is quite extraordinary. That is a huge risk for not just the local government, but also the CEO who then has no accountability to the people of his electorate and is left high and dry when things go wrong. We have seen many examples of that over ensuing years, as CEOs in some jurisdictions have been caught perhaps doing the wrong thing and taken through various proceedings, be they criminal or otherwise. We will be equipping our local governments with a more nimble way of dealing with

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staff recruitment, particularly around the CEO and involving the Public Sector Management Office with drafting those kind of recruitment guidelines and mandatory standards. Well, hello! Let us catch up with the rest of the world! That is what everybody has to do; we all have standards set and things that are applied to us when we stand for public office or for a senior executive role in any agency.

I am also mindful that the phrase “universal training” has been used a lot in the last few days of debating this legislation. I suppose the whole issue about universal training has to start when a person is a candidate. When I was a candidate, it was the first time I had stood for public office. I had been in other positions, in many different positions doing different kinds of activities, running agencies—some of which were very big agencies with 1 000 staff—but I did not have information at hand on how to get my signage authorised, for instance. I remember quite distinctly trolleying around my ward with a horse float, with signs on the side with my name and the fact that I was standing for council. I then realised that the sign had to be certified and authorised, so I had to take off all the signs, get them all certified and authorised, then put them all back on the horse float and move the horse float to another spot. That was the first of my mobile offices, albeit somewhat smelly. I did graduate a bit with my mobile offices when I got this job. I had a tent, or marquee, and was able to do without the horse float, or the horse, for that matter. For a person to understand how to go about advertising their candidacy properly and within the law advertise who they are and what they stand for is vital. I know that these things are covered under the Electoral Commission. I have been through the Court of Disputed Returns and have intimate knowledge of the abuse that can happen to the system under the state Electoral Commission when a candidate has contested an election, a person has beaten them and the candidate is not very happy about that. After a very long and stressful court case about whether my signage was authorised properly, which lasted two weeks, believe it or not, in the Court of Disputed Returns, it was finally thrown out by the magistrate. But the conditions on how to go about one’s business after a person has been elected to office is absolutely vital. I distinctly remember my first budget as a local government councillor. I do not know whether many members of this house have had a similar experience to me, but I was very used to putting a budget together in a government department or as a director of a government department. I understood how to put budgets together to present to Treasury, but I had absolutely no idea how local government formulated its annual budgets and what the relationship was between federal, state and local government funding, and how that was all accounted for and transparently put forward to the people. For me it was a real learning experience. By golly, I would have liked a bit of universal training before I embarked upon that first budget process.

We have seen so much media attention in this community and given so much, I suppose, adverse commentary on gifts that have allegedly been given to councillors, mayors and the like. I will not dredge all that up, because goodness knows we have seen it all on the front page of various papers over the last seven or eight years, at one stage almost on a daily basis. I certainly have some sympathy for the people involved in that, if, indeed, the information provided to them was not clear and transparent at the very start of their journey as a local councillor. I hope and I know that what we are about to see in this new legislative framework is a much clearer identification of exactly where a person stands if somebody pops up and offers them a ticket to the football, the Olympics or whatever it may be, and that they will understand where their accountability is, how to declare that, whether they are indeed allowed to accept that, and how that relates to their job as a public officer. This legislation is gold and I am really pleased that we will see this amendment come in through the reforms that our minister has put on the table.

In the next five minutes I want to talk about a couple of other issues that relate directly to working with local governments. Part of this legislation is to improve the accountability to the whole community, and I like to think that as a member of Parliament, I am very much a part of my community. The City of Bayswater is without doubt the biggest council that I have to deal with, covering most of my electorate. The City of Stirling might be very big in its size and budget, but in terms of who covers what in my electorate, the City of Bayswater is my go-to local government authority. Local governments, as we know, deal with grassroots services in communities such as libraries, recreational activities, parks, rubbish and recycling, and maintaining public amenity and property. The City of Bayswater is putting all its focus on becoming in every sense a garden city. It is doing this by encouraging residents to grow waterwise, native or edible plants on their garden verges. It is also converting verge lawns to waterwise gardens, which the city expects will save around 20 000 to 40 000 litres of water a year per lawn. Residents can also request a free street tree; albeit quite small at the start, it will grow, so that is a good thing.

Another really remarkable way the City of Bayswater is buying into being a true garden city is by signing up to the 2020 Vision, which aims to provide 20 per cent more quality green spaces in urban environments by 2020. Currently, the City of Bayswater’s street canopy is 13.2 per cent, and we are aiming for 20 per cent by 2020. Bayswater is going even further and has also made a pledge to the community of 25 per cent urban green canopy by 2025. I would like to make two specific shout-outs, firstly to Mayor Dan Bull for his leadership in this area, and secondly to the environment manager in the City of Bayswater, Jeremy Maher. I am very privileged to have worked with Jeremy for all my 11, nearly 12, years in this job. He is an extraordinary individual and has worked

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tirelessly on things such as the Eric Singleton Bird Sanctuary rehabilitation project. I should also mention right now that the previous government put \$3 million of funding into my electorate for that project. I recognise that and applaud it, as I did at the time. That was a very good thing that it did. The city worked with community groups, the Swan River Trust, as it was then, and the department, and we got the rehabilitation project up and running, thanks to Jeremy's coordination mainly. At the time, the Bayswater wetland had limited ecological value, with high levels of nutrients and heavy metals, and dissolved oxygen levels regularly outside healthy ranges. Water quality monitoring undertaken by the City of Bayswater shows notable improvement in outcomes for the brook since that work has been done. Of course, members will remember Carter's wetland. When the McGowan government was elected two years ago it agreed to provide \$1.5 million to the City of Bayswater towards purchasing and helping to retain Carter's wetland for the future. It is right next to the Eric Singleton Bird Sanctuary.

In every sense, I am very lucky to have in my electorate a local government authority such as the City of Bayswater, which is very keen to work with me on its projects around the environment, on environmental sustainability and on projects such as the redevelopment of the Bayswater train station while watching the Metronet rollout in that area. The council is keen, focused and is very much on the money with its planning ideas and its modern view of bringing heritage to the table when we talk about precinct development.

I am really looking forward to this new legislation fixing some of the issues I ran into when I was on council. I am referring to council members not turning up for committee meetings or, my particular favourite, in some sort of protest, refusing to be put on a committee. When some councillors are put on, say, a joint development assessment panel perhaps, they do not turn up to meetings; therefore, the community is not represented the way it should be at that most fundamental level in the planning process. Worse still, some councillors do not abide by a decision that a council has taken. We all know how our democracy works and how debates are held in this house and at local government level and how we are asked to put our voice forward. Whether we agree or disagree with an issue is not the point at that stage; it is about the debate and saying, "This is my opinion; what is your opinion and where do we differ?" At the end of those council meetings, decisions will be taken the same way as they are in this place and the other place. Whether we agree or not we have to abide by decisions because they become local laws based on a council decision. It is not okay for councillors whose views have not been reflected in a decision made by council to speak publicly against it. I have seen that happen and seen lobbying in the community by councillors who had failed to get their point across and therefore thought that they had failed to win a council decision. That is not the best way forward. It is certainly not the way we work to maintain a sustainable and cohesive group of councillors.

In the last couple of minutes as I am preparing to finish, I want to mention that councils have a most difficult job implementing many, many state government decisions. I really hope that with the coming review of the Dog and Cat Acts, which the Minister for Local Government is speaking to me and others about, a similar level of consultation will occur about what can happen. We have already received some feedback from the community about this issue from local government authorities, specifically about the way the previous government's amendments to both those acts have played out in the councils. They have not always been good or effective. In particular, it is crucial that we fix up provisions in the Dog Act around dangerous dogs.

I want to finish by reminding the house that in August 2012, the year the Dog Act was being debated—some of my colleagues may remember this—the Australian Veterinary Association put out a policy briefing paper accompanied by draft legislation on dog management by local governments that they thought would work. All that was pretty much ignored by the government of the day. I want to read a few points from this because I think we will find these have been played out in real terms. It states —

Policy responses to dog bites have increasingly turned to banning or controlling particular breeds of dogs .... Under pressure from the media, governments have established regulatory responses that give the community a false sense of security, allowing them to believe that they are safer from aggressive dogs. However, because these measures do not actually solve the underlying problems, similar dog bite incidents continue.

They may even grow because the community is lulled into the belief that they are safer because the laws have changed. They are not safer. We need a much better way of managing dog attacks. Because most dog bites take place in the home with family pets, most people bitten by dogs are under 10 years of age. No bite prevention strategy is successful without taking steps to reduce these incidents.

**MR I.C. BLAYNEY (Geraldton)** [5.45 pm]: I will speak briefly about this. I find local government quite interesting, although I have never been a councillor. I have a universal theory of government levels in Australia and that is that people seem to take the most interest in the level of government that is closest to them but, in some ways, the least important to them. Federal government is very isolated away in Canberra. I think it is probably the most important level of government in Australia. People engage with it once every three years when there is an

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election and that is about it. They see state governments as being of moderate importance and show a moderate level of interest in it. I do not think they see local government as having a hell of a lot of importance but they are fascinated by it. Certainly, where I come from what they love talking about is the local government. It would be fair to say that in my first term, I had an extremely difficult relationship with my council and I considered whether I should continue in my job because it was so bad; it was toxic. In the second term I thought, "How am I going to deal with this person?" And he left so we all moved on.

**Mr D.A. Templeman:** Wore him down.

**Mr I.C. BLAYNEY:** I could say I won, but I would not say that.

Most recently, in seeking contact with local governments in my part of the world, in July last year I spent a few days with the shadow minister for Local Government, Tony Krsticevic, the member for Carine, visiting my council in Geraldton and others in Chapman Valley, Northampton, Shark Bay and Carnarvon. During my time as a member of Parliament I have had meetings with Port Hedland, Broome, Kununurra, Derby, Cue, Yalgoo, Mt Magnet, Irwin and Morawa councils. Members will notice that they are mostly small and isolated councils in the northern parts the state. I imagine that most people have contact with councils in the southern parts of the state. I am always really impressed with the people I meet. I honestly think the people who work in local government, certainly in my part of the world and further north, are some of the best people we will ever meet.

I will retell one of former Premier Hon Colin Barnett's favourite local government stories. Whenever Colin came up to Geraldton, he would drive along the coastal road and visit one local government on the way and on his return south, he would drive on one of the inland roads and visit a local government on the way, always choosing a different local government. In the run-up to, I think, the 2005 election, his chosen local government to visit on the way south was the Shire of Perenjori. He said, "I'll call in to see you at three o'clock on Saturday afternoon if you're available just for a chat; no big deal, just very informal." He turned up at three o'clock, or whatever time it was, on the Saturday afternoon. The whole council was there, all decked out with a spread on the table and all the rest of it. Colin was quite taken aback and said, "I said it was informal and you didn't have to go to any trouble." They said, "Well, in 50 years, you're the first Premier or Leader of the Opposition who has called in to visit the Shire of Perenjori." That tends to underline the fact that when a member or a minister, or dare I say, the Premier, turns up at these small councils—it is good to see members like the member for Roe get around to visiting his councils—it is a red-letter day. They really appreciate us showing an interest.

I am a little bit the other way. I was particularly taken by the CEO of the Shire of Shark Bay. I hope he does not mind me saying this—I cannot remember his name—but he was an old-school CEO who started as a shire clerk and received a diploma. I think that in a council the size of Shark Bay that is a much better way to go than appointing anyone from anywhere as CEO. The person I had trouble with in Geraldton was an engineer. He did not come from a local government background. I will pick up what the member for Roe said. It may be the case that in a large urban council people can be clever and think outside the square and pick someone who has a qualification that does not link with anything that they will be doing as a so-called CEO of a council. The regions need people who know local government. Can they really spend almost a year without a CEO while the engineer they have appointed learns the ropes? They cannot. They need someone who can walk in, sit at their desk and know exactly what to do. That may be a difference between city councils and smallish regional councils, but the career path in which people needed a formal qualification in how to become a shire clerk—now they are called CEOs—was a much better model than plucking someone off the street and hoping for the best.

I have been in situations in which the CEO, sometimes aligned with the mayor, has seen their fellow councillors as the enemy; they have not seen them as friends. I have seen a complete abuse of the rules of conflict of interest. They wanted someone out of a meeting, so they told him that he had a conflict of interest and he could not be there. He came to see me and asked me to ring the Department of Local Government to get the rules about conflicts of interest. I did, and the rule was that he could attend the meeting and vote. That vote would stand, and if they had a problem, they would have to take it back to the Department of Local Government. But he had been told that he had to exclude himself entirely from the meeting. My understanding of the rules as they were explained to me was that that was completely wrong. He was dragged up to the council chambers by the CEO and the mayor and told that was the case. They would have known that those were not the rules. They were deliberately trying to make sure that he was not at that meeting. Personally, I think that is disgusting.

Just plucking someone out because they have a five-year degree or something and thinking that they will be wonderful is frankly crazy. If a business was run like that, it would probably go broke. The first thing people look for in a person who they are appointing to run a business is experience in running a business—preferably a business connected with the business they are asking the person to run. They would not think it is some kind of virtue that the person knows nothing about the industry. I think that is just crazy.

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I am going to put my view of the current rules about amalgamations on the record. This may be a dated point of view, but I was brought up in the old Shire of Greenough, which was one of the old original councils. We consider that we had our council stolen from us. To stop an amalgamation, 50 per cent of people need to vote and over half of them have to vote no. We got 40 per cent of people to vote, but the people who were going to vote yes to amalgamation were told by the proponents not to vote because they could lift the number over 50 per cent and then the amalgamation would not happen. If you ask me, that was an abuse of the process. A similar thing happened in Shire of Mullewa when there was a vote there. I think the process was abused. The joke about that is that the City of Greater Geraldton probably now wishes that it had not got Mullewa because it has become a financial millstone around its neck, but it was hell-bent on getting it. That was unfair. The ratepayers paid for it a few years later when they got a 28 per cent across-the-board rate increase. It is worth pointing out that if that happens to someone's council, the government seems to have no control over that. I brought it to the minister, presented grievances and, I think, petitions. Maybe I did not have petitions, but I made a lot of noise about it. The minister said that it was too bad and there was nothing the government could do about it. I think that is just plain wrong. That 28 per cent increase really kicked our community around. The council has continued to increase rates since then, which has had a huge effect on the community. It spent too much money and has had to try to make it up.

Another issue that really annoys me is that when a small regional council is appointing a new CEO, it is my understanding that it cannot make that it wants the CEO to be a live-in CEO part of the selection criteria. If it wants someone who is going to commit to the community and live there, and it does not want a fly in, fly out CEO, I am told that that is not possible and it cannot do that. Council members have to treat the fly in, fly out CEO as a valid candidate even if it goes against every atom of their being to have a fly in, fly out CEO. I think that is completely wrong. I think communities have the right to choose whether their CEO is fly in, fly out. I think the council is perfectly entitled, if they have a candidate who it thinks is acceptable and is prepared to live in the community—bearing in mind they will probably be the highest paid person in the community—to say that it does not want a fly in, fly out CEO. It is the council's right. It is its community and it is paying a fair chunk of the wages. It should be entitled to say that it does not want a fly in, fly out CEO as part of the criteria for choosing the person. I think it is insulting.

There is a split in Western Australia between the big Perth councils, the handful of larger regional councils and the huge number of smaller councils. In some ways the smaller councils are more important in their communities than the big councils are in the city. In quite a few cases they are the major employer in town. They are the local institution and there are no other major institutions. We have to accept that. We also have to accept that we cannot apply the same compliance model to them that we apply to the larger councils. They literally do not have the resources to meet all the compliance requirements. They just cannot do it. They do not have the resources or the people. I think we need two models. I do not know whether that can be done or not. The Shire of Upper Gascoyne for example has, I daresay, half a dozen people working for it. How is it going to meet the same compliance requirements as the City of Stirling? It cannot. It is stupid to think that it could. I do not think that one size fits all, and that has to be recognised.

It is frustrating when local government is discussed in the media. For how many months should we have stories about the Lord Mayor of Perth going to China with BHP? Seriously, at the end of the day, does that really matter? If it is a problem, it should be dealt with, but as far as running the council goes, it is really neither here nor there. I understand the issue about gifts, bags full of money, and development approvals, but local governments are businesses and need to be run as well as possible. That should be our focus.

There are different levels of councils. If two very small populated councils that cover vast areas—examples could be Mt Magnet and Cue, Murchison and Mt Magnet, or Murchison and Yalgoo—are put together, will the council be more viable? I do not think it will be. It will just be a bigger unviable council instead of two small unviable councils. In some cases with these local government authorities, to use the name of that book, small is beautiful. If all the councils that come to the "Cue Parliament" were put together, the beast created would be huge in terms of surface area, but it would not be any more efficient. I suspect that it could be less efficient than it is now with half a dozen or so smaller councils.

**Mr D.A. Templeman:** Have you been to the "Cue Parliament"?

**Mr I.C. BLAYNEY:** Yes, a couple of times.

**Mr D.A. Templeman:** It is an interesting experience.

**Mr I.C. BLAYNEY:** Yes, it is interesting. It is a very good model, which works for them. They have common interests and it is focused. Government agencies like it because they can all go to one point and meet everybody. It is a very democratic way of doing it. My grandmother was born in Cue.

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*Sitting suspended from 6.00 to 7.00 pm*

**MS J.M. FREEMAN (Mirrabooka)** [7.00 pm]: Thank you, Acting Speaker.

Several members interjected.

**Ms J.M. FREEMAN:** I need your protection, Acting Speaker. The minister —

A member interjected.

**Ms J.M. FREEMAN:** At this rate, I could just stand here and everyone can talk for me.

A member interjected.

**Ms J.M. FREEMAN:** The member for Bunbury is speaking out of his chair.

**The ACTING SPEAKER:** Thank you, member for Mirrabooka.

**Mr M.J. Folkard** interjected.

**The ACTING SPEAKER:** Member for Burns Beach, that is enough.

**Ms J.M. FREEMAN:** Thank you. I would also like to contribute to the Local Government Legislation Amendment Bill 2019. I thank my colleagues for their contributions. Having just made disparaging remarks about the member for Bunbury, I read his submission on local government reform —

A member interjected.

**Ms J.M. FREEMAN:** No, when the member was part of the submission basis. It was very well thought out and informative. It gave me a greater understanding of some of the issues around local government. I note that submission as well as making those disparaging remarks.

In the seat of Mirrabooka, I have three councils—the City of Wanneroo, the City of Stirling and the City of Swan—which all do an outstanding job in their areas. I particularly want to note the work of Keith Sargent and David Boothman at the City of Stirling; Domenic Zappa, Brett Treby and Hugh Nguyen at the City of Wanneroo; and Adam Kovalevs and Maria Haynes at the City of Swan. They all do great work.

The construction of mobile towers is one of the biggest issues that some councils face—certainly, the City of Swan is one of them. A huge mobile tower is going to be built slam-bang in the middle of Ballajura and the City of Swan is hamstrung because it is deemed to be an existing structure. The difficulty is that the tower is being knocked down to build a new structure that looks exactly like the old structure, using federal laws to get around this issue.

I often think that it must be an invidious task and we cannot envy local government members who are very much on the ground working with people because they are often hamstrung in being able to make determinations and decisions for their local community. I want to raise another issue around that, which is the role of local government in being able to maintain derelict sites. I know, minister, that is not part of this bill, but it is part of the role of local councillors. Local councillors are often placed in a really difficult position. We are about to make local councillors adhere to codes of conduct and put all these responsibilities on them. Part of the issue is that we keep putting negatives upon them, yet they cannot do the positive work that they want to do in their community because they are hamstrung by how councils work and their power to be able to respond to the local community. I refer to the capacity of local government, particularly in the City of Stirling, to be able to get derelict sites maintained. It has come to a point at which derelict sites are the bane of the community and a real problem. One in particular is the Princess Road Tavern in Balga. It has sat vacant for almost two years, I think. It has very flimsy, impermanent fencing that is used to secure building sites. It sits on a really large block, with some really lovely trees on it, but it is quite overgrown and it is clear that it is being used by squatters. It is really difficult for the local government to do anything to make the owners of the building make good the site so that it is not used for antisocial purposes.

Antisocial behaviour inadvertently leads to a sense of unsafety in the area and probably, although it has not been linked, an increase in crime—certainly illicit behaviour. I absolutely know that illicit behaviour happens at Mirrabooka House, which is just outside The Square Mirrabooka. It used to house the Department of Housing and the Department of Communities but they have moved into glitzy new premises and the owner of Mirrabooka House, who no longer has any tenants, has put it up for sale. It is right outside a shopping centre. It often has squatters. People are certainly using and selling drugs there; the remnants of drug-taking can be found around the site. It is called Mirrabooka House but I would prefer it to be called the “House that should be either sold or knocked down” because it has such a major impact on the amenity of the shopping centre and the feeling of safety for people in the area. It is at the point at which the dentist who works behind Mirrabooka House contacted me recently and said, “I’ve been in Mirrabooka for years and years and I’m really committed to the community and the patients whom I treat but it is really hard at the moment because I look straight into the back of that premises and I see

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really horrible behaviour—really antisocial behaviour including quite violent antisocial behaviour in some instances.” Clearly, the violence occurs between the groups that are squatting. It is quite extreme to the point at which squatters have defecated in his bin areas. I wanted to raise this issue at this point because we have the opportunity; we are talking about local government, codes of conduct and the expectations we have for local councillors and local government officials, yet we do not give them the powers to be able to crack down on this issue. They do not have the legislative capacity to do anything about the owners that are allowing this behaviour to continue. I have been in contact with the property manager of Mirrabooka House and the council has been in contact with the owners of the Princess Road premises. I have not been in contact with the owners of the Princess Road premises; it is my intention to do that. Everyone is trying actively to do something about this, but there is always this pushback of, “Oh yes, yes; we’re developing it” or “We’re doing this” or whatever else. They are not living with the consequences of not making a decision about the property or of not putting security processes in place so that it does not become a site where people are frankly causing antisocial and problematic behaviour, which has an impact on the whole area and community. It is clear that the Princess Road Tavern is going to be bowled over and the site developed. Why can the City of Stirling not just say to the developers, “Bow it over now and get rid of it”, so that that happens? It does not have the capacity or power to do that. It does not have the power or capacity to say to the owners of Mirrabooka House, “You need to secure this building so there are no longer squatters.” That does not just mean having a security guard drive up every now and again; it means putting permanent security guards in those premises. That is absolutely important. If we have expectations of councils and councillors, we also have to empower them and give them the capacity to make changes that benefit their communities. To do otherwise is to ask them to present themselves to their communities as being able to represent them when they have been hamstrung so that they cannot.

I want to make a couple of comments about universal training. It is great; there should be training, but it should include diversity training. There should be an understanding of different cultures, the ways in which different cultures deal with councillors, and appropriateness of behaviour. There are certain communities that do not want to be invited to social events at which there will be alcohol because it would put them in a difficult situation. There are certain people in our community who do not want to be extended a hand of welcome because it is inappropriate. There are also some other really basic things. An example occurred with the City of Stirling. This is not a criticism of the City of Stirling, because it was really just a cultural thing, but it held a fantastic event, along with the rest of the Mirrabooka community. I was involved in it as well, and we all worked together to get the Guinness world record for the most nationalities in a drumming circle. We got 170 nationalities and we beat the Canadian record that was set in, I think, Vancouver; I would need to check that. Anyway, we beat the record and we now hold that Guinness world record, but some great photos were taken in promoting it. One particular photo featured an Ethiopian woman, a Kenyan woman and an Aboriginal woman, and they created some appliques for the ground. They put the photos on the ground as you walked into and around the shopping centre. It was so culturally inappropriate to walk over the top of people of those communities. All these women were really lovely Australian women with these backgrounds, and they tried to be calm about it and just accept it as being a quirky Australian thing to do—to put their images on the ground—but their communities were up in arms. They were saying, “How could you let them walk on you?” As people were walking in the doors, they were trying to stop them. To the credit of both the Square Mirrabooka and the City of Stirling, as soon as the issue was raised, they took them off and got rid of them. But it is that whole aspect of making culturally appropriate decisions. They had asked for photos to be taken and they were happy to have their photos taken, but they were not told, “Your photo’s going to be stuck on the ground.”

We always make assumptions and we always have cultural biases. I read today about an African-American woman who works with a US police department—not in Detroit, but in another part of the US—who said that when she went to high school, it was the first time she had been in a school where she was really the only coloured person. It took her ages to be able to distinguish between different white people because that is not what she normally did. She had to work out that you look at eye colour and hair colour. We all have our biases, so training really has to go to some of the issues around cultural appropriateness and cultural biases and, frankly, the discrimination that comes out of those things. With an inclusive, anti-discrimination culture, a culture of #MeToo or #blacklivesmatter, we need to have a broad understanding of those things if we are to be competent public officials.

The other thing about training I want to raise is that it can lead to councillors being risk-averse. I recently did the Australian Institute of Company Directors’ board directors course because I wanted to get my financial qualifications back up again for a role I have. I could not believe how scary—quotation marks scary—the training was. It really was constantly saying, “These are the consequences if you do this behaviour; these are the consequences if you do this behaviour”. We know that if we train people by saying, “You need to be always on your guard, always cautious, always conservative”, then firstly, people will be reluctant to go into those positions, and, secondly, we will stifle innovation, and local government needs to be innovative. Local government needs to take risks, like the risk that the City of Stirling took with me and the state government through a Local Projects,

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Local Jobs program, the Kaleidoscope initiative. That was about mentoring and working on the Toronto employment model, which is about looking at people in newly arrived communities who do not have links, particularly migrant communities and working with them in a mentoring capacity.

[Member's time extended.]

**Ms J.M. FREEMAN:** That is a real risk, particularly with codes of conduct. Codes of conduct are about culture, and the culture we want from a code of conduct is a positive document—a document that is framed by respect. It is not about, “You will not disrespect”, and is about, “You will respect; you will embrace; you will be inclusive.” It is not about saying, “You won't; you won't; you won't”, because if we do not have that positive culture, we will have a cultural organisation that is constrained and not open to what it needs to be open to, which is its community. If we want a council that draws on the strength and resourcefulness of people working together in a diverse community, we need a code of conduct that reflects that and reflects a positive culture that it wants to encourage. That should include things like using social media in a positive way to promote and not to denigrate.

I am concerned about the code of conduct for employees. What happens if a code of conduct is unfair or restrictive? I understand that it comes under regulations, but it really worries me that there could be codes of conduct that exclude employees' involvement with elected councillors or members of Parliament. I have a great relationship with many of the employees of the City of Stirling. We work together on a collective committee to run things like Harmony Day events. We have a community committee that runs an event. No-one owns those events. NAIDOC events are the same; no-one owns that event. It is a collective community. The City of Stirling has a few more aspects to that. We work together on other events, such as Eid and, just recently, Afghan new year. Many events are run in coordination and conjunction with many different community agencies, including me as a local representative, to give them assistance and be part of growing a great community. If we have a code of conduct that says that employees will not be able to talk to the local MP or that the MP cannot talk to the local councillor because it all has to go through the CEO, that will stop the council from being able to draw on the strength and resourcefulness of people, which is what we want to achieve. We want local government to be the organisation that gives communities a voice. We want them to be flexible so that they have that capacity to be local. We do not want a situation in which the regulations confine and control councils. We want them to be positive documents that actually expand councils, so that they work ethically, inclusively and to the benefit of us all.

**MR D.R. MICHAEL (Balcatta)** [7.21 pm]: It is a pleasure to be able to talk on the Local Government Legislation Amendment Bill 2019. To start, I would like to congratulate the Minister for Local Government for bringing the bill to the house and for all his good work in local government. Having lived and breathed the former government's attempt at local government reform as a City of Stirling councillor and on the state council for the Western Australian Local Government Association, the current government's approach is a breath of fresh air, as it is consulting with the sector and local communities on the way in which local government reform should be progressed in this state. This is obviously part of phase 1. I commend the minister and the task force that looked at phase 1. I also thank the minister for giving me a small involvement in phase 2. We look forward to continuing phase 2 into the future to come up with a new Local Government Act. Many of the suggestions made during the second reading debate today and last week could possibly be looked at in phase 2. I am sure the minister might cover that later.

Tonight I will talk about some of the more important parts of this bill and why, based on my experience, I think they are important. Universal training is one important part. I was 25 years old when I was elected to the Osborne ward of the City of Stirling. This was back when the elections were held in May. Looking back at what happened to me, especially as I was elected to the City of Stirling, which is still the biggest local government in Western Australia, I believe that local councillors could have done with some mandatory training. One of the only good things that the former government did in the local government space was to move the elections from May to October. There was a good reason for that. One of the first documents given to me was the City of Stirling budget for 2005–06, which we had to pass about a month and a half after I was elected. For a 25-year-old, or anyone for that matter, whether they have financial acumen or not, it is hard to look through and be able to decipher a \$150 million budget—I think the budget is well over \$250 million these days—for the first time. For a start, there is no particular order in which local governments present their budgets. I have seen budget papers from other local governments that are completely different from what the City of Stirling served up to me—that format continues today. To understand how the council is going to spend millions and millions of ratepayer dollars is something for which one needs some training. Councillors need to know how the money is going to be spent and how they are able to influence that and have a check and balance on that. One thing that is frequently mentioned at the City of Stirling is that one of the only bits of power a councillor has over the administration is the budget—it is the council's budget, not the administration's budget. It is important to know how a budget works.

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I was lucky to have two people to guide me as a councillor. One was Lindsay Delahaunty, the then CEO of the City of Stirling who had been around local government for a very long time and was very knowledgeable. The other was my buddy. All directors of the city were buddied up with new councillors. The buddy for me and the former federal member for Stirling, Jann McFarlane, who was elected to council at the same time as me, was Trevor Holland, a director of community development at the City of Stirling. He met with us very quickly and went through what we hoped to achieve on council. In Trevor's way, he tempered our expectations of what we could achieve quickly. I remember the first week of council was a fairly heavy induction week. The Monday night was an induction session about the City of Stirling. We all had to then rock up on Tuesday night to get sworn in. I think I was sworn in by a former Speaker of this house, George Strickland. I had to swear allegiance to Her Majesty. This was before the legislation changed.

**Mrs M.H. Roberts:** He was a former Mayor of Stirling.

**Mr D.R. MICHAEL:** He was also a former mayor. I had to swear allegiance to Her Majesty. As an avid republican, I did have my fingers crossed at the time. Thankfully, the Gallop–Carpenter government changed those rules to give councillors a choice. We had very quick training in standing orders. Every council in Western Australia has different standing orders. The City of Stirling's were slightly archaic in that they had not been changed for a very long time. We had a consultant come in and talk us through how meetings were run and what we could do. We had a lawyer come in and talk about the forerunner to the Planning and Development Act and about how councillors make quasi-judicial planning decisions and the reasons we could not use to knock back an application. For instance, we could not use reasons such as not liking the colour of a roof or that a decision would decrease land values. He talked to us about things like R-codes, which, as I was not a town planner, I knew nothing about. We were then basically thrown in at the deep end. We had a week of these induction sessions, including being sworn in on one of the nights, and then we went into council meetings, planning meetings and committee meetings.

Councillors learn on the job. They have to have their wits about them, because they are making decisions that affect people's lives. Councillors make decisions on whether to approve a housing development or that affect community groups, clubs, roads and footpaths. Again, no matter how much a councillor knows about their local area, it is hard when they are faced with a decision, especially when people from the local community make deputations to them with views that are diametrically opposed to one another. People in these situations are quite often emotional, because the council is talking about possibly rejecting the plans for their dream home and all that sort of a stuff. As a 25-year-old, I found that reasonably difficult, but we got there. That is why having universal training is so important. It would have made my life as a councillor a lot easier. It would have made my decision-making a lot easier. It probably would also have meant that I had less frustration about not being able to achieve what I wanted. I got elected not liking the City of Stirling. I got elected because, as a 25-year-old, my local oval had change rooms that had been built in the 1950s and some clubrooms that were built in the 1960s, and that was where my cricket club lived for six months every year. Mums and dads from the junior cricket club were having to carpool down to the BP on Main Street for the kids to go to the loos, because, quite frankly, the facilities were very much past the state of being able to be used by anyone. I put my hand up and I got elected, so I was happy with that.

In terms of universal training, some good work is being done by WALGA in the training sector in terms of putting councillors through courses. Some councillors even go on to get a local government diploma through WALGA. Like a few members here, when I was elected to WALGA state council, I was lucky enough to be offered the opportunity to do the Australian Institute of Company Directors' company directors course, which taught me the noses-in, fingers-out principle for councillors—to make sure that things are okay but to not get involved in operational issues. In terms of universal training for all councillors, I can imagine that there will be some councillors, especially at Stirling, who probably think they know it all and do not need to do training, but I think everyone would benefit from it, because the legislation changes, the world moves on and community expectations change. I heartily commend universal training in the sector. I think it is going to be good to have that, especially when new councillors come in. Again, the only credit I will give to the former government is that changing the date of the elections, at least in the City of Stirling context, means that they will not be slapped with a \$250 million budget that they have to get their heads around in a month, when they may never have seen one before.

In terms of the code of conduct, I think it is a great move forward that candidates who are elected will have to answer to the code of conduct for the behaviour they exhibited during the election campaign. When I was elected to the Assembly, I resigned from the City of Stirling. In some of the campaigns in the 2017 council elections—one was for my old position—the stuff on social media was absolutely disgusting. Some of the personal attacks made by candidates and councils against each other, some of the things that people said, and some of the lies that people told about how the council operated were deplorable. Many members in his place know that I have a very

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extensive collection of local, state and federal political campaign material, but I had never seen that in local, state or federal politics in the time I had been involved, which was from 1998 when I was about 18 years old. The vitriol and personal attacks were absolutely deplorable. I am not going to name the people who were the attackers. I think some opposition members mentioned the issue of rats, death threats and those sorts of things that came from that. I think candidates being answerable to a code of conduct once elected is a very important thing. I think it might temper that extremely poor behaviour that, again, I did not see in previous federal, state or local government elections. I hope that the 2017 elections, not just in the City of Stirling, might be just a one-off. I hope that having this code of conduct as part of this new legislation will go some way towards ameliorating that. I note that things have changed; I do not think the act changed too much.

When I ran in the council elections in 2005, a candidate had to write 150 words. It is hard to get what you want to say in 150 words. My first sentence was, "The City of Stirling needs a fresh voice." Our returning officer crossed it out with a big black pen and said, "That is detrimental to the current council because it's saying that there are no fresh voices on the council." I accepted that and changed all of my campaign literature. I went down to the local chemist to photocopy leaflets and stuff like that. I was told that I could not say that because it was detrimental and I should focus only on positive —

**Mr D.A. Templeman:** You should've just said "fresher".

**Mr D.R. MICHAEL:** A fresher voice, yes. They probably would have knocked that out, too.

We went from returning officers saying in 2005, "You shouldn't be talking negatively about your council; you should be talking about your positive plan for your area and your community", to some of the stuff we saw in 2017. Things that we will have to consider in the future with the code of conduct are—I know there have been multiple articles written about this—councils having media comment. The City of Stirling was very stringent. We were not allowed to comment to the media after a decision had been made if what we said went against the council's decision. The way around that, obviously, was to talk to journalists before the council meeting. When a councillor stood up to comment on a decision, they would talk as part of the debate and give their reasons for speaking against the council's decision. Sometimes they would clarify what they said afterwards, but they could not actually say anything new. I think we need a balance. Councillors should have the right to say why they disagree with a council decision as long as what they say does not go too far in denigrating the council. I think that is something on which we need to find a balance in the future; it is something we could look at.

Earlier I heard the member for Mirrabooka mention the employee code of conduct. Again, that is important, too. I was an elected member on council for 12 years. We had, and still have, a very good officer corps at the City of Stirling. However, when dealing with senior officers, as councillors do—it never really happened to me, but I know of some examples, which I will not mention—sometimes those officers can tell a councillor the wrong information, mostly non-maliciously, but sometimes possibly maliciously. We need a way to deal with those things, especially if the CEO is involved. I do not know about all staff, but for those staff whom councillors have contact with, there needs to be a proper way for councillors to make sure that those staff are treated with the respect they deserve when someone is making a decision and that the information they are getting from council officers is true and correct. Again, 99.9 per cent of the time that would be 100 per cent what happens, but having an employee code of conduct is a good way forward. It will be good to see how that works.

Although it is not covered in this legislation, I also mention that I would very much like to see a caretaker policy across local government in the code of conduct. We introduced that at Stirling, and it covers little things such as when councillors are up for re-election, they should not use notices of motion for political purposes, they should not make speeches on behalf of local government and they should not appear in local government advertising. We could also look at these simple things for democracy.

The legislation before us will make some changes to the standards panel. Despite good intentions, the standards panel has some issues with the length of time it takes to finalise complaints. Another important issue is the ability to force mediation. A person may be on a small council and councils may be making complaints against one another. On small councils, councillors cannot be at loggerheads all the time. I think that going through a complete standards panel process sometimes means that one councillor will hate another councillor forever. Having some sort of mediation process might be a way of bringing them together and saying, "We're all working for the community. I know we've had some differences, but let's try to sort it out." The power of a council to reimburse the costs of a standards panel proceeding should not be used very often. However, if frivolous complaints are made, maybe it should be used. I also like the idea of reducing the time frame for complaints as best we can.

On CEO recruitment and CEO matters, I have heard some of the debate and the stories of members about how the CEO performance reviews are carried out across the sector. I think we heard the member from Southern River—I might be wrong—say that councils were not filling in the performance indicators for the CEO for part of the

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review; they were not getting engaged or involved. I have to say that over my entire 12 years at the City of Stirling it was exactly the opposite. It had, and still has, a performance review committee. All councillors are on it. It was a very, very serious committee at Stirling. We used to have very lengthy debates. I am sure that the HR manager and our CEOs, although they were not there—I had two CEOs: Lindsay Delahunty and Stuart Jardine—must have hated it, but it was pretty rigorous. It was taken very seriously. If you did not attend them on a regular basis, senior councillors would come and say, “Hey, you need to get involved in this. This is the one way we have some input on the CEO and the CEO’s professional development and what we want them to achieve in the next 12 months.” I am quite comfortable with the way that the City of Stirling at least conducts CEO performance reviews. After hearing some other stories, it is very important to have some minimum standards on what the process should entail. I also detected that some councils have some confusion about their involvement in the CEO’s performance review and hiring and firing, so having some more clarity around that is very important.

[Member’s time extended.]

**Mr D.R. MICHAEL:** The CEO process can be very expensive. I know that some local governments spend thousands and thousands of dollars on HR consultants, local government consultants and lawyers just to make little changes to their contracts or to deal with the process. I know that this bill may not fix this, but it is, again, an improvement and something we can look at a little bit later.

I will deal with gifts and audit findings. I was going to mention that the shadow minister intimated that if it were discovered in audit findings that the systems were failing, maybe there should be a penalty for a CEO. I would be interested to know whether that is the position of the opposition. I can understand what the shadow minister was saying, but I do not know whether that is the position of the opposition or something that has been to Local Government Professionals Australia WA. Again, I would not have thought from an HR point of view that it was desirable to dock the CEO’s pay for performance issues. There should be other ways to deal with that by way of performance management. Just the same, I do not believe there is a place for executive bonuses in local government anymore. We tried to stamp it out at the City of Stirling, and I hope that effort continues to this day, not that I am involved with that anymore.

I do not blame the opposition, when it was in government, too much—maybe a little bit—for the mess with gifts. My understanding is that at the time the State Solicitor went to the then Department of Local Government with a change in the interpretation of the legislation on gifts. The department had been putting out its notes and advice to councils on how to deal with gifts for a long time, and overnight the advice changed—not through legislative change, but just because the State Solicitor decided to change his interpretation, which the department took on board. It was a messy situation. I remember the Western Australian Local Government Association state council used to have a regional council meeting once a year, and it considered killing it, because it could be considered that travel to Esperance, as I did once, could be a gift from WALGA. It was above the threshold and we should not do it. No-one could answer the question. This bill will go a very long way towards fixing that and giving some clarity for councillors.

**Mr J.E. McGrath:** Member, if you get a gift from WALGA that is going to help you do your job, you are hardly going to be involved in any decisions that would create a conflict of interest.

**Mr D.R. MICHAEL:** That is exactly right, but the advice we were getting at the time from the State Solicitor or the department almost made WALGA cancel the trips, because it was so unhelpful that no-one knew what the situation was, because the State Solicitor’s Office decided to change its interpretation of the act. There was no legislative change, just a change in the interpretation. This bill that we are debating tonight will fix that. As a councillor, I cannot remember getting a gift that was not from one of my community groups, perhaps to go to the Balcatta Football Club’s awards night at Burswood. It was a \$150 ticket, and I would be offered two for me and my partner. I would just pay for myself, because it was too hard, and I was going to present a trophy. I had a nice dinner and a glass of wine. The bill we are debating tonight will fix that, for those regular duties that councillors have to do.

I support 100 per cent having the gift register online. The more things that can go online, the more transparency there is. I remember at a WALGA annual general meeting when the member for Perth came up with some of the transparency positions that he was almost howled out of the AGM. I remember standing up for him and saying that I was a councillor for a very big local government that had some very big developments going on, and I did not receive gifts from anyone. No-one came and bought me things, and I did not receive anything. If the sector has nothing to hide, there is no reason we should not do this. I know from talking to not only everyone else at the City of Stirling, but also the rest of the sector that that is what it is like. We do not get showered with gifts as councillors. That is why having these things online will show that these things do not happen that often, and that there is nothing to hide. I support that, and I support having more things online, and modernising the act in areas such as public

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notices and all the other information that we will have on the website, such as maps, local laws, the budget and plans. Even in the City of Stirling currently it is hard to find a decent ward map, so that we actually know what the streets are. They have recently been changed. Having that online is important for democracy and transparency.

I want to again congratulate the minister on this piece of legislation. I mentioned the shadow minister before, and I want to read something he wrote. I get the WALGA newsletter, as I have done for a long time. My name is no longer on the back page, but I have a good read. I want to read in something that the shadow minister wrote in his most recent column —

... Minister's review of the Local Government Act 1995 dragging on for years, meaning many important issues are unlikely to be considered or handled by the DLGSCI because a change in legislation is in the wind.

When the blowing will stop nobody knows. It is possible a new Local Government Act won't be in place until midway through 2020, more than three years after the McGowan Government took control of the sector. Unfortunately, Councils and ratepayers can't wait that long for direction on particular issues.

There has been a lot of singing and dancing from the Minister's office regarding the changes but in the meantime Councils have had to rely on the advice of WALGA.

The column concludes —

Why has the Department and Minister vacated this space?

I have known the shadow minister for a long time. He came to City of Stirling council meetings when I was there more than any other local member ever has. I have discussed local government with him a lot in previous months, but that column is bollocks. He must admit that. I know he has to be the shadow minister and must try to say what he has to say, but I know him, and he agrees with me about the future for local government, about services and maybe a tiered system. We have spoken about these things. I know he must be a shadow minister, but the election is not for a couple of years. Member for Carine, work with us. It is a big act, and it will be a big review. The member should get involved. I do not know whether he has put in a submission yet, but it does not matter. He should not undermine the process of what we are trying to do. The member for Carine was not the minister in the previous government, and I do not even blame the former member for Darling Range, because I could see that he hated what he was having to go through as well. He was one of the most depressed persons I have ever seen at a WALGA AGM, having to deliver those speeches. He is a good man, and I like him. I think all of us in this chamber want to see good local government that delivers more services for our communities as efficiently as possible.

**Mr I.C. Blayney:** Member, which former member for Darling Range are you talking about?

**Mr D.R. MICHAEL:** The former Minister for Local Government.

**Mr D.A. Templeman:** Tony Simpson, the then member for Serpentine–Jarrahdale.

**Mr D.R. MICHAEL:** Members know who I mean—the baker from Byford.

I want to have a crack, but in a nice way. That column is bollocks. Work with us. We want to have more services for our local communities, and we want to have them delivered as efficiently as possible, to keep the rates down. Work with us on that. It takes a while. The member for Carine has a copy of the act in front of him, and it is a big act, and it is an old act. There are parts of the 1960 act that have just been carried over. We need to look at all of it, so work with us.

I mentioned before that my buddy when I was first elected was a gentleman by the name of Trevor Holland. With the indulgence of the house, Trevor recently retired from the City of Stirling. He started off in local government at the City of Fremantle in 1983. Trevor is a South Fremantle supporter, but we will not hold that against him. He was with the City of Stirling from 1987, for 31 years, first as a human resources manager. I know that the member for Carine and the member for Scarborough, like all of us, would have had a lot to do with Trevor. He became the manager of community development. He was instrumental in things such as the redevelopment of the Inglewood pool, bringing the Australian Surf Life Saving Championships to Scarborough Beach, and the Scarborough amphitheatre that we opened in 2006, and all those regional open space master plans, such as the Charles Riley Reserve in the electorate of the member for Carine and Grenville Reserve in my electorate. Trevor was a problem solver. His nickname at the City of Stirling was the Scarlet Pimpernel. This was not because he had gone home, but because he was always somewhere in the building trying to sort an issue out. He would always get in, sort it out and do the right thing. I want to give my thanks to Trevor Holland for his service to local government, especially the City of Stirling.

On a sadder note, on 17 February this year one of the Hamersley ward councillors, Andrew Guilfoyle, passed away. He was a young man, only in his 40s, a father of three and a long-time resident of the city. He was dedicated

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to his family and a passionate advocate for the community. He was first elected to the Hamersley ward in 2013 and re-elected in 2017. He was actively involved as a member of City of Stirling committees and advisory groups and as a council representative on the Mindarie Regional Council and the Municipal Waste Advisory Council. He had a PhD in community psychology, and he sought to connect people of all ages. He was a strong supporter of sporting and recreation clubs, community development programs and events at a local level. Locally, I knew of his passion for the Hamersley Habitat Community Garden and Takari Primary School. He was also a committed environmental conservationist with a passion for green initiatives that fostered an energy-wise city. I want to put on the record that my thoughts are with Andrew's wife Rina and his family. He will be sadly missed, so vale Councillor Andrew Guilfoyle.

**MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government)** [7.49 pm] — in reply: I am very pleased to close the debate on the very important Local Government Legislation Amendment Bill 2019. I acknowledge and congratulate all 18 contributors to the debate. I am very pleased and very excited that 18 members of this place took the time to make a contribution. I think that is very important. I thank members who acknowledged in their contributions the importance of the local government sector to our democracy, community development and the health and wellbeing of our communities across the state no matter where a local government is. Whether rural and remote or in the metropolitan area, the sector is such a fundamentally important part of our ongoing democratic and civic existence. All the speakers, and I thank them, spoke positively in support of this bill.

The bill is focused on some key areas that we want to see passed in this place and then passed in the other place as soon as possible, before Parliament rises for the winter break. We want to enact a number of the components in this bill in time for the local government elections in October this year. For example, I want to have in place a regime of universal training in preparation for the elections in October.

I want to go through some of the contributions. I again thank all members for their contributions. We started with the member for South Perth, the elder statesman of the Liberal Party—a fine gentleman. One quite often wonders how he ever decided to stand for the Liberal Party, but we will not go into that because he is a learned man. His comments were very pertinent to the importance of local government; he supports universal training. He talked about the need for the code of conduct to relate to candidates as well as those who are elected as councillors. He also highlighted the progress that this bill makes with CEO recruitment. He is a moderate and sensible man; they are not often found in the Liberal Party, but we will not go into that.

The member for Carine is the shadow spokesperson. I thank the member for Balcatta for his impassioned plea to the member for Carine not to speak with a forked tongue. If the member for Carine genuinely wants to see local government reform, the process involves consultation, engagement and making sure that a variety of voices are heard. At the end of this process, we want modern legislation that enables good governance to prevail; good decisions to be made on behalf of the community; engages and involves community in active participation in their democratic process; and, of course, is based upon best practice and delivers quality. Essentially, that is what we are on about. The Local Government Act 1995 has a range of challenges and impediments in it, simply because the legislation has not kept up with a changing world and the changing nature of human relationships. Because of its rigidity, in many respects, it has been unable to respond to the ongoing changes and challenges that are faced by a modern economy and community. That is the premise behind that. I want the opposition to work with us. I certainly want opposition members to speak to their colleagues in the other place to ensure this bill has a safe and quick passage through the upper house so that we can have the legislation in place. That is very, very important.

I thank the member for Vasse. She is a very stoic supporter of the caravan park industry in Western Australia and particularly in her electorate. I note her comments and I thank her for her strong support of the bill and, of course, of caravan park operators in her electorate. I acknowledge the member for Kalgoorlie, who gave us a somewhat insightful contribution on the politics in the City of Kalgoorlie–Boulder. I was surprised by the revelation about the mixes of political representation. It always has been my view that people have the right to be members of political parties. There always has been this argument that we should never allow party politics in councils. The reality is that it has been there for a long time. However, essentially, to be a member of a political party is the right of an individual in our democracy. Why should we suppress that in any way? It is someone's right. Essentially, in my experience serving on the City of Mandurah, there were people of all political persuasions, and by and large decisions were made on their merit and I think by and large they still are. There are times when there will be tensions, but let us forget about this ongoing debate about politics. Fortunately, unlike Queensland, New South Wales and Victoria, in Western Australia there is not an endorsement process for people standing for council under a political party regime. But people have a democratic right to be members of a party. I thank the member for Kalgoorlie.

The member for Moore's concern about the training component was addressed. His concern was mainly about very experienced councillors having to go through a refresh process. I do not think we should get het-up about

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this. The reality is that in our time—for someone such as me, who has spent 18 years in this place—the world has changed dramatically and Parliament has needed to respond. When I was elected to this place—18 years ago was not that long ago—there were no mobile phones. We would not have had our mobile phones in here. We did not have the electronic access and the equipment that we enjoy now in our electorate offices, the resources that brings—it also brings an extra work demand—the communications methods, the media attention and the media response. All these things are modern aspects of modern life and we have had to adapt. Local governments need to do the same. Gone should be the days, in my view, when the only way a ratepayer could find out information—this still happens in Western Australia; remember this—was to front up at the council offices and look at the notice board. Those days are gone. The reality is in a modern world, ratepayers, businesses and people who are interested in a community should have ready access to basic information that they have the right to access. That is why I am very pleased that we are mandating the transparency issues around people having online access to a range of information in a timely way. That is a very important aspect of how councils need to do business into the future and I am pleased those who spoke on this bill support it.

I note the member for Darling Range raised some concerns about the question of the cost of mandated universal training. It is proposed to be set up simply to continue to ensure that local government councillors in the modern world have access to training that enables them to do their job as best they can and to a high standard. That is the premise behind that. A person may have been a councillor for 25 or 30 years, but, I am sorry, the world has changed. Therefore, when councillors say to me, “I don’t need any training”, I say, “I’m sorry, but that’s not my view. Technology has changed, and demands have changed. So, you need to change, and you need to be trained to the best of your ability.” That is why this training regime is so important. It has been trialed and talked about for a long time. We are doing it. For eight and a half years, it was talked about. We are doing it.

The member for Mirrabooka, in her very good contribution, said that if councillors are better informed and understand the processes and demands faced by local government members, they will be able to make better and more strategic decisions and be more responsive to their community. That will be the benefit of the training regime that we are proposing. The training regime is not intended to be onerous. However, it will be rigorous in the provision of information to enable councils to be updated and refreshed.

I turn now to candidates. Quite honestly, we need to encourage greater diversity on councils of people from all backgrounds. We need more women, and more young people. We need a diverse range of people to put up their hands, because that will better reflect the community that they are seeking to represent; however, we want them to do that with their eyes wide open. We want them to know what they are getting into. We want them to understand the role and responsibilities that they will be taking on. We also want them to understand that what they are seeking to undertake is a great privilege, with a great deal of responsibility. That is why the training regime is so important. Another issue is the frequency of training, and we will talk more about that in the consideration in detail stage. There is certainly no intention that the training will be onerous.

It is also very important that we do not discard those long-serving councillors who have made a tremendous contribution to their community, some of them for decades. There is an even greater role for them in mentorship and in nurturing and assisting the future leaders of their communities, the next shire president or next mayor. The role that an experienced councillor plays cannot be underestimated. We need to make sure that their expertise and understanding is valued and captured, and that the legacy of those experienced councillors is that they will pass on the baton in a positive way to those who come after them. I am interested in how we can explore that as we go through the second phase of reforms.

The member for Cottesloe highlighted issues around CEO performance, and also around planning. It is unfortunate that in an earlier time we had a bit of unpleasantness. He was responding to the member for Perth, who is a passionate, experienced and very successful former local government councillor and mayor. The member for Wanneroo and the member for Thornlie highlighted the importance of having a greater understanding of the planning regime, and the importance of ongoing training. The member for Armadale made a very articulate contribution. He talked about the differences between this chamber and this level of government, and local government. It is very important that we understand that they are different entities. The media and some in the community will often make comparisons and ask why elected councillors cannot be the same as elected members of state Parliament. The member for Armadale, and also the member for South Perth, highlighted very eloquently that they are different. Members in this place have access to a greater number of resources. They have electorate offices. They have the party machine, which is, hopefully, a resource for them. They also have access to public servants through the minister, which is appropriate as well. Local government councillors do not have access to those sorts of resources. In Queensland, because of the much higher remuneration of local government councillors, there are greater similarities between a member of Parliament and an elected councillor. Elected councillors in Queensland are often paid what is effectively a salary, and they are also given an office similar to our electorate office, but perhaps not as grandiose. They are given access to resources to enable them to do their job. Therefore,

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although there are some similarities in Queensland, certainly in Western Australia there are differences between our level of government and local government, as was highlighted very well by a number of members.

I appreciate the contribution of the member for Kalamunda, who said that the cultural practices of local government need to be reformed. This theme was also followed by the member for Mirrabooka. If we have in place good legislation and good governance practices, and we are focused on the quality of the culture of the organisation, we will have an environment of better decision-making. The member for Kalamunda highlighted that point in particular. He also referred in some depth to some of the lessons that we need to learn from recent reports of the Corruption and Crime Commission about what happens when things go wrong. As members know, when things go wrong in local government, they can go very wrong, and, indeed, that may have an effect for many years. The member for Kalamunda also highlighted, quite rightly, his concern about the delegation of authority, and the validation of decision-making. He said that when delegated authority is taken too far or to the extreme, it impacts on the quality of decision-making. There is also often a community backlash because of the overstepping of the delegation of authority. I thank the member for that contribution.

The member for Southern River also made a very good contribution. He is another former councillor. There are a number of us in this place who served in local government prior to entering this place. He outlined his experiences as a councillor in the City of Gosnells. By all reports, he was an outstanding councillor. He highlighted issues around CEO recruitment and renewal of contracts. We have included in this bill specific elements focused on the recruitment of CEOs. Last year, during the debate on the Local Government Amendment (Suspension and Dismissal) Bill 2018, a lot of members raised their concern about the grey areas around the roles and responsibilities of CEOs versus elected members. We have made sure that the Local Government Legislation Amendment Bill 2019 provides for a much more transparent and rigorous process of CEO recruitment. One of the important things that perhaps has been missed in some of the messaging about this is the involvement of the Public Sector Commissioner in informing the process for best practice, which is important. The member for Southern River also highlighted his strong support for a training regime. He said—I wrote it down because it was excellent and I will use it many times—“Better training will mean better councils and better decisions.” I think that is true. He went into great detail about his experience with gifts, including what happened with his wedding, which was enlightening, and highlighted the need to fix the grey area of gifts once and for all, which is what we are doing with amendments in the bill. There is a school of thought that councillors should not accept any gifts. The reality is that part of the role of elected councillors is in fact to represent, advocate for and champion their council and community, and that means that they have to attend hospitality events, festivals and things that celebrate what the community is, what makes it tick, the fabric of the place that they represent. I am sorry; councillors have to go to events and some of those events and hospitalities are considered gifts. Essentially, the government is seeking to ensure that there is a clear process in the reporting and transparency of such gifts so that there is no grey area. When there is doubt, it is simply reportable and, indeed, councillors will need to absent themselves from the consideration of an issue and not vote.

The member for Roe—I like the member for Roe—welcomed the proposed amendments with warm arms; indeed, member for Moore, he was very glowing about them. Obviously, the member for Moore’s view did not rub off on the member for Roe, who highlighted some examples and praised the consultation process. I thank him for that. To be honest, we learnt a lot from the first phase, which we implemented as part of the second phase. One of the strokes of genius was to appoint the member for Balcatta as chair of the working party in the second phase. I thank the member for Balcatta personally for his outstanding leadership and expertise. The member for Roe also highlighted his concern that we should be able to censure chief executive officers if we have the ability to censure councillors. We will talk more about that during the consideration in detail stage but, again, we underpin the point that in this bill we are including the greater council and the elected members in the very important process of recruiting a CEO. As I said earlier during an exchange with one of the members who made a contribution to this debate, the decision to appoint a CEO is very important. Essentially, the CEO is charged with not only the operations of the council and, indeed, oversight of staff, but also he or she is charged with delivering the strategic direction that the council has formulated for its community. That is his or her crucial role and therefore the recruitment of a CEO has to be rigorous and involve all the council. That is what the government seeks to do with its amendments to CEO recruitment. I thank the member for Roe for his contribution.

I thank the member for Thornlie for his contribution. I really enjoy listening to the member for Thornlie for a number of reasons but one is that he is very measured and always articulates a clear understanding of legislation and how it impacts people. I appreciate his comments about some of the current issues that face councils. He talked about the council elections held in October 2017 and some of the impediments and issues that impacted on people’s capacity to make an informed choice. Some of the issues related to social media. He also highlighted the importance of the induction process for anyone who puts their name forward as part of the “eyes wide open” principle. He referred to the often quoted “male, pale and stale” challenge, a comment that was attributed to me. I did not say it but I cannot seem to shake it; it is still attributable to me. I would like to make a personal explanation

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at this point. I did not make that comment; rather, it was in a report to which I referred and then it was reported that I made the comment. However, the principle is that we want greater diversity. Councils need to look at ways to increase and improve the opportunities for those who want to make a contribution. I know of some Western Australian councils that have changed their meeting times to accommodate people who for work reasons cannot attend meetings. There were days when council meetings started at nine o'clock in the morning and that automatically prevented a lot of people who worked nine to five from becoming council members. Of course, there has to be some negotiation, but we need to look at different ways to accommodate people. Some councils provide support for people with young families and others provide opportunities so that people can participate. One of the things that is being explored in the second phase, which I am personally keen to embrace, is having people participate in a meeting without being physical present at the meeting. This should be pursued particularly for those living in rural and remote areas, because some councillors travel some 400, 500 kilometres or more to get to the annual council meeting in the regional centre in which their council is located. We should explore that and offer opportunities for people to contribute when the circumstances of their location prevent them from doing so. That is worthy of exploration.

**Mr P.A. Katsambanis:** Would you extend that to regional members of Parliament, such as members for Mandurah?

**Mr D.A. TEMPLEMAN:** No. We must always be here. I like to be in the thick of it!

It is something worthy of exploration. I note that such a provision is not in this bill but it has been canvassed and discussed in the second phase. I thank the member for Thornlie for his support of the importance of universal training.

I also thank and acknowledge the work of the member for Bicton, a former councillor for the City of Melville. She put forward arguments about the pros and cons of having a directly elected mayor versus a council-elected mayor. She referred to the issue of wards, which is a perennial debate. It is certainly being canvassed in the second phase. There are some very strongly held views about the merits of a directly elected mayor versus a council-elected mayor. There is a view that it should be optional in rural and regional WA with the metropolitan area constrained to a directly-elected mayor, which is an interesting concept. Arguments have been put and they will be sieved out when we progress through the second phase.

**Mr P.A. Katsambanis:** Once they go through the sieve, do they end up at the bottom of the rung?

**Mr D.A. TEMPLEMAN:** Captured in the net!

I thank the member for Bicton for her support of the reform process. Her comment that I thought was very relevant was that by focusing on an improved local government sector, we will get better outcomes and greater confidence in local government. We want that. She also was particularly concerned about the need for increased participation. That is very important. If we can make local government more transparent and more accountable, people will gain greater respect for the importance of the sector and then, as civic-minded people, they will choose to play a greater role in the participation in and the decision-making of local government. I hope that that is one of the outcomes we will get from the reform of the 1995 act. I also thank her for her comments about the importance of good leadership. I think that goes without saying. Good leadership is crucial.

The member for Wanneroo, a former councillor, highlighted something that we need to continually remind ourselves of—that is, the importance of a strong local government sector to our democracy. We need to understand that, essentially, local government is an autonomous entity. Some would describe it as the child of state government, but, essentially, under the reformed act, we will still have that fundamental understanding that it is about local people making decisions about their future and their community. But they can do that only if they have a robust, agile system and the framework in place to allow for that to happen. We always need to be mindful that we want our local communities to continue to make good decisions; otherwise, the alternative is a dictatorship, whereby the minister of the day would simply appoint 138 commissioners—mind you, some would support this—to make decisions on behalf of the community. However, that would be bad for democracy. That is not what democracy is about, even though that has been put forward by some people. I do not know anybody in this place who has said that, but it has certainly been raised.

One of the other important things that will come out of this bill is the ongoing professional development regime that the council itself will develop and implement. I think this goes to the very good point from the member for Mirrabooka—it comes back to the issue of culture, member for Kalamunda—when she said that in order to be responsive to a local community, the council needs to be aware of the nature of its community. The member for Mirrabooka highlighted that some councils could do more cultural awareness training. One of the things that will be important as part of the professional development aspect of what we have proposed in these amendments is that the professional development will differ depending on the circumstances and peculiarities, for want of a better word, of the community. That will be a good thing. If a council is constantly looking at self-improvement and at the gaps in its capacity and its operational culture, a good council will say, “We recognise that there are gaps and

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we recognise the need for us to address that.” That will be done through not only formal training, but also a commitment to professional development.

The member for Wanneroo talked about the need to modernise the act and bring it into the twenty-first century. She highlighted a number of changes that will be made. She was very supportive of the issues around the transparency of, and accountability for, gifts and publishing information online.

I thank the member for Maylands for her commentary. She was very nice to me and I thank her for that. She was very glowing of me. My head was so big that I could not have walked out the door! The member for Maylands is not here, but I am sure she is here in spirit. She highlighted the potted history of the previous government’s botched amalgamation reform, which I think—I have said this before—fundamentally highlighted the lack of respect it had for the sector. We all know that there are challenges for the sector. We all know that there are problems and that things have gone wrong, but we all want to address them. Of course, the former government’s only focus in fixing what it perceived to be the challenges for local governments in Western Australia was on forcibly amalgamating them. That was its policy initiative. It would fix it all by forcing them to amalgamate. It should have seen early on that that was not going to work.

I thank the member for Geraldton. He gave some very personal details. He did not name anybody, but he talked about the caustic or, let us say, poisonous relationship he had with the council in Geraldton when he was first elected to this place in 2005. It was very insightful. I was very interested. He highlighted the importance of local members of Parliament having a good relationship with councils. When we work with councils, great things can happen; we know that. I thank the member for Geraldton for his insightful and somewhat personal contribution. He also talked about how he had visited a number of councils in the north west, which I, too, have visited. I was in Shark Bay about three weeks ago with the CEO and the shire president. The member raised issues about the fly in, fly out CEO issue and his wish for the requirement for the people who are selected as CEOs to live there. There are legal reasons why councils cannot stipulate that. Councils can encourage it, and many councils do as part of the salary and remuneration package. Essentially, there are some legal issues. I think it is the trade practices act or something of that nature. No, it is not that act; it is another one. I will tell the member for Geraldton which one it is during the consideration in detail stage, but there are some legal parameters that prevent that.

**Mr P.A. Katsambanis:** The closest is some of the anti-discrimination legislation. There is no direct prohibition on an employer stipulating location.

**Mr D.A. TEMPLEMAN:** It would be silly, for example, if the chief executive officer of Geraldton did not live in Geraldton. That would be a bit bizarre. However, sometimes, for a variety of reasons, a very competent CEO may live in the next regional town, which may not be in the council that he or she has jurisdiction over. I should not name them, but there are a couple of examples in which the person resides in the nearest main town, and there are probably reasons for that. Quite often, as the member knows, not every member in this place resides directly in their own electorate, because they keep changing the boundaries. Every four years, the boundaries change. I know that the member for Kwinana lived right smack bang in his electorate and then they moved the boundaries and he was just outside it. There are always arguments. I thank the member for Geraldton for his comments.

I was very appreciative when the member for Mirrabooka talked about the cultural protocols that councils need to be mindful of. She spoke about her community, which of course is made up of very diverse multicultural groups. She also made one very important point; that is, we do not want to force councils to become risk averse. Councils will make decisions. Some of those decisions will not be good or they will not turn out to be good. That is the nature of democracy. I think we sometimes forget that. Councils will make decisions that may not get the intended outcome. We do that in government. It happens in governments of both persuasions all the time. The last thing we want is for councils to become so risk averse that they make feeble decisions that are not in the best long-term strategic interests of their community. As long as they can say that they made the decisions with the best information available, that is important.

Also, I think the member for Mirrabooka was right when she said that the code of conduct is not designed to suppress robust debate. We want to have robust debate in council meetings. Again, that is the nature of our democracy. I hope that when a good debate takes place, a decision is made. She made a point about councillors who are afraid of making decisions. If they are afraid of making decisions, they should not be councillors. It is the same with members of Parliament. If we do not like making decisions, we should not be here because that is the very nature of what we are required to do under our democracy. I really enjoyed the member for Mirrabooka’s contribution. I thank her for it.

The member for Balcatta concluded the debate, telling us that he was a sprightly 25-year-old when he was elected to the City of Stirling council. He talked about the need for training and if there had been a universal training scheme when he was elected, that would have been useful. He is an intelligent man. He is a fast learner. I think he

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would have scooted through any training regime and came out with first-class honours. He spoke about the budget papers, having been a young 25-year-old when he was elected in 2005. That is how old he is already! He said that the budget process was the first thing that was foisted on him because of the requirement that elections be held in May and the budget process was in May–June. I remember during my time as a councillor at the City of Mandurah in the 1990s that our budget process included being issued with a ruler and a red pen. When we were trying to get the budget down as low as possible, we would agree by a motion to rule through the new tractor or the ute for parks and gardens. Invariably, they always survived and it was the \$2 000 or \$5 000 items, or the extra footpath, that would suffer the red pen. I am becoming nostalgic, which I do not like to do.

This reform is needed. This is a reform bill that we want to see pass this place and the other place as soon as possible so that we can, before the October elections, deal with the training regime, the transparency issues, the focus on professional development, the reform of the CEO recruitment process, and the transparency around the receiving and reporting of gifts. I thank all members for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clause 1: Short title —**

**Mr A. KRSTICEVIC:** I would like to thank the minister for summing up the remarks made by the member for Balcatta at the end of the second reading debate. I want to assure the member for Balcatta and others in this house that I am very supportive of the review of the Local Government Act and I am very keen to ensure that it is the best act that can possibly be achieved in this term of government. I am also very keen to ensure that the minister keeps me informed and that the Parliament understands exactly what is happening. The minister gets a little excited when I ask questions seeking information. Those questions are genuine and well-researched and come with some substance. During consideration in detail, I want the minister to take on board the questions that I am genuinely asking from my perspective of what is going on and why things have happened, and for the minister to try to explain it to me so that I am more informed. If the sector is more informed, councillors are more informed. Like the member for Balcatta, I refer to a *Western Councillor* article. I want the minister to explain the process to me and how we have reached this stage. Issue 99 of the *Western Councillor* of December–January 2019 states —

The Minister set his sights high when he first announced the reform process and informed WALGA in June 2017.

As stated in WALGA's discussion paper, the Minister's commitment was to conduct the review in two phases.

*"The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018,"* stated the paper.

*"The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018, with a Bill in 2019."*

The minister made those commitments to the sector about these very important reforms when the sector was struggling and numerous issues were going on, especially relating to gifts, the City of Perth, behaviour and all these very critical issues. The minister made a very good and solid commitment when he said, "I'm going to do this as quickly as I can. I will get this out in 2017–18. We will have something through Parliament and all these issues will be resolved." The member for Balcatta quoted the section of the *Western Councillor* article when I said that this was taking forever and I asked what was going on. The frustration for me in that article is that I listened to what the minister said. I agreed with his statement that this issue needs to be resolved quickly and these things need to happen, but they have not. I want to try to understand why that is the case and why we were not able to achieve these targets. Why has it taken two years to get to this point? Why will it potentially take until the end of the year or hopefully sooner to get this first piece of legislation through? Goodness knows when the second piece of legislation will go through.

**Mr D.A. TEMPLEMAN:** I thank the member for the question. It is a good question. I want to get this right. It is too important. The simple fact is that the current act is over 20 years old. It was very well conceived by the minister at the time, Hon Paul Omodei. There was quite an involved consultation process. The 1995 act was a consolidation of a number of other acts and essentially became the Local Government Act. It was a three or four-year process, from memory; I will stand to be corrected. I think it commenced in the early 1990s and was passed in 1995. It was a long gestation period. We are essentially doing the same. We are updating and modernising to make a more agile piece of legislation that reflects the modern challenges of local government. I want to get it right. If it takes a little

**Extract from Hansard**

[ASSEMBLY — Tuesday, 9 April 2019]

p2258a-2325a

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more time, I will take that time, because I want to get it right and I do not want the member to accuse me of rushing it and getting it wrong.

**The ACTING SPEAKER (Mr I.C. Blayney):** Just before I go on, member for Carine, we are discussing the short title of the bill, so it would help us if we stay on the subject.

**Mr A. KRSTICEVIC:** Yes, thank you very much, Mr Acting Speaker. It is all about the consultation process here and how we got to the short title of the bill. It is easier for me and the minister to ask some of these general questions here rather than dragging them out elsewhere.

I understand what the minister is saying about wanting to get it right and I think that is correct, but obviously from my perspective, I look at the minister and I say, “You’ve been a councillor previously. You were the deputy mayor and you were shadow Minister for Local Government for an immense length of time as well” —

**Mr D.A. Templeman:** No, from about 2013.

**Mr A. KRSTICEVIC:** From 2013 to 2017, so he did a good four years as the shadow Minister for Local Government and, of course, he has been a minister before and understands the processes of legislation. I suppose I took it with a degree of authority and gave the minister credit for the fact that he knew what he was talking about when he made commitments on those dates to the Western Australian Local Government Association, rather than being a new kid on the block and not understanding what he was up for. The concerning part for me—maybe the minister can clarify this for me—is that, because it has taken two years to get to this point with this legislation, which only scratches the surface of the entire act, how long will the whole process of phase 2 take? Phase 1 has taken two years. As we know, that is only certain aspects of it, but the entire act will take that much longer. Is there a commitment that the minister will speed things up? Not to the extent of getting it wrong and making mistakes, but can the sector take the minister’s word, when he says that something is going to happen within a certain period of time, that he is making that commitment from an informed position, or just guessing and letting things roll on from there?

**Mr D.A. TEMPLEMAN:** As the member is aware, we have a very important partnership agreement that we signed in August 2017—essentially only a few months after the election of the McGowan government—and one of the important things about this bill is that it addresses issues that we want to be in place for the local government elections this year. Essentially, we have had the time to get it right. The member will be aware that the bill was introduced into the Parliament in March this year. The aim is to correct a number of more urgent issues in time for the council elections in October. That is why in this regime of reforms we have focused on issues around gifts, because that was bleeding sore, which was made more apparent by a range of public examples, if you like, that surfaced over the last 18 months or so. It also focuses on the whole issue of transparency in reporting to the community. We want that and, of course, the universal training in place for the elections coming in October. Essentially, we actually had the time. I think the extra time that is being used has allowed us to be consultative and to look at some of the proposals in a detailed way and to bounce—for want of a better term—some of them off various stakeholders in respect of robustness, and land with a bill that addresses some of the more, I will not say urgent, but immediate issues that need addressing. Chief executive officer recruitment is another important aspect. It came up in the second reading debate of the Local Government Amendment (Suspension and Dismissal) Bill 2018, which the member took an active part in. I think the member highlighted some of those issues.

I think it has been time well used. It has been used for consultation and we have landed with a bill that is going to deliver quality reforms in the areas it is focused on. It reflects the intentions of the partnership agreement we have with WALGA and with Local Government Professionals Australia WA.

**Mr A. KRSTICEVIC:** Thank you, minister. I know the minister recently indicated that there were 3 145 submissions as part of phase 2, but going back to phase 1, I think there were only 243 submissions. I say “only”; a number of the submissions in the system—171—were multiple submissions from the same people, so I think it came down to 163. There were fewer than 243 submissions, in essence. I heard the minister on a number of occasions imploring the sector to lodge submissions. I know that there were only 10 submissions from elected members; out of 1 200 councillors, only 10 bothered to put in a submission. Only one CEO out of 139 bothered to put in a submission, and only 44 local governments out of 139 put in a submission. I suppose my concern is that the stuff we are talking about here is critical to elected members and CEOs, yet the response rate was not what I would have expected. I am just wondering if the minister can explain to me why the response rate was so low. Did he expect it to be higher? Why did it improve so much in phase 2?

**Mr D.A. TEMPLEMAN:** I think the member perhaps is not reflecting on the fact that a number of these key issues have been talked about in the sector for a long time. WALGA, for example, previously opposed the universal training process, and did so for some time. However, over a period of time that view changed, wherein WALGA has embraced a universal training regime, as has Local Government Professionals. What was previously referred to as mandated training, and we call universal training, is nothing new. It has been around and debated in the sector

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for a long, long time, and both supported and unsupported by various aspects of the sector. I think that is important. The other issue is that discussions with key stakeholders are ongoing. A range of workshops were well attended by various people; I will give the member an example. The workshops held during the consultation process included 395 mayors, shire presidents, councillors and chief executive officers; I think that is quite impressive. There were 130 members of the community, including two former ministers and current members of Parliament. Officers from WALGA and LG Professionals were consulted during the drafting of the bill, and the president of WALGA has publicly stated the sector's support for the bill. One could conclude that the reason there were not as many submissions as the member might have expected was that the changes were strongly endorsed and that people took the view that they did not need to make that endorsement known in the form of a written submission. But I want to highlight that the workshops were attended by 395 mayors, shire councillors and shire presidents. Workshops were held at locations in metropolitan Perth and nine were held in regional Western Australia. As a comparison, the green paper for planning reform—which we all know is a major issue for lots of people—has attracted about 250 submissions. I do not think we measure by number; it is also about quality and the consultation process that has sat behind or alongside that process. I think it was rigorous. That is not to say that we did not learn from that phase 1 consultation. For the second round of reforms, I have appointed the member for Balcatta, who is an experienced ex-councillor, to assist in the chairing of that process, which I think has worked very well. He has done an outstanding job. We looked at a greater number of workshops in phase 2 and getting the message out in as many innovative ways as possible. We learnt from that first process. I am not disappointed by the numbers because I know that a rigorous regime of workshops and consultations sits behind those ultimately sufficient numbers. I am very impressed by the 3 149 submissions that have come in as part of phase 2. I am excited by that; that is great feedback, and we will be sieving through that over the coming period to see what sort of feedback we have received.

**Mr A. KRSTICEVIC:** I take the minister's point about the feedback given to planning. Let us look at the number of people who attended the sessions, especially the local government workshops that were held at the council chambers in some cases, such as in the City of Stirling. As I said before, there are 22 000 employees in local government, 1 200 councillors, and obviously WALGA and others. There were 14 locations and 395 people attended—140 people in city locations and 255 people in country locations. For example, in the workshop held at the City of Stirling there were 55 people. The next closest was Wanneroo, with just 20 people. At Cockburn there were 25; at Swan there were 40. That is in the metropolitan area. For me, that is not big numbers for the number of people who actually work, live and breathe in the sector. All these issues are alive for them. The minister indicated that 139 people attended community workshops in 15 locations—79 in city locations and 60 in country locations. In Geraldton, only one person showed up to the community workshop. In Kalgoorlie, one person showed up. In Albany, seven people showed up, and in Karratha three people showed up. In Broome there were six, and in Wanneroo eight people showed up. If, in my electorate, I sent out an email about planning in the City of Joondalup, I would probably have 400 people showing up at that meeting without any trouble, and I am sure they are at a briefing tonight about that same issue. I do not necessarily agree that that is a good number. I think we can do better, and we need to learn why those numbers were so low.

**Mr D.A. Templeman:** I told you we have.

**Mr A. KRSTICEVIC:** I know the minister has told me, and I do not think people are that disengaged.

**Mr D.A. Templeman:** You can't force people to show up. You can have a birthday party and no-one might turn up. Do you want to pass a law to force people to turn up?

**Mr A. KRSTICEVIC:** No, we cannot force them, but I am saying to the minister that people are passionate about local government. I talk to them in the street.

**Mr D.A. Templeman:** They are nowhere near as passionate as they should be.

**Mr A. KRSTICEVIC:** The people I speak to in my electorate are passionate, so it is a bit disappointing from that point of view.

With the machinery-of-government changes, I notice that the department has only 28 full-time equivalents, when it had 36 in March 2017. We are embarking on this major reform in local government, and the department has lost eight FTEs. It is down to 28 FTEs, because there has been a 22 per cent redundancy in the team at local government. More globally, in other parts of the department, it has been 8.5 per cent. The biggest stripping out in the minister's department has come from local government. That is where he has lost the most as a percentage of the staff, during a time when we are looking at major reform of the Local Government Act. We see every day, whether it be through the Corruption and Crime Commission or the Auditor General, or the inquiries that are going on, that the department, from my perspective—the minister would know better and he might want to comment on this—has never been under more pressure and we have never expected more from the staff in recent times, yet the department is being stripped of resources at a rate of knots. I just want to make sure that the minister is not going to take any more resources away from the department, and that it has the capacity to do this properly and does not need the

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assistance of the opposition to make sure that the Treasurer and the Premier give the minister the resources he needs at this important time to do this job. I want to get a better feel from the minister about why his department has lost so many FTEs, and whether the department can cope with what is expected of it and achieve the standard required.

**Mr D.A. TEMPLEMAN:** I am very proud of the people who work at the department. There is a variety of skills. In fact, some additional skills have come into the department, particularly in the licensing area. With the machinery-of-government changes and the creation of the department, we have had people who have been part of liquor licensing, for example, who are skilled in monitoring and investigation. There has been a consolidation of that because we have allowed some of those people to come into those positions. The department is using the resources it has, which I think are appropriate, and the skills of the people in the department. Some people are particularly skilled in the formulation of a consultation product, which I think has been used to great effect in the current consultation process. I saw drafts recently of some of the feedback on puppy farming, and I think they are excellent. We should give credit to the department employees. I have met with nearly all of them, and I am probably due to go back and have a chat to them again. We have young people who are very skilled in the use of various media, be that social media or print, in getting the messages out from the department and the government's priorities on the form of the bill. The quality of the presentations at the workshops has been very high, and we have had good feedback about the quality of the information provided in those workshops. The facilitation of feedback has been excellent. The preparation of the layered responses that are being created from the user-friendly online information and consultation has been excellent, and a lot of people in the second phase have used that process to highlight their views on a range of matters that are being considered, through to those who have made formal written submissions, which vary in focus. I am confident that the resources have been used appropriately and that with the MOG changes the access to expertise has actually been enhanced.

**The ACTING SPEAKER:** Can I bring you back to the fact that we are discussing the short title of the bill, member?

**Mr A. KRSTICEVIC:** Thank you, Mr Acting Speaker. Obviously, I looked at the responses that came in, and I was looking particularly at the Local Government Professionals and WALGA. LG Professionals' response was a little bit beyond the scope of phase 1 and going into phase 2 stuff, although it was predominantly phase 1. I want to look at one particular point that WALGA made in its response, and get the minister's feedback. I have not heard it talked about, but it rang very true with me. Under the heading, "Role of the Department of Local Government", WALGA's response reads —

The general consensus is that the Department has for some time focused on compliance and policing with very little focus on supporting Local Governments and looking at ways to assist the sector. The capacity building role, which was a valued function of the Department's operations in the first decade from the commencement of the Local Government Act in 1996, should again become an important focus.

...

At the time there was anecdotal evidence of Local Governments requesting capacity building assistance only to later receive a notification from the compliance section. In recent years the Department has focused predominantly on compliance and WALGA has stepped in and provided an advice and support service in the governance area to fill the apparent gap in capacity building.

It continues —

There is a need for a clear definition from the Department on their role, so that Local Governments are aware of the framework they are operating in. The clear message from the sector is that the role of the Department should be as an enabler for the Local Government sector assisting where possible and in a way that does not compromise its compliance and regulatory responsibilities.

Obviously, WALGA and the sector have raised some serious concerns about the department and its ability to help the sector to do its job. I know —

**The ACTING SPEAKER (Ms J.M. Freeman):** Member, the question is that the short title of the bill stand as printed. It is not a general debate. I will sit you down.

**Mr A. KRSTICEVIC:** I am talking about the consultation process. I have not got to the —

**The ACTING SPEAKER:** No, it is not a general debate. You cannot talk about the consultation process. The question is that this is the short title of the bill.

**Mr A. KRSTICEVIC:** Yes. Thank you.

I want to know the minister's response to that.

**Mr D.A. TEMPLEMAN:** In terms of the relevance to the short title of the bill, the Western Australian Local Government Association is an important one but one of a number of interests in best practice in local government.

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I certainly appreciate the relationship I have with WALGA and the president. My conversations with WALGA right from the beginning have included me prompting, in various forums, people to give their views on the department's role in the future. I am very keen to hear from various stakeholders, not only WALGA and Local Government Professionals Australia but also other people or organisations who have an interest in the department's role. Some are very critical that the department's role has become too focused on monitoring and policing, if you like. I have heard that comment. Others say that more focus should be put on supporting local governments with advice, particularly at the point of need.

The second phase includes that feedback; we are in the process of looking through the submissions. Various models have been put forward, and they will all be considered in the context of creating an agile, responsive and modern local government sector going forward.

**The ACTING SPEAKER:** Member, the question is that clause 1 stand as printed. Member for Carine, it is not a general debate.

**Mr A. KRSTICEVIC:** I am obviously asking with the indulgence of the minister. We discussed at the start that I would very quickly move through these issues —

**The ACTING SPEAKER:** Member, let me tell you that the debate is on clause 1, the short title of the bill.

**Mr A. KRSTICEVIC:** I am happy to ask those questions repeatedly under other clauses if I cannot ask them here. That is fine. I can do that.

**The ACTING SPEAKER:** That is fine.

**Clause put and passed.**

**Clause 2: Commencement —**

**Mr A. KRSTICEVIC:** Obviously, commencement is a very critical factor. If we look at the time frames for the Local Government Amendment (Suspension and Dismissal) Bill 2018, we see that it was introduced into the Legislative Assembly on 15 March 2018. It was read a third time on 20 June 2018. It then went to the upper house on 27 June 2018 and it was not read a third time there until 1 November 2018. That took about 20 months, roughly, from when it was introduced here until it went through the upper house and was proclaimed.

**Mr D.A. Templeman:** The member is misleading the house; 20 months is incorrect. It is nine.

**Mr A. KRSTICEVIC:** It was 20 months from when Labor was elected.

**Mr D.A. Templeman:** From the point the bill entered the house until it was passed, it was nine months. The member is misleading the house.

**Mr A. KRSTICEVIC:** I correct that. It was 20 months since the election, but it took nine months to get through both houses of Parliament. Obviously, we have just introduced this bill recently. If we work at the same level of efficiency of the upper house, especially —

**Mr D.A. Templeman:** We do not have control over the upper house. The member knows that the government does not either. He is well aware of that.

**Mr A. KRSTICEVIC:** I am.

**Mr D.A. Templeman:** That is why I need the opposition's support to get it through.

**Mr A. KRSTICEVIC:** My concern is if the Leader of the House in the Council does not bring on the bill for debate, which is what happened with the local government suspension bill. It took a long time for it to come back for its second reading. Obviously, I do not have control over that. Obviously, the lower house got through it relatively quickly, according to whatever schedule the minister was obviously expecting from us, and I was very happy to support that. However, what are the implications if the upper house does not bring on the bill so that it is done by June or July, or whenever the minister said he wants it done by? Can the minister explain to me the ramifications of that? Does the minister expect the legislation to commence as per his expectations?

**Mr D.R. Michael** interjected.

**Mr D.A. TEMPLEMAN:** The member for Balcatta is quite right. Unfortunately, this chamber does not control the machinations of the other place and, indeed, the government does not hold a majority there. If the opposition's member in that other place, who is now disgracefully conducting —

**Mrs A.K. Hayden** interjected.

**Mr D.A. TEMPLEMAN:** The member for Darling Range might have been in the other place. It is disgraceful to hold up legislation for over 16 hours—unlimited time.

**The ACTING SPEAKER:** Minister! Finished? Let us move on. Answer the question.

**Mr D.A. TEMPLEMAN:** I am answering the question, Madam Acting Speaker.

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**The ACTING SPEAKER:** No, answer the question. Speak to me.

**Mr D.A. TEMPLEMAN:** I am. We do not control the machinations in the other place and we need only to look at the behaviour of one particular Liberal member in the other place at this time to see ridiculous and totally appalling behaviour. For 16-plus hours, the member in the other place —

**Mrs A.K. Hayden:** It is not relevant.

**Mr D.A. TEMPLEMAN:** It is absolutely relevant because it goes to how a democracy should operate. One person, one man, one member of Parliament, is disgracefully holding up legislation because of his religious values and views, and he uses and abuses —

**Mrs A.K. HAYDEN:** I have a point of order.

**Ms J.J. Shaw:** There is no point of order!

**The ACTING SPEAKER:** Member for Swan Hills, you are not in the chair.

**Mrs A.K. HAYDEN:** The member is referring to a member of the other place in an incorrect way, and I think he should stop and withdraw those comments.

**MR D.A. TEMPLEMAN:** If you support that behaviour over there, you are a disgrace.

**The ACTING SPEAKER:** Minister! Minister, look at me. Let us move on with the debate. We are at the consideration in detail stage. We are at clause 2.

**Mr D.A. TEMPLEMAN:** The question was asked about the capacity for the bill to pass this place and make passage in the upper house. I have made a comment and I stand by it. The abuse of the standing orders in the other place by a Liberal member of Parliament is appalling. If the member for Darling Range supports that, I think she should be subject to the same view. It is appalling.

**The ACTING SPEAKER:** Minister!

**Mr D.A. TEMPLEMAN:** To answer the member's good and serious question, I will do whatever I can to ensure that when this bill passes this place it is given priority, but while a bill is now stuck in the other place because of the obstinacy, the pig-headedness and the abuse of parliamentary practice by a member of your own party, I hope you would go to him and ask him to see sense. I do not know what he is trying to prove, but I think anybody who is generally reasonable would look at what is occurring in the other place and see it as a disgraceful action by a member of Parliament using the unlimited time provisions in that place. If the member for Darling Range does not support that —

**Mrs A.K. Hayden** interjected.

**Mr D.A. TEMPLEMAN:** We know the member for Darling Range's position. She actually served in the other place; she did not do much. She is probably protecting those pathetic and ancient rules. She can protect the ancient rules in the other place, but do not bring them here.

I hope that when this bill passes this place, the member for Carine—I mean this sincerely—will talk to his counterparts in the other place to ensure that these laws also pass that place, because the reality is that if the bill does not pass, a number of these important reform provisions will not be in place in time for the council elections in October. That would be a great shame. I do not want that to happen. I therefore ask the member for Carine for his support.

**Mr A. KRSTICEVIC:** I thank the minister for that interesting statement. Obviously, the Leader of the House in the other place will bring this bill on for debate —

**The ACTING SPEAKER (Ms J.M. Freeman):** I want to point out standing order 92, which states —

Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

I am told that means that members cannot make derogatory comments about members of the other house. So, can members just keep to the commencement of this act. That is what we are talking about, member for Carine—the commencement of this act.

**Mr A. KRSTICEVIC:** Thank you very much, Madam Acting Speaker. Obviously, I had not made any statements of that nature.

**The ACTING SPEAKER:** You were talking about the leader of the other house.

**Mr A. KRSTICEVIC:** I was making the comment that the Leader of the House in the Legislative Council can bring on this legislation ahead of other legislation, because that is obviously where the agenda is controlled from.

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I want to know whether the minister will request that this legislation be given priority ahead of other legislation, based on the critical time frames that will need to be achieved so that this bill can commence in the right process.

**Mr D.A. TEMPLEMAN:** I assure the member that I have already had a conversation with the government in the other place and the Leader of the House about the time constraints with the passing of this bill.

**Mr A. KRSTICEVIC:** Assuming the minister achieves those time frames for the commencement of the bill, does the minister have any time frame within which the regulations will need to be drafted, and also for the relevant induction course to be developed and made available, because that will probably need to be done by about August, or it could be sooner than that; I am not sure by what date that will need to be completed? How far have those matters progressed, assuming the bill passes the other place by the required time frame?

**Mr D.A. TEMPLEMAN:** If this bill is passed in both houses, that will enable some elements of the bill to be enacted as soon as practicable, and within the time frame of the next local government elections. The regulations around the induction process and universal training will be on track to be in place for the October 2019 local government elections as soon as royal assent is granted. The regulations for the new local and statewide public notice issue, the additional transparency improvements, the thresholds for gifts, and other minor administrative matters are expected to be gazetted within three months of the bill receiving royal assent. If that were to be delayed past October, that would not affect the local government elections. The main issues around the local government elections are universal training and the induction process. The regulations around CEO recruitment, for example, and the model codes of conduct—remembering that there will be input from the Public Sector Commissioner, which is very important—are not required to be in place by the October deadline and would be subject to a date post October this year due to the finalisation of consultation. The essential elements are universal training and the induction process. They are the issues that are urgent, if you like, for the October elections. As I have said, regulations for the gifts threshold and other minor administrative matters are expected to be gazetted within three months of the bill being granted royal assent.

**Mrs A.K. HAYDEN:** I want to get some clarification. The minister is now saying that if this bill passes both houses, and if the regulations are not completed within the next three months, or before the local government elections, that is irrelevant. Candidates and councillors will be operating under this new act, even though they may not fully understand the rules that they will be required to uphold, because the regulations have not been drafted and passed.

**Mr D.A. TEMPLEMAN:** The regulations that relate to the requirements for the October 2019 election will be in place if the bill passes both houses before we rise for the winter break. Other aspects of the bill that require further regulation and drafting are not time restricted in terms of the October deadline; it is only those matters that relate to the training aspect. We are very confident that those matters will be in place in time for that to occur.

**Mrs A.K. HAYDEN:** There will be a lot of regulations. I am taking the minister at his word about what those regulations will mean and what will come out at the end of the day. What the minister says in this place will provide guidance to make sure that those regulations are accurate. The minister is now telling me that councillors may be elected in October, but they will not know the regulations around gift entitlements and so forth that they will have to abide by, because the regulations that they will be required to uphold will not have been determined at the time they are elected.

**Mr D.A. TEMPLEMAN:** Gifts are dealt with in another clause. Let me be clear. The only part of the gifts aspect that will need to be included as a regulation relates to the threshold. All the other aspects will be dealt with in the act. Therefore, the member can be assured that what will need to be in place to enable an induction process and a universal training element will be put in place in time.

**Mrs A.K. HAYDEN:** I am trying to get a clear understanding. People will run for election, and, if they win the election and become a councillor, they will not know—I am using gifts as an example. I know there are many other parts —

**Mr D.A. Templeman:** It is not a good example.

**Mrs A.K. HAYDEN:** Okay. Can the minister please outline to me, on the commencement date, what regulations and what parts of the bill will not be determined prior to the October elections if this bill is not passed in time? The minister has said that gifts are irrelevant. What other parts of this legislation and the regulations will not be determined prior to the election?

**Mr D.A. TEMPLEMAN:** In answer to the question about which regulations will be gazetted, regulations to introduce universal training for council members and candidates will be in place as soon as practical after the bill receives royal assent so that training is in place for the 2019 local government elections. Regulations for the new local and statewide public notice, which is how a local government communicates by law with its community, additional transparency improvements, the gifts threshold, which is \$300, and other minor matters are, as I said,

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expected to be gazetted within three months of the bill receiving royal assent. If we look at that in terms of months, that takes us to within that October threshold if the bill passes by 30 June. Regulations for the model standards for the recruitment of CEOs, termination, performance management and the model codes of conduct should be gazetted by early 2020, at the latest. The reason for that is because ongoing consultation is required, particularly with input from the Public Sector Commissioner, which is an important aspect of that. And, of course, some of those matters refer to the partnership agreement. Those are the elements that are required to be in place but only those that are related to the October time line are, if you like, essential. Regulations are introduced and changed at various times and newly elected councillors will, as part of their training, learn about new regulations as they come into being as is proposed under the universal training regime.

**Mrs A.K. HAYDEN:** The minister indicated from the list that the regulations for the model code of conduct will not be finalised prior to the election, so candidates and councillors will be elected without the updated code of conduct model that is in the bill. I understand that regulations change, but the minister has said that all those things that he listed will not be determined before the elections, including the code of conduct, so councillors will be elected with old rules and regulations and a code of conduct. What will happen if this bill does not pass in time for the government to get the reforms up and ready for October? What is the fallback plan?

**Mr D.A. TEMPLEMAN:** If the member is not supportive of the bill passing in the other place, the status quo for candidates and elected members will exist until the following council elections or any subsequent council election that is scheduled in the interim. I hope that does not happen. I hope the member is not proposing to talk to her mate Nick Goiran in the other place and tell him to hold it back. I hope that is not her strategy. I tell her what; if that is her strategy —

**Mrs A.K. Hayden** interjected.

**Mr D.A. TEMPLEMAN:** I do not think the member understands what the member up there is doing, quite frankly.

**Mrs A.K. Hayden:** That is not relevant to this bill.

**Mr D.A. TEMPLEMAN:** It is; it is very relevant.

If that occurs, the induction will be available on a voluntary basis. These are important reforms and I ask the member to support them.

**Mr A. KRSTICEVIC:** I want to very quickly tease out a couple of points about the commencement date. The minister mentioned that the code of conduct will not be up and running by the commencement date, and I assume that it is the same scenario for the standard panel referral of newly elected members. I raise that because during the last council elections, the code of conduct of some candidates was absolutely appalling and totally unacceptable. Part of the reason for this bill is to manage, stop and have control over the behaviour we saw during the October elections. It is concerning that similar behaviour could continue unfettered —

**Mr D.A. Templeman:** Just pass the bill.

**Mr A. KRSTICEVIC:** Even if we pass the bill, the minister said that the code of conduct will not be done. The only thing that will be done is the training. I want the minister to explain what measures are in place to stop that behaviour and hopefully get a better result with more people putting up their hand to run for council. If that part of the bill does not come into effect on commencement, that is a real concern.

**Mr D.A. TEMPLEMAN:** As the member is probably aware, there is no head of power for us to formulate and finalise the regulations until the bill passes; hence, I need the member's support to make sure that this bill passes the other place. I will do my bit and talk to the Leader of the Government in the other place. If the member genuinely believes that this is important legislation and he supports the time sensitive provisions, I ask him to do everything he possibly can to ensure the passage of the bill in the other place before 30 June.

**Mr A. KRSTICEVIC:** As I said before, it is up to the Leader of the House in the Council to declare this bill urgent so that it is debated as quickly as possible. Obviously, I would support the Leader of the House doing that. One last point before we move to the next clause: the minister indicated that the induction and universal training is important at the commencement. The minister identified that he wants newly elected councillors to do the five modules within 12 months of being elected. I am concerned about the process the government needs to go through to develop the modules to go out for expressions of interest to registered training organisations to develop packages that will be available in that time. Will that be achieved on the commencement of this bill considering that is one of the key priorities and will that allow for a proper process for tenderers to put in their bids?

**Mr D.A. TEMPLEMAN:** I can inform the member that expressions of interest for the modules went out this week. We are doing everything we can to make sure that we are prepared. Remember also that this is not a new science. Some very good examples of module training have already been canvassed and examined, including

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examples from the South Australian jurisdiction. The expressions of interest have gone out for the five module themes, and the same training units will be available in October and others will follow. I am confident that the modules and the requirement that they be completed within a 12-month time frame from election is achievable.

**Mrs A.K. HAYDEN:** The minister made the point that the training modules have gone out for expressions of interest prior to the legislation being passed. Has the government started drafting some of the regulations?

**Mr D.A. TEMPLEMAN:** I understand that a letter has been prepared to the Attorney General requesting that a direction be given, and as soon as that is received it can be actioned.

**Mrs A.K. HAYDEN:** Can the minister advise what the Attorney General direction is and what it will achieve?

**Mr D.A. TEMPLEMAN:** To parliamentary counsel with regard to the drafting of regulations.

**Mrs A.K. HAYDEN:** Will the minister confirm that the government has not started to draft the regulations?

**Mr D.A. Templeman:** No, they have not.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 1.4 amended —**

**Mr A. KRSTICEVIC:** Obviously, clause 4 will get rid of the definition of “75% majority”. I need some guidance from the minister about exactly what the impact of this will be. My limited understanding is that it relates to a decision of more than 11 councillors for the direct election of the mayor. Obviously, by removing this definition, the requirement will be reduced to an absolute majority of just over 50 per cent. If the decision is for the direct election of a mayor, the only way for the election of the mayor to go back to being made by councillors is by going to a ballot of ratepayers. I assume that that vote could go in the other direction. I want to get clarity from the minister. Is that exactly what it is? Is there anything else that the 75 per cent majority is used for?

**Mr D.A. TEMPLEMAN:** The member’s summary, as he understands it, is correct.

**Clause put and passed.**

**Clause 5: Sections 1.7 and 1.8 replaced —**

**Mr A. KRSTICEVIC:** There are two issues in clause 5—a local public notice and a statewide public notice. There is no doubt that this is a critical area. We all know from experience that ratepayers come into our electorate offices and say, “The council is doing something and it hasn’t told us. We’re not aware. We didn’t get any advice.” At the moment, there are traditional forms of advice, whether it be public notices at libraries or in the local community paper, which it is almost impossible to get a physical printed copy of. I struggle to find the community newspaper. I seek it out when I want one, but I obviously look at it online. People can look at the paper online to see what is in the notice. As we know, there are libraries and the traditional methods. The feedback I get from people indicates that they struggle to understand when a council is making a decision. I want to get an idea of what the minister sees here from the perspective of both a local public notice and a statewide public notice and how he sees it evolving as a result of these changes.

**Mr D.A. TEMPLEMAN:** I thank the member for the question. Section 1.7 relates to a local public notice. This clause provides the requirements for what constitutes a local public notice, including issues such as time frames, which will not change. The clause provides that the requirements of a public notice will be set in regulations. That is the important change; they will be in the regulations. This will essentially futureproof this requirement for local governments. We know that methods of communication have changed and will change over time. The regulations will provide for the use of a range of media, including the local government website, the state government website, social media, electronic mail distribution lists, newsletters that are available to the majority of residents and both state and community newspapers. Western Australia has one weekly state newspaper, but, as the member knows, it is not distributed to some parts of the state, such as remote parts of the north west. This allows for an expanded communication mechanism into the future.

Section 1.8 relates to a statewide public notice. This clause provides the requirements for what constitutes a statewide notice. The clause provides that the requirements for a statewide public notice will be set in regulations. It will include a concurrent requirement for a local public notice. This clause essentially provides that communication methods have changed and will continue to change, and therefore the capacity and means by which local governments communicate with their communities need to change and be responsive. Through the regulations, the requirements will ensure the best possible coverage of communication into the future. There were days when it

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was published in only one place, but we know things have changed and this provision seeks to provide for greater capacity to get the message out. It needs to be done by public notice.

**Mr A. KRSTICEVIC:** Will there be a minimum requirement for how it will be done? Will there be an exhaustive process in that councils will have to use Facebook, do it online or mail people to get these notices out there? As much as the options can be flexible, unless we adopt a whole range of options, it will be very difficult for people to stay informed. Some people are not necessarily au fait with technology. Some elderly citizens may not get the chance to get out and see a notice or to look online. How will we make sure that we cater for everybody, irrespective of their ability to access various forms? How will we make sure that the distribution is as wide as possible so that the community gets the best outcome?

**Mr D.A. TEMPLEMAN:** The regulations will provide for a range of media to be included. The only mandatory medium will be the local government website, as the member will be aware. Through this bill, we are enhancing the transparency requirements and one of the mediums to highlight that will be the local government website. That will be a mandatory requirement. At least three other media communication methods will be required. Of course, these will differ depending on the circumstances of the community. For example, in Kununurra, where I think the state newspaper is not widely circulated, the Shire of Wyndham–East Kimberley would need to make sure that the public notice was posted on its website, but it would look at its own circumstances and how it communicates best with its community. There was feedback from a lot of the remote communities that were part of the consultation process. In the case of that shire, a newsletter that is made available to the majority of residents might be one method. Another method might be the local newspaper, if there is one. The third method could be social media or electronic mail distribution. Indeed, the state government website is another medium. There will be minimum requirements to achieve maximum communication exposure. Also, built into this is the fact that not all communities are the same. The member would be very aware, for example, that in the past 18 months a number of community newspapers that service some of the outer metropolitan areas have closed. The one in the Midland area is an example. That is because of market pressure. In consideration of these new regulation requirements, the councils in those areas would need to look at this. Obviously, there is no local newspaper in those areas any more. That is very sad. Apart from their local government website, the council would need to satisfy the requirements of this public notice by using other methods of communication.

**Mr R.S. LOVE:** I have been listening to the descriptions that have been given during the discussion on local public notices. There are distinct communities in some very large government areas. The minister was talking about publications that service the majority of a local government area, which may not be relevant. I do not want to talk about specific examples but the minister mentioned Kununurra, so what might be relevant in Wyndham or Halls Creek may not be relevant in Kununurra, for instance. A local newsletter could service the smaller communities. If the issue was very much based in that community, would that be acceptable or is a wider publication required?

**Mr D.A. TEMPLEMAN:** That is a good point. The short answer is essentially yes. The local community would be able to utilise what it knows best to get the message out. A lot of the feedback around this aspect came during consultation in the wheatbelt. As the member is well aware, a number of country towns are located within the same shire with their own means of communication. Places such as Brookton and Katanning have a community newsletter, which everyone reads because it is highly sought after. That would be seen as one very good method of publicising information.

**Mr R.S. Love:** In the case of the Shire of Dandaragan, they might have four.

**Mr D.A. TEMPLEMAN:** That is true. There is nothing stopping a local government from going beyond the minimum requirement. Quite often there is some criticism of local government about communication of information. I am very hopeful that this change will make a lot of councils look at the way that they communicate in the modern context, because if a council has a very good communication policy, by and large, and a very well-informed community, that feeds back to the quality of decisions that can be made on their behalf.

This is a good provision. It is flexible in that it increases the options about getting information out. It mandates the issue of the local government website being important. By and large, we want more people to go to their local government website to get information that will be useful and important to them. I think these changes also reflect the changing nature of communication more broadly. In the old days, local governments were required to publish information in one publication that was distributed statewide and, in some cases, in a variety of newspapers. There was a time when we had a statewide paper plus a number of metropolitan-based daily papers. That is no longer the case. We are modernising the requirements and also giving local governments some flexibility to get their message out.

**Mrs A.K. HAYDEN:** I think this is a great change to the legislation. As the minister pointed out, local papers have closed. There is no local community newspaper across the whole electorate of Darling Range, which is

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extremely sad. The newspaper put out by the local community is now in jeopardy. There is no means of communicating through a paper in some areas. Because this is in the regulations, and there is a requirement for a public notice to be sent out, will residents be written to if they will be affected by works in a certain street or neighbourhood? Do the people in the properties that will be impacted by the change receive a written notification? That is one way of making sure that if someone is on a street and something is going to change, they do not have to look at a website or read a paper; just a simple letter may be a great way of informing these people. I want to know if that is one of the requirements.

**Mr D.A. TEMPLEMAN:** The short answer to the member's question, which is a good question, is that nothing changes when communicating the matters that the member highlighted. Generally, one of the big criticisms councils get is when someone says that they did not know about a particular thing that was going to happen two or three doors down. The council has a policy that says it will only write to—I think that is where the member is coming from—residents who live exactly adjacent to the works. Unfortunately, in those circumstances sometimes councils do not do themselves a great service in that respect. They need to be a little more flexible. It is not just a case of putting a letter in someone's letterbox. There are some great examples in local government of some very good two-way communication systems between local governments and their ratepayers—the residents. I like what the City of Rockingham is doing with its Rock Port initiative, which is very much a two-way communication method. With these regulations and the issue around public notices, I think we are going to see an enhanced focus on how councils communicate with their ratepayers, residents and businesses. Those who do it well, those that are innovative and those that are able to maximise their messaging will be rewarded by increased confidence and participation of people wanting to be involved in local decisions.

In relation to what the member said, there will be no changes in this legislation but in the broader context we are enhancing the mediums in which the messages get out, particularly as they relate to the requirement of statewide public notices.

**Mr A. KRSTICEVIC:** I just reinforce that the notice will have to go on the website and a minimum of other mediums. I am sure that the minister has been traversing local government websites, as I have, and he would have seen how difficult it is —

**Mr D.A. Templeman:** You've been trolling them, have you?

**Mr A. KRSTICEVIC:** I have just been reading them to see what is on them, trying to understand what is happening in various locations around the state. It is very difficult to find information on some websites, even when using their search engines. Obviously, notices are very important to keep the community informed about major decisions that are being made in the community. Will there be a requirement in the regulations for notices to be displayed in a prominent location on the website or for an easy way to find them, bearing in mind that not everybody is an expert at searching through websites and some websites are very, very difficult to get around? It is important that we ensure that it is a very important medium for lots of people and that it is as easy to access as possible. Has the minister given consideration to including that in the regulations? If people were to raise it as a concern, would that be considered?

**Mr D.A. TEMPLEMAN:** It is a good point. We have to be mindful that a lot of people are not necessarily as tech savvy as the average 17-year-old. We also should not be too discriminatory but there are some pretty funky 75-year-olds who are pretty good with the e-text—no, not e-text, but the technological stuff around. I actually think —

**Mr J.N. Carey** interjected.

**Mr D.A. TEMPLEMAN:** E-text—it is a new medium that I have created, and I am happy to patent it!

I hope local governments enhance the quality of the presentation and the information provided on their websites. There are some very, very good local government websites that are very user-friendly. I cannot direct them, as the member knows; they are autonomous bodies. However, I am sure the department will encourage continuous improvement, particularly given that local public notices are important. They will be encouraged to ensure that they are in a prominent place. We cannot make a law that says that they must put it on one or two centimetres from the main heading, in red or green, or whatever; however, we can encourage that. There is going to be a cost, of course, but because there are enhanced requirements to go on the website—transparency measures, gifts et cetera—I think we will see local governments start to talk to each other even more, to look at what occurs in what they might consider to be best practice, and utilise that information or expertise. We know that there is a willingness amongst lots of local governments to share information or share expertise; it is happening already. I hope there will be lots of reciprocal sharing of information and practices. It happens; I have used examples like the Shire of Morawa and the Town of Victoria Park. They have come to a memorandum of understanding for the sharing of information and there is

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collaborative learning between those two authorities—one an inner-city local government in the metropolitan area and the other a regional shire in the Agricultural Region. I think that is wonderful and I encourage it.

**Mr A. KRSTICEVIC:** One last question from me on notices. Apart from the obvious reasons notices go out, I am sure we all get feedback—I definitely do—that when notices go out to the community, many of the people who receive them do not actually know what they mean. I mean by that that they are written in technical terms—an LPS3 or an R-zoning or a new town centre plan, or whatever the situation might happen to be. I have experienced that in my electorate. People do not actually find out what a notice means until a bulldozer turns up next door and builds a three-storey monstrosity. People say, “How did that come to be next door, and who gave permission for it? Why didn’t they ask me?” The issue is really about notices being more informative so that people understand what they mean, especially on websites. It may not be possible to do it in all forms, but notices that go out through other media can refer people back to the website to say that if they go to this link on the website, it will explain in layman’s terms what a notice is actually telling them and who they can talk to about getting more information. It is also sometimes worthwhile just having pictures there—a colour picture to say what the notice actually means so people can look at them and say, “Okay, I now understand what that is telling me”. Alternatively, if they need further information, it can tell them where to get that further information. I think it is great that we are allowing flexibility for notices to go out, but I genuinely think there is concern out there—at least, I am hearing it—about people’s ability to understand what those notices are telling them. As councils become bigger and more complicated and things shift more towards them, that issue is going to grow in complexity. People really need things to be more simplified. I am not sure whether the minister can give that some consideration or if it has been given consideration, but I know a lot of people would appreciate the use of simple language, diagrams and pictures to explain what those things actually mean. As I said before, a good example is local planning schemes. The community is asked for feedback with a notice saying that the council is reviewing the town centre or the local structure plan, and people are asked to get their comments in by whenever. That means nothing to most people. They look at it and say, “Yeah, whatever. That doesn’t impact me.” Then it is enacted, and the council says, “Three years ago we told you about this and it has finally got through the process, and now this is what we’re doing”. Then there is community uproar and outrage because everyone says that nobody told them what was going on and why was it not explained to them rather than putting it in front of them when they did not understand it in the first place. It is a genuine concern out there in the community. I do not know whether this can fix it, but I really do think we need to look at these notices. I know councils feel community pressure and backlash when they make these decisions and things do not work out, and then they have to backtrack and go through a process to fix them. The problem with that, of course, is that between the decision being made and the ability for the council to change or fix it, a lot of damage is done to the community, in some cases. There are real-life examples out there of where that is happening. It hurts me as a member of Parliament to see those things happen and to know that bad decisions have been made because people were not informed. In some cases, they do not even raise the issue and complain to the local member because they are not aware that it is an issue. They do not even know what is going on in real terms because it has not been explained properly through that process. I just want the minister’s feedback on that.

**Mr D.A. TEMPLEMAN:** The member raises an interesting point. I temper this with a bit of responsibility. There is actually a responsibility on ratepayers and residents to make themselves aware of issues, to the best of their capacity, as they come forward. There are examples in which information is given above and beyond the minimum requirement, and people still do not take any notice of it, respond to it or, indeed, even bother to read the information that is sent to them. I think we need to temper that argument with some consideration. The reality is that the requirements of a public notice trigger a range of reporting mechanisms. We have gone over the media through which that can be done. I return to the point: we cannot prescribe this, and nor should a government department get down to the detail of creating templates for every single planning matter or anything else that needs to become a public notice. That is the responsibility of the local government and there is some pretty good expertise in the sector. There are some very good examples of good quality information being provided that is understandable, and if people have further questions, it is their responsibility to follow it up. I think there is a personal responsibility. People cannot expect every single little matter to be delivered to them ad infinitum because that is not practicable. I think most people can expect to know when something that might affect them is happening around them. Some people, of course, will never accept it. The other point is that quite often, the planning regime that operates within an area already allows certain uses to occur without any public consultation, but councils go beyond that by still telling people. I think that is good and should be encouraged. Again, I think we need to look at some best-practice councils that do that well. The City of Vincent is one example; the Town of Victoria Park does some great things. The City of Melville does some magnificent things in recycling and education. There are numerous examples. In my own area, the City of Mandurah has been undertaking a great consultation process. Can we force people to engage? No. Can we encourage them as much as possible to engage? Yes. Can we tweak and improve our communication methods? Yes, particularly given that the nature of communication continues to evolve and change. The old saying that you can take a horse to

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water but you cannot make it drink is also true in my view. Let us make sure that we share best practice—celebrate it, encourage it, learn from each other and collaborate—but we are not going to become a nanny state and prescribe the wording of every single little notice. That is not the role of government, and it should not be. Local government is capable of doing the job it needs to do and this legislation before us encourages and allows it to do that.

**Mr R.S. LOVE:** This has been raised by the member for Carine and the minister in examples about public notices on planning matters. My understanding was that this division related to things under the Local Government Act, this legislation, and consequential legislation, as outlined in the explanatory memorandum. Can the minister explain the relationship between the Planning and Development Act 2005 and this change in notices, if any?

**Mr D.A. TEMPLEMAN:** There is no change, and as the member is aware, the Planning and Development Act is currently under review anyway. I was referring to the examples the member gave in his concern about the quality, particularly in the wording, of notices, including public notices that are sent out. Quite often, as I have seen with planning matters, the communication is not by a public notice. It might be, but quite often some councils write to—to use an example—people within a 200-metre radius. A person living one metre outside of that 200-metre radius will not get the letter, and will get upset about it and say, “How come I didn’t get the letter?” That happens regularly.

**Mr R.S. Love** interjected.

**Mr D.A. TEMPLEMAN:** No, but I was referring to the concern that was being raised about the quality of the wording in public notices and also the broader context of how councils communicate with their ratepayers. All councils can look at how they can continue to improve their communication with their ratepayers, residents and businesses. By doing that, they will enhance the way they are perceived as quality councils.

**Mr R.S. LOVE:** I have a point of clarification. The difference between statewide public notice and local public notice, in practical terms, is a single advertisement in *The West Australian*. Is that correct?

**Mr D.A. TEMPLEMAN:** The short answer is yes.

**Mr A. KRSTICEVIC:** On the point about the statewide notice—a single notice in *The West Australian*—many people own properties in various councils. Again, decisions are made and they are not the occupiers. Does that mean that, in those situations, they would not be informed in any way other than a statewide notice if, for example, they happen to own property in Carine but live up in Karratha? How would they be informed of things that were happening around their locality?

**Mr D.A. TEMPLEMAN:** The status quo essentially remains in relation to that statewide notice. However, there is an enhanced focus, if members like, on the website. It could be argued that the website is a universal statewide entity in terms of communication. This provision places greater emphasis on the local government’s website in particular. But the status quo regarding the statewide aspect is still in place.

**Mr A. KRSTICEVIC:** The minister is saying that, in reality, people will really not be any more informed unless they know they need to go to the website to look at a particular issue. Of course, nothing will be directing them to go to that website, because no other information will be available. The local government may have email addresses or other contact details and it would not necessarily cost them a lot of money or capacity to contact people in that way. Has any consideration been given to adding a little more around statewide communication, rather than just the website? That is a good start, but unless —

**Mr D.A. Templeman:** There are three other requirements.

**Mr A. KRSTICEVIC:** Yes, but the minister said that this is statewide. The reality is that unless someone knows they need to look at the website—unless there is some trigger that encourages a person to do that—chances are they will not do that. I am wondering how we will get around that.

**Mr D.A. TEMPLEMAN:** It needs to be understood that the local public notice requirements still apply. I think that captures the member’s concern.

**Mr A. KRSTICEVIC:** Mr Speaker.

**Mr D.A. Templeman:** You said you had only one last question!

**Mr A. KRSTICEVIC:** I have. The minister talked about communication. One thing he said was that the communication of notices and getting the information out was important. People who get elected to council do not necessarily have the experience of communicating more broadly with the community or of getting information out there. Will that be considered anywhere in the universal training in terms of how to better communicate with ratepayers and to understand how well the council is communicating with ratepayers, so that they can have a bit of influence in terms of not just improving their own skill base but also getting the council to do a better job?

**Mr D.A. TEMPLEMAN:** I do not want to prolong the time of the house. The broader communication elements—in other words, how a councillor or a council communicates with the community—is being canvassed in a more

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focused way in the second phase of the process. However, in answer to the member's question about general communication methods, how a councillor communicates with his or her constituency, whether it is a ward or the whole council area if there is no ward system, is really a requirement for them to address. I have seen some very good examples in my area of individual councillors having a council newsletter, which they send out by email under their name as councillor X or under the name of the town ward. They publish council decisions, under council policy rules, of course. They communicate with their electors in that way using that method. I know some people do a newsletter or a photocopy. Some doorknock. Some have a phone bank. Some do not do anything; that is true. To me, that says that again we cannot force them to use certain methods. Some do the tried and true method of simply getting around in their community in lots of different forums and connecting. That works too. We are not prescribing any of those.

**Mr J.E. McGrath:** Some councils, such as the City of South Perth, keep the ratepayers in touch with regular newsletters. It's called *Peninsula Magazine*. Every ratepayer gets one and it tells them everything that is going on in the area.

**Mr D.A. Templeman:** That is a decision that the council has made. Remember that in this regime of amendments, we are also talking about the requirement of local governments to implement professional development training programs. If communication is an element that they might focus on in that process, good. It may be seen as one that councillors may raise with the mayor and CEO; they may want to look at how they get out their message so that they can represent their ward or community better and the council may come up with a range of elements within the professional development requirements.

**Mr A. Krsticevic:** City of Stirling used to issue a newsletter and then it used to advertise on the radio across the whole state to say that the newsletter is coming in the mail.

**The SPEAKER:** The minister is on his feet. Let us get going on this.

**Mr D.A. Templeman:** Some councils publish "The City Voice" or a regular full-page advertisement. There is a variety of ways. We are not prescribing it, but certainly good councils will look at how they communicate. Good councillors will look at how they communicate with their fellow elected members. Ultimately, this is still the art of persuasion. I always say that one of the things elected local government members need to remind themselves of is that, essentially, they want to persuade. They come to a chamber and there is an issue, and they essentially want to persuade. That is different in here, because each party arrives at a point and no matter how persuasive I am, I might not change their mind. However, councillors have great capacity if they are great persuaders. Good councillors will sometimes have a few goes at it and do it in a respectful way. I hope that answers the member's question.

**Mrs A.K. Hayden:** I have a final question for clarification, because we have been on this point for quite some time. The amendment requires a notice to be published on a website. My understanding is that the only requirement of the amendment is that it has to go on a website. Is there a minimum number of communication methods required or is it simply enough for it to go on a website?

**Mr D.A. Templeman:** As I said earlier in an answer to this question, the website is the mandatory one, plus any three other methods including a state government website, social media, electronic mail distribution, newspaper, both local and/or statewide, or newsletter available to the majority of residents. The aim is to capture as much as possible through saturation of the information.

**Clause put and passed.**

**Clause 6: Section 1.10 deleted —**

**Mr A. Krsticevic:** We talked about this clause before. I am wondering whether the minister can explain to me why this special majority was put in the act in the first place.

**Mr D.A. Templeman:** I was not around. I was an elected councillor in 1995, after being re-elected in 1994, so I am not privy to the reasoning behind it. However, I am privy to the reason that we are deleting it, essentially, and that is special majorities apply to just 18 local governments. A special majority is only required when changing the method of filling the office of mayor or president from a council-elected mayor to an elected mayor. Local governments that have fewer than 11 council members make this decision by an absolute majority, and after this amendment, all councils will make this decision by an absolute majority. I think it is a sensible amendment.

**Mr D.A. Templeman:** You might ask Hon Paul Omodei when you see him next!

**Mr A. Krsticevic:** I might do that actually!

Are there many examples of councils, either through an absolute majority or special majority, going backwards and forwards multiple times; or is it predominately that once they go to the direct election of a mayor, it does not change at that point? Is there an opportunity for people to go backwards and forwards and cause a bit more

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confusion through that process? Maybe a special majority was there to stop that from happening as easily as it might otherwise have with an absolute majority.

**Mr D.A. TEMPLEMAN:** We want to finish consideration in detail tonight, so I am not going to take too long. It is a bit superfluous in some ways, because we are going to delete the requirement. I am not privy to why the decision was made. The member will be reminded that once a decision is made and it satisfies the current act, any subsequent change requires a poll. The member was aware of that. I am not aware of precedents. I do not really want to spend too much time finding out, because, quite frankly, it becomes irrelevant, but between now and when we get to the third reading of this bill, which we want to do on Thursday, I might have some information that tells the member whether there has been any precedent of a change, a subsequent poll and a change back. That is simply what the member is asking.

**Clause put and passed.**

**Clause 7 put and passed.**

**Clause 8: Section 3.12 amended —**

**Mr A. KRSTICEVIC:** Why is the change from “statewide” to “local” outlined in clause 8 important and what is the purpose of it? Proposed section 3.12(6)(c) states —

advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.

What restrictions is that change making?

**Mr D.A. TEMPLEMAN:** There are no restrictions for a government to continue to advertise a local law statewide if it chooses to, but fundamentally a local law is a law for the local district; therefore, it is of primary interest to the people who reside and/or have interests in that district. This provision reduces an unnecessary cost burden to local government. I know the member is always highlighting additional cost burdens and here we are trying to reduce one because it is a local law relevant to the local district.

**Mr A. KRSTICEVIC:** People who own property in a particular council area, but live outside of it—I gave examples before of Carine and Karratha—would be interested in local laws that change, especially if it affects their principal residence and they happen to be working up north. Is there a requirement for other means of communicating the notices to those people if there is no statewide communication? How are they kept informed if they are going to be away from their residence for a period?

**Mr D.A. TEMPLEMAN:** As the member knows, the requirement includes up to three other mediums. We need to understand that if a good local government brings in a local law that it perceives may impact on non-resident ratepayers, it will be in its best interests to make sure that that local law is advertised by means of a statewide mechanism. This will not prevent a local government from doing that. For example, some local laws deal directly with confined and narrow issues. Therefore, the council may decide that it is appropriate to advertise that local law as a local notice rather than a statewide notice. I think that is sensible.

**Mrs A.K. HAYDEN:** Will a change to a local law have any effect in terms of the delegated legislation process?

**Mr D.A. TEMPLEMAN:** It will still be required to be tabled in Parliament and will potentially be subject to a disallowance motion and the delegated legislation process.

**Clause put and passed.**

**Clause 9: Section 3.16 amended —**

**Mr A. KRSTICEVIC:** This clause seeks to amend section 3.16(2) by deleting “Statewide” and inserting “local”. It also seeks to delete section 3.16(2a), which deals with the periodic review of local laws. I want some feedback from the minister about whether this change from statewide to local is appropriate, and also why a review needs to be done every eight years. Can a council not work out for itself whether it needs to be statewide or local, depending on the importance of the local law that has been changed, and whether a review needs to be done every eight years?

**Mr D.A. TEMPLEMAN:** The short answer to the question is that the time requirement is being canvassed in the second phase, and I think further consultation and discussion will come out of that. It is possible that that will be focused on in greater detail in the next phase.

**Clause put and passed.**

**Clause 10: Section 3.17 amended —**

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**Mr A. KRSTICEVIC:** This refers to local laws that are made by the Governor. How frequently does the Governor make a local law? When was the last time that was done, and what law did the Governor make on that occasion?

**Mr D.A. TEMPLEMAN:** I am advised that the last time the Governor made a local law was in relation to an amendment to the Dog Act, with specific reference to the definition of “companion dogs”. It is not common—only rarely will the Governor make a local law.

**Clause put and passed.**

**Clauses 11 to 13 put and passed.**

**Clause 14: Section 4.47 amended —**

**Mr A. KRSTICEVIC:** This clause is about the calling of nominations. What are the ramifications if the Electoral Commissioner or the returning officer do not call for nominations within the prescribed time? Are there any complications around that, and will any penalties or other things result from that not being done?

**Mr D.A. TEMPLEMAN:** My understanding is that if there is noncompliance with regard to the notices going out within the time prescribed by the Western Australian Electoral Commission and the act, the election for that particular district would not be able to be held and would have to be rescheduled. As the member is aware, there are sometimes claims post-election about issues associated with eligibility. Those are of course tested and the Electoral Commission takes subsequent action. Essentially, if there is noncompliance, my advice is that the election for that particular district or area is not able to be fulfilled.

**Clause put and passed.**

**Clause 15: Section 4.48 amended —**

**Mr A. KRSTICEVIC:** Obviously, this clause refers to issues around the induction course. I want to find out exactly how the induction process will work, what a councillor will have to do and the process they will have to go through. Once they have been through that process, how is the result measured?

**Mr D.A. TEMPLEMAN:** I am happy to highlight that. First of all, what will the induction cover? Candidates will need to understand both the role they will be potentially taking on and the laws that affect the way they conduct their campaign. This will be done through an induction that will cover two key elements: firstly, the role of council and council members; and, secondly, the election and campaigning rules, which include gifts, social media et cetera. How will the induction be delivered? The module will be available online through the Department of Local Government, Sport and Cultural Industries website. What will it cost? The online induction module will be free. Who will pay for the induction package to be developed? The state government will. Will this requirement prevent people from nominating? I do not think it will be an impediment, because it will be free. It is expected that it will not be onerous and could be completed in two hours, but no more than that. Some people will complete it in a shorter time. It will be available online to ensure people in regional and remote Western Australia and those with other commitments can easily carry out the induction. Potential candidates without access to or familiarity with technology will be able to go to the local government office to complete their induction.

If a person is unable to complete the induction, they are unlikely to have the time or the capacity, essentially, to carry out the role and responsibility of a councillor. Again, we want people to go into this with eyes wide open. The two basic requirements of the role and the responsibility, and the implications of gifts and/or campaigning rules are important parts of that process. If this bill passes, will it apply to council members who are re-contesting their seats in October 2019? Yes, it will be a requirement. Although serving councillors already have experience running campaigns, being reminded of the rules, for example, of governing a campaign is always important and useful. How will this be enforced? Am I answering all questions?

**Mr A. Krsticevic:** You're getting there.

**Mr D.A. TEMPLEMAN:** Every person who nominates for council will be required to declare that they have participated in the candidate induction session at the time of nomination. There are penalties for making false or misleading statements on the nomination form and, as the member is aware, the current maximum penalty is a \$5 000 fine or one year's imprisonment. Does the member want me to keep going?

**Mr A. Krsticevic:** Did you say if they can't do it online, they can go to the office?

**Mr D.A. TEMPLEMAN:** Yes.

**Mr A. Krsticevic:** Which office?

**Mr D.A. TEMPLEMAN:** The council office.

**Mr A. Krsticevic:** So they can go to their local council and they will help?

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**Mr D.A. TEMPLEMAN:** Yes. That happens now. Prior to elections, a lot of councils hold candidate induction meetings and information sessions. They are commonly held now, but the aim of this is to make sure that we capture people's circumstances as much as possible. There is an issue here because we want people to weigh up their capacity to make a contribution and to be an elected member. Some people will look at it and say, "I don't have enough time" or, "My circumstances currently don't allow me to do the best possible job that I can" and they will decide not to do it. It is really important that we present them with basic information about their role and responsibilities. Quite often people want to know the time requirements so that they can weigh up whether it will impact too much on their family life, work circumstances and personal circumstances. For example, some people care for elderly parents or loved ones and they may say, "Actually, I can't commit the time, energy and efficiency".

**Mr A. Krsticevic:** So the induction course will be quite detailed.

**Mr D.A. TEMPLEMAN:** There will be those two aspects, which are important—role and responsibility and the issues around campaigning and gifts. They will know exactly what they are getting into. They will also know that there is a requirement for training once they become an elected member. That is sensible and appropriate.

**Mrs A.K. HAYDEN:** I totally agree with the minister that candidates need to go into it with eyes wide open and understand everything they will be responsible for, and the rules and regulations. During debate on clause 2, the minister said that the regulations may not be ready in time for the elections. This is where I go back to the argument I raised earlier. Without the regulations, how will they have an induction course and receive all the information so that they are aware of the regulations and changes that the government wants to implement?

**Mr D.A. TEMPLEMAN:** Because the detail that the member talked about will be covered in greater detail if they are successful in being elected. The aim of the induction is not to go through every single regulation that will impact on them and every single element or issue that they will face; rather, it will cover the sorts of things that will be required of councillors, such as how to read an agenda. I do not know whether they will be presented with an agenda every Friday night. I do not know whether it is Friday night or what happens in different councils. It will be a basic understanding of their role and responsibilities and they will have to sign up to a code of conduct because that is part of what is required. It is not appropriate to go into great detail.

**Mrs A.K. Hayden** interjected.

**Mr D.A. TEMPLEMAN:** They will learn that. As the member for South Perth said in his contribution to the second reading debate, they will learn a lot of this as they go, but we want to make sure that they know what they are getting into so that they can make an informed choice. They may say, "It's not for me." Some councils are busy. Some councils have a huge number of planning matters before them whereas others might be lucky to have one a month. People need to weigh up whether they have the time and capacity to commit. We do not want them to find out later that they did not know what they were getting into, which may cause them to put their hands up and leave, which would cause a by-election. That happens anyway because people's personal circumstances change. Let us inform them—"Yes, on the information I've got, I know I'm going to be spending a couple of hours a week in a full council meeting and a couple of hours a week in a planning meeting, and I will need to make sure I'm aware of what is going on with the planning scheme." They will add it up, work out how much of their time it will take up, and then ask themselves whether they have the time and weigh it up. Generally, people will talk with their partners and their family and say that they can commit to that, or they will say no. Some people will say that they cannot do it at that time. As the member knows, people can accommodate things depending on the circumstances of their life at a certain time. I know people who say that they would love to stand for council. My aunt did it in Wagin. She wanted to become a councillor, but she did not do it until her two boys had grown up and got jobs. Then she had the time to do it. That was her choice.

**The SPEAKER:** That is very interesting, minister.

**Mr D.A. TEMPLEMAN:** That is the intent.

**Mrs A.K. HAYDEN:** To clarify, the minister's opening statement on this clause was that this will ensure that candidates understand what they are getting into, but they will not have the full detail; it will be just a broad understanding. There will be certain regulations, but they will not know what they are. I think the minister said that someone will need to determine that they understand it. I want to clarify how it will be determined that they understand it. Who will do that? What will happen if they do not understand it?

**Mr D.A. TEMPLEMAN:** It will not be a pass or a fail. People will not get a "D" or an "F". I understand that the example of the induction information was emailed to the Liberal Party caucus. That was a request at the briefing. I am not sure whether the member went to the briefing. It was emailed. It gives an example of what we expect to be delivered. If the member has a chance between now and the third reading, maybe she could have a look at that. It was emailed to the Liberal Party caucus. That will give her a clear flavour of what we are talking about.

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**Mr A. KRSTICEVIC:** As the minister indicated, it is effectively a tick-and-flick exercise. The minister is saying that it will take about two hours for people to go through the material.

**Mr D.A. Templeman:** It might take them 15 or 20 minutes or half an hour.

**Mr A. KRSTICEVIC:** That is true, and some people might get through it in about three seconds if they just click through every screen. There is no real integrity measure for the induction course to determine whether someone has looked at it seriously or whether someone has gone through it just to tick a box on the nomination form. If it shows people what they are nominating for, why is there not some sort of measure to make sure that they have read and understood the material? If people can just flick through it, it does not add value, except for the people who are genuinely concerned about a particular issue.

The minister also indicated that existing councillors would be required to go through the course. They would probably have been doing all the things that the minister mentioned for the previous four, eight or even 20 years, so the training modules would not really teach them things that they did not already know. It would teach them what an agenda looks like, but they would get one every week and they would know what it looks like. It would teach them what a council meeting is, but they would go to one every week. I am not sure that there is value in sitting members going through it. I assume that most of them would just flick through it. Will there be some sort of audit mechanism to make sure that people have done it? Will that audit mechanism be sophisticated enough to show whether somebody has just flicked through it without paying attention to it? For example, if a person were to speed-read through this module and answer the questions, someone who knows what they are doing would take 30 minutes to do it, as opposed to two hours. If people flick through the screens, get through it in 30 seconds or a minute, and tick a box to indicate that they have gone through the module, is that enough for the minister? Or does he expect that they will read it? As part of the nomination process, how do we make sure that that occurs? Otherwise, in some instances it will become almost a fruitless exercise. Obviously, when people are very genuine about their role and want to know what is involved, they will go through it in some detail. I am just wondering whether the minister has given that any consideration?

**Mr D.A. TEMPLEMAN:** What does the member think of the documentation provided?

**Mr A. Krsticevic:** It is a starting point. I don't think it is complete. As a starting point it is very simple.

**Mr D.A. TEMPLEMAN:** Does it look onerous? No. It does not look onerous.

**The SPEAKER:** Member, just let the minister answer the question.

**Mr A. Krsticevic:** I didn't see the whole thing. You said it would take two hours.

**The SPEAKER:** Member! Just let the minister answer.

**Mr D.A. TEMPLEMAN:** You asked the question, let us go through some of these. I am happy to go through it. We will stay here as long as it takes.

**Mr A. Krsticevic:** I am just asking.

**Mr D.A. TEMPLEMAN:** Again, the intention of the induction is to give a broad overview of what people can expect. I think that is an important element. Do we want to do a big stick and say, "No"? What will the requirement be to indicate that they have carried out the induction? Obviously, when people finalise and go through it they will have to provide their name and details to show that they have completed it. Am I going to be the big teacher and say, "You don't understand the issues about tenancy meetings"? No, and nor should I. If the member wants to get that prescriptive then I think that is ridiculous. The fact is that we are making it as easy as possible, and as robust as possible, so that when a person makes that final determination to sign the nomination paper, they do so having carried out an induction process that has given them information about what they can expect if they are successful in being elected. The sectors asked for this; there has been no violent objection to this. Please support it.

**Mr A. KRSTICEVIC:** Is there any difference in the material? I cannot picture every single screen, and I know that was only a sample, but people also go for direct election of mayor, and the responsibilities of the mayor are completely different from the responsibilities of a councillor. Will people go through a separate induction course for mayor, or will it all be included in that induction course? Are there modules around what it means to run for mayor or president?

**Mr D.A. Templeman:** It is going to be the same.

**Mr A. Krsticevic:** There is no difference?

**Mr D.A. Templeman:** No, because the information will be the same. But a councillor will be made aware. Unless they are specifically nominating for the direct mayoral election, the only difference is that they will be nominating for a directly elected mayor. They will also be aware that if there is not a directly elected mayor, they will be

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a potential candidate, if they choose, for mayor or shire president post-election. That would be part of the normal course, because part of the expectation would be: what will happen at their first meeting? I better stand.

**The SPEAKER:** I thought you were standing, minister!

**Mr D.A. TEMPLEMAN:** One of the members mentioned earlier—I think it was the member for Balcatta—that when he was 25 years old and a newly elected councillor, he was faced with the election of a mayor. I think that was just on 48 hours after he was elected. A few minutes after, he was sworn in. People would probably need to know that they would be required to do that, and that if they wanted to stand as shire president, they would want to know what the process is.

**Clause put and passed.**

**Clause 16: Section 4.52 amended —**

**Mr A. KRSTICEVIC:** This clause relates to the details and profiles of any other candidates being published on the local government's website as opposed to being posted on a noticeboard at the local government offices. What will happen when people do not necessarily have access to a computer or are unable to look up the information electronically? I am talking about some of our elderly citizens. There may not be many, but is there any reason they should not be able to go into an office to see that information displayed, whether it be at a library or the local government offices?

**Mr D.A. TEMPLEMAN:** Obviously, the website is the major mechanism for providing the details of those candidates, but there is nothing in the legislation that prevents local governments from using other means, including traditional means, of publishing photographs and posting them on the noticeboard of the library or the council offices. Again, I expect that most local governments will use all those methods to highlight the information because they know that one of the reasons some people cite for not voting in local government elections is that they are unfamiliar with the candidates. This provision allows them to have greater scope to understand who is standing for election and then make an informed decision.

**Mrs A.K. HAYDEN:** I completely support everything that the member for Carine said. Some members of our community do not have access to websites. To those members who scoffed at that idea, the last thing we want to do is isolate the seniors in our society. Some seniors go to every council meeting because they love it and they like to know who is going to run. They go to their council offices and they want to see the information displayed on a wall.

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

**The SPEAKER:** Minister, please. You are keeping me awake!

**Mrs A.K. HAYDEN:** Why was that even a requirement? What drove the government to remove the requirement to post details of candidates on a noticeboard instead of simply adding the requirement to publish them on a website? What was the reason for removing the requirement of putting the details on a wall at the council offices?

**Mr D.A. TEMPLEMAN:** This provision is certainly not aimed at targeting seniors. I think seniors are one of the most informed groups in local government elections. They use all sorts of means, including ringing candidates and quizzing them about what they offer as a candidate. I encourage that. Some of the most feisty seniors live in the electorate of Mandurah. They are very good at interrogating new and sitting candidates about a range of matters.

**Mrs M.H. Roberts:** Why is it that they all have a special affection for you?

**Mr D.A. TEMPLEMAN:** The minister might ask that question but I could not possibly give it much detail.

**The SPEAKER:** I think you could possibly finish this answer quicker, minister.

**Mr D.A. TEMPLEMAN:** Some of them probably think I am a very naughty boy!

The fact is that is a minimum requirement. All councils want to increase the participation of their electors in their democracy. It would be rare for a council to say, "We're only going to put it on the website and nowhere else." This is a matter that reflects the increased use of other mediums to get information. A postal voter will still get the traditional electoral details of the person's name and 150 words. That is another method of getting information if a jurisdiction is subject to a postal vote. Not every jurisdiction is subject to a postal vote. Again, the method will be modernised and it will allow the status quo to continue.

**Clause put and passed.**

**Clause 17 put and passed.**

**Clause 18: Section 5.10 amended —**

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**Mr A. KRSTICEVIC:** What is the rationale for changing “local government” to “council”? Obviously, it will be left unchanged further on in the act. In section 1.4 of the act, it states —

*local government* means a local government established under this Act;

I am not sure why that change has been made.

**Mr D.A. TEMPLEMAN:** This section provides the procedures to appoint local government members to committees. That requires a decision of council and this amendment seeks to clarify that.

**Clause put and passed.**

**Clause 19 put and passed.**

**Clause 20: Section 5.29 amended —**

**Mr A. KRSTICEVIC:** What do the words “in the prescribed way” mean? What will it mean in the true sense for this proposed section? What is the requirement for the amount of publicity for a notice that needs to be circulated through social media, multiple posts and website updates? What will that mean in practical terms?

**Mr D.A. TEMPLEMAN:** This refers, of course, to public notice requirements. Under the current requirements, a notice must be exhibited for at least seven days. That would be from the time posted on the website. It is a seven-day minimum. Longer periods can apply in certain circumstances, such as advertising a local law and rates. There is a statutory requirement for a time for those specific notices that need to be for a longer period. To answer the member’s question, it essentially relates to public notice requirements, and the minimum is seven days.

**Clause put and passed.**

**Clause 21: Section 5.37 deleted —**

**Mr A. KRSTICEVIC:** This is about senior employees. The entire clause will be deleted. What is the rationale behind that? Is there a problem having senior employees there? Will it in some way give more power to the CEO? Will councillors have some involvement with senior employees? I am trying to understand why that section is being deleted and the impacts of it.

**Mr D.A. TEMPLEMAN:** Thank you for the question. Section 5.37 provides for the appointment of senior employees. It is seen as a red-tape reduction measure, supported strongly by both the Western Australian Local Government Association and Local Government Professionals. It is essentially the CEO’s function to be responsible for the employment, management, supervision, direction and dismissal of other employees. This provision as it exists continues to cause some confusion and can lead to council members themselves getting involved in the administration of local government that is not their responsibility. Therefore, this measure clarifies the CEO’s responsibility in the employment of such officers. As I said, it is supported strongly by WALGA and LG Pro.

**Clause put and passed.**

**Clause 22: Section 5.38 replaced —**

**Mr A. KRSTICEVIC:** Clause 22 is very important because it is about the annual review of employees’ performance. “Employees” obviously includes the CEO. The CEO needs to look at the performance of other employees on an annual basis. As is indicated here, this needs to be done for every single person. For the employees, is the process of review going to be mandated in some way through regulations across all local governments? Is every local government CEO going to do it according to their own requirements? Will there be some standardisation? More importantly, will there be any feedback from the community and/or councillors? Obviously, some employees, such as rangers or community engagement officers, would have quite extensive contact with the community. Will it effectively just be the role of the CEO and whatever process they come up with for looking at their employees?

**Mr D.A. TEMPLEMAN:** Yes, it is the responsibility of the CEO, and he or she ensures that the performance review is done. For most employees, this quite often is essentially carried out by their immediate manager. It ultimately sits with the CEO, not with elected members or other entities. It is a CEO responsibility.

**Mr A. KRSTICEVIC:** Will there be something in the regulations that will standardise performance, firstly for CEOs? One of the issues at the moment is the review of CEOs and how well it is being done by the various councils. Some councils do it better than others. Some councils have an in-house committee. Some councillors wrote to me about the appointment of a CEO. They felt disenfranchised because half the councillors were left out of the process, were not allowed to participate and were excluded from getting information. I alluded to this in my second reading contribution. Councillors could feel disenfranchised if they are not able to look at the CEO, or if it is not done independently. It has definitely been highlighted as a concern, and there are issues around this at the moment. How do we make sure that the annual review is done? Will there be substantive key performance

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indicators? Will the review, especially of the CEO, be done externally? Will there be some expertise coming in, or will it just be the current process, which has issues with the way it is being done?

**Mr D.A. TEMPLEMAN:** I think the member is really speaking to clause 24, so I suggest that we might canvass the response to his query at clause 24.

**Mr A. Krsticevic** interjected.

**Mr D.A. TEMPLEMAN:** Again, as I said, it is the CEO's responsibility to ensure that a review of employees is carried out, and the current practice remains unchanged; quite often that is done by the immediate manager of that particular employee.

**Clause put and passed.**

**Clause 23: Section 5.39 amended —**

**Mr A. KRSTICEVIC:** Will there be some sort of template or standard for the way that CEO appointments are done? Will the department have a model that it will work with? Did the reference group look at any other state or local government jurisdictions to find a model for CEO contracts; and, if so, which ones?

**Mr D.A. TEMPLEMAN:** The CEO contracts and arrangements remain the same. This clause simply deletes the "senior employee" wording and clarifies that this section of the act focuses specifically on CEOs.

**Mr R.S. LOVE:** Are there any CEOs in the state who are not on five-year contracts? Are there any CEOs who have been around for so long that their employment predates the introduction of the five-year contract system?

**Mr D.A. TEMPLEMAN:** It is a good question. The advice is that there may be a handful of grandfathered contracts. I am happy, between the conclusion of consideration in detail and the third reading, to try to get additional information to answer that question. If we can source it, I will provide the answer during my third reading response. I cannot answer that question at this point in time. I understand that some may exist. As the member can see from this proposal, on the passage of this bill, CEOs will be employed for a five-year term or for not longer than a five-year term without a renewal process or other replacement.

**Mr R.S. LOVE:** My understanding is that the provisions relating to the conditions of CEO contracts are introduced at the time of their employment—that is, at the start of the five-year contract. Do the provisions for review and for setting up the process for councils to monitor and guide the performance of CEOs apply equally to those on the five-year contracts and those on the grandfathered contracts?

**Mr D.A. Templeman:** Yes, they will.

**Clause put and passed.**

**Clause 24: Sections 5.39A to 5.39C inserted —**

**Mr A. KRSTICEVIC:** This is obviously a very important change. We are talking about the model standards for CEO recruitment, performance and termination. Over the last two years there have been plenty of examples of councils that have tried to terminate CEOs and have then had to re-employ them because they had not gone through the process in the right way, or have had to pay out terminated contracts. I also indicated that in the recruitment process. I probably want to go through each of those elements. Can the minister explain what the regulations will be prescribing in these cases? Firstly, in terms of the recruitment of CEOs, I have already given an example in which half the members of a council were on a selection panel, which obviously included the mayor. They effectively excluded the other half of the council and did not even allow them to attend any of the meetings that were taking place for the recruitment of the CEO. When they came to the council meeting to make a decision on the recruitment, they were told which candidate had been chosen and that they were not going to be given any information on who the other candidates were or their résumés. They were not allowed to attend any of the meetings that were held as part of the recruitment process, even though there was no barrier for that to occur. I know that the mayor, in that particular case, made inquiries about whether they could be legally included. The answer was that there was nothing to stop them from sitting in the back of the room and paying attention to the process as the questioning of the candidate occurred or whatever it might happen to be. But the mayor issued advice to the councillor saying that they would not allow that to happen because they had the authority to do that. Obviously, it then came to a full council meeting. The prospective CEO gave a 15-minute presentation and councillors, as instructed by the mayor, were allowed to ask only one question each. Some councillors did not follow the rules and managed to sneak in a second question, but, at the end of the day, the candidate was chosen and got the job. Half the council felt disenfranchised because effectively they were not allowed to be part of the process. That is a real-life example, because they sent me the email and listed it all and contacted me. Will that be allowed to happen under these new regulations; and, if not, what will be the process and regulations for the recruitment of a CEO?

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**Mr D.A. TEMPLEMAN:** This is an important aspect of the amendments, which seek to standardise the recruitment process. It is important to highlight that in developing these standards, we have some very important informers. The Public Sector Commissioner is involved in this. The department will develop the standards in consultation with an expert panel that will comprise the Public Sector Commissioner, the Ombudsman, the Western Australian Local Government Association and Local Government Professionals Australia. They will all focus on making sure that we have a very clear and high standard that can be implemented by councils when they appoint CEOs.

In terms of the current process as opposed to the proposed process, yes, there are examples of when the effective input by the full council has not been apparent. This seeks to fix that and apply standards in the council's recruitment process. They are based upon best practice policies. The requirement will be for local governments to adopt these minimum standards when they are finalised, with input from the expert panel. That informs them of the process to deliver to that standard. Although the council may still be able to delegate part of the recruitment process to a subcommittee, which is not abnormal or unexpected, the full council will be need to be involved in additional key stages. That includes the ultimate endorsement of the final appointment, which is very important. The first aspect is that they will need to give input and be involved in the commencement of recruitment, including the review of the job description form, the selection criteria and the responsibilities of the position. This is really important because, as I said in my reply to the second reading debate, councils will look at their strategic requirements and needs. Those that do that well will then look at who, based upon the standards that have been developed, is best placed to fulfil that role.

**Mr J.E. McGrath:** With regard to the member's comment about only half the councillors getting to vote on the appointment of the CEO, how did that happen?

**Mr D.A. TEMPLEMAN:** I do not know exactly the details.

**Mr A. Krsticevic:** They formed that committee, but again, let us say, half the councillors plus the mayor have the majority vote, of course—51 per cent. They voted to form the committee. They decided who could be on the committee. They left everybody else out. This is where a special majority would come in handy.

**Mr J.E. McGrath:** They have still got to come before the full council.

**Mr D.A. TEMPLEMAN:** Yes.

**Mr A. Krsticevic:** That would not stop this.

**Mr D.A. TEMPLEMAN:** We are inputting the entire council into the stages.

**Mr A. Krsticevic:** What about —

**Mr D.A. TEMPLEMAN:** No, because the full council ultimately endorses the final appointment.

**Mr A. Krsticevic:** That is true, but they do not get to see who all the candidates are, they do not get to see their CVs and they do not get to see the interview process.

**The SPEAKER:** Members, the minister is on his feet. It has been a long and slow process; let us quicken it up.

**Mr D.A. TEMPLEMAN:** The inputs here, which effectively change from the current requirements, are the creation of the standards through input by those officers I mentioned. Then we will input further requirements on the full council to be involved in the following stages—the detail of the commencement of the recruitment, the review of the job description, the selection criteria and the responsibilities of the position. Again, this is the input of the full council. They are involved in the formulation of that.

**Mr D.R. MICHAEL:** I would like to hear more from the minister.

Several members interjected.

**Mr D.A. TEMPLEMAN:** I do not think the member for Girrawheen does!

**The SPEAKER:** I think that was the minority vote!

**Mr D.A. TEMPLEMAN:** There is also the review of the employment contract, because that is another issue that is constantly raised as a major matter of concern. Then there is the endorsement of the final appointment. Here we have a full council having input into those stages, which is not the current requirement. It is based upon formulated standards that have been consulted upon and informed. I am very pleased, for example, that the Public Sector Commissioner has taken a direct interest in informing the formulation of the standards, because I think it is a big step forward. Through this clause, we are inputting the full council's responsibility early on. I think it is one of the most important decisions any council makes and any councillor makes—that is, the determination of who leads their council as a CEO.

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**Mr J.E. McGrath:** Surely, it is not unreasonable for the council to pick two or three people, such as the mayor and a couple of others, to talk to the prospective candidates for CEO, and once they get a selection —

**The SPEAKER:** Member, this is not a debate.

**Mr J.E. McGrath:** I am asking a question.

**Mr D.A. TEMPLEMAN:** It is a good question; I am happy to answer.

**Mr J.E. McGrath:** That is what happened at the City of South Perth. That then goes before the full council to say whether they want that candidate.

**Mr D.A. TEMPLEMAN:** There is nothing to prevent that from happening under these new provisions.

**Mr J.E. McGrath:** That is good.

**Mr D.A. TEMPLEMAN:** Any good councillor would strongly put the case that they want and need to be involved in that process, and this ensures that that happens.

**Mr A. KRSTICEVIC:** That is great. They are great improvements to the process, but it still does not help this situation when 50 per cent of the councillors were excluded.

**Mr D.A. Templeman:** We cannot go back in time, mate. This is about moving forward.

**Mr A. KRSTICEVIC:** This is happening right now, so even moving forward they can be involved in setting the criteria, the system and everything else, but at the end of the day, they can still be excluded from finding out who all the nominees were, from getting the CVs from all the nominees and from sitting at the back of the room to watch the interview process going on. They can still be given a candidate. I will contact them and hopefully they will be happy to get in touch with the minister, if he is happy to talk to them. They have been completely disenfranchised because they only make up 50 per cent. The mayor has the casting vote. As much as everything the minister has said is correct and an improvement in the process, for the record, for when they read this part of *Hansard*, I want the minister to tell me—or tell them; do not tell me—how this process will make sure that 50 per cent of the council plus the mayor do not decide to control the process and shut out the other 50 per cent and just give a nominee at the full council meeting, saying this is the person. They give a 15-minute presentation and say here is their CV. Councillors can ask one question each, which is an absolute disgrace. That is what they have said is the case; some asked two questions.

I want to know how this change will help that situation. I understand all the other things the minister has said. That all makes sense. However, is it appropriate that 51 per cent of the councillors want to control the process and shut everyone out? Could there be some refining of the regulations to stop that from happening again?

I am not making this up. This is a real issue. It is quite a large metropolitan council. As I have said, I will contact the council. However, I first want to get on the record what this will do to help them. Will it just be a case of, “Bad luck. You don’t control 51 per cent of the council, so you’ll be left out. You can do all these other things. You can be involved in setting the criteria and the process. But, at the end of the day, this is the person I think is best. You’ve only got 49 per cent of the vote. I’ve got 51 per cent. I don’t really care. You can’t ask any questions. I’m employing this person”? There could be any reason why that is happening. It might be a mate of the mayor. Goodness knows what the process may be behind the scenes. There may be nothing behind the scenes; I do not know. I have not interrogated down to that level. I am just working on those facts. What would we say to people in that situation? As much as I have loved everything else the minister has said, and that is great, those people will not get to see any other candidates and any other information. The appointment of a CEO is the most important appointment a council will make. That person will drive the council for the next five years.

I would like to know what I can say to those people. More importantly, is there any value in them contacting the minister or the department, or is it just a case of, “Bad luck. That’s the way it is. You don’t have 51 per cent. We’re not going to improve the process to make it better”? We need to have more input from councillors. This is probably one example in which a special majority of 75 per cent might come in handy, because it would mean that 51 per cent cannot control who the mayor will be and cut the other 49 per cent out of the most important decision that any council will make—the appointment of the CEO.

**Mr D.A. TEMPLEMAN:** The member has given a circumstance —

**Mr A. Krsticevic:** It is a fact.

**Mr D.A. TEMPLEMAN:** It is a circumstance. We are not going back to fix that. That has happened.

**Mr A. Krsticevic:** We are moving forward. How do we stop that from happening again?

**Extract from Hansard**

[ASSEMBLY — Tuesday, 9 April 2019]

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Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker; Mr Ian Blayney; Ms Janine Freeman; Mr David Michael; Mr David Templeman; Mr Tony Krsticevic; Mrs Alyssa Hayden; Mr Shane Love; Mr Bill Johnston

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**Mr D.A. TEMPLEMAN:** We were proposing, through this amendment, input by the full council. We are also proposing the development of benchmarks for the standards that apply to the recruitment process. That is being informed by very appropriate officers, including the Public Sector Commissioner. That includes giving the full council direct input into the description of the role and responsibilities of the CEO; setting the selection criteria; reviewing the employment contract details; and, ultimately, endorsing the final appointment, and review. Those are very important inputs that are not designated under the current act. Would those inputs have assisted in that process highlighted by the member? Yes. But, mate, I am sorry; at the end of the day, there will be a vote, and the majority will prevail. Nothing will change—the majority will prevail. Does that mean that someone might be peeved because they had only 49 per cent? Yes. That is democracy, for goodness sake. A good councillor, understanding the standards that have been developed, with input from, I think, highly regarded experts, will recognise the enhanced role that they will now play in the selection of the CEO. They will recognise that the standards have been developed and the requirements of those standards. They will recognise that they will have a role in setting the review of the job description, the review of the employment contract and the selection criteria. I think those are very important inputs that currently are not designated by and required of all councillors. Then they will make a decision. The councillors may not like it, but they will democratically make that decision.

**Mr J.E. McGrath:** You're not requiring that every councillor sits in at the meetings with the eight candidates. That can be done by a smaller group.

**Mr D.A. TEMPLEMAN:** It can be. My understanding is that there is nothing to stop the council from saying that it will have everyone involved on the selection panel. It is a bit cumbersome and full of pitfalls, because this can be quite an intensive and prolonged process. Imagine that Councillor Reg cannot make the meeting and he gets peeved because he was not there. Logically, there would be a subcommittee. But a standard will be imposed, there will be inputs from all councillors at important stages of that process and then there will be a motion of appointment that they will make a decision on. There will be much greater input. I think that is an appropriate process. It is far better than it is currently, and, yes, I think it will go a long way to address some of the issues the member's example highlighted. But, at the end of the day, councillors have only one vote. If it is an 11-person council and six councillors vote yes but five do not, the six win. It is the nature of numbers and it is what will happen. That is the reality and it will keep happening into the future, but there will be a much more rigorous process that leads to the ultimate decision of who is appointed CEO.

**Mrs A.K. HAYDEN:** By way of clarification, I went to all my councillors and CEOs and asked for their feedback. I think the Whip is calling the minister. In the feedback I received, this area in particular got a lot of attention. A mayor, not a CEO, asked me about an elected councillor who says negative things about the CEO during the campaign. We know people jump on council for different reasons and for some it could be because they were not happy that a decision for something they applied for went against them. The question I have been asked to put forward is: if a councillor makes negative comments about a CEO during the campaign and is then elected to council, are they eligible to sit on the review committee? They are not going in with a neutral stance; they are going in with an issue or a grudge. The suggestion put to me is that that councillor should not be on the review panel for two years in the hope that they then understand that the CEO can do their job and so forth. If they are out campaigning against the CEO, should they be eligible to be on the review committee? Has that been considered or discussed?

**Mr D.A. TEMPLEMAN:** If the council decides to set up a committee of 10, five or six members, it is the council's decision who it puts on that committee. I do not have any power; nor should I. Because there may be an allegation that a councillor has been making accusations against the CEO, I do not have the power, and nor should I, to determine that they are not eligible to sit on the committee; that is a council decision. If they have broken the law with comments of a defamatory nature against the CEO, the CEO has a legal capacity to take action on that. But, no, neither I nor the department should have the responsibility of precluding somebody because of allegations, unless they are of a criminal nature and they have been found guilty. Again, I make the point that local governments are autonomous entities and therefore if they decide to have an enlarged selection panel or committee to do a lot of the work with all the inputs that have been mentioned still at play, and they decide to put somebody on who, before the election, attacked the CEO or whomever and no legal action was taken despite a claim that they had broken the law, that is a council determination. Councils might decide to not put on somebody who has carried that out.

**Mrs A.K. HAYDEN:** The new legislation proposes that the CEO can be the complaints officer or can appoint a complaints officer. That is reasonable except maybe in a case in which a complaint is against a councillor. If a complaint is against a councillor, and the CEO is in the middle of a performance review, it could become quite awkward for the CEO and may stop them from forwarding that complaint in fear of their review not being treated fairly. They may fear that if they make a complaint against a councillor, it will have an impact on their performance review. A number of CEOs have raised with me their concern—of course, I will not say who they are—that the

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responsibility of being the complaints officer for councillors will have an impact on their role because they fear that their performance review may be hindered.

**Mr D.A. TEMPLEMAN:** Ultimately, if the review of a CEO's position falls within the time line of that taking place, it would still be a requirement that his or her performance be assessed according to the criteria and the key performance indicators that were set and upon which they are measured against. I think that answers that in that respect. In terms of concerns about CEOs being complaints officers, there is nothing to stop a CEO from delegating the duty to another local government staff member. That is not uncommon, particularly if there is a potential conflict. We are also looking at further addressing the complaints management process in the second phase because it is an important consideration. During their second reading contributions, some members highlighted the timing of reviews. The member for Balcatta mentioned that during election periods, the City of Stirling, I think, imposes caretaker-type provisions, which certainly can be considered. But, as I said, the issue about the relationship and complaints management will be further teased out in phase 2.

**Mrs A.K. HAYDEN:** The minister also referred to prescribed model standards and so forth. I am guessing that the exact performance indicators that a CEO will be judged on will come later in the regulations to make sure that it is done properly. For example, if they go through the performance indicators and the review and they decide to get rid of the CEO, is there a mechanism to ensure that they do everything right so that the situation does not arise whereby the CEO has to be reinstated, as has happened before?

**Mr D.A. TEMPLEMAN:** The termination provisions—this relates directly to the experience that the member is alluding to—will be embedded in those standards. We will have very clear guidelines and principles on the standards for termination. Of course, they will include natural justice and fairness and clarity considerations. By having these standards and guidelines on issues such as termination, I think we will avoid the recent circumstance at the particular council that I know the member is alluding to.

**Mr A. KRSTICEVIC:** Obviously, the standards for recruitment, performance and termination of employment will be governed by regulations. I am concerned about what seemed to be a bit of a blasé statement by the minister that, in the recruitment of a CEO, if someone has only 49 per cent, it is bad luck; they will be excluded from the main part of the process. I do not understand why the regulations could not allow other members of the council to know how many candidates apply or who those candidates are or to look at their CV. As much as the minister has indicated that the process has improved, in the example that I have given, those councillors still knew nothing at the end of the process. I am concerned that the minister would not want to tweak the regulations to allow the 49 per cent to at least know who the other applicants were, rather than saying that if someone got 51 per cent, they could be cut out of the process. They could be involved in setting the standards, but, in reality, all those things are set by 51 per cent. This is obviously a bad example. This council obviously has some issues if this is how it appoints a CEO. I am not aware that there is an authorised inquiry into this council at this stage, but that is not how a council should recruit a CEO, with the mayor having the deciding vote and everybody else effectively knowing nothing, apart from at the last full council meeting when they can all vote.

There have been numerous reports into councils at which CEOs and/or the administration failed in their duties, and I highlighted a few of those in my contribution to the second reading debate. Another report came out today that highlighted more concerns with records management in local government. This is the third report from the Auditor General in almost as many months that indicates that there are issues, whether it be with procurement, audits, records management or the management of supplier master files. The Corruption and Crime Commission has investigated procurement and other issues. Lots of areas in which CEOs and administrations can do better but have significantly failed have been continually highlighted. Some councillors have been told they do not have a say if they have only 49 per cent of the vote. As a matter of fact, it is not even 49 per cent; it is 50 per cent—the deciding vote is done by the mayor. A councillor could have 50 per cent of the votes, but because the mayor is on the opposite team, the vote will go their way, so it is not even really 49 per cent. I really do not understand, and I am sure that these councillors will not understand, why the minister is saying “bad luck”. It is the most important decision any council can make, and numerous reports show what happens if a council gets the wrong CEO. We know how that can destroy the culture of a council and the impact it has, yet we are told, “Bad luck. We're not going to even think about adding anything to the regulations to allow some form of transparency.” That is even though it is not difficult to do. How about allowing them more than one question at a council meeting or even allowing them to spend half an hour interrogating the CEO at a council meeting? We cannot get this 50 per cent, plus the mayor saying, “You can ask only one question; we're not interested in what you have to say.” I want the minister to think about that and do something in the regulations to allow something to happen.

**Mrs A.K. HAYDEN:** I would like to hear more from the member for Carine.

**Mr A. KRSTICEVIC:** Thank you very much. I cannot fathom why the minister would not consider that. I cannot fathom that he is saying, “You've got 50 per cent of the vote, but the mayor has the casting vote; bad luck. Bad

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luck; it's all about the votes. If you don't get the votes, we don't care if you get the wrong CEO. We don't care if you end up in front of the Corruption and Crime Commission and we don't care that you didn't know the processes, who the candidates were or what their CVs were like." They do not know what is in the CV of any other candidate. They do not know how many other candidates applied. They know absolutely nothing. They are kept in the dark. When they come to the council meeting, it is the first time that they know anything. Fifty per cent of councillors know nothing until they get to the council meeting to appoint their CEO, and then the mayor uses the casting vote to decide the other way. How can that be allowed and how can the minister say that that is okay?

**Mr D.A. Templeman:** Did I say that that was okay?

**Mr A. KRSTICEVIC:** The minister said, "They have got the votes."

**Mr D.A. Templeman:** No, I did not say that. I said that the member needs to come to the reality that ultimately a decision will be made, and he knows as well as anybody else that it is about —

**Mr A. KRSTICEVIC:** But the regulations —

**Mr D.A. Templeman:** If the numbers do not fall away, that is what happens.

**Mr A. KRSTICEVIC:** But this is about the CEO. I will let the minister stand.

**Mr D.A. TEMPLEMAN:** The rigour of the process is what we are proposing in implementing standards that are informed by appropriate officers, and we are increasing the input of all the councils in this important decision. The regulations have not been developed yet, as the member is well aware.

**Mr A. Krsticevic:** That is why I am imploring the minister to take this example forward.

**Mr D.A. TEMPLEMAN:** The member raised an issue and the regulations still have not been developed. The standards are still to be finalised through that consultation process, but, at the end of the day, there are numerous examples of decisions in which the numbers fall one way and not the other. The member is asking me to make a value judgement on whether the 49 per cent are right.

**Mr A. Krsticevic:** Or 50 per cent, actually.

**Mr D.A. TEMPLEMAN:** No, on whether the 49 per cent are right. That is a value judgement in itself. We are proposing major changes to ensure greater input by all members of the council. I think that the regulation development and drafting is sensible and it will also be informed by ongoing consultations. Matters about rigour will be of consideration.

**Mr A. KRSTICEVIC:** I take on board the minister's point. Councils vote on lots of matters, and 51 per cent of the vote gets them over the line, which is understandable when we are talking about matters that come before council. When the administration and CEO have done reports, they have given councillors all the information, and they have had briefings and community consultation. When a councillor walks into a meeting, they know exactly what is going on. They have all the details; there is public question time and there are all sorts of processes such as petitions and community meetings.

I understand that in 99.9 per cent of cases, it is acceptable and understandable that 51 per cent will get someone over the line. That happens all the time at council meetings. It is fair enough that the mayor has the deciding vote. However, when a CEO is appointed on a massive package for a term of five years when no information has been presented, apart from the information presented at the meeting, saying, "Here you are; vote on this", that is a unique situation. I understand what the minister is saying about everything else and in 99.9 per cent of cases, it is not an issue. I understand that if a candidate has the numbers, they get over the line. That is how everything happens. When councillors rock up to a meeting to elect a CEO, they are given a 15-minute presentation and they cannot ask any more than one question.

**Mr D.A. Templeman:** I've said to you before that I can't fix that.

**Mr A. KRSTICEVIC:** I am not talking about that. If that happens tomorrow —

**Mr D.A. TEMPLEMAN:** The member is using the same example. If he does not support this, he should vote against it. I would rather that it went to a vote. He will not get the answer to his question because it does not exist. This is a much enhanced process, which involves all. A council rocking up having seen nothing will not occur under this situation. That is the point. The member refers to a council that rocks up and sees nothing. That will not be the case with these proposed provisions, because the councillors will have been involved in setting the criteria and the job description. The standards will require a selection report, which again will inform them. At the end of the day, they will be required to make a decision. They will be required to take a vote and, yes, they may still not agree. That is democracy. That is what we are trying to enhance and improve.

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The regulations are still to be drafted. The councils will be informed of those. The member put a case forward. He is now simply trying to prolong us being here, which is fine because he told me that he would be finished by 10 o'clock as he had only a few questions. Now he is prolonging consideration in detail. I am happy to keep going until two o'clock. The member has the same disease as Hon Nick Goiran from the other place. If the member for Carine wants to do that, that is fine. He has made his point. I cannot fix what happened before. What we are doing here will make the process so much better, so there will not be a case of a councillor rocking up uninformed and having no information. They will have had input far earlier on a range of matters and issues so they can make a good decision, but they still might not get majority support. They might be in that 49 per cent. That is what I mean by democracy. That is what I meant by those ultimate decisions.

Yes, I care; of course I do. The member should not put words into my mouth about not caring. Why does he think we are reforming local government? It is because the previous government did nothing. It did not do a thing. In eight and a half years, it did nothing. Liberal Party members sat in the chamber while they had a couple of local government ministers who were dictated to by the then Premier. They did nothing. We are now reforming the Local Government Act, with consultation and collaboration, and the member is standing in this chamber talking about a hypothetical or an issue that I have said we cannot fix at this time because it has already happened. That is the point I am making. If the member cannot see that, he is a bit simple. I plead with the member for South Perth to be the local government spokesperson for the Liberal Party. He is far more measured and understanding. He gets it. The member for Carine went to the briefings. I think his own members are rolling their eyes at some of the questions he is asking, but he was at the briefings. He is supposed to be the spokesperson. Goodness gracious me! Do not get Nick Goiran's disease; it is not befitting of you. I do not have any other answer to the member's question or line of inquiry.

*Withdrawal of Remark*

**The SPEAKER:** Minister! There is a point of order.

**Mrs A.K. HAYDEN:** It is the same point of order I raised earlier under standing order 92.

**Ms S.E. Winton:** You wasted your time.

**The SPEAKER:** Member! I will hear it in silence, please.

**Mrs A.K. HAYDEN:** Members are not to make improper reflections on members in the other place and the minister has done it again.

**Mr D.A. Templeman:** No; I haven't.

**Mrs A.K. HAYDEN:** Yes, you have.

**Mr D.A. Templeman:** I said, "Don't get Nick Goiran's disease."

Several members interjected.

**The SPEAKER:** Minister, you will call the member of the upper house by his correct title. That is what you did not do.

**Mr D.A. Templeman:** I should have referred to him as honourable.

**The SPEAKER:** Withdraw what you said before.

**Mr D.A. TEMPLEMAN:** I withdraw.

**The SPEAKER:** Thank you. Are you going to get to the end of this?

*Debate Resumed*

**Mr D.A. TEMPLEMAN:** The member for Carine either supports this reform or he does not. This is the problem with the member for Carine. He raises a whole range of issues in here and attacks local government individuals through the protection of this house. There are a number of examples and he thinks, "I can do that. Oh, but I was just asking questions." He has attacked pre-eminent members of the public in here, award winners and, of course, had to correct himself because of it. It is not what he should do. I think the member for Balcatta made a very important plea to him during the second reading debate. It is okay to argue against certain things, but he claims to support things and then wants to argue against them. It is illogical, and that is the problem. I have answered his question. If he keeps on with this, I have nothing more to add on his line of questioning. I have answered it; I hope he understands that.

**Mrs A.K. HAYDEN:** With reference to the questions asked by the member for Carine, I do not think people in this house understand that this is important legislation. Today is the only day we have to go through it. We keep

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talking about democracy and individual rights to do what we need to do. It starts in this place, members. We have the right to ask many questions.

**Ms S.E. Winton:** Ask reasonable questions.

**The SPEAKER:** Members! I will make the decision about whether they are good questions or not; not you.

**Mrs A.K. HAYDEN:** All I am trying to say is that the minister wants to get this bill through but antagonising and name-calling will not help. A lot of this is about regulations. The minister is saying that these provisions will be tied up in regulations and the member has raised an issue. He is asking the minister if it is his intent that these regulations will address it. The minister's word in this place will be enough to make sure those regulations are guided to do it right because that is what will happen when the regulations are drafted. They will then be referred to the Joint Standing Committee on Delegated Legislation and then be referred back to this place and the intention of this place will be seen through those regulations. If the minister simply says that the government believes these regulations will address these concerns, someone on this side of the house might be happy.

**Mr A. KRSTICEVIC:** I think we can probably address some of the minister's comments and his attitude when we get to the code of conduct side of things and look at how ministers and members of Parliament behave when people are looking at a very serious piece of legislation, asking very serious questions.

Several members interjected.

**The SPEAKER:** Members!

**Mr A. KRSTICEVIC:** At no point in time, minister—he is not listening very carefully and I am sorry if that is the case—was I asking how we change the past. I was saying that this is what happened in the past. If he thinks that that is okay for the future, all he needs to say is, “In future, I don't really care whether you're given the information about the appointment of a CEO before the meeting; all you need to find out on the day of the meeting is who we are appointing; they will do a 15-minute presentation; you can ask one question; and you can vote for the CEO—in the future.” If this was to happen again once the regulations have been made, the minister might say that is okay; he does not have a problem with that. The selection criteria and the process have been set up by the 51 per cent either way. I do not understand why the minister does not think this is a serious issue. I really do not see why he is treating it as a joke. It is not a joke. It is a serious issue of a CEO being appointed in the future. If this happens again, is it acceptable?

**Mr D.A. Templeman:** If you don't like it, vote against it.

**Mr A. KRSTICEVIC:** I am not voting against it. I am saying to the minister that this is governed by regulations. It is very easy for the minister to say to me, and to these councillors, that we will seriously look at the situation; it does not seem like a good outcome for 50 per cent of the councillors not to be part of the end of the process, and we will see what we can do to try to fix it in the future. I do not know what is wrong with that perspective. I would say that, from the way it is operating, it is obviously not a good council, if that is the way it runs the process for the appointment of a CEO. The minister might think that is a joke, and that it is not serious, but I think it is serious, and I would like the minister to acknowledge that that is a serious issue and that, in the future, the regulations will take that on board so that these sorts of things cannot happen again, or there is some way or mechanism through the regulations to allow those councillors to have more information. The minister mentioned some report, but how much information will be in that report that goes to them? Again, this is not like any other decision of council; this is the appointment of a CEO, whereby a group of councillors is being excluded from everything because they do not comprise more than 50 per cent. They should not be excluded from everything. At the end of the day, they would still lose the vote. I am not arguing about whether they lose the vote; I am arguing about whether they should have the information for the appointment of a CEO. That is all. I do not know; maybe I am wrong in what I am saying in expressing my view that this is important. I think it at least needs to be given consideration, but up to this point the minister has said that they do not have 51 per cent; they only have 49 per cent, and he does not care.

Several members interjected.

**The SPEAKER:** Members, it is not a question. He is talking about a clause.

**Mr A. KRSTICEVIC:** It is not about the inputs. I understand about the inputs. The councillors can have all the inputs there, but if they do not know who the candidates are, or if they did not see their CVs —

**Mr J.N. Carey:** They will show you the CVs.

**Mr A. KRSTICEVIC:** In this case, they did not, and in previous cases, but what if in future cases, they do not do it again? It is a genuine question, because of the regulations —

Several members interjected.

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**Mr A. KRSTICEVIC:** I do not think I am being unrealistic or unreasonable by asking that question. It is a question that is raised by 50 per cent of the councillors, and they want to make sure that in the future—not in the past—that will be done, or let us put on the record that what has happened in the past will also happen in the future, and that is just bad luck. Yes, they will have input into some of the processes, but how will it help them if this happens again, when they are not given any information? Yes, they can have all the inputs, I understand that; that is great, the minister has improved the process, but it still seems unreasonable.

**Mr D.A. TEMPLEMAN:** The member has repeated himself over and over, but I will make this point, simply. I am confident the regulations will address those issues that the member has raised, and because they are in regulations, they can be amended if required. We have some very important changes that will address a range of issues that the member has raised that have already occurred. I cannot fix them. The member has made an assumption that I can, but these changes will address a range of those issues and, because they are regulations, they can be amended. There is also a process in which regulations are tabled in this house, and this parliamentary process allows a disallowance motion to be utilised. A delegated legislation proposal also can be considered. I am confident that this will address those matters.

**Mrs A.K. HAYDEN:** I want to move on to proposed section 5.39B, “Adoption of model standards”, under clause 24. Proposed subsection (3) requires local governments to amend the adopted standards, by an absolute majority, and to incorporate any amendments to the standards for the recruitment, performance review and termination of employment of CEOs within three months of the amendment taking effect. My understanding of this is that local governments can adopt the state government’s recommendations, but they can also amend them. What will stop them from amending them beyond what is reasonable, and how do we make sure they have not gone too far? If I have misread that or misunderstand it, I ask the minister to please explain otherwise. My concern is that they could adopt what they want and amend as they see fit. Is there governance to make sure they do not go too far?

**Mr D.A. TEMPLEMAN:** Proposed subsection (4) states —

A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

In other words, if they do not comply with the model standards, they cannot have an effect.

**Mr A. KRSTICEVIC:** I acknowledge that the minister has finally at least acknowledged this issue and that he is taking it on board. From what I understand, he will look at the regulations around this. That was all the minister was required to say—that he understands what the problem is. He cannot fix the past, but nobody expected him to fix the past. It is not about the past; it is about the future. It is about those regulations.

Several members interjected.

**Mr A. KRSTICEVIC:** Again, we do not need to try to bully and intimidate people for asking questions about a very important piece of legislation

Several members interjected.

**The SPEAKER:** Members!

**Mr A. KRSTICEVIC:** That behaviour is very unbecoming of the minister. I am disappointed that he reverts to that standard, because I do not think it is a good example to give to councillors.

**Mr D.A. Templeman:** I disagree.

**Mr A. KRSTICEVIC:** I think it is very inappropriate when this is such an important piece of legislation. We are focusing on the CEO, which we know is extremely important for so many different reasons.

**Mr D.A. Templeman:** I have answered the question. Why are you pursuing this?

**Mr A. KRSTICEVIC:** I am just trying to understand.

**Mr D.A. Templeman:** You said you didn’t want to prolong this and now you’re doing it.

**Mr A. KRSTICEVIC:** I do not.

**Mr D.A. Templeman:** I have answered the question.

**The SPEAKER:** Minister!

**Mr A. KRSTICEVIC:** I just want to understand.

**Mr D.A. Templeman:** I understand. I have answered the question.

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**Mr A. KRSTICEVIC:** The minister does not think it is appropriate that I am asking questions.

**Mr D.A. Templeman:** I have answered the question.

**Mr A. KRSTICEVIC:** He does not think it is appropriate for me to interrogate it. He is abusing me for asking questions about a piece of legislation.

**Mr D.A. Templeman:** Were you born with a glass jaw?

**Mr A. KRSTICEVIC:** No; not at all.

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

**The SPEAKER:** Minister!

**Mr A. KRSTICEVIC:** When councillors, mayors and CEOs read *Hansard* and see the minister's behaviour—I want him to reflect on that for a second —

**Mr D.A. Templeman:** When they look at your illogical approach to this portfolio, the damnation might be on you rather than on me.

**The SPEAKER:** Minister!

**Mr A. KRSTICEVIC:** The minister can take those cheap shots, but it does not really matter. At the end of the day, I am still going to do the right thing by the sector. I will ask the questions that have been posed to me by councillors and mayors. The minister's bullying and intimidation will not stop me from representing the views of those who have come to see me.

Several members interjected.

**The SPEAKER:** Members!

**Mr R.S. LOVE:** I just wanted to ask a few questions —

**Ms S.E. Winton** interjected.

**The SPEAKER:** Member for Wanneroo, I call you to order for the second time. You might be lucky and get home earlier than the rest of us.

**Mr R.S. LOVE:** That could be her aim! I just want to ask a few questions about the second part—the review of the performance of the CEOs—and the model standards that will be adopted. I am looking at the act, and I have not gone through all the regulations, but I am wondering whether there is a definition of “review” somewhere. Will “review” be defined in a way that sets out quite clearly that process and expectations about setting goals in the future? The model standard will do these types of things. It will also refer to who will conduct the review. Will advice be required, or will the council be able to do that on its own without hiring external reviewers? I have some other quick questions to follow on from that, but I will listen to the minister's response.

**Mr D.A. TEMPLEMAN:** Obviously, key performance indicator aspects will be part of the review. Does the member want the detail of what sorts of elements?

**Mr R.S. Love:** Some elements.

**Mr D.A. TEMPLEMAN:** Some of the elements are the job description, the responsibilities of the position and the selection criteria. The standards, of course, will also shape the review. The member's specific question was about whether there is a definition of “review”. There is no definition of “review” in the act. That will be delivered in the form of the guidelines that guide the process and the content of the review. The development of the guidelines will shape that. I hope that answers the member's question. For example, it would be considered that the minimum standards for performance management would be met if key performance indicators are specific, relevant, measurable and achievable; the relevant performance indicators are recorded in a written document, negotiated and agreed upon by the council; the collection of evidence regarding key performance indicators is thorough and comprehensive; assessment is made free from bias and based on the CEO's performance, as rated against the key performance indicators alone; and the council of the local government has endorsed by absolute majority the performance management assessments. That is an example of the draft standards. Again, these are still to be finalised with input from that expert panel and with the regulatory framework as well.

**Mr R.S. LOVE:** I also asked: will the council be expected to employ some sort of facilitator, expert or adviser to work through that process or is it acceptable for council to do that review itself?

**Mr D.A. TEMPLEMAN:** Essentially, it would be up to the individual council, depending on its circumstances and access to expertise. Some councils have human resources expertise that could assist in that process. Other

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councils might consider that they need to seek an outside consultant or adviser to guide them in that process. It would be up to the individual council and it would be determined by a range of circumstances.

**Mr R.S. LOVE:** Finally, when I was speaking during the second reading debate, I highlighted a couple of examples of governance failures that the CCC had spoken about. One of the issues that were apparent was the lack of information that councillors were receiving. I am wondering whether there is any way that the model standards might mandate the right for councillors to receive appropriate levels of information for them to properly monitor and assess the performance of the CEO to achieve specific goals that they have been set.

**Mr D.A. TEMPLEMAN:** I appreciate the question. It does have some provisos, of course. For example, key performance indicators would need to be measurable, and that component would assist in the overall setting of employment of the CEO and the measurement of their performance during the review process. We might need to think about it. I probably have not got enough information at hand to provide a more detailed response. I am happy to do that at the third reading stage. Perhaps we can have a think about how we can satisfy the concern the member has raised, but I cannot provide it for him at this point. I am happy to do that and report during the third reading process. Of course, more detail may even be provided at a later stage when the bill has progressed to the other place.

**Mr R.S. LOVE:** I thank the minister and I look forward to receiving that advice when it is available. On the final matter here, the termination of the employment of CEOs, does that include the decision not to offer a continuing contract or to extend the contract to a CEO? Normally, there would be a provision in the contract to enter into negotiations at some point, or not, for a continuation. I am wondering about some of the provisions around the termination of the employment and how a standard would be set up that would address a situation that I think will be different in every circumstance.

**Mr D.A. TEMPLEMAN:** Terminations will be based upon principles of fairness and clarity. The minimum standard for an early termination of a CEO's contract will be met—this is a draft but this is the flavour of what we are formulating —

**Mr R.S. Love:** For the early termination?

**Mr D.A. TEMPLEMAN:** Yes, the early termination. The minimum standard for the early termination of the CEOs will be met if, firstly, decisions are based on the assessment of the local government's requirements and the CEO's performance against these; secondly, performance issues have been identified and the CEO informed, and the council has given the CEO a chance to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied this issue; thirdly, the CEO is informed of their rights, entitlements and responsibilities in the termination process; fourthly, decisions are impartial, transparent and capable of reviews; and, fifthly, the council of the local government has endorsed the termination by absolute majority. I think in the drafting of these proposed standards, those elements are important considerations in the event that there is a decision to move to terminate the employment.

**Mr R.S. Love:** Does it include some sort of length of time for the process—how long the process might necessarily be?

**Mr D.A. TEMPLEMAN:** At this point, the draft does not. There can be a whole range of reasons, of course, for termination, but principles of natural justice would still need to prevail. I am not aware of whether there is a minimum time component. I do not think there is capacity to include a time limit. There may be a range of reasons for that.

**Mr R.S. LOVE:** Some of the things the minister read out involve processes. I would imagine that in order for the CEO to address any failings in performance, a time would need to be ascribed to that. If that will not be laid out in the regulations, how will that be judged to be procedurally fair?

**Mr D.A. TEMPLEMAN:** That is a good point. Again, it relates very much to time and circumstance. The imposition of a time limit in one circumstance may not be appropriate or conducive in another circumstance. The council will first need to be made aware of unsatisfactory performance by the CEO, and it then makes the decision that the CEO will be given time to see whether they can improve their performance. The member is asking whether that is framed within a certain parameter. It is certainly a consideration that may need to be further explored as part of the formulation of the final regulation. I take the member's point. It is worth considering whether there should be a parameter up to a certain time. Ultimately, when a decision is made to terminate, if all the criteria according to the standard have been satisfied, it will be a fairly swift decision under the council's operational requirements. If we had designated time frames that were imposed or mandatory, there might be unintended consequences. I undertake to get advice from the Public Sector Commissioner, and others, to inform us more on this matter. We may or may not be able to report back to the member during the third reading process, but certainly in the upper house that will be able to be clarified.

Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker;  
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**Mr R.S. LOVE:** I hope the minister will take that on board in the formulation of the regulations. It is not essential at this point; I just raise these issues as things that need to be considered. Another issue is the circumstances under which there might be a summary termination of the person in that role, given that they are carrying out very important delegated functions of the council. In terms of performance, one of the key aspects of the CEO's role is to participate in the decision-making process at council meetings. Would a breakdown of the relationship between the CEO and the council be grounds for termination?

**Mr D.A. TEMPLEMAN:** I will just seek advice. There would need to be grounds. A reference to the standards would need to be part of the consideration. I sort of want to say no, but, in an extreme situation, that may come into play because the standards themselves have not been complied with. There will probably not be one single reason for a move to terminate.

**Clause put and passed.**

**Clauses 25 and 26 put and passed.**

**Clause 27: Section 5.50 amended —**

**Mr A. KRSTICEVIC:** This clause relates to payments to employees in addition to the contract or award. I wonder whether this section also applies to CEOs, or is it just employees? Under what conditions would a council approve the payment of an additional amount under this provision and how would these payments be justified?

**Mr D.A. TEMPLEMAN:** This clause effectively increases transparency by making the policy that relates to circumstances around the payment of additional moneys available at all times, rather than the current situation that requires simply a notice at that particular date—which could have been published a long time ago. This means that the policy relating to an employee being paid additional money to any entitlement is available at all times. It will be available via the website. Again, it is much more transparent than the current system in which a public notice would have been required, which could have been advertised sometime earlier. It is a transparency measure.

**Clause put and passed.**

**Clause 28: Section 5.51A inserted —**

**Mr A. KRSTICEVIC:** This clause relates to the code of conduct for employees. Proposed section 5.51A(4) commences, "Regulations may prescribe the content". Why do we not use the regulations to have a standard code of conduct for employees? That would obviously give councils the opportunity—or the CEO for that matter, if the CEO is the right person—to add to those standards. That would lead to consistency across all councils. One would assume that the code of conduct for employees should be pretty standard across all councils. If there are unique opportunities to do so, councils can add to the standards. Obviously, some councils, as we know, are better at doing these things and some will put more effort into it. I do not understand why the legislation states it "may" be prescribed when we have the ability to prescribe it. Why not do that?

**Mr D.A. TEMPLEMAN:** First of all, obviously the employees' code of conduct is separate from the council members' code of conduct for very good reason—the duties and responsibilities are different. Of course, there is a process that deals with council members who breach a rule of conduct through the standards panel process, for example. Ultimately, the CEO is responsible for the day-to-day management of staff, and that includes determining an appropriate code of conduct. There are provisions in the legislation relating to employee gifts and impartiality interests and these remain in place. The act currently prescribes specific matters that need to be addressed in the employee code of conduct. It may include the acceptance of gifts and disclosing interests affecting impartiality, and maintaining this power provides the government with the ability to prescribe specific requirements that are ultimately the responsibility of the CEO to determine.

**Mr A. KRSTICEVIC:** Is there any possibility that councillors can give suggestions to the CEO? Will councillors see the code of conduct for employees and will they have a chance to have input into it? It cannot hurt to have a council that is happy with its employees' code of conduct and it cannot hurt for councillors to not make the final decision but to have input.

The other part I am interested in is the amendment that the government is moving here, which is also covered under section 5.103(1) of the act. It states —

Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

The fact that the CEO can amend the code of conduct is interesting. It is good that it needs to go on council websites. Why are there no standard regulations to start with, given that the minister has the ability to set a benchmark for all councils?

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**Mr D.A. TEMPLEMAN:** In answering the question, the act and the proposals in the bill do not preclude councillors from making suggestions to the CEO—nothing precludes that. We need to be mindful, of course, of the separation of powers and roles. Ultimately, the HR responsibilities and culture of the organisation are the responsibility of the CEO. These amendments do not preclude helpful suggestions being made. They cannot be directions, of course, but they can certainly be helpful suggestions. Ultimately, the CEO determines the outcome of the code as it relates to employees.

**Mrs A.K. HAYDEN:** I totally agree that only the CEO should have that ability. Councillors should have nothing to do with the staff employed under their local government organisation. That is the responsibility of the CEO. I agree with the member for Carine. Why are there no guidelines and no checks and balances? It is pretty obvious that most local governments have a planner and a library manager; indeed, the same staff are repeated across local governments. I do not understand why there is no simple guideline for them to refer to to make sure that they have the best practice in their system. I do not see why there is not a check to make sure that things are right, legal and current and that the correct boxes are ticked. At the end of the day, councils are departments similar to other departments under the state government and they should make sure that the code of conduct and everything else is legal and acts properly within the guidelines. While the minister is getting some information, I note that we have quite a few clauses to get through, so I am not sure why the minister is insisting on sitting on. It would be better for all the staff if we continued the debate tomorrow, but he is choosing to sit here for as long as it takes. If that is the case, maybe he should not have allowed so many of his members to speak this afternoon, which would have given us more time for the consideration in detail stage.

**Ms S. Winton** interjected.

**The SPEAKER:** Member!

**Mr D.A. TEMPLEMAN:** The member for Carine said that he had only a couple of questions and that it would be 10 o'clock, but I am happy to continue.

The template already exists; it is available through the Public Sector Commission. Most or a lot of local governments have access to that. I think that satisfies the member's concern.

**Clause put and passed.**

**Clause 29 put and passed.**

**Clause 30: Part 5 Division 6 Subdivision 1A inserted —**

**Mr A. KRSTICEVIC:** I indicated to the government Whip, the member for Balcatta, that I did not know how long this would take, and I showed him the list of questions and issues that I had to deal with, so he is very much aware of what I have in front of me. This is very important, because this is the one occasion when we get to put this on the record.

This clause refers to the conferral of a financial benefit, including a disposition of property. What will the situation be if a gift is made by a business, a partnership or a trust, because the clause refers to the gift being made by another person? Is "person" defined broadly or is it specific? What does that mean?

**Mr D.A. TEMPLEMAN:** I am just seeking the definition. The definition is in the Interpretation Act. Obviously, the intention is to ensure that we capture all elements under the provision for the conferral of a financial benefit.

**Mr A. Krsticevic:** Can the minister tell me whether it relates to things like pieces of art or flowers?

**Mr D.A. TEMPLEMAN:** Yes, any property.

**Mr A. Krsticevic:** On that point, does that mean that if, for example, a councillor accepts a sandwich and a drink at a meeting to consider council business, he is required to report it as a conferral of a gift? That probably does not count.

**Mr D.A. TEMPLEMAN:** No.

To answer the member's question about the definition, the definition that appears in the Interpretation Act states —

*person* or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate;

**Mr A. KRSTICEVIC:** Just on this particular point, how does a councillor determine the value of a physical gift if there is no obvious value, and do they have to get pieces of art, for example, independently assessed and evaluated?

**Mr D.A. TEMPLEMAN:** If it is an artwork, then the artist is usually the first point of call for valuation. That would be one aspect if we are talking about an artwork. There are also measurable values that are able to be accessed online. The intention is that every attempt is made to determine the market value of the gift. Ultimately, it would be up to the council member or the CEO to prove the cost of the gift, but essentially if it was a gift of

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a painting, then the artist would normally be the one to determine the market value and advise the recipient as such. That would then, of course, need to be recorded.

**Mrs A.K. HAYDEN:** I know the valuation of gifts is to be determined under regulation, so again we do not know up to what amount a gift can be given.

**Mr D.A. Templeman:** The threshold is \$300.

**Mrs A.K. HAYDEN:** It will remain there?

**Mr D.A. Templeman:** The current threshold is \$200 and the proposal is for \$300.

**Mrs A.K. HAYDEN:** Thank you.

**Mr A. Krsticevic:** Clause 32 is of interest, so you can move to that if you wanted to. I have some questions on it as well.

**Mrs A.K. HAYDEN:** I will stay on this clause, if the member does not mind. The issue of gifts between local governments has been raised with me by a couple of CEOs and councillors. Neighbouring local governments have relationships with each other. Staff work alongside each other and form good relationships and so forth. What would happen if, for example, the City of Armadale and the City of Gosnells exchange gifts at the end of the year to say thank you for their great relationship? Does that need to be registered or does it only need to be registered if the gift is valued over \$300?

**Mr D.A. TEMPLEMAN:** Exemptions exist for council-to-council gifts, as they do for gifts from a state government to a council, the federal government to a council and WALGA to a council. There are exemptions for those entities. I think that answers that matter regarding two councils.

**Mrs A.K. HAYDEN:** A mayor has raised with me that some councils make everyone register small things such as cups of tea, coffee, sandwiches and so forth. They say that all it does is complicate and clutter up the register. Does anything in this amendment address that?

**Mr D.A. TEMPLEMAN:** Is the member talking about councillors and CEOs?

**Mrs A.K. Hayden:** I am talking about staff.

**Mr D.A. TEMPLEMAN:** We referred to this in one of the previous clauses. The employees, of course, are under the jurisdiction of the CEO and the policy provisions are overseen by the CEO. The current regulations state that when there is an activity involving a local government discretion or when it is reasonable to believe that a person is intending to undertake such an activity, restrictions are imposed in relation to the receipt of a gift by an employee. These also apply when the local government has commercial dealings with the donor, but specifically an employee cannot accept a gift valued at more than \$300 from the donor, or one, two or more gifts over a six-month period from the same donor. Any gift over \$50 must be reported to the CEO within 10 days of receipt and recorded in the register. They are the rules currently applying under "employees accepting gifts".

**Mrs A.K. HAYDEN:** During my speech on the second reading, I raised the matter that I dropped off a box of chocolates to the local council and it was not allowed to receive them. Is the CEO making that rule—that it will not accept a \$10, \$15 or \$20 box of chocolates? Is the CEO making that rule on their own across the board of their local government?

**Mr D.A. TEMPLEMAN:** That is a matter for the CEO. The member did not deposit the box of chocolates to influence a decision by council. In relation to the member's box of chocolates, it is a matter for the CEO within the guidelines of that council—that CEO's policy area.

**Mr R.S. LOVE:** Does the definition of a gift include a continuing stream of small donations or small amounts? For instance, I go down to a bakery every morning and I get a cup of coffee and a meat pie. That is not very much but they give it to me every week because I do nice things for them. If it accumulates over the year to be over the threshold, is that considered a gift or is that something different?

**Mr D.A. TEMPLEMAN:** The short answer is yes, it is a gift. Yes, it is attributable to a cumulative value over a 12-month period.

**Mr R.S. LOVE:** Is it an accumulation over 12 months from June to June or from the first time I get the gift? What is the process?

**Mr D.A. TEMPLEMAN:** It starts from the first time the member receives the gift. If the goods are given in January, it is from January on.

**Clause put and passed.**

**Clause 31 put and passed.**

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**Clause 32: Section 5.62 amended —**

**Mr A. KRSTICEVIC:** In reference to notifiable gifts, we know a change has been made for gifts worth \$300. I wish to refer to the limits that are being set. The minister said that they will be \$300 and then \$300 to \$1 000 and over \$1 000 and there are different provisions. Why did the government pick the figure of \$1 000 for a council to approve it and the minister or his representative to approve gifts worth over \$1 000? I have spoken to some councillors, who asked why that limit was set at that point in time. Is there any reason for the government picking that figure?

**Mr M.P. Murray:** The previous Speaker wanted a gold watch from the Perth city council.

**The SPEAKER:** Minister for Sport and Recreation, who woke you up?

**Mr D.A. TEMPLEMAN:** Obviously, the issue of thresholds is always interesting. Comparisons can be made on the \$300 threshold with the benchmark for cabinet ministers, for example. The amount of \$1 000 was arrived at because it was considered to be an appropriate benchmark for that parameter.

**Clause put and passed.**

**Clause 33: Section 5.68 amended —**

**Mr A. KRSTICEVIC:** Will a committee need to have delegated power from the council to make a determination or could the council make a determination about gifts over the prescribed amount? Can a council committee make that determination or will it have to go to the full council for permission?

**Mr D.A. TEMPLEMAN:** The council could give that power to the committee or decide not to. In terms of the participation of a member in consideration of a member's participation in a matter in which they may have an interest, the important element here is that council will be required to make a judgement on whether the receipt of a gift is likely to affect that person's decision-making. If the council agrees, the council member can be present and participate in the discussions and the decision-making in relation to that matter. Council will need to record the reason for making that decision in the minutes. There is an accountability principle in place there. A cap is being placed on this, so that for gifts over a set value, an application will need to be made to the minister for approval to participate and that would normally be a delegated authority by the minister to the director general or an appropriate officer. There will be various reasons a council will weigh up and make a judgement related to this clause. There are various examples. There have been occasions on which the capacity for a council to make a decision is impeded because too many members would have to excuse themselves to get a decision. Council would need to make a judgement on whether their involvement in such a decision-making process is likely to affect that person's decision-making on the matter. I think this is a sensible and appropriate element within the amending bill.

**Clause put and passed.**

**Clause 34: Section 5.69 amended —**

**Mr A. KRSTICEVIC:** This clause is about the minister's permission. Will the department website log the approvals made by the minister under this clause? Will the reasons for granting approval be recorded or will it just be recorded in the council minutes and there will be no record of how many times permission has been given to a councillor on a particular decision?

**Mr D.A. TEMPLEMAN:** The department will take into consideration the matters in its determination and then any such decision will be recorded in the minutes, which, of course, will deliver on the accountability and transparency principle.

**Clause put and passed.**

**Clause 35: Section 5.70 amended —**

**Mr A. KRSTICEVIC:** This is about the employee declaration. When was the penalty of \$10 000 or imprisonment of two years set in the act? What is the minimum value of the gift that requires an employee to disclose an interest? Will the council be able to allow an employee to accept a gift by the gift donor to continue to work on a project and provide advice on that topic, or will the CEO do that?

**Mr D.A. TEMPLEMAN:** In relation to when the penalty was determined, it was part of the original 1995 act. That is the answer to that question. Can the member repeat his second question?

**Mr A. Krsticevic:** What is the minimum value of a gift requiring an employee to disclose an interest?

**Mr D.A. TEMPLEMAN:** It is \$50, and prohibited if it is over \$300 and there is a matter before the council.

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**Mr A. Krsticevic:** Have there been any convictions to date in this area?

**Mr D.A. TEMPLEMAN:** We can provide that answer in the third reading consideration on Thursday.

**Clause put and passed.**

**Clause 36: Sections 5.71A and 5.71B inserted —**

**Mr A. KRSTICEVIC:** This is obviously to do with the CEO disclosing interests and gifts in connection with advice or reports. Will the CEO have to make an application to council for its approval to be involved in matters in which they have received a gift or will that be moved by a councillor or the CEO?

**Mr D.A. TEMPLEMAN:** Proposed section 5.71A(1) provides that a CEO must, when proposing to provide any advice or report to the council or a committee, disclose the nature of any interest. That is defined under part 5, division 6. This advice or report can be provided either directly by the CEO or indirectly through another employee, but it must be in writing.

**Mr A. KRSTICEVIC:** Who will actually liaise with the minister to give approval for the CEO to be involved in a situation in which they have received gifts, and could an application be made by the CEO without council approval to the minister? Would the council not have to first approve the CEO's involvement in a matter under which the CEO received a gift before it was sent to the minister?

**Mr D.A. TEMPLEMAN:** I direct the member to proposed section 5.71B(4), which reads —

The council may apply to the Minister to allow the CEO to provide the advice or report to which a disclosure under section 5.71A(1) relates if the amount of the relevant gift exceeds the amount prescribed for the purposes of this section.

It is the council's responsibility to report that matter.

*Point of Order*

**Mr M.P. MURRAY:** Mr Speaker, since the dining room and the bar are now closed, I was just wondering whether there was any chance of any staff being available to go out and bring something in, such as a bit of food or coffee?

**The SPEAKER:** That used to happen when we were sitting very late. It is a good suggestion, but it is not a point of order.

*Debate Resumed*

**Mr R.S. LOVE:** In relation to the answer that we have just been given, that it is the council's responsibility to liaise with the minister, how would the council make such a liaison with the minister when, in fact, the CEO is the only employee that the council can direct to a task, and the council has no operational role?

**Mr D.A. TEMPLEMAN:** There is nothing to stop the shire president or the mayor informing the department of that application. There is nothing to impede them from doing that, so that would be the normal process.

**Mr R.S. LOVE:** I ask the minister to explain how this works. The CEO has an interest in a matter. He is not to get involved in the report as such, but he is the manager of the people who will produce the report. How does the minister anticipate that the CEO will actually be able to be separated from the production of the report when it is his employees who are writing the report?

**Mr D.A. TEMPLEMAN:** It is the responsibility of the CEO to ensure that the report is prepared. If that is not complied with, there is, of course, a penalty. The expectation is that an appropriate officer will carry out that requirement. The CEO is not able to carry out that requirement because of the declaration of an interest, unless, of course, there is an approval.

**Mr R.S. Love:** It might be getting late at night, but I could not hear the minister's response.

**Mr D.A. TEMPLEMAN:** What did I say? An offence is committed if the requirement is not carried out. There is an expectation that the requirement will be carried out by an officer of the council who is not the CEO in this case.

**Clause put and passed.**

**Clause 37: Section 5.72 amended —**

**Mr A. KRSTICEVIC:** Section 5.72 is the defence to prosecution provision. I know that an additional section is proposed to be added here, but just out of interest, how many times have people been able to use this provision to get away with being found guilty of an offence?

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**Mr D.A. TEMPLEMAN:** The advice I have is that, since 2000, very few people have been formally charged under the act. We can have a look at what the statistic is and include that in the response to the third reading, if the member is amenable to that.

**Mr A. Krsticevic:** Yes; that is good.

**Clause put and passed.**

**Clauses 38 and 39 put and passed.**

**Clause 40: Sections 5.82 and 5.83 deleted —**

**Mr A. KRSTICEVIC:** This clause will delete sections 5.82 and 5.83. Will gifts from political parties or the value of trips on political-party business be exempt from having to be disclosed, or will they still have to be disclosed?

**Mr D.A. TEMPLEMAN:** There is no exemption for receiving a gift from a political party. However, the important aspect is that the gift is disclosable only if it relates to their role as a councillor.

**Mr R.S. LOVE:** We are talking now about the gift provisions that were inserted by the City of Perth Act, originally. These provisions were inserted after the passage of the City of Perth Act. Does that act need to be amended to enable this to occur? It is in division 4 of the act.

**Mr D.A. TEMPLEMAN:** We can confirm that the City of Perth Act 2016 amended this section. Does that answer the first part? The second part is whether we have to amend —

**Mr R.S. Love:** Does the City of Perth Act have to be amended as a consequence?

**Mr D.A. TEMPLEMAN:** No.

**Clause put and passed.**

**Clause 41: Part 5 Division 6 Subdivision 2A inserted —**

**Mr A. KRSTICEVIC:** I have a couple of points on this clause. Councillors are required to disclose gifts within 10 days. If a gift needs to be independently valued, I am wondering whether that would be possible. Has 10 days proven to be long enough? When someone receives a gift, from when does the 10 days start? Is it from the day that a councillor is aware of what the gift is? Is it from when the gift has been received? Will councillors be hit by a \$10 000 fine and two years' imprisonment if they do not report a gift in the 10 days stipulated in the amendment?

**Mr M.P. Murray** interjected.

**The SPEAKER:** Are you dreaming?

**Mr M.P. Murray:** Thinking out loud; I am sorry.

**Mr D.A. TEMPLEMAN:** There is no change to the current time frames.

**Mr A. KRSTICEVIC:** How has the 10 days played out? Have all gifts been reported within 10 days? Would we know whether they were? Who do CEOs have to make aware if the 10-day period is not met? Are they doing it, and is there a responsibility for them to do it?

**Mr D.A. TEMPLEMAN:** Unless there is a specific investigation, there is no obligation on the department to check constantly; but no issues about compliance with this clause have been raised.

**Mrs A.K. HAYDEN:** Minister, we are now on councillor gifts. Can the minister please advise the value of a councillor gift, because again that is not in our information?

**Mr W.J. Johnston:** Haven't you read the legislation?

**Mrs A.K. HAYDEN:** It is by regulation. We do not have that information. Obviously, the minister has not read the bill.

**Mr W.J. Johnston:** Why are you asking, if it is not in the clause?

**Mrs A.K. HAYDEN:** Because he let us know for the other one. If the minister kept up, he would understand.

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

**The SPEAKER:** Members! This is not a chat show.

**Mrs A.K. HAYDEN:** It is just rude. Anyway, could the minister indicate the value of the councillor gift?

**Mr D.A. Templeman:** It is \$300.

**Mrs A.K. HAYDEN:** It is \$300 as well. I have had a couple of people raise with me the scenario of a wedding. If they are inviting —

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

**The SPEAKER:** Minister!

**Mrs A.K. HAYDEN:** Jeez. I think someone needs to go to bed! Say someone receives a pile of wedding gifts. They obviously have to declare the gifts; they have to record on the register the name of the person who gave the gift, their address and how much they gave. Everyone is now going to see what everyone who attended the wedding gave and the value of that. To me, that is a bit of an issue with the privacy of the people giving the gift. On top of that, there is the 10-day waiting period. If someone has had a wedding, I do not think they are going to hold off on their honeymoon to declare those gifts in 10 days. I want to know whether there is any flexibility around that.

A member interjected.

**Mrs A.K. HAYDEN:** Do not get married. That is a wise decision.

**The SPEAKER:** Member for South Perth, you did not talk while out of your seat, did you?

**Mrs A.K. HAYDEN:** What would happen in regards to that, for example?

**Mr D.A. TEMPLEMAN:** These provisions in the bill fix this issue once and for all. If a gift would not have been given if the councillor were not a member of the council, it is considered that they have received it in their capacity as a council member and it must be disclosed if it is over the prescribed threshold. Gifts that would not have to be disclosed would include wedding gifts and birthday gifts.

**Mr A. KRSTICEVIC:** If someone is aware that a councillor has received a gift and that the councillor has not disclosed it within the 10 days, how would they go about reporting that? If it were proven to be true, what would be the process and consequence following that?

**Mr D.A. TEMPLEMAN:** The short answer is that the CEO would be the first port of call for any concern and/or the department.

**Mr A. KRSTICEVIC:** Would the CEO need to pass that on to the department if they were made aware of it? Would it need to go to the standards panel or anywhere else? Where would it go? There is a \$10 000 fine and a penalty of two years' imprisonment, so what would be the process?

**Mr D.A. TEMPLEMAN:** Obviously, if there is a query, I expect the CEO would make a line of inquiry to check on the allegation, if you like. If there is substantiation of that and there is no correction of the record, it would be reported to the department.

**Clause put and passed.**

**Clause 42: Section 5.88 amended —**

**Mr A. KRSTICEVIC:** This clause requires the register to be put on the government's official website. Will it be available anywhere else or just on the website? If people do not have access online, can they go into the council and have a look at it? Why are the details of the register kept for a minimum of five years by the CEO as well? What is done with registered details of people who have left the council after five years?

**Mr D.A. TEMPLEMAN:** The disclosure register will be online and also available to be viewed at the council chambers or office. The requirement of five years is already within the act and there is no proposed change to that; so that remains. There is no change to that; we are not amending that. That time limit is currently within the act.

**Clause put and passed.**

**Clause 43: Clause 5.89A amended —**

**Mr A. KRSTICEVIC:** Can anyone outside of the CEO see the full register of gifts, including the address of donors? Is there a reason why that information is not published on the council website, when in other cases that information is put on the website?

**Mr D.A. TEMPLEMAN:** The full address of the donor will still need to be disclosed, but to balance privacy with transparency, only the town or suburb of the donor's address will be published online, which I think is appropriate. I think that answers that aspect. What was the other question?

**Mr A. KRSTICEVIC:** Will that information be available other than online?

**Mr D.A. TEMPLEMAN:** There is obviously the online register, and the hard copy, for want of a better term, is available from the office.

**Clause put and passed.**

**Clauses 44 to 46 put and passed.**

Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker;  
Mr Ian Blayney; Ms Janine Freeman; Mr David Michael; Mr David Templeman; Mr Tony Krsticevic; Mrs  
Alyssa Hayden; Mr Shane Love; Mr Bill Johnston

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**Clause 47: Part 5 Division 6A inserted —**

**Mr A. KRSTICEVIC:** Does the minister intend to have a standard template approach to attendance at events, or will each council have its own policy? Will councils be able to set their own limits, or are limits not necessary for events that impact on the involvement of councillors? What will happen if a councillor goes to a function or event and wins a door prize, such as a business class trip overseas? I know of ministers who have won a prize at an event and have told the event organiser that they cannot accept it and have handed it back. Does that make any difference in this particular clause?

**Mr D.A. TEMPLEMAN:** In relation to the first question, the department would look at developing guidelines around that matter. In relation to the second question, the member has raised an interesting point. If councillor X goes to an approved council event, puts their councillor business card into a barrel and their card is picked out as the winner of an item valued at over \$300, that is not essentially a gift. However, it would probably be advisable that they report to the CEO that they were the winner of a particular raffle prize, and that that be recorded appropriately. My understanding is that in that particular circumstance, it is not technically a gift. However, I would always err on the side of caution and declare it as an item 1—during the attendance at a meeting or an event. Of course, as the member said, some councillors would not even partake of putting their card into such a place to give them a chance of winning, and some do not accept the prize if they do, in fact, win. On a technicality, I think it would not come under the definition of a gift. That is not my understanding of the determination.

**Mrs A.K. HAYDEN:** Can the minister explain why this provision has been introduced and the reasoning behind it? We as members of Parliament attend events all the time and we do not have to declare them or make a list of those events. Attending events is a part of our job as an elected member. It is the same for a councillor attending events to support their community. Councillors also attend local mayoral dinners at adjoining councils. I see this as putting a really huge administrative burden on the council. It is also another cost on the council. I am interested to hear what has driven this provision and why the government thinks it is required.

**Mr D.R. Michael:** Clearly, you didn't listen to my speech.

**Mrs A.K. HAYDEN:** No, I did not.

Several members interjected.

**Mrs A.K. HAYDEN:** Again, on the code conduct, councillors just need to listen to this place.

Several members interjected.

**The SPEAKER:** Members, please. Let us get this over and done with. No interjections, please.

**Mrs A.K. HAYDEN:** If councillors are doing their job—doing the right thing and being part of the community—yes, they get paid, but it is not a lot of money. The work is done in their own time. It is time away from their family and maybe their business. I do not see the purpose of this provision and I do not understand why we need it. We want our councillors out in the community attending events. I am interested in the minister's advice on that.

**Mr D.A. TEMPLEMAN:** Clearly, various issues have been raised regarding attendance at events. This clause seeks to clearly articulate that a policy for attendance at events is required so that there is no grey area with regard to attendance. Indeed, the intention with regard to this clause is always that it is a part of a councillor's role to attend events that may include a concert, a conference, a function or a sporting event. This clause simply makes it clear that that is part of the councillor's role. In relation to a gift, it is clarified, because there is a requirement for the local government to prepare and adopt a policy that deals with these matters. Quite frankly, as the member highlighted, we want councillors to be out and about, but we want to make sure that there are clear parameters within which that consideration is adhered to. Again, the local government makes the policy. I am sure there are templates available that they could use. It clears up another grey area that had been evident. There have been ticketing issues in recent times that this provision will address.

**Mrs A.K. HAYDEN:** I highlighted a few concerns in my contribution to the second reading debate, which we have discussed. I do not approve of this clause in the legislation. I would hate to see this provision flow on to apply to us as members of Parliament. As elected members, I would hate for us to have to declare every event we attend because we would need another staff member to do that. It would cost taxpayers money and waste time.

We are elected members of Parliament who operate under a code of conduct. I believe that if we operate under that code of conduct, we are responsible and we do the right thing. This is another layer of administration and cost and it is a way to hinder councillors. If the government starts this policy with councillors, the next step is us, members of Parliament. I do not believe that we should be going down that slope. I do not agree with this amendment.

Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker;  
Mr Ian Blayney; Ms Janine Freeman; Mr David Michael; Mr David Templeman; Mr Tony Krsticevic; Mrs  
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**Mr D.A. TEMPLEMAN:** I clearly say that this does not prohibit attendance. In fact, it highlights that it is appropriate but that simple transparency measures are required to protect members through the policy of the council and, indeed, the register. The member's concern is not well founded because it does not prohibit that activity from occurring.

**Mrs A.K. HAYDEN:** I am happy to agree to disagree on that one.

Several members interjected.

**Mrs A.K. HAYDEN:** I am being polite. Do members opposite even know how to be polite?

Several members interjected.

**Mrs A.K. HAYDEN:** Does the member for Perth want to declare every event that he goes to as a member of Parliament?

**Mr J.N. Carey** interjected.

**Mrs A.K. HAYDEN:** Does he want to do that? Just because he does, everyone else should?

**Mr J.N. Carey:** You're incapable.

**Mrs A.K. HAYDEN:** You are!

**The SPEAKER:** Hey, members—come on! I am not going to call anyone to order because no-one is getting sent home early. We are all going to suffer!

**Mrs A.K. Hayden:** I'm on three.

**The SPEAKER:** I know you are, but there is no way you are going home. I give the call to the member for Darling Range.

**Mr W.J. Johnston:** The clock is still running.

**Mrs A.K. HAYDEN:** The minister is not in his chair.

Several members interjected.

**The SPEAKER:** Members! Member for Darling Range, sit down for a moment, please.

Several members interjected.

**The SPEAKER:** Member for Darling Range.

*Point of Order*

**Mr W.J. JOHNSTON:** The member cannot speak twice.

**The SPEAKER:** That is incorrect because it was the minister's fault. The member for Darling Range was still on her feet but I sat her down while the minister got a ruling from the Clerk.

**Mr W.J. JOHNSTON:** The minister does not have to be in his chair for the member to speak.

**The SPEAKER:** I know you want me to send you home, but you are staying.

*Debate Resumed*

**Mrs A.K. HAYDEN:** Minister, if a councillor pays for an event, will it go on the register?

**Mr W.J. Johnston:** No, because —

**Mrs A.K. HAYDEN:** You are not the minister; would you just shoosh?

Several members interjected.

**Mrs A.K. HAYDEN:** I was taught that no question is stupid.

**The SPEAKER:** Members, the minister is on his feet.

**Mr D.A. TEMPLEMAN:** In answer to the question, if members pay for the attendance themselves, it is not a gift.

**Clause put and passed.**

**Clause 48: Section 5.94 amended —**

**Mr R.S. LOVE:** I want to get some clarity. The explanatory memorandum seems to be a bit different from the final product. The explanatory memorandum states that subclause (f) removes the requirement to have a CEO's contract available for inspection and replaces it with the requirement, to be set in regulations, that the CEO's total

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remuneration be published. Why is that provision there? Why is the government removing those contracts from the public's view?

**Mr D.A. TEMPLEMAN:** I thank the member for the question. The amendments to the act will increase transparency and accountability. Under the proposals in this amendment bill, a great deal more information will be available and, of course, it will be made more easily available online through publication. There is a view that a balance needs to be drawn with privacy. No other employee in any other sector is required to have their contract available for inspection, and to do so for a CEO is considered to be unreasonable. An argument can be made that these are ratepayers' funds, so a level of accountability is required. To address this, the local government will be required under these provisions to publish the CEO's total rewards package. This will be prescribed in regulations under this section. A typical total rewards package would include the base salary; the annual leave loading; the attraction and retention allowance; the private use of a motor vehicle if not deemed as a tool of trade, and there is a relationship with remote local governments under table 3 in part 3; the total amount of fringe benefits tax paid for all fringe benefits provided to a CEO; association membership fees; a cash bonus and performance incentives; cash in lieu of a motor vehicle; fitness club fees, grooming and clothing allowance; health insurance; school fees and/or child's uniform costs; all mandatory and non-mandatory superannuation employer contributions; travel or other benefit taken in lieu of salary; and travel for spouse or any other member of the family. What will be required to be published for the total rewards package is quite comprehensive. That is a request that lots of people have made. That is balanced by issues of privacy. The total rewards package will need to be published. That is the basis for it. I think this reaches a good balance of transparency and accountability whilst also being cognisant of some of the privacy issues that are associated with this particular disclosure.

**Mr R.S. LOVE:** Can the minister give me an example of what information may have been considered more sensitive to a CEO than that which he has just outlined, which seems to be pretty well everything I would have thought they would have had some sensitivity about having disclosed? The minister has just provided a very comprehensive list of information. Secondly, the minister said that a lot of people had approached him on this topic, but I thought that very few people had approached him during the consultation phase of this bill in its totality. If they did not approach him during the formal consultation phase, when did these approaches take place?

**Mr D.A. TEMPLEMAN:** To answer the first question, the salary aspects, particularly the bands, are readily available because they are determined by the Salaries and Allowances Tribunal. That information is available. This is additional information that has been proposed to be prescribed under the total rewards package. It is seen as appropriate. There has been consultation about this information with the key stakeholders, including Local Government Professionals Australia WA. That was part of the consultation process. As the member knows, that body represents local government professionals.

**Clause put and passed.**

**Clause 49: Section 5.95 amended —**

**Mr R.S. LOVE:** There seems to be a change to the person's right to inspect the minutes of meetings or the papers to do with meetings that were closed to members of the public.

I see there has been some tightening of that provision so that only meetings that were closed to the public can now no longer be given. It is not up to the CEO to have discretion to keep from the public matters that may have been closed. I am wondering why that provision is being inserted.

**Mr D.A. TEMPLEMAN:** The reason for the change is that currently the CEO can limit a person's right to confirm minutes of a council or committee meeting; the notice papers and agenda for council and committee meetings; reports and documents produced by the local government or a committee for a meeting, and presented at that meeting; and, if in the CEO's opinion that part of the meeting could have been closed to members of the public but was not closed. It is not considered to be the CEO's role to make the decision that part of a meeting should have been closed to the public. As council meetings are public, the information is already in the public domain. That is the basis around this change. It again adds to the transparency and accountability arrangements and thrust that we have been seeking to pursue with this bill.

**Mr R.S. LOVE:** Just to confirm, this was brought to the minister's attention as an issue, presumably through the consultation phase. Was this a very common occurrence for this change to be needed?

**Mr D.A. TEMPLEMAN:** As part of the drafting of the bill, input was sought by particularly the Western Australian Local Government Association and Local Government Professionals. They were supportive of these particular elements of this transparency measure.

**Clause put and passed.**

Mr Terry Healy; Mr Peter Rundle; Mr Chris Tallentire; Mrs Lisa O'Malley; Ms Sabine Winton; Ms Lisa Baker;  
Mr Ian Blayne; Ms Janine Freeman; Mr David Michael; Mr David Templeman; Mr Tony Krsticevic; Mrs  
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**Clause 50: Section 5.96A inserted —**

**Mr A. KRSTICEVIC:** I know that the regulations will specify the time period that information will be kept on the website; has the minister thought about how long that would be for this information? Of course, having all these things available is a good thing for transparency and accountability. Apart from the time period, what happens in the future if other information is deemed to be appropriate to be on the website? These things are stipulated in the legislation, so how will that make it on the list? Is that something that the council will decide on its own? In this case, the minister has listed some things. If in the future the minister thinks something else should be listed, will the regulations allow the minister to stipulate those additional items?

**Mr D.A. TEMPLEMAN:** In regard to how long information will be required to be on the local government website, this will of course depend on the type of information, because some of the information will change because of the nature of that information itself. But current information, such as the map of the district boundaries and fees and charges will be required to remain on the website until such time as they are no longer current and need to be updated and/or replaced. It is likely that there will be a five-year requirement for information such as annual reports and minutes of meetings. We will consult further with WALGA and LG Pro about the appropriateness of that time period in drafting the regulations.

**Mr A. KRSTICEVIC:** Proposed subclause (h) contains proposed paragraph (i), (ii) and across the page (i) again. Is that accurate or should the (i) on the next page be (iii)?

**Mr D.A. TEMPLEMAN:** If the member looks carefully, he will see that it is a “h” and an “i”.

**Clause put and passed.**

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

*House adjourned at 1.30 am (Wednesday)*

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