

CITY OF PERTH BILL 2015

Second Reading

Resumed from 21 May.

MR D.A. TEMPLEMAN (Mandurah) [12.28 pm]: I am pleased to stand as the lead speaker for the opposition on the bill that is before the house this afternoon, the City of Perth Bill 2015. After nearly eight years of so-called local government reform under the Barnett government, after millions of dollars of taxpayers' funds have been wasted on an abysmal and disastrous process for the metropolitan councils, and after countless hours, weeks, months and years have been wasted by councils in trying to comply with the demands of the Premier and the Minister for Local Government, all that we have to show for this laborious and controversial process is this bill.

In debating the bill before the house today, I think it is important that we first understand how bad this government, this Premier and this minister have been in their approach to the local government sector in Western Australia during their tenure. In some ways it is unfortunate that this minister has been the sacrificial lamb of the Barnett government and will go down in history as having presided over the portfolio area that has seen the relationship between the two levels of government reach an all-time low. The Premier's denigration of the sector and the people who work in it is well known in the sector. The Premier has attacked people who make up the sector and work in the sector—elected members, staff—all because he ultimately blames them for his own failings and failure to reform the sector. We are now left with the deep-seated distrust of the state government in the local government sector, and it never needed to be this way. In a last gasp to try to claim any sort of credibility or outcome from the Premier's failed process, the City of Perth Bill 2015 was conceived. The bill seeks to give the City of Perth, as the state's capital city, appropriate special status and recognition. The key objectives of the bill, as outlined in the second reading speech, include providing objects for the City of Perth; setting out the constitution of the City of Perth council, recognising the unique roles and responsibilities of the lord mayor and the elected Perth city councillors; and establishing the City of Perth Committee, which is an important consideration that sets about facilitating collaboration between the state government and the City of Perth. The bill then goes on to specify the boundaries that will encompass the enlarged City of Perth. That will include the University of Western Australia's Crawley campus, Western Australia's iconic Kings Park, the Queen Elizabeth II Medical Centre and the new Perth Children's Hospital. There are clauses in this bill that seek to allow the City of Subiaco to make changes to its boundaries and ward system, and there are elements in the bill that define a role for the executive director of Health to have some jurisdiction with regard to Kings Park.

In considering the nature of this bill and its significance, the opposition has carefully looked through the legislation as proposed and at examples of other capital city legislation in Australia. All states apart from Western Australia have legislation that underpins the status of their capital cities, and, indeed, Western Australia is the last state in Australia to move to create a piece of legislation that defines the roles and responsibilities of the lord mayor and councillors and the special status a capital city has in its jurisdiction. In consideration of this bill, the Leader of the Opposition and I have spoken to various stakeholders, including the University of Western Australia, concerned residents of the City of Subiaco, and numerous mayors, including the Lord Mayor of Perth and the mayors of areas adjoining the City of Perth—the mayors of the Cities of Nedlands, Subiaco, Vincent and South Perth, and the Town of Victoria Park. All these councils are stakeholders in what a bill that enhances the status of the City of Perth, our capital city, might look like. We have also had numerous contacts from citizens from other councils in the metropolitan area who were part of the bruising campaign and fight against the Barnett government's forced amalgamation process. Numerous lines of concern include the underpinning concern about lack of trust—a profound lack of trust in this Premier, this minister and this government in their handling of local government reform in the last eight or so years. Those people have, quite rightly, reflected and drawn as examples the various circumstances that we saw in the ill-fated and abandoned process in the metropolitan area to reduce the number of councils from 32 to around 15 or 16. There were issues such as meetings between the Premier, the minister and senior people in the department at which assurances were given and then countered by the minister or the Premier. The minister made assurances that were then struck down by the Premier. There were examples of some communities having a say on their future, as was proposed in the process overseen by the Local Government Advisory Board. There were examples of some communities having a say under the Dadour provisions and the government and this minister not giving others a say because boundary changes, rather than the Dadour aspects of the Local Government Act, were used to assert councils to come into being. As I said, history shows that the handling of this local government amalgamation process not only was ultimately bungled and abandoned, but also has left a very sad and sorry element of deep mistrust with this Premier, this minister and this government.

That is the context and background with which we arrive at a bill that now focuses, importantly, on our capital city of Western Australia—Perth. Earlier this year, after the government was ultimately forced by the community, the opposition and stakeholders to abandon the process in the wider metropolitan area, the Leader of

the Opposition made some telling comments about this bill when it was introduced and read into the house. He said that the opposition would not simply oppose this bill. It would be very easy for us to simply oppose this bill, because the Premier is probably well aware that a number of members on his side would rather this bill failed—they tell me.

Mr C.J. Barnett: Not this bill.

Mr D.A. TEMPLEMAN: I think the Premier will find that—I might tell the Premier that I talked about this with a couple of his members only yesterday—he does not have the numbers. The Premier certainly does not have, it seems, the National Party's support; I will talk about how the National Party has approached the City of Perth Bill 2015 later. I will be interested to see whether the National Party makes a contribution to this debate later today.

The opposition could simply have opposed this bill because there are some good reasons to; I will go through a couple of them during my second reading contribution. We will also be scrutinising and questioning the minister at length during consideration in detail. But the opposition is not opposed to considering the importance of a bill that highlights the status of the City of Perth—it is not opposed to there being a piece of legislation that recognises the specific and special status of a capital city. We also do not have a problem or major concern with the proposed boundaries, although during consideration in detail—I would also like feedback in the minister's second reading response—I will query the delineation, particularly into the centre of the Swan River. I would like the minister's response to include the background for that boundary being arrived at. But, by and large, the opposition understands the logic of, for example, the Crawley campus of the University of Western Australia being within one jurisdiction. We do not have a problem with that; it is logical. However, we need to bear in mind that other significant assets of the University of Western Australia sit outside the Crawley campus, and are indeed, and will remain, in neighbouring councils. They include the former Claremont Teachers College precinct, which will remain in Nedlands, and Underwood Avenue, which is a significant university site, to name but two. It would be misguided to think that putting the Crawley campus into the boundary of the City of Perth will address that issue, because other assets sit outside it. However, the opposition does not oppose the logic of having our sandstone university in the City of Perth, in line with the proposed boundaries.

The other, if you like, assets that will be added to the City of Perth through this bill and its proposed boundaries include the Queen Elizabeth II Medical Centre, and the new Perth Children's Hospital. In terms of logic and uniform sense, that is not opposed by the opposition, either. However, there is a significant issue for the 3 000 residents of the City of Subiaco who are, understandably, concerned about their future. Through this bill and its proposed boundaries, those people will be transferred to the City of Perth. I have met with a number of them and their representatives and discussed their concerns. It was interesting to look at their two main concerns. The first was that a survey process had actually been encouraged by their local member, the member for Nedlands, to put their aspirations out there. My understanding is that that survey came back with a 97 per cent response that requested or urged that its participants stay in the City of Subiaco.

It was very interesting to look at the role the local member played. The 3 000 residents of the City of Subiaco were quite distraught—certainly the ones I met with and talked to were—about the representation provided by the member for Nedlands. At the beginning, he sort of sat on the fence and said, “We need to do a survey, and you need to go and find out what people think”, and then, of course, in their words, he abandoned them. In abandoning them, he actually even encouraged them to talk to the Labor and National Parties. The member for Nedlands is a senior minister in the cabinet. I would be very interested to know whether there had been any direct advocacy by the member for Nedlands on behalf of his constituents about their concerns, considering that he encouraged them to do a survey but then sort of basically said, “Oh, I can't do anything.” That is despite the fact that he is a senior minister who sits around the cabinet table, and, indeed, is probably more senior than the Minister for Local Government. They were disappointed.

One of arguments put by these people is that they should have a say; they should be able to vote on this. That has been strongly advocated for, on behalf of the residents, by the City of Subiaco, as well as the residents themselves advocating through various letters et cetera. We need to remind ourselves that this process is a boundary change or adjustment; it is not an amalgamation of a council through either boundary adjustments that the minister tried to use in the ill-fated metropolitan process or, of course, an adjustment that triggers the Dadour poll provisions. The WA Labor Party, its leader, and I, as shadow Minister for Local Government, believe very strongly in the importance of the Dadour provisions. I know there is a difference of opinion between the minister and me on the Dadour provisions. The minister has previously said that he was proposing to get rid of or delete them because he does not believe in them. We differ very strongly from the minister on that. We believe, as per the provisions, that if there is a proposal to totally amalgamate a council, then, yes, there should be a local say.

The difference is that this process is a proposed boundary adjustment; therefore, the Dadour provision is not triggered. Personally, I believe the residents who will be transferred from the City of Subiaco into the City of Perth will not be disadvantaged. However, I say that with the proviso that we need honesty.

I come to a question I asked the minister earlier this year after the minister, in response to a dorothy dixer, highlighted to the house that there had been extensive consultations with the City of Subiaco about the implications of the City of Perth Bill. In fact, on 21 May, in response to a question, the minister said —

... the government is working with the City of Subiaco on transitional arrangements for affected ratepayers in the area known as the Crawley finger.

Interestingly, the Mayor of the City of Subiaco countered very strongly the minister's assertion that "the government is working with the City of Subiaco on transitional arrangements for affected ratepayers" and said that that was not necessarily the case. In fact, I will read from a letter of 29 June sent to me by the Mayor of the City of Subiaco. Following that interchange in the Legislative Assembly during question time, I asked the minister a question about how truthful he had been about his consultation process with the City of Subiaco. Heather Henderson, the Mayor of the City of Subiaco, stated in a letter to me —

Thank you for raising the matter of the lack of consultation in the Assembly recently, we have read the transcript with interest and appreciation.

When the Minister assured us of consultation in relation to the proposed City of Perth legislation we reasonably anticipated this would occur at some earlier stage and at a senior level within government. Consultation in this context surely should mean that the City, and its affected community members, should have had the opportunity on being briefed on the proposed legislation at the outset, and being provided with the opportunity for comment, and it being shown that those comments were receiving appropriate consideration—and a suitable response.

None of this has occurred. The legislation has been a *fait accompli* and hence the City and the community have necessarily taken other paths to object to the legislation in its totality. The process the Premier and the government are following is a breach of faith —

I will repeat that: a breach of faith —

both in terms of the promised consultation, and from your Party's viewpoint in that neither polls nor other appropriate avenues of expression opinions have been available to the affected communities, including those other than Subiaco's. In many ways this process is simply a repeat of the Premier's ill-fated attempts to trample over community opinion in relation to the so-called reform program and failure to provide any business cases for what he and his government were expecting to achieve for all of the affected communities.

The CEO (and I) are being offered 'information discussions' at a mid-level within the Department and this is not what was expected as the result of the Minister's commitment to consult.

That is a damning letter against the minister, particularly given his comments in this house on 21 May, in response to a dorothy dixer, that the government is working with the City of Subiaco on transitional arrangements for affected ratepayers in the area known as the Crawley finger. The *Subiaco Post* highlighted Mayor Heather Henderson's strong denial, which stated, and I quote —

"The city hasn't had any interaction with anyone from the government since ... the beginning of March.

That is damning of the minister, and I think that the minister misled this Parliament when he did that. He came into this place telling everyone that he was consulting and then he was found absolutely wanting. Is it any wonder that there is a great sense of distrust of the minister, the Premier and this legislation?

I want to go further into the legislation and its clauses. At the beginning of my remarks I highlighted the broad objectives of the bill, which this opposition does not necessarily oppose broadly. I want to highlight some of the assurances that the Leader of the Opposition and we are seeking if we are to ultimately support the bill. Firstly, the government botched the entire process of metropolitan reform, so we then demanded, along with other stakeholders, that the Governor's orders to force the proposed mergers be revoked, and they were. That was an embarrassing situation for the government, but it was done. The second assurance that the opposition and in particular some key councils sought was that the City of Vincent remain a stand-alone council, separate from the City of Perth, because the Premier's intention very much was to force Vincent to merge with the City of Perth. The third assurance sought was that the City of Perth Act and the City of Perth as an entity would not be given annexation powers over the Burswood peninsula. It is on this matter that we absolutely do not trust the minister or the Premier. We know that this Premier has already made comments in this place and publicly that it is his firm view that Burswood should be within the City of Perth's boundaries and that in five or so years' time it will be revisited. The WA Labor Party and, indeed, a significant number of councils are not of that opinion. We are of the opinion that the Burswood peninsula remain within the Town of Victoria Park's jurisdiction. Of course, we know

that had the government not botched the process, had it not created such a disdainful approach to local government, which created distrust with the Premier and the minister, the government would have actually potentially achieved an agreed amalgamation between the Town of Victoria Park and the City of South Perth, with the proviso that the Burswood peninsula remain within that new jurisdiction. But the government botched that.

Mr C.J. Barnett: And Victoria Park and South Perth agreed to that—to my face, they agreed to that.

Mr D.A. TEMPLEMAN: Yes, they did, but the Premier's comments have been offhand. In the Premier's view that should be without the Burswood peninsula. The sticking point to those two is and always has been that Burswood remain as an entity of those southern Perth suburbs.

Mr C.J. Barnett: And that was agreed.

Mr D.A. TEMPLEMAN: But the Premier does not say that publicly. This is where the Premier tells fibs. He does not say that publicly. He talks about and has talked about it publicly in a side-of-the-mouth comment, "I'll agree to it, but I actually think that Burswood should go into the City of Perth." That is why there is no trust for the Premier. That is why people do not trust what the Premier says anymore. That is why, unfortunately, the Minister for Local Government is a laughing stock. Despite being a nice person, he is a laughing stock in the sector, because on numerous occasions the minister has said one thing and the Premier has come out, sometimes less than 24 hours later, and slapped him down and said that that is not going to happen. The Premier has constantly contradicted the Minister for Local Government. All of that has fed this great distrust. For that reason, and in relation to the Burswood peninsula, the opposition will be seeking to strike out clause 37 of the bill. I call clause 37 the Trojan Horse clause—the clause that the government has snuck in because of the Premier's comments about Burswood; his real intentions. Clause 37 states, under the direction to the advisory board —

In carrying out a formal inquiry into a proposal that directly affects the district of Perth, the Advisory Board is also to have regard to the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.

Upon analysis of that clause it would seem to some to be innocuous, but the reality is that it is the Trojan Horse clause. Here is our chance to direct the Local Government Advisory Board to be aware of the aspirations of the Premier in this Trojan Horse clause. We are going to get to the bottom of this. I want to know how this clause got in the bill. Whose idea was it? What advice did the government get to propose the clause? What is its intention? The sector thinks that this is the government's underhanded and deceitful way of providing in this bill an opportunity at some time in the future to annex the Burswood peninsula and possibly the City of Vincent. If the opposition is to support this bill, it will move to oppose that happening and will be seeking the minister's assurance that he will support the deletion of that clause. This is important because, given the government's history of failed local government amalgamations and lack of transparency, the opposition knows that the government cannot be trusted. Opposition members do not want this bill to provide any possibility or give the government any chance of using a loophole to reach across the Swan River, a natural boundary for local government, and annexe Burswood or Vincent. Clause 37 is not the only clause the opposition has a problem with, but we will absolutely oppose that clause and if the minister does not agree to have that struck out, the opposition will not support the bill. It is as simple as that.

I will go through some of the other clauses in detail before my time is up, but I refer the minister to clause 17, which relates to the City of Perth boundaries on and after 1 July. Schedule 1 of the bill, which is a map of the City of Perth effective from 1 July next year, shows that the boundary reaches into the Swan River at the north eastern point of the new proposed City of Perth, traversing a delineation of roughly the centre of the Swan River and taking in Heirisson Island, which is already a part of the City of Perth, as we are all well aware. It encompasses Heirisson Island, travelling then in a westerly direction, roughly again, according to this diagram, not quite halfway across the Swan River, through where the Narrows Bridge straddles north and south. On this map, it seems to come very close to the neck of the Narrows Bridge, where it lifts off across to the other side. We will get into the more technical aspects in consideration in detail. Then, of course, it comes around into Crawley Bay and circles around. I hope that during the minister's second reading response, we will garner from the minister the basis for that particular aspect of the boundary.

The other clause that causes concern and that the opposition will be watching for in the minister's response to the second reading and consideration in detail is clause 29, which inserts a number of subsections on the role and responsibility of the Executive Director of Public Health. Clause 29 will insert in part 8 proposed section 44A, which contains a range of subsections. The concern raised about this with the opposition is very much about Kings Park and whether or not, because this government cannot be trusted, it will try to get its greedy fingers all over Kings Park. This is a legitimate concern of Western Australians. I hope this is not a Trojan Horse. We will get to this clause in consideration in detail, but I want a very clear explanation of the powers of the Executive Director of Public Health. I will give the minister a couple of scenarios and he had better have his people there ready to answer me, because the government is on the block here. If the opposition is not absolutely

convinced of this, this is another clause it will not support. I float that with the minister now, and I did float it with the minister's people at the briefing. The opposition wants to know exactly what this clause means for the jurisdiction of the Executive Director of Public Health. Proposed section 44A(2) refers to the Executive Director of Public Health's jurisdiction over promoting and improving public health in relation to any designated land, and refers to the executive director's powers and authority. Proposed subsection (4) reads —

However —

- (a) nothing in the *Local Government Act 1995* ... applies to or in respect of the making of local laws by the Executive Director, Public Health;

I want to get to the bottom of what that means and its implications. To continue —

- (b) before making local laws, the Executive Director, Public Health must consult with the Authority, and consider any advice provided by the Authority.

This is the key element in proposed section 44A, because the opposition's reading is that whilst the Executive Director of Public Health must consult with the authority and must consider any advice provided by the authority that still means that he or she can make determinations. I want to know the scope of those determinations, and how they may impact on planning issues related to Kings Park. I know it is an A-class reserve and that protections are in place because of that category, but the opposition does not trust the government, so it will have to convince us that this is absolutely crucial and the reasoning behind the Executive Director of Public Health being able to have, from our reading, a capacity to veto decisions made by the authority. One of the unique qualities of the act that establishes and oversees the management of Kings Park—I was the minister responsible for Kings Park as environment minister in a previous government—is that the legislation gives the Botanic Gardens and Parks Authority very clear jurisdictional powers, and they are very much focused on the protection, enhancement and ongoing custodianship of that very unique part of Western Australia. If this bill is an attempt by the minister and the Premier to get their greedy fingers on Kings Park —

Mr C.J. Barnett: Grow up! Greedy fingers—come on! Lift your level of debate!

Mr D.A. TEMPLEMAN: The Premier has already demonstrated how much mistrust has been created; the Premier has form. He can keep badgering me, but the opposition's support for this bill is tenuous. Does the Premier want no wins in local government? The opposition does not trust this government. The people of Western Australia do not trust this government. That is why these questions and queries about elements of this bill are legitimate concerns; it is because the government does not have a track record of being honest and transparent with local government. The Liberal–National government does not have that.

Several members interjected.

Mr D.A. TEMPLEMAN: It does not! It does not! The government does not have a history and track record of honesty and transparency with local government, and that is why people are expressing concerns now. The opposition will examine this proposed amendment.

The other aspect of this clause is proposed section 44A(5), which reads —

If there is a conflict or inconsistency between a local law made by the Executive Director, Public Health under subsection (2) and a local law made by a local government under the *Local Government Act 1995* or any other Act, the local law made by the Executive Director, Public Health prevails to the extent of the conflict or inconsistency.

That is very, very interesting! The minister need not worry, as the opposition has a series of questions on this clause. The minister will need to convince opposition members that this proposed section does not allow that veto. From our reading, proposed subsection (5) gives great power to the Executive Director of Public Health. The proposed section does not say anything about the jurisdiction of the Botanic Gardens and Parks Authority, so the minister can expect questions on that, and I expect the minister to be able to answer a series of questions relating to that. During the briefing we had a month or so ago, we raised a whole range of questions, which will come out in consideration in detail. They include things such as businesses within Kings Park and whether they are rateable by the City of Perth. At the moment, by arrangement, those businesses have a contract or tenancy with the Botanic Gardens and Parks Authority. We want some clarification about that. We want clarification about signage. They are legitimate questions about whether there will be jurisdiction that overrides the authority's jurisdiction over businesses and activities within Kings Park. These are legitimate queries we have about what the minister has inserted in this City of Perth Bill. We do not want the Botanic Gardens and Parks authority's expertise, the experience of the staff and the long history of excellent custodianship of that significant Western Australian asset overridden by another organisation that has been given extraordinary powers by this bill. I am floating very clearly the need for the minister to highlight that. They are broadly the

big-ticket issues for us as an opposition. The minister has to convince us that if we are to support this bill, he will support us in voting down clause 37 and, therefore, it being deleted from this bill.

I want to now go to a couple of key elements of this bill and refer the minister to the City of Perth Committee's role. This bill will establish the City of Perth Committee. In the constitution, if you like, of the City of Perth Committee, the bill provides that it will comprise the Premier and the minister of the day. There have been some criticisms. The Premier has received some letters and concerns have been raised about why the Minister for Planning is not a member of the committee. But as it stands in this bill, the committee will comprise the Premier of the state or the minister of the Crown nominated by the Premier, who will chair it; the minister of the day who will be responsible for local government; the lord mayor; the deputy lord mayor; the chief executive of the City of Perth; and the chief executive officer of the department of the public service assisting the Minister for Local Government. That will be the minister's director general for Local Government. I am pleased to see that clause 12(3) allows the Premier to invite a minister of the Crown. There might be situations in which the Minister for Planning and the Minister for Transport, I assume—that makes sense—will be invited to meetings on an as-needs basis. I am interested in the basis on which the minister came to the composition of that committee. In analysis of other capital city legislation, the legislation that oversees the Cities of Melbourne and Adelaide were looked at closely. I think this bill is more rounded on the City of Melbourne legislation than the Adelaide legislation, but some comparisons were made. We will ask some questions about the City of Perth Committee's composition.

The other issue is the objects of the City of Perth. Broadly, we do not have a great problem with the objects highlighted in the bill about the representative role, the provision of good governance, the promotion and awareness of events and all those sorts of things. We do not have any beef with them. However, in the time I have left, I want to talk very briefly on the special role of the lord mayor and the general role of the lord mayor and councillors. In many respects, even though I think most lord mayors, certainly our most recent ones, have operated as the senior ambassador for the capital city in a range of formats, this legislation probably underpins more of an ambassadorial role for the lord mayor and a supportive role of the city's function by the councillors. I would like the minister's view about what that means specifically for the transparency and accountability aspects of elected members who are part of our capital city. There has been recent media comment and criticism about transparency around gifts, whether it be the lord mayor or councillors going on official trips, accepting invitations and all those sorts of things.

With this bill, I think, as minister, the member needs to be very clear in clarifying his view about the provisions. I assume that if we are to address transparency issues around gift registers and all those sorts of things, they are best placed in the Local Government Act more broadly because they affect elected members. However, I would like to float with the minister his views on why some specific elements were not added to this bill about the transparency issues associated with the role of the lord mayor and councillors. I am interested in his comments on that because the wording in the bill covers the mayor's role in the state and nationally and internationally. I think the minister owes it to the current and future lord mayors and councillors of the City of Perth to ensure they are not compromised because the legislation is not clear or is not clear enough to ensure that they do not find themselves in a situation in which they need not find themselves. I would like some answers to that in the minister's second reading response or when we go into consideration in detail.

One of the other issues is clause 20. This relates to both electoral enrolment and official enrolment as an owner or occupier and is in clauses 19, 20 and 21 under division 5 of the bill. Clause 19, "Election of Lord Mayor", is fairly straightforward. Clause 20 provides for the enrolment eligibility issue. It is my understanding that this clause allows business enrolment to remain forever on the roll. Basically, a business enrolment means a business is forever on the roll unless it seeks to take itself off. I think we need to clarify the basis of eligibility and why there is no expiration under clause 20 and its subclauses. I want some clarification about that when we go into consideration in detail.

In the 10 minutes I have left, I would also like some clarification on division 2 of the bill, which covers the issue of the repeal of the City of Perth Restructuring Act 1993 and provisions associated with that. Logically, I understand that through the initial legislation of 1993, the then Court government essentially broke up the City of Perth into the four entities of the City of Perth and the then Towns of Cambridge, Vincent and Shepperton—now the Town of Victoria Park—and that this bill does not have any consequences for the current Town of Cambridge, City of Vincent and Town of Victoria Park. After reading it, it does not seem that it has any negative implications, but issues have been raised by some of those councils that there is some ambiguity. What will the repeal of the City of Perth Restructuring Act 1993 leave in its place? That act established those three other entities. This bill creates the City of Perth, but what does the repeal of that bill mean for the City of Vincent, the Town of Victoria Park and the Town of Cambridge? I would like to hear the Minister for Local Government's response to that. The other provisions simply seek to protect the employer benefits et cetera that, of course, have been accrued.

I hope I have been able to go through the areas of the bill that are still sticking points for the opposition if we are to support it. I want to again highlight to the minister the reason we are not averse to supporting the bill but are—quite rightly, I believe—deeply suspicious of some of the aspects of the bill. In his response to the second reading debate and during consideration in detail, the minister will need to convince us and give us comprehensive and effective answers—we are not going to let this go quietly through consideration in detail in an hour or so, by the way—to the elements of concern and the queries that I have raised and highlighted, which have been reflected by other interested stakeholders.

I do not know what the National Party is going to do. I know that the member for Moore is possibly going to make some comments, and I hope he does. I think we need to hear from the National Party. I am sure that the National Party would share some of the concerns we have. National Party members have not been in the chamber all the time through this debate, but I hope that the National Party, irrespective of whether it —

Mr V.A. Catania: We're the only ones with a clear policy.

Mr D.A. TEMPLEMAN: Yes, but the member for North West Central's policy is just to oppose for the sake of opposing. If he wants to be in government, that is not necessarily the approach he should take, in my view. I disagree with him on that. We could do that, too; we could oppose just for the sake of opposition, but we actually think there is some importance in the status of the City of Perth. One of the problems the member may face is that he may have a constituency that he looks towards outside the metropolitan area, but essentially we all need to make decisions on behalf of all Western Australians, no matter where they live. In this case, this is about the status of the City of Perth, and the member for North West Central should be interested in that city's status. He actually should have an interest in how, internationally and nationally, the City of Perth is seen. Simply saying, "Oh, we oppose it because we opposed forced amalgamations", is not enough. We opposed forced amalgamations too, but we also believe that we need to have good policy and a good focus on the things that are important, and we actually do think that having an act of Parliament underpinning our status as a capital city is important. It is always repeated, but we are one of the most isolated state capital cities in the world, and our alignment with our neighbours to the north is far more important in some respects—certainly with regard to our economy and our lifestyle—than is our connection to the capital cities of the other states of Australia. I think it is important for us to have legislation that underpins the role of the lord mayor, the councils and the City of Perth, including what that entity looks like and what it projects internationally and across the country. I think they are important considerations. The National Party can just vote no because it can vote no; that is its choice, but we have looked at this in a much more analytical way and looked at the broader impact, and I think it is to the National Party's detriment if it simply says that the City of Perth is not important, because I think it is.

That is where we differ, but I will be interested to hear the minister's response to the debate. I am not going to attack him or harangue him. I hope National Party members will support us in striking down clause 37 because I think that is something they would naturally support, given their previous concerns. If they were listening to what I said earlier, they would have heard me say that we do not trust the guys that they are in government with, so we want to make sure that we are not short-sheeted in this process at all.

With those comments, we will be looking very closely at the minister's response, and I am sure the Premier will also make a response, and I think there are other members in this place who should make a response to the second reading debate on this bill. It is an important one, and when we come to consideration in detail, we will obviously look very closely at, in particular, those aspects of the bill that I have highlighted in my contribution to the second reading debate. We will be seeking the National Party's support to strike down clause 37 and I want answers about clauses 20 and 27—particularly clause 27—on the role and issue of Kings Park. I have also highlighted some of the other issues and concerns that we will cover in detail during the consideration in detail stage. That is where we sit at the moment. If the minister wants our support, he is going to have to earn it, and he is going to have to convince us that this bill does not have Trojan Horse elements. I look forward to debate over the coming day or so.

MR B.S. WYATT (Victoria Park) [1.27 pm]: I rise to speak to the City of Perth Bill 2015. The shadow Minister for Local Government, the member for Mandurah, has outlined the Labor opposition's position on this bill, so to a certain extent we will wait to hear from the minister. I am not sure whether he has given any indication as to whether he will warm to the proposition put by the opposition, but it is not negotiable, as the member for Mandurah has pointed out. Indeed, it is my community that has, if you like, borne the brunt of the key issue of the Burswood peninsula, which really dictated debate locally. I like to think that it has been influential on our position around clause 37. The Premier and the minister have commented for a long time about their desire to split the Burswood peninsula away from the community of Victoria Park and put it in the City of Perth.

This bill has been a long time coming, as part of the dog's breakfast of the government's local government reform. At the end of all of that, and after all the money spent, angst created and time wasted, this is where we have got to.

Mr C.J. Barnett: This is where we started.

Mr B.S. WYATT: I thank the Premier: this is where we started, and this is where we end. It is just extraordinary.

I was interested to note—I know the member for Mandurah was also interested in this point—that, despite everything, the problem the Premier had was the Abbott problem, of saying what he was going to do without making a case. A case was never made.

Mr C.J. Barnett: WALGA made it.

Mr B.S. WYATT: I will deal with the Western Australian Local Government Association. No, it did not. It never made a case. Even if the Premier thinks that WALGA made the case, it does not mean that he can abrogate his responsibility to make a case. It is his legislation, and it was his policy idea. I asked what the case was, and the Premier replied, “Of course, there are efficiencies.” As close as I got to an answer was when he said once to the media that there are all these CEOs being paid big bucks, and that if we remove some of them and reduce them, there will be savings. That is less than one per cent of the local government spend—a tiny per cent. That was all I was able to grasp. I understand the argument basically around the City of Perth Bill 2015 that there is prestige around the City of Perth—sure. However, when I read through the “Objects” clause of the bill and the special role of the lord mayor, I saw nothing to suggest to me anything new. The special role of the lord mayor is a role that lord mayors have been playing for some time, and the objects are outlined but, despite everything, clause 8(2), which deals with the objects of the City of Perth, makes this point —

This section does not —

...

- (b) impose on the City of Perth or the City of Perth Council any obligation that is enforceable in a court of law; or
- (c) confer on any person any legal right that is enforceable in a court of law.

Despite all this discussion around efficiencies and changing the behaviour of local government and getting something better out of local government—the government has never explained what—this bill does not create one obligation on the City of Perth to do anything differently. It does change the boundaries. I note that the University of Western Australia is keen on those changes and I can understand why: it is because the university is split amongst three local government authorities. That is perhaps one of the strongest arguments that this government could have made for having this legislation, but it never made it. The government never articulated its position for how local government reform would deliver anything. That was played out considerably in my electorate of Victoria Park. Victoria Park used to be part of the City of Perth and the Court government split it to create the Town of Victoria Park. Since that time, the Victoria Park community has developed considerably; not being part of the City of Perth has been a better outcome for the people of Victoria Park. The arguments made by Richard Court back in those days—sorry, perhaps I did not clarify that the Richard Court government created the Town of Victoria Park. Anyone who has been in Victoria Park since that time can see that the change was to the benefit of Victoria Park. As I have said to the Premier in here and around the place, the City of South Perth and the Town of Victoria Park were two local governments that were willing to work with the minister —

Mr C.J. Barnett: They agreed in front of my face to amalgamate 18 months ago.

Mr B.S. WYATT: Is the Premier saying “full stop”? I will deal with that because the Premier has just interjected. For the benefit of Hansard, I think he said that the Town of Victoria Park and the City of South Perth agreed in front of his face to amalgamate. They were working on that for a long period throughout 2013 and 2014. However, the one consistent part of that is that neither the City of South Perth, to its credit, but in particular the Town of Victoria Park and its people, never wavered from the stipulation and condition that the peninsula stay in that merged entity.

Mr C.J. Barnett: And we agreed to that.

Mr B.S. WYATT: No; the government eventually agreed to that for five years. The government did not agree to it. It agreed only to five years, and that is why the member for Mandurah makes the point that we do not trust the Premier and why clause 37 has to be deleted if the government wants our support. The government cannot be trusted. The agreement was always about the protection of the revenue base of the Town of Victoria Park or, in the event of a merger, the protection of the revenue base of that merged entity combining South Perth and Victoria Park. The City of South Perth and the Town of Victoria Park have been consistent on that position for a long time. I will read part of a letter that I received that highlights the importance of Burswood peninsula to the Town of Victoria Park. The letter to me is from the then chief executive officer of the Town of Victoria Park, Arthur Kyron, dated 25 June 2013, so it goes back a way. Arthur Kyron made this point —

In the case of the Burswood Peninsula, which is in the Town of Victoria Park, and includes the Belmont Race Course, Crown Casino and residents in the Peninsula (bounded by the Graham Farmer Freeway to the north, Great Eastern Highway to the east and the Causeway to the south), the total rates paid is \$5.4 million per annum, which equates to 20% of the Town's total rates, or 14% of its total revenue.

I emphasise that the peninsula provides the Town of Victoria Park with 14 per cent of its total revenue. The letter continues —

If the Town is to lose the Peninsula the subsequent impost on the residents in the rest of the municipality will be at least a 14% rate increase.

The claims by the City of Perth to the Burswood Peninsula and other significant infrastructure have been supported in doorstep interviews although refuted by the Minister of Local Government, Tony Simpson MLA. The Minister stated at two meetings with the Town, in public and private, that Local Government reform will involve whole councils, not extend across natural boundaries and not include cherry picking the best resources of councils thus rendering them unsustainable. He further stated that no decisions have been made by the Government.

The Premier said a minute ago, "They told me to my face that South Perth and Victoria Park supported amalgamation." However, members will remember that two very different positions were outlined by the Minister for Local Government, Mr Simpson, both publicly and in private with the Town of Victoria Park and the City of South Perth. In a minute, I will read some correspondence from the City of South Perth and the Premier. Members can imagine the angst when we talk about a piece of land that provides 14 per cent of the Town of Victoria Park's total revenue. As a result, the local community action groups under the heading of "Battle for Burswood" fired up incredibly effectively. We ended up with thousands of names, which, by and large, belonged to Victoria Park residents, on a petition in support of keeping the peninsula in the Town of Victoria Park boundaries because they knew—they are not silly—that if 14 per cent of the town's revenue was taken away, their rates would go up or their services would go down, but probably a combination of both. As the member for Mandurah put it, the reality was that we simply could not trust the government anymore. We certainly could not trust the Premier and we could not trust the minister either, not because of any particular intent but simply because he was always undermined by the Premier. The minister's problem is that no matter what he said, the Premier continued to contradict or undermine him in public and in private on this whole issue of local government reform. We had a massive protest rally at Memorial Gardens in Victoria Park. The member for South Perth, John McGrath, also turned up. Without any shadow of a doubt that rally made the point that the local community does not support that loss, and neither does the City of South Perth. I will read in some media releases for the benefit of the Premier and his incomplete interjection that South Perth and Victoria Park council members looked him in the eyes or stood in front of his face or whatever it was and said, "We support a merger." I said to the Premier that he will get one provided he keeps the peninsula within the boundaries of the Town of Victoria Park or the merged entity. In the end, all he could do was simply bring himself to the position that the town could keep the peninsula for five years, but then it would be taken in by the City of Perth. That is why the Premier is not trusted on this matter and why clause 37 must be deleted if the government wants the support of the opposition.

I want to remind the Premier, because he often forgets things that have been said, that all the way throughout 2013 media statement after media statement put out by the City of South Perth and the Town of Victoria Park emphasised that point. The Town of Victoria Park and the City of South Perth had established a joint committee or a task force to examine ways to create efficiencies and potentially amalgamate. A media statement in May 2013 stipulated —

On the basis that the Burswood Peninsula is not transferred to the City of Perth ...

Again, a media statement on 25 June 2013 stated —

To that end the joint taskforce has written to the Premier, all Members of Parliament and Ministers highlighting the importance of the retention of the Burswood Peninsula to the future viability of the Town, and should the two communities combine, to the new amalgamated community.

The minister knows that. They were working with the government to try to deliver a new entity that might benefit all ratepayers in South Perth and Victoria Park, but they would only do so if the peninsula was kept in that entity. This is something that the Premier does not seem to understand. He gives a five-year certainty about the peninsula, and he talks about sustainability in planning. How can we plan, when in five years' time we might lose 20 per cent of the rates or 14 per cent of the revenue base of the Town of Victoria Park. On 5 July 2013 another media statement was released by the City of South Perth, which is really a media statement from the joint task force, and I quote —

A key concern for the two councils is the possible loss of the Burswood Peninsula to the City of Perth, and what impact it may have on the sustainability of the Town of Victoria Park and the City of South Perth.

Another release on 26 July 2013 states that a key concern for the two councils is the possible loss of the Burswood peninsula to the City of Perth. On 29 July 2013, we see the angst put out by the joint task force in a media statement titled “Advisory board principles ignored”. It reads —

The Minister informed the two Mayors that a change in boundaries would result in the loss of the Crown Casino Complex and the future Perth Stadium to the City of Perth.

The press release goes on to outline the councils’ disappointment at the fact that it contradicted the advisory board’s principles. The Premier needs to be just a little bit more elaborate with his words when he says that they looked him in the eye and said that they would merge. They said that they would look at merging, provided the peninsula is kept within the boundary. That is the key point that thousands of people in Victoria Park, in my community, confirmed when they signed this petition. That is what they confirmed, and the government brings in this bill after all that dog’s breakfast. The City of Perth Bill 2015 does not impose any obligation on the City of Perth, its council or any other person that is enforceable in law. They are not required to do one thing differently, despite years of complaints about the inefficiencies of local government. The bill does not stipulate that they have to do one thing differently. What an extraordinary period of so-called policy development in Western Australia. It is extraordinary that the government could get to this position.

The Premier said to me by way of interjection that the Western Australian Local Government Association made the argument. Give me a break. Since when does the government contract out the making of arguments for its policies? Hopefully, we might get an argument from the minister when he responds. The member for Mandurah set out a few questions that he wants the minister to deal with, and I hope the Premier will as well. I suspect that the Premier will, hopefully, speak on this bill; it is really his dog’s breakfast that has delivered us here. He said that WALGA made the argument. I said to a local journalist in Victoria Park that my view of WALGA in this process is that it has removed itself from the debate. It was not involved. I could not work out what WALGA’s position was. I thank the member for Cannington for providing me with a letter that he wrote to WALGA on 10 December 2013. We all remember when the former Labor government changed the electoral system for local government from first-past-the-post to a preferential system. I was not in Parliament at the time, but I remember the television advertisements that were taken out by WALGA, and the motions of no confidence in the then Minister for Local Government. I know that WALGA has a capacity to campaign when it has a view. The member for Cannington, in that letter of 10 December 2013, curious, like all of us, about WALGA’s position, wrote to the then president of the Western Australian Local Government Association with a couple of questions about what its position is.

[Member’s time extended.]

Mr B.S. WYATT: The first sentence in WALGA’s reply says it all about why it became irrelevant to the debate. It reads —

Dear Mr Johnston

Thank you for your letter regarding the City of Canning.

As you would appreciate, WALGA, as the Local Government sector peak body, does not take a position on individual structural reform proposals.

It does not take a position. I do not know why the Town of Victoria Park pays its fees to WALGA. When it came to the crunch about the sustainability of the Town of Victoria Park, WALGA did not take a position. As a ratepayer in Victoria Park, I do not know why the council pays its fees to WALGA. There is a new president now, Lynne Craigie, who is a great president, and I think she will bring a bit of rigour and a bit of muscle to WALGA. I hope that is the case, because I want to hear from WALGA, not to be told that it does not take a position on perhaps the most significant issue facing local government in a decade. Heavens above!

There has also been a lost opportunity. There have been some significant changes in the way our mayors and councillors are paid, and I think that those changes are timely. I think the present minister did that.

Mr A.J. Simpson: On 1 July 2013, through the Salary and Allowances Tribunal.

Mr B.S. WYATT: Thank you—1 July 2013, and it went to the SAT. I think that was warranted, but what we should have done with the City of Perth Bill is perhaps reform the transparency around the City of Perth. The member for Mandurah set this out, and he is quite right. The City of Perth requires its own act. The objects of this City of Perth Bill stipulated in clause 8, the special role of the lord mayor set out in clause 10, and, of course, the general roles of the lord mayor set out in clause 11, are worthy because I think the lord mayor is a unique

position and has a unique role to play, not just in Western Australia but also nationally and overseas. We see that with lord mayors in Sydney, Melbourne and, in particular, Brisbane. Perth warrants and should have that prestige, as the Premier likes to refer to it. Similarly, we should also treat the City of Perth like, perhaps, the City of Melbourne. The City of Melbourne has both statutory and non-statutory registers. I note some debate at a recent WALGA conference about registers of interests that should be publicly available. We all have that in this place—I think they are due this week—and quite rightly. Councillors and mayors should have a similar obligation to register their interests in a way that any member of the public can log on and see. The City of Melbourne has that, but in the City of Perth we have to obtain that information through freedom of information action. As members know, FOI can be a difficult process.

Mrs G.J. Godfrey interjected.

Mr B.S. WYATT: Member for Belmont, I will run out of time, so just let me finish.

I do not want to spend much time on this, and I do not want to embarrass anybody with issues around allowances in the City of Perth. Every year it seems we see that standard story about the clothing allowance. It may have had its time. I am not sure of the history of that, but maybe the Minister for Local Government can tell us about that. Now that they are paid properly, as the lord mayor and the councillors should be, I think it is time that perhaps we had a look at those allowances. I do not mean by that that we should withdraw them, because, looking at the most recent City of Perth annual report, we see that the lord mayor has an income of about \$180 000, with allowance reimbursement of \$13 360. It is the same for the deputy lord mayor, and there is just a bulk figure for general councillors at \$93 520.

I think those allowances should stay, but they should be used for or limited to things like travel, conferencing, printing, or communication with the electorate—the sorts of things that we use our travel or electorate allowance for. There is no particular controversy there. Clothing allowances are archaic and I am not sure, maybe the minister might tell us why that came about. At a time when the Lord Mayor and councillors were paid a sitting fee—it was not pay at all, it was a sitting fee—then I could see why. Maybe that allowance came about because of the inadequate remuneration that is now hopefully being regressed. The City of Melbourne has an incredible range of registers, both statutory and non-statutory, and a lot of detail around how those expenses are spent. They are online for everyone to see. We all get it. When we use our travel allowance, every quarter it is tabled in here: where we travelled to, how much it cost—and quite rightly so. A similar standard should also be given or put on the City of Perth, because if we are indeed serious about creating, as the clause, “Objects of City of Perth” states —

- (a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors;

then transparency is also required. I do not think there is anything controversial about that. Maybe the minister has some plans in that space, and hopefully he can address that when he gets to his feet.

I want to come back and conclude with a couple of points. Provided the government is willing to delete clause 37 and as the member for Mandurah pointed out, subject to answers in some other areas to be given by the minister and/or the Premier—subject to those stipulations—then the opposition will support the City of Perth Bill 2015. The objects are worthy, the role and how the lord mayor goes about doing his or her job will not change, but it certainly recognises the position, and it creates that committee. I heard the current Lord Mayor, Lisa Scaffidi, make the case for that committee on radio and if that generated the sorts of things that the lord mayor was arguing for then, good; it is not a bad outcome. Ultimately, coordination between the state, government and the City of Perth is always useful, and generally happens, when the state government is putting significant moneys into various projects, whether it is Elizabeth Quay, or whatever. I am sure those happen anyway, with the usual frustrations that we sometimes see expressed through the media.

Let me make one point crystal clear—I will keep labouring this point. The Premier said that the City of South Perth and the Town of Victoria Park looked him in the eye and said they supported a merger. That is not correct. What they supported was a merger on the basis that the existing revenue base was protected. I read in media statement after media statement from the joint taskforce of Victoria Park and South Perth. I read in the letter that I received from Arthur Kyron, the then CEO of the Town of Victoria Park. For every discussion with the City of South Perth, every discussion with the state government, whether it be the minister or the Premier, support was always conditioned on the basis that Burswood peninsula would stay within the boundary of the Town of Victoria Park or the merged entity. As Arthur Kyron pointed out in that letter, even though publicly and privately the minister was saying, “Yeah, we support the river being the natural boundary, we do not support cherry picking of assets”, the minister then allowed that to happen. The response from the Premier was, “Well, we’ll keep the peninsula in the Town of Victoria Park, or this merged entity for a period of five years.” That is not good enough, because it does not then allow, as the government demands, planning and sustainability. How does the state government do that, if in five years it is going to take 14 per cent of the current Town of

Victoria Park's revenue base away from it? That is 20 per cent of its rate base, 14 per cent of its total revenue base. Of course the government cannot; it is absurd. The Premier still holds that view and it highlights the mistrust that not just the opposition but people around Western Australia have with how the Premier has gone about this whole debacle. As I said, when the minister was saying to the Town of Victoria Park, "It is okay, we are not going to come across and allow the City of Perth to cherry pick the peninsula", I do not think the minister had evil intent or deliberately tried to deceive the council or the Town of Victoria Park. The minister just did not know what the Premier was going to do. The Premier has been the Minister for Local Government's greatest obstacle to getting outcomes in this whole area, which is why he has no outcomes. The minister might get one; he might get the passage of this bill, subject to the stipulations outlined by the member for Mandurah. I strongly suggest that the minister takes the position of the member for Mandurah and the WA opposition on board, and hopefully the minister accepts the deletion of clause 37. That is the clause that will allow the Premier to do what he wants to do, and that is, without any form of public debate, to snatch the Burswood peninsula out of the Town of Victoria Park and stick it where he wants it: in the City of Perth. That will always be opposed by me, as the member for Victoria Park, and the opposition. No way will we support that because it would then undermine a community that has been thriving. It does not allow the Town of Victoria Park to set up a sustainable path forward with its aspirations because the government is, as I said, taking away 14 per cent of its revenue. I would not expect any government—state, federal or local—to be able to respond to that or plan appropriately if it knew that in five years, 14 per cent of its revenue is going to be taken off it.

With that, I want to thank the people of Victoria Park for their support on this issue. They have been determined in their claim over the Burswood peninsula. They have worn the cost of that peninsula and they want to see the reward, and I hope that the Minister for Local Government accepts that demanded amendment by the WA opposition, because then he might finally, at the end of this dog's breakfast that has been local government reform, get something and some form of outcome, which is ultimately the creation of a committee within the City of Perth.

MR D.J. KELLY (Bassendean) [1.57 pm]: I am happy to rise just before question time to make a contribution to the debate on the City of Perth Bill 2015. This bill is all that remains out of the government's ill-fated, ill-conceived, badly executed, embarrassing and expensive forced amalgamation process; and I choose those words carefully. It really was a shambolic process. This bill primarily concerns the City of Perth. The City of Perth is a good local authority. It is primarily concerned with delivering good services into Perth. One of the things that has caused no end of disruption to people in the City of Perth in recent times has been the burst water mains we saw on Wellington Street. In that regard I am very pleased to say that I have just come from a rally conducted by the Civil Service Association and Professionals Australia for Water Corporation employees, who are very angry about what is happening to the Water Corporation under this government and under this minister, so I am very pleased to say I support good services for the City of Perth. It has been badly treated and affected by what is happening through the Water Corporation—those burst water mains on Wellington Street. I am very pleased to say that I was talking to some Water Corp employees today, and they wanted me to send a message to the Minister for Water that what she is doing to the Water Corporation is chaotic and a disgrace, and we certainly hope the government sees the error of its ways and treats the staff and the utility with the respect it deserves, and which it is currently not receiving.

I possibly digress, but I thought I would take this opportunity to convey to the minister and the house the feelings of Water Corporation staff as they have been conveyed to me as recently as this morning. As I have said, this bill is all that is left of the state government's rather disastrous forced amalgamation process.

Debate adjourned, pursuant to standing orders.

[Continued on page 6900.]