

LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2019

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 64: Part 5 Division 10 inserted —

Debate was interrupted after the clause had been partly considered.

Mr A. KRSTICEVIC: I want to restate my concern about the potentially unnecessary cost. Although I am 100 per cent supportive of training, I want to make sure that we get the best value for our investment and that councillors get the best training possible. We know what the five modules are as of today. The minister seemed to imply that the same modules would need to be repeated every five or eight years. I do not think that is necessarily the best value for money. I reiterate: a module on something as simple as understanding local government could potentially cost \$2 500, and maybe more. Again, if someone has been a councillor or a mayor for a long time, has gone through the training once and is doing continuing professional development, I personally do not see the value in them being asked to redo the same training five or eight years later, based on what will happen between the first time they do it and the second time they are required to do it. I would rather that money be invested in additional training in other areas that will increase capacity and capability, than repeat something every five years for the next 30 years, if a person happens to be in local government that long and if those modules have not been improved. I do not want to labour the point, but I want to put on the record that that is not necessarily the best investment of their time. Does the minister have a view on whether the modules will evolve? Does the minister see any problems with this for councillors who have done the training, who do continuing professional development and who have relevant qualifications—they may be working in a profession, such as an accountant who is running their own practice or a lawyer in a legal practice? These are real-life examples. They will be told that they need to redo the course over and over and will not be taught anything different or new—it will just be repeated ad infinitum. I do not understand why there will not be the flexibility to say that they do not have to do that. If someone indicates that they have done the training in the last five years, they will not have to do it, but if they did it in the last eight years and have done continuing professional development, they will have to redo it. Could the minister maybe give us some hope that this is not iterative learning and that the process will add value to councillors, rather than just helping them to tread water?

Mr D.A. TEMPLEMAN: There is a short answer. I am very confident that the proposal will allow for evolution to continue. There is no doubt that times change. Technology changes daily, let alone yearly. The challenges that face modern communities are complex, and we need to have provision for that training to be ongoing. There is the capacity for a future minister to look at the quality of the training and to tweak it. Local governments will come up with opportunities or suggestions about where additional effort needs to be put into future models. Let us get this up. Let us do it. It is important. Let us not come up with excuses about why it should not happen. This is supported, and I want it to happen.

Mr R.S. LOVE: I want to add my support and that of the Nationals WA to the concerns outlined by the member for Carine about the wasted opportunity of enforcing an unnecessarily repetitive training regime on people. Nobody is disputing the need for training or the need for a refresher course from time to time, but given the demands on people's time and the cost of training, we are simply suggesting that the training should be refined. Nothing in the act, at this point, says that it has to be done one way or another. Just because the minister has indicated that people will have to repeat it every term of local government, that does not necessarily have to be the case. It will be in the regulations. It is up to the government to bring forward regulations as it sees fit. I suggest that concentrating more on the policy for continuing professional development for those people already in the council system who are continuing as councillors would be a far better and more productive way of doing this. I inferred from the minister's comments that he might be thinking of moving along that path as well. If a council adopts a policy on continuing professional development and does not want its councillors to unnecessarily repeat units that do not really add much to their knowledge, I ask that the minister support that and allow that council's policy to be adopted. We all acknowledge that people have to understand their financial responsibilities and legal requirements, but as I have said before in this place, councillors are required to understand the planning framework and a range of other matters that have not been mentioned thus far in the discussion. I would like to see a much more productive use of people's time and a much more productive use of the money that ratepayers invest in training and that we do not adopt some sort of tick-a-box approach.

Mr D.A. TEMPLEMAN: I honestly do not believe that repeating the training every eight years is onerous. A lot happens in eight years. If we are to have a modern sector that operates within a modern context and is agile in its response and able to adapt, sometimes rapidly, to the changing nature of the world, part of that is making sure that we have a training regime. It really is not onerous to require that training be done every eight years. If it were happening every year, that would be a different story. This is every eight years. The member knows what changes

occur in an eight-year period. The phones and technology of eight years ago are very outdated now because of rapid change. Climate change and emergency management and response issues are impacting communities. We have a whole range of challenges that communities will be —

Mr R.S. Love: Well, focus on those changes and not just repeat the same module.

Mr D.A. TEMPLEMAN: Member, please do not come up with reasons to oppose this.

Mr R.S. Love: I am not opposing the legislation, but the regulation might be opposed.

The SPEAKER: Member for Moore!

Mr D.A. TEMPLEMAN: I acknowledge the concern, but the reality is that training will be required to be undertaken every eight years. Many councillors do not fulfil more than an eight-year term. Let us put in place a regime that understands the changing nature of the world in which we operate. Let us arm those people who make important decisions on behalf of their community with a universal training regime that can be tweaked as time goes on. No-one is saying that it will not be tweaked or that it will not have the capacity to evolve, reform or target. I am very confident that this is an important way forward.

Mrs A.K. HAYDEN: Just following on from that line of questioning, the minister says it is in the regulation and he understands the concerns. It is not part of this legislation, but it is in the regulation, and the fact that he is exempting people from the council who have done a module before is fine, but he is not accepting someone with prior learning and qualifications, such as a chartered accountant. I find that a chartered accountant will have far more qualifications and understanding of the financial module than someone who has just sat the financial module before. I am asking that the minister exempt in regulation people with prior learning and qualifications.

Mr D.A. TEMPLEMAN: The assumption is that a person who is practising law or accountancy should somehow be immune from ongoing training in the local government context. I do not agree with the member. We will require, and should require, all people who put themselves forward to satisfy an understanding through training modules. We encourage lawyers or accountants to put themselves forward, but it is in the local government context that these training modules are shaped. They will essentially still need to understand their roles as elected members within the local government context.

Clause put and passed.

Clause 65 put and passed.

Clause 66: Section 6.41 amended —

Mr A. KRSTICEVIC: This is a very simple clause about rate notices being delivered by email and deemed to have been received. The only reason I mention this is that we know people may not always get their emails. The system may be corrupted or their email address may change; lots of different factors come into play. I was talking only recently to some ratepayers down south who had received advice from the local government that it had given certain directions and instructions and the notice had been delivered, but the message was not delivered to the right address. The council had not updated the address the notice had been sent to, so the time period expired and there were penalties and consequences for that. The people had to close their business for a certain time and argue the case with the council to say it had made a mistake, that it had not sent the notice to the right address, that it had not done the right thing and had not informed them. They are now working through that process. I want to know whether notices can be delivered just by email. If there is not a read receipt or some sort of acknowledgement, will it be deemed to have been received? Will the council also send out a letter, and will there be other ways the council will follow up to make sure the notice has been received?

Mr D.A. TEMPLEMAN: This clause provides that a rate notice can be provided by email if the recipient of the notice agrees to the method of delivery. That is fairly simple in my view—it is if the ratepayer or recipient agrees to the method of the delivery. This is not unlike the current practice of a whole range of authorities, including billing authorities, with people agreeing to receive their Synergy, Alinta or other utility bills by email. I have to say that one of the things the member needs to be well aware of, and I am sure he is, is that the mobility of people and their addresses change dramatically. People are much more mobile than they ever have been and methods of communication have changed significantly since 1995. This is a modernisation and a realisation of the change in communication methods. That form of notification is not uncommon in other jurisdictions. I have to tell the member that he, like many other members of this place, would receive complaints from people about the potential lack of guarantee that information supposedly sent by post has been received. This is an opportunity to reduce costs to local government; I am sure the member is interested in that. As I say, there is nothing sinister in this. It is through agreement by the recipient that this is the preferred method. Most people will choose that. Some might still decide to retain the traditional postage method, bearing in mind there is an increased cost. Australia Post costs

for a traditional business letter now are much more than they were 20 years ago; therefore, methods of communication change. Let us do it in a modern way for local government.

Clause put and passed.

Clause 67: Section 9.10 replaced —

Mr A. KRSTICEVIC: I have a couple of very quick questions about the appointment of authorised officers. Is a ranger referred to as an authorised officer? If a ranger is appointed as an authorised officer, do they cover all of those listed acts automatically? The authorised officer has to have an identity card. How long will that identity card be valid? Does it have to be renewed every two years or every four years? If they do not have an identity card with them, will they still have the authority to undertake the powers delegated to them?

Mr D.A. TEMPLEMAN: There is not a blanket authorisation. They need to be authorised under each of those elements of the legislation. A ranger would have to be authorised in that way. The identity card would need to be up to date in its authorisations and there would be a capacity for local government to include an expiry date. They might do that for various reasons, but the card is a way of identification of the person authorised to be the holder of that card because it gives them certain powers and responsibilities. The card is proposed. I understand it is an offence not to return such a card if the employee ceases to be employed. That is why I would expect that local governments would look at an appropriate expiry date for the cards anyway.

Clause put and passed.

Clauses 68 to 71 put and passed.

Clause 72: Section 9.57A inserted —

Mr A. KRSTICEVIC: This clause refers to protection of councils of live streaming via Facebook or whatever future methods by which councils want to make information about council meetings available. Why has this been proposed? Did councils ask for it? How many councils are currently live streaming? Does the minister think this will encourage most, if not all, councils to start to live stream?

Mr D.A. TEMPLEMAN: We are keen to encourage local governments to consider the advantages and benefits of live streaming their council proceedings to increase transparency and allow more people to access and log on to council operations. A number of councils currently live stream and the uptake of people logging on to watch what is going on is promising. Live streaming ensures that individuals who make defamatory statements at meetings will not be protected, and so they should not be. We do not want to encourage a licence for poor behaviour. If a council meeting is live streamed, all people who present at them, be they elected members or somebody who is making a deputation, would be conscious of that and ensure that their behaviour is appropriate. The answer to how many councils currently live stream was made available in *Hansard*.

Mr A. Krsticevic: Three, I think it was.

Mr D.A. TEMPLEMAN: Yes. I know that a number of councils are considering that means, and I think this will encourage it.

Mr A. Krsticevic: Does that mean that the councils that live stream now and that will continue to do so before this legislation goes through could be subject to defamation action? Do they need to be concerned?

Mr D.A. TEMPLEMAN: Protection for those councils that currently live stream already exists under the Defamation Act 2005. This provision will clarify the situation for those councils that seek to do so in the future.

Mr P.A. KATSAMBANIS: I appreciate the opportunity to participate in this debate. I am a strong supporter of live streaming and broadcasting council meetings and Parliament. Some councils already do that, in particular the City of Joondalup, in my electorate. Live streaming provides an extremely important benefit to those who are interested in council proceedings. However, technology has moved beyond just simply passive streaming; it enables active participation by people who are unable to attend a certain place with facilities, such as teleconferencing. I welcome the minister's comments about whether this particular provision will allow councils to enable participation—that is, deputations, statements or the usual things that a citizen can do by attending a council meeting—remotely. The minister can no doubt see the benefit of this for people who are temporarily away, ill, infirmed or who cannot get babysitting or childminding services so that they can attend a council meeting. Live streaming is a great step forward, but the next obvious step is remote participation, perhaps with prior permission or arrangement. I welcome the minister's comments about whether this will be permitted and whether he thinks it is a good idea.

Mr D.A. TEMPLEMAN: I think it is a good idea. There is provision in the future to allow a person who may have an item, interest or an issue before a council that they would like to comment on but are unable to attend to register to appear via FaceTime or similar technology. I would welcome that. A number of councils are looking at increasing elector participation in their processes and I encourage that. Yes, it is certainly worthy of pursuit and I encourage councils to investigate that. On the remote attendance of an elected member, currently that is not

allowed under the provisions of the Local Government Act. However, that issue is being seriously canvassed as part of the phase 2 process. Again, I believe there is great merit in that.

Mr P.A. KATSAMBANIS: Because the minister raised it—I do not want to pre-empt what might come up in stage 2—is it the minister’s consideration that a council would be able to determine the number of times in a calendar year or term that an elected councillor could participate remotely or will it be expected that they can participate remotely in any or all council meetings during their term?

Mr D.A. TEMPLEMAN: All the issues raised by the member are being actively considered in this phase. I do not want to pre-empt the final outcome but certainly there is a good argument to create such an opportunity.

Clause put and passed.

Clause 73 put and passed.

Clause 74: Schedule 2.5 amended —

Mr A. KRSTICEVIC: This clause relates to the Local Government Advisory Board. In answer to question on notice 4797, which was asked on 19 March 2019, the minister indicated that since March 2017, he has met once with the advisory board and that the advisory board has met 16 times. I do not want to go into what its role is at the moment. Rather, has any consideration been given to the future of the advisory board and whether its role can evolve into something different from its limited functions? The fact that the minister has met with the board only once in two years indicates that it may not necessarily be adding the best value, albeit that it adds value to its current functions.

Mr D.A. TEMPLEMAN: The Local Government Advisory Board is part of the review process in the second phase, and for good reason. It is an entity that exists to provide advice to the minister, but I think we should question the role and responsibility of that board and the future role of that board or a similar entity. That issue will be canvassed.

Clause put and passed.

Clause 75: Schedule 5.1 amended —

Mr A. KRSTICEVIC: I refer to the standards panel’s annual report. After the report is submitted to the minister, how quickly is it normally tabled? Does the minister look at the report and the effectiveness of the panel and suggest improvements and refinements to the process or, as I indicated earlier, to the education part of making complaints?

Mr D.A. TEMPLEMAN: Essentially, the question does not relate to the timing of when the standards panel’s annual report is tabled in Parliament. My understanding is that it is done as soon as is practicable after the report has been finalised.

Clause put and passed.

Clauses 76 to 88 put and passed.

Clause 89: Section 17A inserted —

Mr A. KRSTICEVIC: Clause 89 relates to the Caravan Parks and Camping Grounds Act and is about the attendance of police with authorised officers. Firstly, is the minister aware of how often an officer has been requested to provide assistance on this issue? The provision says that a member of the police force must, at the request of an authorised officer, assist. What does “must” mean? If, for example, the authorised officer says that they want someone to be somewhere at three o’clock on Tuesday, must the officer be there or is there some process for negotiation with the police to attend? Can an authorised officer not go unless they have a police officer with them and they have to try to coordinate that with the police officer?

Mr D.A. TEMPLEMAN: The answer to the first part of the question is no. I am not aware of the frequency of when this has been required. The request is made to the police service for an officer to assist and accompany the authorised person. The priority of that would then be determined by the officer in charge and timetabled and an appropriate time set to ensure that a police officer attends with the authorised officer. There is no change to this provision. This is not an addition; this is an existing provision. It is simply being made consequentially.

Clause put and passed.

Clauses 90 to 95 put and passed.

Clause 96: Section 62 amended —

Mr A. KRSTICEVIC: Obviously, this clause relates to the Cat Act and is about a local government employee being appointed as an authorised person. If one local government were to outsource that responsibility to another local government and its authorised officer did these things under the Cat Act, could they be authorised to issue infringements?

Mr D.A. TEMPLEMAN: The short answer to the question is yes, they can. Again, this clause does not change what currently exists. It is just a consequential amendment.

I thank the opposition for its support of this bill. I also acknowledge the support of the attending staff who assisted me.

Clause put and passed.

Clauses 97 to 114 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [3.24 pm]: I move —

That the bill be now read a third time.

MRS A.K. HAYDEN (Darling Range) [3.24 pm]: I start by again thanking the minister's advisers and the clerks and parliamentary officers for supporting us into the early hours of this morning and again today. I think many people in this place forget how much work goes on behind the scenes, so I put on the record my thanks to everybody who stayed and supported us in the consideration of the Local Government Legislation Amendment Bill 2019.

I started my contribution to the second reading debate by saying that I had some concerns, and even after the consideration in detail stage, I still do not believe my concerns have been addressed. As I said during consideration in detail, we agree to disagree. I still have concerns and I want to put them on the record. I will start with the training, because that seems to have raised the attention of most of the people who come into my office. The minister has indicated that the training will involve going through an assessment process. If the councillor does not pass the training module, they will have to resit the training module until they satisfy the assessment process. My concern is that the minister said that it will cost about \$2 500 for this training module. If a councillor has to resit this training module over and again, who will pay for the additional training? It will be a massive burden on councils. If the councillor does not get it right the first time, should they pay the fee? This is still a grey area and I am concerned about the impact it will have on councils. We all know that the one thing that ratepayers in all councils complain about the most is rate increases. If this training is going to be a massive burden on councils, I do not see any reason that councils would not pass that increase on to ratepayers. We will have another excuse for local councils to increase rates to try to cover this additional burden of the cost of the training. I am really concerned about that.

I am also concerned that people will not be given an exemption because of prior learning and qualifications, even if it is for only a section of the training. I understand that a chartered accountant may not have worked in local government before, but a chartered accountant will understand the financial part of a council far better than will the trainer of the module. I do not deem it necessary for a chartered accountant to sit the financial training module. I think it is a waste of money and a waste of the chartered accountant's time. I use the chartered accountant as an example because it is easy to refer to, but there are other examples in the community. I think the training to become a chartered accountant would be far more intensive than the local government training module. Chartered accountants have to keep up to date with their training to continue practising. Their understanding of finances will easily outweigh the training given in the local government module. I know that the minister has said that it will not be a burden on them to pass the training, and that they will pass with flying colours, but it is also about their time and the cost to the council for them to do that. I am not convinced about the training assessment process. I am not convinced that someone can be given an exemption only if they have done the council module, so I am not in favour of the training process as it sits at the moment.

The minister has said that councillors will not have to resit the training for eight years. If they are on the council for eight years, they will have had the training and that will cover them for eight years. I highlight to the minister that it is very rare for a councillor at the Shire of Serpentine–Jarrahdale to get re-elected. I think only two councillors in its recent history have been re-elected. The councillors serve one term and they are not re-elected. The burden on the Shire of Serpentine–Jarrahdale council of retraining the new intake at every election will have a massive impact. These councillors will not sit the training module session every eight years; they will sit it after every election. History has shown that the councillors at the Shire of Serpentine–Jarrahdale do not get re-elected. That is another burden on the ratepayers. That is my biggest concern.

I am pleased to see that the minister is strengthening the code of conduct. The sad thing is that we are always regulating for the minority, so I want to thank all the many councillors who behave themselves professionally and do an outstanding and amazing job. They are by far the majority of councillors out there.

Mr D.A. Templeman: The vast majority.

Mrs A.K. HAYDEN: By far the majority. I totally thank them and support this, but there is a small minority who bring it down for everyone, and it is vital that we weed them out. We have to weed that bad behaviour out of

councils because they are different from this place. They are far more local and far more personal. The issues are not political divisions; they are personal issues and conflicts, so when members leave council, it continues on in the streets of their home. They are local; they live there and deal with each other when they go shopping or take their kids to school and so forth, so weeding out this bad behaviour is vital and I encourage the minister to make sure that the regulations around that are extremely strong so that we can protect the councillors who are doing a great job, and weed out the ones who are not.

I am also pleased to see clear guidelines around chief executive officer reviews being brought in. There will be guidelines to meet the key performance indicators. As we have discussed, it is terrible to see a CEO being mistreated by a council, so I completely support this and ask the minister to make sure that it is done by way of regulations so we are not able to see what they are going to be. I take the minister at his word and put it on the record that I encourage him to make the regulations as strong as possible, for the certainty of the administration staff, the council and the community. The community does not want to see a CEO being mistreated by a council simply because of a whim or personality clash. CEOs are professionals who are there to do their job, so let us support the CEOs. I encourage the minister to make those guidelines extremely strong to make sure CEOs are not dismissed and replaced unnecessarily.

I have concerns about the complaints officers, and I note there is an allowance for a CEO to be able to delegate that power to have a separate complaints officer. I just want to put it on the record that I encourage CEOs to give that power to another independent senior officer in the administration department for the simple fact that it could be used and held against them under a review process, and the CEO would not then weaken, bend or shy away out of fear of the fact that they have their review coming up. I put it on the record that I encourage CEOs to take up that provision in this legislation.

I am pleased to see that personal occasion provisions are being implemented with regard to gift registers. If someone is having a birthday, wedding or baby shower, they will be able to accept gifts and not have to make a list of everyone who attended their event. In a small town, they would not want people to think they were not invited. I also want to make sure that it stretches across sporting clubs. If a councillor is a long-term football club supporter and is given a gift in appreciation, that should count as personal rather than as a councillor. But I also want to make sure that that does not then impact on their ability to debate an issue on that and that it not be seen as a conflict of interest. I hope it extends across sporting clubs as well. I am also pleased to see that staff are allowed to receive gifts under \$50, and I will be encouraging my council to take that up.

I remain opposed to the events register amendment. As I have previously said, I think it is an unnecessary additional administrative burden and an additional cost. Overall, my concerns are that this legislation brings in additional administration, regulations and costs to councils, which will then go on to increased rates to ratepayers, which is the last thing our communities need at this time. I am hoping that the second phase will have a strong focus on administration in the same way that this phase had a strong focus on council. Administration would account for 90 per cent of the issues that come through my door—people complaining about their dealings with the administration of their local council. I look forward to seeing the second phase. I ask the minister to indicate when we can expect to see that second phase in this chamber so that we can be aware. I look forward to seeing that.

MR A. KRSTICEVIC (Carine) [3.34 pm]: I thank the advisers for their hard work and commitment in getting this legislation before and through the Parliament, and the minister for allowing a lively, robust and, I think, very constructive consideration in detail stage. It is very, very important to make sure we tease out the fine edges and get some of these things on the record so that when people out there have questions about this legislation and want to know what the Parliament's intent was, or what some of the concerns were that were put on the record, they can access them. I think we have done that in a very constructive way.

The Local Government Legislation Amendment Bill 2019 actually has a lot more in it than most members were aware. That is why I was very keen to tease out each aspect of consideration in detail to make sure that both the sector and I understood exactly what was happening and what the expectations were in each and every clause. I want to put on the record my thanks to the people who made submissions to phase 1, albeit that, as I said, the participation rate should have been better, from my perspective. Again, I am not blaming anybody for that; I am just echoing the words of the minister in the past when he implored people to participate.

We are all passionate about local government. It is very important to us here in Parliament and to the community at a broader level. We have continually shifted responsibilities to local government over the years; its journey from where it started as the Roads Board to where it is today is a long one, and it has become an entity of its own in so many different respects. It takes on so many responsibilities, and we continue to burden it with extra responsibilities. It is also important, therefore, to make sure that the legislation is agile enough for local government to be able to do the things it needs to do.

Local government also needs to be conscious of the way it runs its business and of the burdens it puts on ratepayers, whether administrative or financial, and to make sure that it reviews its performance with a fine toothcomb.

I mentioned very briefly Auditor General reports, Corruption and Crime Commission reports and authorised inquiries. A range of issues is occurring out there in the local government sector, albeit in the minority, that are having a negative impact on the sector and creating some distress. We need to make sure that we fix up those areas, deal with the people who are creating the problems and move them on and out to make it a sector we can be proud of and that can continue to project a positive image in the community.

I would also like the minister to provide more resources and support to the Department of Local Government, Sport and Cultural Industries. Even the Western Australian Local Government Association submission said that the department could do a lot more to support the sector. I know that WALGA, Local Government Professionals WA and the minister are very committed to the partnership agreement, so I assume that if WALGA is saying that there are problems with the department supporting the sector, the minister will be asking his director general to see what he can do to make sure that that support is given to the sector. As I indicated earlier, there has been quite a large reduction in resources to that aspect of the department, so I am a little concerned about whether it is able to keep up with the demands and expectations that are put upon it, and to deal with those things in a timely fashion. There is nothing worse than an authorised inquiry—or even a standards panel inquiry, for that matter—dragging on unnecessarily, because it will just create issues and problems within the sector. I will not go through the main details but I will say regarding the standards panel that I am heartened by the fact that the minister does not see shifting the costs of the standards panel as being a general, automatic decision. It will be reviewed on a case-by-case basis and it will be only in extreme circumstances that the costs will be shifted. As I indicated, new councillors and other people can make mistakes and trip up. I do not think that we should all of a sudden be trying to burden people who are effectively volunteers. They make a commitment to their community. Yes, they get a little bit of remuneration, but ultimately I think of councillors as volunteers who want to give back to the community and provide their expertise and professionalism to be able to help the people in their councils. I think that is a noble cause and we need to respect the fact that they are making that commitment. We need to treat them with a level of authority and give them recognition for the contributions and sacrifices they make. They do make huge sacrifices. I have never been a councillor myself but I see what they go through and the pressures that are put on them through the community, the administration and the decisions they have to make. I think that is a bit of an issue.

Regarding education, again I am very supportive of training—100 per cent behind it. Like I said, I want only to make sure that it delivers what is required and that it is agile enough to be able to assist candidates to develop themselves rather than just treading water. It is important to make sure it is an iterative process and that we are able to achieve the best outcomes. It is also important that it does not become just a money-making venture for the registered training organisations when ratepayers are required to fund this training. There would be nothing worse than councillors going into their communities and saying, “You’re paying for this, and guess what? It’s a waste of time”, or “It’s not achieving the objective it’s trying to achieve; it’s just the state government wanting to bleed your rates and charge you in order to send money to certain organisations as part of the process.” I hope that will not be the case and that the training program will grow and evolve from the basic point it will start at. I hope that the department will play a bigger role in identifying those opportunities.

I am glad that the phase 2 process has had such a great increase in submissions. I very strongly encourage people to participate in phase 2 because it is obviously going to be huge. A lot will be in there, and, if it fails, it will probably be on the shoulders of the member for Balcatta for chairing the reference group and not getting it through the door! I have every confidence in the member for Balcatta, and I am sure the minister will not hold him back and will allow him to use his expertise. Albeit that the minister was a councillor many years ago, I suggest that it was old school and the world has moved a long way since then.

On that note, I do not want to hold up the chamber anymore because I know that the minister wants to make a few statements and I made a commitment to the minister that we would get this bill through the third reading stage by four o’clock today. I am very keen to honour that commitment and make sure that this legislation can get to the upper house. I hope that the minister can talk to the Leader of the House in the other place to give it priority ahead of some of the other legislation that the upper house might be debating. The other legislation may well be important, but not necessarily as important as this legislation. I am sure the minister will do that and will get that support. I commend the bill to the house.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [3.43 pm] — in reply: I thank the member for Carine for his contribution and the member for Darling Range for her contribution during the third reading stage. Very quickly, I would like to respond to a couple of the questions we said we would follow up on during the consideration in detail stage. A question was asked regarding why the simple majority was originally included in the 1995 act. *Hansard* has been checked and no explanation was given back then. However, I am sure that the then minister, Hon Paul Omodei, would have been cognisant of the matter. The member mixes with him and I see him in his capacity as chair of the Local Government Grants Commission. I will ask that question when I next meet with him.

Extract from Hansard

[ASSEMBLY — Wednesday, 10 April 2019]

p2423c-2430a

Mr Tony Krsticevic; Mr David Templeman; Mr Shane Love; Mrs Alyssa Hayden; Mr Peter Katsambanis

The member for Carine asked how many times it goes back and forth from elected mayor to council-elected mayor. The department does not keep those records, but as there are only 25 directly elected mayors in the state, it is suggested that it would be very infrequent. The member for Carine also asked how many people had been charged under the provisions of section 5.70. This relates to employees disclosing an interest regarding advice and reports. There have been no disclosures since 2000. The member for Moore queried whether there were any CEOs in the state who were not on five-year contracts. The answer is that no CEO should be on contracts longer than five years. I think the member for Moore also asked whether any CEOs have been around for so long that their employment predates the introduction of the five-year contract system. The department does not have that information. Local Government Professionals Australia might have that information, as it is the representative body of CEOs and higher level managers. Essentially, if there are any, there would be very few.

The member for Carine asked in relation to proposed section 5.105(1A) whether a candidate could be prosecuted for a breach after their election. This proposed subsection provides that action can be taken against a council member if they breach the rules of conduct during the time they are a candidate. If the member needs any further clarification, I am very happy to provide further information.

This legislation is a very important reform of local government in Western Australia. It does a number of important things. I thank the members of the house who took part in the second reading debate. I particularly thank the officers who assisted us in the consideration in detail stage and who have been involved in the ongoing work of formulating this legislation: Ms Darrelle Merritt, acting director of strategic initiatives for the department; Mr Luke Stephens, acting principal strategy officer for the department; and my own policy officer, Tarnya Widdicombe. I also again acknowledge the member for Balcatta, who was charged with a very important job. He is the chair of the working party, which, of course, has been working through the second phase of local government reform in Western Australia. He is an outstanding member of this Parliament and an outstanding chair. I really appreciate him and those other members of the group who have been so involved in delivering to Western Australia a landmark reform in local government.

The Local Government Legislation Amendment Bill 2019 will deliver a universal training regime for councillors as they are elected. It has been talked about for a long time and we are going to deliver it. Behaviour will be addressed in a variety of ways to improve council members' ongoing conduct when they are elected. That will include following a mandatory code of conduct, some transparency and accountability in processes, and other changes to the standards panel to make it more streamlined and effective. The legislation finally deals with the issue of gifts. The gift provisions in this bill create clarity and will ensure that those people who are elected understand their role and responsibility regarding gifts and the declaration of such. It addresses issues around the recruitment of CEOs and their performance management. They will be benchmarked and informed by important inputs from the Public Sector Commissioner and others. We want to make sure that we have a resilient and robust process for the recruitment and performance management of CEOs. Of course, greater accountability to the community is achieved through this bill. Information that ratepayers, residents and businesses deserve to see and have ready access to will be posted online. The old days of having information posted or pinned up on a noticeboard are gone. Some information will still be available via that method—that is still appropriate—but essential information will now be available online and updated appropriately and efficiently. This is all about transparency and accountability, and I am very keen to put that in place.

I thank all members for their contributions. It is great legislation. I look forward to seeing it debated and passed in the upper house so that a number of these provisions will be in place for the local government elections in October this year. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.