

LOCAL GOVERNMENT ACT — AMENDMENT

128. Mr T.J. HEALY to the Minister for Local Government:

I refer to the decisive action the McGowan Labor government has taken to amend the Local Government Act to allow the suspension and dismissal of individual councillors, something the sector has been calling for that the previous Liberal–National government failed to do. Can the minister outline why this legislation is needed?

Mr D.A. TEMPLEMAN replied:

I thank the member for Southern River and I also acknowledge, leaving the Speaker’s gallery, elected members from the Shire of Harvey, who have been here. They have obviously been put off by the status of question time. I also acknowledge the member for Southern River, who served himself with distinction, from what I understand, as a member of the Gosnells city council.

As the member is aware, for some time there have been constraints in the current arrangements of the Local Government Act, whereby under sections 8.15 and 8.19 there are mechanisms to address entire councils that have, if you like, fallen foul of being able to deliver good governance. Therefore, those clauses allow the minister of the day to intervene and suspend an individual council. A weakness in the Local Government Act of course is that there is no provision, currently, for dealing with individual councillors. In other jurisdictions in Australia, there are standdown provisions for individual councillors. The McGowan government believes that our legislation very firmly needs the capacity—after hierarchical benchmarks have been reached—for a minister to do that. Interestingly enough, when the other side was on this side of the house, this was not addressed at all. The only thing the other side did was to treat the local government sector with disdain, as was very clearly shown. The provision for this legislation does a number of things, including giving the minister the power to suspend or order remedial actions to an individual elected member. There is a provision to allow a panel inquiry if required to be set up which, after investigation, may arrive at the decision to recommend the dismissal of an individual. Also in this bill, the minister, on the advice of the department CEO, will have a provision to recommend dismissal, but also importantly are provisions in the bill that will allow the minister of the day to require remedial action from an individual. That may include further training, reprimands or whatever.

It is high time that we modernised our Local Government Act in Western Australia. That is why we are going through a significant review process and why we have today introduced a bill that ensures that, ultimately, good governance is delivered to communities across the state. It is not fair and it is not right that one individual may end up corroding the entire council and bringing it down. That is not right. Therefore, it is important for the minister of the day to set, with regards to natural justice and fair benchmarks, a mechanism to do that. In terms of an ultimate dismissal by the minister after advice from the department, a provision in the bill requires the reasons for that to be made public. Member, this is an important reform. It is another indication why this government is absolutely focused on making sure that we have modern, enabling and agile legislation for the local government sector in Western Australia. We have already signed a partnership agreement with the local government sector and will continue to deliver quality template legislation into the future so that local government can and is able to provide quality governance across the state going forward.