

**CITY OF FREMANTLE AND TOWN OF EAST FREMANTLE TRUST FUNDS  
(AMENDMENT AND EXPIRY) BILL 2013**

*Second Reading*

Resumed from 12 June.

**MR A.J. SIMPSON (Darling Range — Minister for Local Government)** [5.47 pm] — in reply: I thank members for their input to the second reading debate of the City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill. This bill was necessary to get rid of some legislation that has been around for a number of years. In my second reading speech I referred to the Fremantle Municipal Tramways and Electric Lighting Act 1903. Its purpose was the provision of electricity and tramways in the City of Fremantle and the Town of East Fremantle.

*Point of Order*

**MR D.A. TEMPLEMAN:** I am trying to listen to the minister very intently, and there is a lot of background noise. This is a very important, urgent bill, and we need to hear the minister's response.

**The ACTING SPEAKER (Ms J.M. Freeman):** Thank you, member for Mandurah. If members want to speak, they can take their discussions outside. The minister, although being of very tall stature, has quite a low voice, so we need quiet in this place for us and Hansard to be able to hear him.

*Debate Resumed*

**Mr P.B. Watson** interjected.

**Mr A.J. SIMPSON:** Thank you, Madam Acting Speaker and member for Albany! I hope all members can hear me, especially the member for Mandurah. I thank the member for Mandurah for that kind support.

Basically, since 1961 this act has been pretty much null and void and has not been part of the process. One of reasons I am standing in this place tonight is to disband the trust funds that had been set up. They have caused a number of duplications in processes as each of the local councils had to audit them before they could actually add them to their budget each year. This legislation has been long awaited, and it was raised many times last week that it has been 50-odd years since we stopped using this trust account and started the winding-up process.

The trust accounts contain some quite reasonable assets that were placed into them when they were established at the turn of the century, including a property worth nearly \$3.7 million in Tapper Street, Fremantle. That beautiful heritage-listed building is now a retirement home, and the City of Fremantle will look after it as part of its assets. Also, reserve 34837—the old Fremantle fire station, which is another beautiful old building—is currently being rented for commercial purposes. From the City of Fremantle's perspective, it is great that it will have an asset from which it can generate some income, and from a local government perspective it is thinking outside the square to generate income. The assets are caught up in this trust account, and now is an opportune time to move them on. The Town of East Fremantle has an asset in the form of a term deposit account that holds \$201 000. I am not quite sure of the original amount in that account, but it must have been small. This bill will transfer those assets and liabilities and tidy up the loose ends. It will restore to the City of Fremantle the reserves located in the city and it will also abolish the double-accounting process.

During the second reading debate, a number of members referred to the second reading speech and the words —

This bill represents yet another step in this government's strategy to improve legislation for local governments.

Since coming into government we brought in the Local Government Amendment Act 2009. That act replaced the preferential proportional representation voting system. That act amended the Local Government Act and enabled easier voting. In 2009 we brought in the Local Government Amendment Bill, which consisted of 40 amendments to improve the operation of the Local Government Act 1995, including provisions for stronger powers for the minister and the Department of Local Government to obtain information from local governments when carrying out investigations. It also improved various accounting provisions in relation to declaring the financial interests of elected members and donations received. It also required council members to disclose the value of gifts and travel benefits, and extended the requirement to declare related financial interests at meetings when persons had derived a travel benefit from a council. It also improved the provisions relating to the determination of the disqualification of local council members for failure to attend meetings. It also qualified the powers of local government to rate mining tenements on a gross rental valuation system, which is currently the subject of a three-year trial. There were also minor improvements in the rating process of unimproved valuations versus gross rental valuations. It also added a regulatory power to limit the circumstances under which local governments may provide copies of rates records and the electoral roll for private marketing purposes; this government tidied up those loose ends. It also provided local governments with new powers to enter onto private

land to remove graffiti, and widened the circumstances in which local government can take gravel and other building materials from land for the purposes of building. It also contained provisions that ensured that local governments can enter into contracts by the use of a local government common seal, and clarified enrolment arrangements for voting. The Local Government Amendment Bill 2009 did a fair bit of work. There was another Local Government Amendment Act in 2012, which included a number of amendments, one of which strengthened local government's delivery of services. That was a good bit of legislation.

The former minister also extended the powers of the Salaries and Allowances Tribunal so that it could provide recommendations on the salary levels of local government chief executive officers, which had been a big issue because the wages of CEOs were getting quite out of control. That idea of giving the Salaries and Allowances Tribunal that power has worked well. Members would have seen that as of last week, the Salaries and Allowances Tribunal will now determine the pay of councillors, mayors and shire presidents. I think that will be a far better system to work under. Also, in a similar process, band widths have been established under which CEOs can determine the pay of their councillors. The 2012 act went a long way in addressing those concerns.

**Mr D.A. Templeman:** I didn't realise how hard the member for Bunbury worked! No wonder he's exhausted!

**Mr A.J. SIMPSON:** He is exhausted! He worked very, very hard and brought in a number of bits of legislation.

**Mr G.M. Castrilli** interjected.

**Mr A.J. SIMPSON:** Absolutely. I might talk about the Cat Act as well, which involved us in a number of hours of debate.

**Mr D.A. Templeman:** That was the highlight of the last Parliament!

**Mr A.J. SIMPSON:** That was a highlight! I am actually looking forward to the dog bill coming in when we come back after the winter break. I think there will be a number of hours' debate in that process.

The point I was clarifying is that we have introduced a fair bit of legislation to help local government. The other big issue that the member for Mandurah raised was the local government reform process, which is hot on my agenda as the current Minister for Local Government.

**Mr D.A. Templeman:** How are the maps going?

**Mr A.J. SIMPSON:** They are coming along quite nicely, member. The member for Mandurah will be very, very impressed when he sees them; they are looking very nice. I must admit, though, that I am getting sick of looking at maps. I have had the opportunity to meet and talk with the 30 mayors, presidents and CEOs. I am now meeting with them on a one-on-one basis to have a look at some final areas. Some have raised good points, such as the natural boundaries that sometimes do not quite fit. The member for Mandurah may not be aware that half of Perth Airport is in the City of Belmont and the other is in the City of Swan; it runs right through the middle.

**Mrs G.J. Godfrey:** One-third.

**Mr A.J. SIMPSON:** The member for Belmont is correcting me—two-thirds are in the City of Belmont, and one-third is in the City of Swan. There are some areas there to be tidied up. There are also some natural boundaries to do with rivers, and some other areas where the city has grown to the point of being quite a large centre but it is very close to the boundary. For example, people are paying rates on one side of the boundary, but using another council's resources. Some interesting stuff has been raised during discussions with the mayors and CEOs. As we go through that process, we will release our reply to the Robson report. That will happen next month; we are in the final stage now.

**Mr D.A. Templeman:** Next month?

**Mr A.J. SIMPSON:** Next month.

**Mr D.A. Templeman:** But when in the month? Because I am planning my holiday —

**Mr A.J. SIMPSON:** That is funny; so was I. But it looks like I am not going to have one. I will be working.

**Mr D.A. Templeman:** Can I just ask you what your view is on the City of Perth taking on the Burswood peninsula?

**Mr A.J. SIMPSON:** Perth is our iconic city, and I think that it is probably important for us as a government and me as a minister to make sure it remains that way. I think the iconic city should have everything in it but suburbs, if I can put it that way. What I mean by that is that back in the 1990s, when we broke it up, the suburbs were taking over the City of Perth, and it was not thinking like the City of Perth; it was thinking like a suburban council. I think in the process of moving forward with the City of Perth we are going to look at some icons that can make the city of Perth a true capital city, but without including too many of the suburbs. That process is a balancing act at the moment. I have met with the Town of Victoria Park on a couple of occasions and it is concerned about Burswood peninsula. I see great potential for growth with the Golden Group around Belmont

Park Racecourse; there will be some high-rise development that will be a good rate base for the Town of Victoria Park—or whichever direction that goes. They also acknowledge the icons of that peninsula—Crown casino, the new stadium and those types of things—are probably more associated with a city. We are still working through that, and I make the point that nothing has been ruled in or out.

**Mr D.A. Templeman:** There is that natural boundary of the Swan River.

**Mr A.J. SIMPSON:** That is a natural boundary; that is correct.

**Mr D.A. Templeman:** Victoria Park is concerned that by taking the peninsula, the council will be unviable.

**Mr A.J. SIMPSON:** It does. It is a good a rate base for the council, and when I met with it, it explained that there is quite a strong rate base coming off that peninsula that it is keen to hang onto. I can understand that. We will have a look at it all, but the natural boundary is the river. In talking about the reform process, the words I use are “economy of scale”, because it makes sense to have a larger council deliver more services. It does not make sense to have a city on different sides of the river. I have to weigh up all those issues to make sure services can be provided, depending on where the city is. The member raised a good point, and hopefully I can work through that.

**Mr D.A. Templeman:** Were you concerned about Professor Fogarty’s report, which came in the last week?

**Mr A.J. SIMPSON:** Yes, it was quite interesting to read. It is interesting that he recommended smaller councils, and that is true in some cases.

*Sitting suspended from 6.00 pm to 7.00 pm*

**Mr A.J. SIMPSON:** I resume my remarks on the City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013. Before the break I was going through the amount of work the previous Minister for Local Government had done during the last term of government and all the legislation that he had brought in. It was great to see the amount of work the member for Bunbury did; he was a great Minister for Local Government.

**Mr D.A. Templeman:** He was a great performer.

**Mr A.J. SIMPSON:** Yes, and I will continue his great work as the new Minister for Local Government to make sure that the reform process —

**Mr D.A. Templeman:** I hope so. I just want to see those maps.

**Mr A.J. SIMPSON:** The member for Mandurah is very hung up on the maps.

**Mr D.A. Templeman:** The member for Belmont is very interested in the maps as well.

**Mr A.J. SIMPSON:** The member for Belmont and I have had a couple of chats about the maps.

**Mr D.A. Templeman:** Has she seen the maps?

**Mr A.J. SIMPSON:** No, not yet, but she has explained her position to me.

**THE ACTING SPEAKER (Mr P. Abetz):** Members, I draw your attention to the relevance of the debate.

**Mr A.J. SIMPSON:** Thank you for that guidance, Mr Acting Speaker. It is very important that we get back to the bill in hand. As I said before, this bill essentially repeals legislation that expired back in 1961. We are wrapping up the trust account. It will stop the duplication of work for the City of Fremantle and the Town of East Fremantle in terms of the number of processes that they go through to get their trust accounts audited. The assets will also be divided. Just to wrap up, so that we can get to the more important part of the debate—I am sure the opposition has a lot of questions to deal with in the consideration in detail stage —

**Mr D.A. Templeman:** We could be here until next week.

**Mr A.J. SIMPSON:** We could be here until next week. I am hoping not, because next week is the winter break.

**Mr D.A. Templeman:** You are going to be poring over those maps!

**Mr A.J. SIMPSON:** Yes, that is right; I need to go away and draw some maps. The bill basically provides for the transfer of assets and liabilities and any financial agreements and procedures from the trust accounts. It also looks at a reserve, a piece of land, with some assets on it, and there is some cash in the bank as well. Both the City of Fremantle and the Town of East Fremantle are happy with the process for winding up the trust accounts. They have been waiting for quite a while. As members can imagine, they stopped doing anything in 1961, besides doing annual reports and getting the trust accounts assessed. The original legislation was passed in 1903; hence, the urgency to get this process through the house. They are probably getting a little tired of waiting for the Parliament to deal with this.

**Mr D.A. Templeman:** It is timely to do it now before you dissolve the Town of East Fremantle.

**Mr A.J. SIMPSON:** That is a very good point.

**Mr D.A. Templeman:** Make it nice and tidy before those maps come out.

**Mr A.J. SIMPSON:** That is very true; we need to tie up some loose ends. It is always worth keeping in mind that, regardless of how the maps and the process work out, the community and town of East Fremantle will always be there; there will still be the suburb of East Fremantle and there will still be the town hall. It will just be that once a year the rates notice will come out with a different name and logo on it. One thing that always comes back to me about the reform process, especially when we come to Fremantle, which is a great little port town, and East Fremantle, which is quite small, is that these places have great identities. It is important that, as Minister for Local Government, I make sure that the community hangs on to that identity through the reform process. That is one of the things we are clear about; we need to make this process transparent so that the identity of the town stays there as we move forward. There is no way that I am asking them to lose their heritage, lose their town or lose their football team! South Fremantle and East Fremantle are quite feisty teams when they meet. I lean more towards South Fremantle, if I can put that forward, especially as the member for Alfred Cove played for them for a couple of years. I also supported them when I was a young bloke. The identity of East Fremantle is very important. It is something we need to be very cautious about as we move forward —

**Mr D.A. Templeman:** When you dissolve them.

**Mr A.J. SIMPSON:** As we move forward through the reform process, we need to make sure that we hang on to that identity. The town has a great tradition amongst the people who have lived there. It is important that they hang on to their identity and history. Another important point is that there are a lot of records and history that go with that. It is important that we identify the risk and work through that as we move forward through that process. I look forward to the consideration in detail stage.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clause 1: Short title —**

**Mr D.A. TEMPLEMAN:** The short title obviously defines the two local government authorities to which this bill refers, being the City of Fremantle and the Town of East Fremantle. Given the reform process the minister has embarked upon, is this the only bill of this nature that will require the transfer of funds from an entity? The reason I ask that question is that if, indeed, the minister's maps come out in the next month or so showing the proposal to amalgamate existing local councils in the metropolitan area to create new entities, will any other bills need to be presented to Parliament, like this amendment bill, to transfer assets and liabilities, as this bill does, from a board entity, which was what the original entity was, to the actual jurisdictions? Would there not possibly be a problem if the formal transfer of assets has not occurred before the minister's reform process? Might it not then interfere with that?

**Mr A.J. SIMPSON:** The member for Mandurah raises a good point. I am advised that no other trust accounts are similar to this one. In regard to the question of reform and the transfer of assets, as the member has highlighted, in a perfect world members would still be here dealing with the trust account, despite the big picture between the two. How the original trust account trust was set up through the City of Fremantle and the Town of East Fremantle is the process I referred to during the second reading debate. The most important thing is to keep the identity of the two entities, but in reality the two entities are identified in the trust account. It is important to work through that process.

In a nutshell, if the reform process had already happened, we would still be here today on this same account—that is what it is called—and we would still be having the same debate, even though the larger identity is borne out of that process. To answer the member's other question: there are no other trust accounts similar to this where there is a transfer of assets and the breaking up of assets and liabilities. This is an anomaly.

It goes back to the town of Fremantle being a port and probably a city in pioneering days. Things have moved forward. That is why it was thought in 1903 that it would be a good idea for the town to generate its own power and operate its own tramways and transport processes.

**Ms S.F. McGurk:** They were before their time.

**Mr A.J. SIMPSON:** They were. It should have kept going.

**Mr D.A. TEMPLEMAN:** Let us say this bill was not declared, as per the short title, an urgent bill, and the minister's process of amalgamation had hypothetically seen a formal amalgamation of the City of Fremantle as it currently exists, the Town of East Fremantle and, say, a section of the City of Melville as it currently exists, and that had become the entity that is Fremantle. If that had been the case now—if we had that entity now, where the actual Town of Fremantle no longer existed—the minister could still bring this bill forward but it is my understanding that the title of the bill would be the same, but the detail of the bill would transfer it to the new entity—say the “Greater Fremantle Port City Council”. Is that what would have happened?

**Mr A.J. SIMPSON:** Yes, the member for Mandurah is spot on. The interesting part about a trust process is the names on the trust account, so the trust account would probably still be there; the same parameters under which it was set up would still be there. It was set up to operate electricity and a tramway, so that would still exist. If we were standing today in a perfect world where we had a “Greater Port City”, the member and I would still be having a conversation about dividing the assets and, as I said in the second reading debate, instead of transferring it to one or two, it would be transferred to one in that process. It still has to go through a process of an act of Parliament to dissolve the trust process.

**Clause put and passed.**

**Clause 2: Commencement —**

**Mr D.A. TEMPLEMAN:** Clause 2 refers to the commencement of the bill once enacted. Clause 2(a) states that clauses 1 and 2 come into operation on the day on which the act receives royal assent. The rest of the act then comes into operation on the fourteenth day after that. I understand that clauses 3 to 8 would come into operation 14 days after royal assent has been granted. I seek the minister's clarification although the answer may relate to clause 5 in greater detail. Further clauses refer to reports being required to be made to the minister, to the minister being satisfied that the existing councils, being the City of Fremantle and the Town of Fremantle, have in fact, as per the bill, carried out all the necessary components or necessary elements included in proposed section 6, which refers to the report that needs to be provided to the minister on or after transfer.

With regard to the commencement day, is there anything that the minister wants to comment on in terms of how it relates to transfer day, because proposed section 5 refers to “transfer day”? Will the minister clarify that? I assume “transfer day”, which is when the assets and liabilities are officially transferred, is the fourteenth day after royal assent has been granted and the act has been proclaimed.

**Mr A.J. SIMPSON:** Clause 2 refers to the commencement of the proposed act on the day of royal assent, which is the day the Governor signs off on the legislation after it has gone through the two houses of Parliament. That kicks in a process, whereby within 14 days the City of Fremantle and the Town of East Fremantle have the opportunity to go through their books and work out—which they probably have done already—the breakup of the assets and cash and the transfer of that process. So on the fourteenth day those assets are transferred back to the City of Fremantle and the Town of East Fremantle. The trust is dissolved on the fourteenth day because the assets have been taken back into the two entities and the process then moves forward.

The transfer day means that on the fourteenth day they will come together, probably in a similar way to the settlement day in the purchase of a house, and the paper that separates the assets, liabilities and so forth will be signed back to each entity so that takes its portion of the reserve or the cash from that process.

**Ms S.F. MCGURK:** Why was 14 days elected? It seems a short period considering the council asked for these amendments about 10 years ago. It seems a non-forgiving period. Is it because the government was hoping to get this legislation passed before 30 June?

**Mr A.J. SIMPSON:** As the member for Fremantle points out, this legislation has been on the table for a while and it should have been dealt with a long time ago, but for whatever reason we are still here tonight debating it. The 14 days is a standard cooling-off period. All the work has been done. In fact, both the City of Fremantle and the Town of East Fremantle are ready to go on with the process once Parliament agrees to the bill and the bill is given royal assent. The government is ready to go. Once the councils know the Governor has given royal assent, they will have 14 days to work around it. There is not a great deal of work to do in this process in that they probably did it 10 or 15 years ago and now are just waiting for royal assent and the 14 days after that. It is basically a process of dividing up that asset. It is already pretty much in that process, but it is just a matter of having a time frame and within that a date to get everyone to come to the table.

**Clause put and passed.**

**Clause 3: Act amended —**

**Mr D.A. TEMPLEMAN:** This clause, obviously, simply states that the act amends the City of Fremantle and Town of East Fremantle Trust Funds Act 1961. Correct me if I am wrong, but it was in 1961, through the passage of the trust funds bill, that the board was dissolved and the assets were transferred to a trust, with

interests held in the proportions mentioned—one-seventh by East Fremantle and six-sevenths by the City of Fremantle—and the 1903 act was repealed. The history around the boards that existed from 1903, which is when the board was established, is the history of the state and of the City of Fremantle and the Town of East Fremantle as they are now constituted. What records are there and what is the requirement to record the history of the board? I would think that that is an important part of the identity of the Town of East Fremantle and the City of Fremantle. We dissolve boards and we do all sorts of things, but these are significant boards in the history of the communities in which they were constituted. I am interested to know whether we have, for example, a register of who served on the boards that were constituted from 1903 until 1961. Is any history recorded? Where is that history recorded? Effectively, when we pass the City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013, which we will do, a historical period in Western Australia will come to an end. We will basically jettison a part of history. I am interested in what happens to the history of the board that was ultimately amended in 1961. Does any entity exist that shows who served on the board—that is, the human element of this action that we are taking tonight? As the member for Fremantle highlighted in her second reading contribution, this legislation, in its original form—the 1903 act—basically was part of a time when tramways ran through Fremantle and electricity was generated by the municipality; it was not part of the interconnected grid that the now metropolitan area is part of. I am interested at this point to know what happens to that past that we jettison to the annals of history.

**The ACTING SPEAKER (Mr P. Abetz):** Minister, I am not sure whether it is germane to the clause, but we look forward to your response.

**Mr A.J. SIMPSON:** I think the member raised a very good point about the history of the 1903 board, which was set up to deliver power and transport. That is an interesting point and I spoke in my reply to the second reading debate about making sure that we hang on to that identity in this process. A single board existed until 1961 before it was dissolved and the process was to put it in storage. The member raised some very good points in that it is a very big part of the history of the Fremantle area, including East Fremantle, in that the first board in 1903 generated power and ran the tramways. That history should be stored in a vault somewhere; and, if not, I am pretty sure that the J.S. Battye Library of West Australian History would have some information about those turn-of-the-century events. In reality, I am pretty sure some history books deal with that whole turn-of-the-century process, especially the Town of East Fremantle, and how it generated its own power and ran its own tramways. I am pretty sure that is where the member will find that history of a long, long time ago.

**Clause put and passed.**

**Clause 4 put and passed.**

**Clause 5: Section 3 amended —**

**Mr D.A. TEMPLEMAN:** This clause basically defines “asset”, “liability”, “right” and “transfer day” and refers to the schedule. I know it is given some relevance in the next clause, which deals with part 2, but I am interested in the liability that has been defined. In the case of East Fremantle, it is a monetary figure of just over \$200 000, and in the case of the City of Fremantle, it is some cash and some property. At this point in time before the formal transfer of the assets, let us say that the City of Fremantle was in the formal process of selling the Tapper Street freehold property. Clause 6 of the bill inserts proposed new section 6, which deals with any proceedings—which I assume means a sale—on transfer day. Let us say that the City of Fremantle put the property out for tender and asked for expressions of interest and it is being sold. Settlement day just happens to fall before the 14 days after the day that the act receives royal assent and maybe the sale, for some reason, falls into dispute and there is a legal problem. If that occurred, would that transfer be prevented? Would this legislation not be able to progress if that was the case, particularly if the pending sale of a property fell through and there was legal action about that sale between the tenderer and the City of Fremantle? I know it sounds like a hypothetical, but I am interested in the minister’s comment about the process of liquidating an asset within the process of transfer.

**Mr A.J. SIMPSON:** Yes, the member for Mandurah raised a good point. There are City of Fremantle and Town of East Fremantle assets that are, what I would call, sitting in limbo in terms of their allocation because they are gazetted and in the trust from the old board process. Selling off those assets any time prior to dissolving the trust would be quite cumbersome. The member for Mandurah can imagine that upon doing a search on the title, he would find out who owns the land which, in reality, is in a trust account. In reality it is sitting in limbo land; the asset or the land is transferred to the trust, which was the old board, of the two. The reality is that it could never get to that stage until this legislation was passed to transfer the asset, which would fix the anomaly in the system. The member raises a very good point about the City of Fremantle trust in that freehold land and Tapper Street, where the retirement village, comprising three buildings, which is a total of 11 units, operates under the Retirement Villages Act. That asset would be quite substantial in modern terms, along with the old fire station. The member raises a good point, but the reality is that they could not go through process at the moment because

a standard transfer of an asset requires a search of the title and that is when one would come up against the process.

**Mr D.A. TEMPLEMAN:** The Town of East Fremantle has \$201 500 and it may decide that it wants to allocate that money towards a new skate park. Council may make a decision at its meeting next Tuesday to move to allocate fund X, which is the \$201 500, to pay for a skate park. That is still possible today even if the bill goes through and the transfer day is set. Is that right or is it precluded by the trust?

**Mr A.J. SIMPSON:** The member raises a good point. The Town of East Fremantle could, technically, allocate that \$201 500. It could try to get access to it, but it would be a long process because it has been held in a trust since the old board was dissolved. Accessing that money, even though it is entirely the money of the Town of East Fremantle, would involve a long process because it is caught up in the trust process through the original board that was set up in 1903. There would be a lot of red tape to go through to access that money.

**Mr D.A. TEMPLEMAN:** Can the minister explain the process under the current act, which has yet to be amended and has ultimately expired? Two hundred and one thousand dollars is a lot of money. If the Town of East Fremantle thought it was going to be swallowed up, it might decide to spend that money before being amalgamated with the City of Melville and the City of Fremantle. What is the process if it wanted to expend that money before this bill comes into effect?

**Mr A.J. SIMPSON:** In 1961 the board was dissolved and turned into a trust that was operated and held by the two councils—the City of Fremantle and the Town of East Fremantle. Decisions about that trust are made by the mayors and elected councillors from the two entities. They would sit together at a table to discuss putting money into the coming year’s budget for a skate park, to use the member’s example. At numerous times each year the mayors, presidents and councillors from the entities would come to the table to discuss what happens with that trust fund. They have to report back to both councils and have the books audited because it is a separate trust account. A motion must be moved by that board to the City of Fremantle and the Town of East Fremantle, which would also have to vote.

**Mr D.A. TEMPLEMAN:** But the board does not exist; it was dissolved in 1961. What the minister is saying, if I am correct, is that the Town of East Fremantle cannot dispose of its asset of \$201 500 without the cooperation and agreement of the City of Fremantle. The City of Fremantle could not sell, for example, the Tapper Street freehold properties comprising three buildings and operating as a retirement village without getting formal sign-off from the Town of East Fremantle. Is that correct?

**Mr A.J. SIMPSON:** I will clarify a point the member raised about the board. The board was dissolved and there are now trustees of the fund. The trustee account has trustees—namely, the mayors and the finance committee from the City of Fremantle. Some elected members of the City of Fremantle would be members of a finance committee. They would make up the City of Fremantle’s part in that process. The Town of East Fremantle would have a similar process of elected members and a director of corporate services—type person who make the decisions because they are trustees for the trust account. They would annually report back to both councils on the management of that trust account.

**Mr D.A. TEMPLEMAN:** I get back to the whole question of the government’s local government reform process. If next month we were to see a map showing the Town of East Fremantle, the City of Fremantle and part or all of Melville as a proposed new entity, I would be interested to learn about the transferral of assets to that new entity. Clause 5 determines that the transfer of assets and liabilities overseen by the board until 1961 and now overseen, as the minister has explained, by trustees will be made simpler because we would simply give it to the existing councils or vest it back in them. That would close all the things and there would be no more joint meetings of the trustees to oversee the assets—the existing entities would oversee their own assets. However—this is a pertinent point—the government is going through a process of amalgamation, but has said that it will not force councils to amalgamate. I do not know how the government will do that if a council says no. I think there will be forced amalgamations.

**Mr A.J. Simpson:** I will talk nicely to them.

**Mr D.A. TEMPLEMAN:** I do not think the minister can say that he will not force amalgamations. If the government wants to reduce 30 councils to nine, 16 or 20, it will find some councils that do not want to amalgamate and it will find a means of forcing them to do so. If that is the case, will the government legally need to come to this Parliament with bills such as this one to formally transfer existing assets and liabilities to new entities? I do not know how it will be done otherwise, because these entities own assets and have liabilities. The minister has said that it will not legislate to force councils to amalgamate, but I do not know how else it can be done, particularly when there are significant assets currently owned by these entities that the government will go through with its new map and its amalgamation program. Even if the City of Fremantle, the Town of East Fremantle and the City of Melville say they want to amalgamate and they are happy with a map drawn around

their boundaries, will there be a formal process such as this that will formally transfer the assets of the City of Melville, the assets of the City of Fremantle —

**The ACTING SPEAKER (Mr P. Abetz):** Member for Mandurah, I do not think that is what this clause is about at all. I ask you to get back to the clause 5, which is purely about definitions. Please confine your remarks to that.

**Mr D.A. TEMPLEMAN:** I am trying to do that; I am not trying to draw this debate out.

**The ACTING SPEAKER:** Just try little harder for us

**Mr D.A. TEMPLEMAN:** This is a pertinent point because this bill does exactly that; it officially and formally transfers assets and liabilities to two existing entities.

**The ACTING SPEAKER:** Members at the back, could you just lower your voices please?

**Mr D.A. TEMPLEMAN:** My concern is that if we go through a process of amalgamation—the City of Fremantle and the Town of East Fremantle, as an example—we might be back here again under the minister’s regime formally transferring assets to a new entity, for example, a greater city of Fremantle. I think this is a pertinent question on this clause, because it defines the assets and liabilities and then defines the transfer day, which I also have a question on, but I will wait for the minister to answer my first question.

**Mr A.J. SIMPSON:** This trust account is the only case in which there is this unusual situation with a board being set up to manage this type of stuff in the metropolitan area, so no other cases like this will come along. In his question about the reform process, the member for Mandurah raised an interesting point about assets. I use the analogy of drawing a line on a map in the metropolitan area of an area belonging to one entity that will become the asset of a larger entity. The process is just about valuing the assets. Basically, no money changes hands. It is about saying the local entity, which is now gone, has these assets on its register, and they are transferred from here to there. It is a value of money that is not actually paid; it is just transferred. The member asked whether I needed to bring legislation to Parliament to enable that transfer. I do not need to do that under the process of transferring what is called a boundary movement.

**Mr D.A. Templeman:** What is that?

**Mr A.J. SIMPSON:** Basically, it is an application to move one thing and capture the other one—so it is a boundary movement. There is no legislation for that; it is covered under the Local Government Act through a process of the advisory board, which comes back to the process of reform. It takes a number of weeks to go through the advisory process to identify the assets and to work out the best way forward for the new entity. The member started his question by talking about the trustees of the City of Fremantle and the Town of East Fremantle and the movement of assets. It has to be done in this way because originally there was a trust account set-up. The reality is that the board was set up; the assets were devolved to a trust and trustees looked after it. The only way to dissolve the original legislation is for a bill to pass through both houses of Parliament to get things back to where they should be in terms of the process with the City of Fremantle and the Town of East Fremantle.

**Mr P. PAPALIA:** I understand from the second reading speech that the object of this bill is to repeal obsolete legislation and reduce red tape. In the context of this bill having been declared urgent, I fail to see why the transfer of the management of the assets that are the subject of this clause is in any way urgent at this time, noting that this situation has been extant since 1961. Can the minister explain when his department brought this matter to his attention, when it began work on this amendment expiry bill, and what amount of work it dedicated to that task prior to the minister coming to this place and declaring the bill urgent? That is in the context of the bill being introduced in this place with very little opportunity for scrutiny by the opposition.

**Mr A.J. SIMPSON:** This bill is urgent because we had hoped to tidy up loose ends before the end of the financial year, which is looming very quickly this week. It is an opportunity to try to clean up some loose ends by getting this bill through Parliament. As the member has identified, the current situation has been going on for 50 years. This is mainly about tying up what I call the loose ends of some assets and some cash in the bank to move forward. That also helps with the local government budgetary processes. Every year the trust account process requires that an annual report be prepared of what assets were moved, how they were moved and the price involved; and if we moved into the next financial year, another set of books would be required to be done. By declaring the bill urgent, we hoped we could get it through and get it out before the end of the financial year. Unfortunately, we missed that window of opportunity, so we are now stuck with another set of books to do. That aside, this is not the be all and end all. The reality is that they were the reasons behind the urgency of the legislation process.

**Mr P. PAPALIA:** In light of that response, the justification for the urgency of the legislation is purely focused on the fact that the end of this financial year is approaching. Will this legislation not be entirely superfluous in a couple of months’ time when changes to the structures of local governments throughout the metropolitan area

are introduced? Does that not make the whole purpose of introducing this bill prior to the end of financial year a wasted exercise? The Premier often taunts us about wasting taxpayers' dollars by extending debates in this place. I wonder how much taxpayers' money and the resources and energy of the fine public servants in the Department of Local Government have been dedicated to bringing on this bill, which for all intents and purposes will be superseded in a matter of a couple of months.

**Mr A.J. SIMPSON:** This legislation will have no impact on the reform process because the board was started back in 1903, which the member quite clearly understands. In 1961 it stopped operating as a board and was devolved into a trust fund managed by the City of Fremantle and the Town of East Fremantle. The reality is that if the reform process had happened, we would still be having this conversation right now about dissolving this trust account because we have to move legislation through Parliament to dissolve it. It would not make much difference what the large entity we were dealing with was. If it was not the City of Fremantle and the Town of East Fremantle, it would be another local government. There would still be trustees of this trust account at the table. In reality, we would still have had to come back to this place regardless of the reform process, because this is set in the previous process of a trust account, which was basically the dissolved board of a system set up in 1903.

**Mr D.A. TEMPLEMAN:** Clause 5(2) defines the transfer day. It states —

*transfer day* means the day on which the *City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Act 2013* ... comes into operation.

We know that is 14 days after the act has been given royal assent. I know this sounds very petty, but is a time given for when the formal transfer will actually take place on that day? For example, when one buys a house, the settlement time is usually midday; whenever I have bought a place it has been midday. Is there a formal time on transfer day at which all the elements of the act from proposed section 3 onwards will come into play?

**Mr A.J. SIMPSON:** With regard to the 14 days, my understanding is that royal assent on the legislation will kick off a process by which the people of the City of Fremantle and the Town of East Fremantle would come together on what I would call the settlement day, 14 days after they dissolve the assets. They are basically ready to go now; they already understand the process and we have already notified them of the process in Parliament. This is one of those bits of legislation that has been hanging around for quite a while, and it is probably one of those things we should have resolved a number of years ago. We are confident that the 14-day period is enough time for the process of dissolving assets and liabilities to move forward, and it is just a matter of transferring it, as I highlighted in my second reading speech. To answer the member's question, there is no particular time.

#### **Clause put and passed.**

##### **Clause 6: Parts 2 and 3 inserted —**

**Mr D.A. TEMPLEMAN:** Clause 6 inserts parts 2 and 3 and deals with the transitional provisions relating to the Fremantle Fund and the East Fremantle Fund. Division 1 deals with the Fremantle Fund, and I have no problems with that or any questions relating to the Fremantle Fund being abolished on transfer day. It is explained on page 4 of the bill that under proposed section 5(1), on transfer day the assets and liabilities of the Fremantle Fund will come into force. Proposed section 5(2) states —

This section applies despite —

- (a) any other law of the State; and
- (b) the Agreement; and
- (c) any other contract, agreement, document, order or instrument.

My reading of that—the minister can clarify, if necessary—is that there is no other law or agreement that might exist that could actually override that element. Proposed section 6 provides that if there are any proceedings that immediately before that day might have been commenced or continued, the proposed section will allow that commenced proceeding to continue. If the sale of the asset was already in train, it could continue and would not halt or interfere with the process. Is that correct?

**Mr A.J. SIMPSON:** Yes; the member raises a good point. Proposed section 5(2) applies despite any other law of the state or agreement. Basically it gives effect to transfer on transfer day, despite any legal agreement, contract, document, order or instrument, to overcome any unknown implications of transfer. This provision is necessary and has been provided by the State Solicitor's Office. The member also raises a good point about any type of legal action that is pending at the time. If I could use an analogy, at one of the units someone had fallen over and had an accident, and was in the process of taking some legal action against the city. In this case, it would be the City of Fremantle or the Town of East Fremantle. That action would still stay in place, because they are the trustees of the units. Legal responsibility would still be going through that process. Because it falls within the town or the city, it is still their jurisdiction, but unfortunately, because it was actually caught up with

the original board of 1903, it is actually controlled from a financial perspective, but the actual asset lies within maintenance under the Town of East Fremantle or the City of Fremantle. The member is right, the legal action will still remain in play; that will still work out through that process, be it with the Town of East Fremantle or the City of Fremantle, depending on which one it was in. That action will still be going ahead in that process.

**Mr D.A. TEMPLEMAN:** I refer to proposed section 9, still under clause 6, headed “Care, control and management of Reserve 34837”. This is the old fire station. Under this proposed section there is reference to the order that was made under the Land Act 1933 in relation to reserve 34837 on 21 September 1977. Can the minister tell us what that order was? Was it a vesting in the City of Fremantle, or was it when the old fire station came under the control of the City of Fremantle? The reference is to a Land Act “order”, and I am just interested to know whether that was when formal vesting took place of that property to the City of Fremantle.

**Mr A.J. SIMPSON:** Yes, the member is correct. On 21 September 1977, management of reserve 34837 was vested into the trust under the management of the trustees. As part of that process we are tonight trying to resolve that so that we can actually put it back within the City of Fremantle or, in this case, the Town of East Fremantle.

**Mr D.A. TEMPLEMAN:** Further to that, reserve 34837 is a heritage site, so the council is still required under the Heritage Act to be responsible to that act. This bill does not in any way override the Heritage Act or the principles of the council’s responsibilities in regard to the Heritage Act in relation to this asset, which is the old fire station.

**Mr A.J. SIMPSON:** Yes, the member is correct. The fire station is heritage listed and that still stays in place regardless of what happens to the trust process with regard to the City of Fremantle or the Town of East Fremantle. The building itself is listed with the Heritage Council, so it is under the Heritage Act. All those implications stay in place regardless of the trustee under that process; it does not affect any of the heritage values or the rules it operates under.

**Mr D.A. TEMPLEMAN:** Proposed section 9(4) reads —

To avoid doubt, this section does not prevent the taking of any action under the *Land Administration Act 1997* or any other written law in relation to the orders that are taken to be made under subsection (3).

Can the minister just give me an example or some clarification on that? My understanding, as I read it, is that this proposed section, which is the care, control and management of that reserve, still does not prevent the taking of any action. Can the minister give me an example of what action might be taken under the Land Administration Act that this proposed subsection might refer to? Obviously the Land Administration Act is still open for an action to be taken, and I am just interested in an example of what that might be.

**Mr A.J. SIMPSON:** Yes, thank you. Proposed section 9(4) states —

To avoid doubt, this section does not prevent the taking of any action under the *Land Administration Act 1997* or any other written law in relation to —

We spoke before about heritage. If some damage was done to the heritage building itself, the heritage law would still apply. Under that process, its heritage still stays in place. It is very similar to what we spoke about a while ago in terms of legal action. If another law is already in place, it takes care of that process. If any damage is done to a heritage-listed building, actions against somebody can be continued under that process under law.

**Mr D.A. TEMPLEMAN:** I am nearly finished.

**Mr A.J. Simpson:** It is all good.

**Mr D.A. TEMPLEMAN:** I have only about three more pages! No, I am nearly finished. Proposed section 10 in clause 6 talks about the requirement of a final report on the Fremantle fund to be made available to the minister as soon as is reasonably practicable after the transfer day, which we know is 14 days after the official proclamation day of the bill. This same provision is repeated for the Town of East Fremantle. The report has to provide the minister with the following —

(a) lists the assets ... of the Fremantle Fund —

That will be easy for East Fremantle because that is just the \$201 500. In the case of the City of Fremantle, it will be the assets and liabilities that the minister highlighted in his second reading speech —

(b) ... give details of any proceedings —

That might be a sale process or a legal process —

(c) ... lists and gives details of any proceedings that the City ... is aware are likely to be commenced by or against the City of Fremantle in substitution for the Fremantle Fund pursuant to section 6.

My understanding is that paragraph (c) is anything that the City of Fremantle foresees as being a proceeding. I am assuming it is a legal proceeding.

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** There might be a legal proceeding over a fence dispute between the neighbours of Tapper Street; maybe one of the retirement village people has got a bit angry and damaged the fence badly in a wild, out-of-control party. Some of those 80 to 90-year-olds might have got hold of some alcohol from the local Fremantle liquor store and had a bit of a shindig that got out of control, and they caused some major damage to a fence on Tapper Street. So there is a legal proceeding —

**Mr R.F. Johnson:** It might happen!

**Mr D.A. TEMPLEMAN:** It can happen! It relates to any legal proceeding. Proposed paragraph (d) refers to a loan debenture agreement, which I am happy with. The last bit is proposed paragraph (f). It concerns whether there are any assets held in common. I assume that in this case there are no assets. Is it correct that there are no assets at the moment that we know of —

**Mr A.J. Simpson:** No, correct.

**Mr D.A. TEMPLEMAN:** — in relation to this bill, other than the assets and liabilities the minister listed in the second reading speech that refer to any tenants in common proposal in East Fremantle? Are there no other?

**Mr A.J. SIMPSON:** Yes. There are no assets, but the idea of this proposed section also is to go through that process, as the member for Mandurah rightly pointed out. He touched on legal proceedings that related to something that happened earlier, and heritage. I am not sure whether the City of Fremantle has borrowed some money against the assets to boost some other assets, but, obviously, the encumbrance is on the title as it is transferred back over. All those types of issues are considered. But in regards to the assets, the member is right in that process.

**Mr D.A. TEMPLEMAN:** Thank you. Proposed section 15 in clause 6 refers to the final report of the East Fremantle fund; again, it is the same. Can I just ask a question of the minister though? I know this could sound petty, but in the first line it states —

As soon as reasonably practicable after transfer day ...

What would the minister define as being reasonably practicable? Is he talking about a couple of weeks, a couple of months or some six months? Given the history of this bill —

**Mr A.J. Simpson:** Fifty years!

**Mr D.A. TEMPLEMAN:** It dates back 50 years! I do not think the minister will be the Minister for Local Government in 50 years! If he were, he probably would be holding some sort of record. In the context of this bill, what would the minister consider is reasonably practicable? This is part of the final reporting process.

**Mr A.J. SIMPSON:** Yes, the member is right. The line “as soon as reasonably practicable” is basically, as people can imagine, that after 14 days have expired after royal assent we will get a report back on it; it will come together. The issue here is that we have not actually put a date and time frame. In saying that it should be done another 14 days after that, in case someone is away or could not get quite the report done. In that turn of phrase, I would suggest that sometime in the next 30 days after the 14 days there should be a report back to me on that process. I would be happy to share it with the member, so that he can look at it and go through the process as some bedtime reading!

**Mr D.A. TEMPLEMAN:** The Town of East Fremantle might spend some of its \$201 500 on a sort of proclamation transfer party with some of the residents of the Tapper Street retirement village.

I am now going to go right to the end of this bill, members will be pleased to note. Proposed part 3, “Expiry of Act”, is still part of clause 6. Proposed section 17(1), “Act to expire”, states —

When the Minister is reasonably satisfied that there is no reason for this Act to continue, the Minister must publish a notice in the *Gazette* stating that this Act expires at the end of the day on which the notice is published.

I just want some clarification. We have got the royal assent.

**Mr A.J. Simpson:** Yes, 14 days.

**Mr D.A. TEMPLEMAN:** The minister might need to correct me on the *Government Gazette* requirements.

**Mr A.J. Simpson:** I am sure you can remember it!

**Mr D.A. TEMPLEMAN:** I want to know when does the act—I probably should know this, having been a minister, but I do not —

**Mr A.J. Simpson:** It has probably slipped your mind.

**Mr D.A. TEMPLEMAN:** When does the bill appear in the *Government Gazette* as being proclaimed as a piece of formal law? We know from the proposed sections mentioned previously that the operation of the bill does not come into play until 14 days after the so-called royal assent. I am interested in this proposed section and the minister's responsibility to formally publish a notice in the *Government Gazette* saying that the act has expired, which is different from the act being given royal assent and coming into force—that is my understanding anyway. When would I, first of all, see it appear in the *Government Gazette*? Is it immediately after it has been given royal assent, is it 14 days post the royal assent, or is it on another day that the minister simply decides is appropriate to publish the notice that the act no longer exists because it has expired?

**Mr A.J. SIMPSON:** The bill will be gazetted on the same day as the Governor gives royal assent. Then, 14 days after that, the assets of the trust funds will be put into their rightful places and the last part of dissolving the trust funds will take place. As I said before, I imagine that within a couple of weeks a report will come to me. The act will kick in on the day it is gazetted. The day that I sign off on that, the trust funds will be dissolved—that is, when I have ticked the boxes and the department is satisfied that all the assets and liabilities have been sorted out and everyone is happy with the process.

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

**Mr A.J. SIMPSON:** No, I get to decide only on the last bit after gazettal about the trust funds process.

**Mr D.A. TEMPLEMAN:** Further to that, this issue is more of interest to me. With the passing of this bill and through publishing a notice, the minister's actions will bring an end to that act.

**Mr A.J. Simpson:** Yes.

**Mr D.A. TEMPLEMAN:** Once the act has expired, will it appear on a list of expired acts? I assume that there would be a list somewhere. I do not know whether it would be held by Parliament, the J.S. Battye Library of West Australian History or wherever. Is there a list of other acts made since colonial times and the formal constitution of government in Western Australia to which this act will be added? We amend acts all the time, but in this case an act will expire. Is there a place for old acts—an act graveyard—so that people can look at the history of Western Australia? Fifty or 60 years hence, they will look with great interest at the dialogue that the minister, the member for Fremantle and I have had over the last hour on the very important expiration of an act of Western Australia.

**Mr P.B. Watson:** I'm glad that I'm here to hear it!

**Mr D.A. TEMPLEMAN:** The member for Albany's interjection is now included in that. It was a memorable interjection.

Is there a final resting place for this expired act?

**Mr A.J. SIMPSON:** The graveyard for the in-depth debate on this bill unfortunately is *Hansard*. The graveyard for old acts is the webpage of the State Law Publisher, which is updated. The webpage of the State Law Publisher has a lot of information about acts that have expired or have been altered in some form or another. That is the graveyard for the legislation that the member is looking for. I imagine there would be quite a long list of acts that have been changed.

**Mr D.A. TEMPLEMAN:** I am sure that the minister will be very pleased that I have one final question. Proposed section 17(2) provides that the minister must not publish a notice under proposed subsection (1), which refers to the *Government Gazette*, unless he has received a report from the City of Fremantle under proposed section 10, he has received a report from the Town of East Fremantle under proposed section 15, and he has consulted the City of Fremantle and the Town of East Fremantle. I am very interested in what form that consultation might take. Would it be a simple visit to see the Mayor of Fremantle and/or the Mayor of the Town of East Fremantle for a nice cup of tea and a final chat on the conclusion of the formal transfer? What form will that consultation take to satisfy the minister's needs, because he cannot publish the notice unless he is satisfied?

**Mr A.J. SIMPSON:** Yes, the member is right; that is part of the legislation. It is another good checkpoint in the process to make sure that it has all gone as planned. This part of the process also looks at whether one of the trustees has tried to do something else. As the member has pointed out, it could be as simple as a conversation with the CEO rather than the elected members. Yes, it will be part of my process to make sure that they are happy with the way the process has unfolded. That would more than likely be a phone call.

The member rightly pointed out that I am going through a reform process at the moment, so I will have the opportunity to have a cup of tea with them or, as is more likely, they will come to see me to raise their concerns. I could have a conversation about the passing of the trust funds bill and the process of winding up the act. I am sure they will thank me very much for that, because it has been around for quite a while. I am pretty sure they will buy me a cup of tea to say thanks.

**Mr M. McGowan:** It's a great achievement.

**Mr A.J. SIMPSON:** It is a great achievement.

**Mr M. McGowan:** You must be very proud.

**Mr A.J. SIMPSON:** I am very proud tonight. I will be able to sleep very well tonight because I have achieved a bit of legislation as the new minister.

**Mr P.B. Watson:** The honeymoon is over from now!

**Mr A.J. SIMPSON:** The honeymoon is over. I appreciate that, member for Albany.

Part of that process will be to make sure that they were happy with the process and that we went through the measures in place. As the member has rightly pointed out, I will be given a report from both councils to show that they were happy with the process. I would also certainly have a chat with them.

**Clause put and passed.**

**Clauses 7 and 8 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR A.J. SIMPSON (Darling Range — Minister for Local Government)** [8.18 pm]: I move —

That the bill be now read a third time.

**MR D.A. TEMPLEMAN (Mandurah)** [8.18 pm]: I will not speak for very long. The expiration of an act is a significant part of history. During the second reading debate and the consideration in detail stage, a number of questions were asked of the minister about how this bill might relate to future plans for the amalgamation of councils in the metropolitan region.

I want to put on record the opposition's concern about a process that has a long history under this government and about the mixed messages that I believe have been received in local government about whether and in what form local government reform will be presented and, indeed, what compulsion the government will place on local governments to fall into place behind its plans. This is why the City of Fremantle and the Town of East Fremantle are concerned and have issues, as have the City of Perth, the Town of Victoria Park, the City of Belmont, the City of Joondalup, the City of Wanneroo and the Shire of Serpentine–Jarrahdale, the minister's own shire. All these councils have concerns about the process that they have been forced to endure and the uncertainty that that process has caused them. Many of them have gone to great expense to provide submissions to the minister and his predecessor in response to his predecessor's fixation, some could say, with the process of amalgamation or the reduction of the number of councils in Western Australia. They have also gone to great expense to prepare submissions to reports such as the Robson report, which was released in the second half of last year and which will form the basis of the government's proposed maps. As the minister has said, next month he will present to all councils in the metropolitan area his proposals for reform by way of new maps that can only show that we will see the disappearance of some councils as they are now known in the Perth metropolitan area.

We in opposition have simply asked and will continue to ask whether these mergers/amalgamations will be forced. That is the key question that many local councils have also asked. If the minister is hell-bent on a process of reform of local government and it involves a reduction in the number of councils in the Perth metropolitan area but he will not do it through forced amalgamation, what process will he use to coerce councils to agree to any proposed realignment of boundaries that he seeks to impose? I do not think the minister has answered that question. Indeed, that question will be asked when he releases the maps because shires such as the Shire of Serpentine–Jarrahdale, the minister's own shire, have said quite unequivocally that they wish to remain, in the minister's words, their own community. They wish to remain in the same form as existed previously. For them, amalgamation is not the option they prefer.

**The ACTING SPEAKER (Ms L.L. Baker):** Member, I am just checking. The bill before us is the City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill. I think you probably need to stick to that.

**Dr A.D. Buti:** Make sure you don't go on about women's representation of Pacific islands.

**Mr D.A. TEMPLEMAN:** The member for Armadale might say that but I could not possibly say that. That is certainly not appropriate.

I suppose I am on this theme—this vibe—because councils such as the Town of East Fremantle, in particular, are looking down the barrel of not existing. I am not sure of the history of East Fremantle but I assume that it would be over 100 years old. A council such as East Fremantle would clearly be in the minister's sights for amalgamation. When we are abolishing a bill that is deeply rooted in the history of the Town of East Fremantle, we cannot allow that bill to just be jettisoned to the elephant's graveyard of bills that have expired when we are also ultimately talking about the continued existence of an entity such as the Town of East Fremantle. It is important within the context of this bill that we look to the future. The minister used the words "moving forward" in his second reading speech and in his answers during consideration in detail. He says he wants to move forward. I do not know who he borrowed that phrase from but it is obviously very popular.

**Mr P. Papalia:** It's not a good line.

**Mr D.A. TEMPLEMAN:** It is questionable how one might use that line. One would ask that if the minister's plans are for wide-scale change, as it seems they will be, this issue of identity, history and sustainability are all important factors in the consideration of the future of local government in Western Australia and in the minister's reform of metropolitan local councils. When bills such as this come to this place, some would see them as mundane. We know that this bill was urgent.

**Mr P. Abetz:** You spice any bill up.

**Mr D.A. TEMPLEMAN:** I cannot wait until the prostitution bill comes before us because I am sure the member will spice that one up a bit. I do not think it will make it in here because it certainly has not been declared urgent and it has not appeared on the notice paper. The member has taken me away from my tenuous line of discourse.

The minister has gone. He was obviously bored. I knew I would get him. I had him on the ropes last week before the bill was snatched out from under me and the other bill that was urgent came on. I was very outraged.

**Mr P. Papalia:** Which one was that?

**Mr D.A. TEMPLEMAN:** It was one of the nine. I obviously had the minister on the ropes. I know that he was sweating. He had a couple of nervous wees before he came back in here. He even came to me at one stage and said he had to have a comfort break. He was away for an hour and a half and I wondered where he had gone. Now he has gone. I wonder where he is. Here he is. I was moving on to one of the most important things I had to say and he was not going to be in the room.

**Mr C.J. Barnett:** You put me to sleep, and I need my sleep.

**Mr D.A. TEMPLEMAN:** I tend to do that.

It is so important to local government, including the local government of the City of Fremantle and the Town of East Fremantle, that when the minister unveils his grand plans, his grand vision and his maps that I think would have been drawn by the hand of the Premier rather than the minister—I think the Premier will have his paws all over these maps—the minister should explain very clearly to the ratepayers of all the municipalities in the metropolitan area why and how his plan, his maps and his drawing up of new boundaries for local government will deliver quality services to the ratepayers of those municipalities. How will they deliver good governance and accountable governance in terms of local governments delivering and how will his model be based upon properly researched evidence that demonstrates why some councils will no longer exist under his plan as some of them, like the Town of Fremantle, have for over 100 years? It is up to the minister to answer those questions when he unveils these maps and be open and accountable for what his changes will cost. The minister has already promised a bucket of cash to do it.

**Mr C.J. Barnett:** It's a little bucket.

**Mr D.A. TEMPLEMAN:** The Premier is indicating it is more of a little beach bucket like the ones that my sons and daughter take to the beach. It is not a large industrial recycling bin-sized bucket. We now have an indication that, because the fiscal outcome of the state is so perilous, the bucket of cash is probably a Kentucky Fried coleslaw-sized bucket instead. If that is the case, questions really have to be asked about what the cost will be and what money the government will provide to local governments to deliver these reforms.

**Mr M.H. Taylor:** What bill are we on?

**Mr D.A. TEMPLEMAN:** That is an outrageous interjection from the member for Bateman. He is being very, very harsh.

The minister should explain to people why his model is the one that is the best way forward for local government, because a lot of people out there, including ratepayers, are not convinced that his plan and his maps will deliver genuine accountable governance and good quality services to the ratepayers within the municipalities of the metropolitan area.

**MR A.J. SIMPSON (Darling Range — Minister for Local Government)** [8.31 pm] — in reply: I thank the member for Mandurah and the opposition for their support of the City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013. As the member rightly pointed out, it has been hanging around for a number of years; the board was established in 1903 and disbanded in 1961. The bill goes a long way to helping to reduce red tape and moving the process along. All those things needed to be resolved and should have been resolved a number of years ago. I thank members opposite for their support. The member touched on a number of issues. I restate that the reform process has a while to go. It is my job as the Minister for Local Government to make sure that all local governments are sustainable and better off in the process of reform. It is clear that I have to be involved in that process.

I also wish to point out that we will come out with those maps sooner rather than later; that is clear. In my meetings with mayors and CEOs, I note that they are very hungry for the announcement so that they get some clear direction on this issue in one way or another.

**Mr P. Papalia:** They've been waiting since March 2009.

**Mr A.J. SIMPSON:** It has been a long process. There were 450 submissions. Prior to the Robson review there were another 280 submissions. We have consulted far and wide in this process. It is time for us to move forward and get on with the job of this reform process. We will be there very soon. Next month the plan will be released to give clear direction for local government, especially for the Town of East Fremantle and the City of Fremantle. We are happy to get on with it. As I said, I thank the members opposite for their support of this bill and I look forward to more of these debates in years to come.

Question put and passed.

Bill read a third time and transmitted to the Council.