

LOCAL GOVERNMENT AMENDMENT (SUSPENSION AND DISMISSAL) BILL 2018

Second Reading

Resumed from 13 June.

MR T.J. HEALY (Southern River) [10.05 am]: I rise to speak on the Local Government Amendment (Suspension and Dismissal) Bill 2018. The bill makes a fantastic contribution to ensuring we have a transparent and accountable local government system here in Western Australia. I commend the Minister for Local Government for progressing the bill and members of Parliament for the debates that have occurred so far. I will talk about some of the things that this bill will do. The Local Government Act 1995 provides the framework for local governments across Western Australia, including mechanisms to scrutinise the affairs of local governments and to regulate the conduct of officials within a local government. Currently, although the minister's powers include the ability for the Governor to suspend or dismiss an entire council, there is no ability to suspend or dismiss an individual council member. Members will be aware that this has been coined the "Scaffidi Bill." Unfortunately, there are circumstances in which the minister needs to discipline and directly approach a council member, a mayor or an elected member because of certain conduct and the existing powers apply only to dismissing an entire council. This bill will give the minister the power to suspend and/or order an individual council member to undertake further remedial action.

This reform is designed to protect the public interest and the system of local government by facilitating a timely intervention by the minister. I would like to commend the minister's second reading speech. This legislation is about restoring faith in our councils and in all levels of government. Unfortunately for many people in my electorate and many residents in all of our electorates, politicians are not viewed with a great deal of trust or respect. When local governments are seen to be acting poorly and when elected members are seen to be making poor decisions, it reflects poorly on us all. This bill seeks to restore that faith. The current act does not provide an ability to suspend or dismiss an individual council member. This bill will address those limitations. As in the case of the City of Perth and other councils, it is not always necessary to suspend an entire council, but only an individual person. Part of this debate has been superseded as the City of Perth has now been suspended for a variety of matters. When the media and the community were not able to force the former Mayor of the City of Perth to resign and she hung on, and that continued through a number of damning reports, the minister was unable to intervene. I concur with the minister. The majority of council members in Western Australia are hardworking representatives of our community. They give up their time with the aim of improving their local area. The state government is duty-bound to ensure that the community is given the local government that it expects and deserves, and has good governance.

A wider review of local government is also happening to ensure transparency and accountability. I want to talk about my vision for local government. My electorate falls entirely with the City of Gosnells. On the south east corridor, it is bordered by the Cities of Canning, Gosnells, Armadale and Serpentine–Jarrahdale. This is about ensuring that our community has faith in its elected members.

I have always believed that our councils can only be as good as the people who stand for them. When we have our local government elections, we need members of the community to stand. We need people with strong ethics and integrity. We need fewer politicians to run; we need more nurses, teachers, mums, dads and school cleaners—people who are engaged with our community—to stand for and be elected to our councils. I believe there could be a fantastic opportunity every two years, when those elections come around, for us to elect fantastic councillors.

I have said on the record that I do not like lazy councillors. I like activist councillors—councillors who advocate for their communities and do not just attend meetings every fortnight or month, but actually meet with their communities, attend citizenship ceremonies, get engaged with school boards and community organisations, and really represent their area.

I am a former councillor of the City of Gosnells; I am very proud to have served there. I ran for council when I was a teacher at Southern River College. I will not go into all the political aspects, but there had been a number of cuts to community services in Gosnells, cuts in funding for schools and promises made and not kept. I was one of the year 12 coordinators at the time and doing a teaching load. I discussed this with my principal and said that I thought that if I could get further engaged within our council, we could better link the council services—youth officers, community facilities—as a way to better service the whole of the City of Gosnells, and the Gosnells students that we taught.

I was very honoured to have Pat Morris—a titan of Gosnells and our first female mayor—as the chair of our school board. She took me under her wing and showed me how to run for council and how to work with and learn about council. She is a fantastic example of what a good councillor can be. I mentioned in my maiden speech that my great-grandfather was also a councillor—Cr James Healy, a Fremantle councillor—in the early 1900s. I would like

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to quote a few statements about him. I would like to think that I could follow in his footsteps in terms of ethics, transparency and in doing the best for our community. I quote a description of James Healy that appeared in the *Daily News* of 9 August 1905. It states that Cr James Healy —

... is vitally interested in all municipal questions, and the ratepayers can rest assured that should he be elected he will endeavor to safeguard their interests in every possible way.

I quote another article, this time from *The West Australian* of 23 April 1912, which states that Cr James Healy —

... would never be satisfied with anything short of fair play and equal opportunity for all.

Mr R.S. Love: Back in 1912?

Mr T.J. HEALY: He served on the Fremantle council at that time, 1905 and 1912. I again thank the Parliamentary Library for assisting me in finding some of those quotes.

I am a student of the John Carey school of transparency. In this Parliament we have a person who has led the way on transparency. His vision for and the work he has done at the City of Vincent is, I think, admirable; I want to formally place that on record. As a newly elected councillor I approached John and said, “Can you tell me more about what transparency and accountability means in council? What does it mean for us?” He spoke so passionately about some of the things I have already mentioned, and I seek to echo some of those positive statements. The community, unfortunately, has a low view of all elected office holders. They think that councils catch dogs and pick up the bins, but there is so much more that local, state and federal governments can do. Unfortunately, the community’s perception of us is often low.

John Carey was formerly the Mayor of Vincent and is now the member for Perth; I should refer to him as the member for Perth. He put motions on notice to direct the council bureaucracy to create gift registers, travel registers and registers of developers. He put motions on notice to broadcast public meetings. It is often not about trying to root out people who are being dodgy; it is about restoring faith and linking the community to councils. I think the member’s “Raising the Bar” discussion paper created a fantastic opportunity to restore community faith. The City of Vincent was a leading light in that regard. I know that the cities of Belmont and Victoria Park and a number of other councils followed suit.

I am going to read the motion of notice that I moved at the City of Gosnells when we passed our first gift register, before they became compulsory —

That Council requests the CEO to make the City of Gosnells Elected Member & Employee Gift Register publicly accessible in electronic form on the City’s website.

...

“This motion aims to further enhance the positive reputation, governance and transparency of the City of Gosnells in the community. It is proposed that the existing Gift Register be made available on the website, as opposed to currently being available through office hours upon enquiry.

We meet the requirements under the local government act.

Mr J.E. McGrath: Member, do you think MPs’ gifts should be put on a website?

Mr T.J. HEALY: They are publicly available. I will respond to that interjection, member for South Perth. It is not a matter of information not being made public; it is accessible now. Councils are slightly different. I will expand on this a bit later. We have media scrutiny in the state Parliament; former Parliaments had a formal opposition that held the government to account; I am not sure this Parliament does. But there are different accountability measures in state and federal Parliaments that councils do not have. I am certainly in favour of transparency. The motion commentary continues —

This motion is not about meeting those obligations under the Act. It is about making information easily accessible to residents and rate payers.

The information was always collected. These motions were never about changing that, but for a resident to have to go in during office hours and request the administration to see the gift register was actually a cumbersome process. By making it available online, accessibility is provided to local journalists and members of the public to hold people to account.

I will briefly mention some media articles. I would like to quote the *Comment News* of 16 February 2016. I warn members that this article says some nice things about me, but I will read it anyway! It is headed, “Healy’s proposal for online gift register popular with big gallery”. It states —

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

...

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

...

Perth Lord Mayor Lisa Scaffidi came under scrutiny for failing to disclose gifts before the local government elections in October last year.

I quote now from *The Examiner* of 18 February 2016 —

Last week City of Gosnells councillor Terry Healy moved the city adopt this practice immediately ...

...

He said it was a symbolic gesture to show the city was transparent and forward thinking while costing the city nothing as it already collected the information.

"This is not about meeting the requirements of the Act, it's about meeting ratepayers expectations," he said.

...

The motion was carried eight to four.

I found it interesting that there were some councillors—this got a gasp from the public gallery—who publicly said that this was too much information for the public and that councillors should not have to disclose this sort of information. They obviously voted against the motion. We were successful in passing a gift register and a travel register, but we were unsuccessful in proceeding with the public broadcasting of meetings, which I think is another level of important transparency. I note that a majority of councillors are now of that view. That is certainly progressing.

A travel register is also very important. I very much dislike the fact that council members can claim \$6 000 in international and interstate travel. I think that is a ridiculous amount. It certainly does not serve my City of Gosnells community. We now publicly list any interstate or international travel and the fuel that councillors claim. After we made those things public, although they were still declared each week, their use dropped drastically. Again, I am not saying that anything dodgy was happening, but ratepayers' money was used less on things that I think were a little bit frivolous.

I have mentioned that we should broadcast council meetings. Another level of this comes partly into the broader aspect of the review that the minister is undertaking, but we should have direct election of mayors and ensure that the people get to have a say in that. I quote the minister from my local paper, the *Comment News*, of 20 March 2018 —

Drawing mayors out of a hat, social media "running riot" and a lack of councillor training are just a few of the quirks and issues in the spotlight at local councils across Perth.

...

Some councils allow constituents to directly elect the mayor, while others have their councillors choose; a deadlocked vote in Gosnells last year resulted in the mayor being drawn out of a hat.

That is what we did in the City of Gosnells. There was a three-way draw and the mayor —

Mr D.A. Templeman: What sort of a hat did they use?

Mr T.J. HEALY: I was not there, minister.

In the article, the minister continues —

"I think there's a better way and I think most people in the sector would say it's a bit embarrassing.

"Let's find a way that is absolutely fair and equitable."

I would like to read the article "Mayor's medal mistake" from today's *Gosnells Examiner*. It states —

Confusion surrounding the City of Gosnells mayor's medals was finally cleared up at council this week after more than a month of questioning ...

By the way, not that councils are too partisan, but a Liberal Party member is mayor at the moment. The article continues —

At Tuesday night's council meeting when councillor Olwen Searle asked the mayor to reply in words of one syllable "yes" or "no" whether he had the Australian Police Medal, Mr Dewhurst said he did not ...

Extract from Hansard

[ASSEMBLY — Thursday, 14 June 2018]

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Mr Terry Healy; Mr Ian Blayney; Mrs Lisa O'Malley; Mr Yaz Mubarakai; Mr David Templeman

“I always thought I had the Australian Police Medal ...

The article states that the mayor thought —

... that he had the Australian Police Medal, issued by the Western Australia Police Department in 2004, as well as a further three medals, one for Police Bravery, a National Service Medal and a medal for Diligent and Ethical Service.

Again, this is not transparent. This is not a good look.

Members who sit in our galleries and attend council meetings are almost the only formal opposition, or accountability mechanism, for local councils. I would like to commend the local journalists who I have worked with in my time, including Juanita Shepherd, Ben Smith, Frances Curro, Amy Blom, Tim Mayne, Chloe Vellinga, Jessica Warriner and Emma Young for their impartial and balanced reporting. Without a formal opposition, when queries and matters are raised in councils, journalists are often the only ones who raise opposition. I would like to commend local councillors who I think are of high integrity. I have mentioned Councillors Pat Morris and David Goode, and former councillor Bill Wiffen. I would like to commend the chief executive officers who I have worked with closely: Stuart Jardine and Ian Cowie. I would like to commend the role of the Australian Services Union in working with our local governments—I think that is very, very important.

[Member's time extended.]

Mr T.J. HEALY: Thank you.

It is no secret that I was a teacher and a union member. I did not describe myself as a Labor councillor. Most people in council knew my views, but Gosnells council had a majority of Liberal Party members and former Liberal candidates. That is fine; they do great work. I would like to refer to an allegation of Liberal Party meddling at the Gosnells council ballot draw last year. Again, I will quote an article from a local paper. The article titled “Abetz denies ‘meddling allegations’” is from the *Gosnells Examiner* of 9 November 2017. The former member for Southern River very successfully became one of our local councillors and is doing good work. The article reads —

The West Australian Liberal Party has been accused of ‘meddling’ in the City of Gosnells mayoral elections.

Gosnells councillors Ron Mitchell and Dave Griffiths alleged councillor Liz Storer was threatened by the Liberal Party to vote in support of Peter Abetz’s run for mayor, although she initially pledged her support for Mr Mitchell.

...

Mr Mitchell said he could confirm there was interference by Mr Abetz and the Liberal Party ...

An article in the *Examiner* from 10 May 2018 on Councillor Liz Storer’s resignation from the council states —

Ms Storer handed in her resignation on April 24 ...

She told *The Examiner* her resignation was for personal reasons ...

I am not necessarily saying that these events would come under the minister’s direction to move people on, but when we have events that do not inspire the local community and when we have local councillors and elected members who potentially act in ways that further adds to the perception that all elected people are in it for their own good, it hurts all of us. I look forward to the time when we will have incredible elected members at all levels of government, but it really has to start at the local council level. I think it is also important to keep politics out of councils. I am not against former candidates or current members of political parties running for local government; they are engaged people, and that is fine. I have a very good relationship with Gosnells councillor David Goode. He is a former Liberal candidate who ran against the member for Thornlie in 2013. He and I get on really, really well. We agree that although we have different ways of getting there, we both want to make the community better. When we are talking about bins, community centres and cat acts and dog acts there is no Labor or Liberal caucusing, it is about making the community better. I want to commend those people who work together. The member for Balcatta also mentioned that it was always great when councillors and people came together for dinners at the City of Stirling. When we do that, it is absolutely fantastic.

It is really important that finally, for the first time, we have a better level of gender equity on the City of Gosnells council. I certainly ask for more female candidates to stand for council. The City of Gosnells can do better, and I will always seek for that to occur. Senior staff as well—we have so few female CEOs and directors, and I encourage more. Not everyone will run for council. I always look at the picture of Edith Cowan looking down on us and saying, “When will this chamber have more female members of Parliament? When will councils have more female councillors, or at least have a 50–50 balance that reflects the community?”

The member for Moore made a statement about council amalgamations in his speech on this bill. I would like to expand on an article titled “MacTiernan proposes council amalgamations to the dismay of the Nationals” from the

Avon Advocate of 8 June 2018. In the article the member for Central Wheatbelt blasts the Labor government for having Alannah MacTiernan as Minister for Regional Development because she lives in the metropolitan area and has no connection to the bush and is therefore not a very good Minister for Regional Development. The quote reads —

“Ms MacTiernan, whose electorate office is a stone’s throw from the Leederville cappuccino strip, was handpicked by the Premier for the regional development portfolio.

“The Premier must now be second guessing his captain’s pick for a metro member to be in charge of regional Western Australia’s most important portfolio.”

I notice that the shadow Minister for Regional Development and royalties for regions, Hon Jim Chown, member for the Agricultural Region, does not have an office in the bush. Jim Chown’s electorate office is not far from the Minister MacTiernan’s office; it is on Harvest Terrace, in West Perth. His office is certainly not in Moora or anywhere else in the regional community. I am responding to a statement made by the member for Moore in his contribution to the second reading debate. Please, Minister MacTiernan is doing an incredible job and she is an incredible advocate for our community.

I want to wrap up by saying once again that I believe we have the capacity through this bill to encourage incredible people to stand for local councils. When we ensure levels of accountability and transparency in government, we can find the best people. Again, our councils and our Parliaments will only be as good as the people who stand. We need to find, help and support local advocates who will be community champions. I call on nurses, workers, education assistants, school cleaners and gardeners to be activists and to restore the faith in our community and really ensure that people love and respect our local councils.

MR I.C. BLAYNEY (Geraldton) [10.28 am]: I will speak briefly on the Local Government Amendment (Suspension and Dismissal) Bill 2018. I have always been quite fascinated by local government. I respect local government and the people who serve in it enormously. I have never been a councillor, but over time I have come up with a universal theory on the level of government and public perception of its level of importance. My observations of my constituents are that most of them are fascinated by local government. They are far more interested in local government than they are in state or federal government. Looking across Australia, there is no doubt in my mind that the most important level of government is the federal government, because it had most of the big powers. It has defence, industry policy, taxation and currency—all those sorts of things—and, of course, these days it has most of the money. But to my constituents it seems to be the least important level of government. They are not engaged and they are not that interested. One federal member represents 60 per cent of Western Australia in what I think is the second largest electorate in the world. She has to work very hard and spends half of her life on aeroplanes. Perhaps that is part of the reason why people are not engaged. That member serves the area from Great Eastern Highway up to Wyndham, so she is not around very often. She tries very hard and works very hard. She has been elected once or twice and is a very good member.

There is some interest in politics at the state level and it has a moderate level of importance. I hope I will not offend anyone when I say that I do not think the role of the state government these days is as important as the role of the federal government. I might hurt some people’s feelings by saying that I do not think the powers held by local government are really that important; they are not matters of life or death. But, as I said, my constituents seem quite fascinated by the workings of the council and everything it does. I have often wondered why that is. I suspect that part of the reason is that councils send us a bill once a year whereas all the various bits of money that the state and federal governments take off us are pulled out of our pockets through the year and not all in one go. I suspect, as the local member of Parliament, that I would really cop it from my electorate if people got one bill a year from the state government that said, “These are all the bits of money that we are taking off you.”

I sometimes think that some people in local government do not really help their cause by indulging in ridiculous issues that I do not think anyone sees as their work, such as the proliferation of councils a few years ago that decided they were nuclear-free zones. How can they make themselves nuclear-free zones? They put up a couple of road signs that people would see as they drove into the council. Thankfully, none of them were in my area. I used to drive past those things and wonder whether that was arguably the most futile gesture that I had ever seen in my life. The other one that we went through a while ago, which is still bubbling away, is the issue of some councils, I think very foolishly, deciding that they should change the day on which we celebrate Australia Day, and whether or how we should celebrate Australia Day. It is not really their patch, I would have thought. Once again, that is the federal government’s concern.

One of the biggest issues that my local government is dealing with at the moment is a slightly long-term issue—that is, coastal erosion. The council cannot address coastal erosion itself because the sums of money involved are too large. Five spots along the coast of Geraldton are affected by coastal erosion. The previous government addressed the first one when it committed \$23 million, I think, to fix it. It seems to have done a good job. Because of the downturn in the economy, it came in at about \$15 million. We have another four points to go. The next one

is Drummond Cove, which looks like it will have a bill of \$4 million or \$5 million. The council has said to me that it does not have the funds to address this. That is the sort of extra expenditure that is needed in the regions—I acknowledge that it is not just in the regions—and it is where the royalties for regions program really came in handy. I will be very disappointed if a reasonable amount of money from the royalties for regions program is not put into coastal erosion down the track.

An observation I would make about my council is that it is quite regularly the victim of cost shifting from both the state government and the federal government. I am being as critical of the previous government as I am of this current government. In particular, at the moment I am concerned about the KidSport program, which has been one of the great successes of the last 10 years. It gets kids from less well off backgrounds playing sport and has been very successful in my electorate. The council has said to me that it cannot see how it can administer the program because the government has pulled away the administrative assistance. I ask it to look at the good that this does in the community and find a way to make it happen.

Amalgamation is a fascinating subject. I thought the blueprint that the previous government brought out for the metropolitan area was logically correct in what it wanted to do, which was to try to create communities about —

Mr D.R. Michael: Is that the current policy of the opposition?

Mr I.C. BLAYNEY: No. I think it is dead, buried and cremated, to use someone else's terms.

Mr D.R. Michael: Like the GST was?

Mr I.C. BLAYNEY: It was not the GST that was dead, buried and cremated.

Ms S.F. McGurk: It was industrial relations legislation—WorkChoices.

Mr I.C. BLAYNEY: Yes—anyway, I do not think it is Lazarus with a triple bypass either.

I think it was logical to try to build councils of a couple of hundred thousand people, with a business centre in each of them; it made sense. However, what makes sense on paper and what communities want differ, especially where local government is concerned because it is about communities and people. It appears to have died a natural death. When we were debating it in the last Parliament, I could not help reflecting that my recently amalgamated council in Geraldton—I think it was Geraldton–Greenough, but it might have been Greater Geraldton, when it amalgamated for the second time with another council—lobbed across the board an average 28 per cent increase in rates in one year on us long-suffering ratepayers. The small Town of Claremont, where I have a small unit for when I am in Perth, managed to increase rates by about five per cent. It sent that around on a small one-page flyer that was printed on recycled paper. I said to quite a few people, including the then Premier, that an amalgamated council had presented me with a 28 per cent increase in rates but the small inefficient council, which had just carried on business as it was and appears to be a very well run council and is quite pragmatic and businesslike in the way that it does things, had increased my rates by five per cent. If the situation had been the other way around—that is, if the Town of Claremont had hit me with 28 per cent and the City of Greater Geraldton had hit me with five per cent I would have been hearing about all the wonders of amalgamations saving ratepayers money. However, it was around the other way.

A lot of people in my community were absolutely furious that the promised benefits of amalgamation just did not happen. I remember looking with the mayor and the CEO at the old library that the city had converted into offices. It had a mezzanine floor on which a lot of desks and stuff had been put. I asked, “What's going up on the mezzanine floor?” The CEO said, “We'll be putting more members of staff up there. We haven't employed them yet but another 30 people or something will be going up there.” I thought: build it and they will come. If the council had extra space for bureaucrats, it was obviously the clear intention to keep adding to them. After the 28 per cent rate increase the then CEO became a bit persona non grata in town and did not apply for his contract to be renewed and left. The new people running the council have reduced the headcount by about 100 staff over five years, bringing it from 400 people back to 300 people. That is a huge effort and I pay them credit because they have really tried to run the place much better financially. I might add that they did not hand back the 28 per cent increase in rates but they are certainly making a hell of a lot more effort to try to restrain expenditure. To the council's credit, it got lobbed with three audits last year by the Department of Local Government, Sport and Cultural Industries and survived them. The council members seem fairly genuinely to be non-political. Most of us know whose allegiances lie where if they are political, but quite a few council members are not.

I was particularly disappointed at the last council elections when a member of Parliament decided to play favourites and give \$1 000 to a number of councillors. I think that is wrong. Members of Parliament, state and federal, should stay out of local government; they should not be playing favourites and handing cheques over to their preferred candidates. I say that as a person who lives locally, and it particularly galls me that someone who does not live locally, and is a fly in, fly out member of Parliament, thinks they can do that in my community.

I have heard numerous complaints about the current act, which I think was brought in by the Court government in 1995. I refer to this concept of a board of directors. I agree 100 per cent with the points made by the members for

Roe and Moore yesterday. I was at a function the other day, sitting in front of a council chief executive officer who was discussing his councillors with another CEO. I thought it was the most patronising load of rubbish I have heard in my life. He said, “All they’re concerned about is that they want to fix potholes and they worry about street signs. They are supposed to be setting the big picture and all this sort of stuff, and letting important people like me look after all the other stuff.” I thought, “That is not why people get elected onto councils. They genuinely want to fix things.” Quite often, and we all know this, the things that the community will thank us for are not the grand visionary projects, but something like an intersection or a pothole that needs fixing. If someone finally listens to the residents and fixes the problem, that councillor probably has a friend for life.

Mr J.E. McGrath: But, member, how is your city going to progress if councils do not have a plan for the future?

Mr I.C. BLAYNEY: They do all that stuff.

Mr J.E. McGrath: You need to have a plan for where your city is going to go. The state government doesn’t do that for you.

Mr I.C. BLAYNEY: We have a process up there called participatory democracy, and we have workshops for most of that vision stuff, so it is not just the councillors who do it; it is the whole community.

Mr J.E. McGrath: But it is driven by the council.

Mr I.C. BLAYNEY: Yes, the council puts it in place. What I am saying is that, I am personally not that comfortable with this concept that councillors, if you like, are completely removed from the day-to-day actions of the council. I do not think it is the reason they go on to the council in most cases. Certainly, out in the country they expect to be right into it. Obviously, they cannot direct the road crews or anything, but they want to be more deeply involved than just doing what Mr Keating used to call the vision thing.

One of my pet hates—the council has explained this to me a number of times—members may not be aware that in Western Australia, alone among all the states, if a council wants to put a line on a road, it actually has to apply to a committee of Main Roads, which takes six to eight months to decide whether the council is allowed to put a line on a road.

Mr P.A. Katsambanis: It’s madness, and dangerous.

Mr I.C. BLAYNEY: It is just unbelievable. I often think to myself, “You know, Ian, if you don’t get anything else done in this Parliament, maybe one thing you should set your mind to is doing away with this madness.” In other states, councils are given a book of guidelines for putting lines on the roads and told to get on with it. Councils have intelligent people who know how to do this stuff, but in good old Western Australia—wait a while—we have this process. Councils say to me that they just do not bother. It is all just a load of bureaucratic red tape nonsense, so they do not even worry about doing it. That is just one simple little reform that we could do, but I seem to be the only person interested in it.

There is also the situation in which councillors are not allowed to comment, but the mayor seems to have a free rein to discuss everything. I think that is a bit hard. I like to hear what councillors think. I saw an issue in one case about a conflict of interest. A councillor came in to see me and asked whether I could get him the rules on conflict of interest. I am pleased to say that the Department of Local Government, Sport and Cultural Industries was very helpful, and got back to me the next day with an exact answer for the councillor. In his case, the mayor and the CEO—they are both not around me here, so I can say this—were using that to try to shut this councillor down, because they knew he was probably the most financially hard-headed member of the council. They would have known what the rules were, but they were just trying to shut this councillor down. I thought that this was wrong, and there is a gap there if an experienced councillor needs to come to the local member of Parliament to find out the rules on conflict of interest. He did not know what the rules were, and I can guarantee that none of the other 13 or 14 councillors sitting around the table would have known the rules on conflict of interest. It was a very useful weapon for the mayor and the CEO to shut down probably one of the more effective councillors. I have to say that I was quite disgusted with the way they tried to do that.

I will be honest and say that I am not entirely comfortable with the minister having the power to dismiss an individual councillor, but I understand that it is probably the lesser of two evils. If the minister has no choice, and he or she must either get rid of the whole council or just get rid of one, I guess I can live with that. I am not comfortable with mayors being stood down with no pay. In some cases the income they get from being the mayor or the shire president is probably a big proportion of their total income. If they have to engage legal counsel to defend themselves, in some cases that would really push them financially, so I am not very comfortable with that either.

It is a very important level of government. In many ways, in the country in particular, it seems to me that councillors are the backbone of most communities and they deserve our respect and support.

MRS L.M. O'MALLEY (Bicton) [10.46 am]: I rise today to contribute to the debate on the Local Government Amendment (Suspension and Dismissal) Bill 2018. I congratulate the Minister for Local Government on bringing

this important bill to this house. It is a long overdue mechanism for dealing with individual members of local government, town or shire. Having been one of those representatives, I can see that it will bring with it many opportunities, several of which I will go into in more detail shortly. I would also like to take the opportunity to thank the minister for attending a City of Melville ordinary meeting of council last July and I acknowledge his constant championing of the local government sector. It is important at this point that I also acknowledge the value of the local government sector and the individual efforts and dedication that local government elected members bring to their councils and the local communities they represent in their roles as councillors.

Local government is the level of government that is the most accessible and in many cases the most obvious in our local communities. Yes, it is about rubbish, rates and local roads but there is so much more, such as investing in local infrastructure and supporting small business opportunities, sporting associations, community groups and organisations and community initiatives, such as the City of Melville's recent support of LoveFest, which I had the pleasure of attending. LoveFest looked at the challenges of living with dementia in a very different way, breaking down barriers and stigma around the issue. Local governments are the delivery point for providing greater connectivity and activation of local space, places and people. Like many in this house, I have served my community as a local government councillor. I look back on my time as the City of Melville ward councillor for Palmyra, Melville and Willagee with pride and gratitude and with firsthand knowledge that in most cases local government elected members are good people motivated by the desire to do good things for the local communities they represent.

I refer to one of the comments made by the member for Geraldton about the little things that local governments do, and his experience of a CEO being a bit disparaging of that brings to mind an experience that I had, and some words of advice I received when entering into my role as a local government elected member. Those words of advice were that I may not make a great deal of difference in the chamber necessarily, but I could make a great deal of difference out in my community. I credit the member for Fremantle with those words of advice. A slight example of that was a situation in which a community member contacted me to let me know that his wife had had a fall—they were elderly members of the community—on a little piece of uneven footpath outside their house. I was able to very quickly have that situation rectified by going directly to one of our directors in the area who looked after that issue. That was not changing the world in a big sense, but it certainly changed the world for that couple. That is an incredibly important thing that local governments are able to do for every member of our community.

What happens when the behaviour of individual councillors threatens to undermine the good work of a council? That is where this bill comes in. I again congratulate the Minister for Local Government for bringing the Local Government Amendment (Suspension and Dismissal) Bill 2018 to Parliament.

The Local Government Act 1995 states that the act provides a framework to scrutinise the affairs of local governments and regulate the conduct of officials within local governments. I would like to expand on the words "provides a framework" in relation to the importance of autonomy. Local governments are largely autonomous bodies that are able to do their important work because of this framework. This bill does not seek to remove autonomy from local governments. In fact, I see it as strengthening this framework. The key to strengthening this framework lies within the reform agenda in which this government is engaged through this amendment bill and the broader Local Government Act. The reforms within this bill are designed to greater protect the public interest and the local government system. This bill provides for a more targeted approach by giving the Minister for Local Government the power to suspend or dismiss an individual council member, thereby addressing a previous limitation in the act. It has been incredibly frustrating for all stakeholders when the only option available for change within council is the suspension or dismissal of the entire council. I believe it is widely acknowledged that that approach was at best deficient and at worst resulted in good people being lost from the local government sector.

The local government reform agenda, and in particular this local government amendment bill, provides many opportunities for the local government sector and the districts it represents. These include, but are not limited to, an opportunity to increase community confidence in the sector. Yesterday, the member for Thornlie talked about the need to increase voter turnout at local government elections. The only way in which we as individuals—I am speaking as a ratepayer myself—can make a difference in local government is by participating in that important vote when local government elections come around. It provides the opportunity to increase standards across the sector through the use of benchmarking, which will increase the capacity of local government to do good work across the sector, and to provide important training opportunities. It provides the opportunity for greater support and protection of individual councillors. Bullying and intimidation is apparent within the local government sector, and individual councillors often feel they are not able to make decisions without pressure. That needs to be looked into.

In dealing with the bad behaviour of individual councillors, the bill provides, importantly, for a process of procedural fairness. Procedural fairness will be accorded by giving the council member a show-cause notice to advise of proposed dismissal or suspension and/or the issue of a remedial action order, with the opportunity to

respond before a decision is made to proceed with the order. This leads to what I believe is the most important opportunity provided within the bill—the opportunity for early intervention and prevention. Again, training is key to this. Some councils do a particularly good job with their training programs and other councils do a not so good job. Therefore, this is a good opportunity to lift the bar across the sector. Further to procedural fairness, the council member will have 21 days, or such longer period as the minister allows, to respond to the proposal to suspend or order remedial action.

In closing, I would like to add my personal reflections to the comments made by the member for Thornlie in his earlier contribution to this debate. I thank the member for raising the issue of advice given to local government council members about impartiality declarations. The member for Thornlie spoke about how impartiality declarations may create a barrier for local government elected members in doing their job of representing their community. I am not suggesting that council members should act in breach of declaring an impartiality interest. I am raising my concern about how the Local Government Act is interpreted by councils and the underlying motivations behind how training on impartiality declarations is delivered to council members. I refer to a paper by McLeods Barristers and Solicitors headed “Council members voting with an impartiality interest”. In that paper, the issue of conflict between the statutory obligation to vote and the common law against bias is discussed as follows —

A controversy has been running in a number of local governments since the coming into operation of the LG Act in 1996, as to whether a Council member with an interest affecting impartiality in a matter before the Council should vote on the matter.

It is easy for all of us to look around our local council districts and think about some of the controversial motions that are put before councils in which the issue of impartiality raises its head, particularly in regard to community expectations. The article goes on to look at two different views. It states, quite rightly, that a declaration of impartiality does not preclude a council member from participating in debate and voting on the matter. From personal experience, that seems to be interpreted as “if in doubt, opt out”. A council member may choose not to participate in debate and therefore not vote. This could, of course, determine whether a motion that is up for debate is passed or not passed. The paper goes on to state —

But that position, in the absence of clear statutory provision, is directly contrary to a very well established principle of the common law, which will be referred to in this paper as the common law rule against bias. Under the common law, a decision by a body such as a local government Council is liable to be set aside as invalid if one of the council members was disqualified for bias, actual or apprehended ...

It goes on to state —

A Council member who believes he/she has an interest in a matter before the Council which is sufficiently significant to justify disclosure of the interest as affecting impartiality, runs a clear risk of being considered to have an actual or apprehended bias, and on the principle mentioned above, that bias in the absence of statutory provisions to the contrary, could result in the Council decision on judicial review being set aside as invalid ...

My experience of the way in which this was relayed to me through induction training is that councils tread a very fine line between councillor education and councillor control. Community expectation is that local government elected members are fully engaged members of their local community. I believe the issue of impartiality presents a challenge to this. However, it also presents an opportunity for reform. I commend the bill to the house.

MR Y. MUBARAKAI (Jandakot) [10.58 am]: I thank members for the opportunity to speak on the Local Government Amendment (Suspension and Dismissal) Bill 2018. I, too, congratulate the Minister for Local Government, Hon David Templeman, for bringing this bill to the house, and for his hard work in reforming parts of the local government sector in which change is long overdue.

As members of this house may be aware, like a number of my colleagues here, I cut my teeth in the local government sector, having served as a councillor for the City of Cockburn east ward for four years. That was definitely an honour and an opportunity I cherish to this day. It was an absolute privilege to serve on the council and during my term I had the opportunity to get involved in a vast range of activities, from financial audits to building Western Australia’s largest recreation and aquatic centre, as well as working with councillors from my and surrounding local governments on a range of issues. I like to think I have gained some valuable firsthand experiences relating to the sector widely and to the matter at hand, which is individual councillor conduct.

Local government is the closest tier of government to the public, and as such, acts as a direct reflection and representation of the people who live there. Local government is the place in which, rightly, every expenditure is scrutinised, and services and facilities provided are a direct response to community need. This familiarity brings many benefits in that local councillors have their ears to the ground and can often best truly appreciate the needs of their community and therefore become strong advocates for the community. Every day I see the fantastic outcomes of work done by local government. Recently, I was at the opening of the City of Armadale’s new dog

park, a facility that the community had been eagerly anticipating. Soon I will also be attending the opening of a new pavilion in Piara Waters, a place where families will gather to watch sport and that community groups will utilise for events that bring people in the community together.

It is widely acknowledged that the old saying of the three Rs—rates, roads and rubbish—once used to describe the role of local councils, has been completely smashed out of the park by the expansion and depth of services facilitated by local councils, particularly our growth councils in my electorate of Jandakot. Councils are called upon to do more, and generally speaking they do an excellent job. I cannot speak more highly of the work of the five local governments in my electorate—the cities of Canning, Cockburn, Armadale, Gosnells and Melville. In order for councils to continue to perform highly, to budget and to spend ratepayers' money wisely for the direct benefit of the community, they need to work unimpeded. This is because every time there is a bump in the road, so to speak, time and resources of the local government are diverted away from its core business of serving the community. Councils operate with a tight belt and they operate to serve the community. Any interruption means less time focusing on the community's needs, and when that interruption is unfortunately the result of poor councillor conduct, there is a big problem. We have seen, unfortunately, in recent years, increasing incidences of conduct by elected members that is not up to scratch and that is not acceptable in the eyes of the community or in the eyes of their fellow councillors or local government colleagues. Until now, our hands have been tied in acting adequately on this poor individual behaviour. Every council has a code of conduct that every councillor must agree to adhere to at the start of their term, but the ability for councillors to enforce the code is not adequate, particularly if a breach of the code does not clearly align with a breach of the act. The reforms proposed by this bill, giving the minister the power to suspend or dismiss an individual councillor who is not performing their role adequately, are not before time.

I can tell members firsthand that when an individual councillor behaves poorly, behaves in a way that is not in line with the expectations of the community, it creates a big impact within the council and it takes up precious time and energy in dealing with that situation, because until now there has not been the avenue to deal with these situations adequately. It can very quickly lead to a drop in morale within the council and a lowering of reputation and standing for otherwise strong councils within our communities. At the moment it is up to the individual councils whether they have a popularly elected mayor—that is, a mayor elected by the community—or a mayor selected by the council. It is my view that all councils should adopt the popularly elected mayor approach, because it eliminates nepotism, which we know can lead to outcomes that are not community focused. Social media behaviour by councillors should also be included in the code of conduct and be scrutinised for bad behaviour or causing disruption to council matters.

I welcome these reforms and I know that councils welcome them, too. I recommend the bill to the house.

MR D.A. TEMPLEMAN (Mandurah — Minister for Local Government) [11.05 am] — in reply: I respond to the second reading debate on the Local Government Amendment (Suspension and Dismissal) Bill 2018. I thank all members for their contributions to the debate, and I am really pleased that we had a number of contributions from members on all sides of the house. I want to underpin that with the comments by many of their support for local government, their understanding of the importance of local government to communities in Western Australia, and the importance in having a functional, effective and efficient decision-making body for their local community in their local councils. A number of members highlighted to the house the complexities for some of our regional members, in particular, but also some of our metropolitan members, who have multi-numbers of local governments to respond to and work with. I think the member for Moore was pipped at the post by the member for Roe in number, who I think said he had 18.

Mr R.S. Love: Yes, he was one more council.

Mr D.A. TEMPLEMAN: He has one more council than you. How many do you have?

Mr R.S. Love: I have 17.

Mr D.A. TEMPLEMAN: With 18 being the member for Roe's count. That in itself is a challenge for a local member to respond to and indeed work with when they have that number. Certainly, I am fortunate that I have only the City of Mandurah and the Shire of Murray to deal with. I have two councils to deal with, because I take in the west Murray section, which is the part of the Shire of Murray, and confirms my regional status in this house. Several members interjected.

Mr D.A. TEMPLEMAN: That is why there is strong bipartisan support, by the member for Dawesville and myself, for the continuation —

Mr F.M. Logan: Mention royalties for regions!

Mr D.A. TEMPLEMAN: Can we not attack me? Can you stop interrupting me while I am interrupting you?

Let me get back to my line of comment regarding the importance of the regional context. That is why there is strong bipartisan support with me, the member for Murray–Wellington and indeed the member for Dawesville in

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maintaining that regional status. That is very important for communities there. But I want to highlight and thank members for their positive comments about local government and the importance of the level of government.

This bill before us is, in the view of the government, an important mechanism that I hope as minister in my time and future ministers either never use or if they do use, it is in very, very severe circumstances, particularly the elements that relate to suspension and the most severe course of action as outlined in this bill—the dismissal aspect. I want to underpin to all members the importance of what this bill does, because those two actions should be the last action. The other enabling elements of this bill allow for requests for training, additional training or remediation et cetera and that is an important component of this bill that I do not want members to gloss over or not reflect upon.

Many members made the comparison of course or highlighted the difficulties that the current act delivers to the minister of the day with addressing issues when they start to become and indeed become corrosive or impact on the capacity of the local government to deliver good quality decision-making and function. I note and remind members that the act is under review and it is very important that we review the act. The members for Geraldton and South Perth, along with some other members in this place, also highlighted that.

In the dying days of the Barnett government, as opposition spokesperson at the time, I raised the need for a reform of the act at a couple of forums. The then minister, the former member for Wanneroo, was not of that opinion. I think that was wrong. We took to the March 2017 election a commitment to review the act, which, as we know, is over 20 years old. It was conceived when internet was in its infancy and the old town clerk system transitioned to CEOs. A range of matters were debated through quite a long process that established roles and responsibilities and elected members versus the non-elected executive members of a council. The reality is that the world has moved on and we need legislation that is modern in its context, enabling in its capacity and ensures that local governments in Western Australia are transparent, reflective of their community, and can deliver modern governance to their local communities. Many who assess the current situation would arrive at the conclusion that in a number of cases that is not happening. I accept that. That is why we need reform.

We also need to ensure that through legislation and regulation we provide capacity for the overwhelming number of people who are elected members and who come at the job with all good intentions. I reflect that a number of members in this debate highlighted that in their assessment. Many members probably look at their own councils—in the case of the members for Roe and Moore, they would have over 100 councillors in their jurisdictions—and they generally assess them as trying to do their best. Of course, underpinning that assessment and that capacity is the act that they are required by law to respond and adhere to, because it is a statutory piece of legislation conceived by this house for the third level of government. In these debates, we also need to recognise the differences between local government, state Parliament and federal Parliament. There are differences. Quite often, local government—I can understand the argument—will say, “Well, why can’t we be treated like you?” The reality is that they cannot be. The reality is that by the laws that are conceived and passed by this house, there is a difference. It is argued strongly, and I agree, that local governments are closest to their communities. Therefore, an even greater level of transparency and accountability is required.

I will go through a couple of the comments and contributions made by members and respond to some of the questions that member for South Perth and others asked. That does not mean that I do not need to relate to those at the consideration in detail stage. I thank the member for Carine for his contribution, but I caution him, as he was cautioned today in two reports to this place, about coming into this place and commenting on conversations or meetings that have been had et cetera. We will have a debate later about issues around privilege. I do not want to go into that now, but when we make comments about people, they have to be factual. It is important. I preface that.

The member’s contribution highlighted a range of issues about the review process that I think are valid and the issues associated with the current review. His questions related to aspects of the review and how that might be achieved. With regard to consultation, I have to tell members that the review of the Local Government Act is a highly consultative process. We have some traditional antagonists around the table. I want them there. I want them to make their contribution on behalf of those whom they represent and put forward forcefully their concerns about what a modern piece of legislation may look like. I think that is important. The member for Carine indicated that the opposition will support this bill, but we will have some discussion at the consideration in detail stage and I accept that.

The member for South Perth made an outstanding contribution, as he normally does. He is a man of brevity, but those brief words that he utters in this place on a regular occasion are very frequently wise and well based, and I mean that sincerely. Maybe that is how he got a pavilion named after him. I must think about how I respond to my council and hope that one day the “Templeman Stadium” will rise over Rushton Park.

Mr Z.R.F. Kirkup: We’re going to get you a bronze statue.

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Mr D.A. TEMPLEMAN: I will accept a bronze statue. I would want one with much more hair, of course. I want the people of Mandurah to see me forever as the eternal Fountain of Youth. I digress.

The member for South Perth highlighted a number of questions. I will go through those briefly. I am happy to give the member further advice if he wishes. The member for South Perth asked about the number of councillors who have been dismissed since 1995. Since 1995, the number of councillors who have ultimately been dismissed is four. They would have gone through the process under the act, which would have led ultimately to a recommendation to the Governor for dismissal.

Mr J.E. McGrath: That's not many.

Mr D.A. TEMPLEMAN: No. The first was in 1999 in the City of Cockburn for a failure to provide good government evidence of lawful actions, decisions and conflicts of interest et cetera; they were the bases that led to the dismissal. In 2003, a City of South Perth councillor was dismissed.

Mr J.E. McGrath: We have learned our lesson.

Mr D.A. TEMPLEMAN: I am glad of that. In 2005, a City of Joondalup councillor was dismissed and then, of course, the most recent was a councillor from the City of Canning in 2014. The member for South Perth then referred to the issue around dysfunction. I think we probably need to speak about this a bit more at the consideration in detail stage, but the general response refers to when a minister would be able to use one of the new suspension powers contained in the bill instead of dismissing or suspending the entire council. In recent times, there was considerable dysfunction within a shire with both the council and the administration. This is just prior to this government. It was in the previous government's last term. The minister of the day issued an order for council members to undertake training. One of the councillors expressed a view that training was a waste of time and refused to do it. That is an example in which the minister may then consider using the powers that are proposed under this bill to address that recalcitrance. Back then and currently, there is no compulsion for an individual councillor to respond to such a request even though, at that time for that shire, the individual was causing increasing difficulties.

Mr J.E. McGrath: It might be difficult to force someone to take training though, all of a sudden.

Mr D.A. TEMPLEMAN: If we essentially move down the line of having a universal training benchmark with a minimal standard, it will be a requirement, so anyone considering putting themselves forward as an elected member would need to be cognisant that a universal minimal standard of training is required to be achieved. That has been discussed in the first phase and I will bring to the house at some point recommendations regarding that matter of training. There is a general consensus, and it was mentioned by a number of members in this place during their contributions to the second reading debate, for a mandated minimum standard of training. I strongly support that. There are issues around the budget, governance, understanding the act and people understanding their roles and responsibilities compared with the roles and responsibilities of non-elected people. I think there should be a minimum standard. I will bring that back to members once the first round of information, which we have concluded, has been compiled through recommendations.

In the case I mentioned, the individual could have been suspended, allowing the rest of the council to remain. If this legislation had been in place back then, we would have been able to say, "Councillor A, I'm ultimately going to serve notice or request that you reach a standard of training and/or mediation" or whatever, but I could have dealt with that councillor separately. If it meant a suspension, then during that period of suspension, that councillor would no longer be able to participate. The council could get on with its job and we would address the individual.

I refer to the concept of not consulting. The member for Carine highlighted that I have not consulted in the spirit of the agreement. I will put on record again that it was the local government sector that requested me, as minister, to have the power to address this issue of individual councillors. Discussions have been going on for a long time including back in 2011 when it was first raised through endorsed motions at zone meetings and/or the final state council of the Western Australian Local Government Association. Who was in power in 2011? It was not us. Was there any movement on this issue during the former government's term? No, there was not. Sorry, the member is wrong again. Consultation continued and, in fact, I have seen records of state council resolutions that go back to 2000 and I think even further. They highlight that WALGA has been requesting a response to this issue for some time. Members opposite did not do it in government. Instead, the member for Moore was more focused on forced amalgamations.

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: The member for Moore was part of the government.

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: I did not see any motions come before the house that he voted on opposing his alliance—showing that he was going against his alliance partners.

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: You might be a bit more mouthy now that you are no longer apparently in an alliance, but you were not back then. You were a little pussycat, sitting over there, thinking, “I’m not saying anything because we don’t want to upset the alliance”! Your members already had their own cabinet meetings before they went into the real ones, but the reality is that you did not do anything.

Mr R.S. Love interjected.

Mr D.A. TEMPLEMAN: You failed. Do not come in here and have a go at me about the Minister for Regional Development when she makes some comments. The fact is that you were a pussycat, sitting on the lap of the Liberal Party when it was trying to amalgamate councils. That is the reality.

Mr R.S. Love: We stopped them from doing it!

Mr D.A. TEMPLEMAN: You did not stop them from doing it; we did, because we got elected! We went to the people and said, “We’re not going to amalgamate councils. We want councils to work together closely and collaboratively and we want them to do it because they’re going to have to.” We know that many councils have limited resources and they are going to have to work closely. I highlighted to the house yesterday an example of a regional council that works with a metropolitan council. There is one from the member for Moore’s area—the Shire of Morawa is working with the Town of Victoria Park. It is about to embark on a partnership that will look at supporting services.

Mr I.C. Blayney interjected.

Mr D.A. TEMPLEMAN: I do not know whether we could amalgamate Morawa with Victoria Park; it might be a very fine boundary line we have to follow. It would be interesting. It is an interesting concept, member for Geraldton. The member for Geraldton does come up with interesting concepts.

Consultation with the Western Australian Local Government Association and the Local Government Professionals Australia has continued and is endorsed. The member for South Perth talked about definitions of “disruptive” or “undermining”, which I referred to in my second reading speech. The second reading speech gives a summary of the provisions in the bill and an overview of our policy. The powers that these words refer to will appear in new section 8.15E. I refer the member to that section so he has a chance to read through it. When we come to the consideration in detail stage, I think we can explore that further.

Regarding legal costs, there was a good question about if a local government council is suspended and seeks legal advice, whether an individual council member is responsible for their own costs. The cost will not be borne by ratepayers, which I think is an important point. Members also asked whether there were safeguards to deal with vexatious complaints by one elected member against another and whether there is a requirement for serious complaints to be endorsed by the CEO or another third party. These provisions will not be brought into force by one council member complaining about another, whether vexatious or not. The provisions are about a council member failing to perform their role, functions or duties. I think it is an important concept. I am sure this will come up during the consideration in detail stage. If we look at the current process that deals with councils, there is a lot of criticism and I get it; people ask, “How come you can’t sack them now? Sack them now!” We get people who say, “My council’s dysfunctional; I want them sacked, now!” They do not necessarily say it in that sort of tone but some of them do. The reality is that the Local Government Act, for good reason, has a high bar that must be reached, which can then trigger a response. It may end up in a dismissal, suspension or an inquiry panel. Members mentioned earlier how many of these cases there have been. The number is very small. Why is that? It is because the benchmark has been set high and it should be set high. The same principles relate to this bill for an individual because there are issues of natural justice that need to be adhered to under law. I accept that and appreciate that. Of course, essential to the ultimate recommendation that may lead to a dismissal—remember, that is the last resort—is advice upon advice. The minister of the day must require advice and be satisfied. In the same way, with regard to the City of Perth, the advice I received had to allow me to draw the conclusion that a certain course of action was required. In that respect, with regard to an individual, this bill essentially mirrors the current processes. That is why I do not believe we will see very many of these leading to the severest of outcomes, but it reminds elected members of the importance of the roles and responsibilities that they bring to the council chamber. They need to be mindful of the impact of issues and modern methods and technologies and how they can influence the decisions they make. I hope that answers some of the member’s questions, but I am happy to consider them further when we come to the consideration in detail stage.

I thank the member for Roe for his contribution. He said that he supported the spirit of this bill but was concerned about the clarification of the roles and responsibilities of elected members. He highlighted a couple of examples of when a member might be elected to council on a single issue, how that relates to what they respond to, and how they act, behave and conduct themselves in debates et cetera. Again, the issue of roles and responsibilities is canvassed in the review process, but I understand where the member is coming from. Along with a number of other members, he also highlighted that many of his concerns were not about elected members but about council

officers. That is an issue that has been raised by a number of people. I again assure the member that roles and responsibilities are part of our considerations in the review. Currently, the council employs the chief executive officer, and the CEO is responsible for employing the other officers. But I am not stepping away from the fact that there is indeed tension between elected and non-elected members, and it is an issue that we need to address. A number of members in this place have highlighted that issue. I think there is an important message there for the professional body to look at what they are doing and to work with their representatives on that issue and on the status of their profession in the context of the new legislation and, indeed, in the context of the increasing complexities and challenges for local government in Western Australia.

I thank the member for Thornlie for his contribution. He really is one of the most thoughtful people; I really enjoy listening to the member for Thornlie because he is always able to highlight a range of issues that impact on his community, and his understanding of his community is very deep and thorough. I appreciate his comments. He highlighted another issue that comes up regularly about mayors or shire presidents being the only authorised spokespersons for councils and the tensions that arise when elected members feel strongly about something and want to speak out and say something about it. It is an issue and, again, it has come up in the review process, but I thank the member for Thornlie.

I cannot comment on the concerns of the member for North West Central because the matter is currently before an authorised inquiry of the department. He highlighted a range of concerns about the Shire of Carnarvon. As he outlined in his speech, I have said to him that I have taken some action with regard to further investigation of some of those matters, but currently the department is undertaking an authorised inquiry into the Shire of Carnarvon, and I will not interfere with that at all; that needs to run its course.

I want to thank the member for Moore, who —

Mr R.S. Love: Belatedly!

Mr D.A. TEMPLEMAN: Belatedly? I did not attack the member, I just savaged him, slightly, with kid gloves!

The member for Moore outlined a number of concerns about appropriate checks and balances, and I think that is a very good point. Again, that comes back to my comments regarding the high threshold bar that has been set in this bill. He also said that he would raise some matters during the consideration in detail stage, which I am very happy to consider. I appreciate his contribution.

The member for Southern River quoted himself on numerous occasions, which I think is always great! He talked about his experiences as a local government member and, indeed, his advocacy for greater transparency and accountability for his council in respect of gifts. In that regard, I want to pay tribute to the member for Perth. In his former life as Mayor of Vincent a few years back he took the “Raising the Bar” discussion paper to a Western Australian Local Government Association annual general meeting. I think that pre-empted the issue of gifts and transparency. In hindsight, had consideration been given to what the former Mayor of Vincent, the now member for Perth, sought to do, it would have addressed a whole range of issues. Whether it is WALGA or local government professional organisations, they need to get on the front foot and lead on reform and address some of these issues and come up with solutions rather than leaving it for the state government to come in on. I think that is really important. I thank the member for Southern River. I agree that the issue of drawing a mayor’s name out of a hat is a little bizarre in many respects. I am looking to my advisers; I think we are looking at the elections issue in phase 2 of the consultation.

I thank the member for Geraldton. He highlighted some historical issues relating to the formation of the council that now takes in the greater Geraldton area. He mentioned rate increases and the impacts they have had on communities, and the advocacy he pursued to his then government on that issue. He also highlighted what he believes to be the qualities of a good elected councillor and gave his observations about the conduct of local government electors, how they really need to understand what that role is and how it is perceived by their local community. I appreciate the member for Geraldton’s comments.

The member for Bicton is a former councillor of the City of Melville and in support of the legislation she talked about the roles and responsibilities of local government members, as did the member for Jandakot, who was also a very well liked elected councillor for the City of Cockburn. He related some of his experiences as an elected member and his appreciation of the learning that can come from being a member of local government transferring into a place like this.

There are a few members in this place who have experience as elected local government members. The member for Kingsley previously worked for a local council as a planning officer, I understand, and that brings good experience to this place. A number of members have local government experience. To my knowledge, only one member of Parliament, who is currently serving, has served at all levels of government—that being, Hon Alannah MacTiernan, member for the North Metropolitan Region. She has served as a City of Perth

councillor, Mayor of the City of Vincent, a member of both houses of the Western Australian Parliament and indeed she had a short stint as the federal member for Perth.

Mr J.N. Carey: She's been everywhere!

Mr D.A. TEMPLEMAN: I am not sure whether she has served as the president of the local toy library or anything of that nature at other levels, but that is quite an achievement. It is very rare for someone to have served in all levels of government.

Dr D.J. Honey: She needs to get on the Senate.

Mr D.A. TEMPLEMAN: You never know; do not tempt her. She can be tempted into a lot of things, but I do not know that the member wants to tempt to her with that!

I thank the member for Jandakot. I will speak for a short period to conclude, but I remind members that the bar for taking action on individual members is set very high in this bill, as it is in the existing Local Government Act. A range of opportunities are open to the minister through this legislation to try to address behaviour or conduct that ultimately, after due process has been followed and concluded, can lead to the dismissal of an individual elected member. I believe that the bar is set appropriately high enough in this bill to ensure that if thresholds are reached, that course of action can be followed. The very nature of having this addition to the Local Government Act that will allow for an individual's behaviour or conduct to be addressed is a mechanism that will remind any elected member of the very important responsibilities that come with the role of being a councillor.

I am very pleased that we saw an increase in voter participation in the local government elections last year, in October, but it is still very low. It is just over 30 per cent, but that is very low. I think that says something about what we all need to do collectively about promoting and encouraging participation in local government elections in the future. The member for Southern River highlighted that we want to see that our councils reflect the general communities they represent. We want to see more women, younger people and people from various backgrounds on councils. We want to see people who are genuinely committed to participating in their local government and their local communities as an elected member and a local leader. I think this is really important. I see members of council as key important leaders.

This is a bouquet to local government, and I mentioned it at a meeting I was at only last week. We need only look at some very recent tragedies and emergencies in Western Australia and it has been the local government that has been the first responder and importantly shown leadership to bring the community together when such occasions have occurred. I give the example of the family tragedy in Margaret River recently. Ultimately, that community did not look to the state government necessarily or the federal member to respond, it looked to its local government. I admire and pay tribute to the Shire of Augusta–Margaret River president for the response that that leader made. It is difficult because when people are in grief and faced with trauma and tragedy they look for some leadership. I am pleased that the Premier almost immediately went to Margaret River during that event, and it is important for the state leader to do that, but ultimately when there is a trauma or tragedy, or an emergency, it is the local government that will respond.

Invariably, local government has responded brilliantly. We need only look at the recent bushfire emergencies over the last five to 10 years, including the very recent ones. The responses by the Shires of Murray and Harvey to the Yarloop fires. Again, the local community and the local government responded. They have a statutory responsibility under the emergency procedures, but ultimately it is that they are there and a part of the community and they respond—and they were outstanding. We should always remember that that is one of the wonderful positive aspects of local government in our state. Earlier, we saw the response of the former Mayor of Armadale during the Roleystone fires and the Mayor of Gosnells at the time, Linton Reynolds, who became a commissioner for the City of Canning. Mayor Reynolds, as he was then, responded remarkably. But there are many examples of that and we must never forget that that is an important part of the role of local government. It is not stated in the Local Government Act but it is a responsibility that is enabled.

I thank members for their contributions to this bill. I look forward to addressing any questions and further consideration during consideration in detail of the bill.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.