

SELECT COMMITTEE INTO LOCAL GOVERNMENT

INQUIRY INTO LOCAL GOVERNMENT



TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 3 AUGUST 2020

SESSION TWO

Members

Hon Simon O'Brien (Chairman)
Hon Laurie Graham (Deputy Chairman)
Hon Diane Evers
Hon Martin Aldridge
Hon Charles Smith

Hearing commenced at 3.15 pm

Mr DUNCAN ORD

Director General, Department of Local Government, Sport and Cultural Industries, sworn and examined:

Ms DARRELLE MERRITT

Acting Director, Strategic Initiatives, Department of Local Government, Sport and Cultural Industries, sworn and examined:

Mr GORDON MacMILE

Director, Strategic Coordination and Delivery, Department of Local Government, Sport and Cultural Industries, sworn and examined:

The CHAIR: On behalf of the committee, I would like to welcome our witnesses here today. This hearing will be broadcast, and I will ask for that to commence now. I now ask each of you to take either the oath or the affirmation, please.

[Witnesses took the oath or affirmation.]

The CHAIR: You will all have signed a document entitled “Information for Witnesses”. Did you read and understand that document?

The WITNESSES: Yes.

The CHAIR: These proceedings are being recorded by Hansard, in addition to being broadcast on the internet. A transcript of your evidence will be provided to you. To assist the committee and Hansard, I ask if you could quote the full title of any document that you might refer to during the course of the hearing for the record. Please note also that the broadcast will be made available for viewing online after this hearing, and please advise us if you have an objection to it being made available in that way. I remind you that your transcript will in due course be made public. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in private session. If the committee grants your request, any public and media in attendance will be excluded from the hearing—not that we have a packed gallery in these COVID-19 times, but obviously if we were to go into private session, that would include cancelling or suspending our broadcast. Until such time as the transcript of your public evidence is finalised, it should not be made public. I advise that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt and most practically may mean that the material published or disclosed is not covered by parliamentary privilege.

Mr Ord, I think we indicated before the meeting the nature of our follow-up questions today, but I will ask if you want to make an opening statement.

Mr ORD: Thank you, Mr Chair. No, we are very comfortable to just answer questions, thank you.

The CHAIR: Thank you for that. In that case, let us proceed directly to those questions. They are a bit of a mixed bag, because we are at a stage of our inquiry where we want to clarify some important matters that variously might need to be put to you for a response or information obtained to make sure that we have it right. As I say, they are a mixed bag, but I am sure you will be flexible as I jump around the various subjects. My first question relates to a hearing back in August last year when Mr Ord acknowledged concerns about an imbalance between the department and WALGA regarding

providing advice to the local government sector, and indicated that the department was looking at strengthening its ability to provide advice. My question is: what steps, if any, has the department taken since last August to strengthen its ability to provide advice to local governments; and is the department doing anything to strengthen its ability to provide advice to individual council members?

Mr ORD: Thank you, Mr Chair, for the question. The department has not gained more human resources since the last time I addressed the Council, nor have we lost human resources, although of course there is a range of priorities, and particularly COVID has obviously impacted on our activities considerably. We have primarily focused on, I guess, the efficiency and effectiveness of delivering those resources. When I first appeared before the committee, I acknowledged that we were still going through quite a considerable amount of work post machinery of government to bed down the agency and to look for ways of making information more readily available. One of the mechanisms we did was the complete revamp of our online presence through our web, social media and other infrastructure. In particular, I was very aware that people found it difficult to navigate the process by which they could bring to the department in writing complaints and questions, and have them resolved in a timely way. We were struggling with our response rates, so we constructed a portal to make it very easy for people to navigate it and lodge questions and have them responded to quickly. That also meant, of course, having those monitored on an instant basis and addressed as they came in, including registering whether they were a formal complaint or a question. In fact, sometimes you even get some positive responses; people write to you and say, “Well done; you did something nice for us”—not very often, but occasionally!

[3.20 pm]

So that has worked well for us. We also instigated greater policies around tracking inquiries and ensuring that we provide timely responses to those, particularly those that were formal, technical questions of the department and on legislative matters. We also have established a hotline for phone-in queries, and, again, particularly during COVID, that has been proven to be, you know, very useful. We continue to work closely with WALGA and LGPro to share information on what are the hot-button issues that people are concerned about, and ensuring a consistency of approach in terms of the sort of advice that we would give. And we have had a joint working party with WALGA, particularly throughout the COVID period, so that questions that were coming in and either way would be dealt with, and, again, consistent information. So I have put out a record number of circulars and other information where we try to get ahead of the game and that appears to be meeting the needs of many local governments where they previously maybe had not had as many circulars on policy procedures and other information.

We have made a lot of amendments to the act, obviously, over the last six months to deal with COVID, and it has been a test for us to ensure that we could get that messaging through local government in an appropriate, accurate and timely manner, and I think that has been achieved. So I am hoping that it does not take a crisis in future to make us as responsive as we have been, but having, I guess, got that well worked out within the department, I am now confident we can now provide that service ongoing.

The CHAIR: I recall—jumping into number 7 here—back in August last year, you were alluding to some of these matters, as well, talking about new information channels and so on, so thank you for that update. But also, it prompts me to note that we have heard throughout the inquiry that members of the public may find it difficult to navigate the range of state agencies and bodies that deal with complaints relating to local government. And we have just heard from you about the new information channels that you have been alluding to, so thanks for that update. But that prompts a

further question I will just float with you. Should the department be a single point of lodgement for all complaints relating to local government? Is that a question you have mulled over or might like to address?

Mr ORD: We manage complaints related to local government legislation and, obviously, as well, the Local Government Act. We have a range of other legislation—cemeteries, caravan parks, off-road vehicles and so on—and so matters that come before us that relate to legislation that we are responsible for, then we do consider we should be the single point of contact for that even though there are intersecting other agencies that have an involvement in some of those pieces of legislation, like Health with cemeteries and so on.

In the case of the independent oversight agencies, Auditor Generals, Information Commissioner, the Ombudsman, the CCC and so on, we do refer people to those. In the web portal that we created, we do actually explain what their role is. So if you come in not sure whether your complaint should go to us or go to an oversight agency, then we do try to explain that and give those links through to them, and we will provide advice if people contact us and say, “I wish to make a complaint and it is about ‘X’”, and if it is not appropriate for us under our legislation, then we would not take the complaint, knowing that it was not one that we should have and we would try to provide that advice that you should go somewhere else.

But, of course, local government also deals with a large amount of other legislation—building codes—of other agencies, and we are not at a point where we feel confident that we could take on all matters of legislation that fall under, or intersect with, local government. Planning is one that has a large amount of complaints and there is a well-defined process for making complaints under the planning act, so at this stage we do not see ourselves as a complaint portal and that would certainly stretch our capacity to provide the service under our legislation if we attempted to take that on.

That said, I think the move by the government to try to concentrate most of people’s focus on wa.gov.au as a single gateway into government and the work on a single services portal will probably mean that we will head down towards that over the coming years as more agencies migrate onto the same platform.

Hon CHARLES SMITH: Mr Ord, in terms of handling complaints coming through the department, do you have dedicated staff for handling complaints in each kind of area like building codes, local government meetings or is it just dished out on a basis as the complaints come in or do you have those dedicated staff?

Mr ORD: Well, yes. So depending on the nature of the complaint, generally we have correspondence and complaints go through a single part of the department. If it is for matters that would fall under investigations—minor and serious misconduct—then they would take up that complaint and assess it. So we do have staff to do that. If it is clear that it is around legislation, it would be then sent through to Darrelle’s office or something like that to assess. So we do not have, if you like, a full-time complaints management team that simply do complaints; it is sort of coordinated through the director’s office that supports the head of regulation.

Hon CHARLES SMITH: How many investigators does the department have?

Mr ORD: I think at this time we have four dedicated and a manager of the unit.

Hon CHARLES SMITH: Okay. Cheers.

[3.30 pm]

The CHAIR: Back in December last, I think you told the committee that there are no plans to release a new edition of the WA local government accounting manual and that the outcome of the Local

Government Act review would determine the content and format of any new financial management guidance material. But the new act is a long way off and some elements of the manuals that I am referring to are getting a bit dated, so, notwithstanding the review of the act, is there any possibility that the WA local government accounting manual might be reviewed and updated?

Mr ORD: Mr Chair, this really has been the subject of some commentary from the Office of the Auditor General in their review of local government reporting last year, and they have made a number of recommendations around the potential for the department to improve its advice on these matters. We, of course, are going to respond to that Auditor General's report. We are not quite there yet. As I indicated, COVID has redirected our attention a bit lately, but we will get back to it. The Auditor General has also undertaken an audit of the department's regulatory functions. While that has not yet gone to Parliament, I think it would be reasonable for me to say that I am aware of its findings and it does indicate that OAG believes we have quite a long way to go to improve our responsiveness to how they think we should be responding to some of these matters. So, given where they saw shortcomings through a series of audits of the local government sector itself, and then they have audited us, I think they have indicated the space in which they believe we should move in order to give greater assurance to the sector. That is a longwinded way of saying, I think, Mr Chair, that I would be happy to be reviewing those standards, and that would address the findings of the Auditor General's report.

That said, there are some recommendations about us providing accounting advice, which I would be probably seeking more guidance on, because, obviously, the principle of the Local Government Act is that they are autonomous entities, and we do see it is very important that local governments themselves take appropriate, independent legal advice and financial advice when they are making complex decisions. I think we can provide some clear understanding of how they should, you know, review their financial performance under the conditions of the act, but I would not want to get in to giving specific accounting advice on a particular technical matter, particularly about how they might treat assets or undertake borrowings or risk assessment and so on.

The CHAIR: That was certainly one of the recommendations from the OAG. They made some others as well about reassessing the amount of detail required to be included in local government annual financial reports and, indeed, on a related matter, to reassess whether smaller local governments be permitted to report some asset classes such as plant and equipment using the cost model rather than periodically having to revalue those assets. How would those recommendations be treated? Is that a policy change required or a legislative change?

Mr ORD: It is not in legislation, I believe.

Ms MERRITT: It will be a bit of both. Some of that is the legislative requirements and so they could be picked up through the act review that will be looking at the reporting and financial statements.

The CHAIR: Does the department have a view about whether those particular recommendations ought to be picked up to make life simpler for some local government?

Mr ORD: If I can answer first and then maybe passed on to my colleague. One of the big issues people have been asking about for a long time is: should there be differentiation in the requirements under the act for larger local governments versus smaller local governments? Conversely, of course, when you are looking at risk and performance, often smaller governments can get themselves into essentially existential risk from a relatively smaller failing from a governance perspective or some financial decisions. We have to be very careful in balancing reducing reporting and compliance requirements under the act and then inadvertently creating a situation where more smaller local governments get themselves into trouble. But that said, some of the recommendations we do see as having merit, and we have engaged with WA Treasury Corporation on reviewing a lot of the

financial indicators to ensure that we are not applying and asking for a level of financial disclosure which is unreasonable, given the purposes for which that information is then put to use. Largely, it is put to use to assess local government borrowings, credit worthiness and the like where they are drawing on the capacity of state Treasury. Certainly, there are recommendations that if we can streamline some of those—and I think there is a general agreement within government that it would be a good intent to do so—then we will pursue that.

The CHAIR: Just to move on, in a letter to this committee back in April, there was an indication that if a local government is not complying with the Local Government Act, unless the matter qualifies as a major or minor breach complaint, there is effectively no penalty. That was my understanding of the correspondence. What steps can or does the department take to address noncompliance that is not a minor breach or serious breach?

Mr ORD: I think we have always seen the department as trying to support the autonomy of local government and, therefore, an educative role is very important and the assumption that the breaches of the act are often unintentional. Clearly, in the changes made to legislation around the training of local government members and a range of other measures, we have attempted to look at ways of institutionalising better knowledge of how the act works and therefore reduce the number of these matters where people have become technically noncompliant with the act, although, as I said, it is not done with mal intent. The lack of penalties also takes into account that local government members might receive a small stipend. They are not professionals and, again, we do not wish to set up an endless set of prosecuting of people who are there trying to act in the community's broad interest. Where there is clearly an attempt to subvert the act, then those penalties are there and are obviously open to be used, but, in our case, it is really a case of either issuing sort of letters of censure or request or so on. We are actually quite engaged with the sector where we do not have to use formal mechanisms such as inquiries and so on, and we are certainly seeking to look for mechanisms to perhaps strengthen the act's ability to have a little more formal intervention, but without going to full-blown inquiries, which we do understand can be quite time consuming and distressing for the likely outcome.

The CHAIR: That is a very useful insight on that. Thank you for that. It has also been our observation over the course of this inquiry and based on evidence we have received that issues within a relatively small number of local governments appear to consume an inordinate amount of the department's attention. Is that a fair observation and one you might reflect on?

Mr ORD: Certainly, we have 137 local governments and we have a surprisingly little amount of contention about them.

[3.40 pm]

Western Australia should be very proud of the fact that most local governments are working clearly in their communities' interest and in support of their communities, so I would expect only a relatively small number of councils to end up then the subject of some contention. That perhaps answers the issue of: is it a small number? I think it is a small number because, fortunately, this does not happen very often, but you can never pick where it is going to happen and it is not necessarily the same local government. A local government can be popular and doing well, and then a single issue suddenly creates either a movement within the community, and we do know that of late, you know, the intensification of living in a metropolitan area has certainly created angst amongst a number of residents who have attempted to form themselves into groups, and so planning schemes and amendments and all these things are the subject of quite a lot of discourse in the community about the benefits for and against. So there are passions out there that, you know, potentially are driving issues where people believe the local government might be not listening to their particular

interests, and one way of raising the stakes is to put complaints in. And then, of course, there is the matter where you get a difference of view between the elected members and the administration of local governments, and that seems to be the other major point—dissonance between the two levels. You know, there, again, it can become quite inflamed very quickly. You can get supporters of the administration and those on council who are against the administration, and, again, it does tend to lead to not just one, but multiple complaints along a similar theme either by multiple parties or the same parties constantly complaining.

We cannot pick and choose which complaints we want to pursue, and so it does become a pattern of having to, you know, take forward the complaint and deal with it as a single complaint, and as you would be aware, there are large numbers of complaints often, as you say, for a particular council, and that does occupy quite a lot of time to deal with it. How you can bring the complaints to an end or find a way of resolving the issues, we certainly in the first instance with complaints do tend—if we believe that the complaint might be better resolved at local government level, then we do contact the local government and say, “Is there a way of getting this dealt with?”, particularly if it does seem that something might have gone wrong and they have not had a response from the council, or write to the council. That works on a lot of occasions, which is great. But in a situation where it is clear that people have taken a position and require some sort of assessment of it—if it is elected member behaviour, it is obviously the standards panel that is receiving a lot of those, but other matters are raised where, prima facie, we then have to look at accusations around corruption or other forms of breaches of the act. You know, we have to determine whether they need to be referred to other agencies or whether they are matters that should be subject to our own investigations. So, it is a very busy space.

The CHAIR: Also busy are your investigators. Back in December, we were advised by the department that two full-time senior investigations officer positions had been vacant for 12 months and a third had been vacant for three months. In March this year, we were advised that those positions had been filled, although an investigations and assessment officer position had also become vacant. Does the department have difficulty filling these positions when they become vacant?

Mr ORD: I mean, they are positions that require a certain skill set, and it is not that easy to pick up trained investigators, for sure. But we have been successfully filling the positions as we need to, and we have, in fact, also strengthened the unit over the last six months with two officers from our liquor division that we have brought in to assist the investigators in preparation of the evidence and so on, to try to bring to a conclusion the number of authorised inquiries. I am of the view, again, that we had a significant backlog of matters before us, and I am hopeful that in the next month or so, we will bring a number of inquiries to a conclusion. We do get referrals from other agencies that we need to then pursue, and with the limited powers we have got, then sometimes we will have to create an authorised inquiry to cover off what is really an investigation on behalf of another agency.

The CHAIR: It is hard to contemplate from the outside what the profile of vacancies looks like in senior investigator positions. I am just wondering if, you know, two positions being vacant for 12 months, is that a lot, or is it—how do you characterise it?

Mr ORD: At that time, it was, yes, but we have a stable team now. I think the core four investigators are all ex-Western Australia Police Force.

The CHAIR: Can you remind us what the size of the team is? How many investigators have you got?

Mr ORD: Four investigators and a manager of the unit, who in a sense is like an uber investigator.

The CHAIR: Right. An uber investigator?

Mr ORD: Well, not an investigator of Uber!

The CHAIR: I just thought we had better clarify that! It just strikes me that with 137 mainland councils, most of whom, admittedly, are running okay most of the time, it would not take much, I do not think, for that section to be oversubscribed with work. Is that a fair point, or do they often just juggle maybe half a dozen matters simultaneously?

Mr ORD: I think, Mr Chair, it comes down to the scope that you are looking at, and, as I indicated, we do believe there is some potential to make amendment to the act, which has at the moment a process for establishing authorised inquiry, thereby having authorised officers with the powers to go and obtain the information they need. With our inquiries, we are doing all of them on the basis of fact, and therefore we need access to evidence and we need to be able to undertake appropriate interviews. You know, they are all interviewed to a court evidential standard, but that is a time-consuming process. If the inquiry terms of reference are quite broad, then the matters that end up coming before the inquiry often rapidly expands, and it uses up a large amount of officer time, so we have attempted of late to be more targeted and restrict the terms of reference of inquiry to very specific matters—not every matter that everyone would like to raise with us. When inquiries are noted and people become aware—we have to publicly advise people that inquiries are underway—then, often, you get other matters come up and grievance matters are raised, and then that occupies a lot of time. So, I do believe that my team can handle what I would call the anticipated processes of local government.

If we had absolutely extraordinary times, then, of course, through the government budget process, it would be open to me to seek short-term additional resources and deploy those, but at this stage, I am more confident that we can work through the more limited scope of authorised inquiries and then ultimately potentially seek the notion of an authorised officer. An authorised officer potentially, without having to call a full inquiry, could have the powers to seek and perhaps gain some evidence on a relatively simple and limited matter and have it resolved without having to go through the whole process of establishing a report that gets tabled in Parliament and so on.

[3.50 pm]

A lot of the time we are taking with inquiries is really the process of report writing the assessment against evidence by State Solicitor's, then natural justice, then review again by State Solicitor's to ensure natural justice has been taken on board, then the same form of advice to give guidance to myself and the minister on what action should happen. All this is being done, as it should be, appropriately, because they are serious matters, with a considerable amount of oversight through legal counsel.

The CHAIR: The prospect of an authorising officer position—is that something that is being explored as a potential provision in the new act?

Mr ORD: That concept has been raised with the minister and with the department by those external from the agency, but also from within our own department. I am sure the minister is giving it full consideration. The focus on the legislative reform agenda to now has been on improving governance within local government, and we are now looking to see, given a range of commentary and findings around our side of it from the department's perspective, whether there should be some improvements to our mechanisms around interventions so that you get the benefits of what is happening through increased focus on training, on codes of conduct, on CEO performance, termination and employment, which we are all sure will improve overall governance performance, but have a more agile, timely, responsive and hopefully just intervention program to go along with it. I think then the sense that people can sort of gain the process would slip away a bit if we were able to act in a more timely way, more correctly, in defence of the act. I am sure the City of Perth inquiry report, once tabled, will give some good guidance on how we might want to go forward.

The CHAIR: Thank you for that. Speaking of going forward, I am going to press on with a new line of questioning about the roles of council members and CEOs generally. Again, there is a range of completely different matters that we wanted to run past you. Back in July last year, the act was amended to require regulations prescribing minimum standards in relation to CEO recruitment, performance review and termination. When will this amendment and the relevant regulations come into effect?

Mr ORD: I might ask my colleague Darrelle to discuss where we are up to with implementing regulations.

Ms MERRITT: Absolutely. The CEO standards were released for consultation at the end of last year. We have reviewed that feedback and they are currently with parliamentary counsel for drafting. However, it has been delayed due to COVID, but the expectation is that they will be out by the end of the year.

The CHAIR: That is the regulations?

Ms MERRITT: That is correct.

The CHAIR: By the end of the year?

Ms MERRITT: Yes.

The CHAIR: Thanks for that. As you know, section 5.92 of the act provides for council members to have access to information held by the local government. It has been suggested to the committee that some CEOs are inappropriately refusing council member requests under section 5.92. I am sure this is very much in a minority of situations, but it has been repeated to us a number of times. What avenue, if any, does a council member have to challenge a CEO's decision not to provide that information? Where do they go?

Ms MERRITT: Good question!

The CHAIR: Thank you very much!

Mr ORD: We might get our legal counsel to provide a more formal response. Informally, as I understand, the matters are often to do with what is deemed commercial-in-confidence information, so submissions around particular commercial projects and how much information should be made available to council to make its decisions. I am certainly not aware that general information requested by elected members has been withheld, but there is certainly frustration against people who particularly might object to a particular type of development and believe that they can, by looking into inside information that otherwise might be commercially confident, find a reason why they can bring to the community's attention why they should oppose the development. These are matters that the act really does allow for, or requires the administration to provide the appropriate information to council to vote and make a decision on. Legal counsel, as I said, should be able to provide you on notice, Chair, and for the committee's sake, a more formalised response on what mechanisms under not just this legislation but others would either protect the information from being disclosed and released or where council could seek to ensure that that information is released to them.

The CHAIR: Thanks. We might treat that, at your suggestion, as a question on notice, if you want to reflect on it a bit more. The motivation for the question is that we were struck by the situation encountered by some councillors or former councillors that had made submissions. They found that in some cases the CEOs would be most uncooperative, whether it is in providing information under 5.92 or whatever it might be, but then where do you go? The CEO is seen as god in the local

government, and to whom does one appeal? That is perhaps the broader sense of the question beyond what we have simply asked there. That is perhaps a theme that might recur a little bit.

Mr ORD: Yes. Certainly, if local governments are concerned that their CEO is not providing them with the information that they require to do their jobs, obviously, there is a mechanism to bring forward complaints about the CEO through the Public Sector Commission as the oversight agency. The Public Sector Commission does get a number of those complaints raised with them and they either investigate themselves or they might refer to the agency. They will generally only do it if they believe there is actually a breach of the act themselves around the CEO's performance. In this way, that would be a matter of confidence between the council and the CEO. If they lacked the confidence that they were given the information they required to do the job, the CEO is prima facie in breach of that responsibility.

The CHAIR: Just to tease out that theme a little further—again, this is in response to matters raised with us—one of those questions that arises is: does the act permit a council to seek external legal advice or other external professional advice without the involvement of their CEO and staff?

Mr ORD: The situation is where appropriate. The higher order principle is the separation of powers. The act really provides that the CEO and the administration are tasked with doing and gaining advice at the request of council so council can make a well-informed decision. There are circumstances where council might reasonably need to secure that advice themselves, particularly where it involves the CEO—for instance, a contractual matter with the CEO. You might wish to ensure that the council had independent legal advice on a contract matter for the CEO where you would not be going to the CEO saying, "Please go and procure that advice." It is not an absolute "No, they can't do it" by any means, but it needs to be appropriate to preserve the separation of powers. If it is reasonable for the council to seek the advice for themselves—to seek advice on a matter of administration in the agency—that would normally be done by the council, and could be done by the council, and I do not believe that is allowed for under the act.

[4.00 pm]

The CHAIR: So, in matters quite clearly where there would be a conflict of interest for the CEO or other senior officer—their own terms of employment is the obvious one—there is no impediment, and, indeed, there is probably a necessity for a council to get external advice —

Mr ORD: Subject to the council voting to do so, of course.

The CHAIR: Of course. We are not talking about an individual person running off willy-nilly and getting lawyers and things. But in other more day-to-day circumstances, it would be seen that the act does not provide for councils to get external professional advice. Is that the gist of your response?

Mr ORD: As an alternative to getting the administration to do what they should do, then no. The risk is, obviously, that you then start to be becoming operational at the council level through the actions of getting advice, and what constitutes that advice, and does the advice then lead to action, and if it leads to action, then it is administrative action and we believe it would be inconsistent with the intent of the act. So, for normal circumstances, the council would normally instruct the CEO to seek expert advice on a particular development or whatever it might be. Then we believe that that is the way that it should proceed, and that advice should be sought by the CEO in an appropriate context and provided to the council, as requested. I think, again, that there is good reason why the separation of powers does need to be strengthened and supported at that level, but, again, as I said, there are exceptional circumstances, where, of course, it would be absolutely appropriate for a

council to understand that they would need to get their own advice on key matters of contract law or discipline or such.

Hon DIANE EVERS: Would one of those cases be if the council instructed the CEO to get legal advice to look into a matter and they refused to? Is that then an extraordinary matter, or is that an HR issue? Would they have to go and say, “What do we do with our CEO?” Could they, in that case, go and get the advice themselves?

Mr ORD: It would be interesting on what grounds the CEO had refused. It would seem to me, potentially, that the CEO is breaching their responsibility as the CEO to the council, so it really comes back to the other mechanisms that are there to hold CEOs to account. But, again, for us, it is not a black-and-white issue to the extent of saying it can only be on this particular moment or that. But, equally, if it is just taken as a right—we can get any advice we want on any subject at any time—then we would caution against that interpretation and say that no, it is fairly clear that the act’s intent is that it is an extraordinary circumstance where getting the administration to provide the advice would be singularly inappropriate, and I think that would define itself fairly clearly. But these are matters that are undoubtedly well worthy of us giving further consideration to and trying to provide more clarity, where it is possible, and we will be seeking to do that.

The CHAIR: A favourite topic for examination in this inquiry has been the standards panel, as you would be aware. We recall that in July last year there were amendments to the Local Government Act to make a number of changes to the minor breach system, including, I think, allowing the panel to request parties to attend mediation, giving the panel the power to order a council member to pay costs following a finding of a minor breach against them, and also extending the confidentiality regime for minor breach proceedings. I was just wondering if at this stage, now that we have passed a year down the track, you have been able to observe the impact of these changes washing through yet?

Mr ORD: Mr Chair, firstly, I will introduce my colleague, who I will ask to talk a bit further. Gordon is the deputy chair of the standards panel. Unfortunately, the chair is on leave, so I knew it would be useful for you to have somebody sitting on the panel at the moment to make commentary on how it is working. Our major concern with the panel was to try to reduce the significant backlog. As you know, one of the changes was related to the length of time that people could bring complaints forward. So that may have led to an increased number of matters being raised because we did not want to run out of time to bring the complaints forward but, equally, we have been able to expedite, by having two weekly meetings rather than monthly meetings, the work of the panel, and we are getting through a considerable number of matters. I am also pleased that matters have been referred to SAT on a number of occasions, and SAT has largely been almost entirely supporting the decisions of the standards panel, so that is a good indication that they are making fair, reasonable and balanced decisions.

In terms of applying the sanctions that you have mentioned around charging, we believe that to do so early on would mean that we are potentially seeking to recover, or apply a penalty to people who are on their first offence, if you like, and we did not think that that was appropriate. We, sadly, do get people who are subject to repeated complaints to the standards panel, and we are looking to apply those measures more at the point where we have people coming before it for minor indiscretions. They have received an adverse finding and, if that is repeated, then we think that it would be appropriate to introduce that at a later date, so we are probably looking more at next year. We do not have a large number of people with multiple breaches. So, again, on the educative role, we would rather say, “You’ve breached it. Please don’t do it again. This is the code of conduct for your council; please stay within these limits.” But there are a few people that see it as a badge

of honour to get an adverse finding, and we certainly will be using those additional powers. But I might ask Mr MacMile if he can just take this matter a bit further for you.

Mr MacMILE: Thank you, Chair, for your question. As the director general mentioned, there has been quite a bit of effort to improve the timeliness and the time taken to close out matters within the standards panel. The time taken from complaint lodgement to closing out complaints has dropped since 2017–18 and then again since 2018–19, and now complaints are basically heard by the panel within a month of receipt, so that responsiveness has improved quite a bit.

The other thing that some of the findings of the panel has led to is for the local governments to consider getting their own house in order and improving their own training that they do in house, but also providing much clearer guidance to their own elected members in terms of what is acceptable and what is not acceptable. Some of the complaints that have been heard have led the local governments to do some of their own internal work to make it much clearer to elected members what is and what is not acceptable behaviour.

The CHAIR: We will look forward to seeing what further developments arise there. I have a few more questions, if I could, so I am glad you are here as a representative of that committee. We have previously been assisted by the legal member of the team, and also the elected member representative. It was pleasing to see a reduction in the backlog that you have referred to.

On the subject of the time taken, we were told that the procedural fairness requirements of the act and the department's pre-hearing procedures mean that it takes at least three months for a minor breach complaint to get to the panel for consideration at a meeting, and then, of course, you have got the time to actually deal with it. If that is the case, what can we do to maybe reduce that minimum period?

[4.10 pm]

Mr MacMILE: Thank you for the question, Chair. As you have mentioned, there are requirements to allow respondents time to provide responses to complaints in some cases, and they are set periods of time. In some cases, respondents, for various reasons, request extensions to those times. In those cases, the standards panel will try and be fair to consider reasonable extensions of time requested, so it does take some time for the matter to come to the standards panel for initial consideration. At each time the panel tries to make sure that both the complainant and the respondent have been given a fair period of time.

The CHAIR: I am just wondering if you have got a view on this. We certainly have, which raised the question. Are the length of those procedural fairness requirements and the pre-hearing procedures really appropriate, given the relatively minor nature of most complaints to the panel?

Mr MacMILE: In some cases, the matters are relatively minor and the respondent is happy to provide their own responses. In some cases, the respondent chooses to get their own legal advice. The time periods allow for both of those eventualities.

Hon DIANE EVERS: I believe you said that now you are getting to the cases within a month. We were led to believe that that time for response—I think it was three weeks, but two weeks to investigate and then three weeks for a response, so that automatically puts it past a month. What changes have happened to get it down to a month now?

Mr MacMILE: Those time periods are still there. I guess the major change, as the director general indicated, is the fact that fortnightly meetings are now held, so there is no delay in waiting for the panel meeting to come up, which were previously monthly.

Hon DIANE EVERS: What you are saying is sometimes the response comes back much more quickly than you expected and you are just able to get to it as fast as people return that information?

Mr MacMILE: For relatively minor matters where the respondent has chosen to give a response back quickly, they can be dealt with in that short period of time. Ultimately, if the respondent takes all of the time that they are able to and then asks for an extension, then that is going to be not possible.

Hon DIANE EVERS: That one-month period that you are referring to, is that an average or a minimum? Do we still have some that are taking six months or longer?

Mr MacMILE: The month is probably a good outcome for relatively minor matters, given the procedural fairness that needs to take place. It is unusual now for matters to take that long—months to come to the panel.

Mr ORD: I might add, Chair, that the standards panel matters are reviewable by SAT, and SAT is quite hot on natural justice, so I think we would struggle to reduce natural justice provisions without running the risk that matters will be overturned on the basis that people did not have an adequate time to respond. Some of the matters that have come forward to us more recently, it is whether the act should allow for the department to take matters to SAT and appear before SAT when SAT reviews. This is allowed for in some legislation and not in ours. Again, there may be some merit in making some amendments to do that. At the more serious scale of matters that might end up in SAT, we would be seeking SAT to make the determination on the penalty.

The CHAIR: I note, on the subject of the SAT, the act allows parties to apply to the State Administrative Tribunal for review of orders made by the panel after a finding of minor breach, and there have been examples of that. However, the Local Government Act does not give the parties a right to seek SAT review of a panel decision not to deal with a complaint or a finding that no minor breach has occurred. Is there any reason why there is a prohibition on that—that is, the ability to appeal those other matters to SAT?

Mr ORD: It is just the way in which it is constituted. People have got different views on it. I think the intent was that if the matter was not deemed to be worthy of progressing, it should not, but there are people, of course, who object to that.

The CHAIR: Yes. Typically, it might be that the complaint is not proceeded with on the basis that the panel finds that it is frivolous, trivial, vexatious, misconceived or without substance. On the subject of complaints, thank you for all the information that was extracted and provided to the committee earlier in our inquiry. We note that a large number of complaints to the panel are unsuccessful, particularly when they are lodged by members of the public, and we recall that the department's 2017 consultation paper on its review of the act—if your long-term memory is still engaged—raised the possibility of introducing a complaint lodgement fee as a way to encourage complaints only to be lodged where there is strong evidence of a breach and not just an attempt to weaponise the system against somebody. Now, a few years down the track, is the introduction of a complaint lodgement fee or administrative fee being considered?

Mr ORD: Not actively at this time. All those matters might be considered in the broader act review going forward, but not at this time.

The CHAIR: I wonder if you could update us on another matter again stemming from the July 2019 amendments to the act, and this time to require regulations to prescribe a mandatory code of conduct for council members, committee members and candidates. When will that amendment and the accompanying regulations come into force?

Mr ORD: I might again ask Darrelle if she could update you on the progress.

Ms MERRITT: Thank you, Chair, for the question. That is in the same boat as the CEO's standards, so it is with parliamentary counsel for drafting. We consulted on that in the second half of last year. Yes, it is with parliamentary counsel for drafting. It is expected to be drafted, consulted on and then in place by the end of the year.

The CHAIR: The consultation that took place last year, that would have been about the content—the nature of things to be prescribed.

Ms MERRITT: Yes. We prepared a draft consultation. I have copies for you. That was released for consultation. That was developed. There was a working group established with the Public Sector Commission and WALGA, so they provided some input into that. So that was consulted on, so we got feedback on that, and then subsequently requested approval of a draft. So, it is with parliamentary counsel.

The CHAIR: Does that document have a title?

Ms MERRITT: This is the "Mandatory Code of Conduct for Council Members, Committee Members and Candidates: Draft for Consultation". This is on our website as well, but I also have copies to table for you.

The CHAIR: Thank you. We will take that as a tabled paper. Thanks for providing that. That probably answers a whole lot more questions.

This might well be dealt with in the document that has just been tabled and in part of Ms Merritt's response, but I will ask anyway to cover the bases. This refers to the draft mandatory code of conduct document that you have just tabled, which was released for consultation in September last. We understand that part C of this draft code is intended to replace the rules in the rules of conduct regulations; is that correct?

Ms MERRITT: Yes, that is correct. Currently, the rules of conduct are a separate regulation. They are the ones that are dealt with by the standards panel. So part C of the code of conduct will pick up those rules of conduct and be inserted into the mandatory code of conduct.

The CHAIR: Okay. As I understand it—again, if you could confirm or deny our understanding—the proposed replacement for reg 9 in the rules of conduct regs proposes to remove council authorisation as a basis for a council member to undertake a task that contributes to the administration of their local government.

[4.20 pm]

Ms MERRITT: Yes, that is correct.

The CHAIR: I think that characterisation is correct. Thank you. Why is that change proposed?

Ms MERRITT: One of the key reasons is, especially as Duncan was talking about, that separation of powers and ensuring that there is a clear separation between the role of council versus the role of administration. There is concern that by allowing council to step over the line into the administrative task, it can blur those lines.

The CHAIR: Can you give an example of the sort of behaviour that we are trying to get away from—a practical example, I mean?

Ms MERRITT: I do not have a practical example, but it is any situation where the council may choose to take on the role of administrative tasks. It could be the seeking of legal advice, as an example.

Hon MARTIN ALDRIDGE: Are there examples of local governments actually using regulation 9 to allow or authorise councillors, whether they are individual or collective, to undertake an administrative task?

Mr ORD: I believe so, member. The difficulty for us giving where, how and what is that a number of them are actually within investigations that are currently yet to be concluded. Until we have actually had those matters finalised, it would be difficult for me to make much more commentary on it at this point in time. I would say that what would be very useful to this committee, I believe, would be the City of Perth inquiry report, which I hope will be available to you quite shortly. I think, in reviewing that—given that it is virtually like a royal commission of the city—the matters covered by the report will be quite insightful of matters of this nature.

Hon MARTIN ALDRIDGE: You have made that comment a few times, Mr Ord. We are on a particular time frame set by the house in terms of reporting. Do you think that the release of that report would fit our time line, given you have made several references to it today, or is there an opportunity for the committee to receive the report in advance of its publishing?

Mr ORD: I would be happy to take that on notice and seek the minister's guidance on it, but, as I said, I understand that the matters will—obviously, the minister has received it only relatively recently and has had to review it himself, because he is the decision-maker under the report, but I know he has publicly said that he will attempt to release it as soon as possible. The house is sitting soon, and I am sure that he will be seeking to ensure that Parliament has appropriate oversight, given the importance of this inquiry more generally.

Hon MARTIN ALDRIDGE: Thank you.

Hon LAURIE GRAHAM: I will continue on the same lines. The problem I see with the closing of the recommendation is within the smaller councils. I have sat on a council where the most experienced person and the only person in the room, including the staff, who can give you the advice is the person who leaves the meeting, the councillor who has declared an interest. I think we have got it wrong in small councils until the opportunity is there for those people to be able to give information and then leave the meeting. Do you have any comment?

Mr ORD: I do not think the deletion of regulation 9 would have any effect on that, because I still think that would be possible.

Hon LAURIE GRAHAM: I think, though, that councils do not understand that it is possible.

Mr ORD: Right.

Hon DIANE EVERS: I suppose my question follows on kind of the same way. If a councillor in the room has a business in a small regional council and that is the only supplier in that area—a business that could supply some sort of a task to the local government—is there a way that maybe this was originally written to allow for the council to say, “Yes, we know that you may have a conflict of interest—we are aware of that—but we do need you to supply” whatever that task or ability is; a consultant to write a risk report, or something like that. I am trying to think of what you would consider under this administration of the council—how broad that would go. In a small council, if there is only one supplier and they want to keep it local and everyone is aware of the conflict, is that something that might be still possible?

Mr ORD: With standard conflict of interest provisions and so on, I believe it would be possible. I do not think that was the intent of what regulation 9 was about. I might ask Ms Merritt to talk further to that. I do understand your concern, and, if so, I think we could provide a more formal response to the matters that you and Hon Laurie Graham have raised with us, and perhaps try to extrapolate how those kinds of concerns could be dealt with.

Ms MERRITT: I think also in the scenario that you gave, there would still have to be procurement. It depends how it has come about in the case of that one. Are they actually being engaged as a consultant, which then goes through a different process, and that would also have an impact on the

outcome and whether it is using regulation 9 or it is through a different process. I do not think it is a clear-cut scenario.

Hon DIANE EVERS: So will we get a further response to that point?

Ms MERRITT: Yes, happy to do that.

The CHAIR: We are going to provide a number of questions in writing post this hearing, Mr Ord, if you could take those. The reason for that is they require either the gathering of some information or possibly a degree of reflection that really needs some notice. One of those does, in fact, relate to reg 9 of the regulations, so we will get to that in due course. I do have a couple more questions just for now. Part B of the draft mandatory code of conduct proposes that complaints against council members be managed at the local government level. What will happen there? Would complainants be required to go through a local complaints system before they make a complaint to the panel, or would complaints still be able to be made directly to the panel?

Ms MERRITT: Thank you for the question. Complaints to the panel are quite specific in what can be made to the panel. Part B is to pick up the general behaviour, I expect, for council meetings and things like that. If it is considered that there is an alleged breach of those behaviours, it would go either to the presiding member to deal with in the council meeting, or to the mayor or the CEO, and they would manage that complaints process. It is about having a complaints process for matters that are not standards panel complaints. At the moment there are a number of complaints going to the standards panel that do not fit the category of the regulations, so there is no breach or there is no complaint to be had. This is about picking up those behaviours that are happening at a local level and dealing with them at that local level and managing that behaviour, whether it is through an educative approach or whether it is considered that it is trivial and not needed to be dealt with.

The CHAIR: Do you think some more supports will need to be provided to local governments generally to do that?

Ms MERRITT: Yes. They will have guidelines as well to support that mandatory code of conduct, and the document that I have tabled includes some suggestions for approaches for possible breaches, whether it is mediation or training, so that the councils will have that support to be able to determine the best approach to deal with those breaches.

The CHAIR: In many cases we are talking about a presiding member or the CEO or someone else with a leadership role defusing a heated argument or something on the spot rather than allowing it to fester.

Ms MERRITT: Yes, and that is what we want to encourage.

The CHAIR: Indeed, we would. However, you will get the types who trawl through minutes of meetings and find something that offends them a month later, and they will dash off a complaint to the standards panel, which becomes one of those statistics—the unsuccessful complaints that I referred to earlier. How would that complaints be dealt with?

Ms MERRITT: If it is not actually a breach, it should go through the part B process to the council to deal with.

[4.30 pm]

The CHAIR: Let us say the complainant has bypassed the council, how would that be —

Ms MERRITT: It goes through the standards panel process and their assessment. It would go to the standards panel as they do now.

The CHAIR: So, that is not going to be any improvement if that is the case. Is the standards panel going to be able to say, “Oh, hang on, here is one that should be sorted out locally”, and refer it back or would they have to go through a lengthy process to do that?

Ms MERRITT: That is something that we will work through in the drafting and also in the operationalising of that.

Mr ORD: We do, Mr Chair, currently quite often try to deal with these things through mediation or through referring matters back that are clearly not going to meet the threshold to see if we can get them resolved. That is generally a phone call or something going back to the complainants saying we do not think it is going to reach the threshold for standards panel assessment but we are happy to talk X on your behalf, or those sorts of things.

The CHAIR: Oh, you do do that?

Mr ORD: Yes. I have recently done this on a council-wide basis by recommending mediation because we were becoming inundated with complaints and it was clear that a properly facilitated mediation may well be in the interests of that council. The alternative is, if it escalates in a standards panel, then eventually there is a call for an inquiry because you have got a whole range of people complaining against each other and it is pretty obvious the council could be heading to dysfunction. I am pleased to say the council was very welcoming of that approach and of recommendations for appropriately trained mediators to step in and assist them. I think that is an example of where we can take a sensible approach to try to discourage people to constantly just use a mechanism which, at the end of the day, as you pointed out, does not necessarily have a lot of sanction associated with it and often builds resentment between parties that otherwise we are trying to encourage to work in the broad community interest. The problem having a vigorous democracy in local government is that people should be able to be passionate and have a strong ability to present their case for various issues, but where it becomes personalised and destructive—if we can turn that around before it becomes a process where we have to go into these things, we wish to.

The CHAIR: I would like to ask one final question. I have exhausted our prearranged questions for now.

Hon LAURIE GRAHAM: Before we leave that one then, in relation to your answer in relation to the mayor or a CEO. What complaints would go to the mayor and what complaints would go to the CEO? In other words, I will put to you what I thought would be the most appropriate process and you can tell me if I am wrong. The complaints against a council generally would go to the mayor?

Ms MERRITT: Yes.

Hon LAURIE GRAHAM: And if it was the mayor, it would go to the CEO?

Ms MERRITT: Yes.

Hon LAURIE GRAHAM: I think if that was spelt out it would make it a lot easier for people to accept because it would stop —

Ms MERRITT: That is correct.

Hon LAURIE GRAHAM: — because a lot of councils have a problem with the CEO being their master.

Ms MERRITT: Yes. There is also an educative role for the department in actually implementing the code. As Duncan referred earlier, we have got the complaints page on the department’s website, so adding those behaviours and where they go on there as well and making it clear what are local government behaviour breaches and what are standards panel breaches. So, it is that education role as well.

The CHAIR: The matter I was going to raise—maybe in conclusion; I will go round the members in a moment—is related, I think. So often we see intervention in a very serious way, an authorised inquiry, for example, after there has been a lot of build-up of dysfunction or symptoms of dysfunction have become apparent. It has been raised with us that maybe the better approach might be to seek early intervention and phrases like “nip things in the bud” or “stop it before the fire gets too great” are bandied around. That seems to make sense prime facie, but if you have seen signs of dysfunction at some council or other. It might be there was a very heated argument between councillors out in the foyer reported in the local paper—something like that. At what stage can or should the department intervene just to keep an eye on those things? What are the prospects or opportunities for mediation or someone to go in and take an early test of the temperature of the place and maybe put some corrective mechanisms in place?

Mr ORD: Thanks, Chair, for raising it. Firstly, I would say with authorised inquiries, the way I look at it is an authorised inquiry would only be called if there were potentially serious matters to be reviewed and that the outcome of the authorised inquiry should be for the community to get confidence in the outcome of the inquiry that the matters have been dealt with. For me, an inquiry which ultimately finds nothing is as successful as one that ultimately finds something. Many times you have been urged to inquire on matters because the community has lost confidence in the transparency of the council. The reality might be that actually the council is not doing anything particularly wrong, and is really bad at being transparent about what they are doing. You can bring forward that and say, “Well, we did not find any evidence of wrongdoing”, but we make recommendations on how you get better community engagement or being more transparent.

There was a very high profile one that exactly played out that way a couple of years ago. As a consequence, the community made a decision around changing elected members in there at the next election that committed themselves to being more transparent, but there was no prime facie wrongdoing of a serious nature—minor transgressions and things, and we were able to improve processes. Equally, we do inquiries on the basis of body corporate inquiry and councils often change between when a matter has been brought forward and when you come to resolution. Again, we look at that as an educative function, so even if maybe a council did the wrong thing and then there is an election and a new council has come in and they say, “Well, it is not us”, and we go, “But the learnings as a body corporate need to be taken on board so that you as a new council take on maybe some of the failings of the last council and so on.” So, the process of inquiry, I believe, is useful, as I said, for not just trying to find fault but also to prove to the community who are concerned that the governance is appropriate and consistent to requirements under the act. The potential to intervene early, certainly I think that is everyone's preference.

A lot of it does come down to the confidence of the CEO as a reporting authority. So, a good CEO with the confidence in their role as a reporting authority to the department might come forward and say, “Look, I have concerns about this in the council, will you engage?” I have had this recently with quite a significant council in the metro area. “Will you engage with our councillors because I am worried that they might head off in the wrong direction?” We said, “Well, we do not really have a formal intervention power to do it, but if the council would welcome us to do that, then we would be very happy to sit in on meetings and give some guidance.” We did exactly that and it has been welcomed by what otherwise could have become a bit of a factionalised council. That was a really good outcome—no formal process, no documented outcome other than the letters of exchange that we would do this and the original request from the administration by intervening early being something to keep the council focused and on track.

The CHAIR: What sort of person would you send in in that situation to observe council and give them some feedback?

Mr ORD: It depends on the nature of the concern. In this case, it was concern that members of council might have been passing on confidential information to people outside the council with the intent of it getting published and causing issues of validity around decision-making, and how information should be treated. The council itself could have instigated an inquiry, but all of these things could have been quite destructive to relationships and so on.

[4.40 pm]

In that case we sent in people with expertise related to the management of local government information, how it should be treated and how it should not be treated, what the obligations of local members are around treating matters of confidentiality, and also some of the trust-building issues that were there around why people might feel that rather than have—maybe they were considering the committee system was not working properly and fully evaluating decisions and so on. We do try to pick the officer best equipped to provide that support or we go to experienced people outside. Other local governments might choose to draw on WALGA for some of that kind of support as well, but increasingly I am seeing councils come to us and seek that sort of advice, and to the degree we can, we are very happy to respond.

The CHAIR: Typically, would that involvement be overt or very discreet?

Mr ORD: Largely, it is fairly discreet. Quite often we are just asked to listen in on meetings, so we might send an officer without advising the council they are an officer to attend a meeting in the public gallery to see how the meeting is being run and so on if there is concern around how councils are being run. That gives us a guidance on how councils are performing. We do do regional visits. We attend regional zone meetings. Enormous amount of engagement with elected members at all levels.

The CHAIR: Thank you for that. Now, I am about to draw this hearing to a close, if there are no other questions. Laurie, have you got something?

Hon LAURIE GRAHAM: With regards to adverse findings in a council—the councils been suspended and you have got a commissioner in and then you come back for the elections. Anyone subject to adverse findings, are they right to stand for election or do they have to go through some sort of process before they can get those adverse findings cleared?

Mr ORD: They would have to be cleared of adverse findings to stand, I believe.

Ms MERRITT: Yes, I would have to check the actual qualifications for elections.

Hon LAURIE GRAHAM: There is one floating around the moment. It is something I have not raised here, but it is a council.

Mr ORD: So, you are saying before it is finalised. Again, I will get our legal counsel to provide that information for you, member.

Ms MERRITT: To clarify, is that adverse findings that are the result of an inquiry?

Hon LAURIE GRAHAM: Yes, the council was stood down and there has been an adverse report.

Mr ORD: It might not have been finalised.

Hon LAURIE GRAHAM: It is finalised.

Mr ORD: It is finalised, okay.

Ms MERRITT: I do not think the act provides for that. It is more about criminal charges.

Hon LAURIE GRAHAM: It is causing quite some concern in that particular community—certain people might have their hands up again.

Hon DIANE EVERS: I do have one, and I just want to raise it because it has come up a bit in terms of the amount of regulation that local governments face, and that when new regulations come out and new legislation comes out, the impact of that on councils. It has been suggested that maybe we should have a way of looking at that before it becomes legislation. Do you just have any comment on that? I know it is a broad one. I do not want to open it up for the rest of the afternoon, but just a minor statement if you had any thoughts on that.

Mr ORD: There is a better regulations unit that does review all the regulations we put up to see whether it is adding an unreasonable burden. In our act review, there has been a lot of consideration to a more principles-based act, and I think we agree that we cannot regulate local government down to minutiae; it would cripple the system. So, really, we are trying to build up the autonomy of local government, but understand that the act needs to provide for appropriate mechanisms for local governments to be able to manage some of these matters themselves, hence the focus on complaints management being more effectively undertaken within local governments, and not just elected member complaints, of course, but generally most local government issues are people in the community with a particular concern and whether the local government itself is set up to deal with that in an appropriate way. We believe that we would potentially like to reduce the net impact of regulation on local government in exchange for local government having more capacity to manage matters themselves. That said, clearly the ability for local government members to be equipped to deal with that, to be trained appropriately for local government administration, to have the governance capacity themselves to manage what is a really complex area of government, is stretched in a state the size of Western Australia. When we have got very, very small local governments, which members have referred to, then the Local Government Act must look very daunting if you are in Wagin or somewhere. It is an iterative process.

The CHAIR: Mr Ord, as I indicated earlier, we have got a few other questions we are going to send in writing, because they require some facts and figures that may not be at your immediate disposal or require a little reflection, so it seems only reasonable to provide them with notice. But if you could give us that information at your earliest convenience, that would be appreciated, as, indeed, was your attendance here today. On behalf of our inquiry, your assistance has been invaluable and I would like to thank you for the ongoing courtesy and professionalism you have approached this select committee with—to you and to your team.

With that, I will say, once again, thank you, and we will conclude the broadcast at that point. A transcript of this hearing will be forwarded to you for correction in accordance with the normal process. If you believe any corrections should be made because of typographical or transcription errors, please indicate those on the transcript. Errors of fact or substance would need to be corrected in a more formal way. When you receive your transcript, the committee will also advise you when to provide your answers to questions take on notice, if any, which, again, will be highlighted as part of that by our staff. As ever, if you want to provide additional information or elaborate on particular points by way of providing supplementary information for the committee's consideration, we would be delighted to receive it along with your corrected transcript. With that, thanks very much for being here. Please stay out of the rain, and we will bid you a good afternoon.

Hearing concluded at 4.47 pm
