



Department of
**Local Government, Sport
and Cultural Industries**

Our ref E2015776
Enquiries Industry and Sector Regulation
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Ms Lisa Hollands
President
Belmont Resident and Ratepayer Action Group Inc

secretary@brrag.org.au

Dear Ms Holland

PUBLIC QUESTION TIME – CITY OF BELMONT

I refer to your correspondence dated 6 May 2020 regarding public question time at the City of Belmont.

It is noted that the City of Belmont held its first electronic council meeting on 28 April 2020 in response to the COVID-19 crises.

The situation we currently face is an unusual one and the steps taken by both local governments and State Government during this time is ever changing. There may be issues to overcome initially in the implementation of new approaches. The recent legislative amendments are designed to primarily allow business continuity for local governments while managing public health concerns. Though the regulations allow for electronic council meetings they do not specify details such as methods of participation or a requirement to live stream meetings. This is up to each local government to determine within its own capacity.

I therefore ask at this time for members of the community to have some patience and understanding in relation to local governments continuing to operate in the current situation.

In relation to the matter concerning the non-acceptance of your questions for public question time, the regulations set minimum standards for dealing with questions. Where the regulations are silent about the process for submitting questions, local governments may determine their own processes and rules for accepting questions.

I advise that Standing Orders do not form part of the *Local Government Act 1995* (the Act), but provision is made in the Act for local governments to make local laws which can be in the form of Standing Orders. Local laws are a separate and distinct set of laws that have the status of legislation for the purpose of governing activities on land

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that is owned and managed by the local government, for which they take responsibility for the application and enforcement of their own local laws.

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In response to your questions I provide the following answers:

1) *What is the point of having any rules (i.e. Standing Orders and legislation) whatsoever if they can be flaunted and nothing can be done about it?*

It is suggested that if you consider that your concerns continue to go unresolved and you are being dealt with unfairly on this matter, that you refer your concerns to the WA Ombudsman at mail@ombudsman.wa.gov.au or alternatively seek your own legal advice.

2) *Who do we actually complain to when rules are broken and what if any action occurs to ensure that the rules are followed?*

Local laws are subject to judicial review as the courts can rule on the validity of the laws.

3) *Does the Director General of Local Government have any power to enforce the Legislative requirements of local government, or does that fall with the Minister?*

The Minister and I as Director General have powers to scrutinise local governments and enforce where necessary provisions of the *Local Government Act 1995* (the Act). Local laws do not constitute provisions under the Act.

Thank you for bringing your concerns to my attention.

Yours sincerely



Duncan Ord OAM
Director General

12 May 2020