



Belmont Resident and Ratepayer Action Group Inc.

"To provide an effective voice for the people of Belmont"

Cloverdale WA 6105

18 February 2019

TO: ALL CITY OF BELMONT COUNCILLORS

Dear City of Belmont Councillors, Mayor and Deputy Mayor

**SUBMISSION BY CITY OF BELMONT LOCAL GOVERNMENT ACT 1995
REVIEW DISCUSSION PAPER STAGE 2**

On 19th February Councillors will be asked to endorse the City of Belmont's submission to the WA Local Government Association and Department of Local Government, Sport and Cultural Industries on Stage 2 of the Local Government Act Review.

BRRAG was made aware of this submission on Friday 15th February, when we believe, the submission was first posted on the City of Belmont webpage as an attachment to the agenda for the Special Council Meeting which has been called specifically to endorse this submission.

The City's representative body for residents and ratepayers was given no notification of the submission, nor was it advised of any community engagement or consultative process relating to the City's submission. The City has not granted the community the courtesy of informing it of its submission or the Local Government Reform process in at least the last two issues of Southern Gazette (that we are aware of).

Many of the City's submission recommendations give cause for concern, and it is therefore disappointing that no attempt has been made by the City to inform the community of its intentions, particularly as its proposals have the potential to significantly impact residents and ratepayers.

The Local Government Reform proposals also included recommendations for Councils to implement improvements to Community Engagement. The City of Belmont's submission completely omits to address Community Engagement. Indeed, the City's recommendations seek to significantly diminish Community Engagement and involvement in local government.

The topics in the City's submission that raise greatest concern are :

Beneficial Enterprises

The City supports the power to form independent corporations for purposes such as the ability to develop land for commercial or residential construction projects, either independently or in a joint venture with a developer.

With any commercial venture there is risk and capital investors must be appraised in the evaluation of risk.

In effect it is the ratepayers, and their public monies that will be utilised by beneficial enterprises. There is no acknowledgement by the City of ratepayers as major stakeholders or capital investors, rather their interest is dismissed in the City's recommendations to restrict public engagement.

Given the restrictions for public engagement the City recommends, as noted in the following three points, there will be little opportunity for ratepayer stakeholders to be involved in consultation or to oppose ventures that it deems are vulnerable to risk.

Council Meetings: Public Question Time

Public Question Time is acknowledged by the current Local Government Act as providing an important opportunity for people to interact with their council and is seen by many in the public as a way to apply scrutiny and rigour to council decision making.

The City however views this obligation for public engagement as inconvenient seeks to restrict the interaction the public has with Councillors and Council Officers in this public forum which is attended by members of the press.

In effect, limiting of public question time will reduce the opportunity for public scrutiny and rigour of Council decision making. Public participation in the democratic process should be encouraged not hindered by imposition of restrictions on time and the Council's interpretation of what is an inappropriate question. People do not give up their private time to attend Council meetings simply to be vexatious. People spend time drafting questions because they are genuinely concerned about matters that effect them and their community. Questions are often not answered satisfactorily, so have to be repeated. It is insulting for the City to suggest that residents and ratepayers represent an inconvenience to the City's operations.

Electors' General Meeting: Section 5.27

The Annual Electors Meeting provides residents and ratepayers further opportunity to participate in the democratic process, and the unique opportunity to ask a number of questions on any topic of concern, including scrutinising the Annual Report without imposition of time restrictions, and move Motions for consideration at the next OCM.

Many other Councils have a strong turnout to these meetings. The City of Belmont has traditionally not encouraged public participation in its Electors' General Meeting. Councillors do not promote the meeting to their residents.

The City perceives ratepayers and residents as inconveniences, and proposes this meeting be "scrapped". Again this recommendation seeks to reduce community engagement with Council and diminish the democratic process.

Special Electors' Meeting: Section 5.28

The City states these meetings are unhelpful due to the potential for conflict between Council and Electors. They seem to be ignorant of the fact that it is a perceived conflict, or matter of concern affecting the district that prompts electors to call for such a meeting in the hope of resolving such conflict. Currently any resolutions passed at the meeting are not binding upon the council.

The City believes these meetings are not essential to the functioning of local government seeks to make it more difficult to convene a Special Electors' meeting by increasing the prescribed number of electors required to request a meeting to 500.

Rather than recommend making it more onerous to hold Special Electors' meetings the City should recommend that resolutions passed at the meeting are binding upon the Council thereby validating and supporting public engagement and democratic process.

Debt - Power to Borrow: Public notice of borrowing

The City supports removal of the requirement to give one month's public notice in relation to borrowing that has not been included in the annual budget; where it no longer wishes to use borrowings for the purpose it was borrowed for; where there is funding left over from borrowings.

This recommendation is questionable in the context of prudential oversight. Ratepayers (stakeholders) should have oversight of where such (of potentially substantial sums of monies will be re-allocated or disbursed.)

Rates or Service Charges Recoverable in Court: Section 6.56

The City recommends that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the "cost of proceedings".

Further clarification of this comment is required. Will the City seek to liquidate the assets of a creditor, which could be single mother or aged or disability pensioner to recoup its debt recovery action costs?

Imposition of fees and charges

The Council currently operates and subsidises public facilities such as the sports and recreation centre and public venues, for the common good of its residents.

The City now supports imposition of market fees and charges for community facilities such as hire of public venues, attendance at the sports and recreation centre and other facilities.

The imposition of market rates for facilities currently enjoyed by residents of limited financial circumstances, or people with large families, discriminates against and will severely impact these members of the community.

New offence - providing false or misleading formation to Council:

The City does not support making it an offence for the CEO or an employee of Council to provide false or misleading formation.

Complaints process: Querulous, Vexatious and Frivolous Complainants

The City supports the position that enables local government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial or vexatious.

Improper use of Information

The term "improper" is not defined and is not limited to confidential information by the City, and may be at the discretion of the CEO. This is not clear, making the recommendation dubious on that basis alone. Further, the City recommends that use of information acquired in the performance of the functions of a council member, committee member or employee be extended to a period of 4 years or two election cycles.

Clarification is required as to what is regarded as improper, who decides what is improper and whether this interpretation can be contested by an independent arbiter. Also, there is no mention of the consequences of improper use of information. Will the City seek to prosecute individuals who it deems have improperly used information.

There are numerous questionable recommendations in the City of Belmont's submission to the Local Government Act 1995 Review Discussion Paper Stage 2. Most significantly, the City's determination to reduce opportunities for public engagement. This is a questionable and perplexing position when the State Government's Local Government Review papers actually support increased community engagement in local government processes.

The City of Belmont's contempt for its ratepayers is further demonstrated by the lack of public consultation in developing its submission, and the lack of sufficient time given to the community to read and address the

recommendations the City proposes. The City has had 12 months to work on its submission. Residents of the City have been given FOUR DAYS, to prepare a response. This shows a disgraceful disrespect by the City towards its citizens.

BRRAG calls on City of Belmont Councillors to give due consideration to the implications of supporting the City's submission given the concerns raised herein. We ask you read the document at this link <https://www.perthnow.com.au/politics/local-government/walga-lobbies-to-allow-councils-to-set-up-property-development-businesses-ng-b88110346>

It is an election year for four Councillors this year. It is important that the residents can make an informed decision as to who is representing them the best. On this basis and for more openness and transparency, this letter will be made available to the residents of the City of Belmont via our website.

Kindest Regards

Belmont Resident and Ratepayer Action Group Inc

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The Editor Southern Gazette
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