



BRRAG

Belmont Resident and Ratepayer Action Group Inc.

“To provide an effective voice for the people of Belmont”

6 May 2020

Duncan Ord
Director General of Dept of Local Govt & Communities
140 William Street
Perth WA 6000

Dear Mr Ord

We contact you once again relating to Public Question Time at the City of Belmont, during their first electronic meeting when the public was unable to attend. Previously, we contacted you regarding the CEO not providing his employment contract (prior to the legislation change). It was never forthcoming due to the stalling tactics of the CEO just before the changes became law.

On Tuesday 28 April 2020, the City of Belmont had their first electronic meeting without the public in attendance. Our organisation sent our questions for Public Question Time on the Monday 27th April 2020. There was no acknowledgement of receipt of our questions until after the meeting. Normally we get acknowledgement on receipt.

Mr Robin Garrett, Director of Corporate and Governance advised us via email on 29 April that our questions were too late to be included in Public Question Time as they were suppose to be in by Friday 24th April. We have subsequently checked and this was written on the Agenda document. Now our questions will be handled as correspondence and therefore not appear in the minutes. Further to this, we have to wait until answered.

Further questions to Mr Garrett have been ignored. Given the Monday holiday why was Friday not specified as opposed to just a date?

We believe that the actions of the City of Belmont was a deliberate attempt to exclude our questions, so there was no record of them to the general public. The questions were related to the COVID -19 response from the City, but questioned the CEO regarding staffing arrangements with the closure of various departments at this time. It has previously been noted that the CEO John Christie, was on social media during the election campaign last year supporting Phil Marks for Mayor.

The City of Belmont Standing Orders which form part of the Local Government Act S3.8 read as follows:

6.2 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time is to –
 - (f) where possible provide a written copy of the question prior to question time.
- (4) A member of the public may give written prior notice to the CEO of the text or substance of the question that he or she wishes to ask at a meeting.

(6) Where a member of the public gives written notice of a question, the Presiding Member may determine that the question is to be responded to as normal business correspondence.

There is no mention as to time frames other than before a meeting and our questions were submitted well before the meeting. I also note in the Local Government Act 1995 there is no mention of them needing to be submitted before noon the business day before the meeting.

I was of the belief that the idea was that the public had the opportunity to present questions not just choose what they will answer publicly. Due to the closure of the City, we have been put in a disadvantaged position which I would not have thought was the intent of the emergency legislation.

We have subsequently written to the Mayor and Councillors in regards to this (attached). We believe they have made times for receiving questions inconsistent with their Standing Orders.

Mayor Marks has responded saying, "that he does not agree with our comments." We have subsequently asked what specifically he does not agree with and there has been no response. I can only assume he does not agree with the legislation he should be following. It is not the first time he has flouted the Standing Orders.

I would appreciate your investigation into this matter. In the event that the City of Belmont are within their rights to do Public Question Time this way, I would like you to answer the following:

- 1) What is the point of having any rules (ie Standing Orders and legislation) whatsoever if they can be flouted and nothing can be done about it?
- 2) Who do we actually complain to when rules are broken and what if any action occurs to ensure that the rules are followed?
- 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?

Please be advised this letter and your response will go on the BRRAG website for the purpose of transparency for the residents of Belmont as will the response. This letter will be widely circulated.

Lisa Hollands
President BRRAG