



**BRRAG**

**Belmont Resident and Ratepayer Action Group Inc.**

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

27 July 2019

Dear Mayor and Councillors

We received a letter from CEO John Christie, regarding our advice that we intended to put a copy of the FOI Public Question Time recordings on our website. It would appear it has been forwarded to him for reply since our letter was not sent to him.

It appears that the councillors do not want transparency as you all voted in favour of BEXB45 in October 2018. We believe that the clause to which Mr Christie refers does not have to be complied with. It was obtained under Freedom of Information and their advice to us is that it becomes public once it is purchased and therefore can go on our website.

The object of the Freedom of Information Act 1992 is-  
Section 3 (1) The objects of this Act are to—

- (a) enable the public to participate more effectively in governing the State; and
- (b) make the persons and bodies that are responsible for State and local government more accountable to the public.

Further to that we do not believe these recordings come under copyright. Mr Christie was sent the relevant clause Copyright Act 1968 Section 103B (1)(a)

We are asking that our councillors put up a motion and amend the clause to which Mr Christie refers in the policy manual so it is not inconsistent with other legislation. The clause currently reads:

**Recordings subject to copyright** Any recording of Meeting proceedings is subject to copyright of the City of Belmont and is not be copied or shared with third parties without permission of the City first being obtained [with the exception of Public Question Time obtained under FOI](#)

There may also be a breach of the Equal Opportunity Act 1984 by not making these recordings available to the public. The elderly (who may not drive at night) and people with disabilities may not be able to attend council meetings. Therefore it might be argued that you are treating these classes of people less favourably than those that are able to attend.

It is also prudent to make mention of something that has shocked me in the BEXB45 policy. I refer to the clause below and ask how you have allowed the CEO and his staff to put you all in a position to be supervised when asking for a copy of the recordings. Do you all think this is satisfactory???It makes me ask what else have you allowed to happen, that has gone unnoticed? It is pretty clear reading this, that it is the CEO that runs City of Belmont and not our Elected Members.

**Elected Members**

1. Elected Members may access the recordings of Public Question Time after the Minutes of the Meeting have been prepared by Governance Officers and confirmed for distribution. Access is to be under supervision by a person, as designated by the Chief Executive Officer. An “Access to Recording Form” is to be completed on each occasion identifying the section of the Meeting to be accessed in order to retain a record of that access and minimise the impact on Policies Relating to Business Excellence BEXB45 City of Belmont Policy Manual 148 staff resources. An Elected Member granted access to the recordings may only listen to the recording accessed and may not, without permission of the Chief Executive Officer, retain an electronic copy of any recording to which access is granted.

2. The Chief Executive Officer is to advise all Elected Members of each application received to access the record of proceedings as well as the purpose for access in the next Chief Executive Officer’s Monthly Information Report.

Something is seriously wrong with all of this. Four of you may re stand for election in October. Lets hope the word TRANSPARENCY is NOT thrown around as what you stand for.

If any councillor is prepared to put up the amendment on behalf of the residents of Belmont please let us know. There will be a lot of people watching the outcome of this.

Please be advised this letter will be made available to the Residents of Belmont on the BRRAG website as will any response, for the purposes of transparency.

Kindest regards

Lisa Hollands  
Chairperson BRRAG