



**BRRAG**

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

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

29 July

Hon David Templeman  
Minister for Local Government, Heritage, Culture and The Arts

Dear Minister Templeman

Unfortunately, you are once again the recipient of a complaint from our organisation, regarding the City of Belmont.

Last week we notified our councillors that we wanted to use the electronic copy of Public Question Time of ordinary council meetings, purchased under FOI, on our website. We believe that since it was purchased under FOI it is in the public interest to make them available to the residents of the City of Belmont. The Freedom of Information office has advised us we are allowed to do that and there would be no breach of their Act.

An immediate response from CEO John Christie has advised that the recordings are copyright. We have checked the policy manual and this appears to be what has been approved by the councillors. Also noted in this same policy that elected members access to these recordings is to be "under supervision by a person, as designated by the Chief Executive Officer." This alludes to the fact the CEO runs the City of Belmont and not the Elected Members,

It would seem that there is a possibility that this policy has been made without consideration of other legislation. I refer to the following:

Freedom of Information Act 1992

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.

Copyright Act 1968 Section 103B

(1)(a) Fair dealing for purpose of reporting news

(1) A fair dealing with an audio-visual item does not constitute an infringement of the copyright in the item or in any work or other audio-visual item included in the item if:

- (a) it is for the purpose of, or is associated with, the reporting of news in a newspaper, magazine or similar periodical and a sufficient acknowledgement of the first-mentioned audio-visual item is made;

It concerns our organisation that it appears that when the City of Belmont Officers are doing the reports that the elected members have to vote on, they may not always be accurate. Therefore how can they possibly vote accurately if the documentation is not entirely correct? In this instance did the Officers investigate any potential inconsistencies with other legislation as named above? If so

did they advise the councillors accordingly.

Other concerns:

- In the past we have had reason to raise questions with councillors as to whether the legal advice obtained by Officers is being followed or flaunted. One particular case wherein the Director of Statutory and Community Services openly admitted she did not agree with the law and she was going to carry on doing it as she had done previously. The minutes are on this link <http://www.brrag.org.au/vap.html>
- Documentation and inconsistencies with one item from the planning department that could significantly impact local residents. <http://www.brrag.org.au/hardeyrd.html>
- CEO Mr John Christie, openly flaunting legislation by refusing us a copy of his contract. We have tried for months to get this. Even with the intervention of the Local Government Department, which you were made aware of, we have been unsuccessful. <http://www.brrag.org.au/ceocontract.html>
- Mr Christie sending emails to us advising his intent to take private planners to the Tribunal. (attached) Is this appropriate conduct and what does it have to do with us?

We ask that you respond to our concerns. It is simply not acceptable what is going on at the City of Belmont. We have asked Mr Christie to respond to the following:

On what basis does the City says it has copyright of the material? The material contained on the recording is not the creative work of the City of Belmont, but rather the public discussion of individual people's ideas and thoughts. The City of Belmont does not own public meeting discussion.

I look forward to your response to this. Please be advised all our correspondence goes up on our website for the purpose of transparency. Any response will also be made available on our website.

Yours sincerely  
Lisa Hollands  
Chariperson of BRRAG

