

## Michelle Young

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**From:** Citizens\_for\_Building\_Reform\_(WA) [REDACTED]  
**Sent:** Monday, 15 November 2021 1:14 PM  
**To:** DLGSC Act Review; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** LG reform - poor response from LGA regarding Building compliance : encroachments, wrongly located structures.

Good afternoon,

Citizens for Building Reform WA welcomes Minister Carey's initiative of 'early intervention' where a Local Government authority has got it wrong in fulfilling their obligations / role under WA Local Government legislation and which we are seeking to see enhanced to include poor performance under WA Building legislation. Next we will provide an example ( be it tragically an extreme example ) of the extent of damage that a recalcitrant LG administration can cause through its abuse of its role under WA building legislation.

And one very clear message from the example we will ( next ) present is the utter failure of both the Office of the WA Ombudsman and DLGSC's previous compliance sector to undertake any real investigation; make creditable findings nor be able to enforce any corrective action.

The example below by comparison will seem minor however we are presenting the below as symptomatic of a LGA administration which holds community in contempt and can foster an attitude / culture whereby abuse of role / powers is simply the next step.

CBR WA, in late September, wrote to all Metropolitan councils; though deliberately excluding Melville as based upon both our own & members past experience with Melville's building services staff and their Manager, legal services ( recently resigned ). Now in regard the responses received back; one Western Suburbs council ( Mosman Park ) after some 6 weeks has yet to respond, Nedlands as you can see from below has point blankly refused to provide any answer while Cottesloe's Principle Building Surveyor refused to provide any written response and verbally resorted to picking at the honest effort(s) of other councils.

But that these behaviours were certainly not aligned with the attitude of 26+ fellow councils. Some councils responded within 72 hours and the majority within 7 business days.

The only other administration to be somewhat unco-operative was that of Armadale's.

We appreciate that Minister Carey is looking to establish a Chief Inspector of Local Government supported by an Office of the Local Government Inspectorate to have the power to order a local government to address non-compliance with the Act or regulations; where it is understood that the Act ( & regulations ) that applies is the Local Government Act. However it appears that there is no power to address Local Government poor performance, nay failure, in addressing building non-compliance or erroneous behaviour as a permit authority as this role is beyond the LG Act and is enshrined in WA's building legislation.

Hence the need as an adjunct to these reforms to have some changes to WA's building legislation whereby that regulatory body ( Building and Energy ) has oversight of LGAs' performance; ability to accept complaints; investigate;

make findings and to address LGAs' failure to comply in the same manner as the Local Government Inspector is destined to have.

A whole of Government approach is required otherwise the reforms will be destined to be less than half effective.

We are happy to discuss in detail.

Yours sincerely,

John Maloney  
on behalf CBR WA management committee.

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