CITY OF MELVILLE
COSTS OF RESPONDING TO QUESTIONS AND ISSUES RAISED BY A GROUP OF TEN RESIDENTS / ENTITIES

To	Chief Executive Officer (CEO) and Financial Management Audit Risk and Compliance Committee (FMARCC)
From	BMS Improvement Officer and Process Improvement Auditor
Subject	Costs of answering questions to a group of 10 residents / entities
Date	1 September 2017

	Background
(1)	Local Governments receive information requests and provide answers to the person(s) seeking information in a variety of formats and they include Public Question Time, phones, emails, letters, customer requests (Pathway), Freedom of Information (FOI) requests, State Administrative Tribunal (SAT) matters, legal proceedings, subpoenas, etc.
(2)	In the last three years, the City has experienced increasing number of questions from within a small group of the community. Recognising his responsibility under Section 5(2)(a) of the Local Government (Financial Management) Regulations 1996 which requires the CEO to ensure the resources of the local government are effectively and efficiently managed, the CEO commissioned a project undertaken by the BMS Improvement Officer (in-house statistician) to collect data to estimate the costs to the City in providing information to this group. To ensure objectivity of this project, the CEO also commissioned the Process Improvement Auditor to review the data collection process and verify the reasonableness of these estimates.
	Terms Of Reference

(3)
The terms of reference for this project / review are:

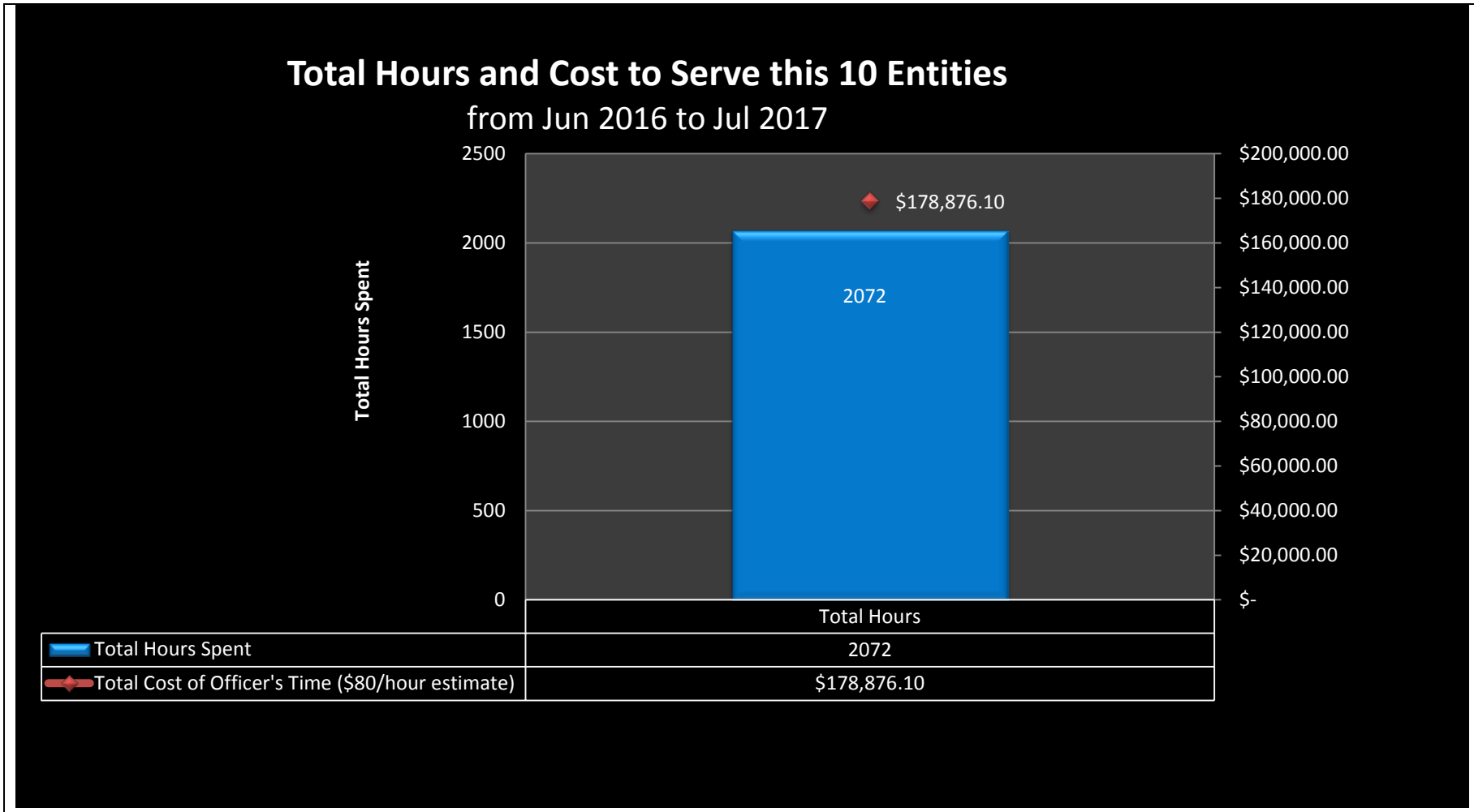
BMS Improvement Officer:

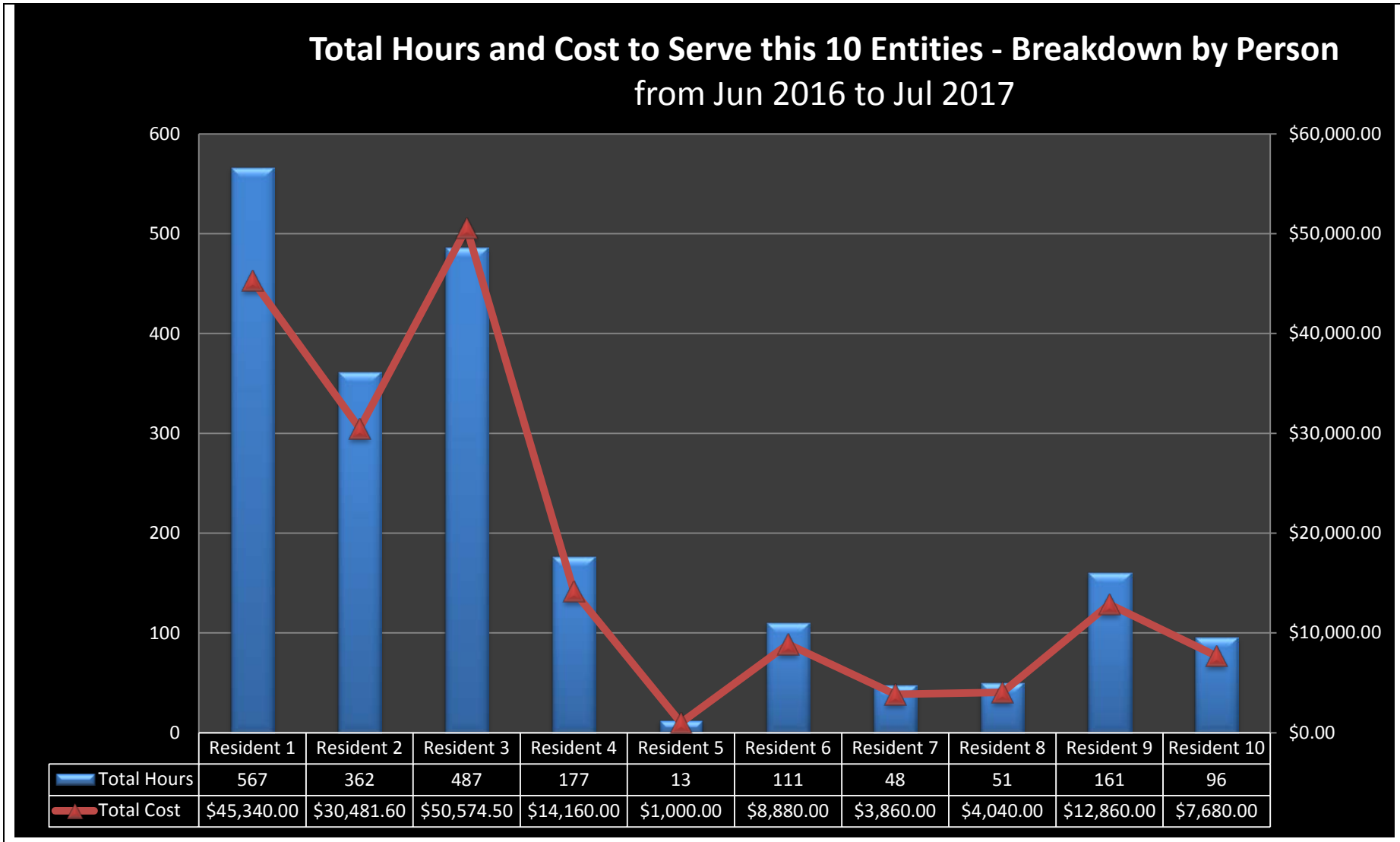
(a) To collect relevant data to estimate the costs to the City of providing information to this group of ten entities;
(b) The period covered is 14 months to 31 July 2017; and
(c) To include questions / answers via various means including question time, emails, customer requests, FOI, SAT, legal proceeding etc.

Process Improvement Auditor:

(a) To review the collection process and the reasonableness of the basis of calculating estimates;
(b) To establish whether the City's resources have been efficiently and effectively managed; and
(c) To make recommendations to improve processes of handling questions where appropriate.

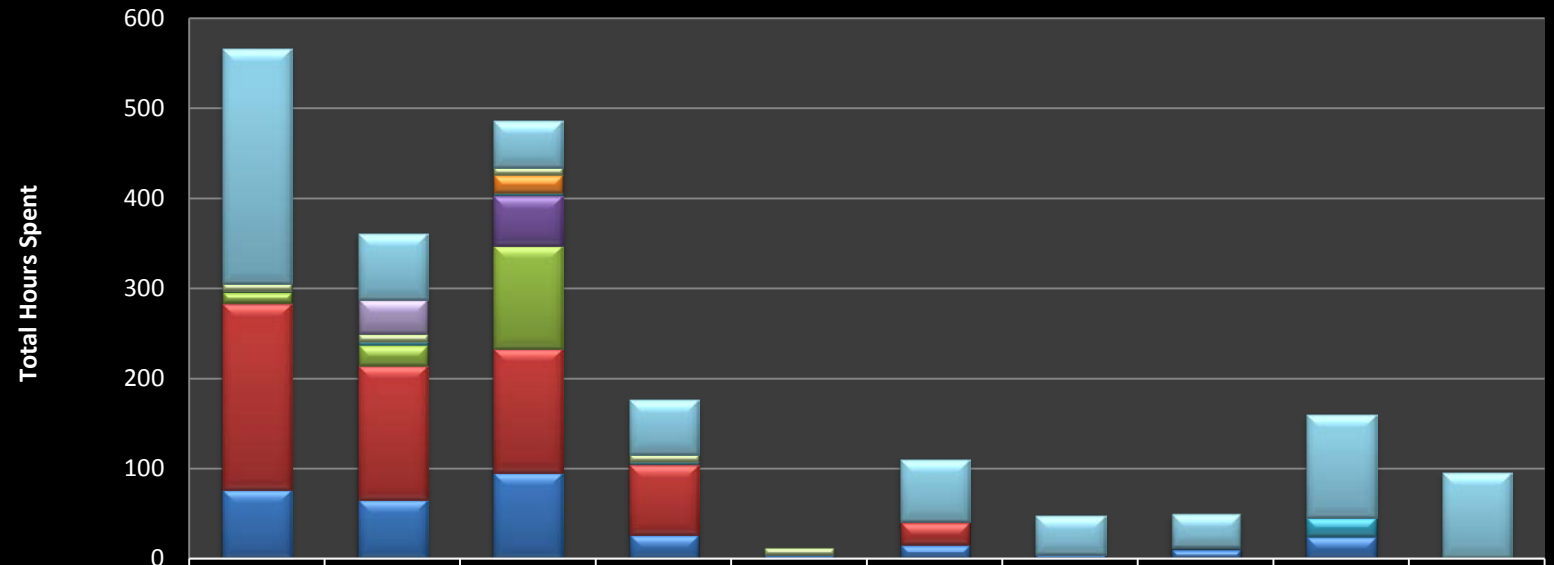
	Findings
(4)	To arrive at the total estimated costs of answering questions to this group, it is necessary to break it down and examine the following key categories: Correspondence registered in ECM (incoming and outgoing emails, letters, notes etc) Freedom of Information requests State Administrative Tribunal matters Witness Summons – subpoena Customers requests – Pathway Ombudsman requests Media Communication Question Times – Special Meetings of Electors Question Times – Ordinary Meetings of Council Question Times – Agenda Briefing Forum Question Times – Annual Electors Meeting Question Times – Special Meeting of Council Court proceedings
(5)	In the 14 months to 31 July 2017, an estimate of 2072 staff hours, equivalent to approximately $178,000, were used by the City in providing answers / information to these ten entities. It should be noted that these estimates are very conservative and the actual cost could be much higher than $178,000. These are graphically shown below:


Total Hours and Cost to Serve this 10 Entities
from Jun 2016 to Jul 2017
Total Hours Spent
2500
2000
1500
1000
500
0
$200,000.00
$180,000.00
$160,000.00
$140,000.00
$120,000.00
$100,000.00
$80,000.00
$60,000.00
$40,000.00
$20,000.00
$-
$178,876.10
2072
Total Hours
Total Hours Spent
2072
Total Cost of Officer's Time ($80/hour estimate)
$178,876.10

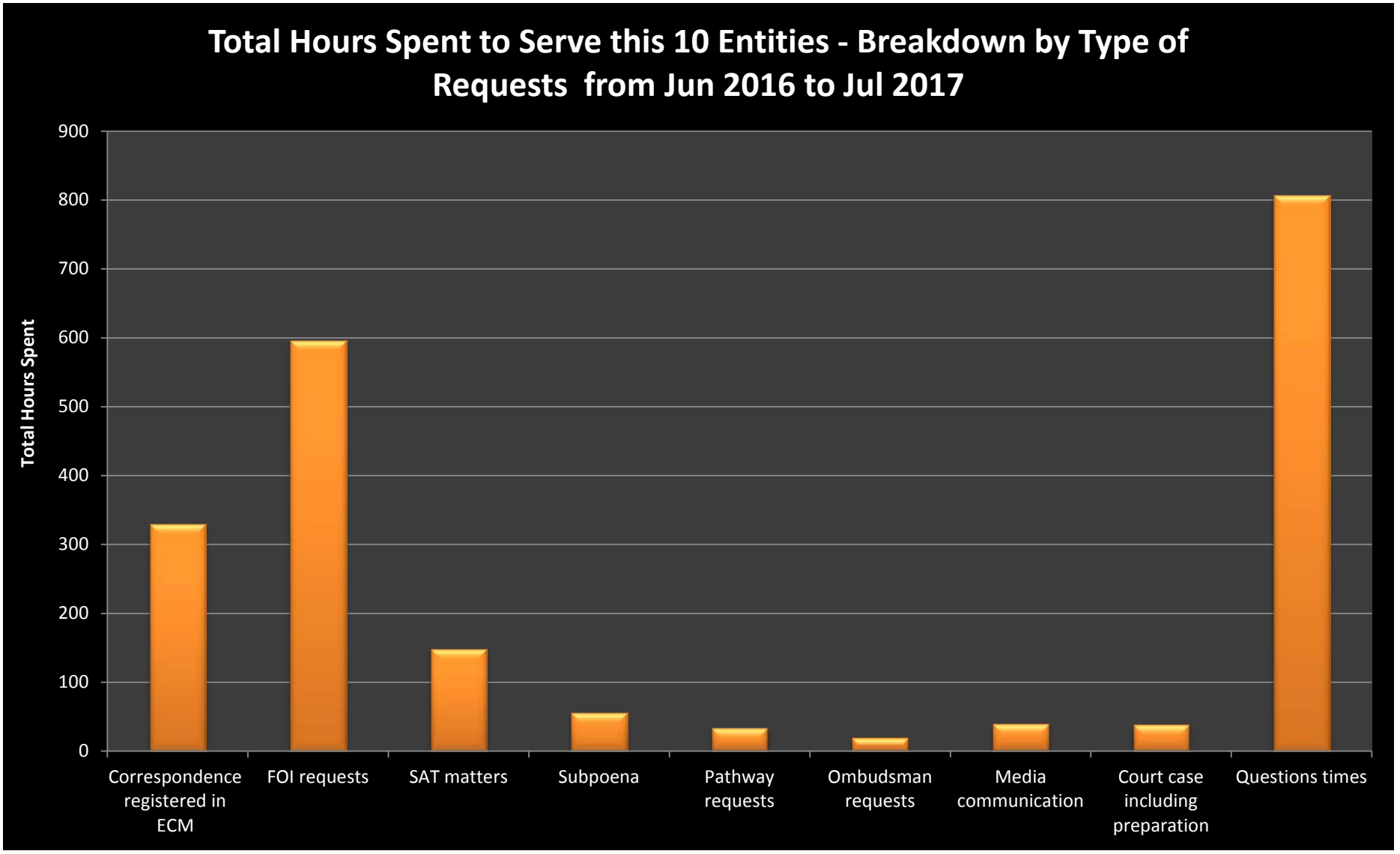


	Resident 1	Resident 2	Resident 3	Resident 4	Resident 5	Resident 6	Resident 7	Resident 8	Resident 9	Resident 10
Total Hours	567	362	487	177	13	111	48	51	161	96
Total Cost	$45,340.00	$30,481.60	$50,574.50	$14,160.00	$1,000.00	$8,880.00	$3,860.00	$4,040.00	$12,860.00	$7,680.00

Total Hours Spent to Serve this 10 Entities - Breakdown by Type of Requests from Jun 2016 to Jul 2017



	Resident 1	Resident 2	Resident 3	Resident 4	Resident 5	Resident 6	Resident 7	Resident 8	Resident 9	Resident 10
Questions times	261	74.25	51.75	60.75	0	69.75	42.75	38.25	114.75	94.5
Court case including preparation		38.27								
Media communication	8	8	8	8	8	0	0	0	0	0
Ombudsman requests	0	0	20	0	0	0	0	0	0	0
Pathway requests	1.5	3.75	3	2.75	0	0.25	0.5	0.75	21.25	0
Subpoena	0	0	56	0	0	0	0	0	0	0
SAT matters	12	23	114	0	0	0	0	0	0	0
FOI requests	207	149	138	78	0	25	0	0	0	0
Correspondence registered in ECM	77.25	66	96	27.5	4.5	16	5	11.5	24.75	1.5


Total Hours Spent to Serve this 10 Entities - Breakdown by Type of Requests from Jun 2016 to Jul 2017
Total Hours Spent
900
800
700
600
500
400
300
200
100
0
Correspondence registered in ECM
FOI requests
SAT matters
Subpoena
Pathway requests
Ombudsman requests
Media communication
Court case including preparation
Questions times

(6)	Staff time estimates in handling information requests:		
	Information Category	**Data Collection Method**	**Basis of Estimates**
	Correspondence registered in ECM (incoming and outgoing emails, letters, notes etc.)	Compiled by searching each entity separately under Customer Index in ECM. This provides a list and a count of all incoming and outgoing documents.	15 minutes per item including registration into ECM, reading, researching, and responding to customers
	Freedom of Information requests	Based on the FOI Register spreadsheet.	Time sheet maintained by the Senior Information Officer who is the custodian of the FOI Register. It includes estimates provided by other officers involved in compiling information.
	State Administrative Tribunal matters	Compiled by searching SAT under Customer Index in ECM and by discussion with relevant officers.	Estimates provided by officers involved
	Witness Summons – subpoena	Compiled by discussion with relevant officers.	Estimates provided by officers involved
	Customer requests – Pathway	Compiled by writing a Query report by Information Technology to extract requests from Pathway database for this group.	15 minutes per item including registration into Pathway, reading, acting on requests, and responding to customers
	Ombudsman requests	Compiled by searching Ombudsman under Customer Index in ECM and by discussion with relevant officers.	Estimates provided by officers involved
	Media Communication	Compiled by discussion with relevant officers.	Estimates provided by officers involved
	Question Times – Special Meetings of Electors Question Times – Ordinary Meetings of Council Question Times – Agenda Briefing Forum Question Times – Annual Electors Meeting Question Times – Special Meeting of Council	Compiled by searching question time under Customer Index in ECM and by discussion with relevant officers.	2.25 hour per question including registration into ECM, reading, researching, drafting responses, reviewing responses, and providing written responses to the person who asked the question
	Court proceedings	Compiled by discussion with relevant officers.	Estimates provided by officers involved

(7)	Based on the sample of correspondence reviewed, it is concluded that the above estimates are very conservative and the actual time spent could well be in excess of the above. It is recommended that time records be maintained and stored centrally for all future correspondence with this group so the actual costs will be readily available without resorting to the use of estimates which are time consuming and less accurate.
	Transparency / Accountability (answering questions) versus Efficient Use of Resources??
(8)	Section 5.24 of the LG Act 1995 requires time to be allocated for questions to be raised by member of the public and responded to at every ordinary meeting of council (OMC). Regulation 6 of the LG (Administration) Regulations 1996 requires a minimum of 15 minutes for asking and responding to questions raised by members of the public at OMC. Local Government Operational Guidelines Number 3 – Managing Public Question Time provides guidance to local governments, amongst other things, as to how to deal with people asking repetitive questions, people asking inappropriate questions; and people asking a large number of questions. Public question time was designed to provide a means by which the public can seek responses from their council about issues affecting the local government. The local government needs to ensure the public is given a fair and equal opportunity to participate. To provide the public with a fair and equal opportunity to participate in question time, the local government may establish procedures to limit the number of questions a person can ask or limit the time for persons to ask questions. It is the Department's view that there is no obligation to respond to questions for which an answer has already been provided to the person asking the question. It is also not appropriate to use question time to ask questions that will require considerable research. The CEO can determine under Section 5.95 (1)(b) of the Act that provision of the information would be an unreasonable impost upon the local government and refuse to provide it. *Section 5.95 (1)(b) states 1) A person's right to inspect information referred to in Section 5.94 does not extend to the inspection of information —* *(a) which is not current at the time of inspection; and* *(b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.*

(9)	Section 5(2)(a) of the Local Government (Financial Management) Regulations 1996 requires the CEO of a local government to ensure the resources of the local government are effectively and efficiently managed. Whilst the approach the City has been taking in providing answers to the community is highly customer-focused and commendable, the resources that have been consumed in this endeavor have not been inconsiderable. A recent conservative estimate of $178,000 worth of mainly staff time was spent in answering questions in Question Time ($65,000) and providing information via other means ($114,000) to a small group of the community in the last 14 months, and the trend has shown no signs of abating. Two questions the City needs to ask itself now are whether: a) the City has been overly customer-focused on a small group at the expense of the whole community bearing in mind all these costs are shared and paid for by the whole community; and b) the City can satisfy itself that resources have been effectively and efficiently managed as required by Section 5(2)(a) above bearing in mind $1 spent on providing answers means $1 less in providing service. Put the $178,000 into perspective, it is equivalent to approximately 5,000 hours of service of a CSS officer. So instead of putting this amount on increasing patrolling for the whole community for better security, this resource is used to providing answers to questions to a small group of residents.
(10)	The City has a policy to deal with Question Time and that is CP-014 Question Time At Committee And Council Meetings. It lists out relevant legislative requirements and sets out procedures to handle Question Time such as questions must be submitted in writing prior to the commencement of Question Time and questions raised at Committee or Special Meetings of the Council must relate to matters relating to the purpose of the meeting or to a function of the Committee. What is lacking in this Policy, however, is procedures to deal with difficult situations anticipated by the Department including the following: • time management; • people wanting to make statements rather than ask questions; • people asking repetitive questions; • people asking inappropriate questions; and • people asking a large number of questions. The Local Government Operational Guidelines Number 3 makes it clear that the legislation was not intended that a local government provide an answer to every question where the question is outside the legislation or deemed unreasonable or inappropriate.

It is also an Occupational Safety and Health Act requirement that all employers are obliged to provide a safe workplace for their employees. The City may have breached this requirement by allowing abusive and defamatory correspondence to be handled by employees in the workplace.

Adhering to the above guidelines, the following correspondence should have been deemed inappropriate (i.e. abusive, repetitive, personal attack etc.) and should not have been responded to:

Sent: Monday, June 12, 2017 5:14 PM

Subject: Re: City of Melville's handling of parking violations etc

[redacted]

You are an absolute hypocrite. It seems you are well versed in picking and choosing which simplistic matters you allow the City to address and those with a more intelligence requirement you just simply couldn't be bothered with.

Is this because the City is incapable of employing intelligent staff or is there no one at the City with the skill and competence to fix the problems the City goes out of its way to actively create?

As to your feeble excuses below.

1. "*This matter has been the subject of previous attention by the City*;"
How does "previous attention" prevent lawful or competent attention? Just as turning your back on a charging lion won't stop you getting killed.
2. "*Where any person, directly involved with any form of complaint, is unhappy with the initial outcome of the City's involvement in such a matter, or in the event that an issue has escalated, it would be dealt with by the City in response to an approach by the person involved;* "
Clearly this matter has been "escalated" and very clearly "the person involved" is party to this further complaint so your excuse is self defeating. As with my own personal experience, you on behalf of the City, are clearly again deliberately absconding from resolving an "escalated" dispute both dishonestly and by acting outside applicable law. The public record shows that the City repeatedly and consistently refuses to "*deal*" with escalated complaints. Only does it ever treat such complaints with utter contempt.
3. " *The City would also, as in this case where you are an uninvolved third party, be subject to privacy principles."*
This is Western Australia, not [redacted] - **time you learnt Australian Law, where a competent Australian administrator or a**

	junior WA lawyer would have no difficulty in managing such a complaint resolution without going anywhere near breach of privacy laws. **Time you and the city stopped being so bone idle and bloody minded.** If an [redacted]**" is encouraged to write such dribble, then perhaps the Heathcote asylum should be reconstituted and made available for the City to take up residence**. **Even a fool could have better managed the City' complaint resolution process**. Regards
(11)	More examples of inappropriate correspondence: **Sent:** Friday, 2 June 2017 8:03 AM **Subject:** RE: [redacted] [redacted] That may be your view however from my point of view it is highly appropriate that those staff who are the subject matter experts are best placed to answer specific technical matters - in this respect Planning and Parking related matters. I hope you have a lovely day [redacted] **Sent:** Friday, 2 June 2017 7:55 AM **Subject:** Re: [redacted]

	[redacted] is running away from this one, we need to make something of this, **disgraceful conduct for the a/CEO** [redacted] [redacted] **Sent:** Monday, 29 May 2017 5:25:31 PM **Subject:** RE: [redacted] Dear [redacted] You will not be receiving any direct responses from myself as the issues you raised have or will be addressed by my co-directors who are fully across those issues. Regards
(12)	Another example of inappropriate correspondence: **Sent:** Sunday, 4 June 2017 1:08 PM **Cc:** Steve Cope; Marten Tieleman; Christine Young; Melville Information Officer; Cr Cameron Schuster; Cr Clive Robartson; Cr Duncan Macphail; Cr Guy Wieland; Cr Lisa O'Malley; Cr Matthew Woodall; Cr Nicholas Pazolli; Cr Nicole Foxton; Cr Patricia Phelan; Cr Rebecca Aubrey; Mayor Russell Aubrey; Cr Tim Barling; Cr June Barton **Subject:** [redacted] This is a complaint against the City's a/CEO [redacted], Director Urban Planning [redacted] and Directory [redacted] in relation to their handling of our report of parking violations and a potential breach of planning laws at [redacted] We refer to our initial 14 May emails/letter to [redacted] and [redacted] (as given below and as attached), our 26 May email exchange

with a/CEO [redacted] (attachments #3.2 & 3.4). [redacted] 2 June response (#3.1), [redacted] 2 June response (email below) and [redacted] 30 May response (#2.1) do not adequately address the issues.

In our 25 May email to [redacted] (#3.3) we stated "We are not sure if the City is purposely trying to be obstructive or if it is just not capable of taking due care in responding to such matters".

The City's responses have reaffirmed our rhetorical question, the City has certainly not responded with due care and attention; we just can't tell if it is **due to obstructive behaviour or just incompetence**. [redacted], as a/CEO, appears to have shown no interest in the issues that cut across two directorates.

Planning - potential breach [redacted]

[redacted] 2 June 2017 response **is a disgrace**, firstly it took him 3 weeks to provide a response to a simple questions; hardly prompt.

Secondly [redacted] response informed us that there had been previous complaints made in relation to this address in late 2016 and his directorate had investigated it and found no wrong doing. [redacted] response has only served to anger us further;

- Whilst we were not aware that there had been other complaints; this new knowledge only serves to reinforce our assertion that the issue has been going on for quite sometime.
- **His "investigation" appears nothing but a sham**. Attachments #1 provides some readily available information on [redacted] (aka [redacted]) (Riverview).
- Riverview:
  - has webpages that state the "address in Subiaco" is actually Home Base Expo Cnr Salvado Road and Harbourne St Subiaco WA 6008. A check at Home Base yesterday confirmed [redacted] does not have any presence there what so ever. (#1.1, #1.2)
  - Is the business/trading names for [redacted] with a registered address at [redacted].(#1.3)
  - Is owned by [redacted], also the resident at [redacted] (#1.1)
  - Has a contact number of [redacted], an Alfred Cove number and likely [redacted] after hours contact number.
- The numerous photos provided on 14 May clearly showed multiple vehicles parked on the [redacted], including commercial vehicles and the small car with the [redacted] signage.

We do not know how [redacted] can say "there is no evidence of a business of any nature being operated from" [redacted]

Parking violations - Commercial vehicles on verge and road for extended period - [redacted]

[redacted] 30 May response has not answered all of the questions put to her in the 14 May letter and subsequent correspondence with the a/Director Community Services, including, amongst others, asking for a declaration of any relationships between the [redacted] residents and City staff or Elected Members that may give rise to any real or perceived conflicts of interest.

Further neither [redacted], nor [redacted], have addressed the 25 May email (#3.3) question about why the a/ Director Community Services [redacted] posted a letter in response to the 14 May email to a spurious address with the false and/or misleading statement:

"Please note, in accordance with the Parking Local Laws, vehicles are able to park on the above mentioned verge"

In the context of our 14 May letter **this statement is a lie/fob off**.

City's poor customer service performance

The City's performance in dealing with our simple 14 May correspondence is a disgrace. **The City's staff appear to be hell bent on obfuscating the issues to avoid properly performing their roles and accountabilities.** The City has wasted our time and we still do not have adequate answers or confidence the issues raised have been addressed.

It looks to us like as if the City is managing these [redacted] parking/planning issues in the same disgraceful way it managed similar parking/planning complaints at [redacted] over a very prolonged period; something that caused great stress for neighbouring residents for many years.

[redacted], we know you are aware of the [redacted] issues given your role on Council and your association with the family / owners associated with the [redacted] property, presumably mostly through your time at [redacted].

We believe Council would benefit from thoroughly investigating our complaints as outlined above to inform its directions to the administration to ensure appropriate corrective actions are taken to improve and better monitor the administration's performance in

	these areas. We recommend you engage an independent and impartial party to investigate our complaints to give Council a fresh and unbiased perspective of the City's administrative practices and behaviours. This will also help improve the City's record keeping for such investigations. We suggest you seek guidance from the Office of the Auditor General office on how to go about it and who to select. We understand other Councils, such as the City Wanneroo, have trialled this approach. Yours faithfully
	Conclusions
(13)	Based on the review work conducted above in accordance with the Terms of Reference for this review, it is concluded that: (a) The CP-014 Question Time At Committee and Council Meetings does not have procedures to deal with difficult situations mentioned in the Local Government Operational Guidelines Number 3 – Managing Public Question Time; and (b) Resources may not have been used effectively and efficiently to the benefit of the whole community. It is recommended that management to: (c) Establish procedures in CP-014 Question Time At Committee and Council Meetings to deal with difficult situations anticipated in the Local Government Operational Guidelines Number 3 – Managing Public Question Times; and (d) Ensure its approach to providing information to the community satisfy the effectiveness and efficiency requirement in Section 5(2)(a) of the Local Government (Financial Management) Regulations 1996.