



UNSIGHTLY PREMISES

Mr PICCOLO (Light) (17:35): Earlier today I spoke in this place about my concerns in relation to local government. I wish to raise a matter which relates to local government, but on this occasion I would like to talk about some problems experienced by local government in the administration of some acts, in particular when dealing with nuisance complaints. I am sure all MPs get complaints relating to unsightly premises and neighbourhood noise.

Based on my experience, councils trying to deal with unsightly premises have to juggle the operation of three acts, namely, the Environment Protection Act, the Local Government Act and the Development Act. The process to resolve a complaint about unsightly premises is complex, time-consuming, costly and, at times, quite ineffective. Councils receive flak—which they do not deserve—because often the process is time-consuming and requires court action before councils can take meaningful action.

As a result of the way in which the acts interrelate and the way in which the process works, the process protects those people who do offend in terms of having unsightly premises. In my experience, in many cases a lot of reoffending occurs, as well. My experience has been that some people who maintain unsightly places tend to hoard beyond what is considered to be reasonable—and I am sure every suburb has them. Some people have a health problem which needs to be acknowledged and addressed. When dealing with people who maintain unsightly premises, we must also ensure appeal rights to make sure they are not unjustly treated.

Putting that category of residents aside, I believe that those people who cannot be bothered maintaining a property cause a problem for their neighbours. It is often a complaint heard down many streets. I am aware that the member for Fisher has raised in this place a proposal to introduce a neighbourhood ombudsman. I do not support a process which sets up another bureaucracy to deal with neighbourhood disputes because I do not think that would be helpful. It is important that these disputes and issues are addressed, and my view is that the legislation which deals with the matter of unsightly premises does need to be reviewed and streamlined.

Often it is difficult for councils to get people to clean up unsightly premises. The process can take years. I recall when I was mayor often it would involve disused cars. They would move them around the property so, once there was a court order, they cleaned up one site and put them somewhere else and then they would come back again. It is a real issue. I notice that my colleagues are indicating that they are aware of these sorts of complaints. The law must be changed to make it easier for councils to deal with people who are doing the wrong thing.

As I said, subject to safeguards to ensure that people are not in any way penalised by over-zealous neighbours, it is important we deal with those sorts of issues, particularly in working-class areas where the problem is heightened. I get numerous complaints from the Peachey Belt area about unsightly premises. Those people who maintain their properties to a very high standard get annoyed that the whole tone of the suburb can be dragged down by a couple of unsightly properties.

The other issue about which I get a lot of complaints in terms of neighbourhood disputes concerns noise. The enforcement of complaints against noise can be administered by three different agencies—local government, EPA or SAPOL. In my experience as an MP, SAPOL has dealt with it most effectively and addressed the problem head-on.

In my electorate I have received enormous support from SAPOL in dealing with noise complaints and they have been able to deal with a number of issues. Again, it is a situation where I think that the legislation

perhaps needs to be clarified to ensure that it is clear who does or does not have authority to deal with these issues. Also some changes were made to the act some time ago to give local government more involvement and, on my understanding, it has not been undertaken by local government who tend to wash their hands of it.

This is particularly so in what you might call rural living areas. A classic example is where people in my electorate have bought a few acres outside the township area to be quiet and to have some space and often they find that their neighbours have teenage kids—predominantly teenage boys—who love their off-road motorcycles. I can assure you that older people who would like some quiet and off-road motorcycles are not compatible. I receive numerous complaints about those sorts of things.

Fortunately, in some cases the police have been able to mediate between the parties, so they are used sometimes, but sometimes some people can be quite indifferent to the needs of other people in the community by riding their bikes day and night, over weekends, etc., which causes a lot of problems.

When looking at this legislation I think we also need to perhaps improve the mediation processes so that communities and neighbours can work together to resolve these issues. As I said, the reason I do not support the proposal to have a neighbourhood Ombudsman is because I think it is just a bureaucratic thing and because it also takes away from people the responsibility of dealing with community problems. I think it is effective when neighbours can be made to talk to each other and to resolve these issues.

I hope that these comments may engender some interest at a government level to look at this legislation and hopefully bring some peace to our neighbourhoods.

Motion carried.

At 17:42 the house adjourned until Tuesday 28 October 2008 at 11:00.