Executive Director, Local Government Respondent:

Paul Funnell, a former Councillor

2022/00259417

Application by Development and Environmental Professionals' Association [depa] to be joined as a party

Submissions by depa

1. The Development and Environmental Professionals' Association (depa) makes these submissions pursuant to a request to vary the orders dated 10 March 2023. Depa is content for the variation of the orders to be determined on the papers.

2. The applicant relies upon the case of *Tom* at [82] which makes clear that the test is whether the person's interests are affected. That includes, but is not confined by their statutory interests.

3. The applicant appears to rely only upon statutory interests. The applicant states at paragraph 12 and 13 that only it has the power to deal with statutory misconduct under s 440I and 440N and that: *Depa has no role to play in that decision. The consequences is that depa's material interests will not be affected by the outcome of these proceedings.*

4. Depa accepts that only the applicant has the power to commence proceedings for statutory misconduct under s 440I and 440N. It does not accept that: *The consequences is that depa's material interests will not be affected by the outcome of these proceedings.*

5. Depa has an interest in protecting its members, particularly professional staff involved in planning, development assessment and compliance from the actions of Councillors: statement of Robertson paragraph 3. It has repeatedly agitated that interest at Wagga Council: paragraph 18 to 36 statement of Robertson.

6. Depa is in a position to provide extra assistance to the tribunal. That is consistent with Objects 3(f) and (g) of the *Civil and Administrative Tribunal Act* 2013 which encourage high quality decisions, openness and transparency.

7. Depa has no interest in using these proceedings to reagitate arguments made in proceedings that are subject to a reserved decision.

Ian Latham

18 March 2023