

Our ref: C/31835  
Enquiries: Raji Clare  
Tel: 9220 7555 / mail@ombudsman.wa.gov.au

16 May 2016

Mr Andrew Laughton  
By email: [laughton.andrew@gmail.com](mailto:laughton.andrew@gmail.com)

Dear Mr Laughton

**CITY OF BUNBURY**

Thank you for your complaint of 24 March 2016 about the City of Bunbury (**the City**) in relation to the boundary retaining wall and boundary fence. You complain that the City refused to take action in regards to the 700mm retaining wall that has been built on the sewerage easement by your neighbour.

I have carefully considered the information you have provided in your complaint and made enquiries with and obtained further information from the City. I have also assessed the information before me having regard to the provisions of the *Parliamentary Commissioner Act 1971 (the Act)*.

From the information, I note that on 12 November 2015 the City emailed you and provided you with a response to your concerns relating to the retaining wall. The City also informed you that 'the disputed works has become a case for the Magistrates Court to make a ruling'. I further note from your complaint that you are currently engaged in proceedings in the Magistrates Court of Western Australia (**the Magistrates Court**) against your neighbour in regards to the retaining wall.

Section 13(2) provides that the Act does not apply to the Magistrates Court. In this regard, as your complaint concerns matters currently before the Magistrates Court, I am unable to investigate it. Accordingly, your file is now closed.

Should you have any queries about the information contained in this letter, please feel free to contact me on 9220 7555.

Thank you for bringing your complaint to the office of the Ombudsman.

Yours sincerely



Raji Clare  
**SENIOR INVESTIGATING OFFICER**