

Eurobodalla Ratepayers Association
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July 31, 2015

Dr Peter Boxall AO
Chairman
Local Government Team IPART
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VIA EMAIL

Dear Dr Boxall

Re: Eurobodalla Shire Council's Fit for the Future Submission

In IPART's Terms of Reference (ToR) and its released Assessment Methodology, considerable weight has been given to community consultation, the methodology of that consultation and the outcome of that consultation for Councils proposing to merge or otherwise change their structure. Unfortunately no comparable weight has been given to ratepayers' rights to say whether they want to stay the same. IPART has defined robust and rigorous criteria for community consultation for Councils who propose to change, but not so for stay-the-same Councils. It is our view that a community's response to a Council decision to stay the same is equally as important as a community response to a Council's decision to change. In this once-in-a-generation examination of Local Government, the imposition of a Council's will upon its community to stay the same without consultation is equal to the imposition of amalgamation upon a community without consultation.

The Premier is unequivocally offering communities and their Councils an opportunity to consider their future. Nowhere in the ILGRP report or in IPART's ToR is the IPART directed to ignore the outcome of community consultation for Councils which choose to stay the same. Nowhere is it directed that Councils in category G of the report must not seek community approval for remaining the same. It is an incomplete interpretation and application of the ToR, the report of ILGRP and the LGActs Taskforce to apply less weight to community input for stay-the-same Councils. In fact, we believe it is discriminatory not to do so. The Premier's clear intention and the recommendations of the ILGRP and the Local Government Taskforce are for communities to be involved in their future. In the absence of any direction not to, the same rigorous criteria of community consultation should apply to the "stay-the-same" process. This is natural justice and democratic process. Eurobodalla Shire Council has chosen not to engage in community consultation regarding staying the same.

The ILGRP report observes:

"There cannot and should not be a 'one-size-fits-all' approach, and in later sections of this report the Panel suggests a wider range of governance options to reflect that reality."

"What NSW needs is a new process to enable the *option* of amalgamations to be carefully assessed on a case-by-case basis within the context of the broader range of structural options presented above."

"... there is a widespread view that amalgamations could lead to cost-savings and better services. In the case of amalgamations, it appears that opposition is less firm than it may first appear: there is

scope to gain community support provided a sound business case is established and the public can be fully and accurately informed.”

“the Panel has noted a number of recent studies in NSW and elsewhere clearly demonstrate the potential for amalgamations – properly managed – to generate both efficiencies and increased strategic capacity (economies of scale and scope).”

It appears to undermine the process and intention when Councils assume that the recommendations of ILGRP are set in stone before the IPART completes its task. Eurobodalla Shire Council (ESC) has pre-empted the outcome of the IPART’s examination by assuming that by being in category G of the ILGRP report, they have already bypassed the IPART’s examination and by assumption are already deemed FFTF. As a result no community consultation has occurred.

How the IPART will deal with the lack of community consultation by Councils that have opted to stay the same remains to be seen. Happily, nothing prevents the Minister from taking a complete overview, in particular with regard to the needs of ratepayers of communities.

Ramifications for Eurobodalla Shire Council Ratepayers

In the absence of a specific directive to Councils to demonstrate a rigorous community consultation process when deciding to “stay-the-same”, Eurobodalla Shire Council (ESC) has unilaterally decided the fate of its ratepayers. The ratepayers of ESC have been locked out of the discussion about their future. The ESC submission to the IPART relies upon a five year-old Community Strategic Plan and a Micromex Research Survey Report of November 2014 to hint at community consultation. Neither document engaged any discussion regarding FFTF. The final word goes to the GM who at a meeting in Council Chambers replied when asked why ESC did not consult with the Community about FFTF “We didn’t have to.”

How to Assess the Eurobodalla Community Opinion

The community wants change. The community will embrace change. The relationship between ESC and the community is broken. Boundary changes must be considered as a means of re-establishing trust and economic vitality to the communities currently in the Eurobodalla Shire.

The long-standing local member the Hon. Andrew Constance can inform you of the disproportionate complaints against ESC that he has received over a long period of time.

The IPART can inform the Minister of the disproportionate response from the ratepayers of Eurobodalla against the most recent SRV application compared to other Councils. Apart from the number of submissions there was a petition of 10,000 signatures from a pool of 28,000 ratepayers.

Other State government departments can inform you of the disproportionate complaints made about ESC. These departments can also inform you of the high-handed disregard the ESC displays to them. One of our members applied under the then new GIPA Act for some Council documentation. After twelve months embattlement with ESC the Commissioner finally ruled in favour of the applicant. ESC ignored his ruling going as far as to pass a motion at Council to ignore the ruling.

Local business and rural groups have expressed no confidence in council and local media regularly reports on poor council administration and behaviour by councillors.

A most recent spontaneous community meeting at Batemans Bay RSL attracted 500 people including our local member. Dissatisfaction with numerous aspects of ESC was the theme. Several community meetings just prior to the RSL meeting attracted packed rooms of ratepayers also complaining about ESC.

The history of the Eurobodalla Ratepayers Association (ERA) is a clear indicator of where the community wants to go. ERA formed with six members in April 2010 in response to overwhelming community disquiet regarding ESC. By July there were 485 declared members of ERA and the Association had received hundreds of complaints regarding ESC. The Association's first public venture secured over 4,000 petition signatures in under 3 weeks against ESC's attitude and procedure in applying for an SRV. In spite of this and other strong community supported representations, it became impossible to negotiate any change in culture or process with ESC, so ERA formed a political party to participate in the most recent Local Government elections.

In particular we went to the community on a platform of wanting an external independent review and cultural change within ESC such that "dictators are dead" and "a can-do council" willing to listen and **respond** to the community. ERA went to the polls after only six months preparation and with limited experience. As a result six of the nine incumbents were removed from office including the former popularly elected Mayor. Four of our candidates were elected with 60% of the vote and we were 124 votes short of electing our representative as Mayor and thus obtaining five new Councillors. This result was not because of our prowess or luck. This result was a direct result of the craving of this community for change and they voted for it.

In spite of this upheaval at Councillor level, change remains unachieved. The bureaucracy remains as set in its ways as ever. ERA receives complaints to this day from builders and developers who are afraid to complain openly to Council for fear of reprisals. Traffic lights have been installed in Batemans Bay in spite of 60% of respondents to Council's own survey being against their installation. The LEP remains unfinished after ten years because ESC insists on including E3 classification against enormous public demand for it to be removed. A major infrastructure benefit for Batemans Bay remains incomplete "the spine road" in spite of money being committed to it as far back as the initial Howard government and most recently an offer from the current State government. There are too many to list here but these controversies have gone well beyond those which would naturally arise from council's role in resolving differences of view of particular issues in a diverse and growing community. They focus on the competence and culture of the council itself.

Real opportunities for Eurobodalla go unexplored. The opportunity to bid for Batemans Bay as the South Coast's regional centre appears to be of little interest to council. The various departments grind on petitioning for "low-hanging fruit" type grants while demonstrating no ability to undertake or complete larger projects e.g. the long awaited spine road, the completion of the LEP. Your departments could advise you of the inability of ESC to avail itself of the extraordinary financial offers being made by governments to local councils during the GFC: virtually nothing from the first tranche of offers and slightly more from the second. Eurobodalla ratepayers fared badly.

The current GM readily acknowledges the current parlous state of the relationship between ratepayers and her Council. She is on the public record. Recently the GM has hired a public relations consultant. The implication yet again is that the community has got it all wrong and the deep seated

resentment held by many to ESC is merely bad publicity. The ESC is not looking inwardly for change it is going to change us.

Eurobodalla Shire Council's position

The GM's position is unequivocal. In a letter published in the local newspaper she stated that her Council is "super-fit for the future". It is clear that the staff at the top believe that there is no need for change.

The suggested changes to the ESC modus operandi of recent decades in the ESC submission to the IPART are cosmetic, recent and not spontaneous. If it had not been for a recent meeting between the local member Mr Constance and the Mayor and GM no talk of change would have appeared. Any appearance of change has stemmed from that meeting. Members of the ERA committee met with the GM and a senior manager on the morning before the local member's meeting and the staff were adamant that they were relying upon the category G nomination by the ILGRP to get them through the IPART's examination. No public consultation was required and business as usual would be continued. It is clear that council's position is such that if there are no boundary changes it will be business as usual for the ratepayers of Eurobodalla. Rather old practices, such as the internal reviews of services and costs, which have yet to yield significant savings, will grind on and life in Eurobodalla will hardly change for anyone. We are advising our members to consider that while any change in boundaries for Eurobodalla may have potential difficulties this must be weighed up against the position of remaining the same.

These are exciting times for Local Governance and the IPART determination is but a part of an overview of Local Government. Our submission urges the IPART to be aware of the inequality inherent in "stay the same councils" submissions which have not demonstrated rigorous public consultation. We urge the Minister to consider globally the condition of Eurobodalla Shire and to make decisions which will allow its citizens to be part of the economic prosperity and community vitality that the rest of NSW will enjoy; to date we have been left out of the discussion.

Yours sincerely

Submitted by Ron Gifford
PUBLIC OFFICER

Eurobodalla Ratepayers Association on behalf of ERA Inc.

Cc

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