22 April 2010

Standing Committee on Finance
and Public Administration
(electronic submission to –
richard.willis@parliament.vic.gov.au)

Dear Mr Willis,

INQUIRY INTO VICTORIAN GOVERNMENT DECISION MAKING, CONSULTATION AND APPROVAL PROCESSES

Our Association has experienced difficulties over many years in dealing with Latrobe City Council on both operational and governance issues.

Many issues have been referred to successive Ministers for Local Government with little response, although the Auditor General and Ombudsman have picked up a few issues with consequent investigations vindicating the Association’s concerns. Recently, the current Minister has indicated that he will investigate a sale by private treaty proposal although ignoring matters of greater concern. It is therefore not difficult to surmise that this might only be a reaction to the Auditor General having already determined that he would investigate.

The nature and history of many of our concerns would possibly be of little interest to the committee, other than perhaps, the public perception that Council’s words on community engagement bear very little resemblance to the reality: unless there is a lot of “noise” from the community, Council appears to follow its own pre-determined course on most occasions. It also seems to do its best to gag councillors from speaking on any subject of community interest, or from revealing background decision-making material. The Association has been obliged to use FoI provisions to obtain information on occasions but even this method has limitations and two appeals are currently before VCAT. Nevertheless, information obtained via FoI in one instance has strongly brought into question evidence given at a Municipal Electoral Tribunal where the Council was found to be in breach of Sect 55D of the Local Government Act. This matter has been referred to the Minister for Local Government.

In recent times, however, a more alarming pattern has started to emerge whereby although Council may go through the motions of community engagement, the projects and ultimate decisions are being directly influenced, if not dictated by the interests and objectives of state government departments with scant regard to what local communities may wish. Certainly the state is entitled to have a grand plan, and may wish to adopt a co-ordinated approach on matters which are of common interest to many communities across the state; it may also reasonably wish to push the introduction of new ideas which have been found to work in other places. The difficulty is that some ideas – eg transit cities – may work well in one set of circumstances and be abject failures in another, hence care should be taken to avoid a “one size fits all” approach when attempting to quickly implement policy objectives. More importantly, however, we need to ensure that a primary purpose of local government – to serve the needs of local people – is not an unwitting casualty in the process.

One case where the input/influence of government departments is quite obvious is from this week’s Minutes of the ordinary meeting of Council on 20 April 2010 (I quote):

“The preparation of the Traralgon Station Precinct Master Plan is being funded through a collaborative model with contributions from Latrobe City Council, Department of Planning and Community Development, Department of Transport and VicTrack.”

The Plan was approved for release to the public at the meeting on 20 April and is now available on Council’s website. The Association has not yet downloaded and read the plan, but from the debate during the Council meeting there are quite clearly items with which the public will take issue. We are concerned that Council may be too greatly influenced by potential sources of funding at the expense of properly listening to its residents and ratepayers. It is even more of a worry when
consultants are paid by a government department when working on what purports to be a council project.

Another extremely topical and sensitive local matter is that of replacing the aged (1972) Latrobe Performing Arts Centre (LPAC) located in Traralgon – which clearly is no longer meeting the needs of performers, conforming to modern OH&S standards, or the expectation of today’s patrons. Consultants were engaged, an extensive (and seemingly genuine) community consultation process was pursued, and it was recommended that the new performing arts centre be constructed within the same civic centre site in Traralgon as the existing performing arts centre.

During the process, the Project Control Group/Consultants engaged in dialogue with Monash University, Gippsland Campus, and concluded that its Churchill site was not an option – particularly as Monash showed little interest in expanding its existing campus facilities. Notwithstanding that there were numerous other reasons for this not being a particularly suitable location, on the night Council was to make its decision, a bland and inconsequential email – not even a formal letter - from the Pro Vice-Chancellor, Monash University, Gippsland Campus, was proffered as suggesting that Monash University could now be interested in a collaborative undertaking. This was drawing a long bow as the email did not even mention the LPAC, nevertheless the usual ‘bloc of 5’ councillors successfully moved to defer a decision to pursue this vague Monash option which (as stated in the email) was dependent on long-term Monash master-planning in any event. There was even a suggestion that there would be no government funding available if the recommendation to build a new Centre at Traralgon were approved but this is contrary to the understanding of others and had certainly not been suggested by Council or its officers at any stage beforehand.

This belated Monash option was disturbing enough – with the strong implication that funding possibilities could determine location over appropriateness – but there are also concerns that something more sinister might be underpinning this sudden change in direction. Time will no doubt reveal more, as is the case with a private treaty proposal for sale of the previous early learning centre in Traralgon whereby there are indications that Council may be more concerned with “helping” the Department responsible for transit cities than adhering to its stated policy of preference being accorded to sale by public auction in such circumstances. The Association understands that the developer has redrawn plans with transit cities features in mind, and we have no quarrel with the development proposal per se. Nevertheless, as a matter of principle we believe that the public auction policy should be followed – and who is to say some other developer wouldn’t come up with an equally acceptable proposal?

As a final comment, we are not at all happy that projects involving “Rudd (stimulus) money” are seemingly bypassing all local planning processes – presumably with the approval of the State Planning Minister as we imagine this can’t be legislated by the Australian Government (but is perhaps a condition of funding?) We have a public housing construction project which commenced without any fanfare or even prior notification to affected residents. Council apparently was not in the knowledge loop either or surely they would have felt obliged to inform the community. There are also school projects which have raised questions but we believe that this is not unusual throughout the State. Despite the perceived urgency which the Australian Government attached to these projects, like the insulation debacle we have all heard so much about, they now serve as examples of what happens when due processes are not followed. It is perhaps an indictment of modern day trends which allow expediency to have pre-emptive priority over other considerations of efficient and effective utilization of public resources.

Yours sincerely,

(Bruce Bremner)
Honorary Secretary