

To Ipart,

RE Central Coast Council Latest Rate Rise application 22/02/2022

We are the administration team of facebook group "Protest against extreme rates of Central Coast Council".

There is an Air of Despondency in central coast council rate payers.

Why? We are still on a merry go round; A merry go round that ipart is helping to fuel. It goes like this. Central Coast Council spend all their money, run up debts, empty the bank accounts, spend spend spend – Ipart then agree to rate variations above the rate peg – because council has a financial need for the funds. Because council has a spending problem, The cycle is never ending.

We the protest group contend that Central Coast Council never had the intention of "working in good faith" nor working within its budgets nor within the context of ipart most recent SV determination. Which by Iparts own media releases<sup>2</sup> is supposed to only be for 3yrs. We categorically state this due to the fact that Administrator Rik Hart Appeared on the Radio only 1 day after winning the last most recent rate rise decrying the rate rise as "not enough" <sup>1</sup>. Central Coast Council Never ever had the intention of working in good faith within the ipart determination and were always going to apply for an extension from 3yrs to 10yrs. The time since ipart most recent special rate variation has been nothing more than "lip service" from council.

How is it that Central Coast Council lists under question "What is the key purpose of the requested special variation?"<sup>8</sup> .... To secure Council's financial sustainability. Again? Council has not yet fulfilled its obligations under the previous Special Variation it won from IPART; It hasn't run its full course yet and Council is already crying poor again. When does Financial Sustainability become an operational spending, rotten, unworkable, business model issue, or just a grab for more money? Under the disguise of financial sustainability?

So the merry go round continues; Council knows that if its constantly on the brink of financial ruin it will guarantee a sympathetic ear and bailout from IPART.

In the most recent successful SRV; IPART Levied on Central Coast Council expectations, Has Central Coast Council Met or exceeded every single one of IPARTS imposed expectations prior to this most recent request to change the goal posts?

Ipart has stated in the last SRV and we QUOTE "We acknowledge these concerns and the understandable anger ratepayers feel. Nevertheless, the council clearly does have a financial need for the SV. **Its use of restricted funds was unlawful** and it must pay these funds back." <sup>3</sup>

Rate payers and Special rate variations are NOT the only avenue available to reclaim moneys in order to pay these funds back<sup>5</sup>.

We bring to your attention Section 435 Local Gov Act 1993

## **LOCAL GOVERNMENT ACT 1993 - SECT 435**

### **Surcharging by Departmental Chief Executive**

#### **435 Surcharging by Departmental Chief Executive**

(1) If satisfied that any expenditure or transfer, or any entry in a council's accounts, has been incurred or made in contravention of this or any other Act or of any regulation in force under this or any other Act, the Departmental Chief Executive may--

(a) disallow the expenditure, transfer or entry, and

(b) surcharge the amount of the disallowance on the councillor, the general manager or any other member of staff of the council by whom the expenditure, transfer or entry was incurred or made or ordered to be incurred or made.

(2) The Departmental Chief Executive may also surcharge on a councillor, the general manager or any other member of staff of the council the amount of--

(a) any deficiency or loss incurred by the council as a consequence of the negligence or misconduct of the councillor, general manager or member of staff, or

(b) any money which ought to have been, but has not been, brought into account by the councillor, general manager or member of staff.

Central Coast Council even admits its use of funds was "unlawful", "catastrophic", QUOTE "This is a story about the failure of a council to understand or practise the basics of sound financial management." -*Dick Persson* <sup>4</sup>

Under the **LOCAL GOVERNMENT ACT 1993 - SECT 435** Central Coast Council has an obligation to exercise its right to "Surcharge" to recover 'unlawful' use of funds; Quote "...which included accessing restricted reserve funds without the necessary permissions" which they openly admit to on their website.<sup>6</sup>

### **Central Coast Council is just having a lend of us; All of us.**

Rik Hart Mentioned on ABC radio last Wednesday that he has 2 personal assistants one of whom was rehired AFTER taking redundancy<sup>7</sup>. This culture of excessive waste and duplication is what needs to be reigned in with cultural change, which cannot happen when IPART continually see themselves as the financial saviour of a fiscally irresponsible Central Coast Council.

Regards

The Admins and advisors of Protest the Extreme Rates of Central Coast Council.

1. [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF)
2. [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF)
3. [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Ratepayer-summary-Central-Coast-Council-2021-22-special-variation.PDF)
4. <https://www.governmentnews.com.au/council-faces-115m-loss-after-catastrophic-mismanagement/>
5. [http://www5.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/s435.html](http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/s435.html)
6. <https://www.centralcoast.nsw.gov.au/council/news/financial-recovery-plan>
7. <https://www.facebook.com/groups/> [REDACTED]
8. [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Central-Coast-Council-Application-Part-B.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Central-Coast-Council-Application-Part-B.PDF)