

## **CoRBA - Melbourne** **Coalition of Residents and Business Associations**

Carlton Residents Association Inc.; Docklands Residents Association; EastEnders Inc.; East Melbourne Group Inc.; Hardware Precinct Residents and Tenants Group; Docklands Chamber Commerce; Kensington Association; Melbourne South Yarra Group Inc.; North and West Melbourne Association Inc.; Parkville Association Inc.; Residents 3000 Inc.; Residents Rights: Southbank Residents Association; Collins Street Precinct; Docklands Chamber Commerce; Melbourne Business Council; Residents Rights; Yarra Park Association; Melbourne 3004.

# **STATEMENT**

**Monday 16 May 2011**

## **Community Engagement Framework – City of Melbourne**

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Despite the enthusiastic rhetoric surrounding the adoption of a Community Engagement Framework (CE), Coalition of Residents and Business Associations members (CoRBA), are dissatisfied with the extent of and negative attitude towards genuine community consultation.

CoRBA wrote to the Lord Mayor about this and was advised to meet with the CEO about ‘community engagement’ concerns. The Lord Mayor made reference to the CoM adopting the International Public Participation Framework as a model for the CoM CE Framework. The Lord Mayor’s response suggests that Council either fails to understand the objectives of the CE Framework or prevailing level of community disengagement within the constituency. The CoM Administration has an obligation to assist Councillors to satisfactorily achieve this.

Community perception is that the CoM Administration, who once welcomed consultation with incorporated groups (albeit responsible associations incorporated under the Association and Corporations Act 1981), no longer engages or fosters such productive contact.

### **1. CoM website and the 2009-2010 Annual Report references**

We are pleased to note that the CoM objective of achieving excellent *customer relations* is consistent with the task of delivering community services but the CoM Administration and Council must simultaneously address the constituents democratic right to meaningful *consultation* and genuine *responsiveness*.

The rhetoric on the CoM website promises what it does not deliver. “*A better engaged community will result in improved policies and services that reflects the community’s needs and aspirations. The City of Melbourne is committed to improving the way our community is informed and involved in the decision making process. This year we developed a community engagement framework to guide our activities*”

- CoRBA’s perspective is that CoM is generally attempting to *inform* primarily through the website, but not committed to *involvement* - and certainly not in relation to involvement in decision making and policy deliberations.

- The 2009-2010 Annual Report (p.83) The **CoM KA 11** describes in considerable detail the CE strategies. Significantly there is much reference to *customer relations* and minimal reference to genuine *community consultation*.
- Furthermore, there is no evidence of any *community consultation* conducted by the CoM Administration, around the initial adoption of the CE Framework. Nor has there been any justification provided for its adoption or any reference to the costs involved. Ironically the CE Framework appears to have been adopted completely without *community consultation* at all. Counter to the rhetoric, the newly appointed CE Team chose not to pro-actively engage with CoRBA members before or after the adoption of the CE Framework.
- Had the CoM Administration actually consulted with community groups before adopting the CE Framework, it may well have come to the realisation that its actual terminology is misleading. To the layperson, such a CE Framework would be taken literally and as meaning *engaging the community*. We find that this is not the case. The CE Framework merely relates to the ‘customers’. The current disillusionment and cynicism within the community in relation to the CE Framework could have been avoided.
- If the CoM Administration is to continue to invest in this ostensibly exemplary international best practice, under the umbrella of the AIPA, it seems reasonable to request that the community and Councillors be provided with the name of one Capital City Council in the OECD comparable with CoM in terms of the franchise, boundaries, functions and powers.

## 2. Evidence of satisfaction with the CE Framework

The CoM states, “*Our efforts to improve the way we engage our community are reflected in our Community Satisfaction survey results this year. They indicate an improvement in the community's perceptions about how we engage them*”.

The CoM’s Annual Review 2009-10 (p.64) states that only 64% respondents are ‘satisfied’. Questions then arise as to who participated in the survey? Did they know what they are satisfied with? Since community groups such as network of CoRBA organizations, appear to be outside the relevant stakeholder groups targeted by the CE Framework, their satisfaction with CE Framework is not factored into the statistic.

It is very puzzling then that the Lord Mayor, Councilors, and presumably the 200 CoM staff who evidently are pleased of the CE Framework, yet it is not valued by the community that it is meant to serve. This is completely at odds with the CEO remarks in the CoM Annual Report. “*I am pleased to report that our customers are telling us that we’re doing a good job. The government's annual survey of residents' perception of our services shows us that our overall performance is higher than other Victorian councils*”.

The CoM states, “*The organisation has a dedicated CE Team who ensures that community engagement activities are aligned to the framework*” Does this indicate that the CE Team is not actually required under the CE Framework to engage with community but only to engage with the CE Framework? From the CoM website “*Within the past year, nearly 200 City of Melbourne staff participated in community engagement training. A further 20 staff members participated in advanced training with the International Association for Public Participation (IAP2). The City of Melbourne uses the IAPP Association’s tools and resources to support its work and is guided by the association’s core values for public participation.* It goes on to promote commercial association.”

*For further information about the IAP2 core values, visit [www.iap2.org](http://www.iap2.org)*

The CoM website indicates that there is a great deal of overstatement relating to successful implementation of the CE Framework. We note website self-referential promotion of the CE Framework including a 10 minute video of CoM staff applauding the Framework - essentially how wonderful it is operating and how pleased they are to be part of it.

### **3. Confusing ‘constituents’ and ‘customers’**

It is important to consider the semantics of the CoM CE Framework as well as the rationale behind its adoption and the staff satisfaction with it.

- Excellent *Customer Relations* are obviously a worthwhile objective in the administration of local government services. If you can improve this and objectively evaluate this - well done.
- Genuine ***community engagement*** and *community consultation* and community responsiveness are rights to which the constituent’s representative local government democracy is entitled. This is a more difficult yet equally objective to achieve.

Let us be clear. Residents and ratepayers are indeed ‘*Customers*’ of the CoM in relation to the goods and services received in return for rates. *Customer relations* is essentially an operational term to the extent that it involves an economic exchange, i.e. our rates for the services delivered by the CoM. The CoM Administration has an obligation to manage *customer relations* in a professional honest and timely manner. This you do.

The CEO reports on the customer focus strategy, *”This year the City of Melbourne introduced a new Customer Focus Strategy, outlining our commitment to being a leading customer-focused organisation. By engaging with the community, delivering simplified processes and exceeding expectations, we are committed to high quality customer service guided by our corporate values, and our customers’ needs and preferences”*

It’s abundantly clear that the customer service is the dominant CoM objective in adopting the CE Framework. However, what is missing in relation to the CE Framework is serious thinking in relation to up-holding constituent rights. Their views are valid and need to be reflected in decision-making and policy.

The absence of *community consultation* goes to the critical matter of democratic representation. We expect the CoM Administration, as local government professionals, not marketing professionals, to respond to our requests for better consultation and we expect them to cease fobbing-off serious community concerns. The Community has the ‘expectation’ of democracy and proper representation. CoM Administration is remiss in ignoring this expectation.

Our understanding of *Community Engagement* is that the CoM Administration should involve the community not just the CoM staff in developing the thinking on any matter before it is presented for an in-principle decision by Councilors acting alone. It means CoM Administration should be engaging with the Councilors along with the community rather than one after the other.

Our understanding is that *Community Consultation* is linear process in which there is an expectation that it will lead to an agreed outcome. Currently within the CoM, the community at best, is very

minimally engaged at all under the tick-box CE Framework. Community consultations generally occur well after the Administration has settled major concepts and often the detail on most matters.

#### **4. Attitude to established ‘Community groups’ (normally franchised residents and ratepayers) compared to that of ‘the Community’ (potentially non-franchised).**

Administration has fostered a complete disconnection within the CoM as a consequence of apparently perceiving that established *Community groups* are not actually part of ‘*the community*’.

This unhelpful categorization and ranking is most improper given that ‘*community group*’ members tend to be ratepayers and residents and therefore are entitled to have a say in civic affairs, No such automatic entitlement attaches to ‘*the community*’. The Council, like many government agencies, has been encouraged by the CoM Administration to simplistically and mischievously adopt the view that if you somehow reach out beyond ‘*the usual suspects*’ (i.e. established functioning community groups) you can claim to engage with ‘*the real*’ *community*’.

In fact, communities are made up of a range of individual people with a diversity of views and some people with no views at all on particular issues. All citizens, however, have interests, which they seek to advance and/or protect. It is patently obvious that other than by plebiscites or referendums there is no way of capturing a single view of what this fictional construct of ‘*the community*’ thinks. Therefore, to elevate or prioritise the views of ‘*the community*’ and to devalue the views of those in ‘community groups’ is unsound. When tapping into the views of ‘*the community*’”, all that can be captured is the range of individual views and interests.

On the other hand, in relation to capturing collective points of view (i.e. community consensus) established *community groups* have the advantage of having the capacity to form collective positions in advance and to bring together people with some shared interests in any given issue or topic. In addition, *community groups* generally have an electoral or membership structure and this actually gives some assurance and validity they do indeed represent those interests shared by their members.

The CoM Administration too often rejects this argument, preferring the ease of a market research, focus group or on-line polls, e-poll survey approach. While community forums, focus groups, on-line polls, electronic surveys etc are methods are tapping into individuals within the wider community; established *community groups* have the added capacity to tap into the range of views and interests within their membership.

## **5. Specific Examples of Non-Engagement**

### **5.1 Consultations**

- **Chinatown, Childcare and Swanston Street.** It is significant that the CoM 2009-2010 Annual Report cites three examples of consultation with reference groups. Three examples are cited - Chinatown, Childcare and Swanston St. re-development. Two of the examples of *community consultations* cited are actually *focus groups* convened to explore a ‘topic’ about which the CoM wishes to consult. 2 examples of

consultation with groups as examples of CoM engaging the community, in fact the both of these groups (Chinatown and n and childcare) could be defined as Focus Groups since they deal with specific market based issues. In relation to both Chinatown and childcare, no attempt was made to access the views established community groups.

- The third example cited, the **Swanston Street re-development** on-line survey is essentially a *market research survey* to explore opinion on, once again, the 6 options specified by the CoM. All three examples ignore CoRBA member organisations and thus the wealth of local knowledge that would be available through members. Local knowledge and knowledge acquired over time is less valued than knee-jerk, snapshot vox-pop research. We all know that the way a question is written often distorts the answers elicited.
- **District Precincts Strategy.** The Annual Report provides another example of non-engagement in that the consultations around the District Precincts Strategy ONLY related to businesses, not residents. Given that businesses and residents increasingly co-exist throughout the CoM, the exclusion of residents within designated business 'precincts' is questionable. No credence at all is given to the views of established residential precincts groups which often have long-term working relationships with local traders.
- **Parking Technology.** The introduction of new parking technologies is another example of the CoM Administration failing to adequately inform or consult with the community. Leaving aside the relative merits of the technology the CoM process for introducing was obviously unsatisfactory. The media alerted the community in mid April and we are advised that the CoM Administration planned to *inform* the community in May. CoM Administration advises, "*Officers have met with numerous groups and provided a briefing on this parking proposal. Whilst not all resident groups have been part of that process, it is Council's goal to ensure all key stakeholders, including resident groups, are fully informed prior to the technology being rolled out, should Council approve the proposal*". Yet, all resident groups are part of CoRBA but none met with CoM on this matter. Even if they had it seems that we were to be informed rather than consulted. After the media broke the news, a personal email arrived from the CEO *informing* community groups of the new system. This was perceived as pretending to consult with community but not actually doing so. It is objectionable to CoRBA members that no prior *community consultation* took place but the CoM invited discussion was invited after the decision was taken to implement the system.
- **Community Forum August 2009.** Certainly '*the community*' was invited to discuss matters of concern along with a representative from established community groups but given the Forum agenda was already set by CoM Administration, it was hardly a consultative event. Tables were set up for specific topics discussion. No provision was made initially for broadening the topics under discussion to include topics raised by the community. When participants queried this limited Agenda, CoM Administration agreed to allow additional topics of concern to be noted at the conclusion of the Forum. Those wishing to raise the very many topics of concern not identified by the CoM were invited to gather around white board where hastily completed post-it-notes were stuck. We were assured that this material, which represented valid community concerns, would appear in a report of the Forum. As far as we know, this did not happen. This Forum tightly choreographed a futile *community engagement* exercise presumably aligned with the CE Framework but did

it actually *engage* with the community? No. It was a top down agenda indicating complete disregard for those with concerns outside the 6 put forward by the CoM Administration. The consultation process was a sham. Can the CoM point to one area where in-put from this Forum was actually incorporated into CoM operations or policy?

- **The MSS consultation process 2010** The MSS process and draft document were both inadequate and erroneous due to lack of local knowledge. Not only was the community galvanised enough to make 145 submissions to Council, but CoRBA members also felt disturbed enough to meet with the Ministry of Planning to express our alarm at the process. Of the 145 submissions related to MSS, Council Staff initially chose to ignore all but a few spelling mistakes. Alarmed Councillors then called a meeting to discuss the issues and hear community submission. The CoM Annual report 2009- 2010 (p.55) refers to the MSS document as a highlight yet CoRBA members and many others found it utterly lacking as evidenced by the 145 critical submissions - all ignored. What has the CoM learned about genuine consultation in advance seeking comment for decisions already made? Note also in the CoM Annual report 2009- 2010 (p.55) a rare reference to specific precincts, leading to the hope that local knowledge was in fact a consideration. Not so. On closer reading this reference to the '*Distinct Precincts Strategy*' ONLY relates to businesses in the CoM, not local residential precincts.

## 5.2 Surveys

- **The Swanston Street electronic survey.** CoM Administration pre-selected options without consultation with residents or the business community. Consequently, much 'local' knowledge did not feature in the selection of ONLY six options offered. We note that 38 formal submissions were ignored whereas a in the vicinity of 7000 'text' response were accepted as 'valid' opinion options for '*the community*'. No verification, no consideration of legitimacy no findings published in detail. Further, in relation to the potential solutions to the Swanston Street difficulties, the CoM Administration provided no opportunity for the community to propose other options. Again - this ostensibly democratic wide-reaching electronic survey strategy designed to tap into "*the community*" actually offered no capacity genuine *community consultation*. The considered responses of those who pay rates and reside in the municipality are accorded equal value to the quick-flick responses from - who knows where? Such electronic surveys may be convenient or cost-effective for CoM Administration to administer but the hidden costs are poor quality data and lack of equity. Such technological 'community consultation's actually disadvantage those constituents who are not familiar with, or even have access to, computers. When adopting such surveys as the major means of consultation, the CoM is in fact selecting a set of computer literate respondents and not necessarily the wider community. This limited strategy cannot claim to be engaging with 'the community' or 'community groups' for that matter.
- **Electoral system surveys.** In 2006 data from a telephone poll was used as the basis for recommending changes to the CoM electoral system. The deeply flawed electoral system we currently endure is a direct result of this shoddy market-research style of 'review'. We are led to understand the CoM Administration is again planning another such 'survey' in relation to an electoral review, which has been sought by the community for a decade. It is common knowledge that those managing the poll can, directly manipulate such tick-box surveys or polls. Therefore, the result can be dictated. And should this occur once again in the CoM, then the community will know full well that the CoM Administration is intent on further degrading the democratic processes in the CoM. The current electoral system is a direct result of this process.

## 6. Disbanding of the Community Reference Committees

- **Council/Community Liaison Meetings. Stopped!** A monthly meeting took place for all resident groups and chaired by the Councillor responsible for community liaison. In the absence of Ward representation it was the only regular avenue for community engagement. Without consultation the CoM Administration cancelled this process. Although there is a Councillor responsible for CE and our rates pay for a Community Development manager and CE project manager, no regular contact is deemed necessary or desirable. In fact, community perception is that the CoM Administration appears to have literally 'sealed up the door'. Access into the CoM Administration, to information and to our actual Town Hall has declined. To gain access to a meeting room free of charge at the Town Hall, CoRBA had to rely on direct intervention from a Councillor.
- **Events Advisory Group. Stopped!** The CoM/MG licensing agreement for the Flower and Garden Show required that a consultative group meet to address on-going community concerns in relation to this event.. Participants included CoM Events and Parks staff, the Councillor responsible for Events, IMG representatives and community representatives. The IMG representative and the Councillor failed to participate, In the absence of two of the four key people (IMG and Councillor), the CoM staff eventually let the group lapse. Given the great increase in residents in the CoM, such an Events Advisory Group would obviously be useful in considering all events, particularly in the CBD and Docklands which experience events in their midst with increasing frequency.
- **Heritage Advisory Group. Stopped!** All such groups were repositories of considerable invaluable local knowledge and this data is lost to CoM Administration. No wonder poor policies are the outcome. Neither the community nor the Councillors were told why such groups were disbanded. A consequence of this loss of local knowledge and in-put has been a disgraceful and sustained diminution of heritage support in the CoM until 2011. Clearly the CoM Administration in shunning local in-put has managed to overlook heritage protection - a key driver in attracting tourism to this city.
- **Parks and Gardens Advisory Group.** The community was, initially at least, heartened that this group was convened in 2010. The selection process and representation however, was a farce. The CoM completely ignored candidates of calibre and instead appointed candidates in a less than transparent and seemingly arbitrary way. It is obvious that all parks and gardens within the City differ and have different issues. Yet without local knowledge and in-put, CoM has adopted a 'one size fits all' approach. The non-experts appointed by the CoM do not represent community groups or interests. Yet this group is cited by CoM as evidence of *community engagement*. Another example of a fanciful '*the community*' being put forward by the CoM Administration, as having more validity than any involvement by the those representing the views of community groups with knowledge of particular parks or gardens. When CoRBA called the CoM to obtain contact details of the five 'lay-people' appointed by the CoM onto the P & G Advisory Group, .we were told that these details were not available. How does the CoM imagine local knowledge will be accessible to those making decisions about our public gardens? These are 'Community' Gardens not CoM property and the community has right to expect their views to be properly considered. The current situation is that the CoM has control and the extent of *community engagement* through 'lay' representatives is unsatisfactory. How did the CoM imagine the 5 lay 'advisors' from the community actually engage with the community - since they are not supposed to be representing

the community at all. How does this constitute valid *community engagement*?  
Where is the local knowledge to enter into the equation?

## 7. Secrecy, transparency, FOI - Community submissions to Council Committees

The CoM Administration has dismissed the role and validity of ‘*Community group*’ participation in the affairs of the CoM and it also seems to be resisting the participation of the community at large. The persistent lack of transparency and secrecy by CoM Administration appears to disturb Councilors and the community alike. (Leader May 2, 2011). It does not serve the community well; it is unethical and destroys constituent confidence in democratic local government. Contrary to the CE Framework it effectively *disengages the community* from public debate?

Given the investment in the CE Framework, the CoM Administration needs to reflect on how this strong perceptions of secrecy, withheld information and non-consultation developed.

- **Submissions.** We understand that currently the CoM Administration withholds submissions made by constituents to CoM committees. These are not available as part of the public record of the meetings. Submissions made by people who do not attend the meeting and address the committee are not read out. Only the name of the submitter is given at the meeting. There are obvious and significant consequences from this practice. The community left unaware of other community views and this lack of transparency is obviously not in the public interest. The community cannot access the content of the submissions of community groups or other advocates or interested parties. Nor is there a public record of the full range of views put to the Council. We understand that the only way to get this information is through FOI actions.
- **Recorded discussion at public meetings.** There seems to have been a change in policy regarding records of discussions at Council meetings. Formerly CoM Administration would provide on request a CD of the discussions at meetings. This is no longer the case although we understand such records are kept for several months after the meetings. Such important information is no longer made available. The community is seriously disadvantaged for obvious reasons.
- **Licensing Processes.** Granting the IMG license for MIFGS has always and remains a controversial matter for Council and the community. The CoM is in a tough position on this matter having to take into account State and Federal governments, the Museum and UNESCO. Therefore, it is certainly questionable that the CoM Administrations response to this matter is to suppress discuss, fail to consult and act in undue haste in re-licensing IMG to presumably bury the matter as quickly as possible. This would account for CoM Administration, ignoring the right of the community to be informed and ignoring CoM responsibility under the WH convention which requires public discussion. The re-licensing was simply listed as an agenda item for the Future Melbourne Committee Meeting on 12th April 2011. CoM Administration made the recommendation to Council to grant a license for 3 years with an option on another 3 together with a set of revised conditions all beneficial to MIFGS rather addressing other concerns. The CoM Administration was surely aware that public consultation is a requirement of

the UNESCO citation yet the CoM Administration has actively resisted this. The World Heritage Convention (Operational Guidelines of the WHC management structure refers to enhancing "the role of *communities* in the implementation of the WH Convention"; that the level of consultation should benefit WH status and general public interest. This would obviously include the license conditions, the financial arrangements or the cost of the budget. The financial aspects are generally hidden by IMG and the CoM as being 'commercial in confidence'. Significantly the newly established Parks and Gardens Advisory Group was not consulted either.

- **Planning processes.** There have been instances recently where incomplete or erroneous information has been sent for community comment. For example requests for community comment on variations on heights restriction when the crucial issue was in fact, that the application involved re-zoning which was not mentioned at all. Obviously such 'selectivity is alarming. The recent ombudsman's report on the CoM processes, in relation to the Windsor hotel re-development, was damning. This project, arguably the most significant faced by the Doyle Council, did not follow proper processes. The CoM Administration was found wanting. The community should be able to rely on the impartiality of CoM Administration to present the facts - ALL of the facts.
- **Matters deemed to be 'confidential'** We note that the number of items for discussion by Council are deemed to be confidential by CoM Administration. While acknowledging that some matters before Council obviously have aspects which could be reasonably deemed 'commercial in confidence' (eg. relating to contracts) we, note that other municipalities, manage to differentiate, in any given matter, matter, the aspects which are in fact 'confidential' and what aspects may be aired in the public sphere.(eg.. matters of policy, procedure.) This capacity seems to have atrophied in the CoM and the community perception is that the CoM Administrations 'default position is secrecy rather than be disclosure.

## In conclusion

- The CEO has responsibility for developing the organisational structure and therefore is ultimately responsible for the lack of satisfactory levels of community consultation and transparency in all areas of Council administration.
- The current CoM attitude to *community consultation* and *community engagement* is unacceptable. Council cannot be responsive to community concerns if the community is systematically marginalised by the CoM Administrative practises and is deprived of information.
- CoRBA notes that the objective of the CoM is to in theory increase the "*capacity and readiness of the organisation to engage its communities as an integral part of the decision making process*" yet all too often the community is invited to comment on drafts or options after decisions are made.
- Councillors in good faith respond to recommendations put forward by the CoM Administration yet we note anecdotal evidence that Councillors feel poorly informed or marginalised when the CoM Administration seeks endorsement rather

consideration from Councillors. When such endorsement is sought on matters without in consultation with the community or adequate consideration by Council then Council decisions are increasingly distanced from community concerns.

- The CoM Administration appears to be operating under the misapprehension that it is marketing body merely promoting and providing services for Melbourne and not serving the constituents of our municipality.
- If the residents and ratepayers whom the Councillors have been elected to serve do not feel adequately represented, consulted or able to influence policy agendas and outcomes then the CE Framework appears to have failed or require serious re-thinking by the CoM Administration.

## **Possible steps to ameliorate the situation**

- Re-forming the Council/Community meetings at a frequency to be agreed and attended by the CEO and at least 2 councillors. Advance notice of questions/issues to be discussed, time for additional issues to be raised with an allocated – 5 min allowance from each community group representative in attendance. No more than 2 reps from each group.
  - Representation on all new Advisory groups. Established community groups should have automatic right of representation on all Council committees. Eg. Parks and Gardens, Heritage etc.
  - CoM Staff undertake training sessions in *community consultation* and *community responsiveness* in order to change the culture with the CoM Administration raise awareness of the rights of constituents.
  - Submissions to Council Committees and meetings are made public immediately after presentation.
  - Withdraw from public discussion only those aspects of any given matter which are genuinely confidential.
  - Discuss the current disconnect between the Council, the CoM Administration, *community groups* and ratepayers and resume productive.
-