

## EUROBODALLA SHIRE COUNCIL

### PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of seven minutes** to put their case.

Ordinary Meeting of Council on **22 November 2022**

Name	Subject/Comments	Presentation?	Hybrid
<b>Public Forum – 10.30am</b>			
Andy Mehl	PET22/002 Petition regarding animal cruelty at rodeos PSR22/059 Licence for Moruya Rodeo - Moruya Showground	No	In person
Peter Cormick	PET22/002 Petition regarding animal cruelty at rodeos GMR22/110 Policy Review - Code of Conduct PSR22/059 Licence for Moruya Rodeo - Moruya Showground	Yes	In person
Lisa Ryan	PET22/002 Petition regarding animal cruelty at rodeos PSR22/059 Licence for Moruya Rodeo - Moruya Showground	Yes	Zoom
Louise Webb	PSR22/059 Licence for Moruya Rodeo - Moruya Showground	Yes	Zoom
Craig Young	PET22/002 Petition regarding animal cruelty at rodeos PSR22/059 Licence for Moruya Rodeo - Moruya Showground	No	In person
Jim Bright	GMR22/110 Policy Review - Code of Conduct	No	In person
Lei Parker	GMR22/114 Quarterly Budget Review for period ending 30 September 2022	Yes	Zoom
Trish Hellier	GMR22/114 Quarterly Budget Review for period ending 30 September 2022	Yes	Zoom

## **Public forum 22 November 2022 – Peter Cormick**

### **Items:**

- **PET22/002 PETITION REGARDING ANIMAL CRUELTY AT RODEOS**
- **GMR22/110 POLICY REVIEW – CODE OF CONDUCT**
- **PSR22/059 LICENCE FOR MORUYA RODEO – MORUYA SHOWGROUND**

Councillors,

I apologise, but circumstances have prevented me from providing you with details of what I intend saying at tomorrow's public forum on the items listed above. However, so that you can have a better appreciation of the animal cruelty that takes place at rodeos, if that is needed, please view the following videos prior to the Public Forum session.

<https://youtu.be/tRLJqRGQzTs>

<https://youtu.be/EU6mz5XYIV4>

<https://youtu.be/i9BDHkhc6IQ>

In outline, I intend speaking on:

- the inadequacy of the report on the petition regarding animal cruelty
- both issues of process and substance on and about the Moruya Rodeo licence,

With both preceded by a brief comment on an aspect of the Procedures for Council's Code of Conduct.

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## **9. PETITIONS**

PET22/002 Petition regarding animal cruelty at rodeos

## **11. PLANNING AND SUSTAINABILITY REPORTS**

PSR22/059 Licence for Moruya Rodeo - Moruya Showground

In relation to the above items, there is no easy way to confirm an Animal Liberation 'For or Against' position apart from confirming:

- 1) Animal Liberation is strongly opposed to rodeos and any events or activities which use, exploit, abuse and harm animals of any species.
- 2) Animal Liberation will support the broad intent of the petition however will be requesting more than the published motion of "receive and note the petition" as this action, in itself and on its own, will make no difference to the welfare or wellbeing of the rodeo animals. We will be calling for an amended motion.
- 3) Animal Liberation will support the intended public notification of Council's intention to consider approving a further 5 year licence, however, will strongly oppose any further licence approval, and specifically for a 5 year period.
- 4) We will challenge the proposed 1 January 2023 rodeo event proceeding.

Specifically in regards to the Council report agenda item and recommendations:

**RECOMMENDATION THAT:**

1. The Rodeo be held on 1 January 2023 under the conditions of its current licence.

**We will strongly oppose the above recommendation.**

2. Public Notification be given of Council's intention to consider approving a further 5 year licence

**We will support the above recommendation regarding public exhibition but will not support the approval of a further 5 year licence.**

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3. The need to comply with NSW Department of Primary Industry's Code of Practice for animals used in rodeo events be added to the conditions of any future licence

**We will support this recommendation but will require additional mandatory state based legislation to be included as well.**

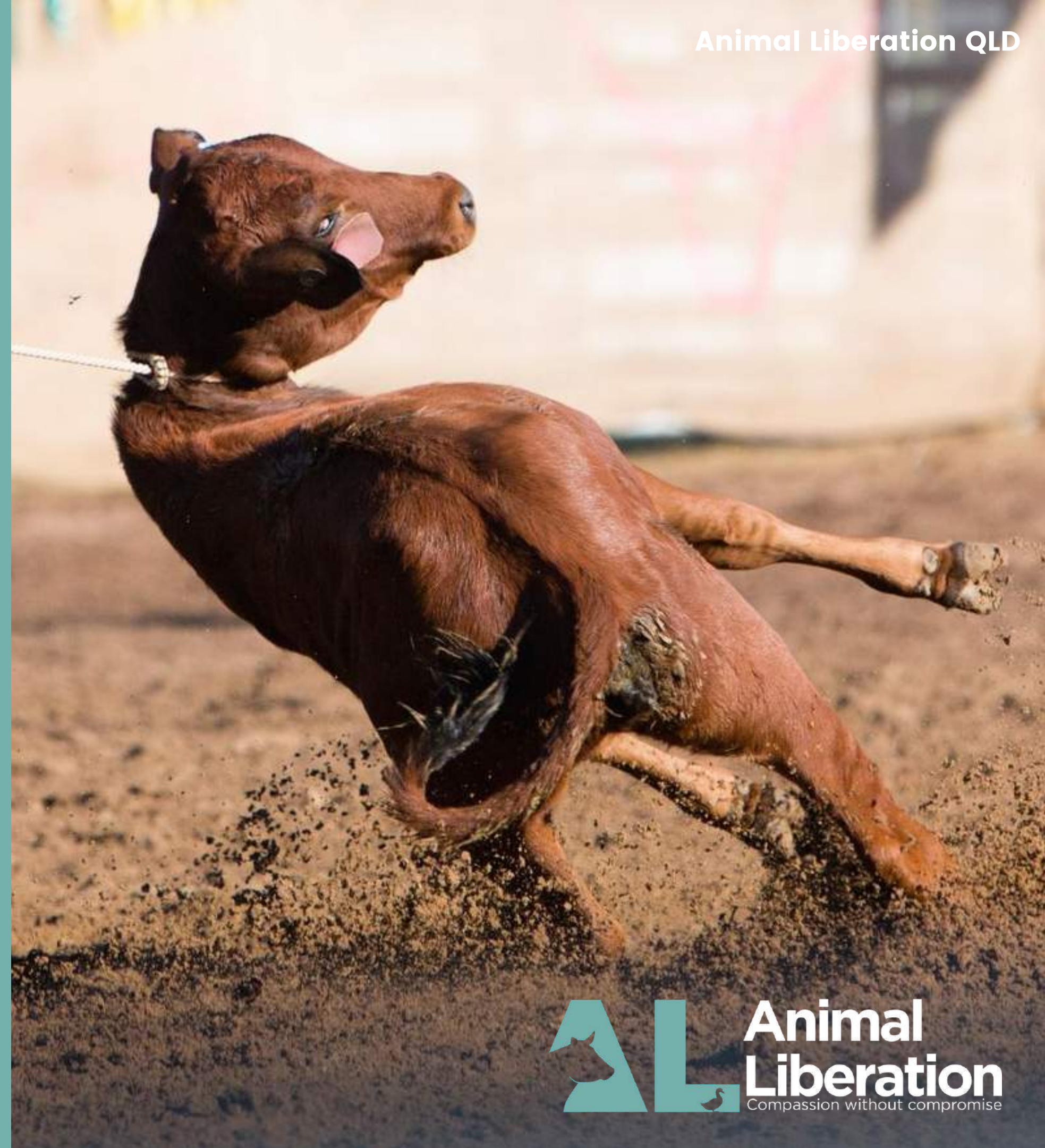
In short, we will be calling for amendments to the above three (3) recommendations.



# Eurobodalla Shire Council Public Forum Presentation

Ordinary Council Meeting  
Tuesday, 22 November 2022

Lisa J Ryan  
Animal Liberation, Regional Campaigns Manager





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- Introduction
  - Acknowledgement
  - About Animal Liberation
  - Animal Liberation presentation and our positions





Animals Uncovered



Animals Uncovered

## Agenda items

### 9. PETITIONS

PET22/002 Petition regarding animal cruelty at rodeos

### 11. PLANNING AND SUSTAINABILITY REPORTS

PSR22/059 Licence for Moruya Rodeo – Moruya Showground

## Rodeo Association of Moruya Inc.



# Key issues

- Animals used and abused in spectator sports/events for human entertainment and/or commercial profits
- History around the world, in Australia, NSW and Eurobodalla
- Have we evolved
- Selective approach to legalised animal cruelty

**“Of all the creatures ever made, Man is the most detestable. He is the only creature that inflicts pain for sport, knowing it to be pain.”**

- Mark Twain -





# Compassion without compromise

- Changing public expectations
- Current status quo
- The science and the experts
- Animal sentience

**“If you really care about animals stop trying to figure out how to exploit them ‘compassionately’, just stop exploiting them.”**

– Gary Francione –







## Animal cruelty and protection legislation

- Current status – NSW animal welfare & protection legislation
- Preventions of Cruelty to Animals Act 1979 (POCTA Act)
- Preventions of Cruelty to Animals Regulations 2012
- Code of Practice for the Welfare of Animals Used in Rodeo Events 1988



# Rodeos cause cruelty and animal suffering

- Rodeos – what they represent, consist of and include
- Animal cruelty and suffering and it's not just the 'event'
- Rodeos abuse, exploit and cause animal cruelty and suffering
- Rodeo events cause animal deaths – let's stop pretending they don't

**“The idea that it is funny to see wild animals coerced into acting like clumsy humans, or thrilling to see powerful beasts reduced to cringing cowards by a whipcracking trainer is primitive and medieval. It stems from the old idea that we are superior to other species and have the right to hold dominion over them.”**

- Dr Desmond Morris -





# Eurobodalla Shire Council

- Eurobodalla Shire Council & rodeo history
- Past licence agreement – questions, issues and omissions
- Matters requiring public transparency





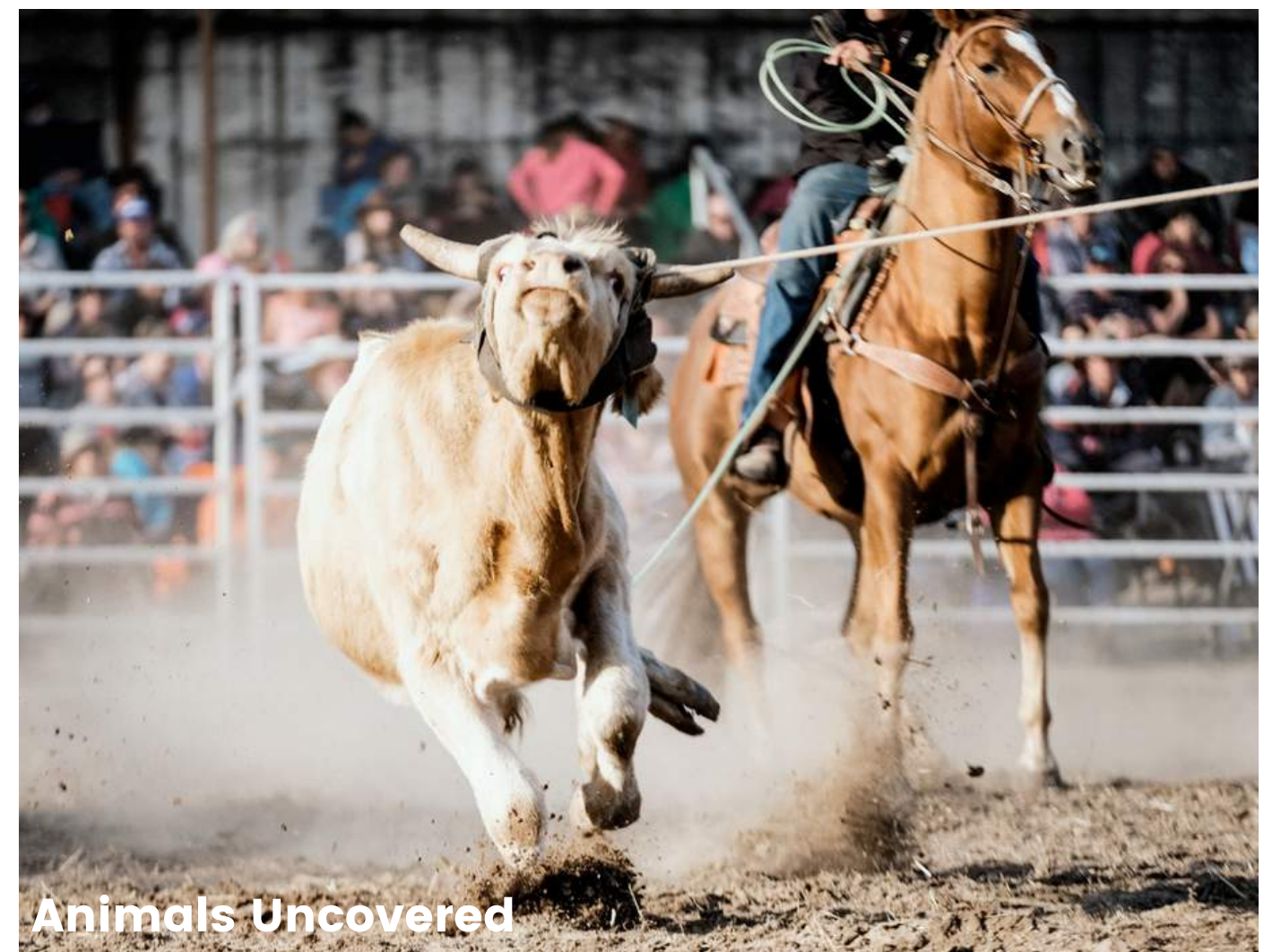
# Eurobodalla Shire Council

public and legislative obligations

- Public expectations
- Public transparency

**“Never depend upon institutions or government to solve any problem. All social movements are founded by, guided by, motivated and seen through by the passion of individuals.”**

– Margaret Mead –







## Necessary amendments

- Current petition
- Current council report
- Amendments

**“The arc of the moral  
universe is long, but it  
bends toward justice”**

- Dr Martin Luther King Jr -



# It's time for change

- Eurobodalla Shire Council – progressive leadership and being on the right side of history
- Incidents of pain and death at rodeos demand we stop excusing them and justifying them



**“Choose being kind over being right,  
and you’ll be right every time.”**

- Richard Carlson -

## **SLIDE 1**

## **SLIDE 2**

Good morning, my name is Lisa Ryan and I am Animal Liberation's Regional Campaigns Manager.

I am delighted to have this opportunity to address you about the very important matters outlined in Agenda Items No. 9 and 11 relating to the rodeo petition and rodeo report.

I wish to acknowledge the traditional owners and custodians of the lands on which we live, work and meet, and acknowledge their deep and spiritual connection to lands and waters. I also pay my respects to Indigenous Elders past and present. Aboriginal sovereignty was never ceded and this was, and always will be, Aboriginal land.

Animal Liberation is Australia's longest running animal rights organisation and we are proud to work towards permanently improving the lives of all animals. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

Throughout history mankind has always sought to exploit animals for sport, entertainment and often gambling profits.

Animal Liberation is strongly opposed to rodeos and indeed all activities which seek to exploit animals for human entertainment.

## **SLIDE 3**

The matters under review include ethical and moral considerations about events which are marketed as spectator sports and entertainment for human enjoyment and commercial profits, not only for those who run the events, but those who participate and even those who lease the lands where such events are held.

I wish to respectfully challenge the 'thinking' in this space and request council's decision makers reflect on these considerations, all of which hold merit, before you individually and collectively formulate your objective and informed views and decisions in the very best interests of your community.

## **SLIDE 4**



These matters compel us to examine the perceived and real animal cruelty, suffering and exploitation, as well as evolved public expectations about these types of events and practices which we allow to occur on some animal species, but would condemn if practiced on others.

Would council endorse, support or approve an event licence for 5 to 6 years for a rodeo which instead of using cattle, calves and horses, involved working dogs such as the Australian kelpie ?

I believe decision makers would feel very differently if a rodeo involved dogs and puppies forced to 'perform' for a paying audience.

We need to differentiate between fact and the fabrication of tradition and culture, which causes pain and suffering to others.

Why do we abhor some practices as cruel and unacceptable while selectively ignoring and condoning these same cruel practices being undertaken on some species of animals.

Time is running out for rodeo events – they are opposed by all animal welfare and protection organisations and increasingly, the broad public.

Because of the animal welfare issues and cruelty, the Protection of Animals Act made traditional rodeos illegal in England, Scotland and Wales. Rodeos are also banned in parts of Europe and the US. Calf roping events are already banned in Victoria, South Australia and the ACT because of the stress caused and risk of serious injury to these vulnerable young animals.

In New Zealand the New Zealand government has been challenged about rodeos in the courts and currently parts of California in the US are also looking to ban these cruel events.

Have we truly evolved as a compassionate society if while we vehemently oppose using a stockwhip, flank strap, spurs or an electric prod on dogs, we allow such practices on other species and pay to watch such cruelty?

These matters also relate to council's leadership role and compel decision makers to fully consider animal welfare and wellbeing expectations by those you are elected to represent.

## **SLIDE 5**

Educated consumers have collectively said loudly they do not support animal cruelty and they expect strong and enforceable animal welfare and protections laws and an end to abhorrent practices that knowingly cause animal suffering, distress, fear and pain.

The animal welfare experts and those with scientific and veterinary qualifications all agree, animals are sentient and rodeos need to be outlawed on animal welfare grounds.

## **SLIDE 6**

Our animal welfare laws offer minimal protection against cruelty towards animals. Our codes of practice are riddled with exemptions and terms like 'should' rather than 'must'. The rodeo code of practice is particularly lax, outdated and come 2023, will be 35 years old.

Oversight and enforcement is almost not existent because these events are often poorly regulated and frequently occur in remote locations.

Council's responsibility and accountability must surely extend beyond signing a licence agreement and receipting an annual fee – it should be prioritised towards its community and upholding the state's animal welfare laws before its obligations to a Rodeo Association.

IN NSW animal welfare is well and truly on the political agenda with a succession of state government inquiries and public feedback all confirming animals matter.

In recent months new laws to prevent the convenience killing of vulnerable, impounded animals has been implemented. In the last week, new laws to curtail puppy factories have passed the Legislative Council.

Currently the NSW parliament is considering the NSW Greens Animal Sentience Bill and a Bill to establish an Independent Office of Animal Welfare & Protection.

Currently, the state's primary animal welfare and protection legislation, the Prevention of Cruelty to Animals Act is also being re-written and updated.

## **SLIDE 7**

In reality rodeos are nothing more than displays of human domination, torment and bullying leading to cruelty to animals by prompting unnatural behaviours when they are physically provoked by the use of such devices as spurs, electric prods and flank straps.

Rodeos do result in painful injuries and sometimes the death of animals so let's stop pretending they don't.

Horses and cows are normally calm and docile but they rebel against their treatment. In rodeo activities, frightened animal flails their spine and torso vertically and sideways,



jumping and kicking, trying to remove sources of pain and irritation imposed on them by the show organisers.

Calf roping abuses baby cows which are chased at high speed, roped around the neck, dragged to a sudden stop with the rope choking their neck, then thrown to the ground; a horrific experience causing stress, fear, pain and sometimes injury.

It's not just the rodeo event which contributes to animal suffering, long distance travel between events can also be punishing, with animals often transported over long distances in hot and overcrowded trucks and trailers.

The injuries are not only confined to the rodeos themselves. Practice sessions and rodeo schools can involve, a calf being roped repeatedly, until the calf suffers injuries that require their replacement.

More and more people have become aware of just how cruel these events are for the animals forced to participate. The horses, bulls, steer, and calves suffer broken ribs, backs, and legs, torn tails, punctured lungs, internal organ damage, ripped tendons, torn ligaments, snapped necks, and agonising deaths.

Rodeos not only injure and kill many animals, they also expose children to legally sanctioned animal abuse with children witnessing riders and ropers dominate and injure animals. They see the spurs, the cattle prods and the ropes., and they internalise this as 'normal'.

Animal suffering and pain stares you in the face – we all know it and sense it profoundly when we witness animal cruelty.

When we see a dog cower and whimper from pain and fear because it has been harmed we instinctively recognise this as animal cruelty. The very same logic and rationale applies to what we witness and experience at a rodeo. Animals are not voiceless, rather we apply selective vision and hearing because to admit we have purchased tickets to watch such cruelty would make most of us very uncomfortable.

We choose to justify our participation in this this deliberate and intentional abuse of animals which by its very nature is violent, simply because it's 'entertainment' and it's legal. It cannot and should never be justified, condoned, endorsed or approved.

## **SLIDE 8**

It is clear from council's public records. the approval of the September 2017 rodeo licence, full transparency was lacking.

Those who endorsed the approval decision did not appear to have access to either the licence conditions, nor details about the additional 12 month holding over period which in fact determined a six not a five year licence. And yet in the very same council meeting report, it stipulates the licence expires on 30 November 2022. This alone should prevent the 2023 event from taking place on 1 January.

That this event has continued for around 50 years without a single reference to animal welfare and protection requirements, is quite frankly, astounding and equally distressing.

This can only be described as seriously flawed decision making over decades – and clearly this must change and change urgently. It would be our strong recommendation that through council's General Manager, urgent legal advice is sought regarding 1) the scheduled 1 January 2023 event and 2) that this same event could proceed under the current conditions which ignores NSW's mandatory animal welfare laws.

## **SLIDE 9**

Public expectations about sentient beings and their welfare and public transparency are very clear. Decision makers must listen and respond accordingly.

## **SLIDE 10**

The motion put forward for councillors to receive and note the petition will not however in itself prevent animal cruelty, pain and suffering. Accordingly, Animal Liberation is calling for much more and that by taking whatever action is necessary to ensure compliance with the Act calls for a complete ban on such events held on council land or land managed by council.

The only recommendation Animal Liberation supports in part is No 2 and involving public notification and a public exhibition period to harness community and public views about any future rodeo events. We strongly disagree that the proposed 1 January 2023 event can be held under the current conditions because this would exempt council and the Rodeo Association from state based mandatory animal welfare and protections laws. We will also strongly oppose any further 5 to 6 years rodeo licence. Recommendation No 3 ignores



NSW's primary legislation and simply attempts to rubber stamp a code of practice which is seriously outdated and inadequate – some 35 years old come 2023.

Local government councils' don't get to pick and choose which animal welfare laws will be adhered to and which we be incorporated into any licence agreements which fundamentally involve the welfare of animals.

## **SLIDE 11**

I encourage decision makers and those who draft policy positions to consider council's fundamental leadership role in the community, and more broadly as one of many councils' across NSW who are listening and responding to the heightened call for stronger animal welfare practices with council managed or council approved and endorsed events held on council land or council controlled land.

There are very clear and distinct choices presented here for council's decision makers. One is regressive and the other is progressive.

Historically, had bold and progressive decision makers not challenged themselves, others and the status quo, we would still have a legalised human slave trade, and women would not have the right to vote.

History has taught us that just because something is legal, it does not always mean it is ethically or morally right.

Progressive, strong and good leadership intended for the common good requires boldness and a willingness to extend one's thinking beyond one's comfort zone.

In 1789, as part of his British human slave trade abolition speech, UK member of parliament, William Wilberforce said: "you may choose to look the other way, but you can never say again that you did not know".

I ask you to consider these very wise words when formulating your views and making your decisions about the rodeo petition and council's rodeo report.

## PUBLIC FORUM

Council Meeting 22 November 2022

Psr 22/059 – LICENCE FOR MORUYA RODEO

Louise Webb

Good morning, Mayor and Councillors, and thank you for the opportunity to speak with you today.

I would like to address the issue before councillors regarding the future of the Moruya rodeo. This has been an annual event, held in conjunction with the Eurobodalla Show, for many years – around 50 years, I understand. I imagine that, each time in the past that the licence for this event has come up for renewal, it has been fairly automatic for that renewal to be approved.

This time, however, I would ask that councillors reflect more deeply on what it is they are being asked to approve. The event involves a display of riding and handling skills, which are useful to many people living on the land. But it also involves distress, fear and the risk of serious injury to animals. I would suggest that, in 21<sup>st</sup> century Australia, no thinking person would regard the use of animals in such a way as appropriate entertainment.

Let's just look at the sorts of activities rodeos involve:

**Bronco and bull riding:** Rodeo horses and bulls buck repeatedly as an instinctive reaction to being repeatedly kicked with metal spurs and to the tightened flank strap around their sensitive underbelly. Horses and cattle are prey animals and their reaction to being ridden in this way is the same as their reaction to being attacked by a predator, a situation where they experience increased fear, stress and panic. It is not uncommon to see horses and bulls hurl themselves at solid objects in order to rid themselves of the rider

**Calf roping:** Injury risks include damage to the calf's neck (soft tissue, windpipe and spine), bruising, broken ribs and choking. A Queensland study has shown that rodeo calves experience stress. A further study by the University of Sydney has also revealed that observers who assessed still images of calves being chased could recognise that they were frightened, stressed and anxious.

**Steer wrestling:** As well as the fear of being chased and forced to the ground in a rough manner, steers have had their horns damaged with deaths occurring due to their neck being broken. Other injury risks in steer wrestling include damage to the animal's windpipe and muscle and tissue bruising.

This information comes from the RSPCA Australia Knowledgebase. Unsurprisingly, RSPCA is totally opposed to rodeos, as are Animals Australia and many other animal welfare organisations. RSPCA is not by any measure a radical body; I have been a volunteer with the local RSPCA branch for nine years, and in my view the organisation is well attuned to current general community attitudes and expectations about how we interact with animals,



domestic, wild and farmed. Rodeos are banned in the ACT and in the United Kingdom. Why? Because they are cruel, unnecessary and inhumane. If we just open our eyes to what actually happens at these events, we will be sadder, wiser, and better placed to make an informed judgement about the appropriateness of such so-called entertainment in this day and age.

As to the argument that this is a longstanding attraction for locals and tourists, I would say, look around: our shire is a stunningly beautiful part of the world, with magnificent scenery, heritage sights, and a wide range of activities to engage everyone who lives or visits here. Animal cruelty does not need to be part of that.

I am, therefore, asking councillors to reflect deeply before they give carte blanche to an event involving pain, distress, fear and potential serious injury to innocent animals. What are our values here in Eurobodalla? What do we stand for, and what do our actions say about us? To be proud of our shire we need to be proud of what we do here, and how we treat everyone and everything that lives here. And we need to keep up with changing views, and the greater knowledge about animals – all animals – that science has revealed to us.

In making a decision on this issue, each one of you councillors can change an animal's life for the better, and make us all better people at the same time.

Thank you for your time today.

**Presentation to Eurobodalla Council Public Forum - TUESDAY 22 NOVEMBER 2022**

**GMR22/114 Quarterly Budget Review for period ending 30 September 2022**

Councillors,

When I came to Australia some forty seven years ago I was warned about Australians.

“Listen carefully to what they don’t say and read between the lines of what they don’t write, and ask yourself why?”

Today you have before you the September Quarterly Budget Review Statement for YTD Period Ending September 2022.

In reading through it I asked myself “What isn’t revealed here. What is hiding between the lines that they don’t want to tell me”.

A Quarterly Budget Review Statement is a complex thing. For most of us it is unfathomable. I imagine that it is also unfathomable for most of you. But today you will be asked THAT the budget review report for the quarter ended 30 September 2022 be received and noted.

And that you adopt the favourable variation to the Income Statement after capital revenue of \$15.36 million and unfavourable variation to the Consolidated Fund Flow Statement of \$9.06 million.

The only way you can adopt this recommendation is to have a thorough understanding of what you are being told and what you are not being told.

I accept that the staff brief you on such matters and you may already be comfortable with the recommendation. To raise your hand without understanding what you are voting on would be most disappointing.

I must advise you that while you might accept the Quarterly Review as it is, my concerns remain around what isn’t being reported on.

For the sake of my presentation, I will focus on the Bay Pavilion facility.



There is a mention of the Bay Pavilion in the September Quarterly Budget Review attachment.

In that attachment I discovered that the Bay Pavilion facility is not where one might expect to find it being a Recreational facility. Instead it is listed under Facilities Management.

eurobodalla shire council		QBR5 Entity Budget Amendment Listing Report Q1 September Review		Material Amendments per item > \$50,000		Attachment 1(e) cont'd
Entity	Program	Fund Flow Type	(Favourable)/ Unfavourable	Carry Forward	Quarterly Budget Review Comments Q1	
	Facilities Management	Capital Grants & Contributions	(2,024,070)	Yes	Grant funding for various Community Facilities projects including Eurobodalla Fire Control Centre construction and Moruya Showground Canteen & Amenities	
		Purchase of Assets	2,948,346	Yes	Development	
		User Charges & Other	265,423		Adjustments to 2022-23 Bay Pavilions operating budgets including reduced revenue and increased electricity expense	
		Other Costs (incl materials & contracts)	461,116			
		Transfers from (to) Restricted Investments	(1,314,785)	Yes	Grant funding for various Community Facilities projects and revised Crown Reserve funding for Bay Pavilions	

User Charges & Other	265,423		Adjustments to 2022-23 Bay Pavilions operating budgets including reduced revenue and increased electricity expense	
Other Costs (incl materials & contracts)	461,116			
Transfers from (to) Restricted Investments	(1,314,785)	Yes	Grant funding for various Community Facilities projects and revised Crown Reserve funding for Bay Pavilions	

For a \$70 million facility that has an expected depreciation in the order of \$1.6 million per year and a projected nett loss approaching \$3 million per year I was hoping that the Bay Pavilions might have its own open and transparent reporting line in the Quarterly Review.

Like many I was hoping to see its income, its expenditures and its depreciation.

But there was nothing. If there was income then it would have been absorbed in Consolidated income, as too its expenditures including contracts, labour costs, running costs and depreciation.

All the September Quarter reveals is that the facility had reduced revenue in the last quarter and that there was an increased electricity expense. I also learnt that there was revised funding from Crown Reserve funding but there was no figure.

Basically the September Quarter reveals nothing about the Bay Pavilions. Is it running at a loss. If so, to what extent?

In the report before you I am advised that “The proposed September Review adjustments to the **originally adopted Operational Plan budget for 2022-23** result in an unfavourable variation of \$1.16 million to the operating result before capital.

So in a hope of seeking more information around the proposed budget for the Bay Pavilion I ventured to the **Operational Plan budget for 2022-23**.

There I discovered that the Bay Pavilions was classified under **Community Facilities**.

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Delivery Program | Operational Plan



ESC-DP-2022-26-OP-2022-23-web

Service	Service Streams	Supporting Strategies and Plans
<b>Community Facilities</b>	Bay Pavilions Cemeteries Community Centres Public Halls Public Toilets Streetscape	
<b>Recreation</b>	Marine Infrastructure Parks and Gardens Skate Parks Swimming Pools Sporting Facilities Tennis Courts	Marine Infrastructure Strategy and Asset Management Plan Recreation and Open Space Strategy

When it comes to the Delivery Program for the Bay Pavilion the only mention we have is that the Bay Pavilions be 'Managed' and that the measurement is "increased satisfaction"



**Delivery Program**

**Activity**            **2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities**

**Measure**            Increased satisfaction with Public Halls, Cemeteries and Public toilets

**Directorates**        CARS

Operational Plan		
Code	Action	Service
2.2.2.1	Provide, maintain and renew community halls	Community Facilities
2.2.2.2	Prepare an action plan to increase use in community halls	Community Facilities
2.2.2.3	Provide, maintain and renew the network of public toilets	Community Facilities
2.2.2.4	Provide, maintain and upgrade Council cemeteries	Community Facilities
2.2.2.5	Provide a Council facility booking service	Community Facilities
2.2.2.6	Manage the Bay Pavilions	Community Facilities

How does one measure “increased satisfaction” of even “decreased satisfaction”? Is that a staff opinion?

But still there are no dollars being mentioned on this \$70 million asset that has an annual Nett cost (including depreciation) that is in the order of 3% of Council’s annual budget.

Drilling a little deeper it appears that the Bay Pavilions is hidden within the item : **Community Facilities**, along with public cemeteries, halls, dunnies and street scaping. By definition the Theatre is a Hall, the meeting rooms have been identified from the outset as a substitute community centre, and the aquatic centre is no different to our other pools. Yet here it is as a Community Facility that requires no measurement of performance and its costs are buried.

The following table shows the income, expenditure and net spend per service as well as the capital spend planned for each service in 2022-23.

Service	Income	Operating Expense	Net result	Capital Spend
Community Facilities	4,145,196	9,052,729	(4,907,532)	646,067

Now knowing that the Bay Pavilions is hidden within Community Facilities I return to the September Quarterly Review to discover expenditure and revenue for the quarter, being the first operating quarter of the facility.

As you can see there is no breakdown of INCOME from Community Facilities. Only Expenses.

And without any explanation we are told that there was an adjustment of \$550,896 bringing the Proposed Revised budget to \$9,603,625. Keep in mind that that is the annual expenditure for Bay Pavilions, Cemeteries, Community Centres, Public Halls, Public Toilets and Streetscaping.



**Consolidated Income Statement**  
for YTD Period Ending September 2022

Attachment 1(b)

Description	Original Budget	Proposed Carry Overs	Proposed Adjustments	Proposed Revised Budget	Actual YTD
<b>Income</b>					
Rates & Annual Charges	-70,707,099	0	0	-70,707,099	-70,785,644
User Charges & Other	-42,979,886	-934,925	-2,806,506	-46,721,318	-6,400,207
Investment Revenues	-1,195,022	0	2,256	-1,192,766	-858,693
Operating Grants & contributions	-20,874,372	-1,975,789	-1,470,466	-24,320,627	-4,242,530
<b>Total Income</b>	<b>-135,756,380</b>	<b>-2,910,714</b>	<b>-4,274,716</b>	<b>-142,941,809</b>	<b>-82,287,075</b>
<b>Expense</b>					
Economic Development (ED)	483,331	59,553	0	542,884	157,312
Children's Services (CS)	2,178,944	41,112	51,007	2,271,063	560,836
Commercial Entities (CE)	5,703,662	145,525	-1,505,132	4,344,055	760,793
Communications	773,770	19,867	-3,125	790,512	155,948
Community & Cultural Development (CCD)	1,138,285	308,618	173,792	1,620,695	319,090
Community Care (CC)	7,962,203	1,199,247	132,800	9,294,250	1,790,949
Community Facilities (CF)	9,052,729	0	550,896	9,603,625	1,822,716

So do we know what the 2022-23 expenditure will be for these Community Facilities? Yes. \$646,067. But note there is no mention of the Bay Pavilions in the following table.



## Our capital program

Council is planning to spend \$96 million on capital projects in 2022-23. The following table shows the capital projects to be delivered in 2022-23 by service area.

Projects marked with an \* are partially or fully funded by grant funds Council has successfully received.

Council will continually advocate for grant funding throughout the year. Successful grants are included in the budget when specific timing and costing can be determined.

Community Facilities	
Cemetery Improvement Program	47,085
Disability Access Works	34,146
Public Halls Libraries, Centres, Stadiums - improvements	115,204
Public Toilets	281,773
Halls General - Minor Renewals	51,136
Halls General	116,723
<b>Total Community Facilities</b>	<b>646,067</b>

So what aren't we being told about the Bay Pavilions? And why not?

To say that the way the subterfuge around the finances of the facility and how it was dealt over the past five years with was an embarrassment is an understatement.

In fact Council did all it could to suppress information, obfuscate figures and exclude scrutiny.

What was gleaned was only achieved under Freedom of Information requests that were systematically refused until higher authorities intervened.

So the community have been left to piece together what little they could.

To begin:

The Otium Business case was flawed with its assumptions of incomes and expenditures. Councillors were advised of this time and time again yet never challenged it. The business case was for a \$46 million facility. We now have a \$70 million facility. Yet Council refused to provide any revised projections for public scrutiny.

What we now understand is that:

The facility is under a management contract. That contract guarantees an annual fee irrespective of turnstyle performance.

All income from the facility goes into a bank account that pays for overheads of running costs. If the total cost exceeds that income then Council pays the difference. If the running cost is less than the income then that is returned as an income to Council.

If, as it is understood, this is the management agreement, then there is little onus on the management contractor to look to minimising costs or, to that matter, maximising profits.

It is understood that the electricity cost blowout mentioned in the September Quarterly review is in the order of \$265,423 or more.

User Charges & Other	265,423		Adjustments to 2022-23 Bay Pavilions operating budgets including reduced revenue
Other Costs (incl materials & contracts)	461,116		and increased electricity expense

So just what are the unfavourable \$726,539 adjustments to the Bay Pavilions operating budget? What are the other costs including materials and contracts? Was chlorine more expensive, has there been a cost blowout in labour or coffee beans at the cafe?

The Consolidated Income Statement claims that it shows the types of income, and expenditure per council service areas.

It claims *"This result can indicate whether Council is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue"*.

Unless Council is open and transparent about the Bay Pavilions financials the community will never know whether the facility is able to raise sufficient revenue to cover the operational cost (including depreciation which measures the wear and tear of Council assets) of delivering services to the community before considering its capital revenue.

The days of not talking about the elephant in the room are over. Either you continue, as your predecessors did in fiscal subterfuge, ensuring that the real costs of the Bay Pavilions are not revealed to the public, or you step up, demand that the



Bay Pavilions Facility has its own reporting line of income and expenditures including depreciation, so that the community can have faith and trust that the toxic ways of the past are finally over.

While it is appreciated that the management contract details and the contract figure remain 'commercial in confidence' the community should at least be advised of the method of measurability of performance and the base details around Council's commitments to meeting costs blowouts attributed to management decisions, management actions (or inactions) and real income.

Council recently advised that since June "the centre has welcomed more than 100,000 visitors since opening in June this year".

The centre opened on June 4<sup>th</sup>, 2022. This is 81 weeks which gives you 1234 visitors per week and 176 visitors each and every day. But where did these visitors go? What are the turnstyle counts and the revenue streams.

A turnstyle figure of how many went to the gym, the hydro pool, the pool, the meeting rooms, the theatre would give evidence of utilisation. It need not reveal income, yet given that the management contractor is on a fixed contract and all income is Council's then why can't the total income per section be known. As too the total electricity costs and most certainly the sum of overheads and depreciation.

As you are probably are now aware, the Bay Pavilions is not a pool and is not classified by staff as a Recreation Facility. As such it is NOT measurable, as Recreation Facilities are by: *"Increased satisfaction with provision and maintenance of sportgrounds, sporting amenities, accessibility of recreation facilities and swimming pools"*, as are the other pools, also managed by the same management contractor.

Moruya and Narooma pools are measured by visitations. These numbers are able to be accessed by a Freedom of Information request.

Had Bay Pavilions been included in Recreation then there would be an avenue to have the visitation numbers revealed. But now, as advised by a previous staff member no longer with council, under the current management contract, that visitation detail would be considered "commercial in confidence". This opinion, delivered with a smirk, is yet to be challenged. But challenged it will be.

## Delivery Program

**Activity** **2.2.3 Plan for, and deliver safe and accessible recreation opportunities, guided by the Recreation and Open Space Strategy and asset management plan**

**Measure** Increased satisfaction with provision and maintenance of sportgrounds, sporting amenities, accessibility of recreation facilities and swimming pools

**Directorates** CARS, IS

Operational Plan		
<b>2.2.3.7</b>	Manage the contract for Moruya and Narooma aquatic facilities	Recreation
Measures		
Visitation numbers at swimming pools		

In regards to projected incomes, expenditures and visitors Otium had advised in 2017:

### 8.2.1 Option One: Integrated Aquatic, Visitor Centre, Arts & Cultural in South of Precinct

The following tables detail option 1 projected 10-year operating performance, visitations and net contribution by main activity area.

Table 3: Option 1 Integrated Facility Southern Precinct Operating Performance

CATEGORY	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
<b>Income by Area</b>										
Aquatic area	\$1,090,349	\$1,175,563	\$1,265,237	\$1,320,353	\$1,377,736	\$1,437,474	\$1,499,661	\$1,564,394	\$1,631,773	\$1,701,902
Gym	\$197,119	\$212,525	\$228,736	\$238,701	\$249,075	\$259,874	\$271,117	\$282,820	\$295,001	\$307,679
Health & Fitness Programs	\$226,265	\$243,948	\$262,557	\$273,994	\$285,902	\$298,299	\$311,204	\$324,637	\$338,619	\$353,172
General Memberships	\$479,136	\$516,582	\$555,987	\$580,208	\$605,423	\$631,674	\$659,001	\$687,447	\$717,056	\$747,873
Theatre	\$286,414	\$301,462	\$317,051	\$326,557	\$336,332	\$346,384	\$356,721	\$367,350	\$378,279	\$389,517
Gallery and Theatre	\$14,720	\$15,713	\$16,744	\$17,301	\$17,874	\$18,464	\$19,072	\$19,699	\$20,344	\$21,008
Workshops & Meetings	\$21,859	\$23,334	\$24,866	\$25,692	\$26,543	\$27,420	\$28,323	\$29,253	\$30,210	\$31,197
Café and Merchandise	\$593,578	\$633,316	\$674,568	\$696,908	\$719,919	\$743,619	\$768,029	\$793,169	\$819,058	\$845,719
Visitor Information	\$40,000	\$40,920	\$41,861	\$42,824	\$43,809	\$44,817	\$45,847	\$46,902	\$47,981	\$49,084
<b>Total Income</b>	<b>\$2,949,440</b>	<b>\$3,163,364</b>	<b>\$3,387,607</b>	<b>\$3,522,537</b>	<b>\$3,662,612</b>	<b>\$3,808,026</b>	<b>\$3,958,975</b>	<b>\$4,115,669</b>	<b>\$4,278,320</b>	<b>\$4,447,151</b>
<b>Expenditure by area</b>										
Aquatic area	\$1,506,594	\$1,557,905	\$1,611,038	\$1,661,967	\$1,737,396	\$1,792,526	\$1,849,470	\$1,916,732	\$1,977,785	\$2,040,852
Gym	\$356,184	\$367,006	\$378,169	\$397,313	\$409,462	\$421,995	\$434,927	\$448,269	\$462,035	\$476,240
Health & Fitness Programs	\$191,328	\$198,725	\$206,372	\$212,614	\$219,045	\$225,671	\$232,498	\$239,531	\$246,779	\$254,246
General Memberships	\$140,625	\$144,833	\$149,173	\$153,648	\$158,262	\$163,020	\$167,927	\$172,988	\$178,207	\$183,589
Theatre	\$599,176	\$617,579	\$636,568	\$656,163	\$676,384	\$697,250	\$718,784	\$741,006	\$763,941	\$787,610
Gallery and Theatre	\$207,901	\$214,805	\$221,943	\$229,322	\$236,952	\$244,840	\$252,995	\$261,427	\$270,145	\$279,159
Workshops & Meetings	\$101,986	\$105,216	\$108,551	\$111,994	\$115,551	\$119,224	\$123,017	\$126,934	\$130,980	\$135,159
Café and Merchandise	\$430,351	\$440,396	\$450,678	\$461,201	\$478,133	\$489,299	\$500,728	\$519,021	\$531,146	\$543,556
Visitor Information	\$165,000	\$168,795	\$172,677	\$176,649	\$180,712	\$184,868	\$189,120	\$193,470	\$197,920	\$202,472
<b>Sub- Total Expenditure</b>	<b>\$3,699,144</b>	<b>\$3,815,260</b>	<b>\$3,935,169</b>	<b>\$4,060,871</b>	<b>\$4,211,896</b>	<b>\$4,338,694</b>	<b>\$4,469,465</b>	<b>\$4,619,378</b>	<b>\$4,758,937</b>	<b>\$4,902,883</b>
<b>Less undistributed management costs</b>	<b>\$220,083</b>	<b>\$227,125</b>	<b>\$234,397</b>	<b>\$241,910</b>	<b>\$249,669</b>	<b>\$257,685</b>	<b>\$265,965</b>	<b>\$274,519</b>	<b>\$283,355</b>	<b>\$292,483</b>
<b>Total Expenditure</b>	<b>\$3,919,228</b>	<b>\$4,042,384</b>	<b>\$4,169,566</b>	<b>\$4,302,781</b>	<b>\$4,461,565</b>	<b>\$4,596,379</b>	<b>\$4,735,430</b>	<b>\$4,893,897</b>	<b>\$5,042,292</b>	<b>\$5,195,365</b>
<b>Projected Profit/(Loss)</b>	<b>(\$969,787)</b>	<b>(\$879,021)</b>	<b>(\$781,959)</b>	<b>(\$780,244)</b>	<b>(\$798,953)</b>	<b>(\$788,353)</b>	<b>(\$776,454)</b>	<b>(\$778,228)</b>	<b>(\$763,972)</b>	<b>(\$748,215)</b>

Those figures were based on the following Visitor projections:

Table 4: Option 1 Integrated Facility Southern Precinct Utilisation (Visits/Year) by Area

VISITS PER YEAR BY AREA	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
Aquatic area	127,276	132,809	138,343	139,726	141,110	142,493	143,877	145,260	146,644	148,027
Gym	20,608	21,504	22,400	22,624	22,848	23,072	23,296	23,520	23,744	23,968
Health & Fitness Programs	23,515	24,538	25,560	25,816	26,071	26,327	26,582	26,838	27,094	27,349
General Memberships	57,408	59,904	62,400	63,024	63,648	64,272	64,896	65,520	66,144	66,768
Theatre	38,720	40,260	41,800	42,185	42,570	42,955	43,340	43,725	44,110	44,495
Gallery and Theatre	4,830	5,040	5,250	5,303	5,355	5,408	5,460	5,513	5,565	5,618
Workshops & Meetings	3,726	3,888	4,050	4,091	4,131	4,172	4,212	4,253	4,293	4,334
<b>Total Visits per Year</b>	<b>276,083</b>	<b>287,943</b>	<b>299,803</b>	<b>302,768</b>	<b>305,733</b>	<b>308,698</b>	<b>311,663</b>	<b>314,628</b>	<b>317,593</b>	<b>320,558</b>



But alas, unless you, the councillors, demand otherwise, the Bay Pavilions income and expenditure will not come under public scrutiny. Nor will the performance of the management contractor.

It is clear that the 2017 Business case had little relevance to the 2022 building you now have. One might ask “Why wasn’t the business case revised as the form of the development changed”. Why did Council allude to having an updated version yet have never provided one stating it was “commercial in confidence”, even under an FOI?”

As I said at the outset, what is not said and not written is where you find the truth of the matter.

Councillors and community, this September Quarterly review reveals superficially what they might like you to know but it is only once you begin to read between the lines that you begin to discover what is not revealed.

The last period of councillors, either by way of laziness, indifference, fear, complicity, gullability or otherwise, saw that the Bay Pavilions performance and fiscal accountability remained in the shadows. It will be interesting to see what this term of councillors do, given that we have a new General Manager who might also like to see the openness and transparency that was promised during your collective September 2021 electioneering campaigns actually delivered.

Councillors, you might also like to look at the tourism and event marketing spend and ask if you are happy with the way it is reported, and measured and are you, and the community, getting value for money.

The time might have come to reinstate the disbanded Tourism and Business Advisory Committees that at least had representation of industry members who possess both the acumen and the ‘skin in the game’ to effectively measure and deliver.

Or is that too much scrutiny too soon?

Lei Parker

Good morning Mayor, Councillors, General Manager, Staff, Gallery and those comfortable zooming from home. My name is Patricia Hellier for Batemans Bay

I would like to speak on Item GMR22/114 Quarterly Budget Review for period ending 30<sup>th</sup> September 2022.

As I said I would like to speak on this item but the facts are I am unable to find the item in this published Quarterly Budget that I am looking for and that is in relation the Bay Pavilion Aquatic and Arts Centre.

The majority of your Councillors stood on “openness and transparency” at the last Council Election.

Given that the community were not privy to the contract in relation to the “Pav” or it’s operations I am wondering if the Quarterly Budget is not required for this operation?

Given that I have a 2<sup>nd</sup> lap top loaded to this item on the Council Agenda if the figures are in this budget could the Mayor, a Councillor or the GM direct me to the appropriate area there are located?

I like others are very interest to know if the projected figures and attendances etc on this facility are to budget?

Patricia Hellier