

Trader levy shaping up for legal showdown

Description



The proposed Warrnambool traders levy is heading for legal action unless it is withdrawn by the council at its meeting next Monday.

OPINION

[dropcap style="color: #a02f2f;"]P[/dropcap]lans to hit traders with a compulsory levy to raise \$3 million over five years for [Commerce Warrnambool](#) are headed for court unless the Warrnambool City Council puts a stop to the levy immediately.

Commerce Warrnambool and the [Warrnambool Traders Action Group](#) agreed to not talk publicly about the levy while negotiations were underway between the two, but don't think for a moment they have struck a deal.

In fact, it is the opposite.

In a hard-hitting letter sent to all councillors and council Chief Executive Officer Bruce Anson last week, the traders are asking the council to withdraw the levy proposal at its meeting next Monday (21/7), or it will take legal action against Commerce Warrnambool to prevent it from acting outside its legal powers.

The first step in that process is an injunction issued by the Magistrates' Court.

Before delivering this ultimatum out of sheer exasperation, the W'bool Traders Action Group spent a lot of time identifying where it believes Commerce Warrnambool has breached its legal requirements as an incorporated body and hoped that something would be done to address these concerns.

It also, despite weeks of discussion between the two groups, is still waiting for answers to its questions

about how the levy has been justified.

It appears the traders have finally run out patience.



The Warrnambool Traders Action Group has questioned how many “headoffices” of major businesses have verbally supported the levy idea.

[dropcap style=”color: #a02f2f;”]W[/dropcap]ith their gloves firmly off, the traders have, in their letter, accused Commerce Warrnambool of making “false and misleading” claims about the level of support

for the levy, which would raise \$600,000 in its first year and rise by 5 per cent each year.

In arguing why the levy should go ahead, Commerce Warrnambool said its consultant, Peter McNabb, had visited more than 900 businesses to explain how the levy would work and that this resulted in signed support from more than 150 traders.

The W'bool Traders Action Group says it has since spoken to more than 300 businesses and found less than 20 who were formally consulted: most found out about the levy through the media.

(As an aside, *Bluestone* asked the council if it had seen the 150 signed forms of support and was told that they had been “viewed by council staff”, but presumably not the elected councillors.)

Similarly, Commerce Warrnambool said its consultant received verbal support (ie. via telephone) from 150 corporate businesses who have their head offices outside of Warrnambool – a claim the traders describe as “fanciful” because finding the right person to speak to in corporations is difficult, let alone gaining their “verbal support” for anything.

And it doesn't stop there.



[dropcap style="color: #a02f2f;"]T[/dropcap]he Traders Action Group goes on to reveal in its letter that the “purpose” of the Commerce Warrnambool Strategic Business Plan – as stated in the business plan – is actually the “purpose” of the Swan Hill Incorporated plan (which Peter McNabb and Associates also developed) and has nothing to do with the objectives of Commerce Warrnambool.

There are also allegations of threatening, potentially libelous emails being sent from a member of Commerce Warrnambool to two members of the Traders Action Group.

Put simply, the levy proposal is a mess and, as a result, Commerce Warrnambool is in a mess.

This is a shame, because the city *needs* a robust Chamber of Commerce – something the W'bool Traders Action Group also agrees on – but how that body is funded, and what it does, needs more

investigation and discussion.

I have [written previously](#) about how chambers of commerce in other regional cities use memberships and corporate sponsorships to survive and how they are primarily focussed on lobbying, networking and professional development: not things like Christmas decorations, 'buy local' campaigns and promoting the local football finals.



*To stop the proposed
Commerce Warrnambool
levy
You must **OBJECT***

[dropcap style="color: #a02f2f;"]I[/dropcap]n addition, we still don't know – if the levy was to go through – what Commerce Warrnambool will deliver in its first year, beyond some very broad-brush goals that require a huge leap of faith that the \$600,000 will be well spent.

Our elected officials have an opportunity, next Monday, to put the brakes on the whole levy proposal and Commerce Warrnambool has an opportunity to start over, with a view to building a robust plan for its future that has solid – rather than fractured – support.

The most likely result, however, is that the council will vote to defer the levy process until later in the year, which really helps neither side and only extends the war.

The council might prefer to stay in limbo, but the traders have made it clear that they will not.

This time, time has run out.

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