



VICTORIAN INSTITUTE of RATE ADMINISTRATORS

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V I R A NEWS

JULY/AUGUST, 1988

PRESIDENT'S REPORT

On Friday 22 July, the VIRA will be holding its 1988/89 Annual General Meeting at the Shire of Flinders in Rosebud, details of which are disclosed in the centre pages of this Newsletter.

This occasion marks the end of one term of office for Executive Committee members and the opportunity of fresh input from new participants. As a result of the secretary's recent call for nominations, there will be six new faces on the nine member Executive.

The three continuing members of the committee will be Murray Hockey (City of Sandringham), Gerry Pekin (City of Caulfield) and Geoff Fleming (City of Oakleigh). The retiring members are Bill Cane (City of Knox), Bob Paterson (City of Box Hill), Neil Walsh (Shire of Melton), Mike Piritralis (City of Fitzroy), Kevin Webb (Shire of Corio) and myself.

Readers of our "Faces going Places" column and the regular Saturday advertisements in "The Age", may by now know that Bill Cane was appointed Chief Clerk at Knox, while Kevin Webb left Corio and starts up his own business in the local government servicing field. Bob, Neil and Mike are stepping down after a number of years of valuable service to allow new faces to take their place on the committee.

To each of them, I give my thanks on behalf of all members of the Institute and wish them well in their future endeavours.

In my own case, I have recently left the City of Altona to take up a new position as Rates Manager with the City of Launceston in Tasmania. This by no means signifies the cutting of ties with the VIRA, as Launceston feels that the Institute's work is of sufficient importance and relevance to warrant my attendance at all future meetings. They have also requested that the Institute form a Tasmanian regional division in the near future.

This development should be seen by all members as a compliment to the level of our activity and input into local government affairs in recent years. Not only has our level of involvement been recognised - it has been recognized by a major municipality in another State, and this recognition augurs well in terms of our future development.

It has indeed been gratifying as a member of the V.I.R.A. to witness our increasing recognition in the local government community in recent years and I feel sure that the contributions of the six new faces on the Executive will, together with the involvement of Murray, Geoff and Gerry, serve to further enhance our role in the future.

On other matters, Gerry Pekin represented the Institute on Tuesday 21 June at the 'Orientation Seminar for New Entrants into Local Government' held at the Management Development Centre at the R.M.I.T. This seminar has become an annual event for the VIRA as we have been invited for the last several years to supply a speaker to conduct a 1 hour discussion on the rating system for those present.

On Friday 17 June, Murray Hockey and I were invited to address the Mornington Peninsula Municipalities Association on the topic "The New Rating System in Victoria - What's it all about?" This session was attended by councillors and senior officers of member municipalities and other speakers on the agenda included Mr Kel Glare, Chief Commissioner of Police, Norman Geschke, State Ombudsman; Michael Schildberger and two Federal parliamentarians discussing the referendum proposal on constitutional recognition for local government.

The whole function was an outstanding success and our one hour talk on the new rating system was followed by a one and a half hour discussion group session on the implications of differential rating/C.I.V./municipal charges as proposed in the Bill (No. 2). The discussion group session was most enlightening for all involved and served to illustrate the extent to which local government is yet to come to grips with the implications of this part of the legislation.

The reason I mention this last function is that despite the drastic impact which these parts of the Bill will have on the rating basis of many municipalities, the Mornington Peninsula Municipalities Association is so far the ONLY organisation to have requested our attendance at a meeting to discuss it. They are to be congratulated on their initiative

As a result of that session, the discussion group resolved to support the V.I.R.A. in expressing the gravest possible concern over the abolition of minimum rates and their replacement with municipal charges; coupled with the requirement for a poll to change the rating base.

The dangers inherent in this unwise and "ill-considered" move are somewhat complex and

are explained in an article later in this newsletter, but I cannot express strongly enough the need for all municipalities to conduct an in-depth analysis of the effect of the change from minimum rates to municipal charges. (A sample analysis was published in the January/February edition of this newsletter).

On another facet, the September 1987 edition of the newsletter carried an article commenting on the format of the roll used in the July Federal election. They were produced in a format which could be 'scanned' by computer for compulsory voting follow-up purposes, thereby eliminating countless hours of manual checking. We stated at that time that we would follow the matter up and as a result, a number of members have involved their municipalities in a joint pilot study with the Australian Electoral Commission to produce rolls for the August election, in "scannable" format.

Provided that these municipalities actually have elections in August, we should be able to publish the results of this trial in a future edition.

Before closing, I would like to express my sincere thanks to all members of the Institute for your support, involvement and encouragement over the last two years. This made the job so much easier.

Looking back over that period, I can say that we have accomplished quite a lot, but in terms of our overall development as an Institute, we have only just scratched the surface. There are bigger things to come in the years ahead and the secret to achieving them is PARTICIPATION. Only if you actively PARTICIPATE in the affairs of the Institute, can you influence our future directions. To that extent, the future of the Institute is in YOUR hands.

Once again, thanks for the opportunity to have served as President, and I look forward to seeing you all at future meetings.

Steve Collins
PRESIDENT
1986 - 1988

PAYMENT OF RATES BY COMMONWEALTH BUSINESS ENTERPRISES

The City of Oakleigh, having a number of Commonwealth owned pieces of land asked the Municipal Association to investigate whether land owned by the Commonwealth and used for business purposes, such as Australia Post and Telecom, could be charged rates. Members will be aware of the result and circular 140/87, dated 23/9/87.

A number of municipalities, among them the Cities of Swan Hill, Shepparton and Oakleigh made efforts to collect payment in lieu or rates by Commonwealth Trading Enterprises in accordance with the "Commonwealth Governments finance Directions".

John Hurry from the City of Swan Hill, when making a claim against the Commonwealth Trading Enterprises, received good local press coverage on the issue and appeared to receive favourable support from the local community in his endeavours.

The City of Shepparton sent a letter to the District Manager of Telecom requesting an ex-gratia contribution in lieu of General Rates setting out the valuations, together with their statutory date, the rate in the dollar and the amount payable.

The response was that under Section 50 (1) of the Telecommunications Act 1975, Telecom is not subject to taxation under any law of a state or territory. As municipal rates are still deemed to be a form of taxation Telecom continues to be exempt. In short, Telecom declined to pay. This letter came from the State Manager.

Having received an unfavourable response from the Trading Enterprise, Shepparton then did as advised in the MAV circular and wrote to Senator Gareth Evans, the responsible Minister. The letter outlined Council's application for ex-gratia payment and requested a determination on Telecom's obligation to pay an amount equivalent to rates.

The City of Oakleigh decided not to approach the local people but forwarded letters to the State Managers of Telecom and Australia Post. These letters set out that the Federal Government directive on "Commonwealth Government's Financial Directions" indicating payment equivalent to local rates would be paid by Commonwealth Trading Authorities and listed the properties, rateable value and rate raised.

Australia Post replied that under Section 114 of the constitution "A state shall not — impose any tax on property of any kind belonging to the Commonwealth ..." and Section 83 of the Postal Services Act 1975 states "The Commonwealth is not subject to Taxation under any law of Australia or of a State or Territory".

They also pointed out that in *Essendon Corporation v Criterion Theatres Ltd (1947)* it was held that rates are taxes.

They indicated that the directive on "Trading Enterprises" had to be read subject to the above legislation and anyhow it is a mere guideline that may be followed and "not mandatory".

So it would appear that while it is the Government intention to pay municipal rates it is certainly not the intention of its Trading Enterprises. Telecom and Australia Post.

The Federal Department of Transport and Communications finally replied to the City of Shepparton and said Telecom was correct in that it was not subject to taxation under State or Territory laws, including municipal rates. As Telecom is not covered by the Audit Act it is not subject to Department of Finance directions and therefore is free to make its own decisions on whether or not to make ex-gratia payments in lieu of rates.

The Treasurer, Mr Keating announced in May however that the Government has now decided to remove Australia Post's and Telecom's exemptions from Local Government taxes, rates and charges as of July 1, 1989.

As from the 1989/90 rating year all municipalities will be able to charge the Commonwealth Trading Enterprises for rates however expect their charges to increase as well.

Thanks to John Hurry at the City of Swan Hill, Geoff Fleming, City of Oakleigh and Rob Gillett formerly of the City of Shepparton for their assistance in formulating this article.

* * * *

...*UPDATE*: Since this article went to print the MAV has issued a circular advising that ex-gratia payments in lieu of rates and charges will be paid by Overseas Telecommunications Commission from 1 July, 1988 and Australian Postal Commission and Telecom from 1 July 1989.

WE WANT YOUR BUSINESS

If you're responsible for organising mailings then it might be time to review these arrangements. In recent years Automail has been actively involved with a number of Councils and Shires assisting with the processing and mailing of rate notices and other Council and Community material. We will ensure you get the turnaround, security and cost efficiency you need.

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POLITICAL COMPRISE UNDERMINES RATING PROVISIONS OF NEW L.G. BILL

In 1983 the Adult Franchise Bill was before the Victorian Parliament following a Ministerial Working Party comprising of Local Government practitioners which had met on countless occasions over a period of several months to frame a piece of legislation which would enable the implementation of the Government's policy to introduce adult franchise voting for municipal elections.

It is now history that the legislation which emerged from that parliamentary session has proven to be a disaster for Local Government, making the task of preparing an accurate municipal voters' roll an impossibility.

Needless to say the reason for the disaster was not caused by the recommendations of the working party. The term "political football" is an accurate description of what happened to the Bill once it entered Parliament.

Well, they're at it again!

You will all be aware that this Institute was represented on the Local Government Bill Working Party and submitted two (2) lengthy submissions on the rating provisions of the Bill following the release of the "Draft Proposals". You will also be aware that many of the Institute's recommendations in regard to the rating provisions were considered to be worthwhile by the Working Party and the Local Government Department and were therefore incorporated in Bills Nos 1 and 2.

The Municipal Association of Victoria and

The Local Government Department have informed us that the Bill was not passed in the Autumn Sitting of Parliament, but remains in the Legislative Council, to be dealt with in the Spring Sitting.

We are informed that detailed agreement was reached by the politicians about amendments to the Bill. One of those amendments will have severe repercussions on the other rating provisions of the Bill.

One of the provisions which emerged in Bill No 2 was the abolition of minimum rates. This was brought about by the so-called "abuse" of those provisions in the present Act by some Councils, the resultant inequity and distortion of the valuation base rating system.

The Government proposed in Bill No. 2 to replace the minimum rate with a "Municipal Charge". This is meant to be a set charge made on all properties as an alternative to the minimum rate which was imposed on the lower valued properties.

In an attempt to provide further flexibility in the rating system, Bills Nos 1 & 2 provided the option for Councils to change their rating base from either Site Value or N.A.V. or a combination of both to Capital Improved Value. The "dangling carrot" for the adoption of the latter was the availability of utilising *differential rating*. (Differential rating cannot be used without C.I.V. as the rating base).

In other words it was considered that if a municipality faced a situation where gross

inequities occurred in the transition from the minimum rate to the municipal charge, there would always be the option to adopt C.I.V. rating and "smooth out the wrinkles" with differential rating.

Well, here's the crunch: Our parliamentary "friends" have reached agreement to retain the poll provisions for a municipality which resolves to change its rating base.

This means that the Council which has been elected to administer an Act of Parliament which is meant "to provide for a democratic, efficient and effective system of local government in Victoria" (refer Section 1 of the L.G. Bill No. 2) may be forced to a poll if the Council has decided in the best interest of its ratepayers to change its rating base.

Having regard to the fact that such "polls" have not been successful for many years in Victoria because of the ratepaying public's reluctance to accept a change - "better the devil you know than the one you don't know" and "there's a catch in it somewhere" syndrome, the political "agreement" has severely restricted the rating provisions of the new Bill.

Let us reflect on what we have under the existing provisions of the Local Government Act 1958 and the new Bill:

Local Government Act 1958

Rating Base - Site Value; N.A.V. or combination of both
Differential Rating - No
Minimum Rate - Yes
Municipal Charge - No
Provision for change to Rating Base - Poll (if 10% of Ratepayers demand)

Local Government Bill :

Rating Base - Site Value; N.A.V. or combination of both, plus C.I.V.
Differential Rating - Yes (If Council adopts C.I.V. rating base)
Minimum Rate - No
Municipal Charge - Yes
Provision for change to Rating Base - Council resolution (with ratepayer's right to make a submission)

Proposed Amendments

Given that a poll to change the rating base is unsuccessful (and history has proven to be the case) the following provisions will apply if the amendments as agreed to by the politicians are passed by parliament :

Rating Base - Retain existing
Differential Rating - No
Minimum Rate - No
Municipal Charge - Yes
Provision for change to Rating Base - Poll (if 10% of Ratepayers demand).

There will be some municipalities which may ask - What's the problem? We don't have an exorbitant minimum rate; we want to retain our existing rating base; and we oppose differential rating.

For those municipalities there is no problem - while the existing climate exists.

However, the important matter to consider is that many municipalities, if they retain their existing rating base and are required to abolish the minimum rate and introduce a municipal charge, they may experience massive shifts in the distribution of the rating burden between Wards and Ridings. Reference to the chart on Page 10 demonstrates such a shift.

This Bill, if it becomes an Act, is meant to be the vehicle to drive local government into the twenty-first century. If a property tax, based on the provisions of the Bill, is a product of the rating mechanism which has withstood the scrutiny of local government for over a century, is to remain as a major source of local government revenue, the flexibility of the rating system as provided in the Bill must be retained and any attempts by politicians to use the Bill to "pointscore" must be vigorously opposed.

The politicians will, of course, argue that they are the elected representatives of the people and they are the legislators, not the bureaucrats and practitioners.

However, those same politicians probably emerged from the parliament in 1983 after passing the Adult Franchise legislation, with the thought that responsible legislation had just been made. Unfortunately, history has proven otherwise.

The Jan/Feb 1988 issue of our Newsletter should also be referred to. Page 4 carries the article entitled "Analysis of Changeover to Municipal Charge from Minimum Rate".

* * * *

YOUR RATE NOTICES AND COMPUTER FORMS ON TIME

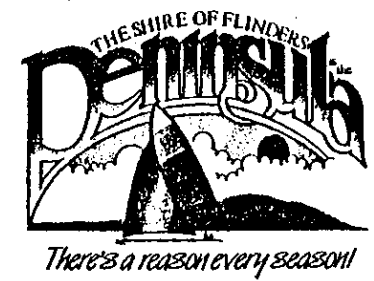
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"DO YOU RATE A HOLIDAY ?"

The Shire of Flinders is hosting the 1988 V.I.R.A. Annual General Meeting to be held on Friday, 22 July 1988. This year's meeting should attract members from the Wimmera, Western District, Geelong and Ballarat areas, via the new Car/Passenger Ferry from Queenscliff. (Departs 1.00 p m)

Arrangements have been made to provide members with the opportunity to mix business with a pleasant weekend on the Mornington Peninsula.

A limited number of twin and single rooms have been reserved at the Rosebud Hotel - \$20.00 per person (bed & breakfast). Reservations should have been finalised by 8 July, 1988 but if any vacancies remain late starters will be considered.

The Shire offers a unique blend of beaches, ocean coastline, hills and farming areas. A wide range of attractions are also close at hand on the Peninsula. Information can be acquired at the Meeting.

A timetable is provided opposite, together with tentative arrangements for Saturday morning.

All arrangements should be confirmed with the Secretary.

1988 ANNUAL GENERAL MEETING

VICTORIAN INSTITUTE OF RATE ADMINISTRATORS

TIMETABLE

FRIDAY 22 JULY 1988 . . .

2.30 p m	Municipal Offices Rosebud (Committee Room)	Tea/Coffee and welcome by Shire President. Local press photo and story.
3.00 p m	Municipal Offices Rosebud (Council Chamber)	Commence meeting.
5.30 p m approx	Municipal Offices Rosebud (Council Chamber)	Close meeting
6.00 p m approx	Rosebud Hotel (Sand Bar - separate function room)	Pre-dinner drinks
7.00 p m	Rosebud Hotel (Sand Bar - separate function room)	Dinner
8.00 p m to 8.45 p m approx	Rosebud Hotel (Sand Bar - separate function room)	Guest Speaker - MR TOM EVANS * Manager Corporate Development - Shire of Flinders. Topic: <i>Management Trends in Local Government.</i>
10.00 p m	Rosebud Hotel (Sand Bar - separate function room)	Finish

Tom Evans has a wealth of experience with both the public and private sectors. Tom holds a Graduate Diploma in Management and an M.B.A. Prior to his appointment at Flinders, he was Manager Corporate Planning, Department of Industry, Technology and Resources and has held various posts in government and semi government concerns.

Tom's speech should be of interest to all Local Government practitioners and members could find that other senior staff from their offices may wish to attend.

SATURDAY 23 JULY 1988 (Proposed)

10.00 a m	Rosebud Hotel	Depart by car
10.30 a m	Ashcombe Maze, Shoreham	Visit & Morning Tea
12 noon	Sorrento or Rosebud Hotel	Counter Lunch

**COMPARISON BETWEEN MINIMUM RATE & MUNICIPAL CHARGE TO GENERATE
SAME RATE REVENUE USING SITE VALUE AS THE RATING BASE**

	(A) NO. OF PROPS	(B) NO. ON MIN RATE	Municipal Charge		(D) TOTAL RATE REVENUE \$	(E) CALCULATED RATE (No Min Rate) INC MIN CHARGE (*) DIFFERENCE \$
			(C) GAIN FROM MIN RATE \$	(C) MIN RATE \$		
WARD 1	4320	2646	210,033	1,481,589	1,460,592	20,997 (-)
WARD 2	4589	1945	241,418	1,764,783	1,723,307	41,476 (-)
WARD 3	4005	904	111,177	1,737,737	1,801,058	63,321 (+)
TOTAL	12914	5495	562,628	4,984,109	4,984,957	

- (a) Means number of rateable properties
 - (b) Means number of rateable properties on minimum rate
 - (c) Means "Top Up" between calculated rate and minimum rate
 - (d) Means Rate Revenue including minimum rate
 - (e) Means no Minimum Rate applied but includes a municipal charge on every rateable property
- (*) Municipal charge = (c) divided by (a) = \$43.57 per property
 * Minimum Rate = \$305.00

**Sneak
PREVIEW**

Following the Local Government Departments series of Seminars on the Pensioner Rates Assistance Scheme held around the State during April and May this year, an information paper has been provided to us which we will reproduce in our next issue.

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ALLOCATION OF AGENCY PAYMENTS

Members will recall an article in the Jan/ Feb Newsletter relating to the order of allocation of receipted payments relating to property rates and charges. The point of that article was to make members aware of the importance and legal implications surrounding the method of receipting as shown on the rate notice.

The introduction of agency payments has jeopardised the order of allocation of payments which to date has been successfully administered in the rate office.

While "legal costs owing, (if any)" are usually not disclosed on the rate notice, they are the FIRST amount outstanding to be credited with any payment received.

If a ratepayer holds a current notice receipted by a bank or post office for the total amount stated and the usual order of receipting is disclosed thereon :

1. Legal costs owing, if any
2. Interest owing, if any
3. Arrears owing, if any
4. Current rates owing

then one could assume that all legal costs, interest and rates have been paid. Certainly, one Magistrate has already drawn this conclusion, and dismissed the case where Council was pursuing recovery of unpaid legal costs.

A legal opinion has been obtained with the advice that the following clause should be printed on the rate notice immediately below the stated order of allocation of payments :

"Council reserves the right to apply the amount received in accordance with the order of allocation listed above."

If possible, a further clause should be placed on the face of notices where assessments have incurred other charges.

"The amounts shown here do not necessarily include all amounts outstanding for legal costs and other



SALE OF BALLOT BOXES AND SCREENS BY ELECTORAL OFFICE

The September 1987 edition of this Newsletter carried an article under the above heading in which it was stated that as a result of the success of the trial of disposable cardboard boxes and screens by the Electoral Commission at the July Federal election, it was likely that their supplies of metal boxes and wooden screens, etc would shortly be offered for sale.

In case anybody whose municipality would be interested in this offer missed the advertisement by the Australian Electoral Commission, it appeared in "The Age" on Saturday, 18 June.

Ring your local Divisional Returning Officer for further details.

* * * * *

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APPOINTMENTS PENDING AS AT 29/6/88

SHIRE OF BALLARAT: (Rate Collector)	<i>Applications closed :</i> 8.7.88
CITY OF BROADMEADOWS: (Assistant Rate Collector)	<i>Applications closed :</i> 1.7.88
CITY OF ESSENDON: (Administrative Officer)	<i>Applications closing :</i>
CITY OF MOE: (Revenue Officer)	<i>Applications closing :</i> 20.7.88
CITY OF RICHMOND: (Rate Collector)	<i>Applications closed :</i> 29.6.88
CITY OF SHEPPARTON: (Asst Revenue Officer)	<i>Applications closed :</i> 11.7.88
CITY OF SPRINGVALE: (Assistant Revenue Collector)	<i>Applications closing :</i>
CITY OF WILLIAMSTOWN (Assistant Rate Collector)	<i>Applications closing :</i>

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POTENTIAL NEW MEMBERS

JACQUELINE WINTON: City of Oakleigh, Cashier	FIONA McCARTNEY: City of Malvern, Assistant Rate Collector
JOANNE SCOTT: Shire of Marong, Rate Collector	CARL SERRUTO: City of Coburg, Assistant Rate Collector

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APPLICATIONS FOR MEMBERSHIP

DOMINIC BARBARO: City of Al- tona, Rate Collector	GARY DORE: Shire of Buln Buln, Rate Collector
WENDY CLARK: City of Sheppar- ton, Rate Collector	GARY PAY: Shire of Kerang, Chief Clerk
COLIN SILCOCK: Shire of War- ragul, Assistant Rate Collector.	BRUCE MITCHELL: Shire of Ker- ang, Assistant Shire Secretary

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FACES GOING PLACES

NEW APPOINTMENTS :

DOMINIC BARBARO: *Rate Collector, City of Altona*

JOANNE SCOTT: *Rate Collector, Formerly Senior Administrative Officer, City of Bendigo*

ROBERT SMART: *Rate Collector, City of St Kilda, formerly Revenue Officer, City of Moe*

JACQUELINE WINTON: *Cashier, City of Oakleigh*

STEVE COLLINS: *Rates Manager, City of Launceston, formerly Rate Collector, City of Altona*

FIONA McCARTNEY: *Assistant Rate Collector, City of Malvern, formerly Administrative Officer, City of Malvern.*

CARL SERRUTO, *Assistant Rate Collector, City of Coburg*

MARGARET JOLLY, *Rate Collector, Shire of Corio, formerly Assistant Rate Collector, Shire of Corio.*

HELEN HAZELAGER, *Assistant Rate Collector, Shire of Corio.*

FIONA COTTER: *Cashier/Admin Officer, Shire of Corio.*

WENDY CLARK: *Rate Collector, City of Shepparton, formerly Administrative Officer, City of Shepparton.*

MURPHY'S LAWS ON TECHNOLOGY

The attention span of a computer is only as long as its electrical cord.

The first myth of management is that it exists.

A failure will not appear till a unit has passed final inspection.

Nothing motivates a man more than to see

his boss putting in an honest day's work.

If it's not in the computer, it doesn't exist.

'ODD SPOT'

"Pay your rates through the bank." One ratepayer was seen to be taking advantage of this convenient system one Sunday afternoon - Those electronic teller machines are not that smart!

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