



# VICTORIAN INSTITUTE of RATE ADMINISTRATORS

PRESIDENT

Mr. Steve Collins,  
City of Altona,  
P.O. Box 21,  
ALTONA, VIC., 3018  
BUSINESS : 398 2244

SECRETARY

Mr Geoffrey Fleming  
City of Oakleigh  
P O Box 21  
OAKLEIGH 3166  
BUSINESS : 568 1011  
AFTER HOURS : 580 8558

VOLUME X NO. 2

OCTOBER - NOVEMBER 1986

## PRESIDENTS REPORT

As newly elected President of this Institute, I feel that I would be remiss if I did not address my first comments to my predecessor; Murray Hockey. Murray had been President of this Institute for the last 4 years and indeed, has served continuously on the Executive Committee since the foundation of the V.I.R.A.

Although it is true that in the last couple of years the Institute may have appeared to have been in hibernation to many of its members, I can assure you that it has not only continued to function, but has substantially advanced its reputation and that of its membership through participation in various Government Working Parties on which it has been represented. It is largely due to the amount of work done by certain Executive Committee members representing the Institute externally, that more has not been done internally.

If more of our members displayed the same degree of dedication as that shown by Murray, this apparent lack of activity would not have been the case.

Congratulations Murray, for a job well done in the past, and we look forward to your continuing participation in the future.

Local Government today, in terms of its responsibilities and those who perform them is an increasingly specialized and professional field and it occurs to me that there are very few solvent private corporations about who would allow a completely unqualified person to administer the revenue - raising on a budget ranging from less than a million dollars, to more than sixty million dollars. Yet this is precisely the case in our industry, with the ultimate paradox being that the law requires the highest qualification of those at the lowest end of the revenue scale (being Shire Secretary/Rate Collectors) and none at all of those at the other end.

Our political masters - on both sides of the political fence - have declared that they wish to move Local Government whether willingly or kicking and screaming, into the 21st Century, and it is my firm contention that this attitude ought to be met with a willingness by all members of our Institute to participate.

To this end, I intend to revive the long held desire of many of our members to press for a qualification course for Rate Administrators, which is to this day, the only field of middle and senior management in Local Government which requires no educational or professional qualifications, yet it can be argued, is one of the most necessary in the present economic climate.

The present government intends doing away with the taint of parochialism in Local Government, replacing it with a more professional atmosphere while at the same time expanding its revenue raising capacity. It can not propose that in one breath whilst in the next maintaining that those who are in charge of raising and collecting that revenue, need have no educational or professional qualifications whatsoever.

There is scarcely any important date in the municipal calendar year with which the Rate Collector has no involvement, whether it be preparation of Estimates, striking and issuing of the rates, instalments, raising of interest, debt collection, Grants Commission, Annual Statement of Accounts, not to mention the procedures involved with property records, voters rolls and election preparation and follow-up, our involvement is both broad in scale and detailed in nature.

To my knowledge Rate Collectors have been requesting a professional qualifications course for at least the last twenty years and at last it appears that the political climate may be ripe for such a move.

This will of course, require a fair degree of cohesiveness and involvement from members of our Institute at all levels and in order to protect the position of present members of the Institute, certain guidelines will be requested similar to those which applied when qualification courses were first prescribed for Municipal Clerks, Building Surveyors and Health Inspectors. More will be reported to members on this point in future editions of the newsletter.

Other aims which I hope to set in motion in the next 12 months are:-

1. Executive Committee meetings to be held on a set date every second month with newsletters to go out on a set date after each such meeting.

In am happy to report that on this point, the Executive Committee at its last meeting, resolved to conduct its remaining meetings for this year on the following dates:-

28th November, 1986  
2nd February, 1987  
3rd April, 1987  
17th July, 1987

Newsletters are to follow in the last week of each such months of meeting where practicable.

General Meetings of the Institute during this period are to be held as follows:-

5th December, 1986  
13th march, 1987  
12th June, 1987  
7th August, 1987 (Annual General Meeting)

Any member who has any items of interest which it is felt should be brought to the attention of the Executive, should keep the above dates in mind.

2. With the benefit of hindsight (ie: with respect of the demise of the Rate Collectors Institute of Victoria), to press for a closer affiliation with the Institute of Municipal Management to the extent that such an affiliation may be of advantage to our members.

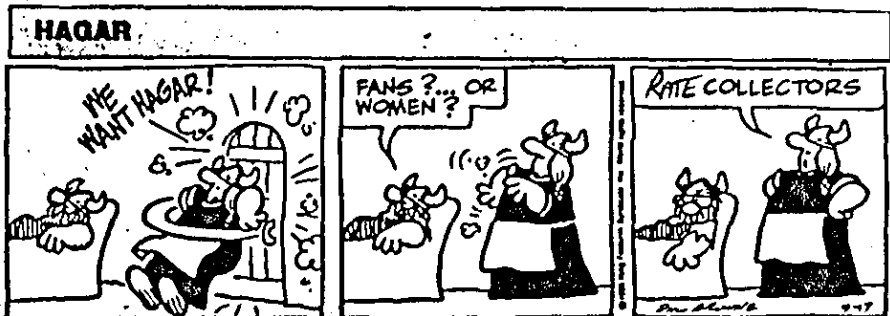
3. To attempt to have the Executive Committee members of the Rate Collectors Institute of Victoria call a Special Meeting of all members of that Institute with the intention of officially winding up that body and appointing the V.I.R.A. as its legal and practical successor. Through consolidation of their records with ours, an historical file of issues and submissions on various topics extending back over 40 years would be created.
4. In conjunction with each of the points mentioned above, it is intended to appoint a retired member of good standing, to a permanent part-time position of maintaining the secretariat of the V.I.R.A. at such remuneration as is deemed appropriate. This would be in accordance with the wishes of members expressed at the Annual General meeting held at Sandringham in November, 1985.
5. Another item of interest of members of this Institute will be the developments taking place in the area of regional sub-groups of the V.I.R.A.

Whilst most members will be aware of the very active South Eastern Region Group, fewer will be aware of the recently formed South West Region taking in the Municipalities of the Geelong area.

In recent times approaches have been made to start up another regional group of members of this Institute in the Northern area of the State.

All this augurs well in respect of the future of this Institute and it is to be hoped that in the enthusiasm of its members and upon their involvement, hinges the continuity of this association, and that only with their active participation, can its continuity and growth be assured.

STEPHEN COLLINS  
PRESIDENT



TALK AT CITY OF KNOX - JULY 25, 1986

BY STEVEN COLLINS, RATE COLLECTOR, CITY OF ALTONA

SUBJECT : ISSUING OF CERTIFICATES

The topic listed in the agenda for this discussion is "Issuing of Certificates", this, or more specifically the question of the verbal or written updating of certificates has been a problem area in the profession ever since the High Court of Australia handed down its decision in the case of Shaddoch and Associates P/L. V The Council of the City of Paramatta.

It appears to have prompted a practice followed with minor variations in a number of Municipalities, of confirming or updating certificates (either verbally or in writing) up to an arbitrary date (such as 3 months after the date of issue of the certificate). The importation of this arbitrary period of currency for certificate has not surprisingly, met with some opposition by solicitors and I myself find it difficult to justify.

I don't think Bill Cane would mind me saying that after enforcing this policy at Knox, he fell foul of a certain firm of solicitors who wrote a filthy letter suggesting that Knox was the most unco-operative Municipality in this regard, on the face of God's earth. This assertion caused some consternation amongst members of the Executive Committee at our last meeting, as several of us thought the Knox were being quite lenient about the whole matter and whilst I wouldn't like to give anyone the impression the Rate Collectors get some vicarious pleasure out of upsetting the members of the legal profession, we felt that perhaps our respective Municipalities warranted the title which was so unjustly bestowed on the City of Knox.

Members may remember the 13 page transcript of an address given to an Annual General Meeting of the Institute by Ian Lonie which appeared in the Nov/Dec 1983 addition of the V.I.R.A. magazine. This address related to the legal implications of updating certificate type information for settlement purposes on anything other than a Rate Certificate. I discussed Lonies' legal opinion with the Town Clerk at the time, who was so concerned at its implications that he arranged (at what I imagine must have been some substantial cost) for Mr Russell Byard Q.C. to spend the best part of a whole afternoon briefing the staff of various departments on (amongst other things) the legal implications of that decision and the decision in the case of San Sebastian and the Sydney City Council, on the work performed in each specific department.

His firm view also backed up Lonies' opinion (which incidently, he had not seen). The advice from both these sources, and from the Local Government Department itself is that solicitors have NO right, - legal or otherwise - to demand an update on any certificate. The information given out on these certificates is guaranteed to be correct at the date of issue by virtue of the relevant provisions of the Act, and should a solicitor, regardless of whether it's one day, one week, one month or one year later, see fit not to rely on that information and seek an update, he should be requested to apply for a fresh certificate. This is the policy followed at Altona.

The reasons for adhering to this policy was obvious from a study of the decision handed down in Straddock's case and relate to the liability which can attach to verbal advice given out by an officer of the Council where that officer knows that his information is likely to be acted upon by the other party. An example for the problems which can arise is where a solicitor rings and asks whether the rates (which were shown as outstanding on his certificate) have subsequently been paid. An examination of the rate book might indeed show them to have been paid but would not necessarily show that Council, for example, had only just resolved to serve third schedule not for street construction on the property. Any subsequent court action would revolve around just exactly what it was that the solicitor asked for in making his enquiry, and if I were a betting man, I wouldn't like to put my money on a favourable outcome for the Municipality involved.

The argument has often been advanced to me by shocked solicitors who have mistakenly assumed that we are in the habit of indefinitely updating old certificates, that we shouldn't worry about the legal implications of giving such information out by phone, as we are protected by a hefty Professional Indemnity insurance policy, but our insurance cover, which I assume would be fairly typical of those in Local Government generally, has an excess of \$2 000.00 per claim to most claims which could conceivably arise through erroneous verbal updating of certificate information, would not be covered by the policy.

The common objection of solicitors to the practice of enforcing the Act in relation to the disclosure of certificate type information is that :

- a) it delays settlement, and
- b) it increased the cost of conveyancing.

This argument is faulty of both points : Firstly, settlement need not be delayed at all if solicitors apply for their certificates within a reasonable time before settlement. Obviously the solicitor who leaves it to the very last minute to get a rate certificate, is setting himself up for a big disappointment, so the rule to be followed by solicitors is applying for current information relevant to the settlement date, is that when all else fails, USE COMMON SENSE!! Secondly, in relation to costs, the \$5.00 charge made for a Rate Certificate is an infinitesimally small component of the overall cost of conveyancing - the solicitors take up the lions share of that.

Whilst I am aware that the computer systems in some Municipalities are sufficiently up-to-date with the information held on file which can have a bearing on certificate-type details, that they inspire a confidence perhaps not found amongst Municipalities working a manual system, or a shandy of the two, the fact remains that MOST Municipalities fall into the latter category, and in the very nature of things, the same amount of time and attention to detail could never be consistently given to a telephoned enquiry, as is given to the actual issue of certificates.

Up until the decision in Shaddocks case, my Municipality, in common with all others, saw nothing wrong with helping out solicitors by giving this information out by phone, and although I know that the members of the Property Law section of the Law Institute of Victoria would violently disagree with me on this point, this was really being done by way of favour to solicitors.

Today's legal climate being what it is, and despite the decisions handed down in both Shaddock's case and the San Sebastian case, solicitors are still demanding the same favours (to which they have NO legal right) and are implicitly threatening to repay that favour with an action in negligence if a mistake is made of any kind.

This is a risk which I am not prepared to accept!

## HELP US TO HELP YOU

The Committee is seeking members comments relating to difficulties and problems, currently being experienced in the administration of the PENSONER RATE ASSISTANCE SCHEME. At the same time your comments on the current office procedure, in updating of RATE CERTIFICATE information would also be very much appreciated.

It is hoped that through your replies, the Committee will be better able to identify problem areas, and where possible assist members experiencing difficulties.

Where the Committee is unable to assist directly, it will however be better informed, to offer advice and to advocate on behalf of members, to the Local Government Department. Recommending stricter guidelines, developing common standards and where necessary, requesting amendments to Legislation.



# Council reforms chief is set to quit

THE Local Government Commission chairman, Mr Stuart Morris, is expected to resign before the end of the year.

He has served only a year of a two-year appointment, but is believed to be considering quitting after the State Government abandoned forced amalgamations and crippled the commission's role of reform.

Mr Morris, appointed to carry out the amalgamations, has been disappointed and left with little work by the Government's back-down in early September.

He is now expected to leave the \$75,000 job and return to being a barrister.

Local government sources said Mr Morris was already setting up his own legal practice and would return to the bar early next year.

Mr Morris, 35, believes the best way to make the state's councils run more efficiently is to fund them through the Victorian Grants Commission.

## EXCLUSIVE

By NEIL WILSON

When the Premier, Mr Cain, abandoned amalgamations he said there could be funding incentives for efficient councils.

Mr Morris was believed to be keen to carry on local government reform through chairmanship of the Grants Commission and was widely tipped to get the job.

But earlier this week the Local Government Minister, Mr Simmonds, said present chairman Mr David Moye would continue part-time for the next year.

Yesterday, Mr Morris said he had never been offered the position and it was premature to speculate on his plans.

"I'm considering my future and if I'm making any change I will make a public announcement," he said.

But he did concede the Local Government Commission's scope

of reform had been "dramatically limited".

"There's still necessary work to be done but it involves a different approach — essentially the commission's role is to assess proposals initiated by local councils," he said.

"The commission is no longer the initiator of local government reform."

At its busiest, the commission employed 21. Only six are expected to remain to oversee possible reform of council ward boundaries.

Mr Morris took on the job last year on the basis the Government would back the reforms despite inevitable opposition.

He had a strong personal commitment to council reform and approached the task with zeal.

Mr Morris chaired a number of public hearings in the country and often met staunch opposition.

After the backdown he said: "It will be local government that suffers, councillors that suffer — it won't be me."

## Real estate

# Knowing the legalities of selling a property

IN THE past we have looked at the role of solicitors in the legalities of a property transaction for the purchaser. This week will consider their part when acting for the seller (vendor).

A solicitor engaged by the vendor in the sale of a property will:

- Assist with preparing the obligatory vendor's section 32 statement, if the vendor so requests. However, this can be completed with your agent's help.
- Draw up the formal contract.
- Assist the vendor and consult the purchaser's solicitor regarding requisitions (questions pertaining to the title and ownership).
- Prepare the adjustment statement which apportions the rates and taxes which currently apply to the property.

- Ensure the necessary documents are correctly drawn and delivered.

- Collect the purchase monies.

- Notify the relevant authorities of the property's change of ownership.

- Give the necessary advice and assistance should any legal problems arise.

Real estate agents obviously need a good understanding of the legal requirements of property transactions.

# When is a cheque not a cheque?

**SYDNEY, AAP** — When is a cheque not a cheque?

This question took up more than half an hour of argument in the High Court yesterday.

Sydney barrister Mr Stephen Motbey argued valiantly that a post-dated cheque was not a cheque but a bill of exchange.

He said that for a cheque to be a cheque (and to comply with Section 78 of the Bills of Exchange Act) it had to be due and payable on the day it was written; and not at a date in the future.

By contrast, a bill of exchange was due and payable on a specified future date.

Bills of exchange also have to be presented on the date they are due, or within three days, or they are inoperable.

The three judges unanimously rejected the argument, so a post-dated cheque is still a cheque.

And Mr Motbey's client will have to cover two post-dated cheques, one for \$2500 and the other for \$3000.

If the court had found the post-dated cheques were bills of exchange, the client would not have had to pay, because they were not presented on or within the three days of the date on their face.

SUN 11/86

A NEW book by Edward Tenner is called *How To Talk High Tech*. He calls a dog bowl "a nutrient uptake reservoir" and a kennel "a canine seclusion habitat".

A paperweight is translated into "a gravitational hard-copy file manager", and a snowman becomes "a solar-recyclable aqueous transitional-state hominid isomorph assembled as a juvenile peer-bonding mechanism."

As for the book's author, he hopes to use his own technique to work up some good opening lines, such as "Are you in local interactive mode?"

The translation? "Do you come here often?"

## Ratings

IT'S council rates time again — a time of great celebration for lotto-lovers.

A good example of the new council approach is Knox City.

If you live in this eastern suburban municipality — "Australia's Most Livable City," according to the envelope — you'll have got your rate notice already.

There's a chance you thought it was junk mail and threw it in the bin. So you'd better get it.

In the envelope was a wordy advertising dodger for a cut-rate shopping system offering discounts on everything from food to false fangs.

There's also another dodger from the council, offering a competition with a free holiday to Bangkok, \$2000 worth of carpets, a family pass to Boronia swimming pool and a free course at a leisure centre for early rates payers.

These fabulous prizes could be yours if you pay your rates in full by 4 pm Friday, January 30.

St Kilda City Council is offering \$14,000 worth of prizes ranging from holidays and a mahogany dining table to home security and a Chinese banquet, for people who pay by Monday, December 15.

St Kilda reckons the lotto approach saved it \$100,000 in late payments last year.

Perhaps the Tax Department could do something like this: free "Do-It-Yourself Instant Memory Courses" with every on-time return.

## Remarried war widows don't deserve benefits

WAR widows who remarry now keep their pensions and entitlements. Why is this so? Once remarried they are no longer war widows who need compensation for the loss of their husbands. Yet age pensioners and genuine war widows have had their pharmaceutical benefits taken from them. — War Widow (Gym-bowen).

■ ■ ■



# Sports clubs should pay full rates: council

MELBOURNE City Council will ask the State Government to drop council rate subsidies for big football and racing clubs and make them pay the same amount as other businesses.

Councillors said it was an anachronism for VFL clubs and bodies such as the Victoria Racing Club to be subsidised by other ratepayers when they had become large business concerns competing for the entertainment dollar.

Labor councillor Kevin Chamberlain told last night's meeting the days had long gone when big football and racing clubs were community based benevolent organisations which needed subsidised rates.

"How can you give this con-

By NEIL WILSON,  
municipal reporter

sideration to what are public companies, sometimes listed on the stock exchange?" Cr Chamberlain said.

"There is no way I can accept that any big football club or social club — particularly the Carlton Football Club — should receive a rate reduction."

He said Carlton acted as a hotel and a disco and directly competed with hotels and businesses along Royal Parade.

Cr Chamberlain said football clubs were big businesses with millions of dollars going into player payments.

He said that with a 16 per cent rate reduction under the

Cultural and Recreational Lands Act, the Carlton Cricket and Football Social Club paid about \$3600 less than the normal rate. The Melbourne Cricket Club paid \$13,700 less, the Victoria Racing Club \$1000 less, Richmond Cricket Club \$500 less and North Melbourne \$800 less.

Cr Maurice Milder said Prince Park's tenants had caused 'community detriment' through its sporting and social activities.

Cr Chamberlain said sporting clubs receiving subsidised rent had an unfair advantage over other businesses.

Council voted to ask the State Government for a complete review of the Cultural and Recreational Lands Act.

# Simmonds blasts council 'gerrymanders'

VICTORIAN council gerrymanders made democracy in Queensland look healthy, the Local Government Minister, Mr Simmonds, said yesterday.

The riding and ward boundaries of many Victorian municipalities had stayed the same for years, creating a position far worse than the extreme example of Australian politics in Queensland.

About 92 per cent of all subdivided Victorian municipalities deviated more than 10 per cent from the mean number of votes in each ward, Mr Simmonds said.

"The result has been some votes are worth five or six times more than others in the same municipality," he said.

In Ballarat, the main ward had

would be earned out in the next few months, he said.

The state National Party leader, Mr Ross-Edwards, yesterday denied claims the Queensland Government had been saved by a gerrymander.

He said Queensland poll results had given the Hawke Government a clear message it was living on borrowed time.

nearly 10,000 voters but the other three had only 4000 combined. During the past few weeks, Mr Simmonds has written to councils emphasising the need to review internal electoral boundaries.

He said by next August he expected most councils to have tackled inconsistencies.

A general review of municipal and ward electoral boundaries

## DrinkSpot

*I had 18 bottles of whisky in my cellar and my wife told me to get rid of them or else.*

*She told me to open every bottle and empty the contents down the sink and this is the unpleasant task I am now doing.*

*I drew the cork from the first bottle and poured the contents down the sink, except for one glass, which I drank.*

*Then likewise with the second bottle; down the sink except for one glass, which I drank.*

*I withdrew the cork from the third bottle and poured the contents down the sink, which I drank, then pulled the cork from the fourth bottle down the sink and poured the bottle down the glass, which I drank.*

*I pulled the bottle from the cork of the next and drank one sink out of it then threw the rest down the glass, pulled the sink*

*out of the next glass and poured the cork down the bottle, then corked the sink with the glass, bottled the drink, and drank the pour.*

*Now I have everything emptied.*

*I steadied the house with one hand and counted the glasses, corks, bottles and sinks with the other.*

*It came to 79.*

*Next time the house came by I counted them again and finally had all the houses in one bottle, which I drank.*

*I am not under the affluence of incohol, way the by, though some thinkle may peep I am.*

*I am not half as thunk as you might drink. But I fool so feelish I don't know which is me, and the drunker I stand here, the longer I get.*

As a substitute the following item is inserted for educational purposes in case you have trouble deciphering the real-estate advertisements in Saturdays Age :-

DISTINCTIVE - built by a mad retired builder in 1931, in imitation of the 'Taj Mahal'.

UNUSUAL - slightly different from next door.

SUPERIOR - slightly better than next door.

DELIGHTFUL - slightly worse than next door.

CHARMING - exactly the same as next door.

TOWN HOUSE - detached flat in inner suburbs.

VILLA UNIT - detached flat in outer suburbs.

BARGAIN - anxious to sell.

OR NEAREST OFFER - desperate to sell.

WELL SITUATED - near road.

MAGNIFICENT POSITION - miles from nearest road.

RIGHT ON MAIN ROAD - to be acquired for road widening.

VICTORIAN RESIDENCE - has iron lacework.

EDWARDIAN - lacework has fallen off.

PERIOD RESIDENCE - hotchpotch of Gothic, Georgian and Queen Ann.

RESTORED - repainted in 1962.

PRICED TO SELL - in bad need of paint.

LUXURY - paint has not yet cracked.

DETACHED - there is room for bicycle or small pram at side of house.

SPACIOUS - the roomy hall-way gives an illusion of vast ball-room inside.

GENTLEMAN'S RESIDENCE - roof tiles need de-mossing.

FOR PRIVATE SALE - Council has made them take the sign board down.

SELECT DEVELOPMENT - 36 identical houses, with slightly different coloured roof tiles.

INDIVIDUALLY DESIGNED - built from plans of local plumber/gas fitter.

SMALL GARDEN - back yard is too small for a lawn.

STONE COTTAGE - small pile of rubble.

SUITABLE FOR CONVERSION - falling down.

SUITABLE FOR RESTORATION - has recently fallen down.

TASTEFULLY MODERNISED - original window frames ripped out and replaced with ill-fitting aluminiums.

DELIGHTFUL VILLAGE SETTING - four hours drive from Melbourne.

HIGHLY SOUGHT AFTER LOCALITY - anywhere between Laverton and Berwick.

ALL SERVICES INCLUDING WATER, POWER AND GAS - property is not sewered.

BY PRIVATE TREATISE - see for private sale.

IN A RAPIDLY DEVELOPING AREA - sewerage is at least ten years off.

FOR THE DISCERNING EXECUTIVE - owner has property well over-priced.

WEEKEND RETREAT - accessible by 4-wheel drive vehicle only.

COUNTRY RETREAT - over the N.S.W. or S.A. boarder.

COMFORTABLE - has doors and windows.

IDEAL FOR DEVELOPMENT - present owner unable to obtain planning permit.

MODEST - ideal for bachelor dwarf.

HISTORIC - even Adam Lindsay Gordon refused to sleep there.

CONVENIENTLY LOCATED FLAT - within easy access from landing, corridor lift, and hallway to front door, not 5 minutes away.

LUXURY FLAT - built within last 4 years.

GROUND FLOOR FLAT - basement.

BASEMENT FLAT - converted cellar.

BED SITTER - even the mice are round shouldered.

FINANCE AVAILABLE - must have 7/8 deposit.

VENDOR FINANCE - must be out of your head.

# SEASON'S GREETINGS

*With very best wishes  
for the New Year*