

THE RATEPAYER for SEPTEMBER 2008

The Newsletter of The Bayside Ratepayers' Association Inc.
P.O. Box 2147, Hampton East, 3188 e-mail: baysideratepayers@hotmail.com

ANNUAL GENERAL MEETING - COUNCIL ELECTIONS

President's Message

The September news is a little early this quarter as we need to get it out in good time to give notice of the AGM. We are holding it during September this year to get the new office bearers in place ahead of the calling of the Council elections. We need to put in a good effort to try to find and elect Councillors who will act in the interests and for the benefit of the citizens of Bayside. In the past those elected have generally adopted selfish and partisan policies and failed to properly direct and manage Council staff. The result is that Council operates for the comfort and benefit of staff and the biased outcomes of the dominant members of Council.

We are looking for unbiased candidates who are willing to put in the time and effort to serve their fellow citizens. The work load is heavy and the pay is poor. There is a need for a high degree of intelligence to understand the peculiar task of being a Councillor – it is very different to that of being a member of Parliament. Such attributes are largely absent in many of the present incumbents.

The problem of questionable and biased conduct on the part of Councillors is a current issue.

If you desire to serve your community in an unselfish manner, give us a call. We will assist you to understand the obligations that the job entails and we could support your candidature.

George Reynolds. 95892818

WHAT HAS COUNCIL DONE THIS TIME?

- **Backed down over much of the heritage farce commenced in December but still retained the 'nominal few' to indicate that there was some semblance of justification for their irrational conduct.**
- **Voted a resolution to the effect that Kyat's hotel was not worthy of a heritage control yet three weeks later held a special meeting to seek such control. (All councillors except Knight took part in this).**
- **Continued to use 'out of town' arborists to write reports damaging to Bayside citizens.**
- **Produced a Neighbourhood Character Study which is a third class heritage claim.**
- **Increased rates by an excessive amount and then used their publicity machine to produce false information to support its justification.**
- **Went to tender on a new (\$10M) Civic Centre.**

WHAT HAVE WE DONE ABOUT IT?

- **Assisted affected property owners confused by the multiple reports and improper activity in Council.**
- **Continued to research, in detail, the irregular activity and non conformance with the various Acts, in the work of Council.**
- **Advised property owners affected by Council's irregular activities to seek intervention by the appropriate Minister(s).**
- **Commenced a database on those affected by Neighbourhood Character proposals to organise co-operative resistance.**
- **Continued to address Council where some councillors and staff failed to follow the legally sanctioned process.**

The Trees – An Update.

Appeals to the General Committee for permits to remove or prune large trees still arrive each month. There was a successful application recently. Despite letters from an independent arborist, the insurance company, the local MP and others, Council arborists refused permission to remove two trees. Council debated the matter for an hour before agreeing to the removal of one tree. However they had to guess which one had to remain. They chose the “healthy” one with a 40 cm hollow in the middle of the trunk. On review at Council it was finally agreed to allow both to be removed.

A victory for the tree owner but not an accolade for good sense and competent governance on the part of Council.

The problem with trees is that fifty years ago Council gave away unsuitable trees to many citizens. Now they have grown to the point of being damaging and dangerous. Add to this the fact that Council is staffing its by-laws office with out of town consultants who make seriously biased decisions. There is little evidence that the officers instructing the citizens on what to do with their trees are indeed properly delegated to make the decisions they do. The push to confirm such decisions is also led by councillors acting under conflict of interest.

SELF INTEREST STILL ABOUNDS !

**REMEMBER THIS WHEN
ELECTION TIME COMES**

**DO YOU WANT TO KNOW MORE OF
THE PROBLEMS IN COUNCIL? LOOK
AT A WEBSITE www.baysiderevealed.com
WHERE YOU CAN VIEW AN UPDATE
AND COMMENTARY ON COUNCIL
ACTIVITY.**

PROPER GOVERNANCE

All the problems which we see in Council have a common theme. The irrational heritage issues, the tree problems, the runaway rate rises, the film training for Horsham and the like stem from Council staff getting together with some councillors and lobby groups to run the city “in their own image”. The new administration building is a typical example of how the affairs of Council can be manipulated to meet the aims and aspirations of staff. Since its establishment Council staff numbers have grown by at least one third. The work load has not altered – yet it ought to be seriously reduced by their investment in office technology – overstaffing has outgrown the living space. Over the past few years, capital works budgets have been underspent and surpluses from supplementary rate revenue have been accumulated. It’s not too difficult to find the money now for the new office! Why not cull the staff back to 1996 levels, dump the new office and return the surplus in the form of reduced rates?

DELEGATION

In Local Government, proper delegation of authority is the mechanism by which good governance is achieved. This is missing in Bayside.

In a recent Ombudsman’s report into Local Government, the point was made that Councillors have no authority outside the Council chamber. Secret meetings are discouraged and in many instances unlawful. We believe that the recent work on heritage studies, neighbourhood character and tree pruning permits has not been properly delegated and came through secret meetings. We can’t confirm this as Council simply do not respond to our requests for information. The new CEO joined in the avoidance mechanism by the answers he gave to a question at the June meeting. We hope for improvement if the new CEO comes to understand the problem.

RATES AND TAXES.

The Rates income in 2008/9 is to increase by 5.5%, according to Council. Not true! The real rise is more than 6.4%. Those of us who understand the finances of council question why they should rise at all. They have spent millions in recent years putting in new office technology to improve their efficiency yet it does not return in less staff and lower costs.

The Mayor recently drew attention to a boom in industrial and office developments in Cheltenham. Extra rates from this type of activity have been up to \$450,000 in past years. Council still conceal and ignore this effect by putting in only \$100,000 for the year. This “boom” will clearly contribute much more than in the past. The real result - **An increase in Rates for 2008/9 of more than 6.4%!**

What a farce for Council to say the rate increase is 5.5%! Perhaps in an election year they are desperate to show an increase in line with their “Plan.”

These hidden funds all add up to a bonus which in the 2008 year will give up to a million dollars extra revenue. It is not credited to reducing rates in the subsequent year but forms a hidden reserve. Council staff use these funds to justify the ability to give themselves the bonus of a grand new office worth more than \$10 million. Do they deserve it? Avoiding spending on the luxury of a new office would allow the average rate bill to be reduced by about 4% for a few years.

Council also provides for capital expenditure which is never finished in the year. We have carried forward capital projects for which we have already paid millions of dollars. They have the use of our money to build up their cash balances. They invariably consider this a result of their “sound” financial management rather than robbing ratepayers.

HONEST BUDGETING IS NEEDED IN BAYSIDE

COUNCIL PERFORMANCE

Council is required to carry out a survey of customer satisfaction in a number of categories every year. This work is collated by the Office of Local Government and given to Councils in April of each year. Some councils release the information immediately. Others, like Bayside, keep it under wraps and try to release it without fuss to conceal their abysmal performance. The Bayside satisfaction details have now become available and may be seen on the website www.baysiderevealed.com. The key outcome is that most of the measures have gone backwards. Planning performance, in particular, is dismal. **This performance indicator of satisfaction shows many more people are upset over Council’s performance than are satisfied.** Ratepayers take heart. Our new CEO is to introduce a programme of continuous improvement. We support his efforts in this regard but feel that its success will depend on the election of a new and more knowledgeable group of councillors, compared to the dominant group we have.

ANNUAL GENERAL MEETING

Notice is given that the Annual General Meeting of the Bayside Ratepayers' Association Inc. for the 2007-08 year will be held on Monday 15th September 2008. The venue is the Players Room at the Sandybeach Centre at the corner of Beach Road and Sims St., Sandringham. Commencement time is 7.00pm.

The business of the meeting is:

1. Attendance and Apologies.
2. Minutes of Previous AGM.
3. Matters Arising.
4. Any correspondence before the Meeting
5. President's Report.
6. Treasurer's Report
7. Election of Office Bearers - President
Vice President
Secretary
Treasurer
Three Members of Committee.

(Nominations for office bearers may be made at and prior to the meeting).

At the conclusion of the meeting we will have an informal discussion on the problems of proper governance in Council and seek to form a plan to encourage suitably motivated persons to seek election to Council in November 2008.

ANNUAL SUBSCRIPTIONS FOR 2008/9 ARE NOW DUE. IF NOT YET SUBMITTED, PLEASE RENEW YOUR MEMBERSHIP NOW.

I/We.....

of(postal address)

Email.....Phone.....

are Bayside City Ratepayers at.....
(property address)

I/We wish to seek/renew our membership of Bayside Ratepayers' Association Inc.

We agree to be bound by the rules of the association for the time being in force, to pay a \$20/ (\$10 concession) family membership fee and to work cooperatively with the membership and the executive. **Payment is possible by direct deposit to: Bendigo Bank. BSB 633 000 Account 112 060 249. Include details of payment with your membership form. Cheques are also accepted. Receipt of a newsletter confirms payment.**

COUNCIL ELECTIONS

Council elections are to be different this year than previously. There are to be seven councillors elected in two wards of two and one ward of three. Election is to be by proportional representation. Details are in the attached supplement.

ELECTION SUPPLEMENT

COUNCIL ELECTIONS – THE NEW RULES (for Bayside)

Following an enquiry – to which we made representation – the Australian Electoral Commission made recommendations to change the nature of local government in the City of Bayside. This was subsequently adopted by the Minister for Local Government and (for Bayside) represents a trial of the system in one of a few local government areas. Our understanding of the new system is that:

- the number of elected representatives is to be based on one councillor per (roughly) 10,000 voters throughout Victoria.
- the minimum number of councillors to remain at five.
- the Mayor to be elected annually by councillors.
- that wards be formed with multiple councillors (rather than the current state of one councillor per ward).
- that the election process be by proportional representation (as in the Australian Senate).

COUNCIL ELECTIONS – THE OUTCOME IN BAYSIDE

The number of councillors to be elected in Bayside is reduced from nine to seven.

Councillors are to be elected in two wards of two councillors and one ward of three.

Citizens vote in the ward of their residence (or entitlement)

To become elected, a candidate needs to obtain an “allocation” of votes.

The allocation is calculated by: (total votes divided by (no of places plus one)).

This means that for a two councillor ward with 20,000 voters, an allocation is 6,666.

For the three councillor ward the allocation is 7,500 votes (30,000/(3+1)).

Votes in excess of those needed to give an allocation are redistributed by the preference system.

The order of redistribution is:

- Excess votes surplus to an allocation.
- Candidate with the least number of votes.
- Candidate with the second least number of votes,
- And so on...

The process continues until the required number of votes is received to form an allocation. i.e. not all votes need to be counted to determine the outcome.

COUNCIL ELECTIONS – THE VOTING CONSEQUENCES

The new system will, in our opinion, assist the best liked candidate to be elected. In the past a most favoured candidate, who yet failed to command more than 50% of the first preference vote, was often beaten by the preferences of those better organised. This new system should help such favoured candidates to be elected.

Anyone able to claim either a quarter or a third of primary and first preference votes will be elected. The redistribution of unused first preference votes will assist supporting candidates – if applied without spillage!

Candidates in a ward may still need to form arrangements to exchange preferences and a “How to Vote” card seems essential. Large numbers of candidates will make success for an individual candidate more difficult and will make the voting paper complex. i.e all spaces will have to be correctly marked. Teams of candidates may form within wards with “sacrificial “ weaker candidates needed to give early first preferences to the stronger candidates. Despite this, it is likely to be an improved system.

COUNCIL ELECTIONS – THE TASK AND THE CONSEQUENCES

To be elected to Council brings stringent behavioural obligations. A candidate may be elected on a programme of carrying out some reform or a promise to introduce some “beneficial” change. Much of this needs careful consideration as promises may have to be set aside following election. Local Councils do not necessarily have the freedom to implement generous election promises. Rather, they are obliged to work to administer the city in accordance with the requirements of the Parliament of Victoria. This entails compliance with many Acts of Parliament that relate to the activities of Local Government. Major controls are contained in the Local Government Act and the Planning and Environment Act. (There are dozens of Acts of Parliament that Council assists in administering) Councillors can, for example, suggest changes to the Planning Scheme or the Local Laws. However, such changes cannot be implemented unless the appropriate Minister approves. On approval, a change then becomes an instruction from the Parliament of Victoria.

Councillors have a quasi-judicial role in many of their activities. Indeed, if Council make an incorrect judgement, a judicial body, VCAT, may review the issue and make a new determination. Councillors must therefore remain impartial and unbiased. Prior themes and campaigns are likely to indicate conflict of interest; if the possible perception of such conflict exists, compromised councillors must remove themselves from the decision and leave it to others who have no such conflict. Councillors, however, are not allowed to abstain from voting on a motion unless they have a conflict of interest.

The role of councillors is thus to make decisions in an impartial and non-partisan manner and at the same time comply with the instructions of the Parliament. Most of the electorate do not appreciate this and blame the Ward Councillor for failure to achieve whatever their individual aspiration may be. Not a positive outcome for anyone.

In the area of planning – possibly the most frequent activity in Council – the satisfaction level is currently below 50%. This reflects the lack of success, in Council, in convincing the electorate that what they do is in the best interests of the community. Will a new Council improve this?

If you feel that election to Council is a reasonable aim, spend time reading the Local Government Act and the Planning and Environment Act. Read the Planning Practice Notes and similar guidelines. Look at Council’s Local Law. Attend a few of the meetings of Council and its committees. When you observe Council in action, try to control feelings of despair – there is a better way. It just needs a new batch of seven councillors with an improved understanding, an unselfish and unbiased attitude and a penchant for hard work!

The present Bayside City Council needs to lift its performance to comply with its obligations under the Local Government Act. It needs reform. Is this a task that you may wish to undertake? Someone has to do it. In our view, the fundamental theme for an election platform should be to return the operation of Bayside City Council to one which meets the needs of the citizens, within the provisions of the legal constraints under the Local Government Act and the Planning and Environment Act. Will this simple theme be sufficient to collect an allocation of votes?

THE CITIZENS OF BAYSIDE DESERVE BETTER QUALITY REPRESENTATION.

BRA IS EAGER TO IDENTIFY AND SUPPORT IMPROVED CANDIDATURE.

RE-ELECTING THE OLD GUARD IS A RECIPE FOR ONGOING CONFLICT.

Electoral comment in this document is authorised by its author, George Reynolds, 19 Agnes St Beaumaris., Vic.