

THE INS & OUTS OF THE RMA

Membership fees for the year ending 30th June 2001 are now overdue. A number of members are currently unfinancial. It would be appreciated if those members could attend to these overdue fees. Reminder letters will be issued in the near future.

Membership continues to grow with the following joining the RMA recently:-

Ms Janine Anderson	Bright
Ms Julie Baxendale	Northern Grampians
Mr Rodney Paton	Booroondara
Ms Marlene Salomonsen	Strathbogie
Adrian Herbert	Australia Post
Maps Group Ltd	

Each new member will receive a letter and certificate acknowledging their membership with the RMA.

If you haven't paid your membership yet this year please send your payment to **PO Box 596, Doncaster, Vic, 3108**. Contact me at the City of Ballarat on **(03) 5320 5518** if you need to check any details. You can advise me of any changes to your details on your Membership Renewal Form, or you can Email me at rodleith@ballarat.vic.gov.au. It is important that our membership data base is kept up to date. The data base does not currently include Email addresses for members but it is proposed that this information be collected during the year, most likely via your next renewal notice.

Rod Leith
 Membership Co-ordinator

NEWSLETTER ARTICLES

Articles for the next newsletter please email details to vanessa.faulkner@nillumbik.vic.gov.au by 4th July 2001.

PRESIDENT'S REPORT

Well, Christmas and New Year have come and gone and I hope those of you who managed to take some holidays over that period had an enjoyable time. By now many of us are trying to finalise Valuation Objections and Supplementary Valuations prior to the Valuers having to commence the first stage of the new General Valuation for 2002. Any Council having not yet advertised the new Contract or re-appointed their existing Valuer through an option in the previous Contract, is really going to be struggling to meet the requirements of the new modified timetable set by the Valuer General. On the issue of Valuations, following the Valuation and Rating Forum held on 31 October, 2000, the MAV has formed a working group entitled "Best Value Committee", to review the current Best Practice processes and make recommendations to the Government and Valuer General, to ensure that all Councils can complete the revaluation processes accurately and in sufficient time to levy rates within legislated timelines. Both myself and Haydn Williams have been invited to represent the RMA on the committee.

The December meeting at Tudor Court Reception Centre in Caulfield was both informative and enjoyable and member feedback has been very positive. The presentations on the day were very professional and we thank Proclaim Software Pty Ltd, Anstat Property Information, Integrated Mailing Services / National Presort Services and E.Colesmyer for their generous sponsorship and participation on the day. Members were also very interested to hear the views of the Valuer General, Jack Dunham, on the results achieved by Councils through the application of Valuation Best Practice to the processing of the 2000 General Valuation and on any likely changes to the process for the 2002 General Valuation.

The Minister for local Government has recently decided to carry out a review of the Local Government Act 1989. Ross Millard, the Manager Information and Reporting Systems of the Local Government Division, Department of Infrastructure, was appointed Chairperson of the "Local Government Act Update Rates and Operations Working Party". The first step in preparing for the review was to write to all Councils throughout Victoria and seek submissions regarding areas of particular concern, which can then be considered by the Working Party. The aim is not a total re-write of the Act, but to identify and correct anomalies and to make the legislation more enabling and clearer. The RMA is being represented on the Working Party by Haydn Williams and myself.

The RMA is attempting to further improve the Web Page, to make it more user friendly and provide greater scope for more relevant information. Mario Patti is working with Forms Express to revamp the site layout and to improve the quality of information held on our Website. We desperately need members Email addresses and it would be appreciated if members could provide the information to Mario as soon as possible to: mario.patti@maribyrnong.vic.gov.au. You may remember me contacting you and obtaining details of your rates and charges and rateable assessments for 2000/2001. It is intended that the collected information will be added to our Website shortly, which will provide a valuable reference tool for members.

Unfortunately, we still have a number of unfinancial members. If you are in that category at present, please do something about it as quickly as possible because your Association relies on your support to continue to function on your behalf. If you have not received your renewal account, contact Rod Leith on 53205518 because our records may need amending if your address has changed recently.

Finally, our next meeting will be the Country Meeting on Friday, 30 March and we hope to see as many members as possible in attendance. Why not take the opportunity to take along your partner and stay the night. It's a good opportunity to socialise with fellow members and partners can usually find plenty to do during the day while the meeting is taking place. I hope to see you all at the next meeting.

Ian Holland
 President

LOCAL GOVERNMENT ACT 1989 UPDATE RATES AND OPERATIONS WORKING PARTY

The Local Government Division, Department of Infrastructure is carrying out an update of the Local Government Act 1989 and legislative changes are proposed for the Autumn Session of Parliament 2002.

As part of the update a number of working parties have been formed one of which is the Rates and Operations Working Party. Both Ian Holland and Haydn Williams were invited to represent the RMA on the Rates and Operations Working Party.

Since 1989, the Act has been progressively amended to correct anomalies, to reflect varying circumstances and to respond to changes in Government policy. As it currently stands, the Act is overly long, poorly structured and the wording is quite unclear in some places. This can be an obstacle to the administration of the Act and to effective compliance by local governments.

The broad aim of the update is to support a healthy local government sector. The specific objective is to prepare new legislation that :

- Is logically structured, realistically brief and in plain English,
- Corrects anomalies in the existing 1989 Act, and
- Reflects the Government's partnership approach to local government.

The update process will involve three main stages:

1. A Scoping stage, to identify problems and issues,
2. A Consultation stage, to get feedback on proposed options,
3. A Legislation stage, to enact new legislation.

Preliminary input has already been sought from all Councils to identify problem areas in the existing Act. These submissions have been considered by the working party as at it has progressively worked through relevant sections of the Act. The first stage is expected to be completed by the end of March at which time a draft copy of proposed amendment options to problem areas of legislation will be circularised to all Councils for comment. I urge all members to make sure you get hold of the recommendations and be sure to have your say. To date, working party members have been very open and agreeable to suggestions we have made for changes to the rating provisions, but in the past, our suggestions have been torpedoed by some Councils due to Managers and Councillors lack of understanding of the issues. Without your support, there is no guarantee that proposed amendments will reach the legislation stage This is a wonderful opportunity for us to achieve improvements in the areas of Rating and Revenue Collection. Further information will be provided when available.

Ian Holland

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MRS has recently been appointed by the MAPS Group Ltd as one of the suppliers for the provision of temporary staff. All temporary staff placements will now comply with the requirements of Compulsory Competitive Tendering.

If you require staffing please contact Christine Cox on the numbers listed below.

Staff wishing to register interest should forward resumes to:

MRS	☎	9558 0074
PO Box 119	Fax	9558 3328
Glen Waverley 3150	Mobile	0408 321 660
www.ozemail.com.au/~mrs		



RMA Revenue
Management
Association



Just a friendly reminder that the RMA Website is operational and accessible.

Whilst there are ongoing changes to the format, we invite any ideas, topics, etc., you may have, to enhance our website to the fullest.

Corporate RMA members may wish to link their own website to the RMA website. The RMA committee is happy for this to take place, however, details should be provided to the committee for approval and implementation.

Should you wish to talk about the RMA website or any other relevant issues, please do not hesitate to contact

Mario Patti at Maribyrnong Council on 9688 0350
or
Chris Barrett at Forms Express on 5227 7410.

www.RMA.formsexpress.com.au

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Then look no further than Coles Myer Ltd. From April this year all Coles Supermarkets will be offering a new bill payment service.

The City Of Casey, the first council in Australia to take advantage of this new bill payment service, has given the service its full support.

"It will be a convenient, 24 hour a day way for residents to pay their rates. Residents will also benefit from using a variety of payment methods and earning Fly Buys* points" says Mike Tyler, CEO, City of Casey.

If you would like to know more please call or email Lisa Carrick

Phone: 03 9829 3583

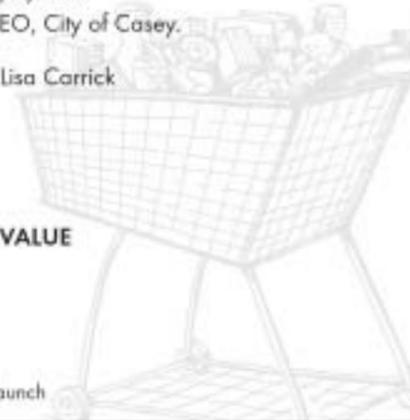
Mobile: 0407 303 883

Email: lisa.carrick@colesmyer.com.au

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*Fly Buys functionality is being developed and will not be available for the April 2001 launch



STOP PRESS!!!

The next meeting on March 30th 2001 will be held at the Rich River Golf Club, Echuca Moama

Accommodation details will be included with your meeting agenda



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RATING TELECOMMUNICATION CABLES

In 1997 five Councils, Melbourne, Frankston, Bayside, Moreland and Yarra sought legal advice from Stuart Morris, QC as to whether the cables associated with the Optus and Foxtel cable television networks were rateable. This was the time of the 'Cables Down Under Campaign' with many Councils offended with the way that the telecommunication carriers were able to circumvent normal planning restrictions through the application of Commonwealth law.

The considered legal advice was that, although a cable might be a cable to the normal person in the street, under the Victorian Local Government Act both overhead and underground cables are in fact land which is rateable to the occupiers. This is similar to the case of oil pipelines which are rateable and in the past the reticulation system of private gas companies had been declared land and rateable.

Incredible as this conclusion might be to any lay person and with unquestionable trust in the legal profession, four of the five Councils in 1998 sent out rate notices. It was a matter of principle in any case to the Councils involved. The \$150,000 of annual rate that each of the Councils could make out of it was not a consideration at all. Unfortunately, Telstra and Optus were not convinced of the legal argument and objected to the Federal Court about what the four Councils had done. Apparently 11 other Councils in NSW had done the same thing and the telcos objected about their behavior also.

Their grounds for objection, one would have thought, would have been quite obvious - land is land and cable is cable, so how can land be cable? No, in fact the telcos during the court proceedings agreed with the Council's interpretation of the Local Government Act. But they came up with some real ripper arguments as to why they thought they should not pay. One of them was that if Councils got away with rating the cables, it was tantamount to levying an excise, which only the Commonwealth Government can do. Well I always thought that excise was a tax on beer and I am having visions of the cable TV operators being able to brew beer in cyberspace and downloading into the subscribers homes.

Another argument they used, is that deep in the bowels of the Telecommunications Act 1997, which incidentally is 30mm thick, is a little known clause that says that "the States can't levy legislation which discriminates against telecommunication carriers" and they argued that rates were discriminatory - which leads one to the conclusion that in future the Council's EEO officer will have a greatly expanded role. Not only will she/he be there to prevent lecherous behavior at Xmas Party she/he is now going to front the Council at budget time and insist that the Council desist from levying rates-they're discriminatory. No doubt a career limiting move.

RATING TELECOMMUNICATION CABLES CONTINUED . . .

One can only wonder what went through the head of Justice Willcox when he had to preside over the matter and listen to these types of arguments over 8 continuous days, and how did he keep his sanity when writing an 85 page 'learned' judgement in determining on the matter. This judgement is recommended reading to all and I am informed by the legal team, it is clear concise, succinctly argued and not one sentence ends in a preposition.

The upshot of it was that the judge reckoned our arguments had more weight or at least found them more plausible than Telstra or Optus' and decided that Councils should rate the cables and even gave us costs.

But Telstra and Optus seem not to have had enough and are appealing to the Full Bench of the Federal Court and possibly the High Court if they don't get their way. So the final resolution will probably still be 2/3 years off.

Supplied By Frankston City Council.

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RATEABILITY OF TELECOMMUNICATIONS INFRASTRUCTURE

Members should be aware that telecommunications towers are rateable. There are a number of companies such as Telstra, Optus, Vodaphone, Ericsson, Motorola Etc which pay substantial rent to landowners to site communication towers on land and should be rated. The Valuer General has information available which lists these sites and their locations. Stephen Collins from the City of Launceston sent me an Email today which provides the Web address of the Australian Communications Authority. This is the Authority which licences all telecommunications towers and transmitters and you can search for sites within your own municipality by postcode groupings. The service is free and it identifies each site with G.P.S grid references and gives you the owner and operator of the installation, what type of transmitter it is etc.

The Web Address to access the information is - www.aca.gov.au

There is much extra rate revenue to be had so why not access the site and get your Valuer to work.

Ian Holland



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