



VICTORIAN INSTITUTE of RATE ADMINISTRATORS

President:

Mr. GERALD PEKIN
City of Northcote
189 High Street, Northcote 3070
Business Hours: 481 9562
Facsimile: 481 9406
After Hours: 763 8566

Secretary:

MR. TREVOR RICHES
Shire of Pakenham
P.O. Box 7, Pakenham 3810
Business Hours: (059) 41 1011
Facsimile: (059) 41 3784
After Hours: (056) 29 2414

VIRA NEWS

Vol X111, No 3

April 1990

PRESIDENT'S REPORT

The second instalment and perhaps the last April 10 rate rush have now come to pass. With the annual rate follow up, the third and fourth instalments, preparation of voters rolls and election follow up there doesn't seem like a real lot of time to think about what needs to be done to ready ourselves for the introduction of the new 1989 Local Government Act.

I, like many other Rate Administrators I have spoken with, have been requested to prepare reports detailing options available to Council under the new Act. My CEO has requested a paper which is intended to provide a basis for discussion by Councillors at a Corporate Seminar in May. The CEO's memo makes specific reference to phasing out the minimum rate and its possible effects, abolition of the minimum rate at the end of this financial year, effects of use of a municipal charge and a suggested basis for calculation, issues and options involved in applying uniform and differential rates and so on.

I have taken heart in knowing that I'm not the only person in Local Government today

who faces this task. Fortunately I have received assistance by way of verbal and written reports from colleagues who have prepared similar reports. None of us wants to 'reinvent the wheel' nor do we have the time. Contact with our Members, members of other professional institutes in Local Government and Local Government Department staff has given the Executive of the Institute a good appreciation of the options available and the pitfalls to be aware of under the new legislation.

In my last President's Report I mentioned the Workshop conducted by the South East Region of the Institute at the Shire of Korumburra. Since that Workshop a further one has

Newsletter Co-ordinator: Russell Hodges Ph: (03) 754 8777 Fax: (03) 754 5264
Assistant Co-ordinator: Noel Grant Ph: (058) 58 2505 Fax: (058) 58 2406

been conducted as part of our March General Meeting at the City of Heidelberg. Both sessions have been worthwhile exercises.

I also noted that the Institute had plans to conduct a series of Seminar/Workshops throughout the state. Elsewhere in this Newsletter is a notice detailing the venues, dates and times of the sessions. The sessions are open to all Local Government employees and Councillors. We do not profess

to have all the answers but we are aware of many of the pitfalls to be avoided and what is necessary to implement now in order to comply with the new legislation.

I and members of the Executive look forward to meeting with Local Government people from Victoria's Rural Councils.

G. M. PEKIN
PRESIDENT

LOCAL GOVERNMENT ACT 1989 SEMINAR/WORKSHOPS

It has been the intention of VIRA to conduct Seminar/Workshops throughout the state at a time when the Act reaches readiness for operation by Local Government. Time is quickly running out for Councils to be in a position to comply with provisions of the new legislation let alone be aware of new options available to them.

Seminar/Workshops are open to all Council Staff and Councillors who are concerned with the new legislation in relation to Elections and Rates and Charges.

SEMINAR/WORKSHOPS TIME TABLE

DATE	VENUE	TIME	CONTACT
May 7	Shire of Melton	9.30 - 1.00	Toni Lukauskas or Chris Rodda (03) 747 7235
May 8	City of Hamilton	9.30 - 1.00	Ken Burton (055) 730 444
May 9	*Shire of Swan Hill	10.30 - 2.00	Col Braybrook (050) 320 333
May 10	City of Shepparton	9.30 - 1.00	Wendy Clark (058) 329 700
May 11	Shire of Morwell	9.30 - 1.00	Barry Herbert (051) 344 744

*The City and Shire of Swan Hill are joint hosts of this session.

Intending participants should register with the contact person at the respective Council as a light lunch will be provided and numbers are required for catering purposes.

Following the round of Seminar/Workshops a report will be presented to the Benalla General Meeting of the Institute on Friday 18/5/90.

RATING ILLEGAL BUILDINGS

The Association recently obtained advice from its solicitors, Maddock Lonie and Chisholm about the consequences of rating buildings which were "illegal". That is, buildings or works erected without first obtaining building approval. There was some concern that rating of the land with illegal buildings erected on it could be seen as council approval of such buildings.

The rating provisions of the 1958 Local Government Act (in operation until October 1 1990) states that all land will be rateable except the land specified in paragraphs (a) to (e) of section 251.

The definitions of "improvements" and "capital improved value" in the Act do not refer or require consideration of whether buildings erected on the land have building approval or comply in any other respect with the Victoria Building Regulations.

In other words, the legality of a building is not part of the statutory criteria for assessing the rateability of land.

The Association's solicitors advised that: "It therefore follows that under the 1958 Act, the question of any building, whether it be a dwelling or not, complies with the Victoria Building Regulations is irrelevant to the question of whether the land upon which such building is situated is rateable. In assessing rateability, councils must have regard to the statutory criteria set out in the Local Government Act and to no other Act or policy.

For it to be otherwise, the Act would have to refer to improvements for the purposes of rating as being all legal buildings and works on the land....."

Rating of "illegal" buildings as "improvements" could not be seen as tacit approval of those buildings nor would it prejudice the remedies and avenues of enforcement available under the VBRs.

There is however, one aspect in relation

to the existence of an "illegal" building which may be relevant to the question of rating. If for instance the valuer knows of the manner in which the building does not comply with the VBRs or planning scheme requirements, then the non-compliance may affect the actual capital improved value or the net annual value of the property.

As such, the quantum of the value may be affected by a failure to comply with legislation, which may in turn affect any sale price.

Obviously this will depend on whether the "illegality" can be remedied.

There is also a possibility that if the council was to rate a property without regard to a known illegality and the quantum of rates payable was affected by the "illegal" improvement on the land, there could be an argument that the council had given implied approval to those "illegal improvements" and may be stopped from taking action subsequently to enforce the building regulations or planning scheme.

It is recommended that in the circumstances outlined, a letter should be forwarded immediately to the rated occupier and owner indicating that the rates had been fixed on the basis of the current use of the property and that the current rating of the property did not in any way endorse or constitute an approval of the illegal works, in respect of which council reserved its rights to take action under the appropriate legislation. Enforcement procedures should be commenced as soon as possible.

Local Government Act 1989

MUNICIPAL COUNCIL ELECTIONS TO BE HELD ON 4 AUGUST 1990

Fixing of Dates

The Governor in Council acting under sections 3, 21, 22 and 24 of the Local Government Act 1989 fixes the following dates in relation to the Municipal Council Elections to be held on 4 August 1990.

Wednesday 2 May 1990 - "Entitlement date" for the purposes of Division 1 Part 3 of the Local Government Act 1989.

Tuesday, 12 June 1990 - The date for the purposes of section 21 (2) which is the date on or before which the Electoral Commissioner must supply to the Municipal Clerk a voters list.

Wednesday, 20 June 1990 - The date for the purposes of section 22 (2) which is the date on or which the Municipal Clerk must make out a voters list.

Friday, 6 July 1990 - The date for the purposes of section 24 (4).

MAUREEN LYSTER

Minister for Local Government

From: Victorian Government Gazette

ANNUAL GOLF DAY

The Municipal Group of Valuers and the Munivaltonians
present the Annual Golf Day for Municipal Valuers.

VENUE: SPRING VALLEY GOLF CLUB, GRAHAM ROAD,
CLAYTON (MAP 79 F 10) **DATE:** MONDAY, 14th MAY, 1990

FIRST TEE-OFF TIME: 12.00 NOON

After golf a 3 course presentation dinner will be held in the Dining Room. Entry forms, together with a cheque for \$35.00 (all inclusive) must be returned not later than 7th May, 1990. For further details, please contact Greg Stevens (567 3650).

The annual golf day has become one of the few regular occasions, where municipal Valuers come together to dine in a friendly and casual atmosphere. So this year, with the kind support of our sponsors, non-golfing members are invited to the presentation dinner to be held at the Golf Club, commencing approximately at 6.30 pm. The cost is \$20.00 (all inclusive). To reserve your place at the table, forward your cheque (made payable to MUNIVALTONIANS) to Greg Stevens, City Valuer, City of Oakleigh, PO Box 21, Oakleigh, 3166.

RSVP 7th May, 1990.

PS Non-golfing members may wish to caddie for an aspiring champion prior to the dinner and this can be arranged, if you don't already know a member playing.

OWNERSHIP OR OCCUPANCY RATING - WHERE DO WE STAND?

Members will be aware of the joint VRIA/MGV submission on Section 156 of the new Local Government Act 1989.

The submission was completed and in the hands of both the Municipal Association of Victoria and the Local Government Department on 1st August, 1989. The submission was prepared at the request of Mr John O'Donoghue, the Department's former Director, Municipal Enterprises Legislation Division.

We have received a reply in the form of a "draft proposal for discussion". The paper was released on 5th March, 1990, and a meeting arranged for 7th March, 1990, at 3.00 pm.

At 8.00 am on 7th March, 1990, representatives from the Valuers Group and the Rate Administrators held a preliminary meeting at the City of Knox to discuss the Department's proposals and evaluate the recommendations put forward. Little time was wasted in reaching agreement that the recommendations contained in the paper were just not workable.

Basically, the Department suggested that Local Government keep and maintain records of all tenancy agreements to facilitate occupancy based assessments, where there is an agreement between the owner and the occupier. The meeting scheduled for 3.00 pm was held at the Local Government Department's Offices and was attended by representatives from the Department, the MAV, the MG, VIRA and the Valuer General himself. We indicated difficulties associated with the recommen-

dations and re-affirmed our preferred option of "owner liability and occupancy based assessments".

On 21st March, 1990, the President was again contacted by the Department regarding a further proposal. A meeting was quickly arranged for later that afternoon with Des Lane and Meryn Williams, Gerry Pekin and Jeff Fleming. The new proposal was for Local Government to prepare and maintain two sets of valuation figures. The first valuations would be owner based for rating purposes and disclosed on the rates notice. The second would be occupancy based and issued on request to tenants, who wish to apportion rates they are responsible for under their lease agreement.

We felt this system to be inappropriate and unwieldy and suggested one of two workable options:

Owner liability and occupancy based assessments (the Institute's preferred option).

Owner liability and owner assessments.

To become involved in tenancy agreements and disputes between owners and occupiers would, it was felt, be inappropriate for Local Government.

Des Lane and Meryn Williams have taken our concerns and recommendations back to the Minister, who has indicated preference for owner liability and owner rating. This will be reflected in amendments to the legislation.

The Department's discussion paper was made available to members at the Institute's general meeting at Heidelberg on 16th March, 1990.

PROFESSIONAL DEVELOPMENT PROGRAM FOR RATE ADMINISTRATORS

The Local Government Industry Training Committee has put together a series of modules for a professional development program for Rate Administrators. Speakers have been arranged from the Local Government Department, the MAV, RMIT, the Leo Cussen Institute and the private sector.

COURSE OUTLINE

MODULE 1 (a) RATES ADMINISTRATION (Part 1)

Wednesday June 13, 1990
Roles & functions of Local Government
Introduction to Local Government Revenue
Administration
Rating Provisions

Thursday June 14, 1990
Legal Aspects of Rate Administration

MODULE (1b) RATES ADMINISTRATION (Part 2)

Wednesday July 4, 1990
Municipal Valuations

Thursday July 5, 1990
Collection Procedures
Council Election Administration

Topical Issues
-Local Government Act (1989) & implications

MODULE 2 MANAGING PEOPLE

Monday August 6, 1990
Tuesday August 7, 1990

- (i) People Management
Job design
Recruitment, Selection & Induction
EEO Issues
Performance Review
Accountability & Autonomy
Counselling
- Grievances
- Discipline
- Exit Interviews

- (ii) Staff Development
Identifying training needs
Staff training
Career development
Coaching
Motivation

- (iii) Management Style / Participative Practices
Team Development
Functional Leadership
Developing Communications

Topical Issues
- Award Restructuring
- Industrial Relations

MODULE 3 PLANNING AND POLICY DEVELOPMENT

Monday August 27, 1990
Tuesday August 28, 1990

- (i) Operational Planning
Corporate & Strategic Planning
Corporate Management
Developing Policies
Developing, solving & decision making approaches
- (ii) Financial Planning
Budgeting within Local Government
Program Budgeting
Developing & maintaining budgets
Budgeting & Forward Plans

Topical Issues

*Further details regarding the course
will be released during May.
Initial enquiries may be directed to
Mr George Peters of the
Local Government Industry Training
Committee on (03) 267 5266.*

BALLARAT REGION

Report on Activities of the Region over the past Three Months.

The last Quarterly Meeting was held at the Ballarat Water Board Offices at which 15 members were present with several apologies being tendered.

The meeting took the form of a discussion based around a property information survey whereby members advised on the type of information given out over the counter and telephone and to whom such information is given. It is anticipated that more uniformity will transpire from this exercise.

Discussion also took place on various aspects of the Rates and Charges section in the new Local Government Act.

Secretary, Cheryl Mason, and myself were

pleased to represent the Region at Bendigo on Friday, 23rd February, to offer support in the formation of a new Region for the Bendigo area. The Ballarat Region wishes the Central Region all the best in their formation.

The Region was shocked recently to lose its Secretary, Cheryl Mason, who has resigned her position as Rate Collector, with the Shire of Buninyong. We thank Cheryl for her work to the Region and we wish her well for the future. Her position will be filled at the Annual Meeting.

Ian Effrett
Convenor

MORNINGTON PENINSULA GROUP OF FINANCE MANAGERS & RATE ADMINSTRATORS

MEETING HELD 23/2/90 AT SHIRE OF HASTINGS

GUEST SPEAKERS:

GRAEME PEAKE
TAYLOR SPLATT & PARTNERS
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Section 161 Differential Rating

Graeme stated "Differential Rating will potentially be a minefield with most legal people awaiting the chance to mount a challenge. Criteria for each differential will need to be carefully considered." He also feels that the courts will gladly accept the chance to exercise their authority to maintain their status, by declaring the rate nul and void.

Graeme also highlighted the fact that if Councils opt to stay on their current rating base but use a modified form of Differential Rating such as Urban Farm rate and Residential Use rate, all the requirements of section 161 must be addressed and complied with when formulating the resolution to strike the rate.

Jan Holland
RATE COLLECTOR, CITY OF FRANKSTON

TELECOM'S EWP DIRECTORY CAPTURES WORLD'S INTEREST

Telecom recently launched its newly-updated *Electronic White Pages (EWP)* computerised directory, providing near-instant access to any of the 7.5 million entries in Australia's 55 telephone books.

It is the same service offered by Directory Assistance, except that you know you're going to get through, you don't have to wait.

The service can be used by anyone with an IBM or IBM-compatible personal computer, but it will probably prove too costly for the general user who would normally call Directory Assistance for a number.

Telecom makes no secret of going more for corporate users - banks, the Tax Department, debt collection and credit checking agencies, police departments, universities and schools, and federal and state government departments.

Vic Wiener, EWP Product Development Manager, believes the product is a world first, with its Australian-developed software allowing 99% public access to all numbers.

"We've already had inquiries from Bell Canada, Finland's equivalent of Telecom and three US telephone companies," he said. "No doubt further world interest will be shown."

Courses on the new EWP features, including the Multi-Book search facility, will be held on March 13 and 14.

**Inquiries should be directed to
Mark Eckermann on (03) 896-4335.**

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STATE ELECTORAL OFFICE
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As from Monday 19 March 1990
the Office will be located at:

6th FLOOR
22 WILLIAM STREET
MELBOURNE 3000

PH: 651 6201

FAX: 629 8632

RAY WRIGHT ILL

The Institute has been saddened to learn that Ray Wright, Rate Collector at the City for Melbourne, a former secretary of the VIRA, is gravely ill. We extend to Ray and his family our sincere best wishes.

John Trainer retires

John Trainer, Rate Collector at the City of South Melbourne retired on Friday, March 30. He commenced duties at South Melbourne as a junior in the Town Clerks Department aged 15 in January 1948.

After also working in the City Engineers Department and then Accounts, eventually as Assistant Accountant, John applied for and was appointed Rate Collector in May 1970. At his interview John said his qualifications, while not formal, were LOYALTY, HONESTY, and ABILITY. He has certainly lived up to those qualifications.

The Victorian Institute of Rate Administrators wish John and his wife, who also retired from the City of South Melbourne on the same day, all the very best in their retirement.

FACES GOING PLACES

Roy Johnson Rate Collector, Sherbrook
formerly Rate Collector, Brighton

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EMPLOYMENT
AGENCY



"Well, I'm very good at giving balls, receptions, opening public buildings, bridges and the like."

Who knows what happened to Section 864 from the 1958 Act and what will be required of Local Government when the new Act comes into operation?

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