



VICTORIAN INSTITUTE of RATE ADMINISTRATORS

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VIRA NEWS

Vol X111, No 4

June 1990

PRESIDENT'S REPORT

It would appear that my opening remarks in my last President's Report regarding "the last April 10 rate rush" were somewhat premature. As you are no doubt well aware by now, the operation date of Parts 6, 7 and 8 of the 1989 Act has been put off for two years. There are several reasons for this.

The John Harrowfield committee's report of the municipal accounting and audit practices review which was recently released, requires further deliberation by the Department and practitioners.

The Harrowfield committee's report and Parts 6, 7 and 8 of the Act are inter-related, therefore together with the findings of the "OWNER LIABILITY WORKING PARTY" these parts will commence operation simultaneously.

The Working Party to address "Owner Liability" under the provisions of the 1989 Local Government Act and the Valuation of Land Act has been established. The Working Party is constituted by Mr J Stevenson, (Director General/Chairman), Ms H Proctor (MAV), Mr R Marshall (Town Clerk - City of Horsham),

Mr D Ayley (Chief Executive Officer - City of Caulfield), Mr K Burton (Rate Collector - City of Hamilton), Mr B Nagel (Valuer/Rate Collector - City of Camberwell), Mr T Cerini (Valuer - City of Knox), Mr A Doyle (Valuer - City of Ballarat), Mr A D'Arcy (Valuer General), Mr D Lane (Local Government Department) and a late inclusion, under protest, is myself as President of VIRA.

It did seem very odd to me that the Institute was overlooked when establishing the Working Party to consider this issue which has been of concern to us since the early days of the "Local Government Act Working Party". Our representative, Steve Collins, former Rate Collector - City of Altona, and Murray Hockey, Rate Collector - City of Sandringham, raised the issue during discussions and elaborated

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further in two submissions on the "Draft Proposals" and "Bill". Murray, Geoff Fleming and I took part in discussions on a Department Working Party set up to facilitate the smooth implementation of the new Act, where we again raised the difficulties associated with owner based assessments which resulted in the joint MGV/VIRA Submission of August 1989.

Elsewhere in this Newsletter is a copy of my letter to the Director General of Local Government, seeking Institute representation on the Working Party.

I am pleased to say that I was invited to participate at the first meeting of the Working Party which took place at the Department at 11.00 am on Thursday 21st June. The agenda for the meeting addressed the "Terms of Reference" of the Working Party, the "Background" of the issue, a "Schedule of Events", and "Issues and Options". The three options being considered are :-

- Owner Liability - Owner Assessments
- Owner Liability - occupier Assessments
- Occupier Liability - occupier Assessments.

It is anticipated that recommendations from the Working Party findings will be made in a final report due in mid September 1990. Further meetings of the Working Party have been scheduled for 11th July, 16th August, 30th August and 14th September.

On a completely different front, the Institute is moving forward on the issue of professional development. The first intake of participants has resulted in the first course being booked out, and a waiting list for the next course.

This result has been very pleasing to those of us who have worked long and hard with the Local Government Training Committee. While the ITC is to be wound up, the MAV has set up the Local Government Industry Training Board (LGITB) which will provide continuity of the work already undertaken to provide professional development for practitioners in rate administration.

As this will be my last President's Report, I would be remiss if I did not conclude by thanking the Executive and Members for their support and assistance over the past two years. I am happy to say that the list of credits is far too long to mention here, but I would like to say that the Institute, through the hard work of the Committee and the Regions, is on the right road. With just a little support from everyone, our profession will continue to advance in the 1990's.

My thanks to all.

Gerry Pekin
President
1988-1990

DIFFERENTIAL RATES

(Reproduced from MAV Insight, May 1990)

The MAV's differential rating working party met for the second time early in May when a representative cross section of councils joined MAV economist Tony Pensabene and rating expert Brian Haratsis to produce rating models and guidelines.

Rating options will be the subject of a major MAV Seminar later this year.

The main aim of the working party will be to highlight the opportunities for Local Government in the new revenue package available under the Local Government Act 1989.

LOCAL GOVERNMENT TO HAVE ITS OWN INDUSTRY TRAINING BOARD

(Reproduced from MAV Insight, May 1990)

Local Government is to have its own training board under the recently-established State Training Board.

The new Local Government Training Board will advise on the needs of the whole Local Government industry and will replace the existing Local Government Industry Training Committee, which will be wound up.

Chaired by MAV representative, Cr Leonie Burke, from the City of Prahran, the Board's major function is to advise on and influence TAFE spending through the State Training Board.

The Local Government Industry Training Board (LGITB) is the result of a lot of hard work from the MAV, unions, the Institute of Municipal Management and the Local Government Engineers Association. The MAV has two representatives on the LGITB, Cr Burke and Human Resources Manager, Mr Bernie Cronin.

It is expected that the LGITB will be formally established by the end of June.

The objectives of the LGITB are:

- To be recognised by government, education authorities, employer organisations and trade unions as the authoritative voice on labor force training and development for local government in Victoria;
- To maintain tripartite membership, recognising the respective roles of the principle local government bodies representing employees, employers and of government;

- To provide advice to government and to the local government industry in Victoria on labor force training and development;
- To assess current and future labor force training and development needs in the Victorian local government industry;
- To develop industry training plans for the local government industry in Victoria which outline training requirements and strategies to meet industry needs;
- To increase the level of investment in, and industry commitment to, human resources development;
- To ensure that the standard and availability of labor force training and development meet industry requirements;
- To enhance the development of meaningful and accessible career paths for employees in the industry;
- To achieve equal employment opportunity in entry, training and development practices;
- To increase public awareness of career opportunities within local government;
- To network with other organisations with similar aims and objectives, including industry training boards, both nationally and within Victoria; and
- To do all such other things as are incidental or conducive to the attainment of the objects and exercise of powers of the board.

CONVENOR'S REPORT

CENTRAL REGION

Meeting held at Borough of
Eaglehawk Council Offices on
Friday 25th May, 1990 at 10.00 am.

The Chairman of the Region, Noel Grant, reports that the first meeting attracted 16 persons and there were 7 apologies. Noel informed the group that the format of the meetings will be low key and generally a forum for the discussion of issues relating to our industry.

Matters that were raised during the meeting are as follows.

- Errors in Election News June No 2.
- Deferment of Parts 6, 7 and 8 of Local Government Act, 1989. Councils should proceed with the preliminary reports and investigations of the impact on rating of the proposed changes, as we now have two years to prepare:-
 - Computer software amendments
 - Consequential Provisions Act - maximum rates. Minister should also make mention of deferred parts of this Act.
 - Rural Councils to provide details to Working Party, particularly in areas that concern the country areas.

The Institute to provide details on comparison of rating, voting and property systems of all states of Australia.

The matter of Pension rebates and Rate Certificates raised its head again, and Noel informed those present that as far as he was aware, the Institute had informed members that when issuing Certificates no mention of Pension or Rebate should be shown on certificate, but that the rebate is shown correctly in the payments section. All present agreed that the consistency in issuing certificates should be followed by the Institute.

The Region undertook to look at the development of a Land Information Certificate and would welcome ideas from other members.

Rating of CSV houses, Postal voting changes and Professional Development were all discussed and proved enlightening to all present.

The next meeting will be on the 17th August 1990 at 10.00 am at a venue to be arranged.

Noel Grant
Convenor

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CONVENOR'S REPORT

BALLARAT REGION

CONVENOR'S REPORT PRESENTED AT FIRST ANNUAL MEETING OF THE BALLARAT REGION OF THE VICTORIAN INSTITUTE OF RATE ADMINISTRATORS

It is with pleasure that I present this first Convenor's Report of the Ballarat Region of the Victorian Institute of Rate Administrators.

Since becoming of age on 27th April, 1989, this Region has held three very successful General Meetings, namely in July and October, 1989, and February, 1990. At two of these meetings, the President and/or Secretary of VIRA have been in attendance and I thank Gerry Pekin and Geoff Fleming for their time in coming to Ballarat and passing on to the members important information pertaining to our profession in order for us to keep abreast of the many changes taking place in the Water Industry and Local Government.

A Guest Speaker was present at the July meeting. Mr John Fitzgerald of Laurens & Co. gave a very informative talk on debt collection and rate recovery procedures. A guest speaker from the local Law Institute has yet to be arranged. Many discussions revolved around a number of important is-

ssues at our meetings. Some of these issues were: pensioner rebates; voters' rolls; sale of land for unpaid rates; and a property information survey.

Secretary, Cheryl Mason, and myself represented this Region at a meeting at the Shire of Strathfieldsaye at which the Central Region of VIRA was formed. I wish that Region success and perhaps a joint meeting between Ballarat and Central Regions may be able to be arranged sometime in the future.

In conclusion I would like to thank Cheryl for carrying out her duties as Secretary of the Region in her usual efficient manner, and I also express my appreciation to all members for your interest and input at the Regional quarterly meetings.

To the new Convenor and Secretary, I extend my congratulations and support for the next twelve months.

Ian D Effret
Convenor

The following office bearers were elected at our Annual meeting.

Convenor	- Malcolm Matthews, City of Ballarat.
Secretary	- Julie Bignell, City of Ballarat.
Assistant Secretary	- Rodney Leith, Shire of Ballarat.

Next meeting of Ballarat Region - 5th July at 10.00 am at Ballarat Town Hall.

"TO BE ENROLLED OR NOT TO BE ENROLLED?" THAT IS THE QUESTION

By now, most of our 210 Councils throughout the State have or are in the process of compiling their voters lists.

Some of you may remember the Local Government Act 1989 Part 3 relating to Voter Entitlement. I mean the way it was before the surprise amendment!

You may also recall that this Institute conducted a series of Seminars throughout the State of Victoria during 7th - 11th May 1990 inclusive, on the Rating and Voter Entitlement provisions of the new act.

It was at these Seminars that we highlighted the new provisions relating to Voter Entitlement and also demonstrated the implications of the amendment that went through the House the week before on 3rd May, 1990.

The Legislation

The legislation prior to its amendment was clear cut and in my opinion a good piece of legislation. It simply provided for the following:-

Person entitled to be enrolled.

- (a) All persons on Legislative Assembly Roll
- (b) Absentee owner
- (c) Absentee Occupier
- (d) Non Naturalised 18 years of age and over
- (e) Corporation nominee

First Named] AUTO ENROL
First Named	
]	BY APPLICATION

The reason why I thought it was a good piece of legislation was that it didn't disenfranchise anybody who was entitled to be enrolled, it simply changed the method by which they are to be enrolled.

The Amendment

I believe that one of the main reasons for the 11th hour amendment was that Councils had not been given appropriate advice as to the implications of the new legislation, nor sufficient time in which to implement an information program for their voting population to enable them to meet the requirements of the legislation.

Quite a number of Councils placed advertisements, and sent letters stating the new requirements and paid the price for being on the ball.

Well, the amendment which is now Section 6A of the Consequential Provisions Act 1989, provides for a "Phase out of Voters".

The amendment states:-
"Persons on voters' roll"

6A. A person who was entitled to be enrolled on the voters' roll under section 74A(1)(b) or 74B(1)(c) of the Constitution Act 1975 immediately before the commencement of Part 3 of the Local Government Act 1989 continues to be entitled to be enrolled on the voters' roll

without application or further application under the Local Government Act 1989 until that person otherwise ceases to be so entitled in accordance with the Local Government Act 1989.

The important point to note here is that Part 3 of the Local Government Act 1989 came into operation on 1st November, 1989, so the amendment implies that persons who were entitled to be enrolled immediately before 1/11/89 are to be included in this year's roll (so long as they are still entitled as at 2/5/90), and kept on future rolls until their entitlement ceases.

My question is what happens to those first named resident owners or occupiers on Councils' records between 1/11/89 and 2/5/90 inclusive?

The names that you should select from Councils' records from 1/11/89 are as shown under the heading **THE LEGISLATION**.

There is also some thought within the Local Government Industry that the intention was for those persons who were on the voters' roll as at 3/5/89 (last year's entitlement date), are the ones to be phased out. However, the amendment as shown makes no reference to this date.

What Does It Mean?

So now we are confronted with three dates:-

- 2/5/90 Entitlement date 1990
- 1/11/89 Commencement of Part 3
- 3/5/89 Entitlement date 1989

At the recent IMM Election Seminar held at the City of Altona on 6/6/90 (which I will add was very well presented and attended), we again raised the issue of the amendment that the VIRA brought to the Local Government Department's attention some four weeks earlier, and again we looked to the Department for some direction.

After some discussion a show of hands of the some 250 people in attendance as to what dates had been chosen for the compiling of the rolls for the "Phase out voters", resulted in the following:-

- 3/5/89 Approximately 6-8 hands
- 1/11/89 Approximately 3-5 hands
- 2/5/90 Majority

When looking at the "majority", one wonders how many were aware of the implications of the amendment. I along with the majority have chosen 2/5/90 for the following reasons.

- 2/5/90 is the most practical date and complies with the legislation's intent.
- I am unable (due to time constraints) to determine first named resident owners and first named resident occupiers as at 31/10/89.
- By selecting 2/5/90, I do not disenfranchise any entitled voter.

"TO BE ENROLLED OR NOT TO BE ENROLLED ?" THAT IS THE QUESTION

Continued from p.7

What To Do?

When deciding if you are going back to 1/11/89, you should consider how many first named resident owners or occupiers are on Councils' records between 1/1/89 to 2/5/90 (inclusive), who would not be automatically enrolled, subtract from these names those who are already on the Legislative Assembly Roll as at 2/5/90, and the answer I would venture to suggest would be very few names remaining who you won't include on the roll, unless you have a very high incidence of First Named Non Naturalised resident owners or occupiers.

Those names automatically enrolled up to 31/10/89, will only be enrolled if they are still eligible as at entitlement date 2/5/90.

I question the worth of this exercise in light of the time constraints on us and the fact that the intention of the legislation was not to disenfranchise anyone.

If you select 1/11/89, you will need to change the voting status codes on your property records in accordance with the legislation so that property maintenance performed since 1/11/89, only reflects a voting code for the following persons:-

- Absentee owner
 - Absentee occupier
 - Non Naturalised by application
 - Corporation nominee by application
-] First named only

Election Day

In August, Croydon will be directing those "Phase out Voters" who are enrolled from our records to the Presiding Officer in Charge to determine their eligibility to be enrolled under the new legislation and get them to complete the relevant Electoral Enrolment Card, or in the case of Non Naturalised people, an Application Form (2).

This should reduce dramatically those voters records that are there because of the "phase out" provisions.

In Closing

Whether you choose 2/5/90 or 1/11/89 is a decision we all must make. Perhaps we can take heart in Section 25 of the Local Government Act 1989, which in summary states that **nothing you do wrong in compiling the voters' roll affects the validity of the roll. Whew!!**

But while you are breathing a sigh of relief, check out the penalty clauses under Section 27.

Good luck to you all.

**Martin King, Manager
Rating Services
City of Croydon.**

***The following letter was sent to the Director General
at his request and resulted in the President's
inclusion on the Working Party.***

Mr Jim Stevenson
Director General
Local Government Department
500 Bourke Street
MELBOURNE 3000

Dear Jim,

I write following our telephone conversation of the 13th June, 1990, regarding the makeup of the recently established working party to consider implementation issues of moving to owner liability assessments and the benefits and disadvantages resulting from such a move.

As I have already stated, my concern is that the Executive of my Institute has been overlooked when finalising the participants on this Working Party.

This issue is largely a rating one where executive members of VIRA have been involved from the early days of the new Local Government Act to the VIRAMGV joint submission which was an initiative of this Institute. I therefore wish to submit for your further consideration, three additional names for inclusion on the Working Party: Geoff Fleming, City of Oakleigh, Kevin Saunders, Rural City of Wodonga and myself.

I note that Ken Burton, a country member of the Institute has already been invited to participate on the Working Party. Together with Ken, the abovementioned would provide a good representation from our profession who would be available to offer the broad expertise of rate administration throughout Victoria.

I would be happy to discuss this request further and I again thank you and your department for providing this further opportunity for my Institute to gain appropriate representation on this Working Party which is addressing an issue directly relevant to rate administration.

Yours sincerely,

G M Pekin
President.



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MOVES IN THE MINISTRY

Mr Jeff Flynn, (Project Officer, Rates) of the Ministry of Housing and Construction Victoria has written advising that the Ministry has recently undergone some administrative changes.

The changes apply to Councils only and not Water Authorities.

The changes are two fold involving information provided to Councils when making rate payments and the decentralisation of the rates payments function into six zones throughout Victoria.

By this time you should be aware of the changes and the appropriate action required in your office.

The six zoned offices and contact names are as follows:-

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192 - 198 High Street
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Phone: 480 0133

URBAN EAST

22 Prospect Street
BOX HILL 3128

DAVID PHILLIPS
Phone: 899 5999

URBAN WEST

Suite 105
Target Arcade
156 Nicholson Street
FOOTSCRAY 3011

LINA ORTEGA
Phone: 689 7322

COUNTRY WEST

5th Floor State Government Offices
Cnr Fenwick and Little Malop Streets
GEELONG 3220

KATHY HAIGH
Phone: (052) 26 4701

COUNTRY EAST

P O Box 798
DANDENONG 3175

RAY WATERS
Phone: 706 8040

COUNTRY NORTH

9 Forest Street
BENDIGO 3550

NOT KNOWN
Phone: (054) 42 5444

In the meantime if you have any concerns at all Jeff urges you to contact him on (03) 669 1194.

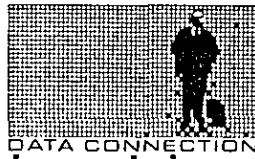
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