

VICTORIAN INSTITUTE of RATE ADMINISTRATORS



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V.I.R.A. NEWS

PRESIDENTS REPORT

Our last edition of this newsletter carried the excerpt of the rating provisions of the Draft Proposal for the new Local Government Bill. Response to that article from members has been very encouraging with several members making written submissions to the Executive and many members (and interested non-members) of the Institute contacting members of the Executive Committee with their queries or doubts about various items contained therein.

On the basis of this degree of involvement, the Executive has decided to make a detailed submission to the Minister on items of concern to our members, and to this end has already held two special meetings of the Executive Committee with the purpose of formulating that submission.

It is our intention to lodge that submission by the end of February/early March, and it is intended to have some copies of it available for our next General Meeting at Benalla on March 13.

In this issue of the newsletter, those parts of the Draft Proposals relating to "Voters" and "Voters Rolls" are re-produced. I trust that all members will study these carefully (if they have not already done so) and please contact either Murray Hockey or myself - preferably in writing - if you should have any matter which you feel may warrant inclusion in the Institute's submissions.

REMEMBER in addition to the submission being made on these Draft Proposals, this Institute has two representatives on the State Government's Working Party responsible for drawing up the Draft Proposals prior to their being tabled in Parliament, so we do have a say in the format they will eventually take upon presentation to the Legislative Assembly.

DON'T LET THIS OPPORTUNITY GO TO WASTE!!

Whilst on the point of Institute representation on Government policy-making bodies members are advised of the following State Government Working Parties on which this Institute has representation :

1. Fire Services Levy

Representatives : Bill Cane (City of Knox)

Murray Hockey (City of Sandringham)

2. New Local Government Act

Representatives : Murray Hockey (City of Sandringham)
Stephen Collins (City of Altona)

3. State/Local Government Financial Relationships

Representative : Stephen Collins (City of Altona)

The Institute has recently been invited to appoint a second representative to the State/Local Government Financial Relationships Working Party (the terms of reference of which were published in the last newsletter). As this particular Working Party meets approximately every fortnight, it is felt necessary that such an appointment be made in order to preserve continuity of representation. I would therefore like to hear from any member of the Institute - particularly from a rural municipality - who has something to contribute on this topic and has an intimate working knowledge of the matter outlined in the terms of reference.

DATES TO REMEMBER:

1. Institute General Meeting at City of Benalla - March 13, 1987.

Remember if you, as Rate Collector, are unable to attend you are most welcome to send your assistant(s) along to further their knowledge in the field and meet their counterparts from other municipalities - contact Geoff Fleming for details.

2. Foundation Meeting of North Western Region of V.I.R.A. - March 30, 1987 at City of Swan Hill.

Contact John Hurray, Rate Collector of Swan Hill for details.



'Even though you are ratepayers... that doesn't mean you can borrow the mayor's car!'

PART 3—ELECTIONS

Division 1—Voters

Persons entitled to be enrolled.

11. A person who on the entitlement date would be an elector in respect of an address in a ward if a roll of electors for the Legislative Assembly was prepared, is entitled without application to be enrolled on the voters' roll or rolls in respect of that address.

Persons entitled to apply to be enrolled.

12. (1) A person who on the entitlement date—

(a) is not a person referred to in section 11; and

(b) is not less than 18 years of age; and

(c) is the owner of any rateable land, whether solely or jointly with any other person or persons—

is entitled to apply to be enrolled on the voters' roll or rolls in respect of that rateable land.

(2) If 2 or more joint owners of rateable land are not residents of the rateable land, only 1 of those joint owners is entitled to apply under sub-section (1).

(3) A person who on the entitlement date—

(a) is not a person referred to in section 11 or sub-section (1); and

(b) is not less than 18 years of age; and

(c) is the occupier of any rateable land, whether solely or jointly with any other person or persons—

is entitled to apply to be enrolled on the voters' roll or rolls in respect of that rateable land.

(4) A person who on the entitlement date—

(a) is not a person referred to in section 11 or sub-section (1) or (3); and

(b) is not less than 18 years of age; and

(c) is a person whose principal place of residence has been in Australia for at least 6 months continuously and in Victoria for at least 3 months and in the municipal district for at

least 1 month immediately preceding the date of the application for enrolment—

is entitled to apply to be enrolled on the voters' roll or rolls in respect of his or her principal place of residence in the municipal district.

(5) If 2 or more joint occupiers of rateable land are not residents of the rateable land, only 1 of those joint occupiers is entitled to apply under sub-section (4).

Corporations.

13. (1) If on the entitlement date—

(a) a corporation is the owner or occupier of any rateable land in a ward; or

(b) corporations are joint owners or joint occupiers of any rateable land in a ward—

the corporation or corporations may appoint a person to represent the corporation or corporations who is entitled to apply to be enrolled on the voters' roll or rolls in respect of that rateable land.

(2) If on the entitlement date a corporation is the sole owner or sole occupier of more than 1 rateable land in a ward the corporation may exercise the right of entitlement conferred by sub-section (1) in respect of only 1 rateable land.

(3) If on the entitlement date—

(a) the joint owners or joint occupiers of any rateable land in a ward consist of a combination of persons and corporations (of at least 1 person and 1 corporation); and

(b) at least 1 of those persons or corporations does not have any right of entitlement under section 11 or 12 or sub-section (1)—

they may appoint a person to represent them who is entitled to apply to be enrolled on the voters' roll or rolls in respect of that rateable property.

Limitations on right of entitlement.

14. (1) A person or corporation is not entitled to elect which right of entitlement conferred by section 11, 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3) to exercise.

(2) If on the entitlement date the same joint owners or the same joint occupiers own or occupy more than 1 rateable land in a ward those joint owners or joint occupiers may exercise a right of entitlement conferred by section 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3) in respect of only 1 rateable land.

Additional right of entitlement.

15. A person who, on the date of coming into operation of this section was enrolled on the voters' roll or rolls under section 74B (1) (b) of the *Constitution Act 1975* as in force immediately before the commencement of this section is entitled to continue to be enrolled until—

- (a) the entitlement of that person to be enrolled in that capacity ceases; or
- (b) the municipal clerk receives a request from that person that he or she ceases to be enrolled under this section.

Applications for enrolment.

16. An application for a person to be enrolled for the purposes of section 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3) must—

- (a) be in writing; and
- (b) be in the prescribed form; and
- (c) contain the prescribed particulars; and
- (d) be delivered to the Council office not later than 4 p.m. on the entitlement date.

Provisions relating to appointments for the purposes of section 13.

17. (1) An application for a person to be enrolled for the purposes of section 13 (1) or 13 (3) is void if at the time the appointment is made the person appointed—

- (a) has not reached 18 years of age; or
- (b) has not consented in writing to be appointed; or
- (c) is for any other reason entitled to be enrolled on the voters' roll or rolls in respect of the ward for which the appointment is made; or
- (d) is as a result of another appointment for the purposes of section 13 (1) or 13 (3) which is still in force, already enrolled on the voters' roll or rolls in respect of the ward for which the appointment is made.

(2) An appointment for the purposes of section 13 (1) or 13 (3) is revoked if—

- (a) the person appointed—
 - (i) dies; or
 - (ii) delivers a notice of resignation in the prescribed form to the Council office; or
 - (iii) for any other reason becomes entitled in his or her own right to be enrolled on the voters' roll or rolls in respect of the ward for which the appointment was made; or
- (b) notice of revocation in the prescribed form is delivered to the Council office; or

- (c) the entitlement under section 13 (1) or 13 (3) ceases to exist.

Power of municipal clerk to deal with applications.

18. (1) If there is no application in force for the purposes of section 12 (1), 13 (1) or 13 (3) and the municipal clerk receives more than one application each of which—

- (a) appoints a different person to be enrolled; and
- (b) does not revoke any other applications—

the municipal clerk must accept the first application which complies with this Act and reject any other application and give notice of the rejection to the other applicants.

(2) If there is an application in force for the purposes of section 12 (1), 13 (1) or 13 (3) and the municipal clerk receives an application which complies with this Act but does not revoke the application which is in force, the municipal clerk must reject the application and give notice of the rejection to the applicant.

(3) If in respect of an application for the purposes of section 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3)—

- (a) the municipal clerk is not satisfied that an applicant is the owner or occupier (whether jointly or not) of rateable land within the ward in respect of which the application is made; and
- (b) the name of an applicant does not correspond with the name of the purchaser in the most recent notice under section 256; and
- (c) the applicant has not been rated in respect of rateable land within the ward in respect of which the application is made—

the municipal clerk may refuse to make an enrolment.

(4) If the municipal clerk refuses to make an enrolment the municipal clerk must advise the applicant that further evidence to his or her satisfaction is required that the applicant is the owner or occupier (whether jointly or not) of rateable land within the ward.

(5) The municipal clerk or a member of the Council staff who is authorised in that behalf by the municipal clerk may either orally or in writing put to any person in occupation of, resident in, in charge of, or any person or corporation who is the owner of, or any person who is the agent for the owner of, any land, questions upon any matter relating to an application and, in the case of questions put in writing, may require the answers to be in writing and signed by the person giving the answers.

(6) If the municipal clerk refuses to make an enrolment under an application because the municipal clerk is of the opinion that the

applicant is not entitled to enrolment the municipal clerk must advise the applicant in writing of the refusal and of the reason for the refusal.

Notification of change or cessation of entitlement.

19. (1) If there has been a change in the particulars (other than age) or a cessation of entitlement to enrolment on the qualification specified in an application for the purposes of section 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3) the applicant or applicants must notify the municipal clerk in writing within 1 month of that change or cessation of entitlement.

(2) Any person or corporation that contravenes sub-section (1) is guilty of an offence and liable to a penalty of not more than 3 penalty units.

Division 2—Voters' Rolls

Chief Electoral Officer to prepare list.

20. (1) The municipal clerk must supply to the Chief Electoral Officer within the period specified by the Chief Electoral Officer any information required by the Chief Electoral Officer to prepare voters' lists under sub-section (2).

(2) The Chief Electoral Officer must on or before a date to be specified by Order in Council in each year (being a date after the entitlement date) supply to the municipal clerk a voters' list for each ward of the persons who appear to the Chief Electoral Officer to be entitled to be enrolled on the voters' roll or rolls under section 11.

(3) The Chief Electoral Officer must before the voters' roll or rolls are printed advise the municipal clerk in writing of—

(a) any omission, error, misnomer or inaccurate description of any person, place or thing; and

(b) the name of any person who the Chief Electoral Officer knows has died and whose name was included—

on the voters' list.

(4) Except as otherwise provided in sub-section (3), the municipal clerk must accept any voters' list supplied by the Chief Electoral Officer as being correct.

Municipal clerk to prepare list.

21. (1) The municipal clerk is responsible for the preparation of the voters' list prepared under this section and the maintenance of any records which may be required to facilitate the preparation of an accurate and complete voters' list.

(2) The municipal clerk must on or before a date to be specified by Order in Council in each year (being a date after the entitlement date) make out a voters' list of the persons who appear to the municipal clerk

to be entitled to be enrolled on the voters' roll or rolls under section 12 (1), 12 (3), 12 (4), 13 (1) or 13 (3).

(3) The municipal clerk is not to include on the voters' list any person who appears on the voters' list prepared by the Chief Electoral Officer.

(4) The municipal clerk may make any inquiries he or she considers appropriate to ascertain whether any person who was enrolled on the previous voters' roll or rolls is still entitled to be enrolled.

Correction of voters' lists.

22. (1) The municipal clerk must amend the voters' list prepared by the Chief Electoral Officer to give effect to any advice received under section 20 (3).

(2) The municipal clerk may on the voters' list prepared by the municipal clerk—

- (a) correct any omission, error, misnomer or inaccurate description of any person, place or thing; and
- (b) omit the name of any person who the municipal clerk knows has died.

Preparation of voters' roll.

23. (1) The municipal clerk must prepare a voters' roll which must be in the prescribed form and contain the prescribed particulars.

(2) A voters' roll may be prepared—

- (a) for each of, or combining, the voters' list prepared by the Chief Electoral Officer and the voters' list prepared by the municipal clerk; and
- (b) for each ward or for the whole of the municipal district but identifying the ward in respect of which each person is enrolled.

(3) The municipal clerk must not later than 3 days before nomination day—

- (a) cause the voters' roll or rolls to be printed; and
- (b) sign and certify the voters' roll or rolls; and
- (c) ensure that copies of the voters' roll or rolls are available for inspection at the Council office by any person without payment of any fee.

(4) The municipal clerk must upon a person paying the prescribed fee supply copies of the voters' roll or rolls to that person.

(5) The voters' roll or rolls signed and certified by the municipal clerk—

- (a) must be used at the next election of the Council not being a by-election; and
- (b) continue in force until the next voters' roll or rolls is or are prepared; and
- (c) must not except under section 24 be amended.

Governor in Council may direct changes.

24. (1) The Governor in Council may by Order in Council not later than 3 days before an election direct that—

- (a) an act or thing required to be done in connection with the preparation, printing or copying of a voters' roll which has been omitted or has not been completed, is to be done; or
 - (b) any error in the preparation, printing or copying of a voters' roll is to be corrected; or
 - (c) any misnomer or any inaccurate description of any person, place or thing on a voters' roll is to be corrected.
- (2) The municipal clerk must give effect to the Order in Council.

Validity of voters' rolls.

25. (1) The validity of a voters' roll is not affected if—

- (a) from any cause, any act or thing required to be done in connection with the preparation, printing or copying of the voters' roll has been omitted or has not been completed; or
- (b) from any cause, there has been an error in the preparation, printing or copying of the voters' roll; or
- (c) there has been any misnomer or any inaccurate description of any person, place or thing on the voters' roll which is capable of being given meaning.

(2) A voters' roll which is altered as directed under section 24 is as valid as if it had been prepared as required by this Act.

Chief Electoral Officer's expenses.

26. The Chief Electoral Officer must send to each Council an account of the reasonable expenses incurred by the Chief Electoral Officer in assisting each Council to prepare its voters' rolls.

Offences relating to voters' rolls.

27. (1) A member of the Council staff who contravenes any provision of this Division is guilty of an offence.

Penalty: 10 penalty units.

(2) A person who alters any voters' roll after it has been signed and certified by the municipal clerk without authority to do so is guilty of an offence.

Penalty: 10 penalty units.

(3) A person who gives any wrong information to the municipal clerk or any person authorised by the municipal clerk resulting in any person being wrongfully inserted or retained on a voters' roll is guilty of an offence.

Penalty: 10 penalty units.

POSITION VACANT

ASSISTANT RATE COLLECTOR AT RURAL CITY OF WODONGA.

CONTACT KEVIN SAUNDERS :-
(060) 24 2000

SOUTH EAST REGION MEETING

JUNE 19, 1987 AT SHIRE OF FLINDERS, COMMENCING AT 1.30pm.
LUNCH AT ROSEBUD HOTEL PRIOR TO MEETING.

GEELONG REGION MEETING

NEXT MEETING AT SHIRE OF BARABOOL.
CONTACT KEVIN WEBB, SHIRE OF CORIO FOR DETAILS.

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**LOCAL GOVERNMENT LEGISLATION PASSED BY
PARLIAMENT DURING 1986 SPRING
SITTINGS OF PARLIAMENT**

**(13) RATEABLE
PROPERTY
(Section 22)**

Section 251 of the Local Government Act is amended to give councils a discretion in the levying of back rates on a charitable property which has been exempted from the payment of rates, but is subsequently sold.

Advice will be provided of when this provision comes into operation.

**(14) VALUATIONS
(Section 23)**

Section 254 of the *Local Government Act* is amended to enable a special valuation to apply where a building has been specified as being of architectural, historical or scientific interest pursuant to an interim development order or planning scheme under the *Town and Country Planning Act 1961*.

Advice will be provided of when this provision comes into operation.

**(16) INTEREST ON
UNPAID RATES
AND OTHER
MONEYS DUE
(Section 27)**

Section 386 of the *Local Government Act* is amended to provide that the amount of interest to be paid on overdue rates is to be at the maximum amount (fixed by Order in Council). The amount of interest on money other than rates owed to a municipal council is to be at the discretion of each council, up to the maximum amount fixed by Order in Council.

Advice will be provided of when this provision comes into operation.

**(17) EXEMPTION
(Section 30)**

A new section 404A is inserted into the *Local Government Act* to provide that the Treasurer, after consultation with the Minister, may exempt certain loans from the requirements of section 403(2)(b) and 404(2)(b).

Advice will be provided of when this provision comes into operation.

**(20) PAYMENTS OF
RATES AND OTHER
MONEYS TO
AUTHORISED
AGENT
(Section 34)**

A new section 486A is included in the *Local Government Act* to enable a municipal council to enter into agreements or arrangements with an agent acting for the council or to provide other facilities for the collection of rates and other moneys payable to the council.

**(25) GENERAL
CERTIFICATE
(Section 48)'**

New sections 861E and 861F are inserted into the *Local Government Act* to enable any person to apply for a general information certificate in relation to a property for information which is not contained in a certificate issued pursuant to section 861A. Requests for

additional property information may be made to a council and the council may charge an appropriate fee for the provision of that information.

Advice will be provided when this provision comes into operation.

**Only one of these
numbers is not divisible
by 2 or 6 or 7. Which is it?**

