



A.C.N. 005 304 254
INCORPORATED 1977

VICTORIAN INSTITUTE of RATE ADMINISTRATORS

PRESIDENT

MR. BRIAN HALL
City of Berwick
P.O. Box 1000, Narre Warren 3805
Ph: 705 5235
Fax: 704 9544

SECRETARY

MR. ROBERT SMART
City of Port Phillip
Private Bag 3, St Kilda 3182
Ph: 536 1366
Fax: 534 9105

Vol XVIII No 5

VIRA NEWS

NOVEMBER, 1994

"Articles and advertisements are for the information of members only, legal advice should be sought from your own solicitors in regard to any legal matters."

PRESIDENT'S REPORT

The changes to Local Government continue at a rapid rate with interim or final reports due from the Local Government Board for all remaining parts of the State by the end of November. In addition the Local Government (Amendment) Bill was introduced to Parliament on 5 October 1994 and includes provisions to move Councils onto a 1 July-30 June financial year, elections to be held in March and an option for the whole election to be held by post among other changes.

The change to the financial year will come into effect from 30 June 1995 but the bill provides for Councils to make a 12 month budget for the 1994/95 year with rates due in full by 11 April 1995 or by four instalments due by 31 December 1994, 28 February 1995, 31 May 1995 and 31 August 1995. For 1995/96 the rates will effectively be for 9 months and must be declared by the end of November 1995. The rates will be due in full by 1 April 1996 or by three instalments due by 31 December, 1995 28 February 1996 and 31 May 1996. Councils may still offer other alternatives for payment in those two years. In subsequent years the Minister has until 1 April in that year to alter the dates for payment.

The dates for the adoption of the budget, declaration of the rate, closing date for pension waiver applications, rate appeals etc have all been brought forward three months. If the Minister brings payment dates forward three months then the due dates for 1996/97 would be in

full by 10 January 1997 or by four instalments due by 30 September 1996, 30 November 1996, 28 February 1997 and 31 May 1997. While the instalment dates would be a definite improvement having full payment in the middle of the January school holidays may be a concern. V.I.R.A. has written to the Office of Local Government seeking to have input into any reviews of the due dates and interest calculation prior to the dates being set for the 1996/97 year. Comments from members regarding appropriate dates for payment and method of calculation of interest would be appreciated.

A subcommittee of the Standing Committee on Local Government Financial Management have held a meeting at the City of Caulfield to discuss altering interest provisions as they believe the current interest provisions are too harsh. Philip Dundas, the Rate Collector at Caulfield and I were invited to attend the meeting as V.I.R.A. are not represented on the Standing Committee but our views did not appear to go down too well. The Standing Committee suggest a flat 1% for the day after the due date followed by 16% per annum calculated daily after that. Phil and I stated we believed that less time should be provided for payment with interest calculated from the date of issue of notices to date of payment if overdue but Councils should also consider a policy that allows for some discretion.

Continues on page six.

Newsletter Co-Ordinator: Clare Bowkett
Assistant Newsletter Co-Ordinator: Julie Pritchett

Ph (03) 490 4213 Fax (03) 499 1391
Ph (03) 742 0777 Fax (03) 741 6237

SPECIAL RATES AND CHARGES

— THE STORY CONTINUES —

Special rates and charges appear to have found their own special path within the framework of the new *Local Government Act*. This article looks at three further cases decided by the Administrative Appeals Tribunal.

Peter Lucas is a Partner in Home Wilkinson & Lowry's Local Government Group and a member of the Law Institute's Local Government Committee.

Section 163 of the *Local Government Act 1989* (the "Act") gives a Council power to declare and levy a special rate or special charge. In an earlier article *Law Institute Journal*, October 1993 at p.943, the writer overviewed the section and looked at the manner in which it had been interpreted by the Administrative Appeals Tribunal (the "Tribunal"). It was concluded that the section had been "bedded down" (at least to the extent of the factual situations and grounds of appeal upon which the first four cases had been decided), and that the transition between the old and new *Local Government Acts* had been relatively smooth.

The Tribunal has now considered a number of other cases. In this further article, we will look at three of those cases and determine whether the "preliminary conclusion" previously reached continues to apply in respect of those cases. It is interesting to note that two of the cases illustrate the manner in which the section can be used as a replacement section for schemes which would otherwise have been dealt with under the old Act.

In T. Sim -v- Borough of Sebastopol (No. 1993/15793), heard on 10 June, 1993, the Tribunal considered the imposition of a special charge for the proposed construction of a concrete footpath. The works were to be carried out in the front of four properties, each of which was said to derive a special benefit. The total cost of the footpath was \$6,865.00, of which \$3,432.50 was to be recovered from the properties based on their respective frontages, with the other half to be funded by the Council. One objection was received.

The review was on the basis of s.185 (2)(b)(iv) of the Act which provides that a person may appeal on the ground that-

"... the works and projects proposed for the construction of a road are unnecessary, unreasonable, excessive, insufficient, unsuitable or costly having regard to the locality or environment and the probable use of the road."

It is to be noted that "road" is defined in s.3 of the Act to include-

"any footpath, bicycle path, nature strip or other matter or thing forming part of a road."

In the course of its determination, the Tribunal confirmed a number of important matters. First, in assessing special benefit for a scheme of this nature "frontage" and "half cost" were legitimate criteria. Second, "special benefit" did not mean "need". It was not relevant whether an individual ratepayer "needed" the benefit of the proposal. Third, it was permissible (but to the extent that the point was not taken by the objector) for a special rate or charge to be paid either as a lump sum, or by instalments with interest. It is to be noted that, arguably, this may not be a correct method of declaring and levying a special rate or charge. Such an interest regime may not be allowable under the Act. A question arises as to whether a Council has power to charge interest in circumstances other than where a rate or charge (or an instalment) is not paid on time. Fourth, a ratepayer's poverty or poor circumstances is not a ground for review. This is generally in keeping with earlier decisions of the Tribunal that the bases of appeal are confined to the specific grounds referred to s.185(2)(b).

In this case, the Tribunal upheld the objection and found that the scheme was unnecessary. It said at page 3 -

"... taken together with the other information I have as to the layout of the locality, the limited extent to the pedestrian traffic to be anticipated due to the scarcity of houses east of the school and the dead end nature of Vickers Street and Warreen Street, I think a prima facie case has been raised for suggesting that the construction of a path in front of her house and that of Mrs. Shaw is unnecessary."

The Tribunal did not go on to say that it found the proposal "unreasonable".

"... Having regard to the development and use of the house blocks mentioned, this is a perfectly reasonable and sensible situation." (page 4)

However, its finding in relation to the scheme being unnecessary (alone) was sufficient for it to quash the scheme, which the Tribunal did.

It is interesting to note an observation made by the Tribunal in relation to potential difficulties attaching to the word "costly" in paragraph (iv), compared with the corresponding wording in the old Act which read "too costly". Senior Member Byard said at page 5 of the determination.

"... I think that the omission of the word 'too' in the 1989 Act has changed the meaning of the provision in terms of ordinary English as compared with the 1958 Act where the word 'too' appeared... On the face of sub-paragraph (iv) in the 1989 Act it gives a ground for review where the construction is merely 'costly', that is to say expensive without necessary being excessively so.

If given the ordinary meanings of the words as I understand them, sub-paragraph (iv) gives rise to an unsatisfactory result that can hardly be intended. Almost any construction of a road or even part of a road like a footpath can be expected to be 'costly' or expensive. The sub-paragraph can hardly be intended to create a basis for successful review merely because the construction is expensive. That would mean that almost any road construction proposal that was subject to a special charge could be successfully challenged."

It was submitted that the quashing of this particular special charge, from a local government point of view, should not be seen as a deterrent from proceeding with footpath schemes under s.163 which are based on the same considerations under the old 1958 Act. Rather, it needs to be seen in the context of the particular circumstances of the case - the somewhat unique locality of the area, the limited pedestrian traffic to be expected and the dead end nature of the street.

In *P. Astbury -v- Shire of Heytesbury* (No. 1993/16892), heard on 22 June, 1993, the Tribunal considered the imposition of a special charge to fund the construction of a television re-transmission scheme at Port Campbell. The purpose of the scheme was to

improve television reception in the area, and all rateable properties in the township were made liable for the charge.

In declaring the special charge, the Council considered that all properties in the Port Campbell area would receive a special benefit from both increases in property values and tourism. The primary level of benefit was considered to relate to a general increase in property values and was reflected in the base rate charged. The secondary level of benefit was considered to relate to an improvement in tourism, although the Council considered this to be minimal. This was because the nature of the attractions of the Port Campbell area were considered to be associated with its scenic values, not good television reception. Based on these criteria, residential properties were charged \$70.00, general commercial properties \$150.00, and accommodation houses, motels and the like, \$225.00 (base rate), plus an additional \$10.00 per room or, in the case of caravan parks, \$3.00 per camping site.

This method of declaring the special charge confirms that the Tribunal on appeal is prepared to sanction (as part of the "special benefit test") the fact that there may be different levels of special benefit within the same scheme or proposal. It appears therefore that it is acceptable to raise different levels of charge, reflecting those different levels of benefit. However, in doing this as far as a special rate is concerned, a Council should be careful not to be seen to be declaring a differential special rate, as arguably this could offend the provisions of the Act. A Council only has power to declare a differential general rate (s.161).

In this case, the Council was able to satisfy the Tribunal that there was a need for improved television reception at Port Campbell and (presumably) that it was proper for the Council to address that need. The Tribunal was required to deal with only one objection.

The objector's argument was that the charge was unfair and that there would be no benefit to him as he has already installed his own UHF system. In his view, that system provided superior reception to that which the re-transmission scheme would provide. It was also submitted that Council should contribute to the cost of the scheme and that vacant Crown land in the town should be levied. The apportionment of the charge was also questioned, particularly that the levy on tourist establishments was "disproportionately low" (page 4).

In considering these objections, the Tribunal (in accordance with earlier cases) confirmed that the special benefit test should be applied in the context of benefit to the person as an owner of land. Consequently, an objector's "particular circumstances" were, properly, to be ignored by a Council in making its declaration and by the Tribunal on appeal. It was not a relevant consideration whether the facility was to be used. At page 5 of its determination, the Tribunal said –

“ . . . the increase in the value of the land represented by the benefit being charged for accrues to a vacant lot as much as it does to a lot containing a dwelling with or without a TV receiver. In the Tribunal's view, the benefit accruing to the land is not dependent on the existing quality of TV reception and properties with little or poor reception benefit no more than those with good reception received because of special equipment installed by the owner of the land. It is the Tribunal's view that such special equipment belongs to the owner of the land and is available for him to remove if at any time he should relocate or to dispose of by any means at his command. The benefit to the land on the other hand, from the re-transmission facility, remains with the land and would be reflected in the value of the land.”

With respect to the “reasonable argument”, the Tribunal dismissed the objector's concern and otherwise confirmed the special charges without modification. It did not, however, elaborate on how it arrived at the view that the charge had been imposed in a reasonable manner. Presumably, there was a perception of general fairness. It is important not to underestimate this. And it should be remembered that there is a requirement on the part of a Council to have regard to equitable considerations when declaring a special rate or charge, given that one of a Council's objective is “to raise funds for local purposes by the equitable imposition of rates and charges” (s.7.).

Finally, the Tribunal confirmed that Crown land should not be included in a special rate or special charge scheme, as such land is not rateable land. Only rateable land can be included in a proposal or scheme under s.163.

The Tribunal, given these findings, dismissed the appeal and confirmed the special charge without modification.

In *Lee -v- City of Nunawading* (No. 1993/21077) 11

AATR 7, heard on 12 July, 1993, the Council declared a special charge to defray the cost of implementing a drainage scheme involving the construction of a storm water drain considered necessary as a result of complaints about the flooding of properties. Inadequate provisions for the disposal of storm water drainage at five properties included in the scheme was determined by the Council to be the reason for the flooding having occurred. Eleven properties were included in the scheme. A drain was to be constructed within the boundaries of the properties included in the scheme, there being an easement in favour of the Council.

The scheme was comprised of two groups of properties – the upstream group of properties (which were to have an outlet for their drainage)(four properties), and the downstream group of properties (which were to have the protection from the flow of waters)(7 properties). Both groups of properties were deemed by the Council to have an equal special benefit and were assessed on the basis of the areas involved, as the blocks of land were similar in size.

The grounds of objection from the sole objector to the scheme (whose property was at the higher end of the drain) were that there would be no special benefit, there was an unreasonable distribution and drainage construction was not part of Council's planning scheme.

As to special benefit, the objector argued that the proposed drainage construction would not benefit his property because it was not subject to flooding, and in any event the existing storm water system upon his property worked satisfactorily and was of sufficient capacity.

In considering these objections, the Tribunal again confirmed that the special benefit test, properly applied, should focus on “special benefit” and not “special need”.

Accordingly, in ignoring personal circumstances associated with “need”, the Tribunal stated that there would be a special benefit to the land in that it would increase the value of the land and enable all properties in the scheme to avoid or diminish a possible future liability under the *Water Act 1989* and/or encourage future redevelopment of the land. The Tribunal confirmed that it accepted (without hesitation) a statement from a previous unreported decision of the Tribunal *Ellerton -v- City of Moorabbin* (No. 1990/20520), wherein it was stated:

"The benefit to a property to have a drain to discharge into is equal to the benefit of a property who (sic) is protected from discharge from an upstream property by having a drain to discharge into."

Although an important statement of principle with respect to the implementation of drainage schemes under s.163, it should nevertheless be borne in mind that future schemes should be considered by reference to their own special circumstances. The equal benefit approach may require modification where other relevant circumstances emerge. Some schemes may require a "loading" to be calculated against lower land owners. Nevertheless, as a starting point, it is a useful base for those preparing (and those wishing to object) to a drainage scheme.

On the basis of this assessment, there was no doubt that because the objector's property sloped to the rear any water falling onto his land would flow to the rear of the land and so the Tribunal was satisfied that the equal benefit principle of apportionment was applicable to this case.

As to the distribution of the special charge, the objector maintained that while the Council's apportionment was based on "area", the drain as proposed would only be constructed in the corner of his property (a relatively small area). He was of the view that, in reality, his benefit was mere diversion of stormwater into the proposed drain instead of the existing drainage system.

"The area of land in Mr. Lee's property is capable of receiving rainwater. In turn, this water is capable of finding its way to the rear of the property where the drain will be located. Because the properties that generate the stormwater need a legal point of discharge for that water and because the lower properties are protected from flooding by the drain, it is not unreasonable to allocate the

costs on an area basis in this case. It has been established over many years that the value of protection is equal to the convenience of having somewhere to dispose the storm water on the higher properties. If the blocks were highly different in area, then another method of apportionment may be appropriate. In the present case, no appropriate method has been proposed by the objector and the Tribunal can see no compelling reason to depart from the adopted approach."

As to the planning scheme argument, the Tribunal reflected this and said that it was not a relevant ground on which to seek a review.

For all of these reasons, the Tribunal dismissed the application and confirmed the special charge without modification on the basis that the objector would receive a special benefit and that the distribution was reasonable.

To the extent that the cases reviewed in this article can be seen as a fresh "batch" of cases to have been decided by the Tribunal, it seems clear that s.163 is continuing to be given a liberal and common sense interpretation. It also seems clear that the section has found its own special path within the framework of the new 1989 Act – a path which local government, if it is not already doing so, should be seeking to traverse with added vigour.

**HOME WILKINSON & LOWRY
BARRISTERS AND SOLICITORS**

**PETER LUCAS
PARTNER**

Telephone: 654 3455



Continued from page one.

The proposed amendment bill also changes the dates for Council elections to the third Saturday in March and gives an option for Councils to elect to hold the whole election by postal vote. If the Council decides to adopt this method than public notice must be given and each voter must be sent a postal vote certificate or declaration, a ballot paper for voting, a prepaid envelope for the return of the certificate or declaration, instructions on how to vote, notice of return date and any other prescribed information or material that the Returning Officer thinks is appropriate. The purpose of this proposal is to increase voter participation.

In Tasmania the elections held in March 1994 were trialled using a complete postal voting system. The elections were conducted by the State Electoral Office for the 17 Councils due for election. All Voters were automatically sent a postal ballot pack which comprised pre-paid return envelope, voting instructions, ballot paper on forgery proof paper, ballot paper envelope with voter and witness declaration and candidate statements. Voting in Tasmania is not compulsory.

The declaration on the envelopes was on a perforated flap and the voters signature and witness details were torn off by electoral office staff prior to the ballot envelopes being opened.

The results were that voter participation in Tasmania increased from 22% to 55% for those 17 Councils. However, there was a cost for this increased participation. The cost of this type of election for the City of Launceston for 45,554 voters on the roll was \$90,886 compared to \$37,251 for the previous election.

Before this system can operate in Victoria I have been advised that there will be some further amendments to the Schedules and Regulations otherwise it would lead to voting not being compulsory as the Regulations provide that the issue of a ballot paper is a sufficient excuse for not voting.

The amendment bill also allows the Chief Executive Officer to appoint another Council staff member as returning officer or for the Council to appoint the State Electoral Office, the Australian Electoral Commission or another Council to conduct the election who may appoint a person to act as returning officer.

An amendment bill to the Valuation of Land Act has also been introduced to Parliament which abolishes the Valuers Qualification Board, allows the Minister to set suitable qualifications for Municipal Valuers and includes some amended wording for Farm Land among other amendments.

As the changes continue to occur the Committee or Region Convenors will continue to try to keep you informed and similarly if you have any news or questions let us know.

This will be the last newsletter for 1994 so I would like to wish you and your families a Merry Christmas and a Happy New Year and hope we will see you at the Country Conference and General Meeting to be held in January.

Brian Hall
PRESIDENT

BISHOP COLLECTIONS PTY. LTD.

Our services are specifically designed to meet the needs of Local Government.
We are the biggest specialised Local Government Collection facility in Victoria.

We provide the following:

- ★ The most up to date completely computerised system for Local Government collections, including on line access for clients.
- ★ Twenty Seven years Local Government experience.
- ★ Additional benefit of interstate Branches in N.S.W. and S.A.

For any further information on Rates, Private Streets and Sundry Debtor Collections please contact Mark Nugent or Geoff Bishop on telephone 663 5366 or Facsimile 663 5386.



BISHOP COLLECTIONS PTY. LTD.

HATCHING & DISPATCHING

Congratulations to Rod Leith and his wife on the safe arrival of their second daughter. It was safe for his wife and child however, Rod managed to dislocate his finger during the birth.

Ask no questions!!!!

Andrew Sullivan formally of Springvale has left the Council to take up a new position with Praxa Computer Systems. We wish him all the best.

Dedicated to Fate Administrator:

An old Fate Administrator at the Pearly Gate,
His face so lined and old,
Stood before the man of fate
For admission to the fold.

"What have you done," St. Peter asked,
"To gain admission here?"
"I've been a Fate Administrator," said the dear old soul,
"For many a weary year."

Those Pearly Gates swung open wide,
St. Peter rang the bell,
"Come in and choose your harp," he cried,
"You've had your share of hell."

Metropolitan Region of VIRA

The VIRA Executive passed a motion recently to establish a Metropolitan Region as it was deemed there was a need for it by our City Members.

The wheels are in motion but given the recent amalgamations and the uncertainty of people keeping their jobs it was deemed appropriate to delay the launch of the "Metro Region".

Early indications are that we will have the initial "Metro Region Meeting" in the early part of 1995.

NEWS

The following article appeared in the Launceston Examiner newspaper.

A strong warning to all intending voters in the Launceston City Council elections is delivered (if that is the word) by a Glen Dhu man who says that the envelope containing ballot papers should not be licked.

"The flap is just the right width to administer a nasty paper cut to the underside of the nose when licking it . . . the envelope, that is, not the nose," mumbles our man, who claims that he has been forced to apply a band-aid to the centre of his scenter.

ODD SPOT

There have been many comments levelled at the Honourable Member for St Kilda that the office only needs pestilence; to fulfil the curse of flood, fire and pestilence.

Well it has happened; St Kilda has had the following:-

1989

100 Year Flood, with the water flowing down Carlisle Street at about a three foot depth.

1991

The fire in the Town Hall, although "Burnie Muir's" efforts at Knox were slightly more conclusive than the St Kilda efforts.

1994

Pestilence, a possum got into the roof and made it's way into the computer system. After a severe attack of incontinence it managed to blow the whole system up for the day.

Accordingly a By Law has been introduced in the Rates Office that under no circumstances are staff to say "what else could possibly go wrong" as it seems that Murphy is listening to everything we say.

REGION NEWS

BALLARAT REGION REPORT

The Region proposed to hold a meeting on Wednesday, 26th October however owing to work commitments by a large number of Regional Members, this meeting was cancelled and has been rescheduled for Wednesday, 4th December, to be held at the Town Hall, Sturt Street, Ballarat commencing at 10.00a.m.

For the information of Regional members, the City of Ballarat now operates on one computer system and all properties from the former seven municipalities now within the new City have been converted to the new I.T. system.

Council will be adopting the 94/95 Budget on the 14th November, 1994 and it is anticipated that the rate notices will be issued shortly after this date.

Ratepayers will have the opportunity to pay their rates through a Bank and it is envisaged that bar coding will assist the collection at Council offices.

Council has formally adopted to close the offices at Buninyong, and Sebastopol at a date to be determined by the Chief Executive Officer and Chief Commissioner.

All rate office staff will be relocated to the Town Hall in Sturt Street, Ballarat.

On behalf of the Ballarat Region, I wish every member a Very Happy Christmas and a prosperous New Year.

Ian Effrett
CONVENOR

NORTH CENTRAL REGION REPORT

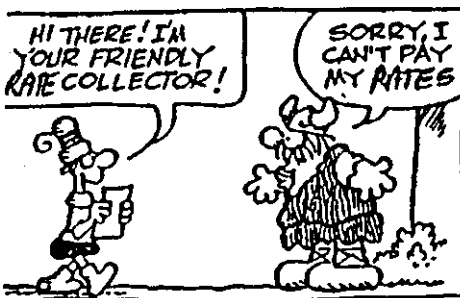
The North Central Region held a meeting at the Old Town Hall, Bendigo on Thursday, 3rd November, 1994. There were 11 members in attendance. Our appreciation is extended to President Brian for his efforts in attending the meeting and passing on the matters of interest from the Executive.

It would seem that many of our comfort zones in and our perceptions of Local Government are under review. The changes that are imminent not only include municipal structures and compulsory competitive tendering, they now extend to a new financial year with consequential changes in elections, declaration of rate and charges, as well as, payment dates – and for the lucky ones, voting by post only!!!

For the Rate Administrators whose Council's declare Farmland classifications there is a change in the definition of farmland whereby a more detailed assessment as to the commercial aspects of the farming business will need to be taken into account. On top of that appeals to a Council's classification of property, will in the future be heard by a Land Valuation Division of the Administrative Appeals Tribunal. Additionally, the appeal hearing will no longer be heard in the vicinity of the property in question.

In time to come we will know whether or not all these changes (and more?) have been worthwhile. Or will we, if we no longer work in Local Government?

Graeme Tindle
CONVENOR



REGION NEWS CONTINUED

SOUTH WEST REGION REPORT

1993/1994 has provided us with the opportunity to experience first hand the approach of industry restructure.

We have addressed some of those issues including:

- Municipal Restructure
- Rating Review
- CCT
- Business Units
- Water Authorities

The time is fast approaching when we will need to join as professionals and contribute our best efforts in establishing our new Municipalities.

Our task will be to ensure that our responsibilities are met and that we encourage our staff through this period of uncertainty to focus on the task at hand.

Since attending the Annual Conference at Mulwala, the message for all of us has remained the same – even from our more recent meetings and industry literature – that is – we all have to work smarter and the rate of change will accelerate over the next five years, especially when CCT is fully operational.

We owe it to ourselves and our staff to be as pro-active as possible in order to meet the changes head on and exploit the opportunities they provide. We are not excluded from competing for our work and we should be looking to design strategies to retain that business.

I take this opportunity to thank Maurice West for being Secretary, Shirley Fern for hosting a meeting, Shane Hinchliffe for hosting us at Edenhope and members of the State Executive for contributing their time and attending our meetings.

Dayle King
CONVENOR

WIMMERA MALLEE REPORT

Friday the 2nd of September, 1994 was the last meeting held by this region, in fact two meetings were held on the same day at the City of Horsham/Shire of Wimmera Offices.

The first meeting was the Annual General Meeting of the Wimmera Mallee Region – the first held since our formation in March, 1993. I was again nominated for the Convenor/Secretary's position which I gratefully

accepted – thank you to the State Executive and the region's members for their support over the past 18 months and hope that our region continues to be very active.

The second meeting of the day was a joint meeting with the South West Region. With a total attendance of nearly 30 other regions should consider joint meetings of their own – not only for attendance but for the wealth of information available from many different sites.

Three guest speakers were listed on the agenda but, owing to the unfortunate fire at the City of Knox Jon Enright, Manager of Policy – Office of Local Government, was unable to attend. Never the less attendees were well catered for by VIRA Executive members Ian Holland and Allan Wise.

Ian workshopped the issue of disclosure of Council information. Many ideas were thrown around during this session with most sites acknowledging lack of policy direction in this area. The interaction provided all with some feasible concepts to base a policy on. Thank you Ian for your time and effort – it was appreciated by all.

Allan Wise then spoke on some of the issues of restructure – both globally and from his perspective from his own Rates/Property arena. This presentation was very well received as the South West Region had recently received their restructure orders and the North West were just beginning the review process.

Allan was quizzed to the n'th degree on his experiences and left plenty of thought for all to consider on their own impending restructuring.

The new State President, Brian Hall also was a welcome guest – it is always a pleasure to have his company and being able to redirect any question to him makes my Convenors job a breeze.

The Wimmera Mallee Region hopes to hold another meeting this year and will set a date once all budgets are finalised at members sites and the North West Review Interim Report has been released.

Possibly the last report from the Shire of Kowree but not from the Wimmera Mallee Region.

Shane Hinchliffe
CONVENOR

Victorian Institute of Municipal Rate Collectors; Rate Collectors institute of Victoria and Victorian Institute of Rate Administrators.

As you can see from the executive roll call the records of the Rate Collectors/Administrators have surfaced.

I received a phone call from the Treasurer saying that some old records were at Box Hill. On ringing Box Hill the Rate Office Staff informed me that they had found the courage to go into Bob Patterson's office. I could not get over there quick enough.

As you can see the records go back to 1944, and whilst the records are scratchy in some years, the information has resulted in the history of the institute now being in an collated form.

There may be errors in the list, so I am happy to take any amendments from those folk who were around at the time.

Interesting Statistics:

1. Anyone that had doubts as to why Bob Patterson, Lance Collins and Murray Hockey were given life memberships; the records indicate that the three racked up nearly sixty years involvement on the Institute Executive.
2. Apparently the "Davey" in the 1944 executive is related to Geoff Davey of Warragul; and the "Lucas" in 1947 is related to Neil Lucas of the City of Berwick.

3. "Without prejudice and fear of Defamation" the Ken Dearnicott in the 1970 executive is the same one that is at the City of Berwick now.

One important point that the executive roll does not highlight is the amount of work and effort involved for which all involved should take a bow.

VIMRC, IRC AND VIRA EXECUTIVES SINCE 1944

NUMBER	YEAR	CHAIRMAN	PRESIDENT	MEMORIAL VICE PRESIDENT	JUNIOR VICE PRESIDENT	TREASURER	SECRETARY	ADHUNARY SECRETARY	AUDITOR	COMMITTEE	COMMITTEE	COMMITTEE	COMMITTEE
1													
2													
3													
4													
5													
6													
7													
8													
9	1944	HENRY KIRWAN		MR AANENSEN	BEHREND	COOPER	DAVEY	HART	MOSS	REBECH			
10	1946	MR BEHREND		REBECH	AANENSEN	COOPER	MOSS	LUCAS	EDWARDS	PICK	HART	KIRWAN	WILKINSON
11	1948	MR REBECH		AANENSEN	DAVEY	WILKINSON	HIBBERD	MARRIOTT	EDWARDS	BURLEY	MOSS	HART	KIRWAN
12	1947	MR HIBBERD		BEHREND	COOPER	HART	EDWARDS	MATTHEWS	WILKINSON	ADAMS	MCCASKEY	LUCAS	AANENSEN
13	1947/48		MR BR DAVEY	MR DWERRYHOUSE	MR ROBINSON	MR WILKINSON	MR AANENSEN	MR MCCARTNEY	MR ADAMS	MR COOPER	MR HIBBERD	MR MATTHEWS	
14	1948/49		F DWERRYHOUSE	MR N ROBINSON	MR R JOHNSON	MR MAJEWSKI	MR CURTAIN	MR MAJEWSKI	MR CURTAIN	MR HART	MR HIBBERD	MR DAVEY	
15	1948/50		JR JOHNSON	MR MATTHEWS	MR STEVENSON	MR MAJEWSKI	HG MATTHEWS	MR PATTERSON	MR PATTERSON	MR AANENSEN	MR KIRWAN	MR HIBBERD	
16	1950/51		MR STEVENSON	MR CURTAIN	MR MAJEWSKI	MR PATTERSON	HG MATTHEWS	MR PATTERSON	MR PATTERSON	MR AANENSEN	MR KIRWAN	MR HIBBERD	
17	1951/52		MR M CURTAIN	MR O'HALLORAN	MR MAJEWSKI	MR PATTERSON	HG MATTHEWS	MR PATTERSON	MR AANENSEN	MR KIRWAN	MR LOGAN	MR BEHREND	
18	1952/53		JA O'HALLORAN										
19	1953/54		MR AT AANENSEN	MR LOGAN	MR PATTERSON	CR JEFFREY	MR ANSTEE	MR JEFFREY	MR KIRWAN	MR O'HALLORAN	MR PEARMAN	MR MAJEWSKI	
20	1954/55		CR PATTERSON										
21	1955/56		IN RECESS										
22	1956/57		IN RECESS										
23	1957/58		IN RECESS										
24	1958/59		IN RECESS										
25	1959/60		IN RECESS										
26	1960/61		KEVIN MOODY	J GRAY	M GARRIG	W FEATHERSTON	P MCLAUGHLIN	W FEATHERSTON	N ROBINSON	CR PATTERSON	R MARRIOTT	J O'HALLORAN	
27	1961/62		K MOODY	J GRAY	M GARRIG	W FEATHERSTON	P MCLAUGHLIN	W FEATHERSTON	N ROBINSON	CR PATTERSON	R MARRIOTT	J O'HALLORAN	
28	1962/63		RT MERLIN	B EDE	J O'HALLORAN	W FEATHERSTON	K MATSON	W FEATHERSTON	A ALMOND	R CLARKE	L FELL		
29	1963/64		R CLARKE	RT MERLIN	CR PATTERSON	N LOUITT	K MATSON	N LOUITT	A RICHARDSON	G WOODS	TP RAFTS	P MCLAUGHLIN	
30	1964/65		J ROBERTS	G WOODS	N BLAKE	B SEEPCK	G HEAD	N LOUITT	RT MERLIN	R CLARKE	G WOODS	K MATSON	
31	1965/66		B EDE	CR PATTERSON	G WOODS	N LOUITT	N BLAKE	N LOUITT	CR PATTERSON	R CLARKE	J BEHAN	J ROBERTS	
32	1966/67		B EDE	CR PATTERSON	G WOODS	N LOUITT	G NELSON	D POLTON	D POLTON	G NELSON	E CRABTREE		
33	1967/68		CR PATTERSON	G WOODS	N BLAKE	N LOUITT	G NELSON	D POLTON	RT MERLIN	E CRABTREE	R NICHOLS		
34	1968/69		N BLAKE	G NELSON	M GARRIG	N LOUITT	A LOUITT	G NELSON	CR PATTERSON	R CLARKE	F HOSEA		
35	1969/70		E CRABTREE	N LOUITT	D DRYSDALE	D DRYSDALE	D FRENCH	E DEARRICOTT	G WOODS	D FRENCH	B HORTON		
36	1970/71		G DRYSDALE	G WOODS	G HOLLOWAY	G HOLLOWAY	E DEARRICOTT	K DEARRICOTT	CR PATTERSON	G NELSON	R WATSON		
37	1971/72		L COLLINS	D DRYSDALE	G HOLLOWAY	G HOLLOWAY	K DEARRICOTT	K DEARRICOTT	CR PATTERSON	G NELSON	R WATSON		
38	1972/73		D DRYSDALE	K DEARRICOTT	R WATSON	D FRENCH	SE GREENHALL	DL FRENCH	CR PATTERSON	G WOODS	N GILBERT		
39	1973/74		K DEARRICOTT	R WATSON	D FRENCH	D FRENCH	I GILBERT	L COLLINS	CR PATTERSON	G WOODS	P MCLAUGHLIN		
40	1974/75		N BLAKE	A WATSON	D FRENCH	D FRENCH	E BARKAS	D DRYSDALE	P MCLAUGHLIN	L COLLINS	G WOODS		
41	1975/76		L COLLINS										
42	1976/77		L COLLINS										
43	1977/78		L COLLINS	T BROWN	K DEARRICOTT	E BARKAS	M HOCKEY	B SMITH		D SMITH			
44	1978/79		K DEARRICOTT	L COLLINS	W GREENWOOD	T SALMON	M HOCKEY	J HUGHAN					
45	1979/80		M HOCKEY	L COLLINS	W GREENWOOD	W GREENWOOD	RJ WRIGHT	J DAVIS		T BSMETT			
46	1980/81		BW GREENWOOD	L COLLINS	B COLLINS	B COLLINS	RJ WRIGHT	J DAVIS		T BSMETT			
47	1981/82		LW COLLINS										
48	1982/83		M HOCKEY	L COLLINS	D FRENCH	G FRENCH	G FLEMING	B ADAMS		B CASE	J HUNPHRIS	P PHILLIPS	J O'CONNOR
49	1983/84		M HOCKEY							L COLLINS	J DAVIS		
50	1984/85		M HOCKEY										
51	1985/86		M HOCKEY	BILL CANE	G DAVEY	G DAVEY	G FLEMING	M PRYDIB		CR PATTERSON	M GREENAWAY	N WALSH	
52	1986/87		G COLLINS										
53	1987/88		G COLLINS										
54	1988/89		G M PEKIN	M HOCKEY	C WENLOCK	G COOK	G FLEMING			M KING	R HODGES	N GRANT	
55	1989/90		GM PEKIN	G FLEMING	C WENLOCK	MR KING	T RICHES			D MUR	N GRANT	M HOCKEY	
56	1990/91		G FLEMING	C WENLOCK	D MUIR	MR KING	T RICHES			G MCCORMACK	G PEKIN	K HUDSON	
57	1991/92		C WENLOCK	G FLEMING	B HALL	MR KING	RF SMART			D MUIR	N GRANT	G MCCORMACK	
58	1992/93		MR KING	B HALL	C WENLOCK	D MUIR	RF SMART			J MURPHY	G PEKIN	C COOPER	
59	1993/94		MR KING	B HALL	J PRITCHETT	D MUIR	RF SMART			A WISE	G PEKIN	C BOWKETT	
60	1994/95		B HALL	A WISE	N GRANT	D MUIR	RF SMART			J PRICHETT	I HOLLAND	C BOWKETT	

TRADERS COLLECTION SERVICES (VIC.) PTY. LTD.

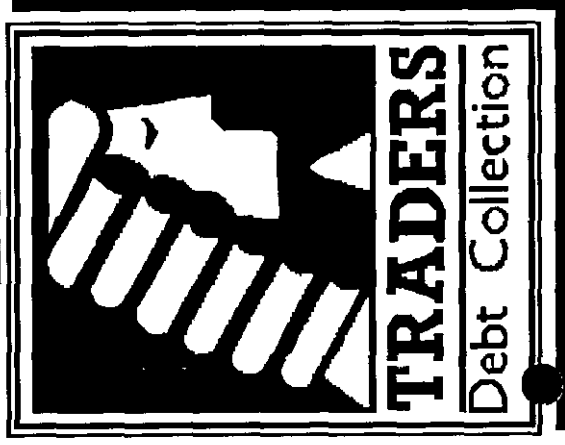
Traders Collection Services offers a large range of specially tailored collection systems. Some of the services available are:

- On-line facility
- Management Reporting
- Fast Search
- Batch Load of Debts
- NIL Commission

For all of your collection needs call

Traders Collection Services (VIC) Pty. Ltd

on (03) 6705631





Victorian Institute of Rate Administrators

The newsletter is published four times yearly. It is a great way to have your say on any issues or let others know about particular problems you've experienced and how you dealt with them; OR perhaps ask for advice on issues you have not come across before.

Information or articles on topics such as:

Changing Legislation and its effects

Regional News

Faces Going Places

Welcome to New Members

Odd Spots

Events/Seminars

Professional Development

Relevant Cartoon Strips

would all be appreciated.

If you have any contributions or articles contact Clare Bowkett at the City of Heidelberg.

Telephone Number: 490 4213

Facsimile Number: 499 1391

Help Your Newsletter Work for You

**VICTORIAN INSTITUTE
of RATE ADMINISTRATORS**

**ANNUAL COUNTRY GENERAL MEETING
AND CONFERENCE**

on

Thursday 26th January to Sunday 29th January, 1995

at

*Pinnacle Valley Resort
One Mimosa Drive
Pinnacle Valley
Via Merrijig, Victoria.*

The focus of this year's conference will be Compulsory Competitive Tendering ("C.C.T.").

The Friday conference will concentrate on specification writing for rate office functions and on preparing and winning a tender bid. The presenter for the Friday session will be Mr. Noel McInnes of Corporate Management Systems Pty. Ltd. who is currently working with many municipalities throughout the State on the subject of C.C.T. Given the challenges that lie ahead as a result of the State Government's legislation, this session is a must for all rate administrators!

The Saturday conference will consist of a presentation of a Geographical Information System ("G.I.S.") by a leading Local Government software supplier. Again, this session will be of utmost importance given that the future in rate and property management will rely heavily upon applications such as G.I.S.

The Saturday conference will conclude with the General Meeting which will be attended by a representative from the Office of Local Government who will answer queries in relation to amalgamations, change of financial year, C.C.T. and elections. Normal Institute business will also be addressed at this meeting.

The conference package includes:

- conference registration fees for Friday and Saturday (including lunch)
- 3 nights accommodation
- breakfast on all three days
- dinner Friday night
- conference dinner on Saturday night

As demonstrated in recent years, the Country Meeting also provides a great opportunity for Members to involve their partners in the Institute's activities. Pinnacle Valley Resort provides many activities in which partners (and indeed Members, in the limited leisure time available) may participate during the Conference. You should contact the Institute's State Treasurer, Mr. Dale Muir, City of Knox, (03) 881-8210 for information concerning details of the additional costs for partners. The facilities at the Resort include day/night tennis, solar heated pool, games room, beach volley ball, sauna, spas, gymnasium, chip and putt golf and an assault course. Also available, at an additional cost, are horse riding, mountain bikes and hot air ballooning!

If the total package is not required, concessional arrangements may be made with Dale Muir.

Accommodation at the Resort is limited and places will fill fast. To secure your place fax your registration now!



A.C.N. 005 304 234
INCORPORATED 1977

VICTORIAN INSTITUTE of RATE ADMINISTRATORS

ANNUAL COUNTRY GENERAL MEETING
AND CONFERENCE

PINNACLE VALLEY RESORT

26TH TO 29TH JANUARY 1995

REGISTRATION FORM

NAME OF COUNCIL
PHONE NO.
NAMES OF ATTENDEES
.....
.....

CHEQUE ENCLOSED \$ _____

Conference Package	Member	\$475.00
	Non-Member	\$550.00

(Please contact Dale Muir to arrange a concessional package if full package is not required).

PLEASE REMIT BY 6TH JANUARY, 1995

(Cheques should be made payable to Victorian Institute of Rate Administrators)

**YOU MAY FAX YOUR REGISTRATION FORM NOW
AND FORWARD PAYMENT NO LATER THAN 6TH JANUARY, 1995**

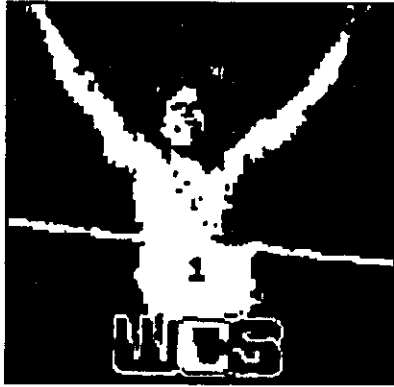
**TO: DALE MUIR
TREASURER, V.I.R.A.,
C/- CITY OF KNOX
PRIVATE BAG KNOX 1
M.D.C.
WANTIRNA SOUTH VIC. 3152**

**PHONE: (03) 881 8210
FAX: (03) 800 3096**

**NOTE: Cancellations made after 13th January, 1995 will not be eligible for a refund.
Registrations are, however, transferable.**

Signature of Authorised Officer

Title



WCS Local Government Systems are proud to provide property and financial solutions to Australian Local Government.

WCS have been totally committed to Australian Local Government for over 16 years.

For information and assistance please contact us on
(03) 272 8888

Proudly wholly Australian owned and operated.

WCS Local Government Systems
14 Ellingworth Parade, Box Hill, Victoria, 3128.

“Incorporation v Association”

With the ever increasing requirements of the Australian Securities Commission for the lodgement of detailed company returns, the executive voted to investigate the possibility of VIRA becoming an association rather than an incorporated company.

VIRA has been subjected to many fines for insufficient information on the lodgement of company returns examples are:

● “Not listing occupiers of registered premises”

“Not lodging Directors statements”

“Not notifying of change of registered address within 7 days eg. City of Knox, St Kilda Fires.

After a considerable number of phone calls over a period of several years it has become apparent that no matter what we say or do we cannot persuade the Association that we are a non profit organisation and that we do not have directors.

Accordingly, VIRA has seconded the services of Home Wilkinkson and Lowry to investigate the possibility of becoming an association. The benefits of becoming an association that have been identified are:

– VIRA Executive not having to lodge returns that are totally inappropriate to our organisation.

• Reduction in costs as VIRA will not be subjected to fines that are not avoidable due the nature of our organisation.

– Gives VIRA the opportunity to revamp the memorandum and articles of association.

VIRA is waiting on the costs of becoming an Association, but given the hassles and red tape that VIRA has experienced over the past few years with the Association it is definitely a step in the right direction.

HPA HERMES PRECISA AUSTRALIA

HPA's NEW “Intelligent Rate Notice System”

Offers you . . .

- Simplified Laser Printing, to include MICR encoding and Bar coding
- The option to Control within your office
last minute formatting and/or message changes
- Mail Processing to allow for selective and multiple inserts
- Minimisation of Postage costs
- Additional options to output copy onto microfilm & compact disc (CD Rom)

Choosing HPA as a business partner, you can be confident that we'll deliver quality simply and efficiently, while keeping our sights set on how we can continue to improve your future communications.

570 CITY ROAD, SOUTH MELBOURNE. 3205

Phone: 693 5500 Fax: 686 0021

Contact: Lucy Mascitti

VIRA- Questionnaire – IMM Proposals

As you no doubt remember VIRA sent a questionnaire with the last newsletter regarding the proposals received from the IMM.

The responses came in thick and fast with a definite and conclusive "No" to both proposals.

The questions and responses were as follows:

Question 1: Combined State Conference with the IMM and IMEA.

Response: For 13% Against 87%

Question 2: VIRA becoming a chapter of a peak Local Government organisation.

Responses: For 17% Against 83%

With these results VIRA responded to the IMM:— that whilst it appreciated being acknowledged and participating in the discussions that VIRA at this point in time would not be supporting either of the recommendations received.

We will keep you posted of any further developments.

Congratulations!!

Congratulations to the following for being made fellow members of the Institute.

Andrew Sullivan Brian Hall Allan Wise

— Welcome to New Member —

Mark Mugent	Bishop Collections
Geoffrey Bishop	Bishop Collections
Bernard Naylor	Shire of Warracknabeal



Why Take Risks . . . when Laurens guarantee to Improve your Cash Flow

A promise that we can back up with over 60 years of trading history and 19 national networked company offices. In today's environment you cannot afford slow payment or non payment of your council rates.

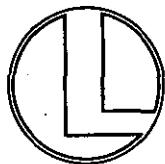


WAYNE J. SLACK
Managing Director

Laurens have the people skills and technology to:

- help plan your ratepayers payment process
- automate your collection and follow up procedures
- introduce creative collection systems that will preserve your customer relations
- provide complete legal backup resources as required
- allow on-line access to Laurens collection and reporting facilities from your office
- create a partnership for on-going improvements

The bottom line is the people and the systems, and at Laurens we pride ourselves on providing the best of both.



Laurens & Co

**Our reputation is
your guarantee**

Victorian Branch Network

Albury (060) 21 1811	Ballarat (053) 32 1877	Bendigo (054) 43 0577
Dandenong (03) 794 0379	Echuca (054) 80 6555	Geelong (052) 21 3633
Melbourne (03) 697 8000	Mildura (050) 21 4316	Morwell (051) 34 1233
Sale (051) 44 2488	Shepparton (058) 31 1687	Warrnambool (055) 62 2911

Your Committee 1994/1995

President Brian Hall (FVIRA)	City of Berwick Telephone: 705 5235 Facsimile: 704 9544
Senior Vice President Allan Wise (FVIRA)	City of Greater Geelong Telephone: (052) 530 300 Fax: (052) 531 125
Junior Vice President Noel Grant (FVIRA)	Shire of Deakin Telephone: (058) 582 505 Fax: (058) 582 406
Secretary Robert Smart (FVIRA)	City of Port Phillip Telephone: 536 1333 Facsimile: 534 9105
Treasurer Dale Muir (FVIRA)	City of Knox Telephone: 881 8210 Facsimile: 800 3096
Minutes Secretary Ian Holland (FVIRA)	City of Frankson Telephone: 881 8210 Facsimile: 800 3096
Professional Development Noel Grant (FVIRA)	Shire of Deakin Telephone: 784 1888 Facsimile: 781 3117
Newsletter Co-ordinator Clare Bowkett (MVIRA)	City of Heidelberg Telephone: 490 4222 Facsimile: 499 1391
Assistant Newsletter Co-ordinator Julie Pritchett (MVIRA)	City of Werribee Telephone: 742 0777 Facsimile: 741 6237

Your Regional Convenors

Ballarat	Ian Effrett	City of Ballarat	Tel: (053) 338 650 Fax: (053) 362 030
Gippsland	Paul Telfer	Shire of Avon	Tel: (051) 456 233 Fax: (051) 456 900
Mallee/ Wimmera	Shane Hinchliffe	Shire of Kowree	Tel: (055) 851 011 Fax: (055) 851 614
North Central	Graeme Tindle	Shire of Seymour	Tel: (057) 921 200 Fax: (057) 923 998
South Eastern	Barry Adams	Shire of Cranbourne	Tel: (059) 91 1455 Fax: (059) 96 7332
South Western	Dayle King	City of Portland	Tel: (055) 222 200 Fax: (055) 222 290