



VICTORIAN INSTITUTE of RATE ADMINISTRATORS

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V.I.R.A. NEWS

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September, 1987

PRESIDENT'S REPORT

As August marks the end of this year of office for the current members of the Executive Committee of the V.I.R.A., I feel that it is appropriate at this time to give a summary of what we have accomplished over the last twelve months or so. This last year has been an incredibly busy and productive time for members of the Executive representing the Institute on a number of fronts.

I doubt that any Executive of this Institute has ever been busier than this one in its dedication to promoting the aims of the V.I.R.A., both internally and externally. A brief summary of our activities over the last year appears elsewhere in this newsletter and although the activities listed are by no means totally exhaustive or exclusive, they do serve to give members a general idea of the work commitment of members of the Executive Committee.

A summary of the year's achievements by the Institute generally, may be made as follows:

1. Membership has approximately trebled since the November 1985 General Meeting, held at the City of Sandringham.
2. Prospects for the implementation of a formal qualification course for rate administrators look brighter than they have ever done with leads being

followed up on two separate paths. One of these is our original suggestion of the course being conducted as a staged development of the municipal clerks' course currently conducted by the R.M.I.T. The other is a completely different concept, being a totally separate course to be conducted through the T.A.F.E. College system. (More will be reported on this matter in an upcoming issue of this newsletter).

3. Development of a long-term strategy by the V.I.R.A. to expand itself into an organisation specialising in the administration of property-based rating systems generally. We already number amongst our members, several people who are employed in various Water and Sewerage Authorities around the State and in recent times some encouraging moves have been made by senior officers of the Melbourne and Metropolitan Board of Works regarding prospective coverage of their staff involved in the field of rating administration.

4. A commitment has been received from the Executive Committee of the Victorian Divisional Council of the Institute of Municipal Management to investigate the possibilities of interstate expansion of the V.I.R.A. to represent the interests of our counterparts in other States around Australia. This is an area which we intend to vigorously pursue.

5. We are currently following up two separate offers for our secretarial and certain other administrative duties to be performed by outside organisations on a fee for service basis, both of which offer certain advantages which the appointment of a permanent part-time employee to fulfil these duties, could not provide.

6. Two new Regional Divisions of the Institute have been formed in the last 12 months and indications from members employed in rural areas around the State give us every confidence that another one or two such Divisions will be constituted during the coming year.

7. As a result of our degree of involvement in local government affairs (particularly at a policy-making level) in recent years, a number of requests from municipal clerks around the State were made for 'corporate membership' of the Institute, thereby allowing for senior staff other than in the rating area, and councillors to gain access to our activities. As our Memorandum and Articles of Association do not provide for such a category of membership, the Executive resolved to issue both the May/June issue and this current issue of the newsletter to every municipality in the State in order to determine the level of interest in the concept of 'corporate subscription' to the newsletter.

The response so far has been most encouraging, with a number of municipalities wishing to take advantage of this extra level of input into local government affairs.

8. The level of penetration of this newsletter into our sector of the local government market has been recognised by several organisations working in our field and consequently a number of offers of sponsorship of the newsletter have been received. It is hoped that sponsorship of the newsletter will completely cover the cost of publication within the next 12 months or so.

9. Two members of the Executive Committee were recently invited to the opening of the new offices of the "Local

Government Focus" magazine. As a result of this function, members can expect to see articles contributed by this Institute to the magazine on a regular basis in future.

10. As far as we know, ours is the *ONLY* professional association in local government to have had not one, — but *TWO* representatives appointed to each of the following Working Parties set up by the State Government:—

- (a) New Local Government Bill Working Party.
- (b) Municipal Restructuring (Implementation) Working Party.
- (c) Fire and Emergency Services Levy Working Party.
- (d) Electoral Procedures Review Committee.
- (e) Adult Franchise (Implementation) Working Party.
- (f) Rating Review Committee.
- (g) Differential Rating (Indexation of Valuations) Working Party.
- (h) Computer Based Land Information Systems (now known as LANDATA) Working Party.
- (i) Financial Relations between State and Local Government Working Party (we currently have only one representative here but it is likely that a second member will be appointed shortly).
- (j) At the Local Government Minister's Conference on Differential Rating, held in Adelaide in 1977, our Institute had not two, but *four* representatives.

11. Our submission to the Minister for Local Government on the Draft Proposals for the new Local Government Bill, whilst dealing only with the electoral and rating provisions, was the lengthiest and most detailed of the more than 150 submissions received, totalling 57 pages in length. As a result of this, several municipalities not only distributed our submission to all councillors and senior officers, but sent us copies of their own submissions for comment.

We recently completed our submissions to the Minister on the Bill itself. This was presented to the Local Government Department at a meeting which we convened on Monday, July 20 of specialist groups in the rating area. The meeting was held in the Minister's Conference Room at the Department and was attended by representatives of the V.I.R.A., Municipal Valuers Group, M.M.B.W. and Local Government Department.

Copies of this submission are now available to interested members and municipalities upon application to the Secretary, Mr Geoff Fleming, on 568 1011.

Before closing this Presidential Report I would be remiss if I did not thank the very hard working members of this year's Executive Committee for their support and effort. The activities of the Executive listed later in this newsletter, by no means take into account the many hours spent on the telephone to other members and municipalities during working hours liaising over procedural matters in our field, nor to the time put in after hours and even on weekends, discussing the affairs of the Institute.

My sincere thanks and congratulations are due to each member of the Executive for what has been achieved in recent times and to each and every individual member of the Institute, I must again stress that it is of the utmost importance that support be given in every possible way by attending meetings, communicating to the committee matters of individual concern and making yourself available to participate on sub-committees or Working Parties.

In closing this final Presidential Report for this year of office, I will revert to the words which were used to close my first Report which were that all this activity augurs well for the future of the Institute and it is to be hoped that in your enthusiasm and upon your involvement, hinge the continuity of this Association. Only with your active participation, will the future growth of the Victorian Institute of Rate Administrators be assured.

STEPHEN J. COLLINS

President

1987-1988

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V.I.R.A. ACTIVITIES DURING 1986-87

Friday, July 25, 1986

Annual General Meeting of V.I.R.A. held at City of Knox.

Wednesday, August 20, 1986

Meeting of Municipal Restructuring (Implementation) Working Party at Local Government Department.

Representatives:

M. Hockey and S. Collins.

Tuesday, September 2, 1986

Fire and Emergency Services Levy Working Party meeting with M.A.V.

Representatives:

W. Cane and M. Hockey.

Thursday, September 4, 1986

Executive Committee meeting of V.I.R.A. held at City of Sandringham.

Monday, September 15, 1986

Meeting of Municipal Restructuring (Implementation) Working Party at Local Government Department.

Presentation of V.I.R.A.'s submission to the Minister on Municipal Restructuring. Final meeting of Working Party.

Wednesday, September 17, 1986

Foundation meeting of Geelong and District Regional Division of V.I.R.A. at Shire of Corio.

Tuesday, October 7, 1986

Meeting of new Local Government Bill Working Party at Local Government Department.

Representatives:

M. Hockey and S. Collins.

Tuesday, October 14, 1986

Meeting of new Local Government Bill Working Party at Local Government Department.

Thursday, October 16, 1986

Meeting convened by M.A.V. on Fire and Emergency Services Levy, held at M.A.V. headquarters at St. Kilda Road.

Representatives:

M. Hockey, W. Cane, S. Collins and K. Dearricott.

Friday, October 17, 1986

Executive Committee meeting of V.I.R.A. held at City of Oakleigh.

Thursday, November 6, 1986

Meeting of new Local Government Bill Working Party at Local Government Department.

Tuesday, November 11, 1986

Meeting of new Local Government Bill Working Party at Local Government Department.

Wednesday, November 12, 1986

Submission of V.I.R.A. response to Minister for Local Government on the 'Rural Economics Study'.

Friday, November 14, 1986

South-East Regional Division meeting of V.I.R.A. at Shire of Warragul.

Friday, November 28, 1986

Executive Committee meeting of V.I.R.A. held at Army Reserve Headquarters, South Melbourne.

Friday, December 5, 1986

General Meeting of V.I.R.A. City of Box Hill.

Wednesday, December 10, 1986

Meeting of Financial Relationships between State and Local Government Working Party, held at Local Government Department.

Representative: S. Collins.

Friday, February 6, 1987

Executive Committee meeting of V.I.R.A. held at City of Oakleigh.

Wednesday, February 11, 1987

Seminar for V.I.R.A. members held at the Sheriff's Office at Waverley on the topic: 'Writs and Warrants Procedure'. 35 members were in attendance.

Thursday, February 12, 1987

Meeting of Financial Relationships between State and Local Government Working Party held at Local Government Department.

Tuesday, February 17, 1987

Special meeting of the Executive Committee to formulate V.I.R.A.'s submission to Minister, on Draft Proposals for the new Local Government Bill.

Friday, February 20, 1987

South-East Regional Division meeting held at Shire of Healesville.

Tuesday, February 24, 1987

Special meeting of the Executive Committee to formulate V.I.R.A.'s submission to Minister on Draft Proposals for the new Local Government Bill.

Wednesday, February 25, 1987

Geelong and District Regional Division meeting at City of Geelong West.

Thursday, February 26, 1987

Meeting of Financial Relationships between State and Local Government Working Party held at Parliament House.

Tuesday, March 10, 1987

Completion of V.I.R.A. submission to Minister on the Draft Proposals for the new Local Government Bill.

Friday, March 13, 1987

General meeting of the V.I.R.A. held at City of Benalla.

Saturday, March 14, 1987

Sunday, March 15, 1987

Annual social weekend for members and their families held at Corowa.

Tuesday, March 17, 1987

Meeting of new Local Government Bill Working Party at Local Government Department.

Tuesday, March 24, 1987

Meeting of new Local Government Bill Working Party at Local Government Department.

Thursday, March 26, 1987

Meeting of Financial Relationships between State and Local Government Working Party at Parliament House. Private meeting at Parliament House with Mr N. Pope, MLA for the seat of Monbulk and Mr J. Harrowfield, MLA for the seat of Mitcham, to discuss our submission on the Draft Proposals and the provision of a qualification course for rate administrators.

Saturday, March 28, 1987

Sunday, March 29, 1987

V.I.R.A. Executive Committee delegates at Swan Hill for formation of new North-Western Regional Division of V.I.R.A.

Monday, March 30, 1987

Foundation meeting of North-Western Regional Division of the Institute held at the City of Swan Hill.

Friday, April 24, 1987

Minister for Local Government hosts a private dinner for about a dozen members of the Working Party on the new Local Government Bill. M. Hockey and

S. Collins in attendance from V.I.R.A. The Working Party was officially disbanded.

Friday, May 1, 1987

Executive Committee meeting of V.I.R.A. at City of Oakleigh.

Wednesday, May 13, 1987

V.I.R.A. Executive Committee delegates meet at Des Bethke's office at City of Melbourne with the Executive Committee of the Victorian Divisional Council of the I.M.M., to discuss our proposal for provision of a qualification course for rate administrators, closer affiliation with the I.M.M. and various other matters of importance.

V.I.R.A. Executive Committee delegates meet at R.M.I.T. with David Andrews, Senior Lecturer in the Bachelor of Business in Local Government Course, to discuss our proposal for the qualification course for rate administrators.

Tuesday, May 19, 1987

Meeting of Financial Relationships between State and Local Government Working Party at City of Broadmeadows.

Tuesday, May 19, 1987

Wednesday, May 20, 1987

Symposium on 'Land Information Systems in Victoria', held at University of Melbourne.

Representative: W. Cane.

Wednesday, May 27, 1987

Geelong and District Regional Division meeting of V.I.R.A., held at Shire of Barrabool.

Friday, May 29, 1987

Executive Committee meeting of V.I.R.A. at Shire of Melton.

Wednesday, June 10, 1987

Paper on 'Rating System in Victoria', delivered to R.M.I.T. students at the Management Development Centre by W. Cane on behalf of the V.I.R.A.

Friday, June 12, 1987

General meeting of V.I.R.A. held at City of Altona.

Monday, June 15, 1987

Local Government Department consultative seminar on new Local Government Bill, held at City of Moorabbin. Attended by G. Fleming and M. Hockey.

Thursday, June 18, 1987

Meeting of Financial Relationships between State and Local Government Working Party at Local Government Department.

Friday, June 19, 1987

South-East Regional Division meeting of V.I.R.A. held at the Shire of Flinders.

Friday, June 26, 1987

Official launching of the 'City of Melbourne Employment Institute Ltd.', being the first of the new local government entrepreneurial ventures, sited at the old Newmarket Saleyards. Function hosted by the Minister for Local Government and the Lord Mayor of Melbourne.

V.I.R.A. represented by M. Hockey and S. Collins.

Saturday, June 27, 1987

Special meeting of the Executive held at City of Knox to formulate our submission to the Minister on the new Local Government Bill.

Thursday, July 2, 1987

Meeting at City of South Melbourne attended by representatives of the Cities of South Melbourne, Port Melbourne and Altona, to discuss the new Local Government Bill.

Sunday July 5, 1987

Special meeting of the Executive held at City of Sandringham to formulate our submission to the Minister on the new Local Government Bill.

Thursday, July 16, 1-1987

Official opening of the new offices of 'Local Government Focus' magazine at 302 High Street, Northcote. Function attended by W. Cane and S. Collins.

Monday, July 20, 1987

At 10.00 a.m.—Discussion with Dr John Milton-Smith, Dean of the Faculty of Business Studies at R.M.I.T. re our submission on the qualification course.

At 1.00 p.m.—Meeting with Municipal Valuers Group delegates re contents of the new Local Government Bill.

At 3.00 p.m.—Meeting convened by V.I.R.A. at the Local Government Department on the new Local Government Bill, discussion of our new submission on the Bill being the main topic on the agenda. Present at the meeting on behalf of the V.I.R.A. were Stephen Collins (Chairman of the meeting), Bill Cane, Geoff Fleming and Murray Hockey.

Representing the Local Government Department were John O'Donohue, Deputy Director-General, Rod McDonald, Director of Policy and Planning and Tony Dench.

From the M.M.B.W. were Kaz Grzanowski, Manager of Policy and Procedures, Bronwyn Spain, Legal Officer and John Purchase, Research Officer. Also present were Paul Ferguson, Chairman of the Municipal Valuers group and Terri Cerini, M.V.G. representative on the new Local Government Bill Working Party.

Friday, July 24, 1987

Executive Committee meeting of V.I.R.A. at City of Knox—Budget meeting for 1986/87.

Tuesday, July 28, 1987

New Local Government Bill Working Party reconvened. Meeting held at Local Government Department.

Friday, August 7, 1987

Annual General meeting of V.I.R.A. at City of Caulfield.

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RATE EXEMPTION FOR CHARITABLE PURPOSES

The Institute has had a legal opinion passed on to us concerning Rate Exemption for Charitable Purposes. The majority of it is reproduced here for the benefit of members. Members are also reminded to forward any opinions they believe may be of interest or use of others for the Legal Opinion Register.

The relevant exemption is contained in Section 251(1)(b) of the Local Government Act which provides that all land shall be rateable property except "land used exclusively for charitable purposes."

In order to rely upon this provision for exemption in respect of the whole land it must be established that *all* uses of the land are charitable under law. If the land is used for various purposes one of which cannot be characterized as charitable then the rating exemption in Section 251(1)(b) cannot be relied upon: *Shire of Nunawading v. The Adult Deaf and Dumb Society of Victoria* (1920-21) CLR 98. However, it is provided in Section 251(5) that where parts of a single rateable property are used exclusively for charitable purposes then those parts are exempt. We should also mention that it has been established by the Court that where land is used for a particular purpose which itself is not charitable but which is wholly ancillary and incidental to a primary use of that land which is charitable then the land will not necessarily lose its eligibility for rating exemption by virtue of the particular non-charitable use: *Ryde Municipal Council v. Macquarie University* (1979) 53 ALJR 179. A common example of this is the provision of buildings for the accommodation of nurses on land used for a hospital. The accommodation buildings are not strictly themselves used for charitable purposes but such use is ancillary and incidental to the primary use of the land as a hospital.

To be eligible for the rating exemption provided under Section 251(1)(b) it must be established that the particular land in question is used exclusively for purposes which can be characterized

as charitable within the legal understanding of that term. It is essential to note here that the Section is not directed to whether or not the user of the land in question is a charitable organisation, rather it is concerned wholly whether the particular use to which the land is put is a charitable use. For example, if an organisation with undoubted charitable objects uses a particular property as a shop selling cheap goods for the gaining of revenue, that use is not a charitable use and therefore not exempt from rates.

For a purpose to be charitable in the legal sense it must be for the public benefit and fall within one of the four categories of charitable purposes described as follows:

- (a) Purposes for the relief of poverty;
- (b) purposes for the advancement of religion;
- (c) purposes for the advancement of education;
- (d) other purposes beneficial to the Community not falling under any of the preceding heads.

The precise range and meaning of each of the four categories described above is often a complex question of law based upon the decisions of the Courts over many centuries. It is not possible for us here to comprehensively analyse each category, nevertheless, a brief description of each category is as follows:—

1. Relief of poverty

This category refers to purposes which are directed to the relief of aged, poor or impotent (i.e. disabled) people. The purpose must in some way ease or alleviate the problems and discomforts of those three classes of poverty. For example the use of land to provide cheap housing and accommodation or to provide care and attention for aged or disabled persons has been readily acknowledged by Courts as charitable. Furthermore, providing for or in some way relieving persons in distress and in need and assisting persons in indig-

ent circumstances may be recognised as charitable.

Examples of uses coming within this category include an old person's home, shelter for homeless persons, hospitals, tenants providing cheap or free medical or counselling services etc.

2. *Advancement of Education*

The use of land as a school, forum or centre for educational purposes is a charitable use of land. The word 'education' has been construed widely by the Courts and includes most areas of knowledge. It is important that there be an intention to impart knowledge and learning, not simply that it should be accumulated. There must be an element of teaching or education. Furthermore the education carried on must be available to a recognized social group and thus beneficial to the community. Thus a tutor teaching a select group on a private basis would not come within this charitable category.

Recent cases, particularly in England, would appear to indicate that this category has been extended to include sports fields occupied and used by colleges and schools as well as land used for outside teaching by schools, for example, school camps. The argument would appear to be that with the changing nature of our education system learning activities taking place outside the conventional classroom are part of the educational programme.

3. *Advancement of Religion*

This head of charitable purposes has been widely interpreted by the Courts over the years beyond conventional religious teachings and activities, such as church instructions and worship. It includes purposes which are less overt in their promotion of religion, for example, the provision of a retreat, camp or other facilities for church members creating a religious environment stimulating religious thought, observance and participation and thereby promoting religious belief; *City of South Melbourne v. Y.M.C.A.* (1960) VR 710; *Association of Franciscan Order of Friars Minor v. City of Kew* (1967) VR

732. As a general principal, where land is owned and occupied by a religious body and that body carries on its religious activities on that land then the rating exemption would normally apply, unless, for example, such activity is clearly motivated by a profit making intention.

4. *Purposes beneficial to the Community not falling under any of the preceding heads*

This is an ever expanding category and contains a most variegated collection of purposes. It is therefore very difficult to give a brief description of this category beyond stating that to come within this category a particular purpose must be directly and generally beneficial to and for the edification of the community. Purposes which are intrinsically beneficial to the community or which are not predicated on profit making intention do not necessarily come within this category. It is not enough that a purpose is benevolent. Courts will often demand that the particular purpose must be mentioned in or analogous to those purposes specified in the preamble to the Statute of Charitable Uses of the United Kingdom. We should say that the precise set of criteria of this category is not clear and there is often a fine line drawn between purposes which are held to be charitable and those held to be non-charitable.

Turning our attention specifically to profit making intention, the absence of profit making intention is not of very great significance when considering whether or not a particular use of land is charitable in the legal sense. Attention is instead focused on whether or not the particular use comes within the abovementioned categories of charitable purposes. However, it is significant if there is profit making intention in a particular use of land. It needs to be seen whether that intention derogates from the charitable nature of the use. Generally, if a use which otherwise would be charitable is motivated by profit making intention then it cannot be said that such use is a charitable use of land. For the very definition of

the word charity precludes the existence of profit making intention. There are certain exceptions to this principle which we shall discuss later.

The element of profit making in this area of the law usually arises where a particular use of land involves the provision of services for a fee or the selling of goods. The latter is covered by Section 251(4)(c) which provides that where land is used for the purposes of selling goods then it shall be deemed not to be used for charitable purposes. In the former case, where services are provided for a fee, it is to be firstly enquired whether the imposing of a fee does indeed indicate a profit making intention or whether the fee is imposed merely to obtain funds to defray the expenses incurred in the provision of the services. It also needs to be seen whether the revenue-raising dealings are acts which are incidental or ancillary to the primary charitable purposes to which the land is put. For example, a church might hire out its hall to a local community group for weekly use. Such use, although revenue-raising, is wholly incidental to the basic use of the hall by the church for its religious purposes. Therefore the profit making is not relevant.

It has recently been held by the County Court of Victoria that where a use of land is essentially motivated by a profit making intention but the profit is to be applied to a charitable purpose then that use is itself a charitable use. With respect to the Court, we have great doubt whether it is an accurate reflection of the law in Victoria.

Reference should be made to Section 251(4)(b) of the Local Government Act which provides that land shall be deemed not to be used exclusively for charitable purposes if it is land upon which is situated a house or flat used for residential purposes which is in the exclusive occupation of any person in-

cluding a person required to reside there in order to carry out duties required of him. Accordingly, if there is upon land which appears to be used for charitable purposes, a house or flat in which a person or persons reside for less than a temporary period, it may be that the above provision renders the land rateable property. The question of exclusive occupation is a detailed question which can only be answered having regard to the circumstances of each particular case. As a general proposition, a resident will not be in exclusive occupation if the degree of control reserved to the owner is such as to interfere with the enjoyment of the flat by the resident. The issue of exclusive occupation by the resident comes down to a question of whether or not the owner of the flat has the dominant occupation of the flat and the resident has the subordinate occupation, or vice-versa. This question is to be answered having regard to the position and the rights of both parties in respect of the land in question. This would normally be determined having regard to any lease or tenancy agreement between the parties.

Finally, in determining whether particular land comes within the exemption of Section 251(1)(b), Council should determine who is the owner and who is the occupier of the subject land and what is the relationship between them. If the occupier (that is, the user) is a company or organisation, Council should obtain its Memorandum of Articles or Rules and any other constitutional documents of Statements of Objects which specify the organisation's activities. It should also seek from the user of the land a comprehensive list of all uses to which the land is put and whether or not any revenue-raising activity is carried on there, or whether any person is residing on the land.

BEWARE OF STATUTE BARRED DEBTS

We are all well aware of the provisions of Part of XII of the Local Government Act 1958 particularly Divisions 1 and 2 which relate to the 'Recovery of Rates by Legal Process' and 'Recovery by Legal Process of Moneys other than Rates'. However, are we all as familiar with the 'Limitations of Actions Act 1958'?

Each year Councils have religiously caused Default Summonses to be served on ratepayers and have variously followed the legal process through the local Magistrates' Court, often culminating in Warrants of Distress or other action.

However, many Councils are not as anxious to follow these processes in cases where Pensioners are involved or large Private Street, Easement Drain and Concrete Construction charges exist on properties where it is known that the owner has limited ability to pay.

I think it fair to say that often some of these accounts linger in the background maybe hoping that the property will be sold or because the owner initially elected to pay the debt by instalments over 10 or 20 years.

Beware, proceedings for the recovery of these moneys in the Magistrates' Court pursuant to Section 348 Local Government Act (1958), are *Statute Barred* by virtue of Section 5(1)(d) of the *Limitation of Actions Act 1958*.

Section 5 (1)

"The following actions shall not be brought after the expiration of 6 years from the date on which the cause of action accrued";

Section 5 (1) (d)

"Actions to recover any sum recoverable by virtue of enactment . . ."

However, the moneys *sought* remain a charge on the land pursuant to Section 387 Local Government Act 1958 and this charge may be *enforced* by Section 388 of that Act either in the Supreme Court or the County Court.

A further potential complication comes in with *Section 20 (1) Limitation of Actions Act* which states (inter alia), that;

No action shall be brought to recover a charge on property after the expiration of 15 years in spite of the fact that such charge may be expressed in an Act to remain a charge until paid.

We survive this I believe with the provisions of:

Section 20 (4) Limitation of Actions Act

"Nothing in this Section shall apply to:—

Section 20 (4) (b)

"The recovery by any statutory authority of any rate or other moneys which by any Act are and until paid remain a charge on the land".

What all this seems to mean is that Council *forfeits its right to recover moneys through a Magistrates' Court after (6) six years*. However, still retains its rights to pursue action through Supreme Court or County Court if the debt is a charge on property.

Two alternatives are available to overcome potential problems as it is not always "politically acceptable" to take Supreme or County Court action to "sell up" a property to recover the debt.

Firstly, if an amount is originally owing for more than the appropriate limitation period but there is an acknowledgement of the fact that the amount is owing *within that period* then the general effect is to commence a new period from the date of that acknowledgement.

eg. Forward a letter seeking acknowledgement of the debt at regular intervals if not intending to serve summons.

Secondly, institute the legal action by way of Default Summons to prove the debt and stop short of issuing Warrant. However, be conscious of:

Section 5 (4) Limitations of Actions Act

"An action shall not be brought upon any judgement after the expiration of fifteen years from the date on which the judgement became enforceable."

W. J. CANE, F.V.I.R.A.
Rate Collector
CITY OF KNOX

V.I.R.A. MOTTO: "HONESTY AND INTEGRITY"

It has been my long held view that the Victorian Institute of Rate Administrators *should have a motto commensurate with the ideals and principles of the Institute.* Such a motto should be a clear guide to our members, and others, just what our organisation represents.

The V.I.R.A. has adopted a code of ethics that has been published on a number of occasions in the pages of this newsletter and are as follows—

1. All members are expected to promote, advance and protect the status, interests, integrity and efficiency of the profession of Rate Administrators and Deputy Rate Administrators.
2. A member's responsibility to the community shall at all times come before his responsibility to sectional or private interests or to other members or to his profession.
3. A member, if called upon to give evidence or to speak on matters of fact, shall at all times speak what he believes to be the truth, irrespective of its effect on his own interests, the interests of other members or other sectional interests.
4. Unless he is convinced that his duty to the community compels him to do so, a member shall not express opinions which reflect on the ability or the integrity of other members.

This code of ethics sets a high standard of ideals that should be followed by the members. A motto should simply reflect the sentiments expressed in the code of ethics and be easily understood by all of us.

Many other institutes, organisations and clubs have mottos and many of these are in Latin. While I agree these mottos look impressive, Latin is a dead language and not necessarily understood by all. In many cases, however, it is usually easy to guess what the inscription means.

My own opinion is that the V.I.R.A. should adopt "*Honesty and Integrity*" as our own. This, I believe, accurately and very simply sums up the code of ethics and ideals of our membership.

Without these qualities a person should not be a member of our profession and therefore such a motto is well suited to the Victorian Institute of Rate Administrators.

While "*Honesty and Integrity*" might be my choice for the Institute's motto, I realise it may not necessarily be the best or most appropriate. If any member has any ideas on this matter, the State Executive would be pleased to consider them.

Remember, if you don't comment or can't be bothered having your say, you will end up with a motto that you may not really consider appropriate.

GEOFF FLEMING.

CURRENT NEWS

RECONVENING OF LOCAL GOVERNMENT BILL WORKING PARTY

The State Government Working Party which compiled the Draft Proposals for the new Local Government Bill and then the Bill itself, was officially wound up at a dinner hosted by the Minister on Friday, April 24.

Since that date, as we would all be aware, a number of consultative meetings have been conducted by the Local Government Department for local government representatives from around the state, both to explain the provisions of the Bill and to seek feedback from those involved in local government generally.

As a result of the input from the various municipalities and professional associations, the Minister reconvened the Working Party to review the Bill in the light of the points raised both by way of the items mentioned at the series of consultative meetings and the issues raised in the written submissions.

Two such meetings of the Working Party have now been held, on Tuesday, July 28 and on Thursday, August 13. It is likely that another one or two meetings of the Working Party will be held after the final consultative meeting which took place at the City of Altona late last month and possibly another one when the draft regulations and local laws are completed (tentatively dated towards the end of September).

One thing that has come out of the reconvening of the Working Party is the fact that something in excess of 150 amendments will be made to the current format of the Bill by the time it is finally debated.

Contrary to the apparently highly sourced rumours circulating in recent weeks, the Government does *not* intend dropping the Bill, as it is felt that the changes being made at the moment (including the total deletion of some clauses) will largely overcome many of the objections currently being made.

This Institute has *two* representatives on the Working Party and if any member has any point which is felt ought to be raised, *please* contact either Murray Hockey at the City of Sandringham, on 598 8111 or Stephen Collins at the City of Altona on 398 2244.

DON'T LET THIS LAST OPPORTUNITY OF INPUT GO TO WASTE!!

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NATIONAL REVIEW OF LOCAL GOVERNMENT LABOUR MARKETS

The National Review of Local Government Labour Markets was commissioned by the Commonwealth, State and Northern Territory Ministers responsible for Local Government at their 1986 Annual Conference.

The Ministers called for a comprehensive investigation to be undertaken, in consultation with the industry, of local government labour markets in Australia. The review has been asked

to report on measures to reduce rigidities in those labour markets. Of particular concern are:—

- (a) the characteristics of Local Government employment and sources and conditions of labour supply;
- (b) the adequacy of education and training services; and
- (c) the changing patterns of labour demand and their implications for employment and training.

The review will provide information and practical advice to Ministers so that co-ordinated action can be undertaken to ensure appropriately skilled personnel.

The focus will initially be on the difficulties which Local Government has in recruiting and holding staff in particular occupations and geographic regions.

Issues of immediate concern are:

1. assessing the adequacy of the present range of education and training courses which prepare people to work in Local Government;
2. the implications of educational institutions reducing course offerings in certain fields;
3. the need for new and revised courses to meet changed Local Government operations and
4. ways of improving access of current Local Government employees to skills upgrading and training courses.

The National Steering Committee of the Review comprises the chief officers of the Commonwealth, State and Northern Territory Departments of local government and is chaired by Graham Holmes, Director General of Local Government in Victoria.

The first of its consultative meetings with local government professional groups was held on Tuesday, August 11, and was devoted to the concerns of the Victorian Institute of Rate Administrators in this particularly important field.

The meeting was attended by Graham Holmes, Director-General for Local Government; John O'Donohue, Deputy Director-General; Rod McDonald, Director of Policy and Planning for the Local Government Department and Stephen Collins, President of the V.I.R.A.

During the course of the two hour meeting, many issues of vital importance were discussed, including the question of designated officer status in the new Bill and the extent to which it should apply to Local Government officers.

Of particular importance, and the subject of much of the time spent during the meeting, was discussion of our request for the provision of a qualification course for rate administrators. This issue has taken on a new relevance in the light of the moves being made by the R.M.I.T., for the dropping of the external studies mode of the Bachelor of Business Degree in Local Government course. Similar action was recently taken in respect of the municipal clerks courses conducted in West Australia and South Australia and our suggestion is perceived as a means of opening up the course to a wider field of entrants in Victoria.

The meeting was perceived to be a very rewarding one by all those involved and in view of our appointment to discuss the provision of a qualification for rate administrators with Rob Barfus of the M.A.V. later this month, will be further reported on in the next issue of this newsletter.

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HISTORY OF OUR PROFESSIONAL INVOLVEMENT IN LOCAL GOVERNMENT AFFAIRS

On Friday, August 7, at the City of Caulfield, the Victorian Institute of Rate Administrators held its 11th Annual General Meeting. Although this was in itself an auspicious occasion, it by no means can be taken to read that the professional involvement of those people involved in the field of rating

and revenue administration in Local Government is one which has continued for only eleven years.

This Institute was formed out of the Rate Collectors Institute of Victoria and prior to that, the Association of Metropolitan Rate Collectors. Although last year the Institute of Municipal Management (as it is now called) celebrated its 50th year of operation, ours even pre-dates that.

One of the tasks which the Executive Committee has set itself for this year is to compile an official history of our involvement in local government affairs.

Most of us, even if our involvement in Local Government affairs does not pre-date the existence of the V.I.R.A. as such, will know of a predecessor whose involvement goes back some considerable time in our organisation (*Whatever it's name at the time*). We are very fortunate in having on our Executive Committee, Bob Patterson, Rate Collector of the City of Box Hill, whose direct involvement in the rating field goes back to the 1940's. Bob has agreed to co-ordinate the research into our history and any member who *has anything to contribute*, is invited to make contact with Bob.

We look forward to your contributions and hope to publish the results later this year in this newsletter.

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SOFTWARE FOR PREFERENCE ALLOCATION IN LOCAL GOVERNMENT ELECTIONS

Many of our members work in municipalities where elections are the exceptions and not the rule. Many of us have elections whose result is fairly well assured before the day of the polling. Some of us are employed in municipalities whose electoral results may not be known until several days after the polling is completed, after which extra work is required to determine whether the unsuccessful candi-

dates are due the return of their \$100.00 deposit.

As we are all well aware, the procedures involved in determining the results in such cases are pretty labour intensive affairs.

Ken Dearricott, Rate Collector of the City of Berwick, is interested in hearing from any member who is aware of a software system which could allow for the quicker determination of electoral results by way of data input to computer.

If any members are aware of any developments along this line, they are invited to contact Ken at the City of Berwick on (03) 705 5200.

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SALE OF BALLOT BOXES AND SCREENS BY ELECTORAL OFFICE

Nobody who voted at the Federal Election on July 11 could have helped but notice that this year, the Electoral Office used disposable cardboard ballot boxes and screens. The reason for this can be explained in one word — *Economics!!*

Although the Electoral Office owns the metal boxes and wooden screens hired by most municipalities for their own elections the storage costs involved in keeping these assets between elections are mind boggling.

The V.I.R.A. is reliably informed that storage costs for these items between elections, run to between \$400,000.00 and \$500,000.00 for Victoria alone. The Electoral Office this year decided to experiment with disposable cardboard boxes and screens and the experiment seems to have met with their satisfaction. The costs of purchasing such disposable items are far less than those which it incurs for storing its own equipment between elections and consequently word has been received that their supplies of boxes and screens may be shortly offered for sale by tender.

Whilst it may indeed be cheaper in future for the Electoral Office to buy its boxes and screens for every Federal and State election, the same cannot be said for Local Government, which has been hiring them for a cost in the region of \$1.20 per item.

Keep your eyes open for the "Sale by Tender" columns in "The Age" in the near future.

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COMPULSORY VOTING FOLLOW-UP

Again on the conduct of the July Federal election, members would have noticed that the poll clerks were using a "mark sense" system for recording the names of enrollees who had voted. This involves marking a blank space between the roll number and the name of the voter which is later read by an optical reader hooked into a computer in order to determine the names of those voters for whom no vote was recorded. "Failure to Vote" notices are then automatically generated by the computer, along with a list of the names of those who have voted and the polling places at which their votes were recorded.

The same procedure particularly in metropolitan municipal elections may involve the manual marking off of the names of all voters recorded on anywhere between 40 to 80 copies of the individual rolls onto master copies of the rolls used in each ward or riding and thence input of the non voters details for a compilation of the "Failure to Vote" notices.

Four years ago, when Laser Printing of voters rolls was introduced into Victoria, several members of this Institute spent some months in discussion with the principals of the firm involved, in trying to introduce a "mark sense" system to enable optical recognition of voters names in order to cut down the very expensive and time consuming process of follow-up after elections. The discussions eventually broke down due to certain insurmountable technical

problems which would have rendered our idea impractical at the time.

The Electoral Office, in conjunction with its private software suppliers have obviously overcome that problem and have purchased at some considerable cost — the reading equipment from Europe which enables it now to accomplish the task which we first suggested back in 1983.

Approaches have recently been made by the V.I.R.A. to the Local Government Department in order to take up with the Electoral Office, the possibility of a 'bulk deal' for Local Government use of their facilities by interested municipalities, for purposes of compulsory voting enforcement at next year's election.

Stay tuned for further details!!

Local Government Division

Moore provides a team of specialists, who are experienced in the needs of the Local Government Authorities.

For instance Moore can assist with

- *Parking Infringement Notices*
- *Computer Paper Storage Systems*
- *Failure to Vote Notices*
- *Dog Notices*
- *Inter Library Loan Forms*
- *Reminder Notices*
- *A.P. Summons Forms*
- *Rate Notices*

A Moore Local Government representative is fully qualified to give an all round service — we do more than just sell forms.

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