



All CEOs

### Special Rates & Charges

This issue of prACTicalities is a reminder about changes made to the special rates and charges provisions of the *Local Government Act 1989* (the Act) in November 2008.

#### **Special rates and charges - 2008 amendments**

Amendments made by the *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008* included the following:

- A new section 163(9) in the Act specifies that the expenses recovered by a Council as part of a Special Rate or Special Charge may not include costs relating to VCAT proceedings under either section 185 or section 185AA of the Act. The *Victorian Civil and Administrative Tribunal Act 1998* empowers the Tribunal to award costs if it considers it appropriate.
- An amendment to section 166(3)(b) specifies that a variation to a previously levied special rate or charge that will result in an increase of 10% or more in the amount that any person has to pay must comply with sections 163(1A), (1B) and (1C) and be subject to a section 223 process. The section previously referred to a "material variation".
- An amendment to section 167(3) provides that a date specified on a notice to pay a special rate or special charge must not be less than 28 days after the date of issue. (Previously 14 days)
- New sections 167(4),(5) and (6) require a council to provide for a special rate or charge to be paid in installments over at least four years if it substantially relates to capital works. Interest costs included in instalments must not exceed the borrowing costs of the Council by more than 1%. Councils may not impose penalty interest rates on instalments.

These changes came into operation on 19 November 2008. If you require further assistance in regard to these provisions, please contact Jim Gifford on 9651 7094.

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**21 August 2009**