

Expression of Interest For the Second 2016 Edition of the Macquarie Special Rates and Charges Manual

In his Foreword to the First Edition of the Macquarie Special Rates and Charges Manual 2012, Stuart Morris QC (former Justice of the Supreme Court of Victoria and President of the Victorian Civil and Administrative Tribunal (VCAT)) said –

“This procedural manual, put together by Peter Lucas of Macquarie Lawyers, will be of considerable practical advantage to councils and their advisers. The manual does not concentrate on the problems that may emerge in devising special rate schemes, but focuses on solutions. ... I am confident that the manual will be enthusiastically received and used by local government.”

The special rates and charges provisions of the *Local Government Act* 1989 continue to exemplify the changes in (and the challenges for) local government. As a potential source of ‘additional’ revenue for Councils, section 163 means that Councils should be encouraged to raise special rates and special charges for **any** purpose considered to be within the attainment of their objectives.

The **First Edition** of the Macquarie Special Rates and Charges Manual is in the process of being completely revised. While it is anticipated that the **Second Edition** will **not substantively change** the **First Edition**, the Second Edition will nonetheless draw on the lessons to be learned from the recent decision of the High Court of Australia in *Isbester v Knox City Council* (in relation to a Council’s administrative decision-making powers) and the several cases which have been decided by VCAT on special rates and charges since the publication of the **First Edition**. The **Second Edition** will also contain **new Local Government Regulations**. These regulations will replace the *Local Government (General) Regulations* 2004 when they expire on 26 October 2015). The **Second Edition** will also address any consequential changes arising from the introduction of the new regulations.

The **Second Edition** of the Manual will continue to be a valuable tool for all Council officers who are required to prepare or administer **any** special rate or special charge scheme. In the form of ‘working examples’ and ‘completed pro-formas’, the revised Second Edition of the Manual will continue to contain **all** of the documentation necessary for a Council to declare and levy a special rate or special charge under section 163 of the *Local Government Act* 1989. Comprising what will be more than 230 pages, the revised Manual will contain all of the resolutions, public notices and declarations required by a Council to declare a special rate or special charge for –

- the promotion of a retail shopping centre;
- the promotion of a commercial business precinct;
- the construction of a road;
- the construction of a footpath; and
- the provision of drainage infrastructure.

The **Second Edition** of the Manual is due for release in the coming months . If you would like to express your Council’s interest to receive the new edition, please fill out the relevant details and email, fax or mail this form to our office.



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