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Victorian Current Acts

LOCAL GOVERNMENT ACT 1989 - SECT 163B Objection process relating to certain special rates and charges

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Objection process relating to certain special rates and charges

(1) Subject to subsection (2), a [Council](#) can only make a declaration under section 163(1) to levy a special rate or special charge to recover an amount that exceeds two thirds of the total cost of the performance of the function or the exercise of the power in accordance with this section.

(2) This section does not apply if the scheme to which the performance of the function or the exercise of the power relates is—

- (a) a drainage scheme that the [Council](#) has declared is required for reasons of public health; or
- (b) a scheme of a type prescribed by the regulations as a scheme to which this section does not apply.

(3) Before a [Council](#) can make a declaration to which this section applies, the [Council](#) must in the public notice to be [published](#) under section 163(1A) state—

- (a) which [persons](#) have a right to object to the proposed declaration; and
- (b) how those [persons](#) may object; and

(c) that objections in writing must be lodged with the [Council](#) within 28 days of the day on which the [public notice](#) is [published](#).

(4) Any [person](#) who will be required to pay the special rate or special charge to be imposed by the proposed declaration is entitled to exercise the right of objection conferred by this section.

(5) For the purposes of subsection (4), a [person](#) who is an occupier is entitled to exercise the right of objection conferred by this section if the [person](#) submits documentary evidence with the objection which shows that it is a condition of the lease under which the [person](#) is an occupier that [the occupier](#) is to pay the special rate or special charge.

S. 163B(6) amended by No. 67/2008 s. 57.

(6) A [Council](#) can not make a declaration if the [Council](#) receives objections from [persons](#) who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed.

(7) The right of objection conferred by this section is in addition to the right to make a submission under section 163A but if the [Council](#) receives objections from [persons](#) who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed, the [Council](#) can discontinue the process under that section.