

29 May 2026

By Registered Post

Ms Tammie Rose
Chief Executive Officer
Yarra Ranges Council

Re: Municipal Rate Collection and Constitutional Revenue Handling

Dear Ms Rose,

I write seeking clarification regarding the collection, custody and legal characterisation of municipal rates collected by Yarra Ranges Council.

Section 89 of the Constitution Act 1975 provides:

“All taxes imposts rates and duties and all territorial casual and other revenues of the Crown in right of the State of Victoria (including royalties) which the Parliament has power to appropriate shall form one Consolidated Revenue to be appropriated for the public service of Victoria in the manner and subject to the charges hereinafter mentioned.”

Having reviewed the Council's published payment methods, including BPAY biller code 471771, I seek clarification regarding the manner in which municipal rate revenue is received, held and administered.

Could Council please provide the following information:

1. The legal entity associated with BPAY biller code 471771;
2. The financial institution and account structure into which municipal rate payments made via BPAY are deposited;
3. Whether rate revenues collected by Council are:
 - a. paid directly into accounts controlled by Council; or
 - b. remitted to any Victorian State Government consolidated revenue or treasury account, prior to use by Council;
4. The legislative authority relied upon by Council for the direct collection and retention of municipal rate revenue;
5. Whether Council considers municipal rates to constitute:
 - a. revenues of the Crown in right of the State of Victoria; or
 - b. revenues of a distinct statutory authority established under the Local Government Act;
6. Whether Council has obtained legal advice regarding the interaction (if any) between section 89 of the Constitution Act 1975 and the collection of municipal rates by local government authorities.

Further, please confirm whether Council's position is that municipal rates collected by Yarra Ranges Council are not “revenues of the Crown in right of the State of Victoria” for the purposes of section 89 of the Constitution Act 1975.

If that is Council's position, please identify:

1. the statutory provision, legal authority, legal advice, Treasury direction, Ministerial direction, accounting standard, or other basis relied upon for that position;
2. whether municipal rates collected by Council are ever paid into, credited to, reconciled against, or reported as part of the State's Consolidated Revenue;

3. whether Council regards itself, when levying and collecting municipal rates, as acting:
 - a. as a statutory corporation in its own right;
 - b. as an agent or instrumentality of the Crown;
 - c. as a collector of State revenue; or
 - d. in some other legal capacity;
4. whether any portion of amounts collected on a rates notice, including levies, charges, fire services charges, emergency services charges, or other State-imposed amounts, is remitted to the State of Victoria or any State-controlled account;
5. whether the BPAY biller account used for rates payments is held in the name of Yarra Ranges Council, the State of Victoria, the Department of Treasury and Finance, or another entity.

If any of the requested information is considered exempt from disclosure, please identify the basis upon which disclosure is refused.

Finally, I attach a Notice regarding fiduciary obligations, public trust responsibilities, accountability and equitable duties arising from the exercise of public office.

Given the public importance of the matters raised, I request that Council and its officers respond in good faith, with full transparency, and with due regard to their obligations to the community they serve.

Should Council disagree with any assertion made in this correspondence, I request that the factual and legal basis for that disagreement be clearly identified and supported by reference to the relevant legislation, authority, policy or legal advice relied upon.

I look forward to your response.

Yours faithfully,

Shane Leong