

ORDINARY COUNCIL

MINUTES

(Open to the public)

Monday 27 March 2017

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.35pm

Attendance

- Councillor Phillip Healey (Mayor)
- Councillor Jane Addis
- Councillor Lisa Hollingsworth
- Councillor Steve Hurd
- Councillor Jim Parke
- Councillor Coral Ross
- Councillor Felicity Sinfield
- Councillor Garry Thompson
- Councillor Cynthia Watson
- Councillor Jack Wegman

Apologies Nil

Officers

Bruce Dobson	Acting Chief Executive Officer
John Luppino	Director City Planning
Carolyn McClean	Director Community Development
Marilyn Kearney	Director Corporate Services
Andrew Mackinnon	Acting Director Environment and Infrastructure
Deb Ganderton	Executive Manager Communications & Customer Experience
Fiona Banks	Manager Economic Development
Chris Hurley	Manager Commercial & Property Services
Carolyn Terry	Manager People Culture and Development
David Thompson	Manager Governance
Madeleine Cheah	Team Leader Economic Development
Jacinta Barnes	Senior Coordinator Family and Children's Services
Andrew Dowling	Coordinator Governance

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Watson

Seconded Councillor Thompson

That the minutes of the Ordinary Council meeting held on 27 February 2017 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Refer to:

- Item GB1, Leave of Absence - Councillor Wegman (29 April to 4 June 2017)

3. Deputations, presentations, petitions and public submissions

- 1 Glenferrie Road Shopping and Business Centre - Marketing and Business Development Fund

The following people were in attendance and spoke in support of their written submissions in accordance with Section 223 of the Local Government Act 1989:

- Montserrat Pezzimenti
- Leon Pezzimenti

Council heard a further submission from two speakers on behalf of the Glenferrie Trader Association.

- Kirsten Dunfield
- Steve Williams

- 2 Meeting Procedure Local Law 2017

The following people were in attendance and spoke in support of their written submissions in accordance with Section 223 of the Local Government Act 1989:

- Mary Drost OAM
- Ian Hundley
- Joanne Fenton
- Helen Sleigh

4. Assemblies of councillors

Section 80A of the *Local Government Act 1989* requires that a written record of all Assemblies of Councillors be kept and reported to an ordinary Council meeting as soon as practicable.

The attached record of Assemblies of Councillors (Attachment 1) is reported to Council in accordance with this requirement.

MOTION

Moved Councillor Parke

Seconded Councillor Hollingsworth

That Council resolve to receive and note the record of Assemblies of Councillors, as annexed to the minutes.

CARRIED

5. Public question time

The **Mayor, Councillor Healey**, advised Council that two questions received with notice from a member of the community had been disallowed in accordance with Council's Meeting Procedure Local Law because:

- the questions did not relate to an item on the agenda for the meeting, contrary to Clause 60A.2.1; and
- the questions being submitted on 21 March 2017 had not received a written response from a councillor or member of Council staff, contrary to Clause 60A.2.2.2

The Mayor noted a copy of the questions had been circulated to all councillors and that officers had indicated a response to the questions would be issued on or before 31 March 2017 in accordance with Council's customer service charter.

The **Mayor, Councillor Healey**, advised Council that one question received without notice from a member of the community immediately prior to the meeting had been disallowed in accordance with Clause 60A.2 of Council's Meeting Procedure Local Law because:

- the question did not relate to an item on the agenda for the meeting; and
- the question had not previously been asked in writing and received a written response from a councillor or member of Council staff.

The Mayor noted a copy of the question would be circulated to all councillors and that the question would be referred to the relevant officer to provide a written response in due course.

6. Notices of motion

Nil

7. Presentation of officer reports

1 Glenferrie Road Shopping and Business Centre - Marketing and Business Development Fund

The purpose of this report is for Council to consider submissions received following public notice of its intention to declare a special rate and charge for a marketing and business development fund for the Glenferrie Hawthorn Shopping and Business Centre (Centre) and determine whether to declare the proposed Glenferrie Hawthorn Special Rate and Charge Scheme (proposed Scheme).

The Centre's current five year special rate and charge scheme is due to expire on 30 June 2017. The scheme funds marketing and business development initiatives in the Centre. The Glenferrie Road Shopping Centre Association (GRSCA) has requested that Council declare a renewed special rate and charge scheme to apply for five years from 1 July 2017 to 30 June 2022.

Council resolved on 12 September 2016 to commence the statutory process and give public notice for the declaration of the proposed Scheme in response to the GRSCA's request. Public notice of the proposed Scheme was made in the *Progress Leader* newspaper on 8 November 2016. Council invited submissions regarding the proposed Scheme to be lodged by 9 December 2016.

Council received 19 submissions (circulated separately to councillors) which contained objections to the proposed Scheme in respect of 20 properties. Two of the submissions were for the same property and was therefore counted as one.

Consequently, Council officers considered 18 submissions in respect of 19 rateable properties. Council officers were able to establish a right to object for 18 rateable properties by matching the submitter or company names, with Council's rates record of property owners. As such, Council officers consider valid objections were made with respect to a total of 18 properties. This equates to 3.0% of the 604 rateable properties in the proposed Scheme.

Assuming that all 19 rateable properties have an established right to object and were treated as valid objections, this equates to approximately 3.2% of the 604 rateable properties included in the proposed Scheme.

As fewer than 50% of those who are required to pay the proposed special rate and charge lodged an objection, Council is able to declare the proposed Scheme. On balance, it is considered that the level of objections received does not warrant any delay in its declaration or any change to the proposed Scheme with the exception of:

- Exclusion of the electricity substation at 10 Wakefield Street, Hawthorn from the special rate and charge scheme on the basis that they would not receive any special benefit.

In addition to making an objection to the inclusion of certain properties within the proposed Scheme, each of the 19 submissions received, made comments regarding the proposed Scheme. Council must consider the comments made prior to determining whether to declare the proposed Scheme.

Declaration of the proposed Scheme will ensure support for a comprehensive marketing and business development program providing a special benefit for all businesses and property owners in the Centre.

The proposed Scheme will apply for five years commencing 1 July 2017 and ending on 30 June 2022 and will raise approximately \$196,000 in the first year with a total levy of approximately \$980,000 expected over five years. The amount levied will increase each year consistent with the March quarter Consumer Price Index (All Groups, Melbourne) (CPI) which will be applied to the rate in the dollar and the minimum and maximum charges, along with any increases in the Capital Improved Value (CIV) of rateable properties during the life of the proposed Scheme.

Note: An addendum to the report was circulated on 24 March 2017 and clarified:

- *Council received a total of 20 submissions containing objections to the proposed Scheme in respect of 21 properties.*
- *Officers did not recommend any changes to their recommendation in light of the additional submission highlighted in the addendum.*

MOTION

Moved Councillor Hurd

Seconded Councillor Parke

That Council resolve to:

- 1. Declare the Glenferrie Hawthorn Special Rate and Charge in accordance with section 163 of the *Local Government Act 1989* for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Glenferrie Hawthorn Shopping and Business Centre (Centre), which Council considers is or will be of special benefit to those persons required to pay the special rate and charge, as follows:**
 - (a) a Glenferrie Hawthorn Special Rate and Charge be declared for a period of five years commencing on 1 July 2017 and concluding on 30 June 2022.**
 - (b) the Glenferrie Hawthorn Special Rate and Charge be:**
 - (i) declared for the purpose of defraying expenses of advertising, promotion, centre management, business development and other incidental expenses associated with the encouragement of commerce in the Centre, which Council considers is or will be of special benefit to those persons required to pay the Glenferrie Hawthorn special rate and charge; and**
 - (ii) implemented by carrying out or enabling to be carried out activities that help achieve the purpose ("the function").**

- (c) the following be specified as the manner in which the special rate and charge so declared will be levied, as set out in Attachment 1 to this report:
- (i) **Primary Area (Zone 1)** - in the first year of the special rate and charge scheme, a rate of 0.021 cents in the dollar of Capital Improved Value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum and maximum charge per occupancy per annum.

Precinct	Minimum and Maximum
Primary Area Zone 1: This zone includes ground and upper level properties on Glenferrie Road and associated side streets between Barkers Road and Burwood Road, Hawthorn as shown on the Scheme boundary plan	Ground level <ul style="list-style-type: none"> • Minimum - \$350 • Maximum - \$5000 Upper level <ul style="list-style-type: none"> • Minimum - \$220 • Maximum - \$1500

- (ii) **Secondary Area (Zone 2)** - in the first year of the special rate and charge scheme, a rate of 0.018 cents in the dollar of Capital Improved Value (CIV) of each rateable property required to pay the special rate and charge subject to the following minimum and maximum charge per occupancy per annum.

Precinct	Minimum and Maximum
Secondary Area Zone 2: This zone includes ground and upper level properties on Burwood Road and associated side streets between Drill Street and Paterson Street, Hawthorn as shown on the Scheme boundary plan	Ground level <ul style="list-style-type: none"> • Minimum - \$250 • Maximum - \$3600 Upper level <ul style="list-style-type: none"> • Minimum - \$120 • Maximum - \$1000

The quantum of the rate in the dollar of the CIV of each property in the area, and the quantum of the minimum and maximum charge, will be adjusted on 1 July 2018 and on each anniversary of that date by the March quarter Consumer Price Index (All Groups, Melbourne) (CPI) during the 12 months preceding the end of that March quarter.

The CIV of each parcel of rateable land is the CIV of that parcel of land at the time of levying the special rate and charge in each year. The CIV may alter during the period in which the special rate and charge is in force, reflecting any revaluations and supplementary valuations which take place.

- (d) the following be specified as the area for which the special rate and charge is so declared:

the area highlighted in the plan annexed to this report as Attachment 2 ('the area')-

For the purposes of this paragraph, the area can be described generally as follows:

- (i) **Primary Area (Zone 1):** This zone includes ground and upper level properties on Glenferrie Road and associated side streets between Barkers Road and Burwood Road, Hawthorn as shown on the Scheme boundary plan.
- (ii) **Secondary Area (Zone 2):** This zone includes ground and upper level properties on Burwood Road and associated side streets between Drill Street and Paterson Street, Hawthorn as shown on the Scheme boundary plan.
- (e) the following be specified as the land in relation to which the Glenferrie Hawthorn Special Rate and Charge is so declared:

all land within the area primarily used or adapted or designed to be used for commercial purposes.

- (f) the following be specified as the total amount of performing the function and the total amount of the special rate and charge to be levied:

the amount of approximately \$196,000 in the first year of the scheme with a total amount of approximately \$980,000 over the five years of the scheme having regard to adjustments in the CIV of the rateable properties and the application of CPI to the rate in the dollar and minimum and maximum charges as described in paragraph 1(c) of this resolution or such other amount as is lawfully levied as a consequence of this resolution.

- (g) for the purposes of section 163(2B) of the *Local Government Act 1989*, the benefit ratio, being the estimated proportion of the total benefits of the scheme to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the special rate and charge, is 100%, as the community benefit is considered to be nil.

- (h) the following be specified as the criteria to be used as the basis for declaring the Glenferrie Special Rate and Charge:

ownership of any land described in paragraph 1(e) of this resolution.

- (i) the owners of the land described in paragraph 1(e) of this resolution will, subject to further resolution of Council, pay the Glenferrie Special Rate and Charge in the following manner:

on the same date or dates as Council's general rates are due.

- (j) Council will, subject to the *Local Government Act 1989*, require a person to pay interest on any special rate and charge which that person is liable to pay and has not been paid to the date specified for its payment.
2. Records the following reasons for the decision of Council to declare the Glenferrie Hawthorn Special Rate and Charge:
- (i) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the *Local Government Act 1989*, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Glenferrie Hawthorn Special Rate and Charge area.
- (ii) All persons who are liable or required to pay the special rate and charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values, maintenance or enhancement in the use, occupation and enjoyment of the properties and/or from the improved vitality of the Centre; and
- (iii) The basis of distribution of the special rate and charge amongst those persons who are liable or required to pay the special rate and charge is considered to be fair and reasonable.
3. Thank the submitters and write to them to inform them of the Council decision and the reasons for that decision.
4. Write to the owners and occupiers of properties within the Glenferrie Hawthorn Special Rate and Charge scheme advising them of the decision embodied in this resolution and associated appeal rights.
5. Authorise the Director Corporate Services to enter into an agreement with the Glenferrie Road Shopping Centre Association in relation to expenditure of the Glenferrie Hawthorn Special Rate and Charge scheme proceeds.
6. Authorise the Director Corporate Services to levy the Glenferrie Hawthorn Special Rate and Charge in accordance with section 163(4) of the *Local Government Act 1989*.

CARRIED

2 2018 General Valuation

The report relates to Council's statutory obligation under section 6 of the *Valuation of Land Act 1960* ("the Act"). All rateable and non rateable properties within the municipality are required to be valued every two years. The 2018 general valuation will be monitored by the Valuer-General Victoria (VGV) in accordance with Valuation Best Practice 2018 (VBP). As part of the 2018 general valuation, Council's contract valuers, Matheson Stephen Valuations, will inspect 50% of the total number of residential assessments, every property that is sold over from 1 January 2016 to 1 January 2018, all properties requiring supplementary valuations and 100% of commercial property assessments. This inspection will involve an external inspection of each property to collect or confirm data requiring quantitative assessment (factual data such as land or building area) or qualitative assessment (e.g. grading of building condition or quality of style). The general valuation impacts the distribution of rating liability across the municipality. It does not provide Council with any additional revenue.

Section 6 of the Act requires Council to formally resolve it is intending to return a general valuation and notify other rating authorities interested in the valuation of land within its area within one month of making such a resolution.

MOTION

Moved Councillor Sinfield

Seconded Councillor Hollingsworth

That Council resolve:

1. **In accordance with Section 6 of the *Valuation of Land Act 1960*, to cause a valuation to be made of all rateable and non rateable properties within the City of Boroondara for the year commencing 1 January 2018, such valuation to be returned no later than 30 June 2018.**
2. **That the following valuations be returned for each rateable property:**
 - **Site Value**
 - **Capital Improved Value**
 - **Net Annual Value**
3. **That the following authorities be given notice within one month of the resolution to carry out the valuation:**
 - **Valuer-General of Victoria**
 - **Yarra Valley Water**
 - **State Revenue Office**
 - **City of Monash**
 - **City of Whitehorse**
 - **City of Manningham**
 - **City of Stonnington**
 - **City of Yarra**
 - **City of Banyule**

CARRIED

3 Implementation of Child Safe Standards

This report is to provide councillors with information in relation to the Child Safe Standards (CSS) and to recommend for adoption by Council a Statement of Commitment (standard 2) that will apply to councillors, all employees, Council volunteers and particular contractors.

The Child Safe Standards (the Standards) have been developed as a part of the Victorian government's response to the *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations* (Betrayal of Trust Inquiry (2013)). This inquiry identified a number of significant failures that prevented the response to the neglect and abuse of children.

In response to this, and under the Child Safety and Wellbeing Act, the Victorian Government introduced compulsory minimum standards for organisations that provide services to children to help protect them from all forms of abuse.

The ultimate goal of the standards is to create a culture of safety which reduces the opportunity for harm to children and is embedded in everyday thinking and practice. It is intended that the outcome or process adopted is developed with clear process that can be followed when concerns about child safety are raised, noticed or reported.

Standard 2 of the CSS requires a Child Safe Policy or Statement of Commitment. The Statement of Commitment aims to create a foundation for a child safe environment which:

- documents how to meet duty of care and responsibilities to children
- affirms a commitment to child safety and the best interests of children
- makes a commitment to child safety clear to people within Council, children and families and the community

The Statement of Commitment needs to be made available to all officers, Council volunteers, contractors and councillors and made accessible to the public.

MOTION

Moved Councillor Ross

Seconded Councillor Hollingsworth

That Council resolve to endorse the Statement of Commitment (as annexed to the minutes) as required under the Child Safe Standards.

CARRIED

4 Meeting Procedure Local Law 2017

At the Council meeting on 12 December 2016, the Council resolved to commence the statutory process to make the Meeting Procedure Local Law 2017 (the MPLL17) in accordance with the *Local Government Act 1989* (the Act).

The MPLL17 was prepared based on Council's current Meeting Procedure Local Law (the current Local Law), with amendments to:

- ensure compliance with the Act;
- improve the structure, clarity or readability of the local law;
- provide discretionary rather than mandatory powers to the Chairperson which are more consistent with the Victorian Charter of Human Rights;
- improve, simplify or clarify procedural matters; and
- correct incidental formatting, numbering, and/or typographical issues.

Public notice of Council's decision to commence the process to make the MPLL17 was given the Victorian Government Gazette and on the Council website on 15 December 2016 and in the Progress Leader newspaper on 20 December 2016.

On 15 December 2016, the Victorian Ombudsman, Deborah Glass, also presented a report to Parliament, titled *Investigation into the transparency of local government decision making*. The Ombudsman's report makes a number of recommendations which are of relevance to Council's meeting procedures. If Council was of a mind to implement some Ombudsman recommendations in the MPLL17, the changes could be considered significant in the context of the previously exhibited local law. The Act constrains Council's ability to make significant changes to a draft local law which has been exhibited, without further community consultation.

Further consultation on potential changes to the MPLL17 is not practicable before the current Local Law expires on 6 April 2017. It is therefore proposed that Council adopt the MPLL17 subject to minor administrative changes. Officers also propose to submit a further report regarding the MPLL17 in the context of the Ombudsman's report no later than 29 September 2017. Subject to Council's decision this may result in the exhibition of a revised local law.

Following public notice of the proposed MPLL17, seven written submissions were received and four submitters have requested to be heard in support of their written submission.

Two consistent points/themes raised by the submitters are concerned with community engagement associated with public question time and public submissions/presentations. Generally speaking submitters are of the view that the rules around these processes are too restrictive and prohibit meaningful engagement in a public forum with councillors.

Having considered the written submissions, officers are of the view that the submissions suggesting changes to the MPLL17, do not warrant rejection of the MPLL17 as exhibited (Attachment 4).

MOTION

Moved Councillor Ross

Seconded Councillor Hollingsworth

That Council resolve:

A. Having complied with the requirements of Section 119(2) of the Local Government Act 1989 (the Act) and having received submissions under Section 223 of the Act:

1. In accordance with Sections 111 and 119 of the Act, to make the Meeting Procedure Local Law 2017 as set out in Attachment 4 to the report subject to the following amendments:

a) Delete clause 12 and substitute the following:

12. *Council may alter Ordinary meeting dates*

12.1 *Council or the Chief Executive Officer subject to clause 12.2, may change the date, time and place of any Ordinary meeting which has been fixed and must provide reasonable notice of the change to the public.*

12.2 *The Chief Executive Officer shall consult with the Chairperson before changing the date, time and place of any Ordinary meeting which has been fixed.*

b) Delete clause 59.2 and substitute the following:

"59.2 No person may submit more than two (2) questions at any one (1) Ordinary meeting.

c) Delete clause 59.3.2 and substitute the following:

"59.3.2 questions must be 75 words or less and not include a preamble or other additional material;"

d) Delete clause 60.1.14.

e) Delete the reference to clause 60.2 in clause 60.3.

f) Delete clause 60.2 and:

- i. Renumber the remainder of clause 60 as required.
- ii. Update any cross references to clause 60 as required.

and as annexed to the minutes.

2. To affix the common seal to the Meeting Procedure Local Law 2017.

3. To give notice of the making of the Meeting Procedure Local Law 2017 in the Victorian Government Gazette and a public notice in the Progress Leader newspaper in accordance with Section 119(3) of the Act.

4. Having made the Meeting Procedure Local Law 2017 to send a copy to the Minister for Local Government in accordance with Section 119(4) of the Act.
 5. To write to each person who made a submission and inform them of the Council decision. The reason for that decision being Council considers the Meeting Procedure Local Law 2017 is necessary and appropriate to provide for the procedures governing the conduct of Council meetings and Special Committee meetings, the election of the Mayor and the use of the common seal.
- B. That Council officers submit a report by no later than 29 September 2017 which provides an analysis of the report released by the Ombudsman (*Investigation into the Transparency of Local Government Decision Making*) to enable Council to consider the possible implications for the Meeting Procedure Local Law 2017.

LOST

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Hurd

That Council resolve:

- A. Having complied with the requirements of Section 119(2) of the Local Government Act 1989 (the Act) and having received submissions under Section 223 of the Act:**
1. **In accordance with Sections 111 and 119 of the Act, to make the Meeting Procedure Local Law 2017 as set out in Attachment 4 to the report subject to the following amendments:**
 - a) **Delete clause 12 and substitute the following:**
 12. ***Council may alter Ordinary meeting dates***
 - 12.1 ***Council or the Chief Executive Officer subject to clause 12.2, may change the date, time and place of any Ordinary meeting which has been fixed and must provide reasonable notice of the change to the public.***
 - 12.2 ***The Chief Executive Officer shall consult with the Chairperson before changing the date, time and place of any Ordinary meeting which has been fixed.***
- and as annexed to the minutes.**
2. **To affix the common seal to the Meeting Procedure Local Law 2017.**

3. To give notice of the making of the Meeting Procedure Local Law 2017 in the Victorian Government Gazette and a public notice in the Progress Leader newspaper in accordance with Section 119(3) of the Act.
 4. Having made the Meeting Procedure Local Law 2017 to send a copy to the Minister for Local Government in accordance with Section 119(4) of the Act.
 5. To write to each person who made a submission and inform them of the Council decision. The reason for that decision being Council considers the Meeting Procedure Local Law 2017 is necessary and appropriate to provide for the procedures governing the conduct of Council meetings and Special Committee meetings, the election of the Mayor and the use of the common seal.
- B. That Council officers submit a report by no later than 29 September 2017 which provides an analysis of the report released by the Ombudsman (*Investigation into the Transparency of Local Government Decision Making*) to enable Council to consider the possible implications for the Meeting Procedure Local Law 2017.

CARRIED

8. General business

GB1 Leave of Absence - Councillor Wegman (29 April to 4 June 2017)

Councillor Wegman requested a leave of absence from Council for the period 29 April to 4 June 2017 inclusive.

Councillor Wegman declared a direct Conflict of Interest in this item in accordance with Section 77B of the Local Government Act 1989. Councillor Wegman advised the nature of the interest was "My personal circumstances are directly affected in Council considering my request for a leave of absence."

Councillor Wegman left the Chamber at 7.56pm prior to the consideration and vote on this item.

MOTION

Moved Councillor Ross

Seconded Councillor Parke

That Council resolve to grant a Leave of Absence to Councillor Wegman for the period 29 April to 4 June 2017 inclusive.

CARRIED

Councillor Wegman entered the Chamber at 7.57pm and resumed his seat.

GB2 Condolences to the family of Dr Jeffrey Wunderlich

Councillor Ross informed Council, with great sadness, that Cr Jeff Wunderlich, former Mayor of Hawthorn (1981-1982), had passed away at the age of 85.

Originally from Switzerland, he immigrated to Australia with his family in 1937 aged six. After studying in Australia and around the world, including Harvard, he completed his PhD at the Sorbonne in Paris. Dr Wunderlich spent many years working as a scientist at the CSIRO, specialising in x-ray crystallography and science administration.

He served as a councillor on Hawthorn Council for 15 years and was Mayor between 1981 and 1982. During his time as a councillor, he helped establish the Hawthorn Community Gardens and later became president of the community group.

He was also behind the push for a high school in Hawthorn and in 1974 John Gardiner High School was established on Tooronga Road – now known as Auburn High School.

He was a volunteer for Camcare from 1995 to 2010, served on the Board and was made an Honorary Life member. He was also a long-time President of Balwyn Tennis Club and was a keen walker, chess player and gardener.

He was awarded a Medal of the Order of Australia (OAM) in 2012 for service to the community of Boroondara, particularly Hawthorn, for his range of volunteer roles in community support, education, sport and recreation.

Dr Wunderlich will be remembered for his passionate and dedicated service to our community. Our thoughts are with his family and many friends at this time.

9. Urgent business

Nil

10. Confidential business

Nil

The meeting concluded at 7.58pm

Confirmed

Chairperson _____

Date _____

MINUTES ATTACHMENTS



Ordinary Council

Monday 27 March 2017

Attachments annexed to the minutes for the following items:

Assemblies of Councillors

- 3 Implementation of Child Safe Standards
- 4 Meeting Procedure Local Law 2017

Record of Assemblies of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
BVRC advisory committee 7 December 2016	Cr Jane Addis Cr Lisa Hollingsworth	Fiona Brown (SPPO) Sofie Anselmi (TLBVRC) Alana Smith (VSDO) Sue Sloan (MEO) Jaimee Quigley (VEO)	Boroondara Community Plan Review of Terms of Reference for Committees in the City of Boroondara Community Development Directorate	Nil
Councillor Briefing & Discussion 13 February 2017	Cr Jane Addis Cr Phillip Healey Cr Lisa Hollingsworth Cr Jim Parke Cr Coral Ross Cr Felicity Sinfield Cr Garry Thompson Cr Cynthia Watson Cr Jack Wegman	Phillip Storer (CEO) John Luppino (DCP) Carolyn McClean (DCD) Marilyn Kearney (DCS) Bruce Dobson (DEI) Deb Ganderton (EMCE) David Thompson (MG) Andrew Dowling (COG) Helen Molnar (MCPD) Andrew McHugh (MFYR) Nick Lund (MHS) Zoran Jovanovski (MSTP) Fiona Brown (SPPO) Fiona Read (CoSP) David Cashmere (CLF) Greg Hall (CFO) Christian Wilmsen (TLSP) Pru Smith (TLLD) Robert Costello (SPP) Shiranthi Widan (TLSP) Sam Taylor (LFCO) Tina Bourekas (SCADS) Mark Skiba (SLA) Nick Brennan (SSP)	Item-1 Balwyn Community Centre Site Upgrade Item-2 Leisure and Aquatic Facilities Contract 10/042 Item-3 Aged and Disability Care Reform Update Item-5 Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn) Item-4 Council Rating Strategy Item-6 Municipal Wide Heritage Gap Study - Draft heritage assessment of Canterbury Item-7 Balwyn Shopping Centre Streetscape Improvement Works GD1 Fellowship dinners	Nil
Statutory Planning Advisory Committee 13 February 2017	Cr Garry Thompson Cr Cynthia Watson Cr Jim Parke	Roxanne Kavanagh (SO) Emily Blyth (STPO)	53 Dempster Avenue, Balwyn North 125 Greythorn Road, Balwyn North	Nil
Statutory Planning Advisory Committee 20 February 2017	Cr Garry Thompson Cr Cynthia Watson Cr Jim Parke	Seuna Byrne (PP) Simon Mitchell (MSP)	768-772 Glenferrie Road, Hawthorn	Nil



Record of Assemblies of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Grants Assessment 22 February 2017	Cr Phillip Healey Cr Felicity Sinfield Cr Jack Wegman	Carolyn McClean (DCD) Helen Molnar (MCPD) Adam Hall (MESL) Fiona Brown (SPPO) Liz Landray (CDO) Traci Alchin (AO)	2017-20 Triennial Operational Community Strengthening Grants	Nil
Councillor Workshop 23 February 2017	Cr Jane Addis Cr Phillip Healey Cr Lisa Hollingsworth Cr Jim Parke Cr Coral Ross Cr Felicity Sinfield Cr Garry Thompson Cr Cynthia Watson	Phillip Storer (CEO) John Luppino (DCP) Carolyn McClean (DCD) Marilyn Kearney (DCS) Bruce Dobson (DEI) Deb Ganderton (EMCCE) Greg Hall (CFO) Charles Turner (MPS) Jennifer Reid (CCPI)	<ol style="list-style-type: none"> 1. Draft Council Plan 2017-21 2. Draft Annual Commitments 3. Draft Strategic Indicators 4. Draft Fees and Charges 5. Draft Capital Works Renewal Program 	Nil
Councillor Briefing & Discussion 27 February 2017	Cr Phillip Healey Cr Jane Addis Cr Lisa Hollingsworth Cr Steve Hurd Cr Jim Parke Cr Coral Ross Cr Felicity Sinfield Cr Garry Thompson Cr Cynthia Watson	Phillip Storer (CEO) Carolyn McClean (DCD) Marilyn Kearney (DCS) Bruce Dobson (DEI) Deb Ganderton (EMCCS) David Thompson (MG) Andrew Dowling (COG) Zhanna Sichivitsa (MAM) Charles Turner (MPS) Adam Hall (MESL) Jim Hondrakis (MTT) Helen Molnar (MCPD) Jennifer Reid (CCPI) Stephen D'Agata, (TLDR) Andrew Robaczewski (TLDS) Michaela Skett (TLEP) Andrea Lomdahl (SEP) Nicole White (HWPO)	Item-1 Boroondara Community Plan 2017-27 - Outcomes of Stage one Item-2 Infrastructure Update Item-3 Flood Modelling and Mapping Item-4 Naturestrip Guidelines 2015 - implementation update Item-5 Anniversary Trail at Camberwell High School GD1 Councillor Workshops	Nil
Grants Assessment 28 February 2017	Cr Phillip Healey Cr Steve Hurd Cr Jack Wegman	Carolyn McClean (DCD) Helen Molnar (MCPD) Gail Power (MAFB) Cynthia Nolan-Myers (CDEO) Liz Landray (CDO) Traci Alchin (AO)	2017-20 Triennial Operational Community Strengthening Grants	Nil

Record of Assemblies of Councillors



Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Statutory Planning Advisory Committee 6 March 2017	Cr Jane Addis Cr Jim Parke Cr Coral Ross Cr Cynthia Watson	Adam Haines (CSP) Chris Mullan (SPO) Simon Mitchell (MSP)	757 Toorak Road, Hawthorn East 8 The Moor, Balwyn North	Nil

See over for an index of officer titles

Record of Assemblies of Councillors



Index of officer titles

ACPD	Assessment & Care Planner Disability
ADO	Access & Diversity Officer
AO	Administrative Officer
CAC	Curator, Arts & Culture
CBA	Coordinator Building Assets
CDEO	Cultural Development and Events Officer
CDO	Community Development Officer
CEDL	Customer Experience Digital Lead
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CMASL	Collection Maintenance and Adult Services Librarian
COG	Coordinator Governance
CSL	Collection Services & Librarian
CSP	Coordinator Statutory Planning
CSS	Coordinator Sport Services
CTM	Coordinator Transport Management
CYS	Coordinator Youth Services
DCD	Director Community Development
DCP	Director City Planning
DCS	Director Corporate Services
DEI	Director Environment and Infrastructure
EMCCE	Executive Manager Communications & Customer Experience
EYAO	Early Years Administration Officer
FC	Flight Controller
FSDO	Family Services Development Officer
FYSRO	Family and Youth Support and Resource Officer
GPO	Governance Projects Officer
LFCO	Leisure Facilities Contract Officer
MAO	Metro Access Officer
MCHC	Maternal Child Health Coordinator
MCPD	Manager Community Planning & Development
MCPS	Manager Commercial & Property Services
MEO	Member Engagement Officer
MESL	Manager Environment & Sustainable Living

MFYR	Manager Family Youth & Recreation
MG	Manager Governance
MHS	Manager Health Ageing & Disability Services
MLS	Manager Library Arts and Cultural Services
MPS	Manager Projects & Strategy
MSP	Manager Statutory Planning
MSTP	Manager Strategic Planning
MTT	Manager Traffic and Transport
OCRO	Online Community Relations Officer
PP	Principal Planner
PRA	Project Architect
RP	Recreation Planner
SAO	Senior Administration Officer
SCA	Senior Communications Adviser
SCADS	Senior Coordinator Ageing and Disability Services
SCFCS	Senior Coordinator Family and Children's Services
SCRW	Senior Coordinator Recreation and Wellbeing
SEP	Senior Environmental Planner
SHRA	Social and Health Research Analyst
SoPO	Social Planning Officer
SP	Statutory Planner
SPPO	Senior Policy and Project Officer
SPO	Senior Planning Officer
SSP	Senior Statutory/Strategic Planner
STPO	Statutory Planning Officer
TLBVRC	Team Leader Boroondara Volunteer Resource Centre
TLEP	Team Leader Environmental Planning
TLSP	Team Leader Strategic Planning
VEO	Volunteer Engagement Officer
VSDO	Volunteer Sector Development Officer
aXXX	'a' designates acting

MINUTES ATTACHMENTS



Ordinary Council

Monday 27 March 2017

Attachments as annexed to the resolution:

3 Implementation of Child Safe Standards

City of Boroondara

Attachment 2

Statement of Commitment to the Child Safe Standards

The organisation is committed to the safety and well-being of children and, as such, is committed to creating and maintaining a child safe organisation.

We have zero tolerance of child abuse and are committed to actively contributing to a child safe city where children are protected from abuse.

Our commitment to the safety of children is based on our duty of care and responsibilities to children and always acting in the best interests of children.

Our commitment will be enacted through the implementation and monitoring of the Child Safe Standards, as specified under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015.

Our commitment to children

We are committed to ensuring children feel safe, empowered and are taken seriously if they raise concerns in relation to their safety and well-being.

We value and support diversity, inclusion and equality. In acknowledgment of the particular vulnerabilities of these groups of children, and in accordance with the Child Safe Standards, we particularly support:

- the cultural safety of Indigenous Australian children and children from culturally and linguistically diverse backgrounds
- the participation and empowerment of children with a disability, Indigenous Australian children and children from culturally and linguistically diverse backgrounds

Our commitment to staff and volunteers

We are committed to ensuring staff, Councillors, volunteers and contractors; depending on the nature of their role understand that child safety is everyone's responsibility.

We will ensure staff, Councillors and volunteers are provided with the necessary support to fulfil their obligations in relation to child safety.

We will ensure staff, Councillors and volunteers are educated in child safety including abuse risks and how to interact and behave with children.

All employees of Council, including work experience students, agency staff, volunteers and independent contractors whilst located at Council workplaces must abide by our Code of Conduct which specifies the standard of conduct required when working with children.

Expectations in relation to behaviour are outlined in Council's Code of Conduct.

Our commitment to ensuring a child safe organisation

Recruitment

We will ensure all staff and volunteers who work with children have a current Working With Children Check (WWCC) and that there is an appropriate screening process for staff and volunteers that work with children including interview guides, advertisements and selection criteria which clearly demonstrate our commitment to child safety.

Training and Supervision

We will ensure all new and existing employees understand the importance of protecting children from harm. This will be supported through induction, training and professional development.

We will ensure staff understand the process for reporting any child safety issues and are supported by Council's appointed Child Safety Officer.

Reporting

All allegations and concerns in relation to children's safety will be taken seriously and will be investigated fairly and appropriately.

Council supports and encourages our employees to proactively report any behaviour deemed to be endangering the safety of children.

Council has a designated Child Safety Officer, who is available to support staff with any child safety concerns and to safely disclose risks of harm to children.

Reportable incidents and complaints are notified to the relevant authority (Child First, Child Protection or police).

Scope

This Statement of Commitment applies to all Councillors, all staff including any person directly employed by the City of Boroondara or employed through an agency or on a contract basis, and volunteers and work experience students, irrespective of their specific involvement in child related duties.

Review

This statement will be reviewed every two years, and following any changes to legislation or policy.

Definitions

Child/children: refers to children and young people aged under the age of 18 years.

Child Safety Officer: The appointed Council officer who staff and volunteers can seek guidance and support when there are concerns regarding a child's safety and who will initiate internal processes in relation to where matters need to be reported.

Cultural Safety: Where children experience their cultural identity, values and way of being, which may differ from other cultures; and their interactions with the wider community are respected, not challenged or harmed.

Working with Children Check (WWCC): Assists in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them are subject to a screening process. The Check screens a person's criminal records and any reports about professional conduct. (Department of Justice and Regulation)

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/>

MINUTES ATTACHMENTS



Ordinary Council

Monday 27 March 2017

Attachments as annexed to the resolution:

- 4 Meeting Procedure Local Law 2017



CITY OF BOROONDARA

MEETING PROCEDURE LOCAL LAW 2017

Date Resolved By Council	27 March 2017
Commencement Date:	7 April 2017
Revocation Date:	7 April 2027
Responsible Directorate:	Chief Executive Office

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PART A - INTRODUCTION

1. Title

This Local Law will be known as the City of Boroondara, "Meeting Procedure Local Law 2017".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 provide for the election of the *Mayor*;
- 2.2 regulate the use of the *common seal*;
- 2.3 prohibit unauthorised use of the *common seal* or any device resembling the *common seal*; and
- 2.4 provide for the procedures governing the conduct of *Council meetings* and *Special Committee Meetings*.

3. Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act* 1989.

4. Commencement and End Dates

This Local Law:

- 4.1 commences on 7 April 2017 and operates throughout the *municipal district*; and
- 4.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier by Council.

5. Revocation of Meeting Procedure Local Law

On the commencement of this Local Law, Council's:

- 5.1 Meeting Procedure Local Law adopted by Council on 26 March 2007; and
- 5.2 Meeting Procedure (Amendments 2011) Local Law, adopted by *Council* on 25 July 2011; and:
- 5.3 Meeting Procedure (Further Amendments 2014) Local Law adopted by *Council* on 24 March 2014; and
- 5.4 Meeting Procedure (Additional Amendments 2014) Local Law adopted by *Council* on 27 April 2015;

are revoked.

6. Definitions and Notes

6.1 In this Local Law:

"*Act*" means the *Local Government Act 1989*;

"*Advisory Committee*" means an advisory committee established by *Council* under section 86(1) of the *Act*;

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting and includes a revised *agenda*;

"*authorised officer*" means a member of *Council* staff who is authorised by *Council* to carry out specific functions under this Local Law;

"*Chairperson*" means the *Chairperson* of a meeting and includes an acting, a temporary and a substitute *Chairperson*;

"*Chief Executive Officer*" means the Chief Executive Officer of *Council* or the person acting in or performing the position *Chief Executive Officer*;

"*common seal*" means the common seal of *Council*;

"*Council*" means Boroondara City Council;

"*Council meeting*" includes a meeting at which the *Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;

"*General Business*" means business of a minor or routine nature;

"*majority of the votes*" means the votes cast by a majority of the Councillors or members of the *Special Committee* present at a meeting at the time the vote is taken;

"*Mayor*" means the Mayor of *Council*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*;

"*offence*" means an act or default contrary to this Local Law;

"*Ordinary meeting*" means any meeting of *Council* which is not a *Special meeting*;

"*penalty units*" mean penalty units as prescribed in the *Sentencing Act 1992*;

- "Repetitious motion"* means (a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by *Council* at the same meeting; or
- (b) a motion that substantially covers the same ground as a motion or amendment already dealt with by *Council* at the same meeting.

"Special Committee" means a special committee established by *Council* under section 86 of the *Act*;

"Special meeting" means a Special meeting of *Council* convened and held in accordance with section 84 of the *Act*;

"Urgent Business" means a matter that relates to or arises out of a matter which has arisen since distribution of the *agenda* and cannot safely or conveniently be deferred until the next *Ordinary meeting* or *Special Committee* meeting;

"visitor" means any person (other than a Councillor, member of a *Special Committee*, or member of *Council* staff) who is in attendance at a *Council* meeting or a *Special Committee* meeting; and

"written" includes duplicated, lithographed, photocopied, printed and typed.

- 6.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART B - SWEARING IN OF COUNCILLORS AND ELECTION OF *MAYOR*

Introduction: This Part is concerned with the swearing in of Councillors after a general election and the annual election of the *Mayor*.

7. Swearing in of Councillors

- 7.1 The *Chief Executive Officer* must open the first *Special meeting* called after a general election pursuant to the *Act* and may then preside over the meeting.
- 7.2 Once all Councillors present are sworn in, the meeting may elect a temporary *Chairperson*.

8. Election of *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act* and this Local Law.

9. Determining the election of the *Mayor*

- 9.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and preside until the meeting elects a temporary *Chairperson*.
- 9.2 The process for the election of the *Mayor* is as follows:
 - 9.2.1 the temporary *Chairperson* must invite nominations for the office of *Mayor* (each of which must be seconded).
 - 9.2.2 If there is only one (1) nomination pursuant to clause 9.2.1, the candidate nominated is deemed to be elected;
 - 9.2.3 if there is more than one (1) nomination pursuant to clause 9.2.1, a vote must be taken to elect one (1) of the candidates;
 - 9.2.3.1 in the event of a candidate receiving a *majority of the votes*, that candidate is declared to have been elected;
 - 9.2.3.2 in the event that no candidate receives a *majority of the votes*, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be taken for the remaining candidates;

- 9.2.3.3 if one (1) of the remaining candidates receives a *majority of the votes*, he or she is duly elected. If none of the remaining candidates receives a *majority of the votes*, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives a *majority of the votes*. That candidate must then be declared to have been duly elected;
- 9.2.3.4 in the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared a defeated candidate, the declaration will be determined by lot.
- 9.2.4 All votes taken pursuant to section 9.2.3 must be by show of hands.
- 9.2.5 if a lot is conducted pursuant to clause 9.2.3.4, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
 - 9.2.5.1 each candidate will draw one (1) lot;
 - 9.2.5.2 the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two (2) or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - 9.2.5.3 as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. The word "Defeated" shall be *written* on one (1) of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" *written* on it must be declared the defeated candidate (in which event a further vote may be taken on the remaining candidates if required).
- 9.3 After the election of the *Mayor* is determined, the *Mayor* must take the Chair and preside over the meeting pursuant to this Local Law.

PART C - COUNCIL'S COMMON SEAL

Introduction: The *common seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *common seal*, and describe when it may be affixed to a document.

10. Council's Common Seal

- 10.1 The *Chief Executive Officer* must ensure the security of *Council's common seal* at all times.
- 10.2 The *common seal* may only be used with the authority of the *Council* or the *Chief Executive Officer* exercising a relevant delegation.
- 10.3 Unless Council resolves otherwise, the affixing of *Council's common seal* to any document must be attested to by the signatures of both:
 - 10.3.1 the *Mayor* and the *Chief Executive Officer*; or
 - 10.3.2 in the absence of the *Mayor*, by one Councillor and the *Chief Executive Officer*.
- 10.4 A person must not use the *common seal* or any device resembling the *common seal* without the authority of *Council* or the *Chief Executive Officer*.

Penalty: 5 penalty units

PART D - MEETINGS PROCEDURE

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting and the particular circumstances of *Special Committee* meetings.

DIVISION 1 – Notices of Meetings and Delivery of Agendas

11. Dates and Times of Meetings

- 11.1 *Council* must from time to time fix the date, time and place of all *Ordinary meetings*.
- 11.2 *Council* may from time to time fix the date, time and place of *Special Committee* meetings.

12. Council May Alter Ordinary Meeting Dates

- 12.1 *Council* or the *Chief Executive Officer* subject to clause 12.2, may change the date, time and place of any *Ordinary meeting* which has been fixed and must provide reasonable notice of the change to the public.
- 12.2 *The Chief Executive Officer* shall consult with the *Chairperson* before changing the date, time and place of any *Ordinary meeting* which has been fixed.

13. Special Meetings

- 13.1 The *Mayor* or at least three (3) Councillors may by a *written* notice call a *Special meeting*.
- 13.2 The notice must specify the date and time of the *Special meeting* and the business to be transacted.
- 13.3 The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- 13.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- 13.5 Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

14. Notice Of Meeting

- 14.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered (whether personally, by facsimile, email or otherwise) or made available electronically to every Councillor for all *Ordinary* and *Special meetings* at least 48 hours before the meeting.
- 14.2 Subject to any resolution of *Council*, the *Chief Executive Officer* will determine the method of delivery to be used under clause 14.1.

14.3 Notice to the public of each Ordinary and Special meeting must be provided in accordance with the Act. In addition, Council may also from time to time, publish:

14.3.1 a schedule of meetings fixed pursuant to this Division annually in a newspaper and/or on *Council's* website.

14.3.2 details of meetings fixed pursuant to this Division in a newspaper and/or on *Council's* website at any other time considered by the *Chief Executive Officer* to be appropriate.

15. Leave Of Absence and Agenda

It is unnecessary for a notice of meeting or *agenda* to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any meeting to be held during the period of his or her absence.

DIVISION 2 – Quorums

16. Ordinary Meetings

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

17. Special Meetings

The quorum for *Special meetings* is the presence of a majority of the Councillors.

18. Inability To Gain A Quorum

If:

18.1 After 30 minutes from the scheduled starting time of any *Council meeting* a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, may adjourn the meeting for a period not exceeding fourteen (14) days from the date of the adjournment;

18.2 A *Council meeting* to which clause 18.1 applies is not adjourned, the meeting shall be deemed to have lapsed; and

18.3 A *Council meeting* lapses according to clause 18.2 the business of the meeting shall be considered for inclusion on the *agenda* of a future *Council meeting* in accordance with clause 23.

19. Inability to Maintain A Quorum

If:

19.1 A quorum is lost during any *Council meeting*, and a quorum cannot be regained within 10 minutes, the meeting:

19.1.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or

- 19.1.2 shall, in the event of no adjournment under clause 19.1.1, be deemed to have lapsed;
- 19.2 A quorum is lost during any adjournment of a *Council meeting* and a quorum cannot be obtained within the time specified in the adjournment motion, or if no time was specified, within 30 minutes of the quorum being lost, the meeting:
- 19.2.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or
- 19.2.2 shall, in the event of no adjournment under clause 19.2.1, be deemed to have lapsed; and
- 19.3 If a *Council meeting* lapses according to clause 19.1.2 or 19.2.2:
- 19.3.1 any motion or amendment which has been moved but not resolved in accordance with Division 4, shall be deemed to have been adjourned indefinitely in accordance with clause 47;
- 19.3.2 any other unresolved matters shall be considered for inclusion on the *agenda* of a future *Ordinary meeting* or *Special meeting* in accordance with clause 23; and
- 19.3.3 the business transacted to that point in the meeting where a quorum was lost, shall remain validly transacted.
- 20. Inability To Achieve Or Maintain A Quorum Due To Disclosure of Conflicts of Interest Of Councillors**
- If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the *Chief Executive Officer*, or, in his or her absence, an *authorised officer*, may adjourn the item for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.
- 21. Notice Of Adjourned Meeting**
- The *Chief Executive Officer* must make reasonable attempts to give notice to all Councillors and members of the public, of any *Council meeting* adjourned under clause 18, 19 or 20.
- 22. Time limits for Meetings**
- A *Council meeting* must not continue after 11.00 pm unless a majority of Councillors present vote in favour of its continuance pursuant to clause 47.

DIVISION 3 – Business of Meetings

23. The Order Of Business

The order of business is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government. In setting the order of business the *Chief Executive Officer* should have regard to:

- 23.1 the expected duration of the meeting;
- 23.2 potential implications for subsequent meetings or events;
- 23.3 the sensitivity of any particular item;
- 23.4 the anticipated community interest in any particular item;
- 23.5 where practicable, feedback from the *Mayor* or *Committee Chairperson*;
- 23.6 the urgency of any particular item; and
- 23.7 any other relevant factor which may impact on the processes and good governance of the *Council*.

24. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that meeting may be altered:

- 24.1 prior to the meeting by the *Chief Executive Officer* by issuing a revised *agenda* in accordance with clause 23; or
- 24.2 by resolution, or with the consent of *Council* at the meeting.

25. Urgent Business

If the *agenda* for an *Ordinary meeting* or *Special Committee meeting* makes provision for *Urgent Business*, business must not be admitted as *Urgent Business* unless:

- 25.1 *Council* resolves to admit the business; and
- 25.2 It relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 25.3 It cannot safely or conveniently be deferred until the next *Ordinary meeting* or *Special Committee meeting*.

26. General Business

If the *agenda* for an *Ordinary meeting* makes provision for *General Business*, business of a minor or routine nature only should be admitted as *General Business*. Any motion dealing with a matter that is not minor or routine must not be accepted by the *Chairperson* and will be subject to the *notice of motion* provisions. Such motions can be referred to *Urgent Business*.

DIVISION 4 – Motions and Debate**27. Councillors May Put Up Notices Of Motion**

Councillors may ensure that an issue is listed on an *agenda* by submitting a *notice of motion* in accordance with clause 28.

28. Notice Of Motion

- 28.1 A *notice of motion* must be in writing and received by the *Chief Executive Officer* (whether personally, by facsimile, email or otherwise) by 12 noon on a business day not less than three days prior to the next *Council meeting* at which the *notice of motion* may be considered. If a *notice of motion* is received after that time, it must, unless withdrawn, be included in the *agenda* for the following *Council meeting*.
- 28.2 A *notice of motion* may be withdrawn by a request in writing received (whether personally, by facsimile, email or otherwise) prior to the publication of the *agenda* for which the *notice of motion* was intended. Otherwise, the item must be dealt with at a *Council meeting*.
- 28.3 The *Chief Executive Officer* must make reasonable attempts to give Councillors notice of any *notice of motion* at least 48 hours before the *Council meeting* at which the *notice of motion* is to be considered.
- 28.4 The *Chief Executive Officer* may reject any *notice of motion* which:
- 28.4.1 is vague or unclear in intention; and/or
- 28.4.2 may reasonably be considered to be defamatory or objectionable in language or nature; and/or
- 28.4.3 is outside the powers of *Council*.
- 28.5 If a *notice of motion* is rejected under clause 28.4, the *Chief Executive Officer* must:
- 28.5.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- 28.5.2 notify the Councillor who lodged it of the rejection and reasons for the rejection.
- 28.6 The full text of any such *notice of motion* must be included in the material accompanying the *agenda*.
- 28.7 The *Chief Executive Officer* must cause a signed copy of each *notice of motion* to be numbered, dated and entered in the *notice of motion* book in the order in which they were received.
- 28.8 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* book.
- 28.9 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chairperson*, any other Councillor may himself or herself move the motion.

- 28.10 If a *notice of motion* is not moved in accordance with clause 28.9, the *notice of motion* shall be deemed to have lapsed for want of a mover.
- 28.11 The *Chief Executive Officer* may provide a report to *Council* detailing the implications for *Council* and the community in respect of any *notice of motion* which has been submitted for inclusion on the *agenda* paper.

29. **Chairperson's Duty**

Motions and amendments:

- 29.1 must relate to the powers or functions of *Council*, be clear and unambiguous and may not reasonably be considered to be defamatory or objectionable in language or nature.
- 29.2 except in the case of *General Business* or *Urgent Business*, must be relevant to an item of business on the *agenda*.
- 29.3 which do not conform to this or any other clause may be refused by the *Chairperson*.

30. **Clarifying a Motion**

- 30.1 Before a *notice of motion* or other motion which has been foreshadowed is moved, a Councillor may, with the leave of the *Chairperson*, ask for clarification from the *Chairperson* or Councillor expected to move the *notice of motion* or other motion of:
- 30.1.1 the intent; or
- 30.1.2 some other aspect
- of such *notice of motion* or other motion.
- 30.2 The *Chairperson* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

31. **Moving A Motion or an Amendment**

The procedure for moving any motion or amendment is:

- 31.1 the mover must state the motion without speaking to it;
- 31.2 the motion must be seconded and the seconder must be a Councillor other than the mover; if a motion is not seconded, the motion lapses for want of a seconder;
- 31.3 if a motion or an amendment is moved the *Chairperson* must ask:
- "Is the motion or amendment opposed?"
- 31.4 if no Councillor indicates opposition, the *Chairperson* may give the mover of the motion or amendment or any Councillor with a special interest in the matter the opportunity to speak before declaring the motion or amendment carried;

- 31.5 if a Councillor indicates opposition, then the *Chairperson* must call on the mover to address the meeting;
- 31.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 31.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chairperson* must call on any Councillor who wishes to speak to the motion (including, at the *Chairperson's* discretion, the seconder) if the Councillor has not previously spoken; and
- 31.8 if no Councillor speaks to the motion, then the *Chairperson* must put the motion.

32. Right Of Reply

- 32.1 The mover of a motion, including an amendment, may, once debate has been exhausted, have a right of reply to matters raised during debate.
- 32.2 After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

33. Moving An Amendment

- 33.1 Subject to clause 33.2 a motion which has been moved and seconded may be amended by leaving out, inserting or adding words, which words must be relevant to the subject of the motion.
- 33.2 A motion to confirm a previous resolution of *Council* cannot be amended.

34. Who May Propose An Amendment

An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

35. How Many Amendments May Be Proposed

- 35.1 Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chairperson* at any one time.
- 35.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

36. An Amendment Once Carried

If the amendment is carried:

- 36.1 the motion as amended then becomes the motion before the meeting; and
- 36.2 the mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting.

37. Withdrawal Of Motions

- 37.1 Before any motion is put to the vote, it may be withdrawn with leave of *Council*.
- 37.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

38. Separation Of Motions

Where a motion contains more than one (1) part, a Councillor may request the *Chairperson* to put the motion to the vote in separate parts.

39. Chairperson May Separate Motions

The *Chairperson* may decide to put any motion to the vote in several parts.

40. Priority of address

In the case of competition for the right to speak, the *Chairperson* must decide the order in which the Councillors concerned will be heard.

41. Motions In Writing

- 41.1 All motions, except procedural motions, should be in writing.
- 41.2 The *Chairperson* may suspend the meeting while the motion is being *written* or may request *Council* to defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

42. Repetitious Motions and/or Amendments

- 42.1 The *Chairperson* must refuse to accept a motion which *Council* has resolved to be a *Repetitious motion*, pursuant to clause 47.

43. Debate Must Be Relevant To The Question

- 43.1 Debate must always be relevant to the question before the Chair, and, if not, the *Chairperson* must request the speaker to confine debate to the question.
- 43.2 If after being requested to confine debate to the question before the Chair, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker not to speak further in respect of the question then before the Chair.
- 43.3 A speaker to whom a direction has been given under clause 43.2 must comply with that direction.

44. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chairperson*:

- 44.1 the mover of a motion or an amendment: 5 minutes and any other Councillor 3 minutes; and
- 44.2 the mover of a motion exercising a right of reply: 2 minutes.

45. Addressing the Meeting

If the *Chairperson* so determines:

- 45.1 any person addressing the Chair must refer to the *Chairperson* as:
- 45.1.1 Madam Mayor; or
 - 45.1.2 Mr Mayor; or
 - 45.1.3 Madam Chair; or
 - 45.1.4 Mr Chair
- as the case may be;
- 45.2 all Councillors, other than the *Mayor*, must be addressed as Cr(name).
- 45.3 all members of *Council* staff, must be addressed as Mr, Mrs, Ms, Dr or Prof.....(name) as appropriate or by their official title.

46. Foreshadowing Motions

- 46.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 46.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chairperson* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 46.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 46.4 The *Chief Executive Officer* or person taking the minutes of the meeting would not be expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

DIVISION 5 – Procedural Motions

47. Procedural Motions

- 47.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chairperson*.
- 47.2 Procedural motions require a seconder.
- 47.3 Procedural motions may only be moved and seconded by Councillors as specified in the Procedural Motion Table at the end of this Division.
- 47.4 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the Procedural Motions Table at the end of this Division.

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a <i>Chairperson</i> ; (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made	Motion and any amendment postponed but may be resumed at any later meeting if on the <i>agenda</i>	Debate continues unaffected	Yes
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for <i>Chairperson</i>	The <i>Chairperson</i> must call on the mover of the original motion or amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is permitted	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. Laying question on the table	That the question lie on the table	A Councillor who has not spoken to the motion or amendment of it	Any matter	(a) During the election of a <i>Chairperson</i> ; (b) During a meeting which is a call of the <i>Council</i>	Motion and amendments not further discussed or voted on until: (a) <i>Council</i> resolves to take the question from the table at the same meeting; (b) The matter is placed on an <i>agenda</i> and <i>Council</i> resolves to take the question from the table	Debate continues unaffected	No
5. Previous question	That the question be not now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a <i>Chairperson</i> ; (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made; (d) When an amendment is before <i>Council</i>	(a) No vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting; (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next business Note: This Motion: (a) May not be amended (b) May not be debated; (c) Must be put to the vote as soon as seconded	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a <i>Chairperson</i> ; (b) A matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made	If carried in respect of: (a) An amendment - <i>Council</i> considers the motion without reference to the amendment; (b) A motion - no vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting	Debate continues unaffected	No
7. Repetitious motion	That the motion is a <i>Repetitious motion</i>	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a <i>Chairperson</i> ; (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made;	(a) No vote or further discussion on the motion unless it is placed on an <i>agenda</i> for a later meeting; (b) Proceed to next business	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
8. Dissent from the <i>Chairperson's</i> ruling	That the <i>Chairperson's</i> ruling be dissented from.	Any Councillor 1. Once moved and seconded, the <i>Chairperson</i> must leave the Chair and a temporary <i>Chairperson</i> elected. 2. The temporary <i>Chairperson</i> must invite the mover to state the reasons for his or her dissent and the <i>Chairperson</i> may then reply. 3. The motion must then be put.	Any ruling made by the <i>Chairperson</i> .		If carried, the <i>Chairperson</i> must resume the Chair, reverse his or her previous ruling and proceed. The motion is in no way a motion of censure or non- confidence, and should not be so regarded	If lost, the <i>Chairperson</i> resumes the Chair and the meeting proceeds.	No, other than that the mover may state the reasons for his or her dissent and the <i>Chairperson</i> may then reply
9. Suspension of standing orders	That standing orders be suspended	Any Councillor	Any matter		1. The formalities of the meeting procedure are temporarily disposed of 2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed	The formalities of the meeting procedure remain in place	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
10. Resumption of standing orders	That standing orders be resumed	Any Councillor	Any matter	When standing orders have not been suspended	The formalities of the meeting procedure are reinstated	1. The formalities of the meeting procedure remain temporarily disposed of. 2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed	Yes
11. Close the meeting to the public	That the meeting be closed to the public in accordance with Section 89(2) of the <i>Local Government Act 1989</i> to consider..... because....	Any Councillor	Any matter prescribed in Section 89(2) of the <i>Local Government Act 1989</i>	When the meeting is already closed to the public	The meeting is closed to the public	The meeting remains open to the public	Yes
12. Reopen the meeting to the public	That the meeting be reopened to the public	Any Councillor	Any matter	When the meeting is already open to the public	The meeting is opened to the public	The meeting remains closed to the public	Yes
13. Continuance of Meeting	That the meeting continue to #:##pm	Any Councillor	Any matter		The time limit specified in clause 22 is to be substituted with the time limit specified in the continuance motion	The meeting stands adjourned to a time, date and place to be then and there announced by the <i>Chairperson</i>	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
14. No recording of proceedings	That <i>council</i> revokes consent for the recording of the meeting	Any Councillor	A decision to record, or consent to recording of proceedings under Clause 78		Consent to record proceedings is revoked	The meeting continues unaffected	Yes

DIVISION 6 – Rescission Motions

48. Rescission Motion

- 48.1 A Councillor may propose a motion to rescind or to vary a previous resolution of *Council* by a *notice of rescission*.
- 48.2 A Councillor may propose a *notice of rescission* provided:
- 48.2.1 the resolution proposed to be rescinded has not been acted on; and
 - 48.2.2 the *notice of rescission* is delivered to the *Chief Executive Officer* in accordance with clause 0 and sets out:
 - 48.2.2.1 the resolution to be rescinded; and
 - 48.2.2.2 the meeting and date when the resolution was carried.
- 48.3 The *Chief Executive Officer* or an appropriate member of *Council* staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:
- 48.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
 - 48.3.2 a statutory process has been commenced;
- so as to vest enforceable rights in or obligations on *Council* or any other person.

49. If Lost

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least one (1) month from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future meeting.

50. If Not Moved

If a *notice of rescission* is not moved at the meeting for which it is listed, it lapses.

51. May Be Moved By Any Councillor

A *notice of rescission* listed on an *agenda* may be moved by any Councillor present but may not be amended.

52. When Not Required

- 52.1 A motion for rescission is not required where *Council* wishes to change policy.

DIVISION 7 – Points Of Order**53. Chairperson To Decide**

The *Chairperson* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

54. Chairperson May Adjourn To Consider

54.1 The *Chairperson* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

54.2 All other questions before *Council* are suspended until the point of order is decided.

55. Dissent From Chairperson's Ruling

55.1 A Councillor may move a motion of dissent from the *Chairperson's* ruling on a point of order.

56. Procedure For Point Of Order

A Councillor raising a point of order must:

56.1 state the point of order; and

56.2 state any section, clause, paragraph or provision relevant to the point of order.

57. Valid Points Of Order

A point of order may be raised in relation to:

57.1 a motion, which, under clause 29, or a question which, under clause 60, should not be accepted by the *Chairperson*;

57.2 a question of procedure;

57.3 a Councillor who is or appears to be out of order; or

57.4 any act of disorder.

58. Contradiction Or Opinion

A point of order may not be raised to express a mere difference of opinion or to contradict a speaker.

DIVISION 8 – Public Question Time**59. Submission of Questions**

- 59.1 Unless *Council* resolves to the contrary, there shall be a public question time at every *Ordinary meeting* to allow members of the public to submit questions to *Council*.
- 59.2 No person may submit:
- 59.2.1 more than two (2) questions at any one (1) *Ordinary meeting*.
 - 59.2.2 more than eleven (11) questions in any one calendar year.
- 59.3 As to the form of questions:
- 59.3.1 subject to clause 59.3.4, questions must be in writing and in English:
 - 59.3.2 questions must be 75 words or less and not include a preamble, other additional material, or multiple parts;
 - 59.3.3 questions should be submitted on the designated Public Question Time Form which is available:
 - 59.3.3.1 during normal office hours at the Camberwell Offices at 8 Inglesby Road Camberwell; or
 - 59.3.3.2 on *Council's* website.
 - 59.3.4 considering the general rights of citizens to take part in the conduct of *Council* affairs, if providing a question in writing and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from *Council*, via interpreter service if required.
- 59.4 As to the deadline for questions:
- 59.4.1 questions should be received by *Council* by 12:00 noon on the day of the *Ordinary meeting* to receive a verbal response at the meeting;
 - 59.4.2 questions not received by 12:00 noon on the day of the meeting will receive a verbal response if possible, but will otherwise be taken on notice for a *written* response to be provided.
 - 59.4.3 questions must be submitted:
 - 59.4.3.1 by mail to *Council's* advertised postal address; or
 - 59.4.3.2 by email to *Council's* advertised email address; or

59.4.3.3 in person during normal office hours at the Camberwell Offices at 8 Inglesby Road, Camberwell.

59.4.3.4 after normal office hours on the day of the meeting if submitted in person prior to the commencement of the *Ordinary Council* meeting in the receptacle designated for such purpose at 8 Inglesby Road, Camberwell.

60. Questions may be disallowed

60.1 Considering the general rights of citizens to take part in the conduct of *Council* affairs, a question may be disallowed by the *Chairperson*, if in the opinion of the *Chairperson* it:

60.1.1 is not submitted in accordance with this Division.

60.1.2 relates to a matter outside the duties, functions and powers of *Council*;

60.1.3 may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

60.1.4 deals with a subject matter already answered at the *Council meeting*;

60.1.5 is aimed at embarrassing a Councillor or a member of *Council* staff;

60.1.6 relates to personnel matters;

60.1.7 relates to the personal hardship of any resident or ratepayer;

60.1.8 relates to industrial matters;

60.1.9 relates to contractual matters;

60.1.10 relates to proposed developments;

60.1.11 relates to legal advice;

60.1.12 relates to matters affecting the security of *Council* property; or

60.1.13 relates to any other matter which *Council* considers would prejudice *Council* or any person.

60.1.14 would require, on the advice of the *Chief Executive Officer*, an unreasonable diversion of *Council* resources to prepare a response for public question time.

- 60.2 If a question is not disallowed under clause 60.1, the Chairperson may otherwise disallow a question if:
- 60.2.1 it does not relate to a matter or matters on the agenda for the current Ordinary meeting; and/or
 - 60.2.2 before submitting a question for public question time the person asking the same has not previously:
 - 60.2.2.1 put the question in writing to a Councillor or a member of *Council* staff; and
 - 60.2.2.2 received a *written* response to the question from a Councillor or a member of *Council* staff
- 60.3 If a question is not disallowed under clauses 60.1 or 60.2,
- 60.3.1 the *Chairperson* may still disallow a question if, subject to clause 60.3.3, the person asking the same is not in the gallery at the time it is due to be read;
 - 60.3.2 the *Chairperson* may still disallow a question if, subject to clause 60.3.3, the person asking the question refuses to read the question when called upon by the *Chairperson* to do so;
 - 60.3.3 considering the general rights of citizens to take part in the conduct of *Council* affairs, if a person submitting a question is unable to attend the meeting, or read a question, because of a personal characteristic or attribute protected by law, such as (but not limited to) having a disability, their age or status as a carer, the *Chairperson* may, subject to clause 60.3.4 permit a representative to attend or read a question on their behalf;
 - 60.3.4 the *Chairperson* shall not exercise his or her discretion to permit a representative in accordance with clause 60.3.3 on the ground of inconvenience alone.
- 60.4 Questions disallowed by the *Chairperson* shall be made available to any Councillor on request.
- 60.5 Questions may be disallowed by the *Chairperson* prior to the commencement of an *Ordinary meeting*.

61. Procedures for Question Time

- 61.1 Notwithstanding clauses 60.3.1 and 60.3.2, the *Chairperson* or member of *Council* staff nominated by the *Chairperson* may read a question to those present except that:
- 61.1.1 the *Chairperson* may advise *Council* that it is his or her opinion that the question should be read in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the question must be so read;

- 61.2 The *Chairperson* may nominate a Councillor or member of *Council* staff to respond to a question except that:
- 61.2.1 a Councillor or member of *Council* staff may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given;
 - 61.2.2 before responding, a Councillor or member of *Council* staff may direct questions of clarification to the person submitting the question. All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification;
 - 61.2.3 A Councillor or member of *Council* staff nominated to respond to a question, may require that the question be put on notice until the next *Ordinary meeting*, at which time the question must be answered, or elect to submit a *written* answer to the person asking the question; and
 - 61.2.4 a Councillor may direct questions of clarification to the Councillor or member of *Council* staff nominated to respond to a question. All questions and answers must be as brief as possible, and no discussion or debate may be allowed other than for the purposes of clarification.

DIVISION 9 – Petitions and Joint Letters

62. Petitions and Joint Letters

- 62.1 Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Ordinary meeting* after that at which it has been presented.
- 62.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council* and that the contents do not violate any Local Law.
- 62.3 Every Councillor presenting a petition or joint letter to *Council* must write his or her name at the beginning of the petition or joint letter.
- 62.4 Every petition or joint letter presented to *Council* must be in writing (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 20 people.

- 62.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

DIVISION 10 – Deputations

63. Deputation to be referred to *Mayor*

A deputation wishing to be heard by *Council* may make a *written* request to the *Chief Executive Officer* who must refer the request to the *Mayor*.

64. Consideration of Request

64.1 The *Mayor* may:

- 64.1.1 ask the *Chief Executive Officer* to include the deputation on the *agenda* for a future *Council meeting*; or
- 64.1.2 ask the *Chief Executive Officer* to include the request for a deputation on the *agenda* for a future *Council meeting*; or
- 64.1.3 in consultation with the *Chief Executive Officer*, decline the request.

65. Notification of Hearing

If the *Mayor* asks for a deputation to be heard, the *Chief Executive Officer* must notify all Councillors of that request, and also notify a member of the deputation of the date, time, and place of which the deputation will be heard.

66. Summary of Submissions

A deputation may lodge with the *Chief Executive Officer*, a *written* submission detailing the subject matter of the deputation prior to the deputation addressing *Council*.

67. Limitations upon Speakers

Council will not hear more than two (2) speakers on behalf of any deputation, and the *Chairperson* may set time limits on the length and address of each speaker.

68. Questions but no discussion permitted

Councillors and members of *Council* staff may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.

69. Matter to be Determined upon a subsequent meeting

No motion must be allowed on any deputation until the next *Ordinary meeting* after the deputation has been heard unless *Council*, by resolution, decides otherwise.

DIVISION 11 – Public Submissions Under the *Local Government Act 1989***70. Public Submissions under Section 223 of the Act**

Where a person is given a right to make a submission under section 223 of the *Act* and requests to appear in person (or to be represented by a person specified in the submission) at a *Council meeting* to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the *Chairperson* may allow the hearing to exceed 3 minutes.

DIVISION 12 - Voting**71. How Motion Determined**

71.1 To determine a motion before a meeting, the *Chairperson* must:

71.1.1 first call for those in favour of the motion; and

71.1.2 then call for those opposed to the motion; and

71.1.3 if required, identify any Councillor who has abstained from voting, and must then declare the result to the meeting.

72. Casting Vote

In the event that the number of votes in favour of a motion is half the number of Councillors present at the meeting at the time the vote is taken, the *Chairperson* must exercise the casting vote in accordance with the *Act*.

73. By Show Of Hands

73.1 Unless the *Act* requires, or *Council* resolves otherwise, voting on any matter is by show of hands.

73.2 Notwithstanding clause 73.1, voting at a meeting that is open to members of the public must not be in secret.

74. Procedure For A Division

74.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

74.2 When a division is called for, the vote already taken must be treated as a nullity and the division shall decide the question, motion or amendment.

74.3 When a division is called for, the *Chairperson* must:

74.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the affirmative; and

74.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative; and

74.3.3 if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors abstaining from voting

75. No Discussion Once Declared

Once a vote on a question has been taken no further discussion relating to the question is allowed unless the discussion is:

75.1 for a Councillor to request that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

75.2 on a *notice of rescission*, where a resolution has been rescinded.

DIVISION 13 – Minutes

76. Confirmation of Minutes

Where the *agenda* for a *Council meeting* includes provision for the adoption and confirmation of the minutes of the preceding meeting(s), those minutes must be dealt with as follows:

76.1 a copy of the minutes must be delivered or made available to each Councillor no later than 48 hours before the next meeting. This clause shall not apply in respect of Councillor who has been granted leave of absence pursuant to the *Act* and who has not requested the *Chief Executive Officer*, in writing, to continue to give notice of meetings to be held during the period of leave of absence;

76.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed and no discussion or debate on the confirmation of minutes may be permitted;

76.3 if a Councillor indicates opposition to the minutes:

76.3.1 he or she must specify the item(s) to which he or she objects or in respect of which he or she is dissatisfied;

76.3.2 the objected item(s) may be considered separately and in the order in which they appear in the minutes;

76.3.3 the Councillor objecting must move a motion clearly setting out the alternative wording to amend the minutes without speaking to the motion; and

76.3.4 the motion must then be open to debate and at the conclusion of debate, the *Chairperson* must put the motion to the vote;

- 76.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chairperson* of the meeting at which they have been confirmed;
- 76.5 unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and

77. Deferral Of Confirmation Of Minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

78. Recording Of Proceedings

- 78.1 Subject to any resolution of *Council*, the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer*) may record the proceedings of a *Council meeting*.
- 78.2 Subject to clause 78.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of the *Chairperson*. Such consent may at any time during the course of such meeting be revoked by the *Chairperson* or resolution of *Council*.

Penalty: 5 penalty units.

- 78.3 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must:
- 78.3.1 record the date, place, time and nature of the meeting;
- 78.3.2 record the names of the Councillors present;
- 78.3.3 record the names of the members of *Council* staff present;
- 78.3.4 record any disclosure of a conflict of interest made by a Councillor or member of *Council* staff;
- 78.3.5 record arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 78.3.6 record each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 78.3.7 record the vote cast by each Councillor upon a division;
- 78.3.8 subject to clauses 72, 74, 75 and 78.3.7, not record the vote of any Councillor, unless that Councillor abstained from voting according to the *Act*.
- 78.3.9 record questions read during public question time at any *Ordinary meeting*; and
- 78.3.10 record the failure of a quorum.

DIVISION 14 - Behaviour**79. Public Addressing The Meeting**

Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chairperson* whenever called on to do so.

80. Offences

It is an *offence* for:

- 80.1 a Councillor to not withdraw an expression considered by the *Chairperson* to be offensive or disorderly, and apologise when called on twice by the *Chairperson* to do so;

Penalty: 2 penalty units

- 80.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chairperson* to do so;

Penalty: 5 penalty units

- 80.3 any person to fail to comply with a direction of the *Chairperson* in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

- 80.4 a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 penalty units

81. Chairperson may adjourn disorderly meeting

If the *Chairperson* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

82. Suspensions

- 82.1 *Council* may suspend from a meeting any Councillor whose actions have disrupted the business of *Council*, and have impeded its orderly conduct.

- 82.2 The duration of any suspension under this clause shall be at *Council's* discretion but shall not exceed the balance of the meeting.

83. Removal from Chamber

- 83.1 The *Chairperson* may order the removal of any Councillor who has been suspended by *Council* in accordance with clause 82;
- 83.2 The *Chairperson* may order the removal of:
- 83.2.1 any person, excluding a Councillor who disrupts any meeting or fails to comply with a direction;
 - 83.2.2 any person, excluding a Councillor who the *Chairperson* reasonably believes has acted in breach of this Local Law; or
 - 83.2.3 any person who the *Chairperson* reasonably believes has acted in breach of the *Summary Offences Act 1966*;
- 83.3 The *Chairperson* may issue a warning to any person before exercising the powers in clauses 83.2 and 83.4.
- 83.4 The *Chairperson* may ask any member of *Council* staff, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under clause 83.1 or 83.2

DIVISION 15 – Additional Duties of *Chairperson***84. The *Chairperson's* Duties And Discretions**

In addition to the duties and discretions provided in this Local Law, the *Chairperson*:

- 84.1 may not accept any motion, question or statement which:
- 84.1.1 may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 84.1.2 relates to a matter outside the duties, functions and powers of *Council*;
 - 84.1.3 is aimed at embarrassing a Councillor, a member of *Council* staff or member of the community;
- 84.2 must call to order any person who is disruptive or unruly during any meeting.

DIVISION 16 – Suspension of Standing Orders**85. Suspension of Standing Orders**

- 85.1 The *Chairperson* or any Councillor may indicate a desire to suspend standing orders to expedite the business of a meeting. In which case:
- 85.1.1 the *Chairperson* may suspend standing orders with the support of the meeting; or
 - 85.1.2 standing orders may be suspended by procedural motion.

- 85.2 the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 85.3 the suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*.

86. Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

DIVISION 17 – Miscellaneous

87. Criticism of members of *Council* staff

- 87.1 A member of *Council* staff may make a brief statement at a *Council meeting* in respect of any statement (whether made at a *Council meeting* or not) affecting him or her as a member of *Council* staff or any member of *Council* staff under his or her control.
- 87.2 A statement under clause 87.1 must be made at such time during the meeting at which the member of *Council* staff desires to bring it forward and as the *Chairperson* thinks appropriate.

DIVISION 18 - *Special Committees*

88. Application Generally

- 88.1 If *Council* establishes a *Special Committee*, all of the provisions of Divisions 1-17 of this Local Law shall apply with any necessary modifications or adaptations.
- 88.2 For the purposes of clause 88.1, a reference in Division 1-17 of this Local Law to:
- 88.2.1 a *Council meeting* is to be read as a reference to a meeting of the *Special Committee*;
 - 88.2.2 a Councillor is to be read as a reference to a member of the *Special Committee*; and
 - 88.2.3 the *Mayor* is to be read as a reference to the *Chairperson* of the *Special Committee*.

89. Application Specifically

89.1 A reference to *Council* in clause 11.2 may be read as a reference to a meeting of the *Special Committee*;

89.2 Notwithstanding clauses 88 and 89.1, if *Council* establishes a *Special Committee*:

89.2.1 *Council* may; or

89.2.2 the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-17 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

90. Public Submissions/Presentations

90.1 At all *Special Committee* meetings, members of the public may be given an opportunity to make submissions/presentations to the *Special Committee* on an *agenda* item relevant to the meeting. The following provisions will apply to such submissions/presentations:

90.1.1 Each submitter may only speak once to each *agenda* item, except at the discretion of the *Chairperson*.

90.1.2 Submitters must fill out the form designated by the *Chief Executive Officer*.

90.1.3 Information on the form must include:

(a) the name and address of the person requesting to discuss the *agenda* item; or in the case of a person representing a business, their name and ordinary business address;

(b) the relevant report number and/or report title;

(c) an indication of whether the submitter wishes to address the *Special Committee* meeting, have their submission/presentation read out by a member of *Council* staff or distributed to Councillors at the meeting; and

(d) an indication of whether the person supports the recommendation contained in the report.

90.1.4 The form must be lodged in the receptacle designated for such purpose prior to the time specified for the *Special Committee* meeting to commence.

- 90.1.5 The *Chairperson* may:
- 90.1.5.1 Accept forms lodged after the commencement of the *Special Committee* meeting.
 - 90.1.5.2 Seek clarification from a submitter regarding information provided on their form, at any time before, during or after the submitter has made their submission.
- 90.2 Submitters wishing to speak at a *Special Committee* meeting are only permitted to speak to their submission/presentation for the period prescribed by the *Chairperson* of that meeting.
- 90.3 In determining the period submitters will be permitted to speak, the *Chairperson* will have regard to the number of submissions/presentations and the number of speakers wishing to be heard.
- 90.4 Submitters not wishing to speak at a *Special Committee* meeting can request that their submission/presentation be read out at the meeting by a member of *Council* staff.
- 90.5 The *Chairperson* may refuse a request under clause 90.4 if the *written* submission/presentation exceeds 200 words.
- 90.6 Considering the general rights of citizens to take part in the conduct of *Council* affairs, a submission/presentation at a *Special Committee* meeting may be disallowed by the *Chairperson* at any stage of the submission/presentation if:
- 90.6.1 it does not relate to an *agenda* item as published for that particular *Special Committee* meeting;
 - 90.6.2 it deals with a particular aspect of the subject matter already addressed by a previous speaker;
 - 90.6.3 it relates to a matter outside the duties, functions and powers of *Council*;
 - 90.6.4 it may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 90.6.5 it is aimed at embarrassing a Councillor, a member of the *Special Committee* or a member of *Council* staff;
 - 90.6.6 it relates to personnel matters or the personal hardship of any resident or ratepayer; or
 - 90.6.7 it relates to any other matter the *Chairperson* considers would prejudice *Council* or any person.
 - 90.6.8 the submitter has not lodged a form in accordance with clause 90.1.

- 90.7 The *Chairperson* and/or councillors may seek clarification from any submitter on matters raised by the submitter.
- 90.8 In addition to any limits set out in this Division, the *Chairperson* of a *Special Committee* may set additional limits on the number of speakers to address a *Special Committee* meeting on any *agenda* item and the *Chairperson* may:
 - 90.8.1 determine not to hear submitters or have all submissions/presentations read out by a member of *Council* staff;
 - 90.8.2 determine to hear submitters and in doing so limit the number of submitters to address a *Special Committee* meeting on any *agenda* item by inviting a set number of submitters who are opposed to the Officer Recommendation (Against) and a set number of submitters who are in favour of the Officer Recommendation (For) to each speak for the period prescribed by the *Chairperson* of that meeting;
 - 90.8.3 nominate one (1) spokesperson for the 'For' and one (1) spokesperson for the 'Against' who are each given an opportunity to speak for the period prescribed by the *Chairperson* of that meeting; and
 - 90.8.4 if necessary, adjourn the meeting to enable the parties to nominate speakers.
 - 90.8.5 If the submitters For and Against are unable to reach a consensus regarding a spokesperson for the purposes of clause 90.8.3 or who shall be nominated to speak for the purposes of clause 90.8.2, the names of the submitters may be drawn by ballot.

The Common Seal of the City of)
 Boroondara was hereunto affixed in the)
 presence of:)

..... Councillor

..... Chief Executive Officer