



City of
Whittlesea

ATTACHMENTS

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 3 JULY 2018

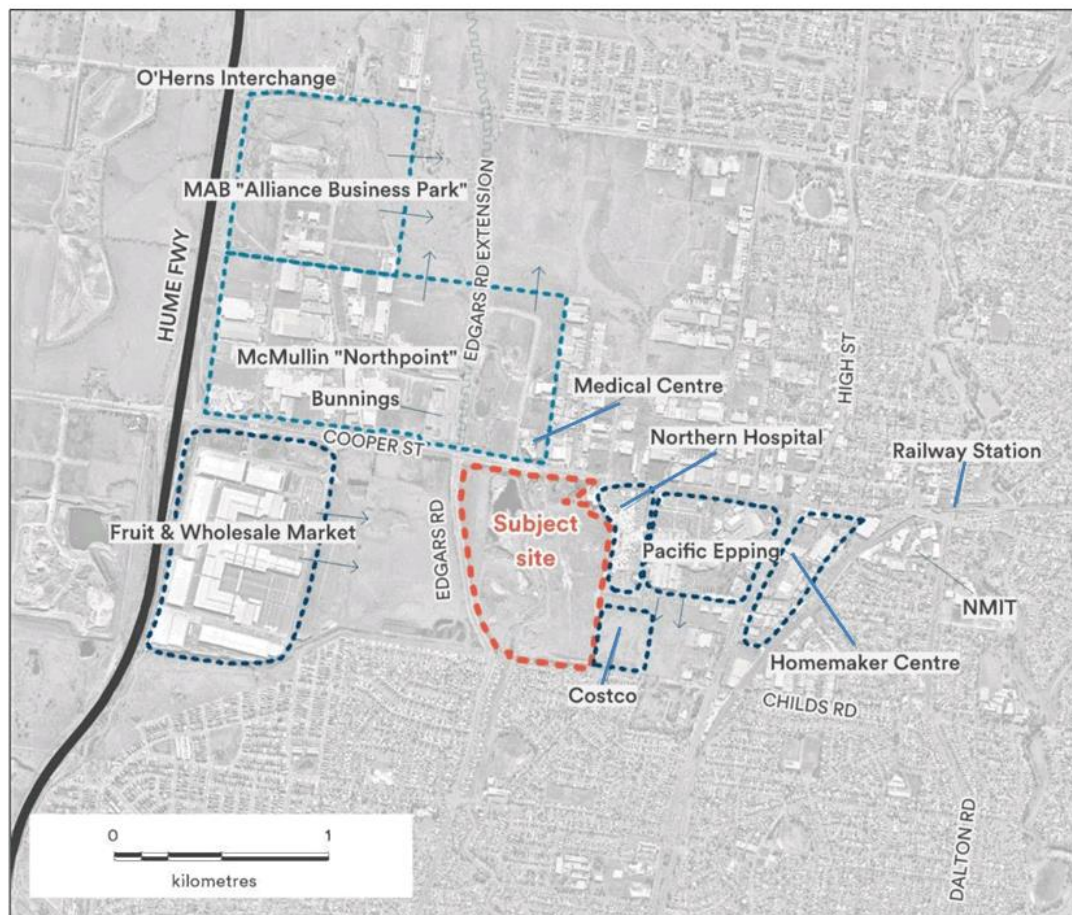
AT 6.30PM

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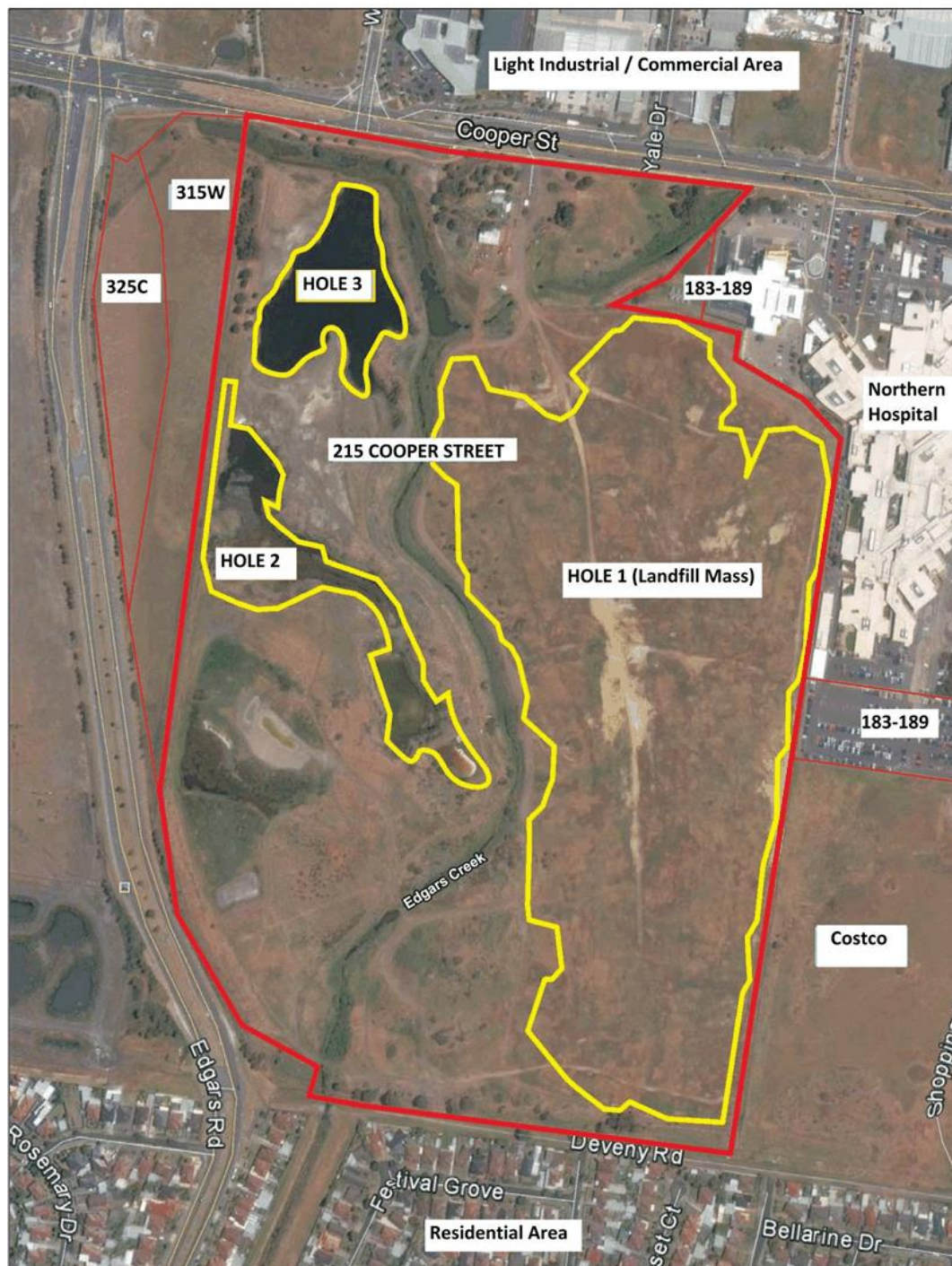
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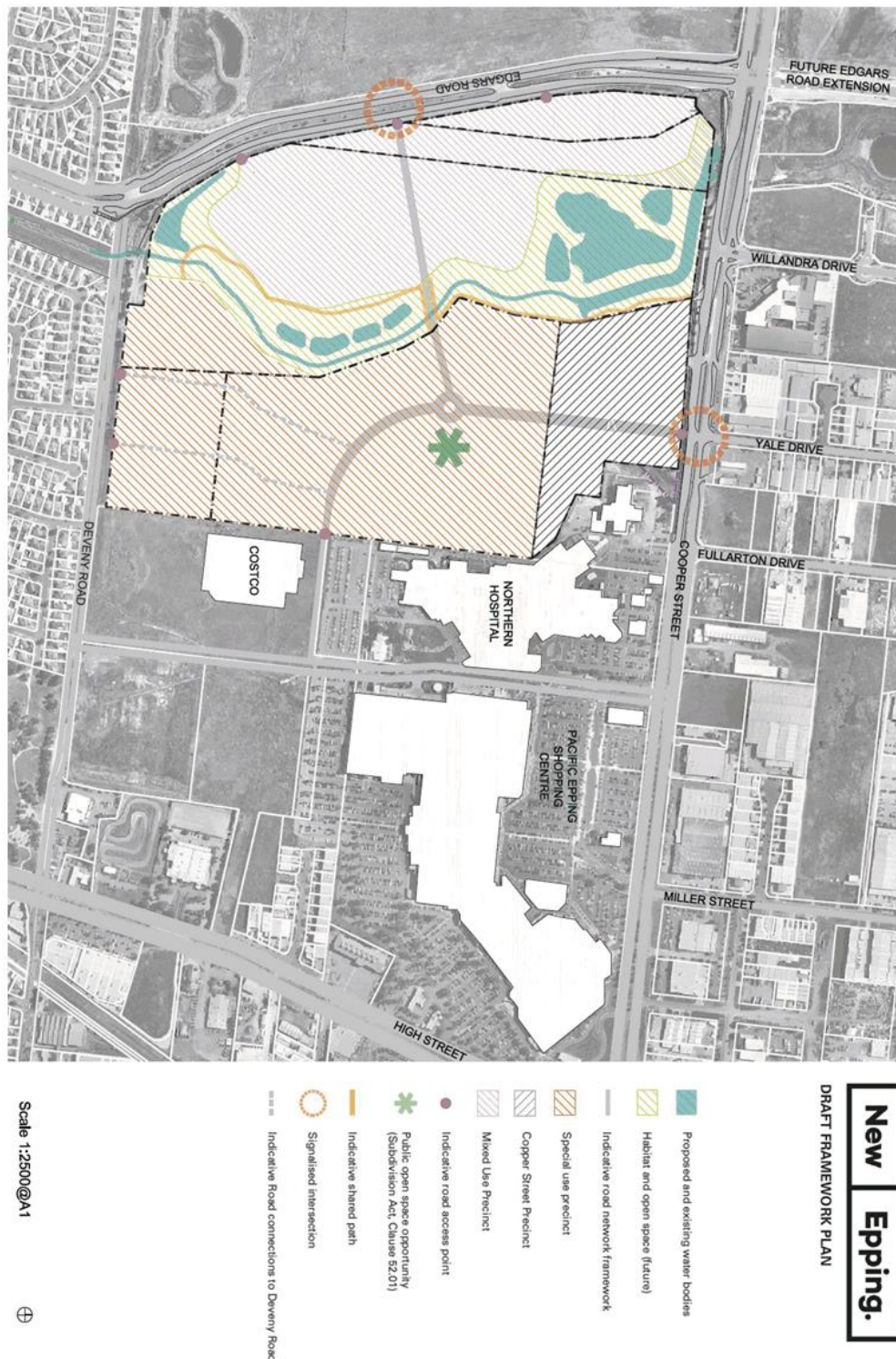
Attachment 1: Location Plan

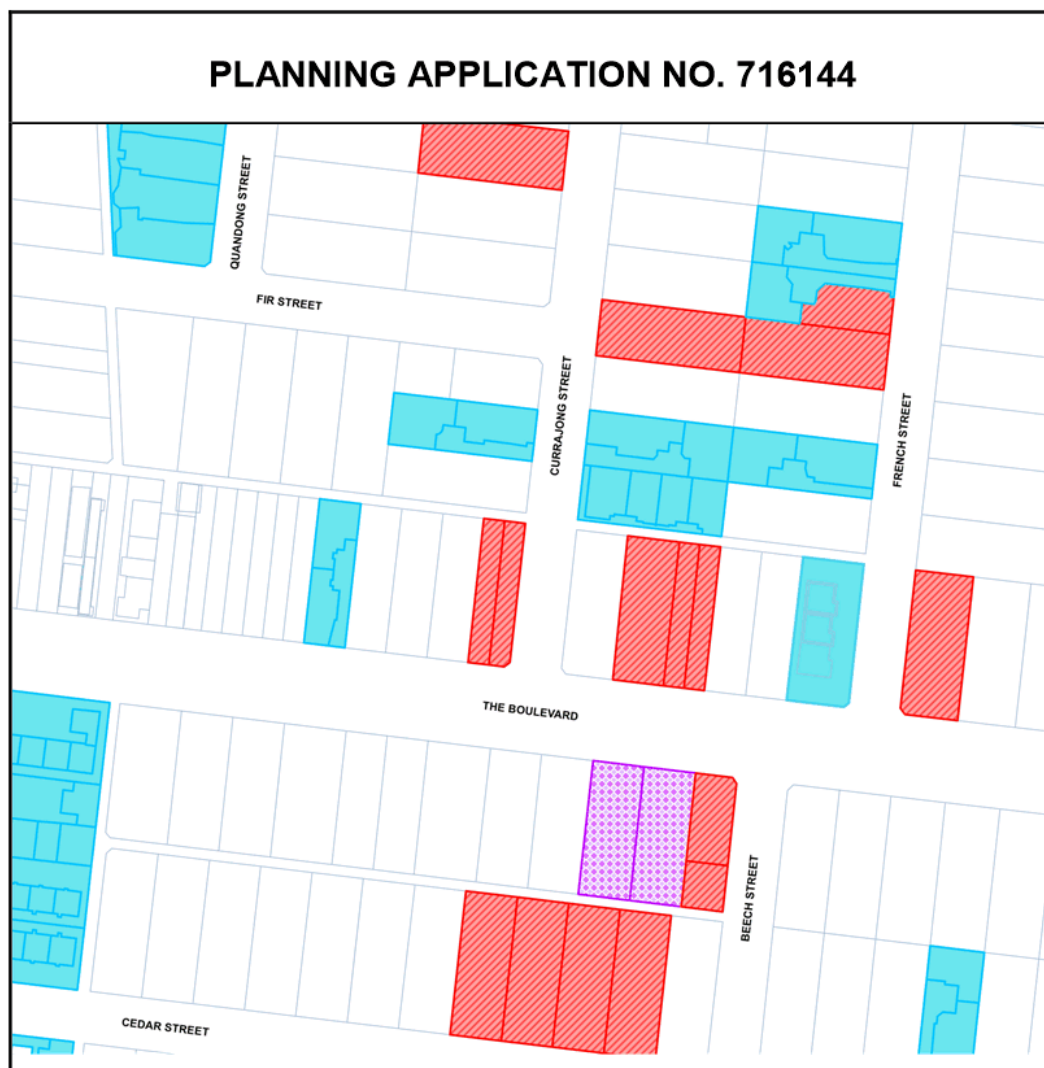





Attachment 2: Subject Site



Attachment 3: Exhibited Framework Plan (to be updated)





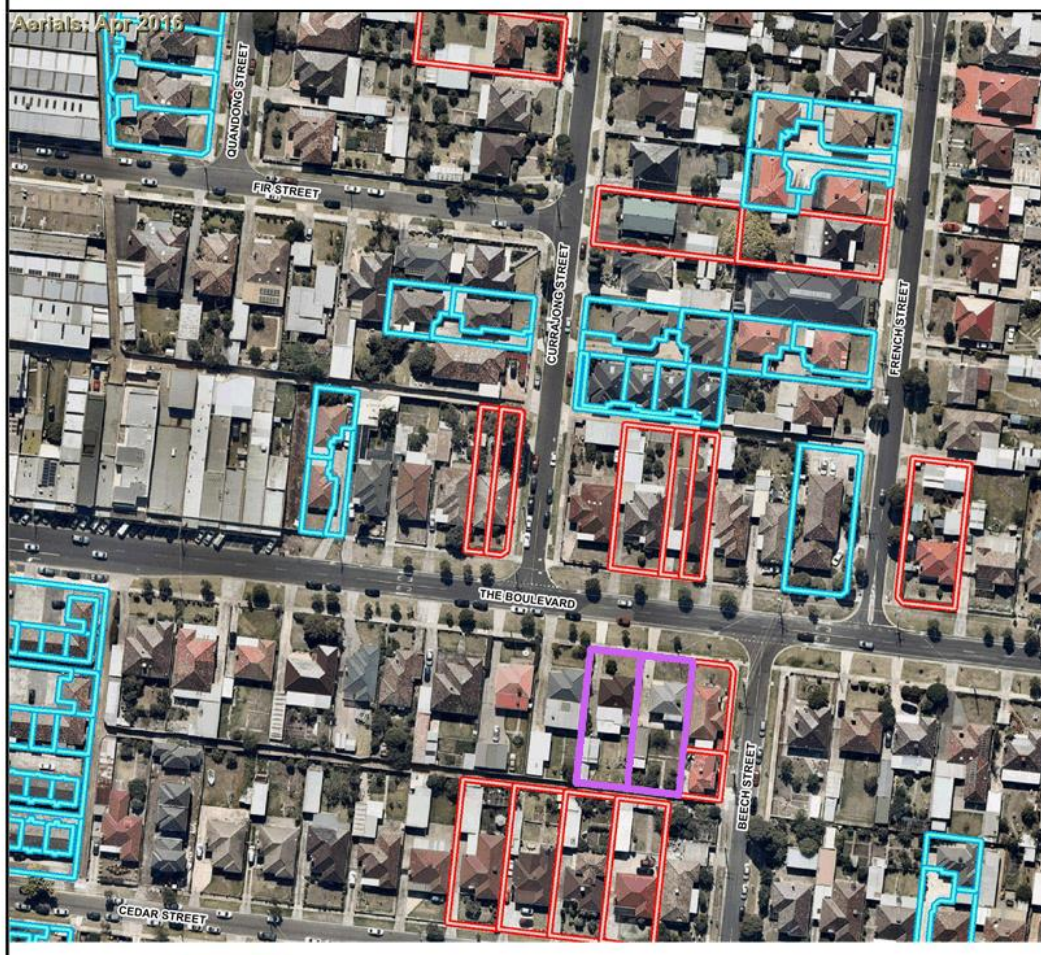
-  **Subject Land**
-  **Objector (1 Objector outside map area)**
-  **Medium Density Housing**



**City of
Whittlesea**

DEVELOPMENT ASSESSMENT REPORT

PLANNING APPLICATION NO. 716144



- Subject Land
- Objector (1 Objector outside map area)
- Medium Density Housing



City of
Whittlesea

DEVELOPMENT ASSESSMENT REPORT

City of Whittlesea
Advertised Plan 1 of 18

Areas:

Apartment 1 Ground Floor Plan:91.76 m ² Open Area:65.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 2 Ground Floor Plan:77.25 m ² Open Area:26.70 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 3 Ground Floor Plan:73.80m ² Open Area:64.15 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 4 Ground Floor Plan:88.50 m ² Open Area:32.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 5 Ground Floor Plan:84.68 m ² Open Area:62.70 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 6 Ground Floor Plan:72.65 m ² Open Area:22.00 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 7 Ground Floor Plan:89.90 m ² Open Area:21.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1
Apartment 8 First Floor Plan:114.74 m ² Balcony :23.30 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 9 First Floor Plan:69.41 m ² Balcony :14.50 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 10 First Floor Plan:80.00 m ² Balcony :22.10 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 11 First Floor Plan:70.00 m ² Balcony :12.50 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 12 First Floor Plan:81.40 m ² Balcony :20.80 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 13 First Floor Plan:74.61 m ² Balcony :14.00 m ² N0 Of Bedrooms: 1 N0 Of Car Spaces :1	Apartment 14 First Floor Plan:125.90 m ² Balcony :24.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1
Apartment 15 Second Floor Plan:116.45 m ² Balcony :17.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 16 Second Floor Plan:116.50 m ² Balcony :17.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 17 Second Floor Plan:99.50 m ² Balcony :17.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 18 Second Floor Plan:114.60 m ² Balcony :17.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1			
Apartment 19 Third Floor Plan:83.70m ² Balcony :24.50 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 20 Third Floor Plan:101.77m ² Balcony :19.00 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1	Apartment 21 Third Floor Plan:89.40m ² Balcony :24.50 m ² N0 Of Bedrooms: 2 N0 Of Car Spaces :1				

Total Ground Floor Area :
:660.20 m²
Site:1208.00 m
Site Coverage:54.65 %

Impervious Surfaces:

Total Ground Floor
Area:660.20 m²
Concrete Paving :330.35 m²

Total Impervious
Area :990.35 m²
Impervious Coverage:82.52%

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Areas

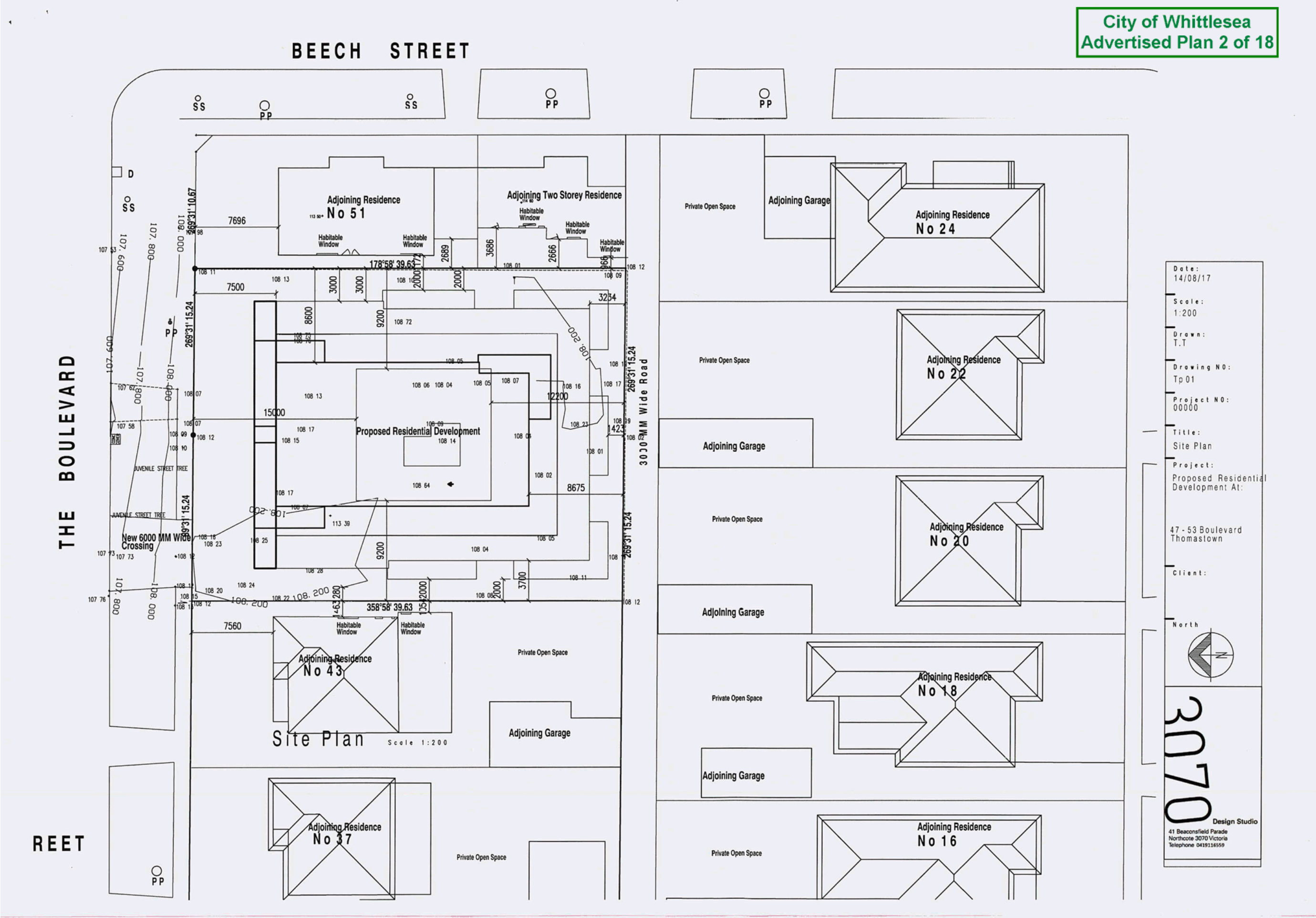
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Development At:

47-53 Boulevard
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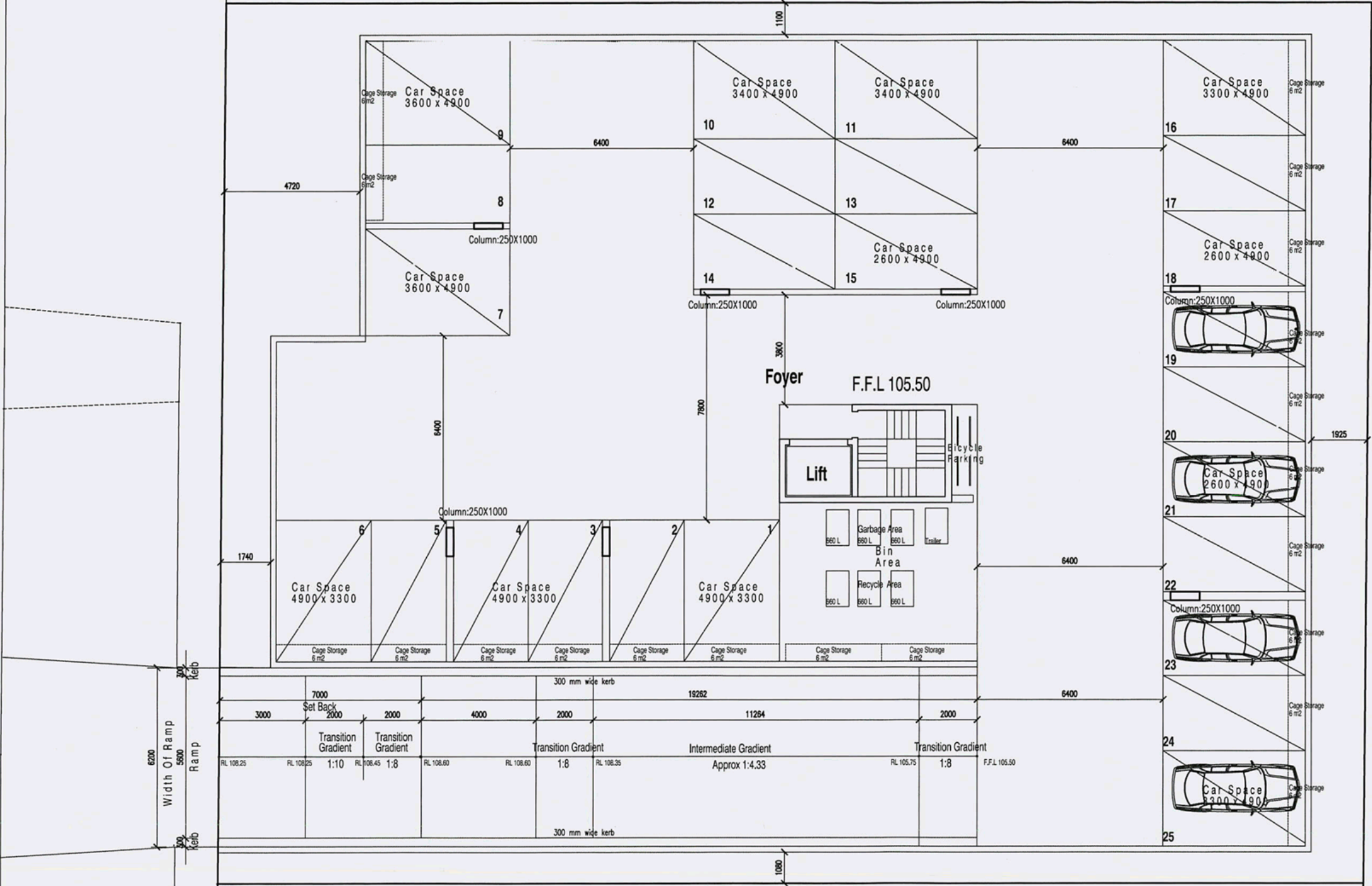
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City of Whittlesea
Advertised Plan 3 of 18



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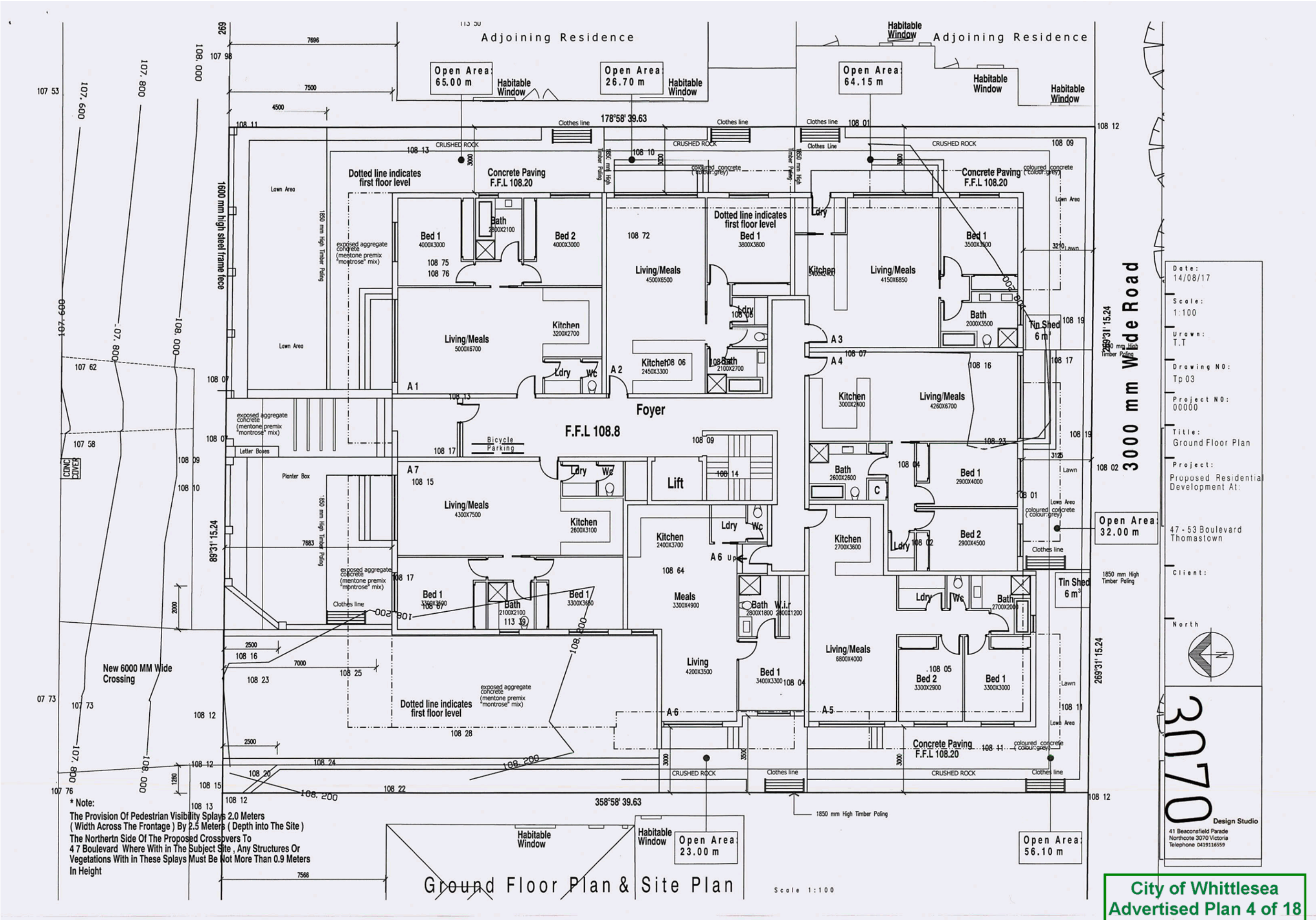
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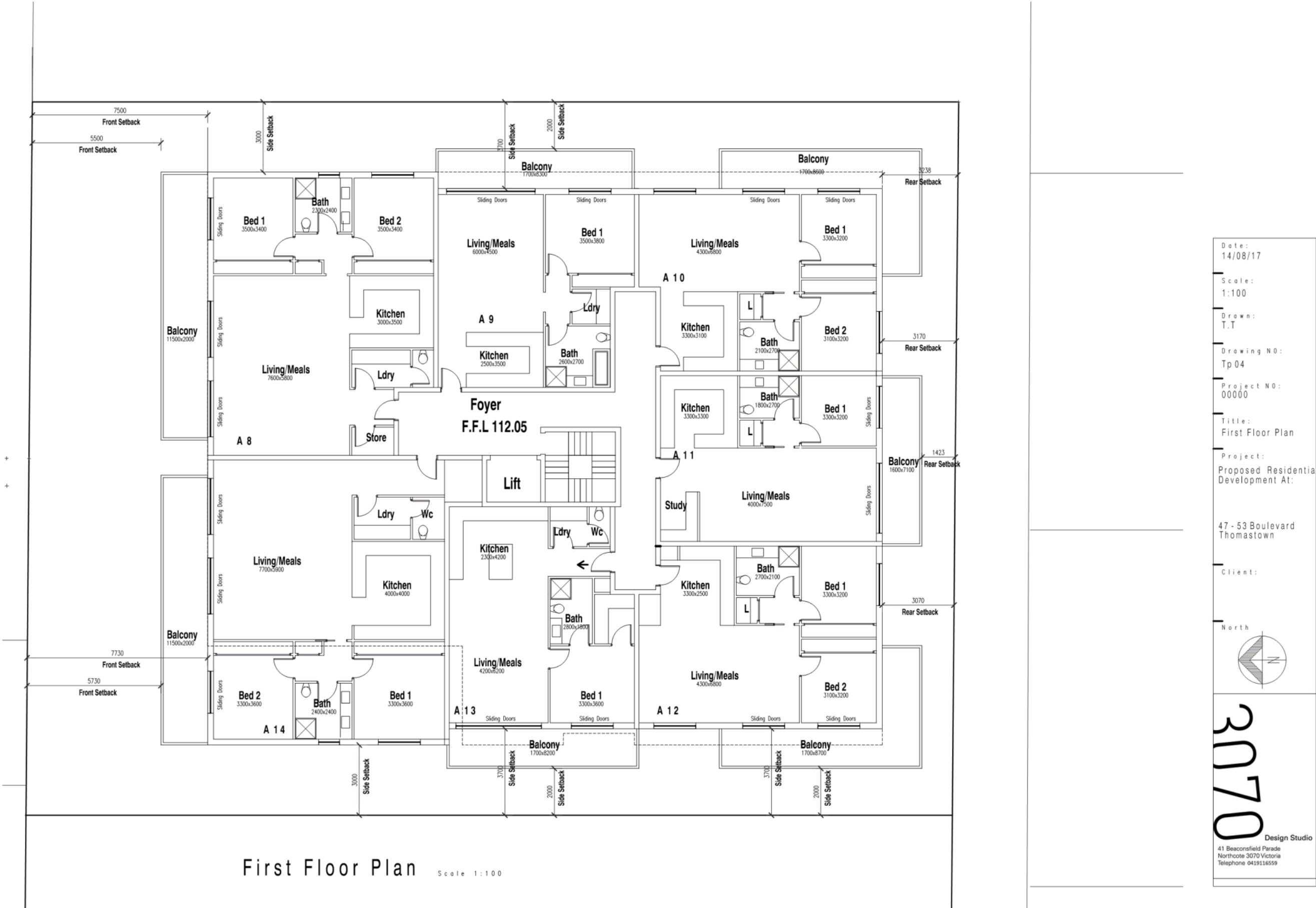
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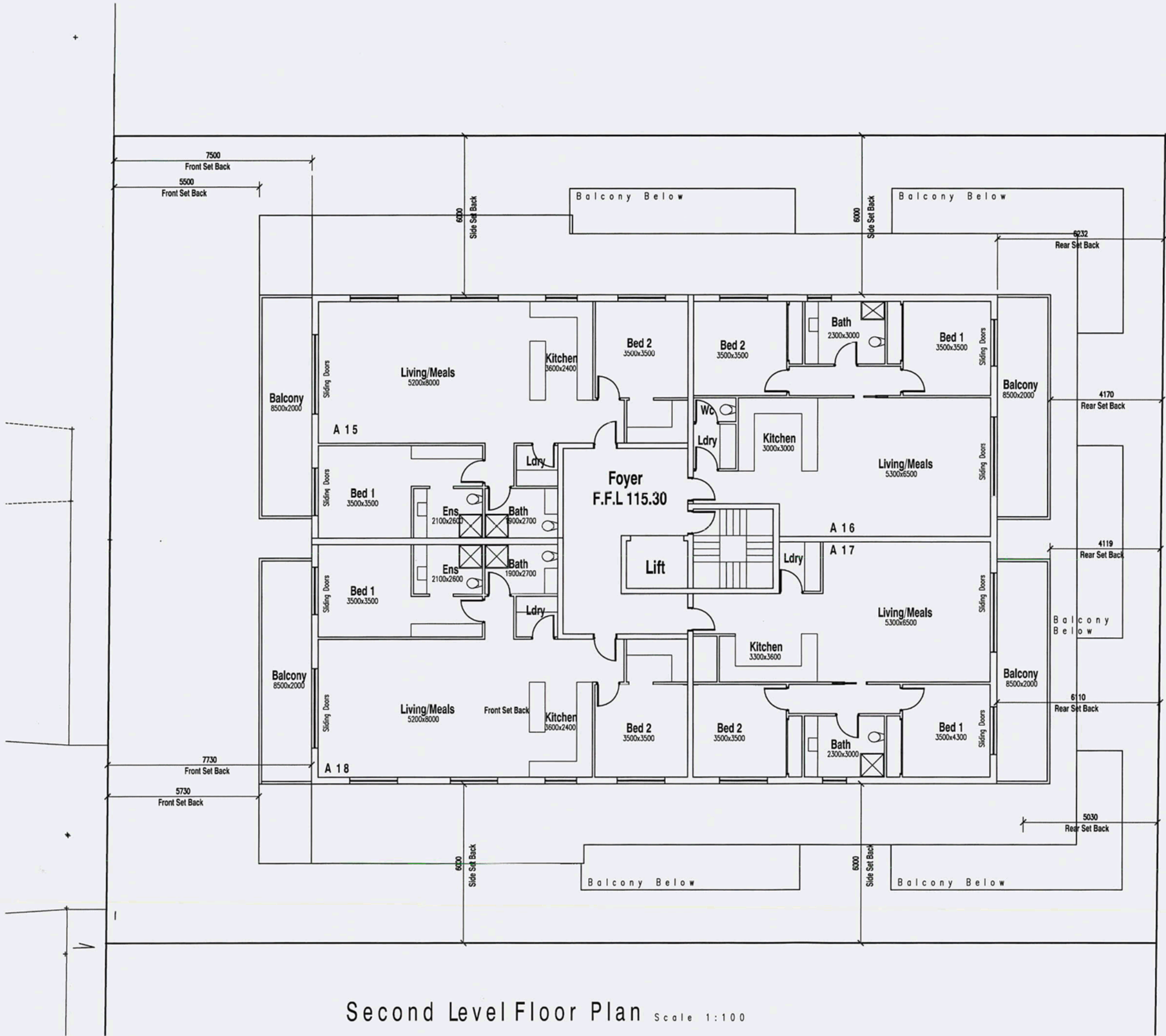
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City of Whittlesea
Advertised Plan 5 of 18



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Second Level Floor Plan

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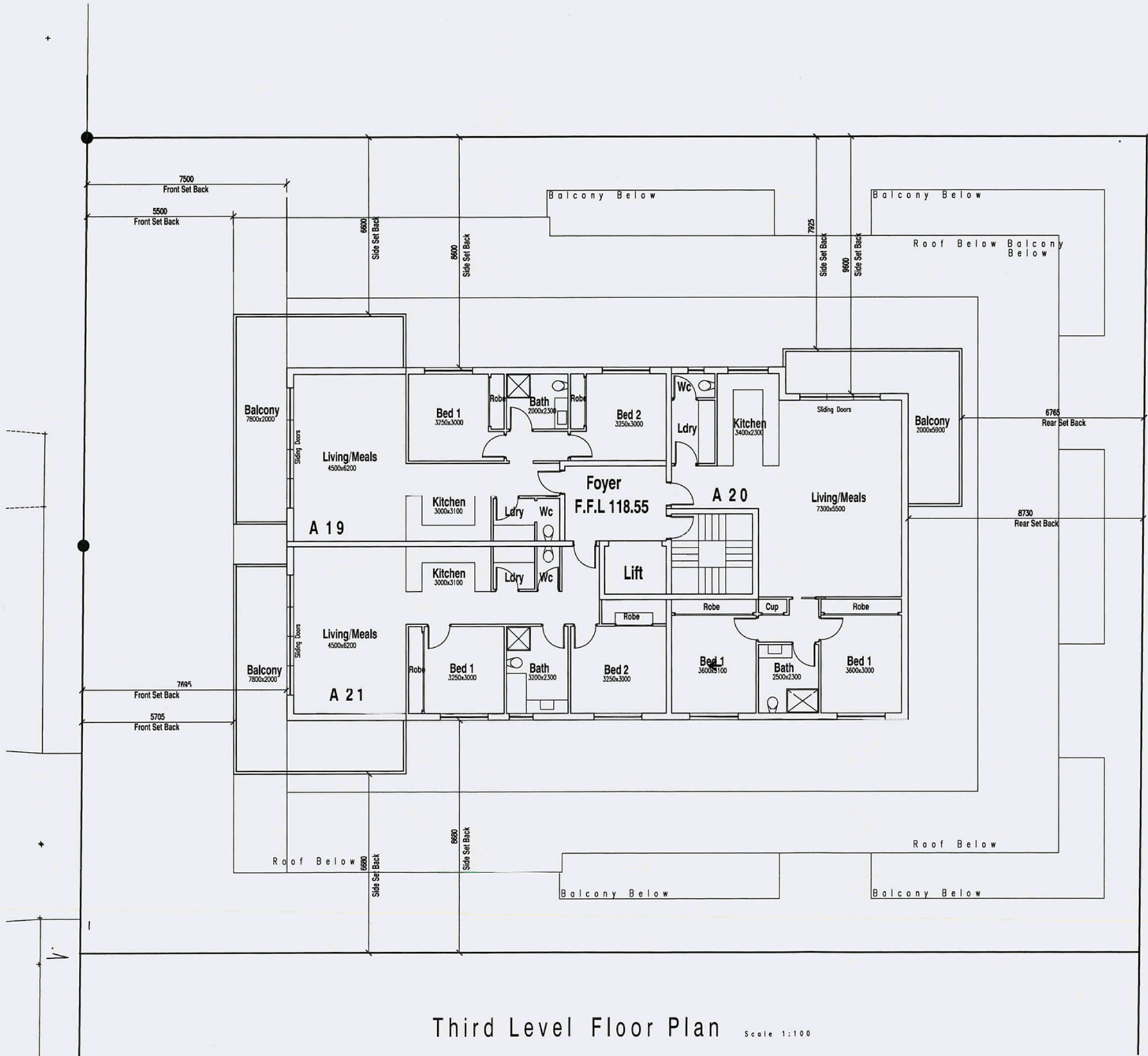
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City of Whittlesea
Advertised Plan 6 of 18

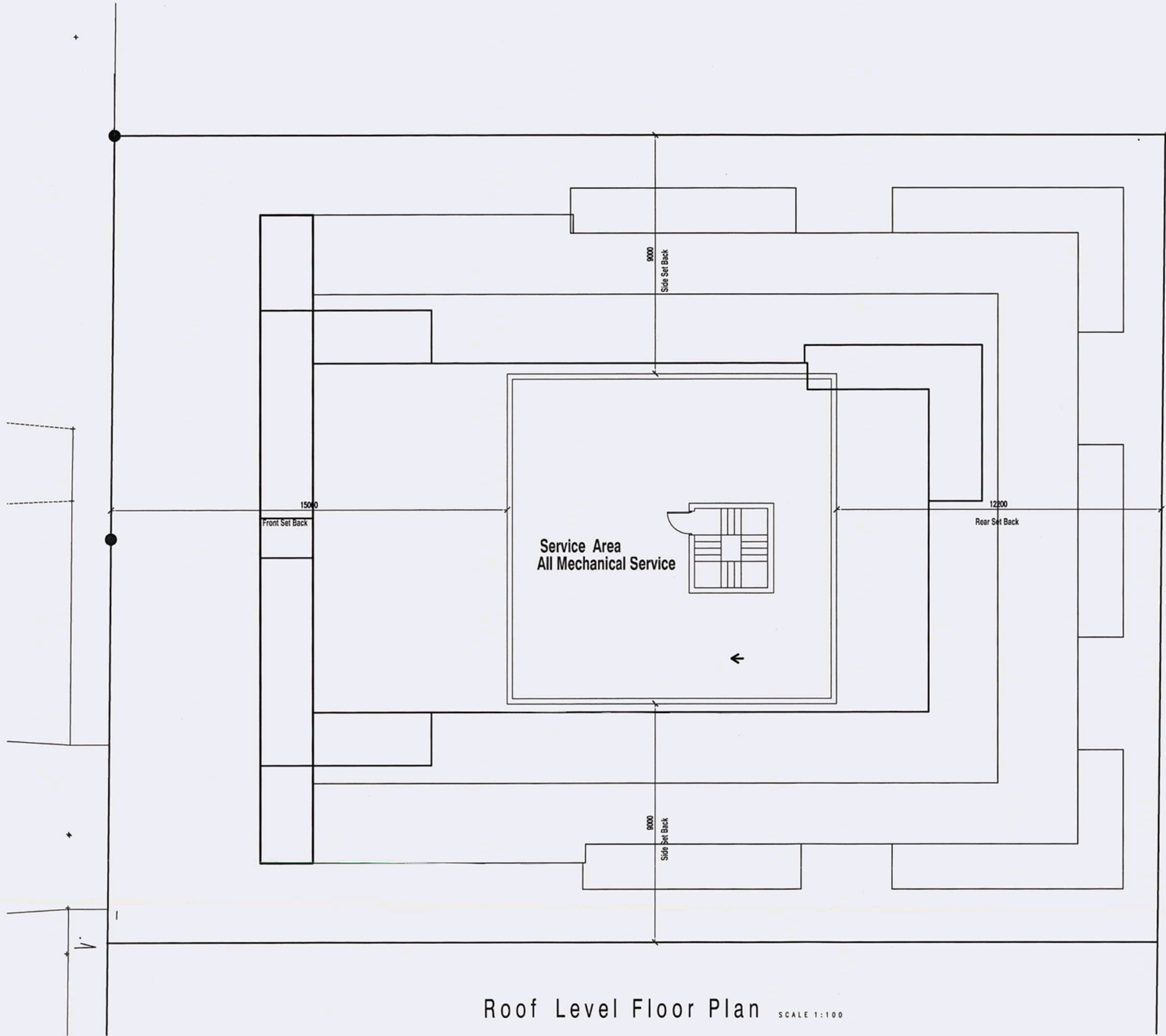


Third Level Floor Plan Scale 1:100

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47 - 53 Boulevard Thomastown
Client:
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City of Whittlesea
Advertised Plan 7 of 18



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Title:
Roof Level Floor
Plan

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Development At:

47 - 53 Boulevard
Thomastown

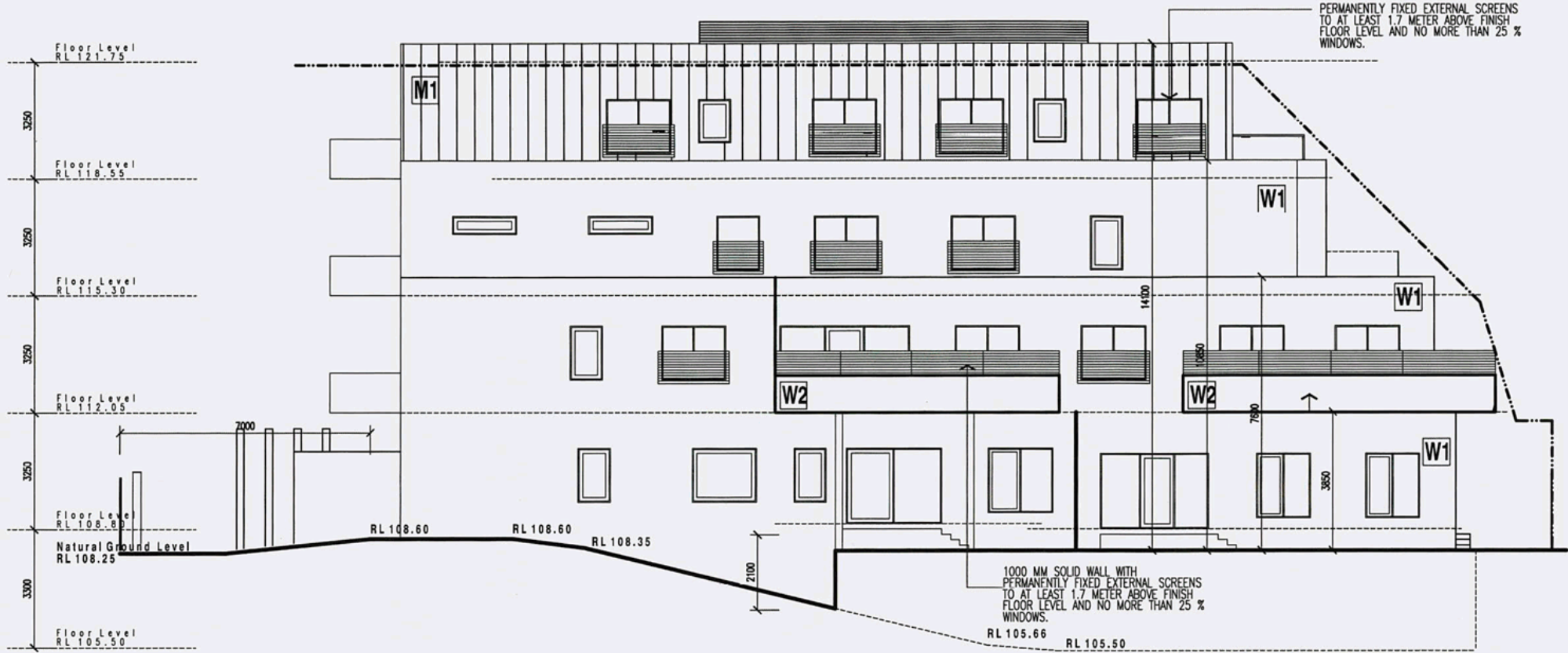
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City of Whittlesea
Advertised Plan 8 of 18

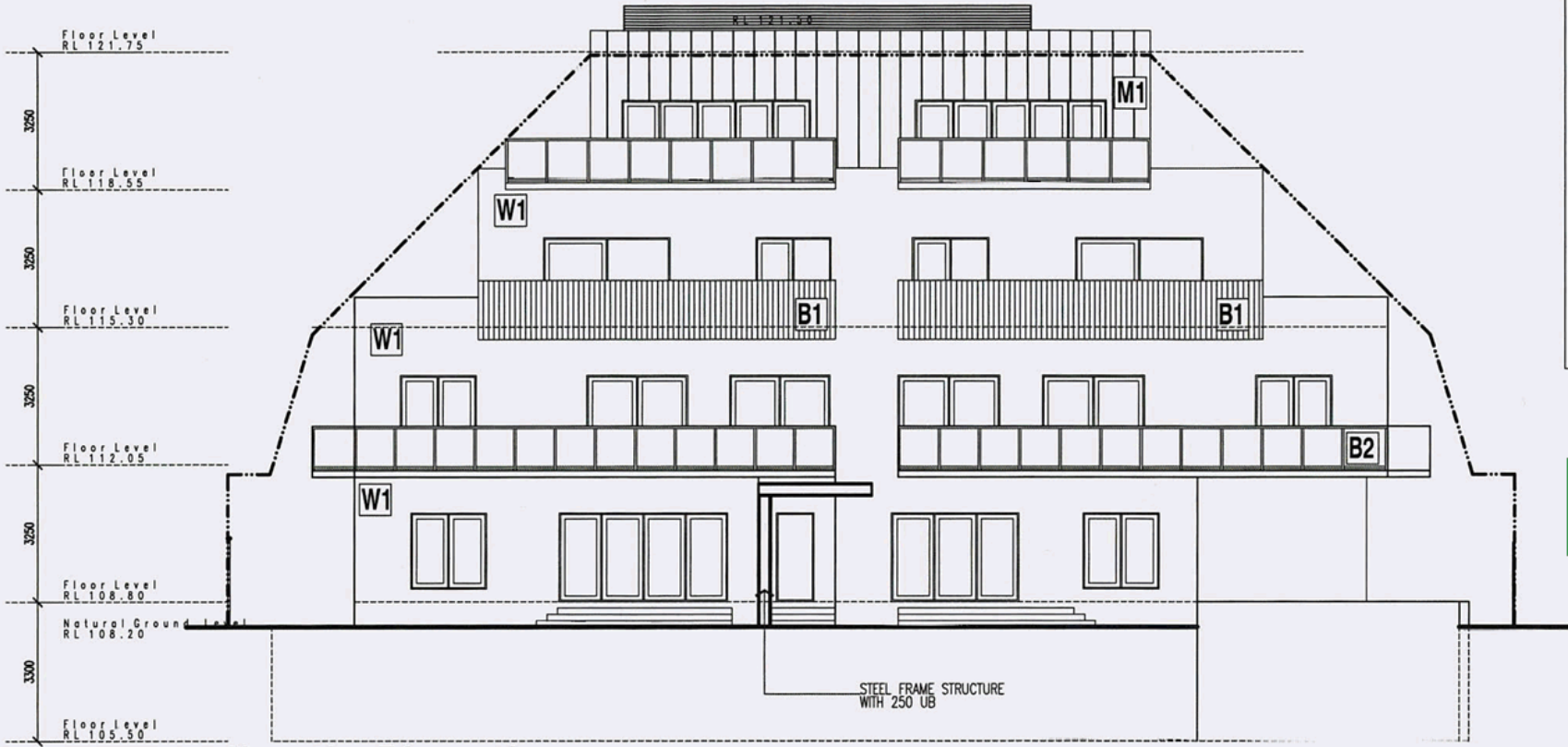


West Elevation
SCALE 1 : 100

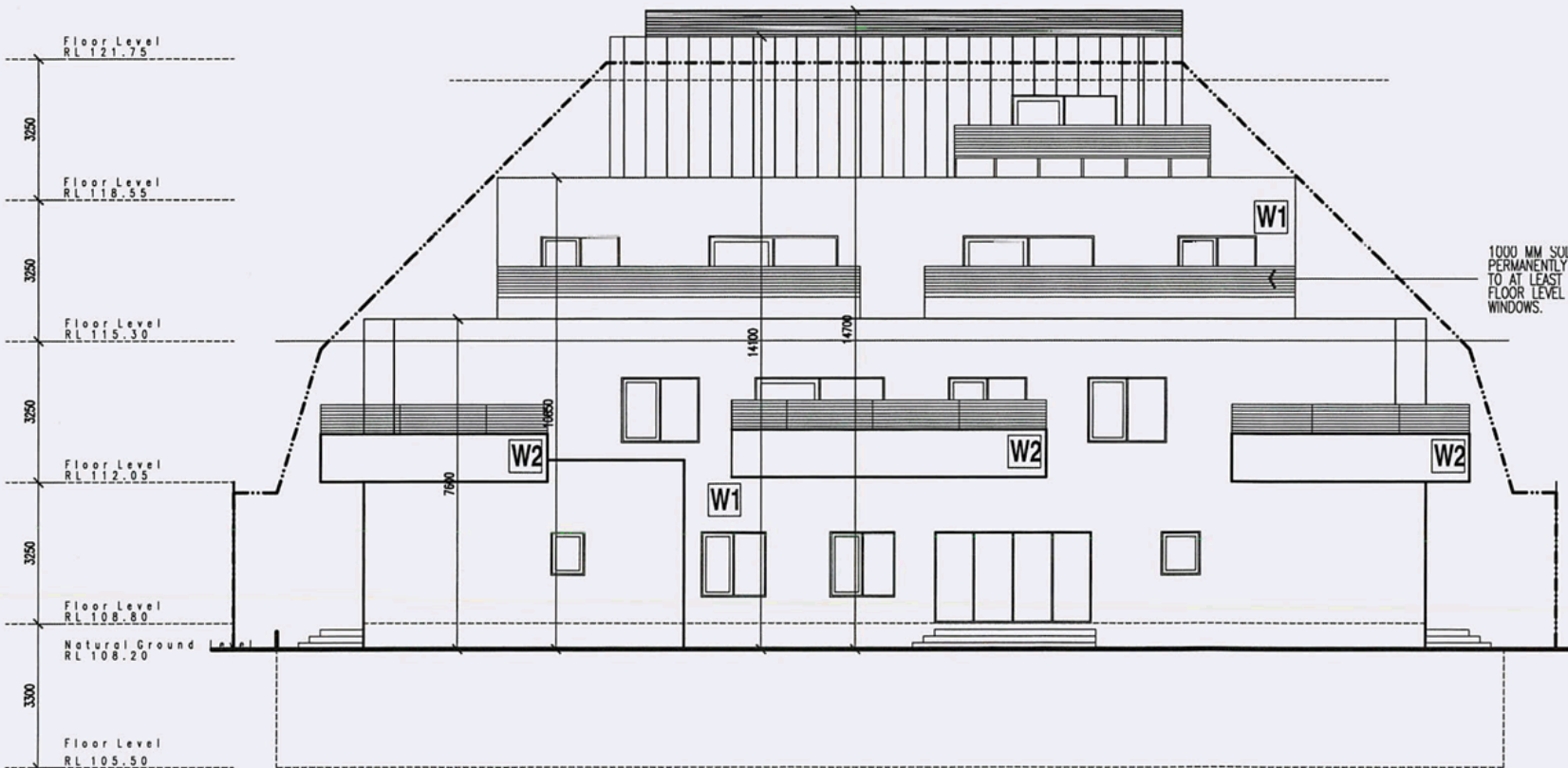


East Elevation
SCALE 1 : 100

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Title:	
Elevations	
Project:	Proposed Residential Development At:
	47 - 53 Boulevard Thomastown
Client:	
North	
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	41 Beaconsfield Parade Northcote 3070 Victoria Telephone 0419116559



North Elevation
SCALE 1 : 100



South Elevation
SCALE 1 : 100

- Finishes:**
- M1** Metal Wall Cladding
Colour: Charcoal Grey
 - W1** Concrete Panels
Colour: Natural Smooth Finish
 - W2** Textured Concrete Panels
Colour: Natural Finish
 - D** Pivot Glass Door
Colour: Natural Grey
 - WF** All Window Frames
Colour: Black
 - S1** Louver Screens
Colour: Black
 - B1** Steel Frame Handrail
Colour: Black
 - B2** Aluminum Frame Handrail With Glass
Colour: Black

City of Whittlesea
Advertised Plan 9 of 18

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14/08/17

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Title:
Elevations

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Proposed Residential
Development At:

47 - 53 Boulevard
Thomastown

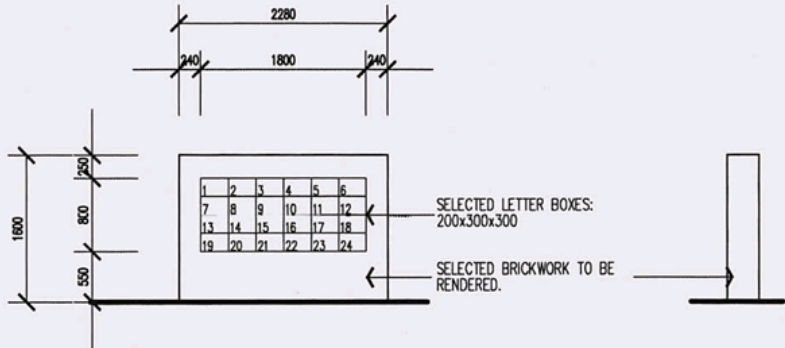
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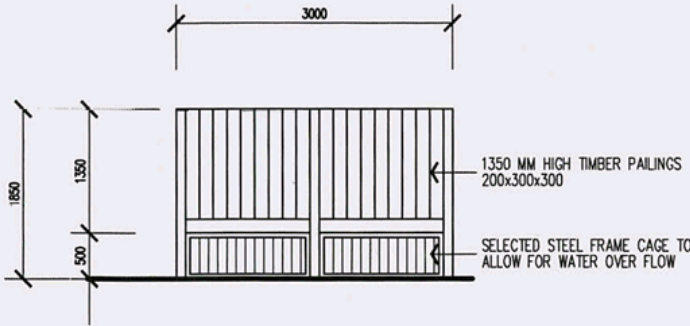


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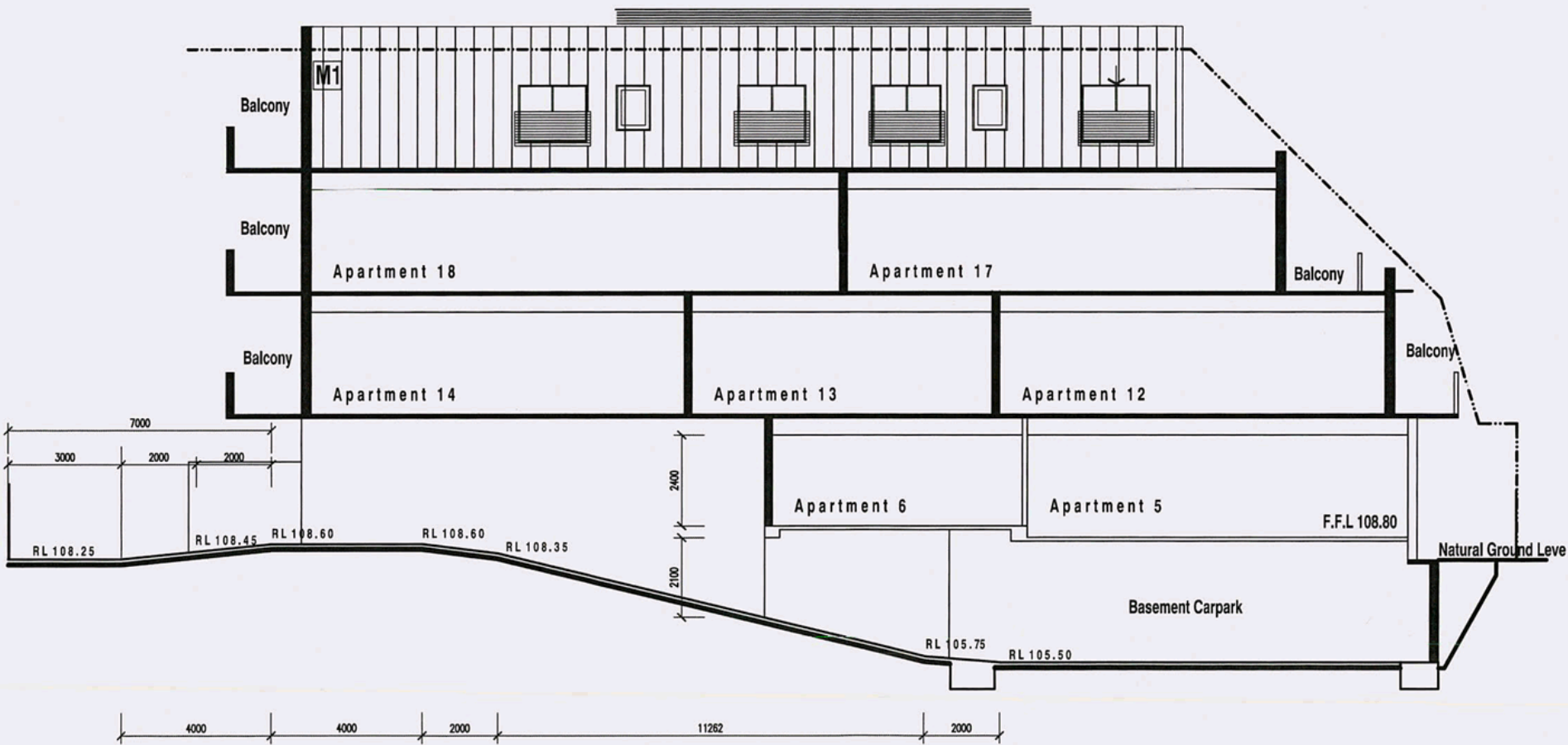
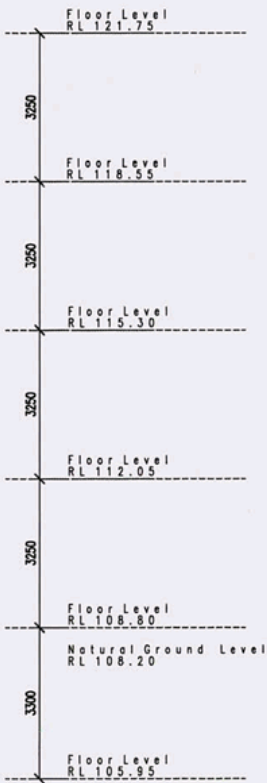
City of Whittlesea
Advertised Plan 10 of 18



Letter Box Detail SCALE 1:50



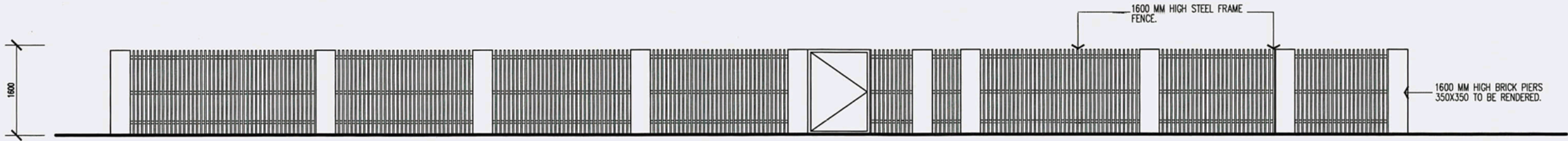
Fence Detail SCALE 1:50



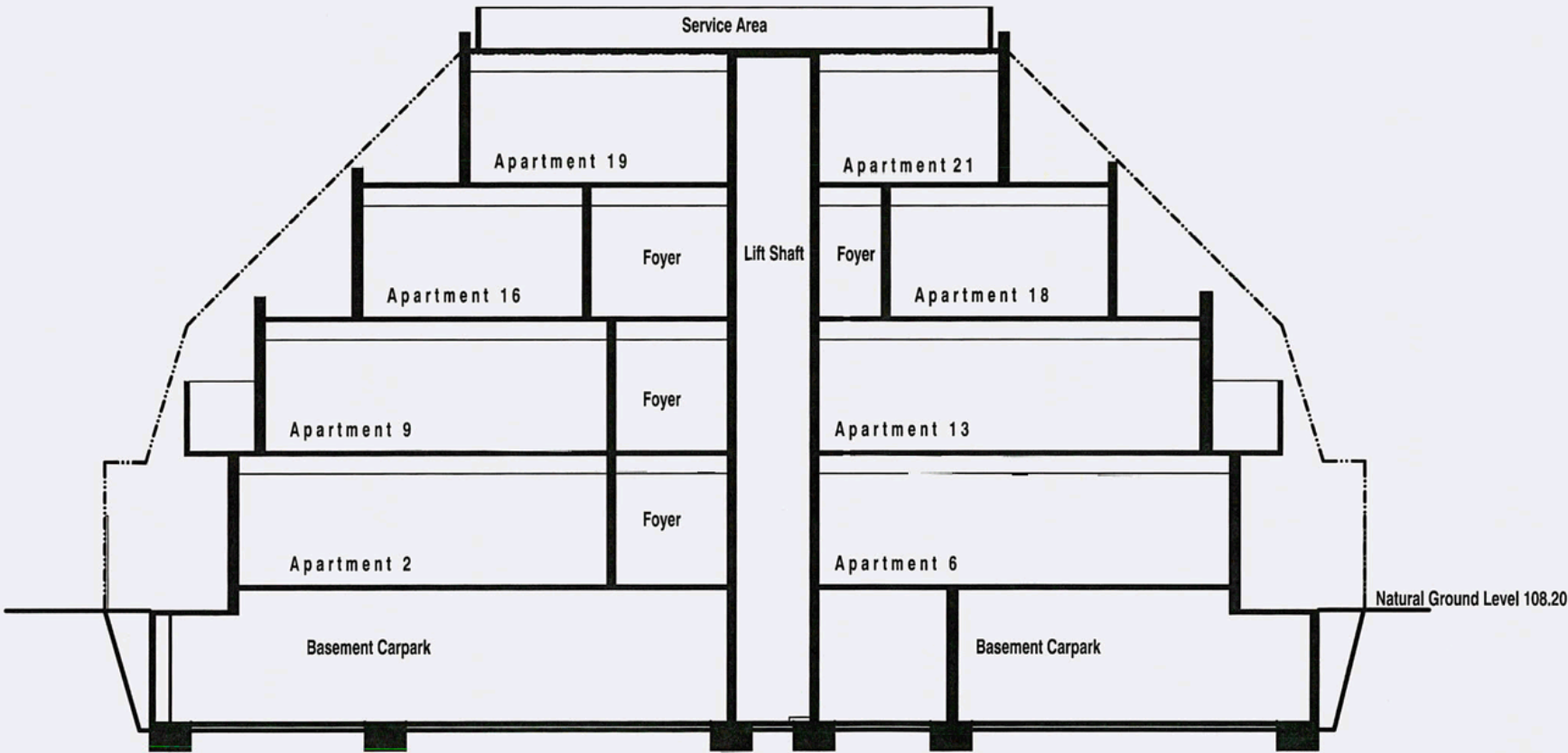
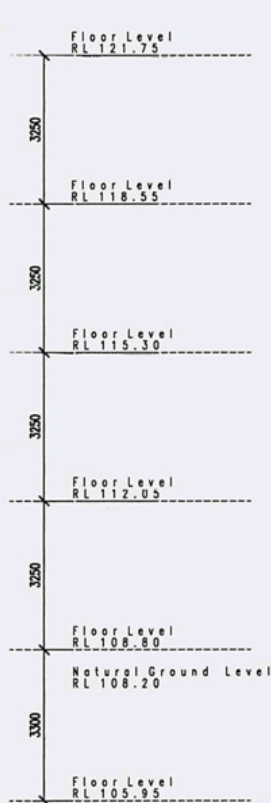
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47-53 Boulevard Thomastown
Client:
North
3070 Design Studio
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City of Whittlesea
Advertised Plan 11 of 18



Front Fence Detail
SCALE 1:50



Section 2
SCALE 1:100

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14/08/17

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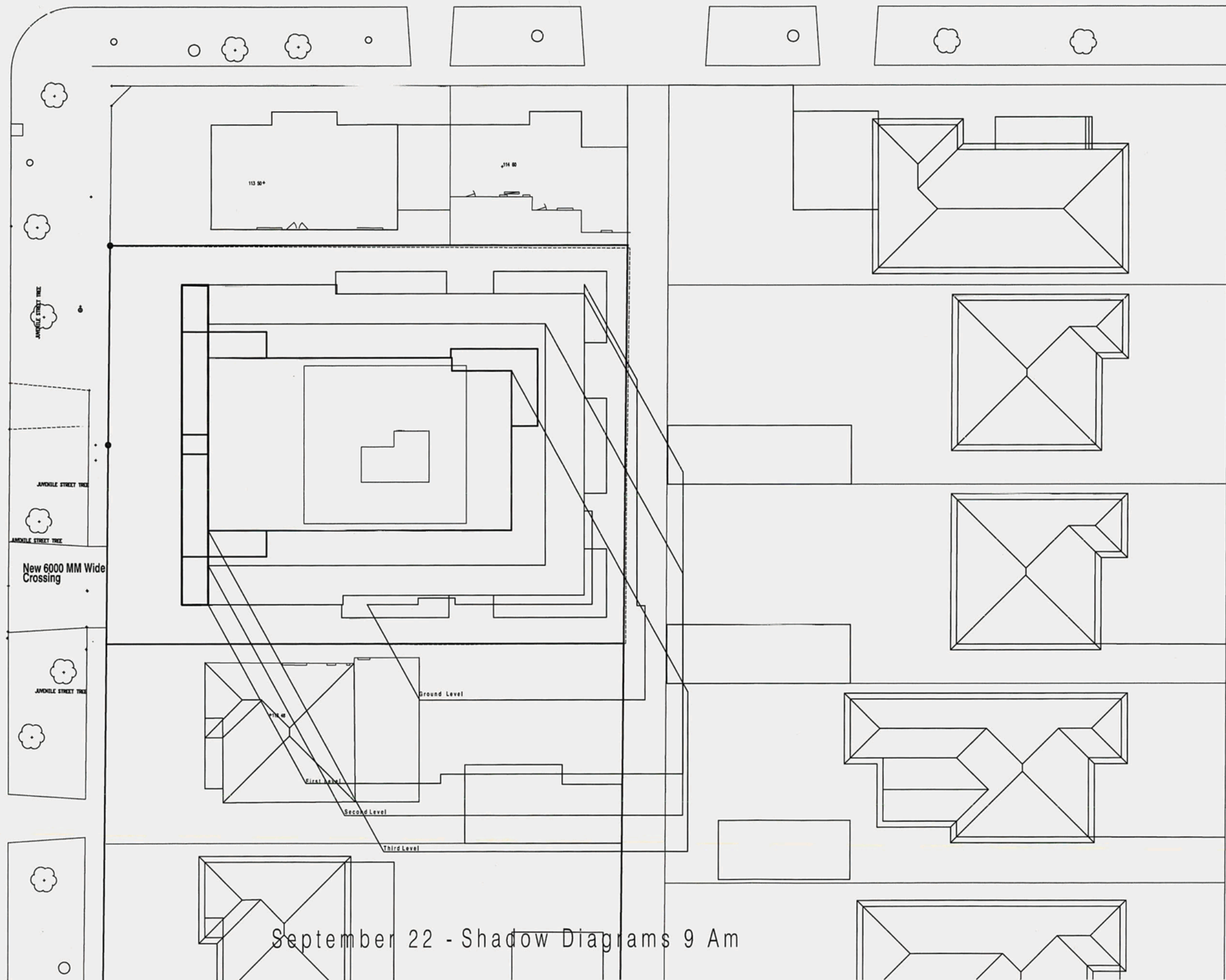
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City of Whittlesea
Advertised Plan 12 of 18



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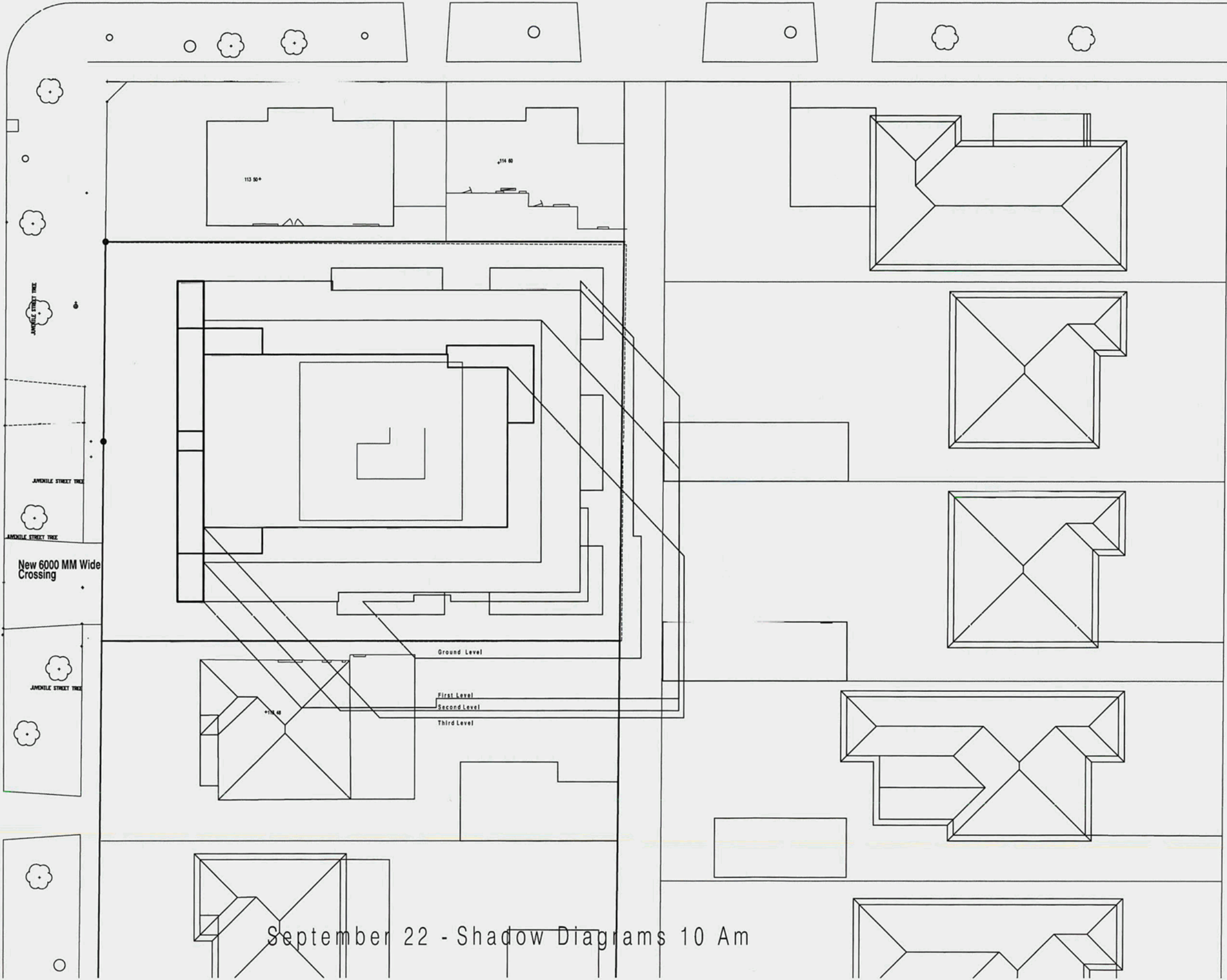
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City of Whittlesea
Advertised Plan 13 of 18



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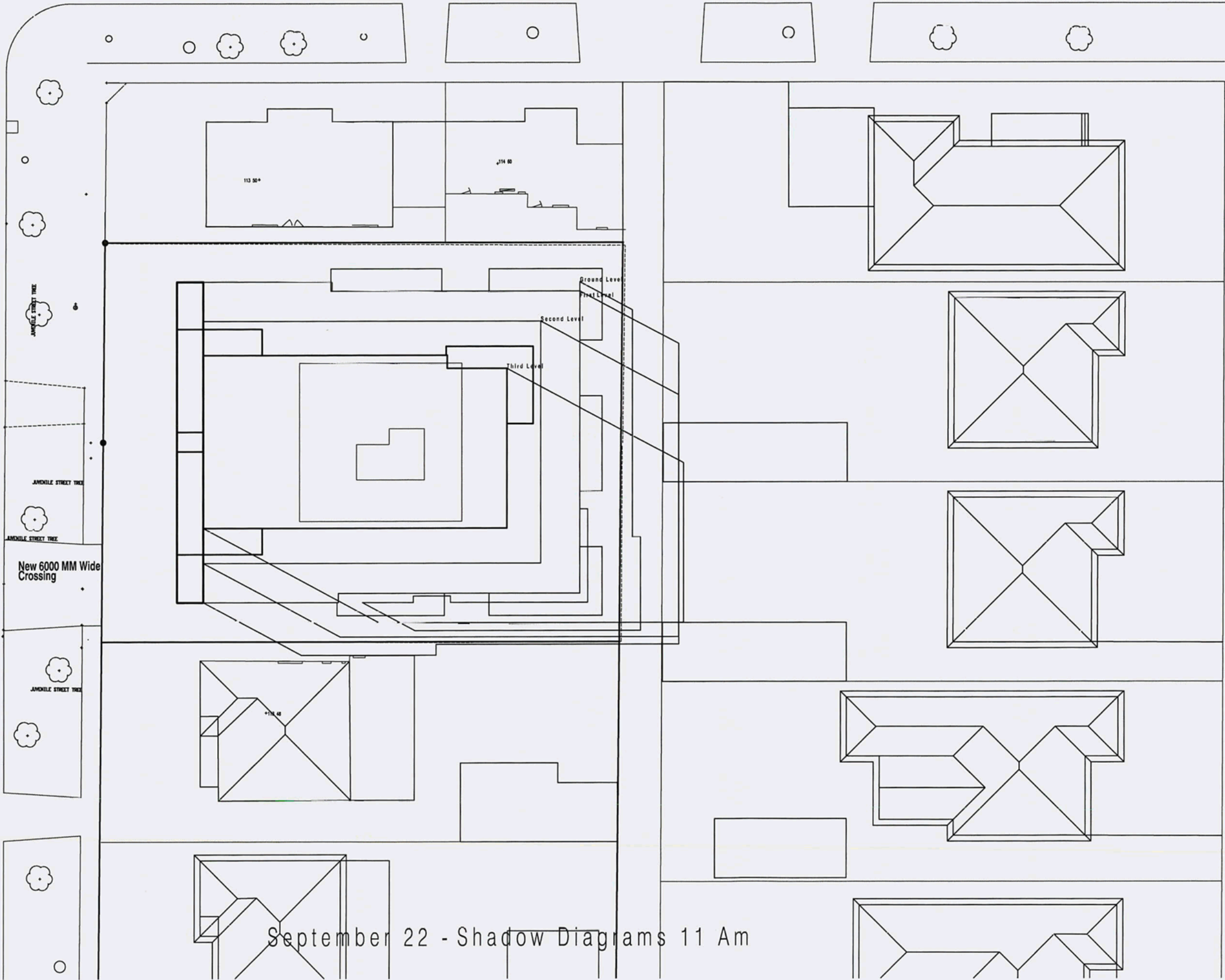
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City of Whittlesea
Advertised Plan 14 of 18



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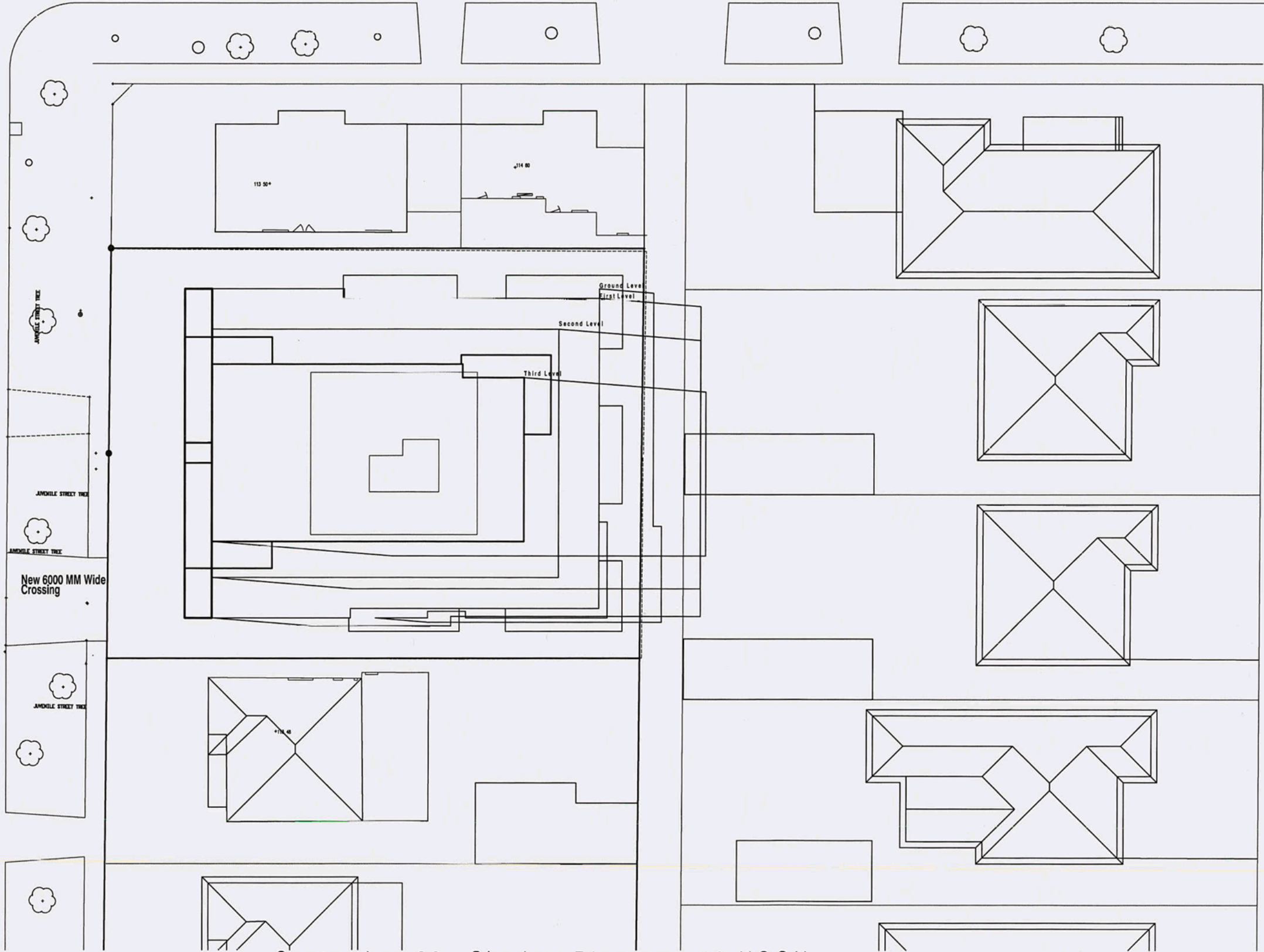
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City of Whittlesea
Advertised Plan 15 of 18



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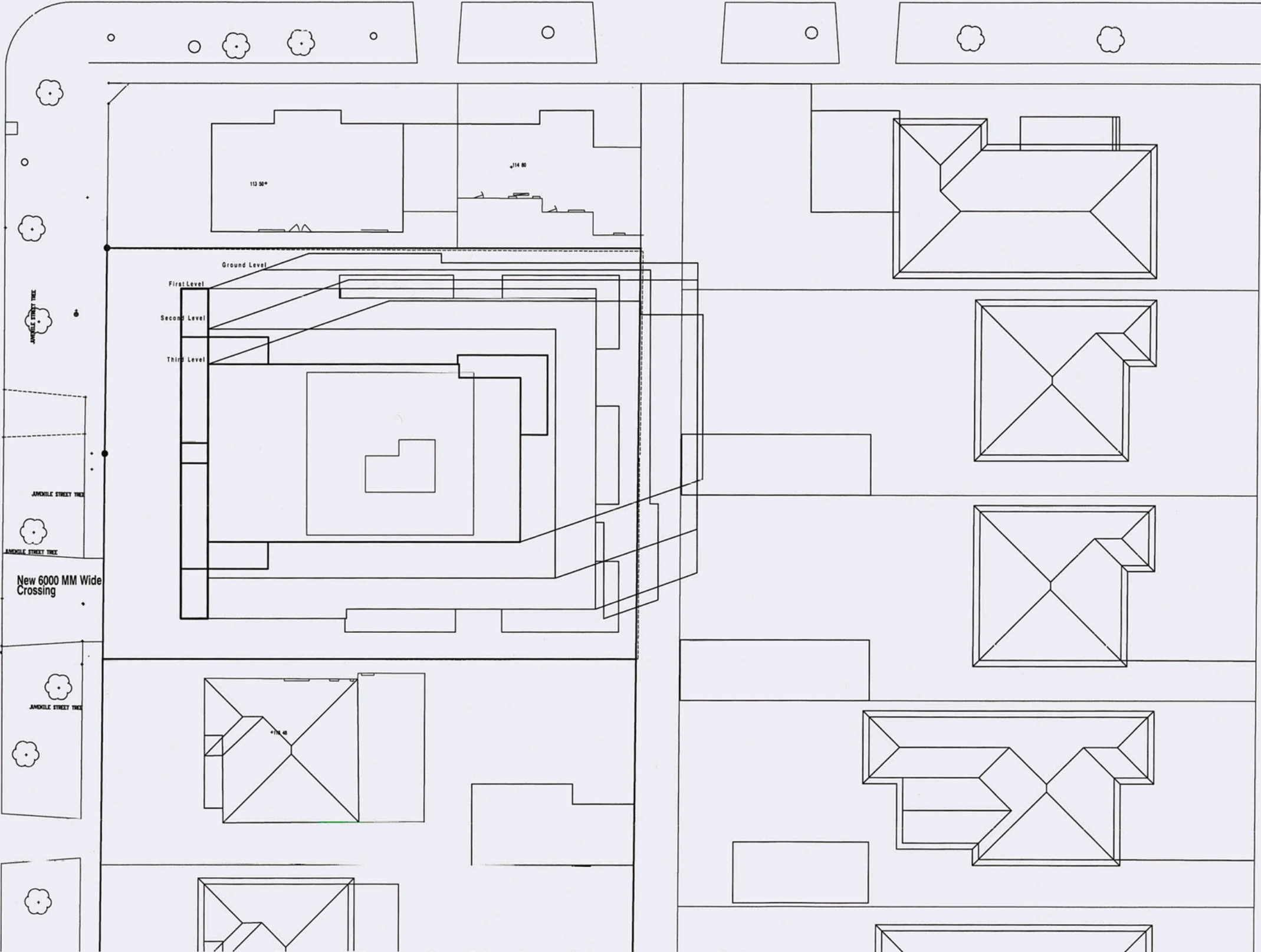
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September 22 - Shadow Diagrams 12 NOON

City of Whittlesea
Advertised Plan 16 of 18



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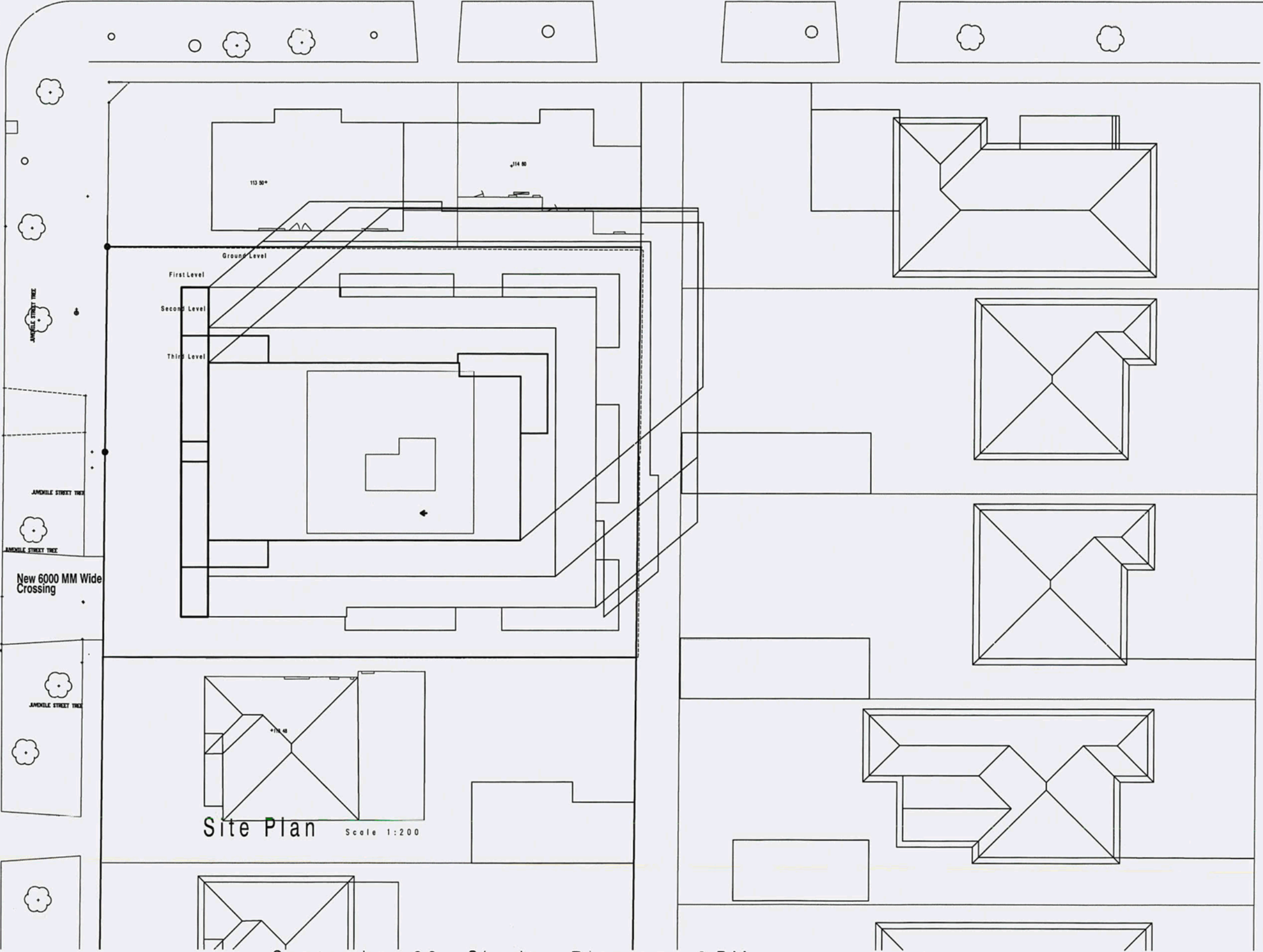
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City of Whittlesea
Advertised Plan 17 of 18



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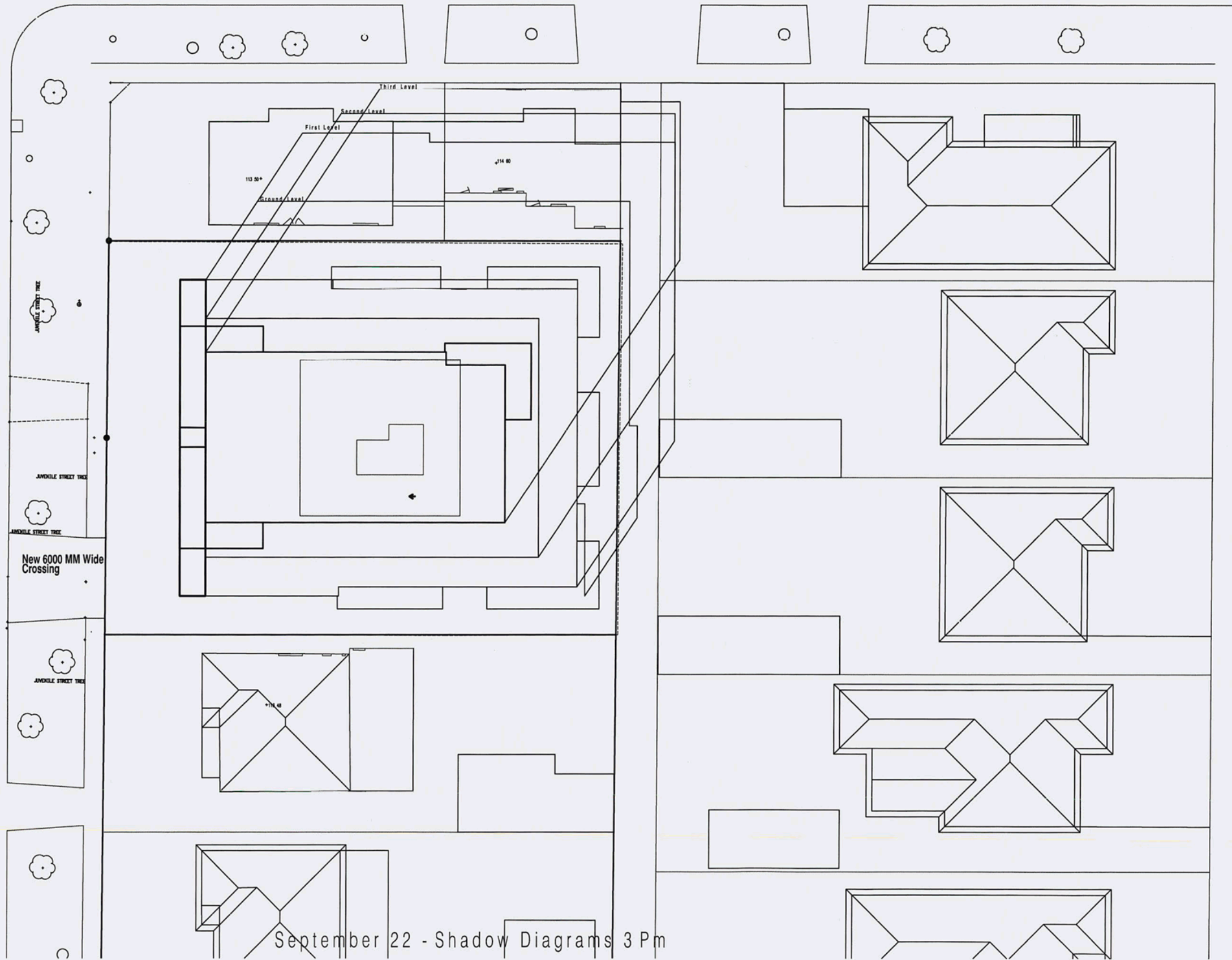
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City of Whittlesea
Advertised Plan 18 of 18



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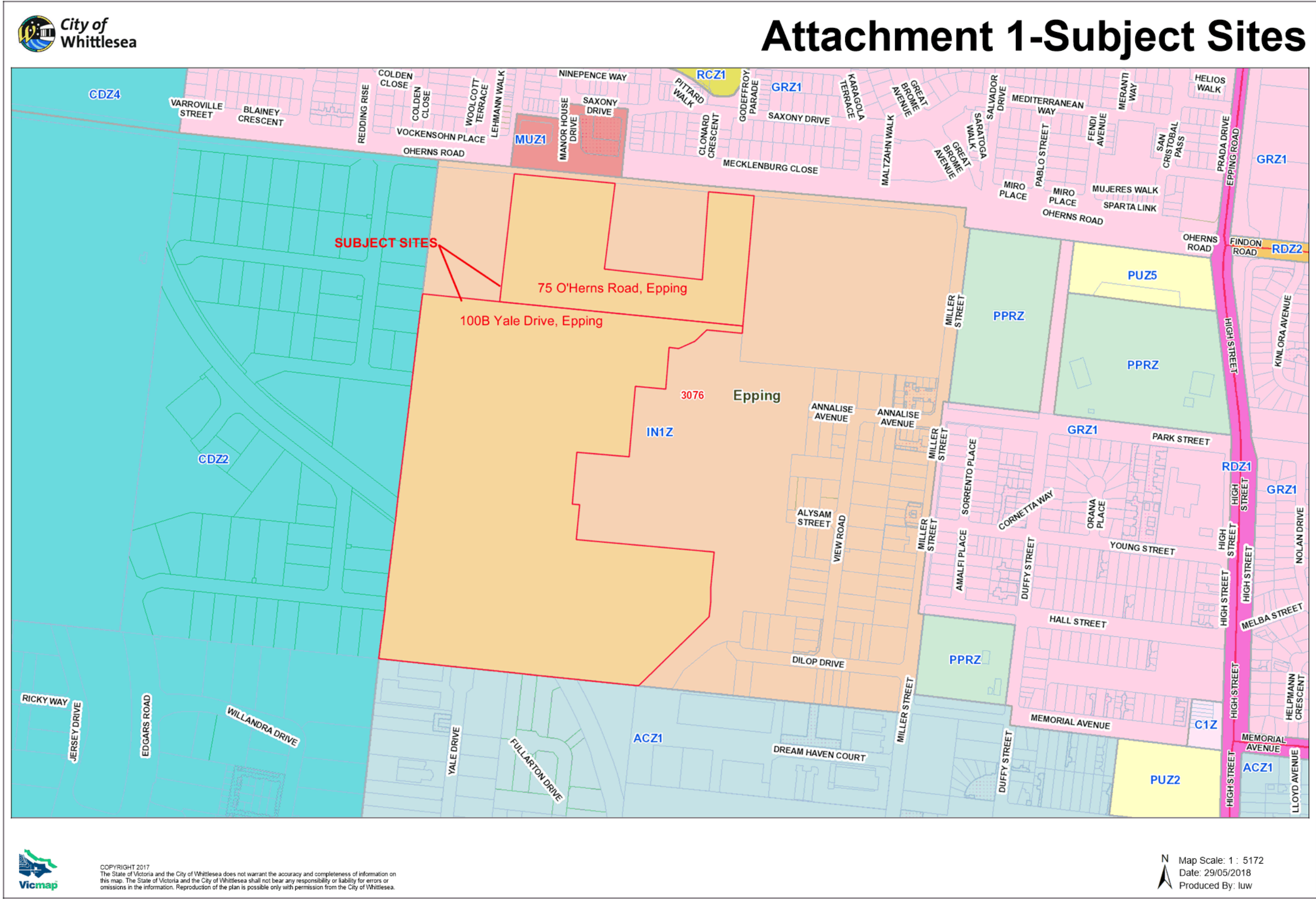
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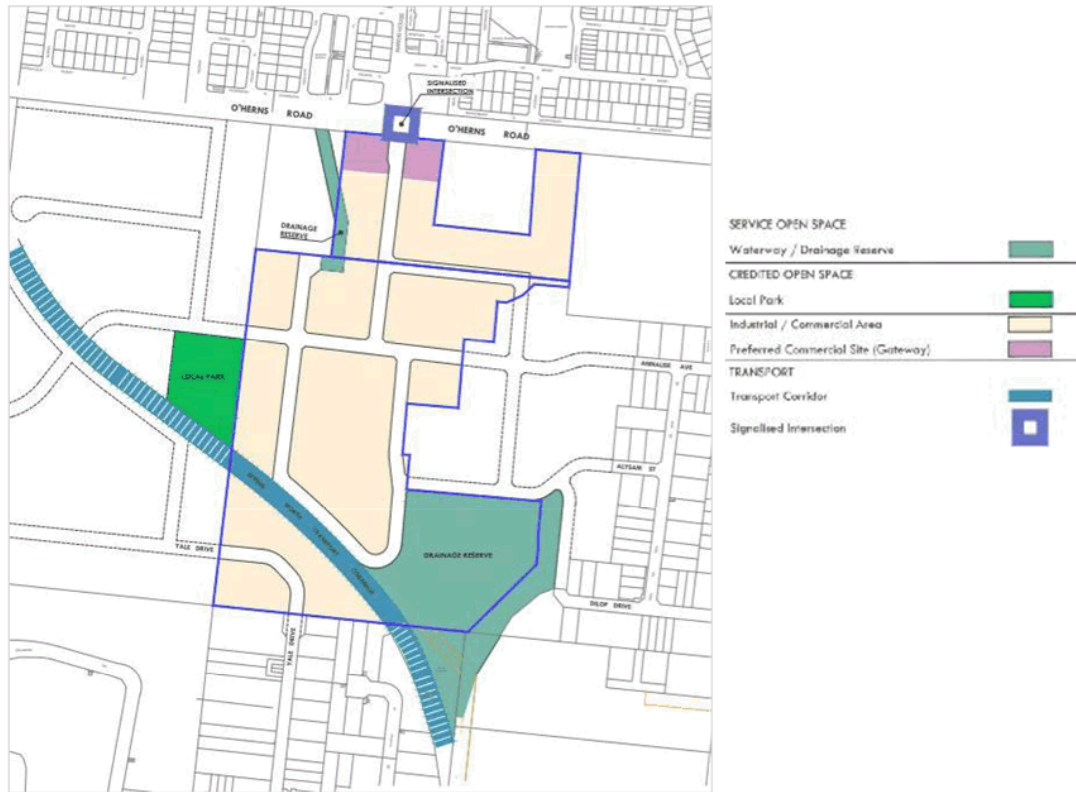
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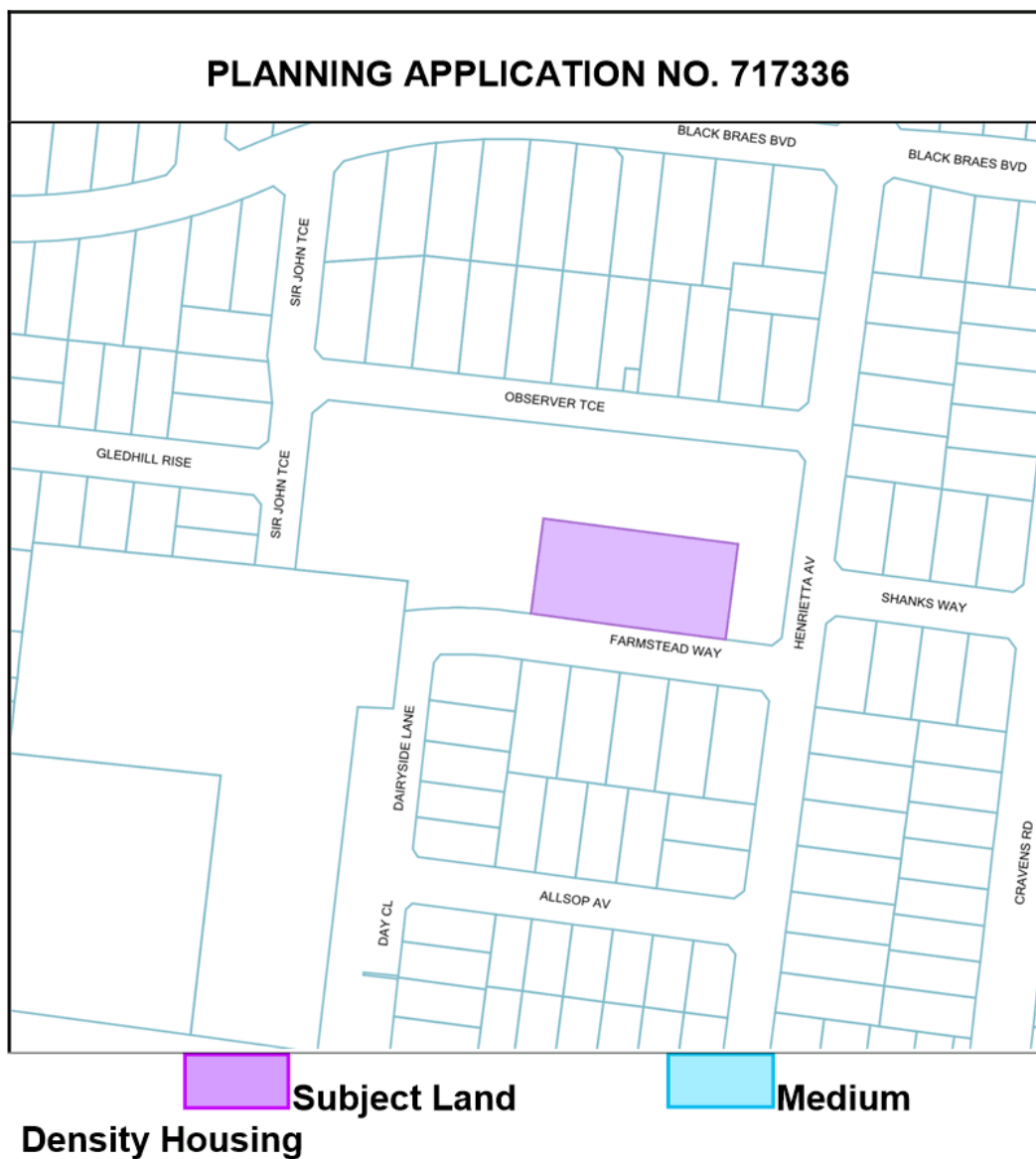


6.0 The Development Plan



6.1 Development Plan objectives:

- Delivery of industrial and commercial land use and development which implements state and local planning policy to generate future employment within the Epping North.
- Provide a suitable mix of complementary industrial and commercial land use.
- Encourage the establishment of future land uses which achieve concentrated employment opportunities. The provision of land area intensive uses which yield low employment are to be monitored so as they do not represent an undesired level of occupation within the area and undermine employment objectives.
- Provide an employment precinct which exhibits a high level of amenity and one which attracts new commercial enterprises.
- Support commercial development which adopts contemporary design and a professional image and appearance.
- Create a safe and efficient mobility network to all users which integrates into the existing network, accommodates all vehicle types to maximise commercial opportunities and reinforces the desired character.
- Deliver local employment in a pleasant working environment.



**City of
Whittlesea**

DEVELOPMENT ASSESSMENT REPORT

PLANNING APPLICATION NO. 717336

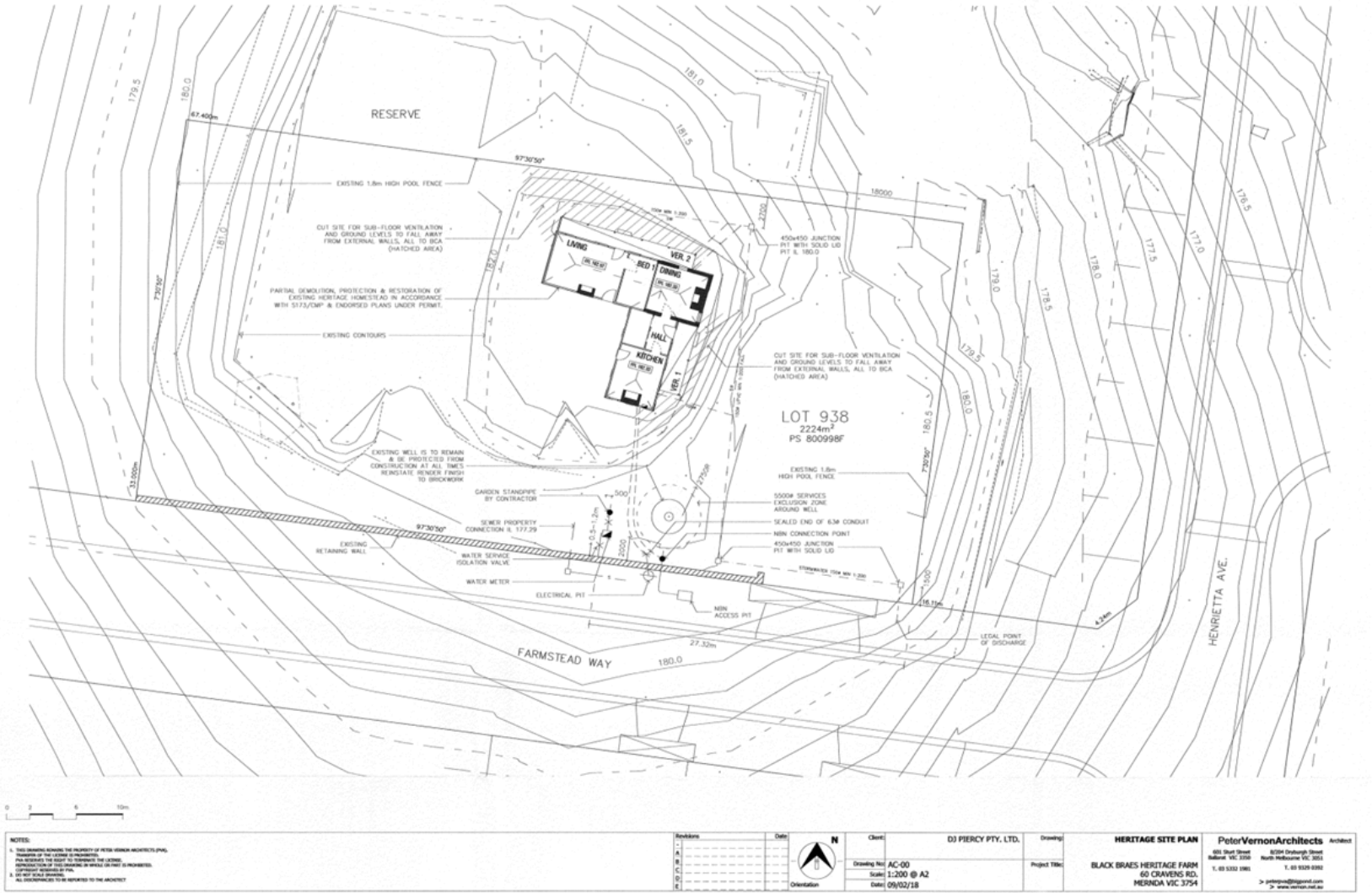


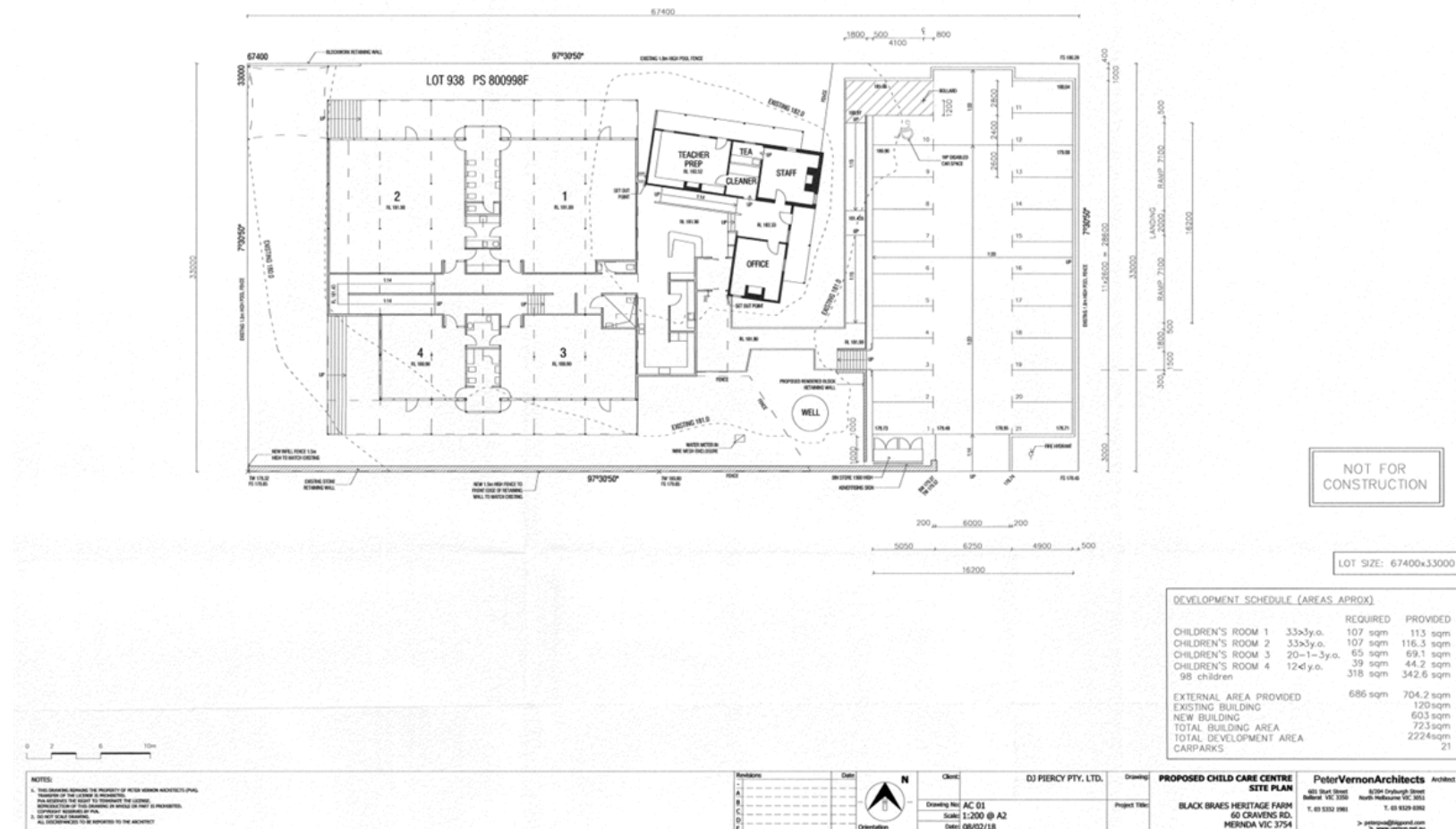
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Density Housing

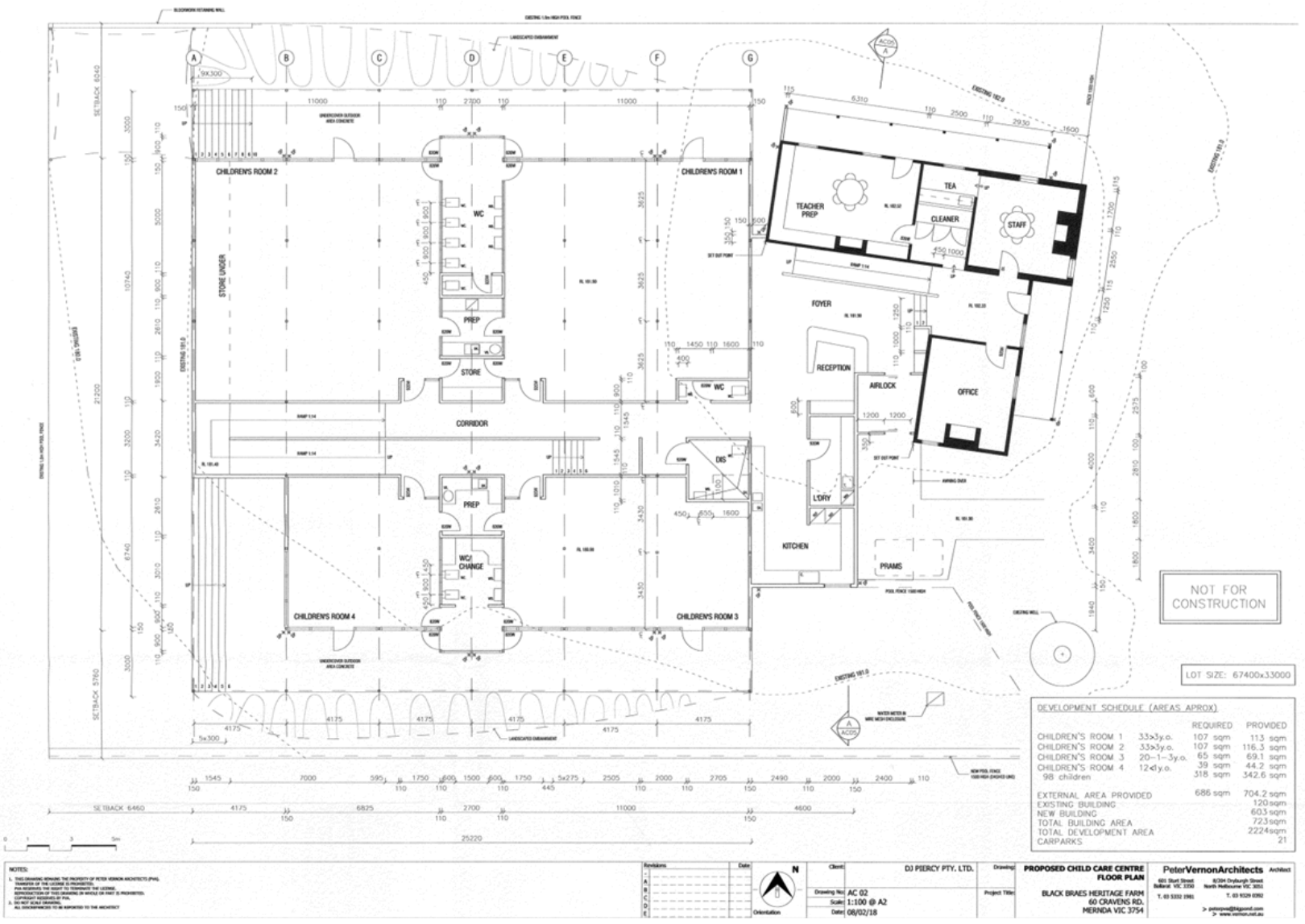


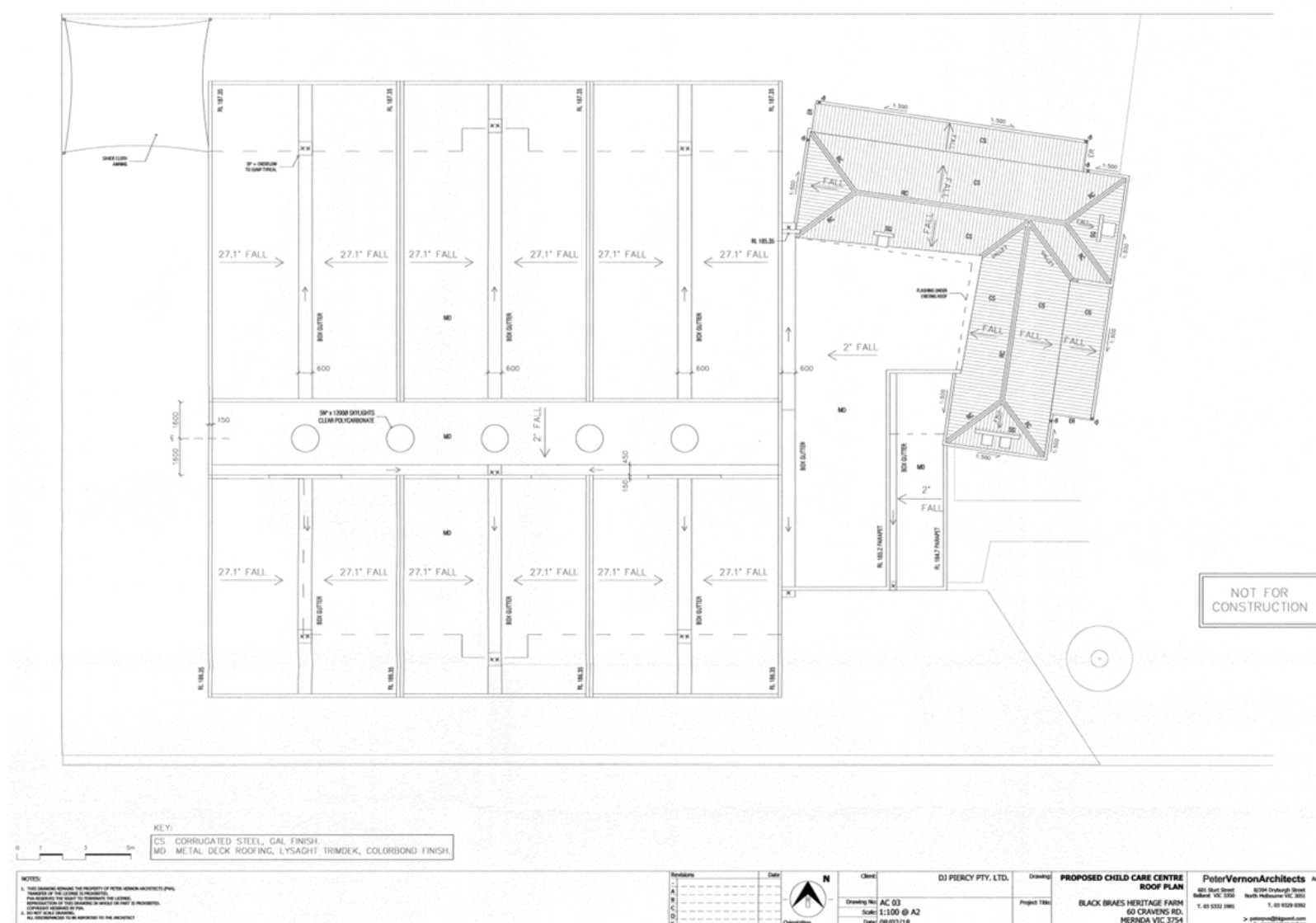
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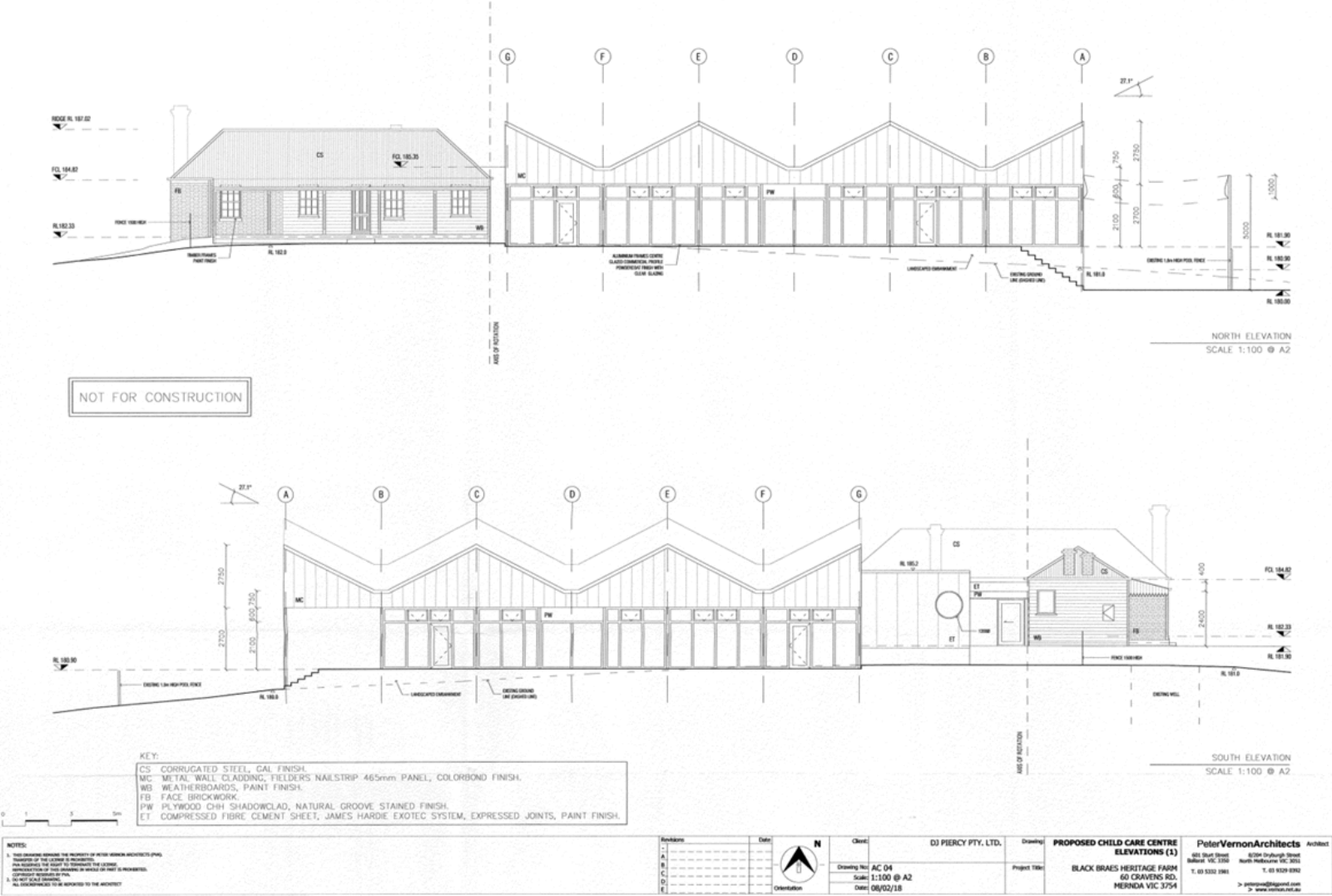
DEVELOPMENT ASSESSMENT REPORT

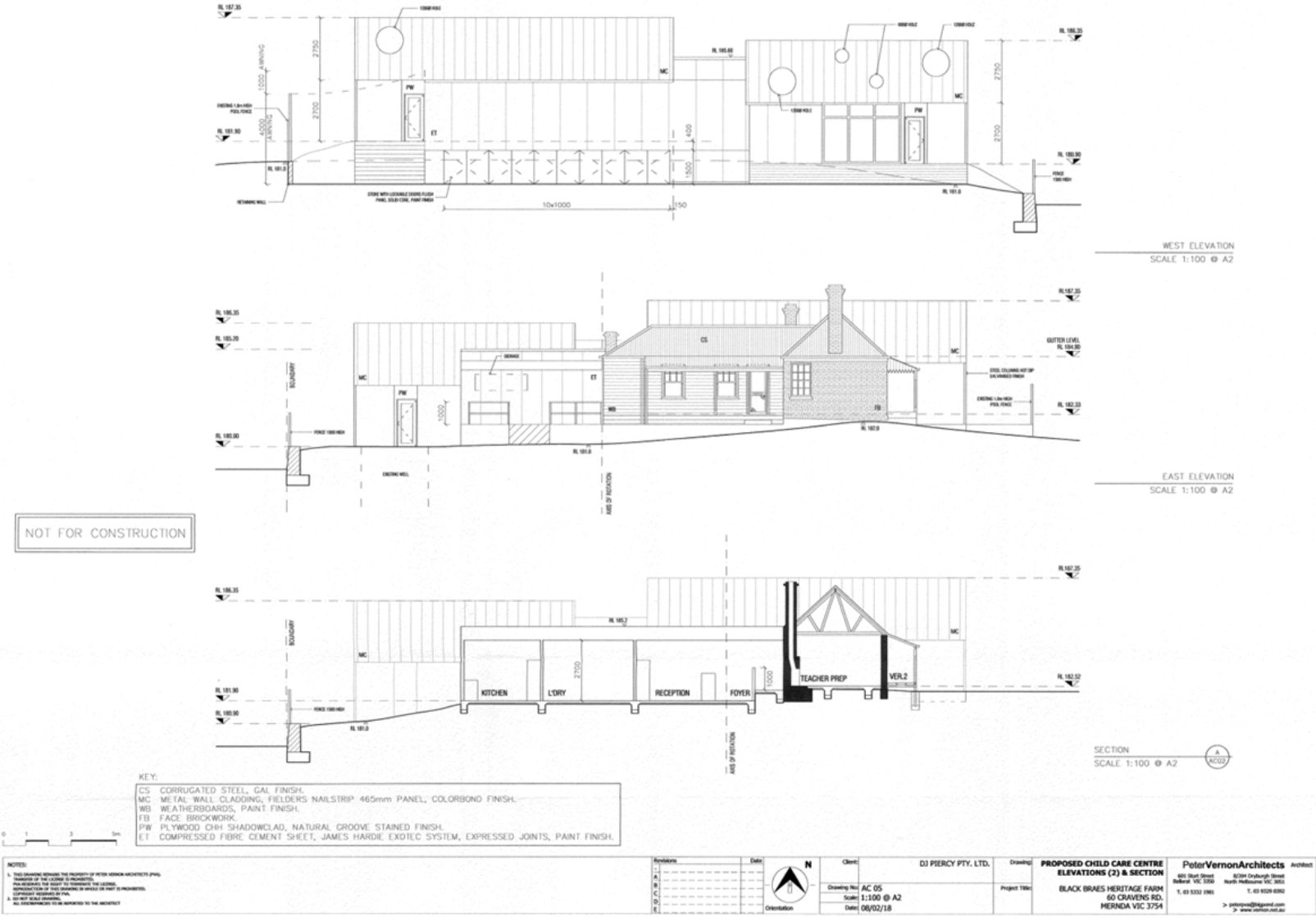


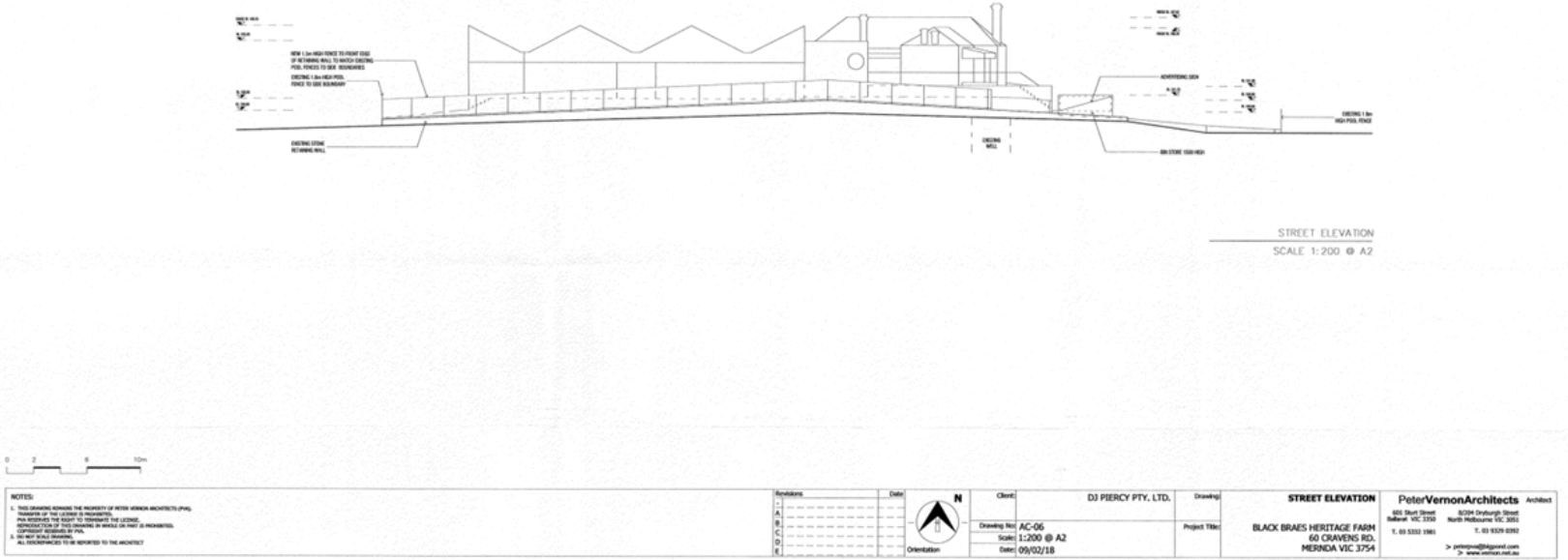















Colours & Materials Finishes Schedule

Proposed Childcare Centre 'Black Braes' Heritage Farm, 33 Farmstead Way, Mernda VIC 3754 [Planning Application # 717336]




Legend	Symbol	Description (or similar approved)	Colour	
Decking	TD	Timber decking, 85 x 19 tongue and groove profile hardwood, all sides with Feast Watson Decking Oil prior to installation.	Boral Red Mahogany, Standard and Better Grade	
	-	Concrete pavements to access ramps and undercover outdoor areas	Natural (unpigmented) steel trowel finish	
1	Roof	MD	Metal deck roofing, Lysaght Trimdek, Colorbond finish.	Shale Grey
				
		CS	0.60 BMT Lysaght Custom Blue Orb steel with Z450 galvanised coating. (Note: <u>not</u> zincalume).	Colour: natural finish to roofing and flashings. Select Weathershield full gloss paint finish to gutters and downpipes.
				

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10 April 2018

Colours & Materials Finishes Schedule

Proposed Childcare Centre 'Black Braes' Heritage Farm, 33 Farmstead Way, Mernda VIC 3754 [Planning Application # 717336]






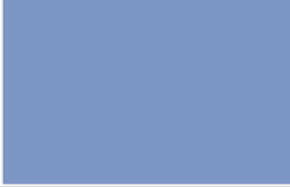
Eaves		Radial Timbers Bevelled Edge DAR 55x19 Screenboard battens, natural finish.	Silvertop Ash	
Walls	MC	Metal Wall Cladding, Fielders Finesse Prominence (formerly Nailstrip) 465mm Panel, Colorbond finish	Monument	
	WB1	Timber weatherboards, nominal 170 x 19 to match existing, select gloss acrylic paint finish.	Haymes Warm Olive	

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Colours & Materials Finishes Schedule



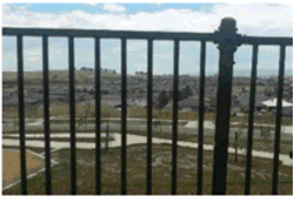


Proposed Childcare Centre 'Black Braes' Heritage Farm, 33 Farmstead Way, Mernda VIC 3754 [Planning Application # 717336]

WB2	Beaded timber weatherboards, nominal 170 x 19 to match existing, select gloss acrylic paint finish.	Haymes Warm Olive	 
FB	Repoint existing face brickwork and remove paint as specified. Note: supply and install galvanised sub-floor vents to face brickwork every 7 th brick: Abey Slimline Ventilators, code 0400/20.	-	
PW	Plywood Carter Holt Harvey Shadowclad, natural groove, stained finish.	Timbakote Timber Pro 'Light Grey'	 
ET	Compressed fibre cement sheet, James Hardie Exotec system, expressed joints, paint finish.	Haymes Armenian Blue 2410	Alternating stripe pattern to sheets. 

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Colours & Materials Finishes Schedule

Proposed Childcare Centre 'Black Braes' Heritage Farm, 33 Farmstead Way, Mernda VIC 3754 [Planning Application # 717336]			
ET	Compressed fibre cement sheet, James Hardie <i>Exotec</i> system, expressed joints, paint finish.	Haymes <i>Vibrant Lime</i>	Alternating stripe pattern to sheets.
			
Fences	Fencing (19mm galv. steel tubes) ARC 'Sturt' steel flat top panels with 38x25x1.6mm top & bottom rails 50x50x2000mm square galv. steel posts with caps and extended leg (through to block wall) all powdercoat finish.	Black Satin 27219268	 
Doors and Windows	Aluminium frames, powdercoat finish.	Charcoal Satin 27288351	
			
		Aluminium sashes and glazed doors, powdercoat finish.	
		Anotec Silver Grey Matt 27251272	
			
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4

Colours & Materials Finishes Schedule

Proposed Childcare Centre 'Black Braes' Heritage Farm, 33 Farmstead Way, Mernda VIC 3754 [Planning Application # 717336]	
Timber, gloss paint finish.	<div>Front door: Haymes Charlotte</div> <div></div>
	<div>Other doors and windows: Haymes Worn White</div> <div></div>
Glass	Clear
Miscellaneous	
Handrails	Steel, hot dip galvanised finish

5

WHITTLESEA PLANNING SCHEME

22.10

23/02/2017
Proposed
C221C187

RIVER RED GUM PROTECTION POLICY

This policy applies to ~~the protection of~~ River Red ~~Gum trees throughout the City of WhittleseaGums located in urban and rural areas.~~

Policy Basis

Mature River Red Gums in an open plains grassland environment are generally recognised as the most important visual and environmental feature of this municipality. Many of the River Red Gums within the urban areas have been estimated to be between 200-800 years of age.

Existing and future urban areas such as Mill Park, South Morang, Mernda/Doreen and Wollert contain significant River Red Gum ~~trees and associated habitat.~~ Council's experience has been that ~~without proper planning and careful site assessment at the very start of the process of urban development~~ very few of the original River Red Gums survive the ~~surrounding encroachment of urban development, unless careful site assessment and planning occurs.~~ It is therefore essential that existing River Red ~~Gum treesGums~~ are properly assessed and treated as an integral part of ~~a development's development design.~~ ~~This policy aims to provide guidance to applicants in the design of development proposals to ensure that River Red Gums are assessed and incorporated into development design.~~

~~This policy provides guidance to applicants in the design of development proposals to ensure that River Red Gums are retained and protected by being sensitively incorporated into development design.~~

Objective

To ensure that the development of ~~existing and future~~ urban and rural areas takes into account the presence ~~of and plans for the,~~ retention, enhancement and long term viability of River Red ~~Gum treesGums in urban areas.~~

Policy

It is policy to:

- Recognise the intrinsic value of River Red ~~Gum treesGums~~ in establishing a character and identity ~~especially for areas undergoing conversion to in-urban but also in existing and rural areas.~~
- Request a comprehensive site analysis and arborist's report with any planning proposal for development on land which contains one or more remnant River Red ~~Gum treesGums.~~
- ~~Maximise as a priority~~ ~~Encourage that the~~ ~~retention, protection and incorporation~~ ~~majority of~~ ~~mature~~ River Red Gums ~~into the design of any development or subdivision.~~
- ~~Recognise that juvenile River Red Gum trees have an important role to play in the preservation of mature specimens.~~
- ~~Ensure that River Red Gum trees~~ proposed for retention ~~should be~~ sited in public open space reserves and/or road reserves, ~~unless a suitable alternative development design outcome can be demonstrated.~~
- Ensure that, where ~~it is necessary for a River Red Gum a-tree is~~ to be located in a lot, the lot is large enough to accommodate a suitable development envelope that does not ~~threaten the safe useful life expectancy of the tree and the lot design is such so as to not create subsequent pressure for removal through concerns in relation to the safety or perceived safety of the tree, disturb the tree or its root system.~~
- Ensure that, where feasible, areas of significant River Red Gum regeneration are protected in any development proposal.

WHITTLESEA PLANNING SCHEME

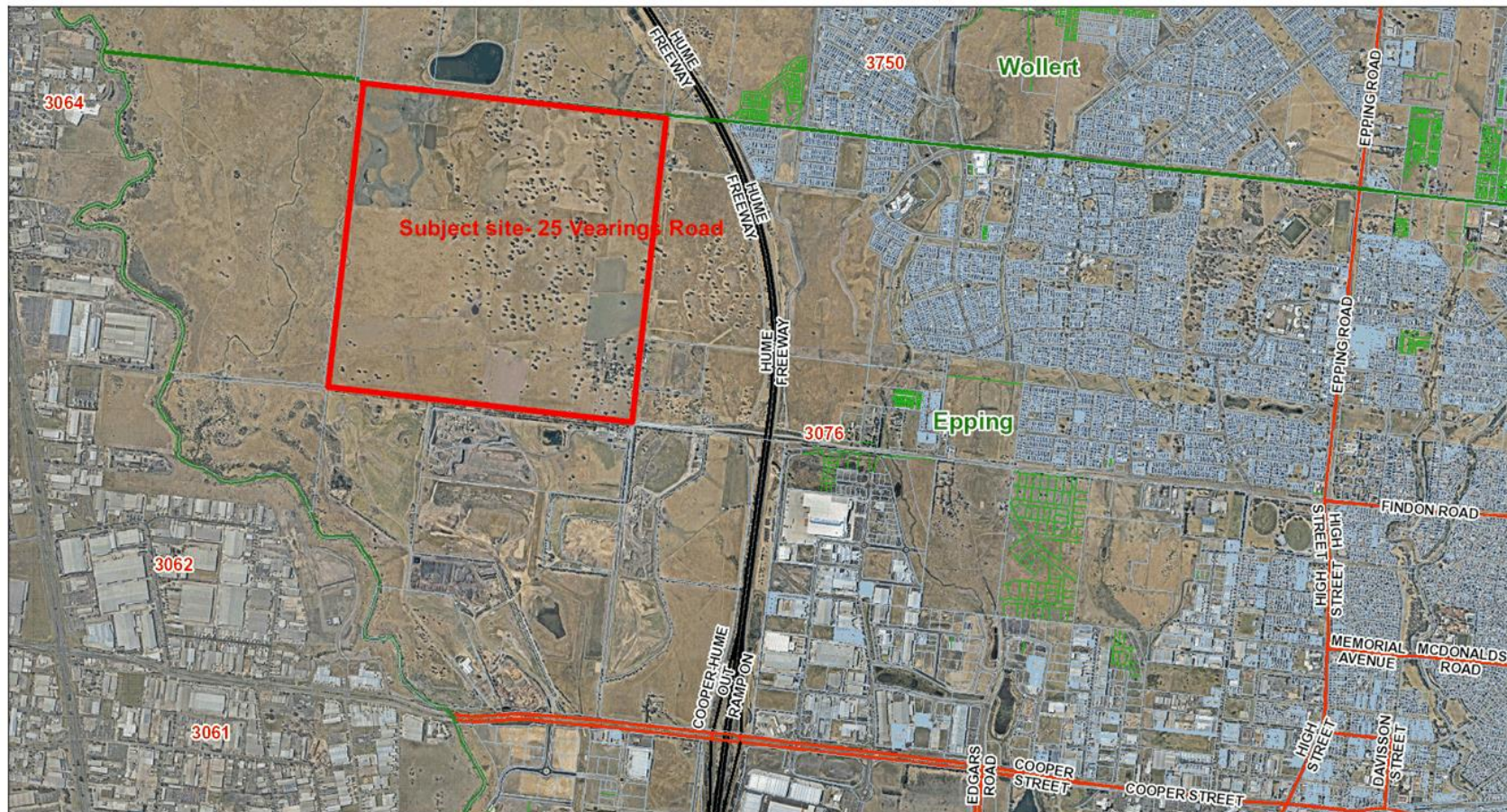
- Where it is necessary to remove a Mature River Red Gum tree, encourage theEncourage tree removal to be—generally limited to only those trees independently assessed as presenting a danger to people and property.
- Appropriately protect trees identified for retention during the construction phase, and thereafter ensure that their health is regularly monitored by an appropriate environmental consultant where located on public land.
- Ensure that any tree nominated on a development and/or subdivision plan for protection in any part of the municipality is located within an appropriate tree protection zone which is in accordance with—The protection zone must be large enough to ensure that the trunk and canopy remain intact and that the City of Whittlesea Tree Protection Zone Standards contained withinroot system is not severely damaged or destroyed during the Wollert Precinct Structure Planconstruction phase.
- Ensure that any planning permit for subdivision which contains a protected tree on a lot includes a requirement that the protected-tree, the tree protection zone envelope, development envelope and any conditions relating to those mattersthere to be given continuing effect by being contained in an instrument which runs with thenominated on the relevant title to the land.

Policy Reference

City of Whittlesea TreeRiver Red Gum Protection Zone Standard, November 2014.
Policy

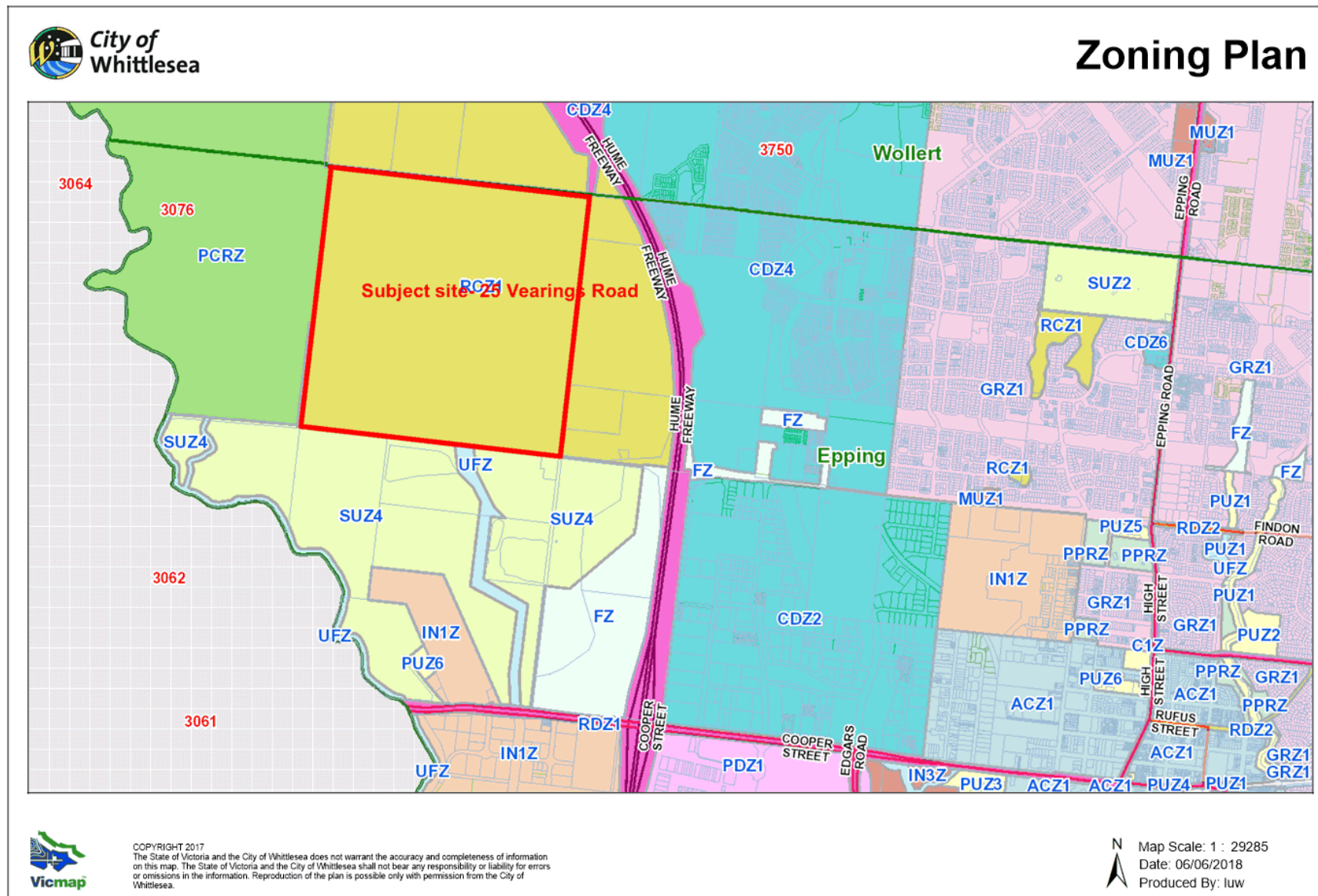


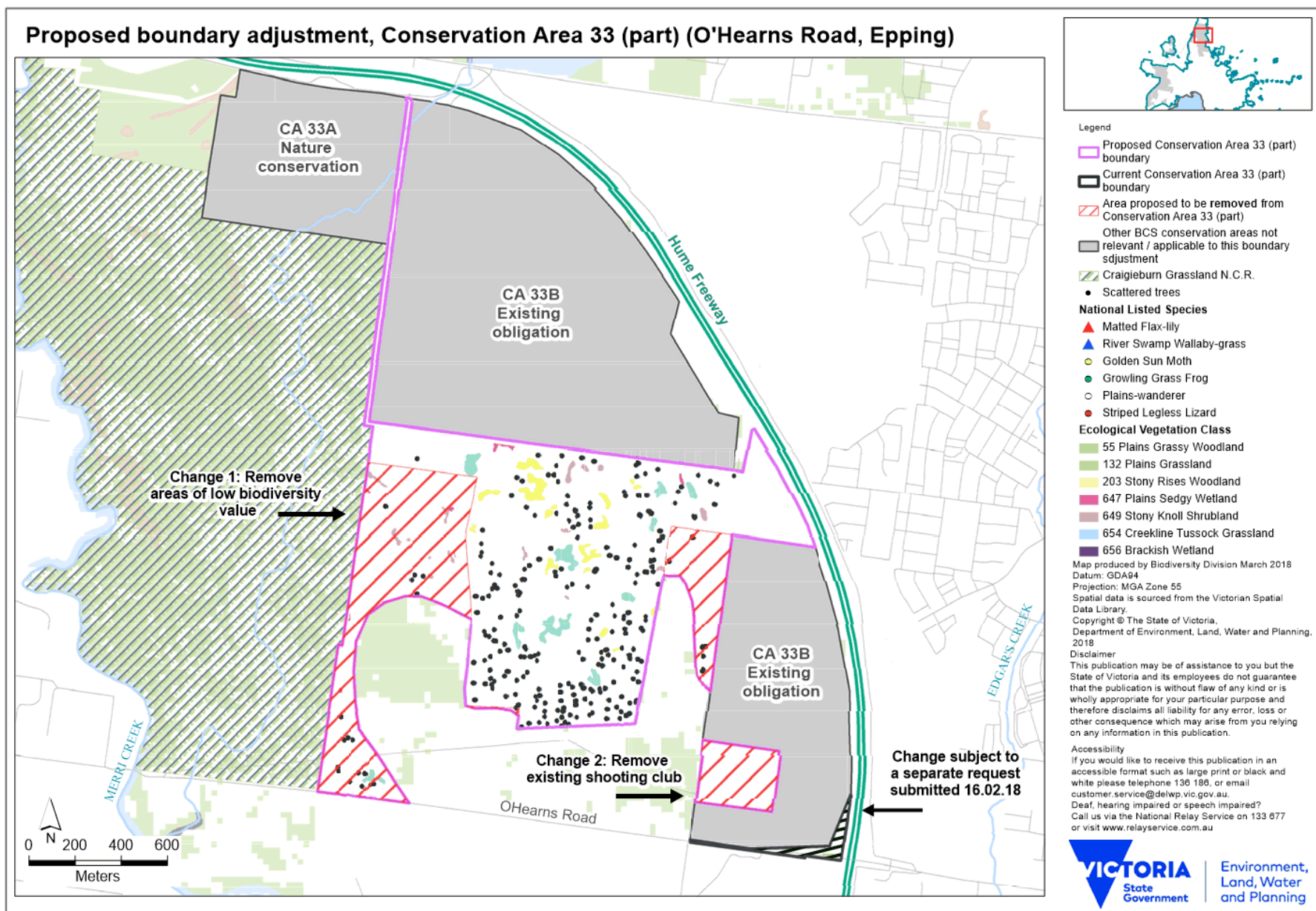
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City of
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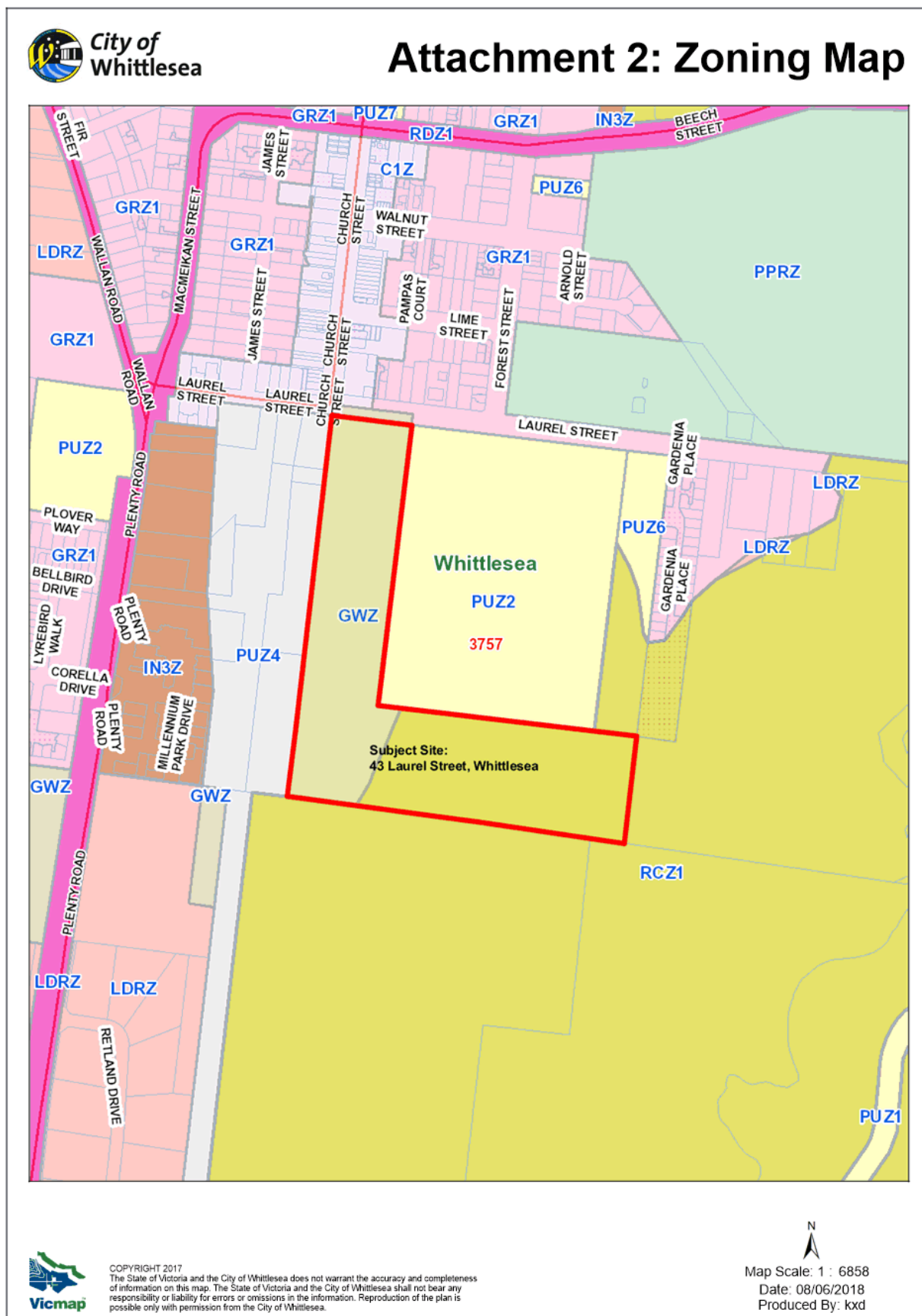
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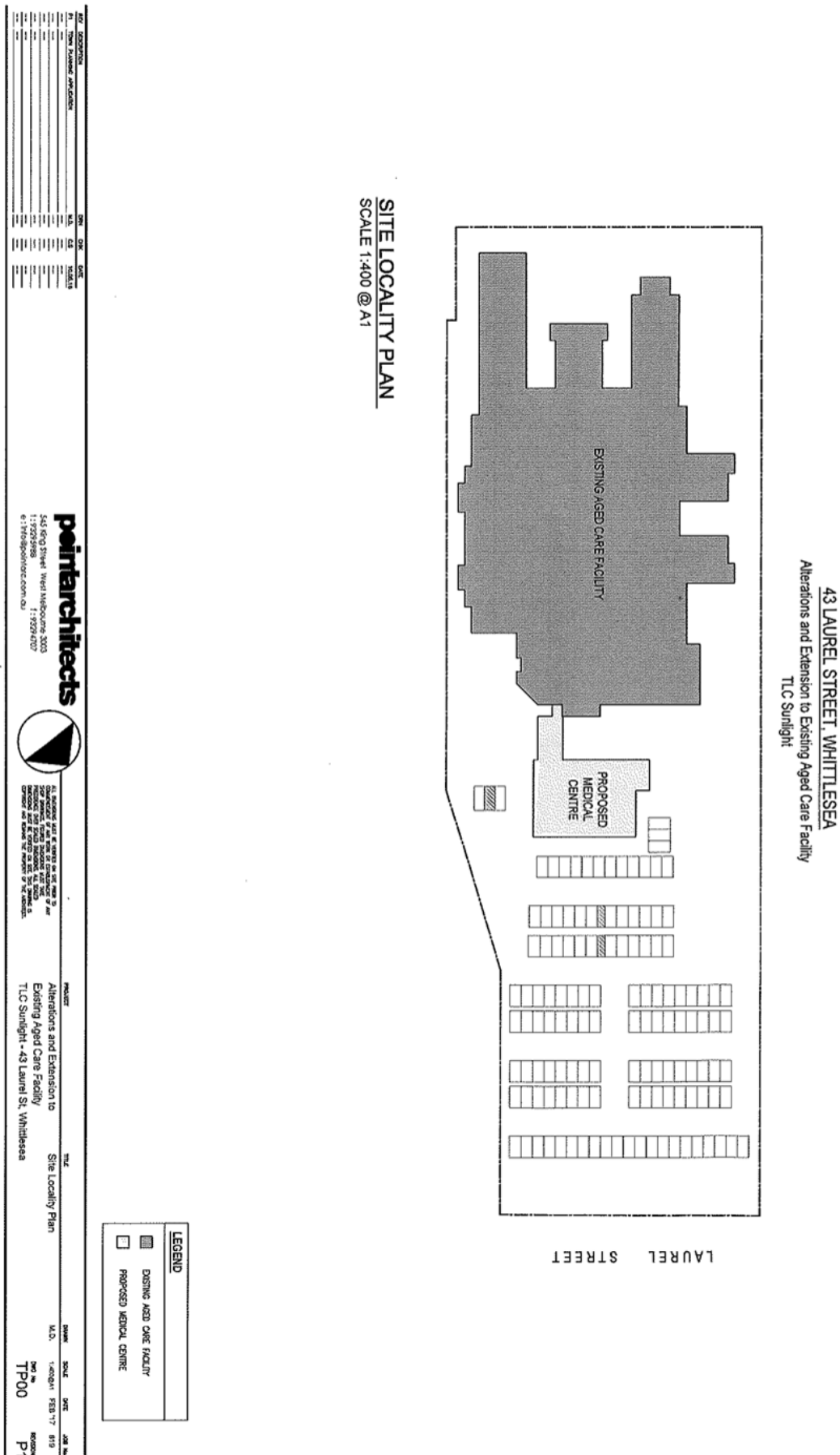


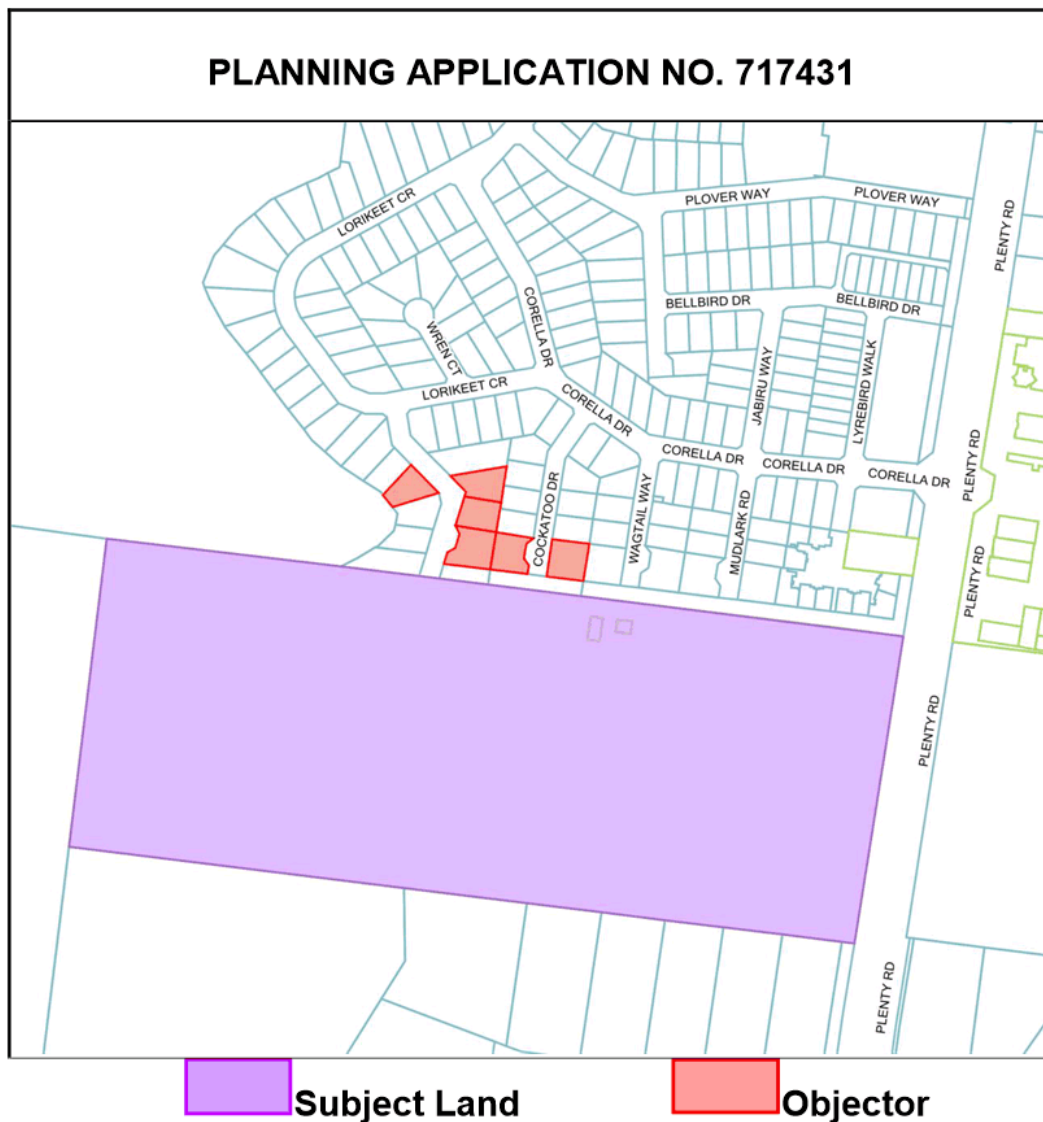
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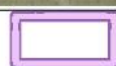




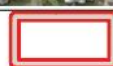
**City of
Whittlesea**

DEVELOPMENT ASSESSMENT REPORT

PLANNING APPLICATION NO. 717431



Subject Land



Objector



**City of
Whittlesea**

DEVELOPMENT ASSESSMENT REPORT

FUNFIELDS

2365 PLENTY ROAD, WHITTLESEA

City of Whittlesea
Advertised Plan 1 of 9

TOWN PLANNING SUBMISSION **ISSUE B**
PROPOSED POOL AREA
(WAVE POOL, CAFE EATERY & AMENITIES)

DRAWING REGISTER

DWG NO.		REVISION
TP01	DRAWING REGISTER	B
TP02	SITE PLAN	B
TP03	PROPOSED POOL AREA PLAN	B
TP03.1	PROPOSED WAVE POOL & PLANT HOUSE	B
TP03.2	PROPOSED LANDSCAPE PLAN	O
TP04	PROPOSED CAFE EATERY - FLOOR LAYOUT PLAN	A
TP04.1	PROPOSED CAFE EATERY - ELEVATIONS	B
TP05	PROPOSED AMENITIES - FLOOR LAYOUT PLAN	B
TP05.1	PROPOSED AMENITIES - ELEVATIONS	B



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A	04.04.2018	ISSUE A
B	07.05.2018	ISSUE B



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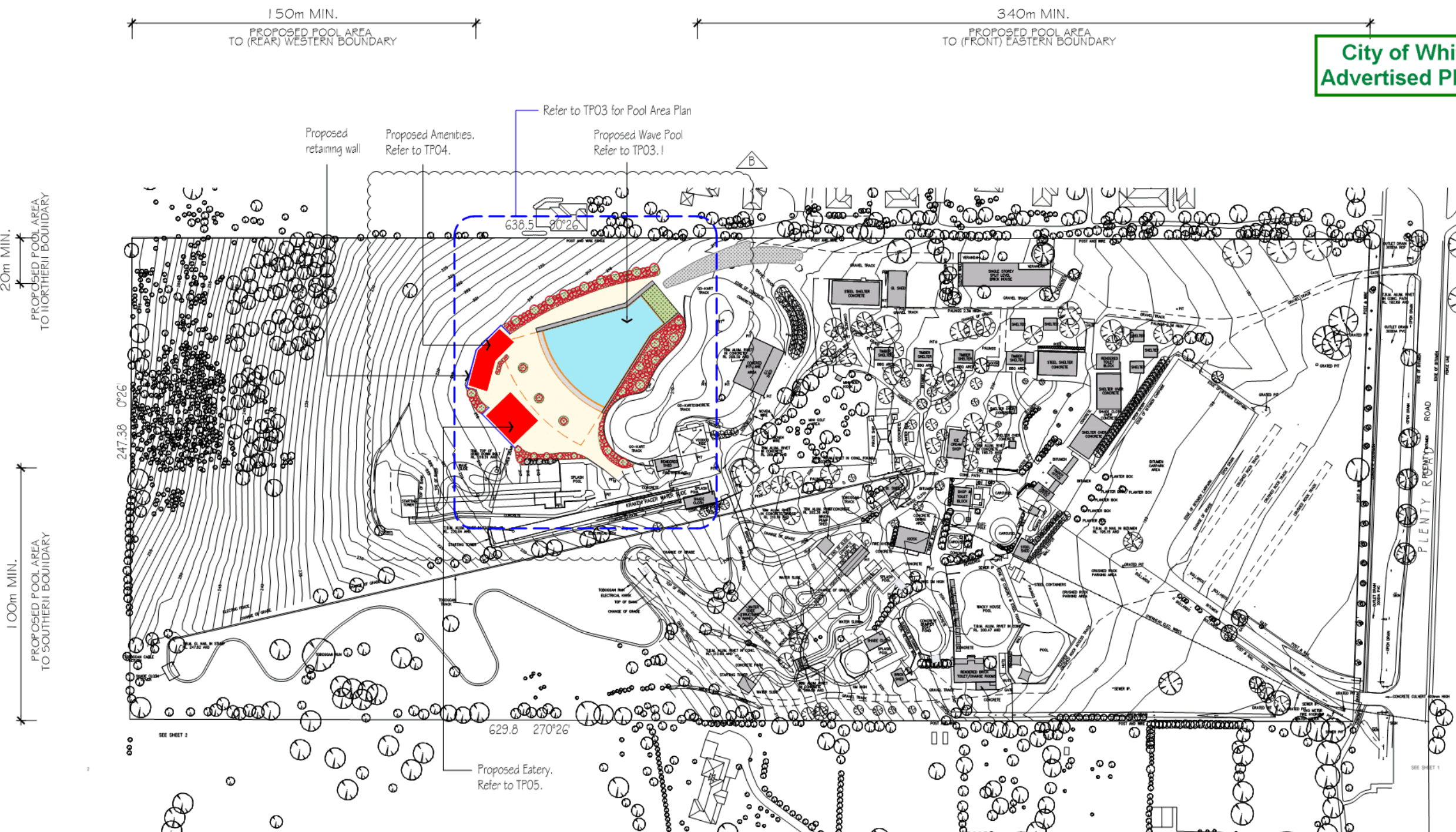


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TOWN PLANNING SUBMISSION
Project
PROPOSED POOL AREA
FUNFIELDS
2365 PLENTY ROAD, WHITTLESEA
Client Caswell Nominees Pty Ltd

Job No.	Date
17.109	29.03.18
Drawn by	Checked
H.A.J.T	I.O
Format & Scale	
Revision	Drawing No.
B	TP01



SITE PLAN

SCALE 1:1000@A1
SCALE 1:2000@A3

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Revision	Date	Description
A	03.04.2018	REVISED SITE PLAN
B	07.05.2018	REVISED WAVE POOL AREA

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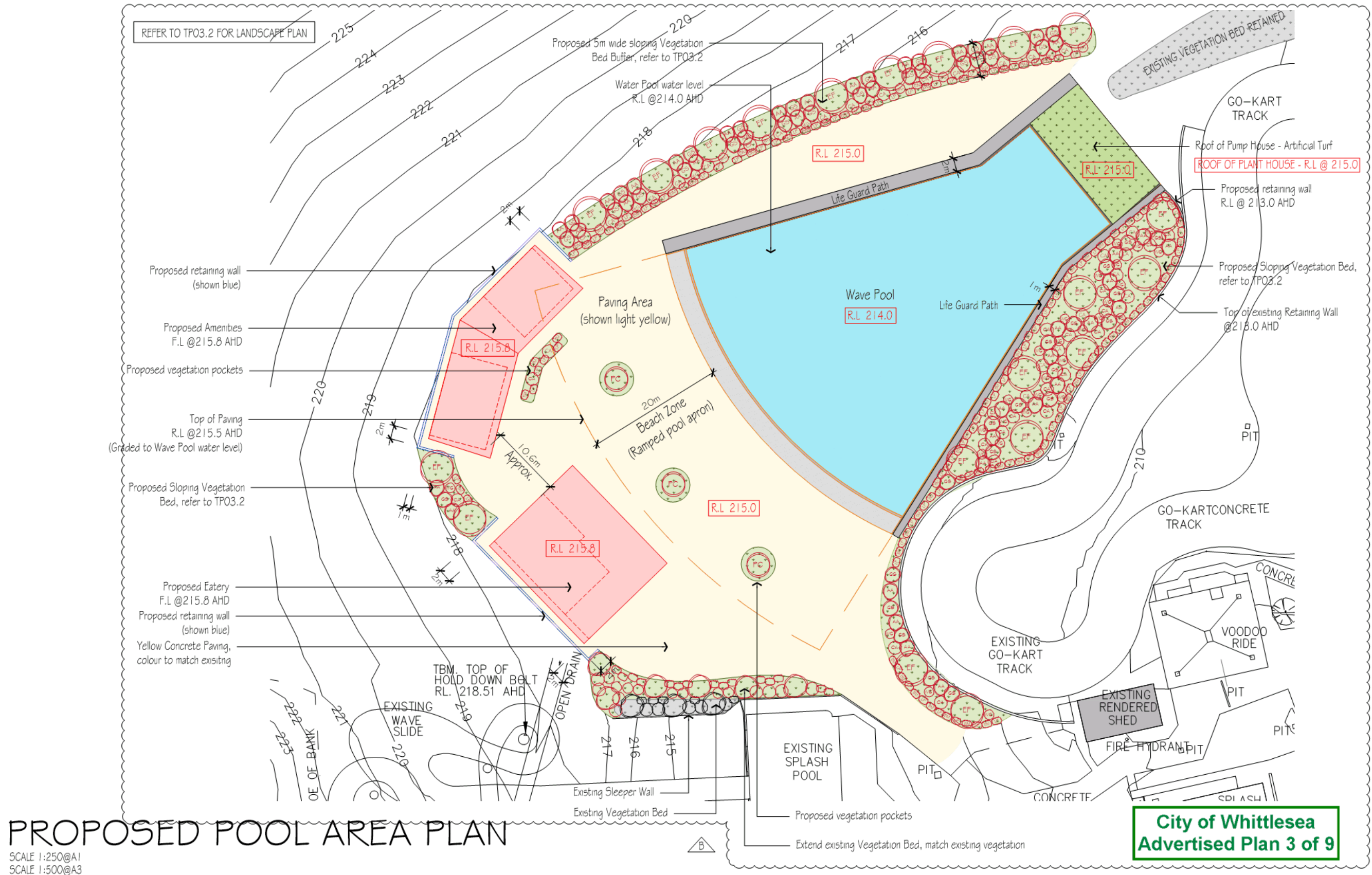
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Revision	Drawing No.
B	TP02



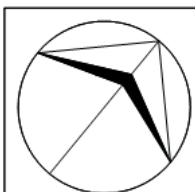


REFERENCE IMAGE



PROPOSED WAVE POOL & PLANT HOUSE

City of Whittlesea
Advertised Plan 4 of 9



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Revision	Date	Description
A	03.04.2018	REVISED WAVE POOL PLAN
B	07.05.2018	ADDED ELEVATION & FINISHES SCHEDULE



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FUNFIELDS
2365 PLENTY ROAD, WHITTLESEA
Client Caswell Nominees Pty Ltd

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17.109	29.03.18
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Format & Scale	
Revision	Drawing No.
B	TP03.1

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Advertised Plan 5 of 9**

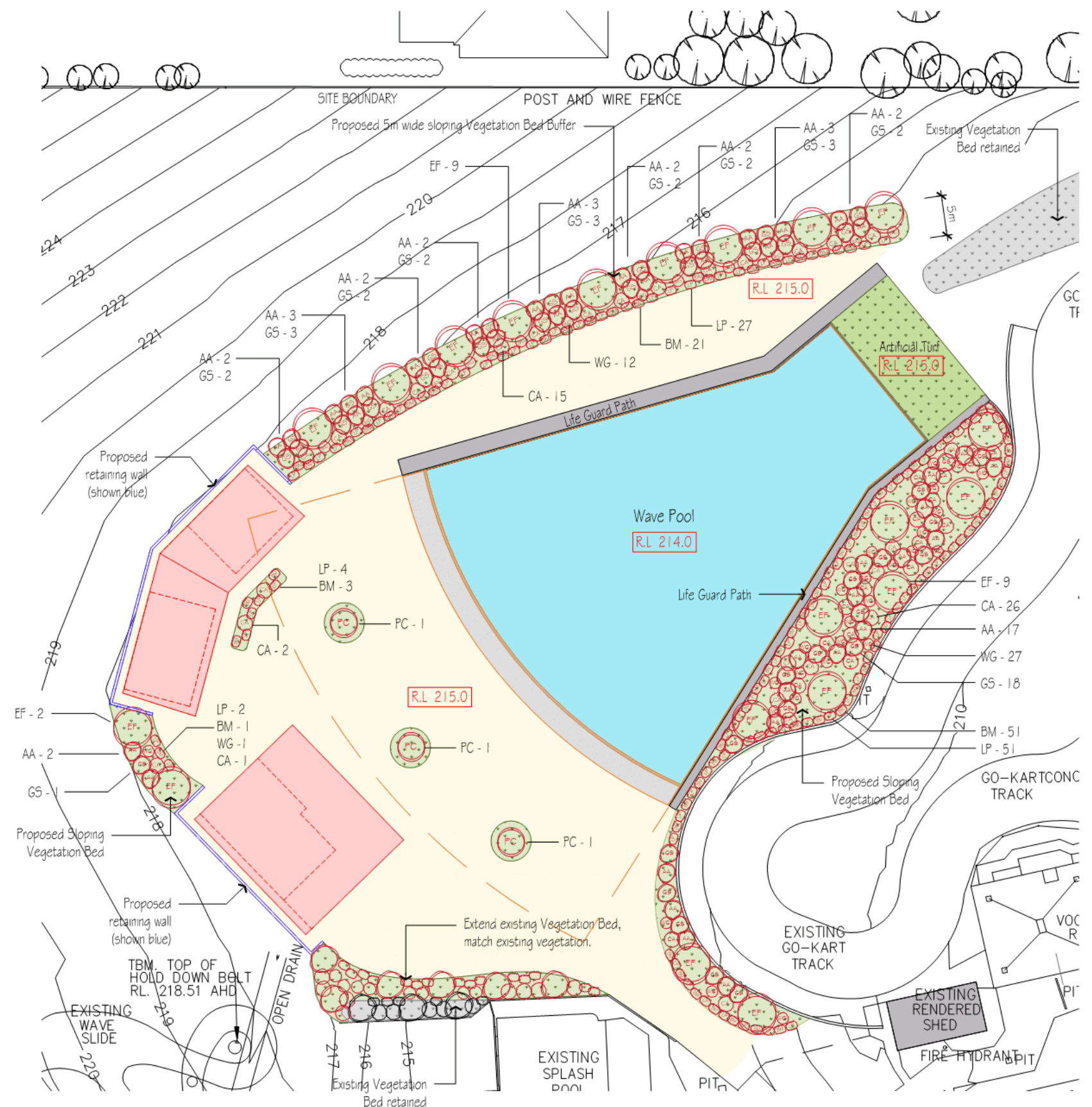
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9	10
11	12



Revision	Drawing No.
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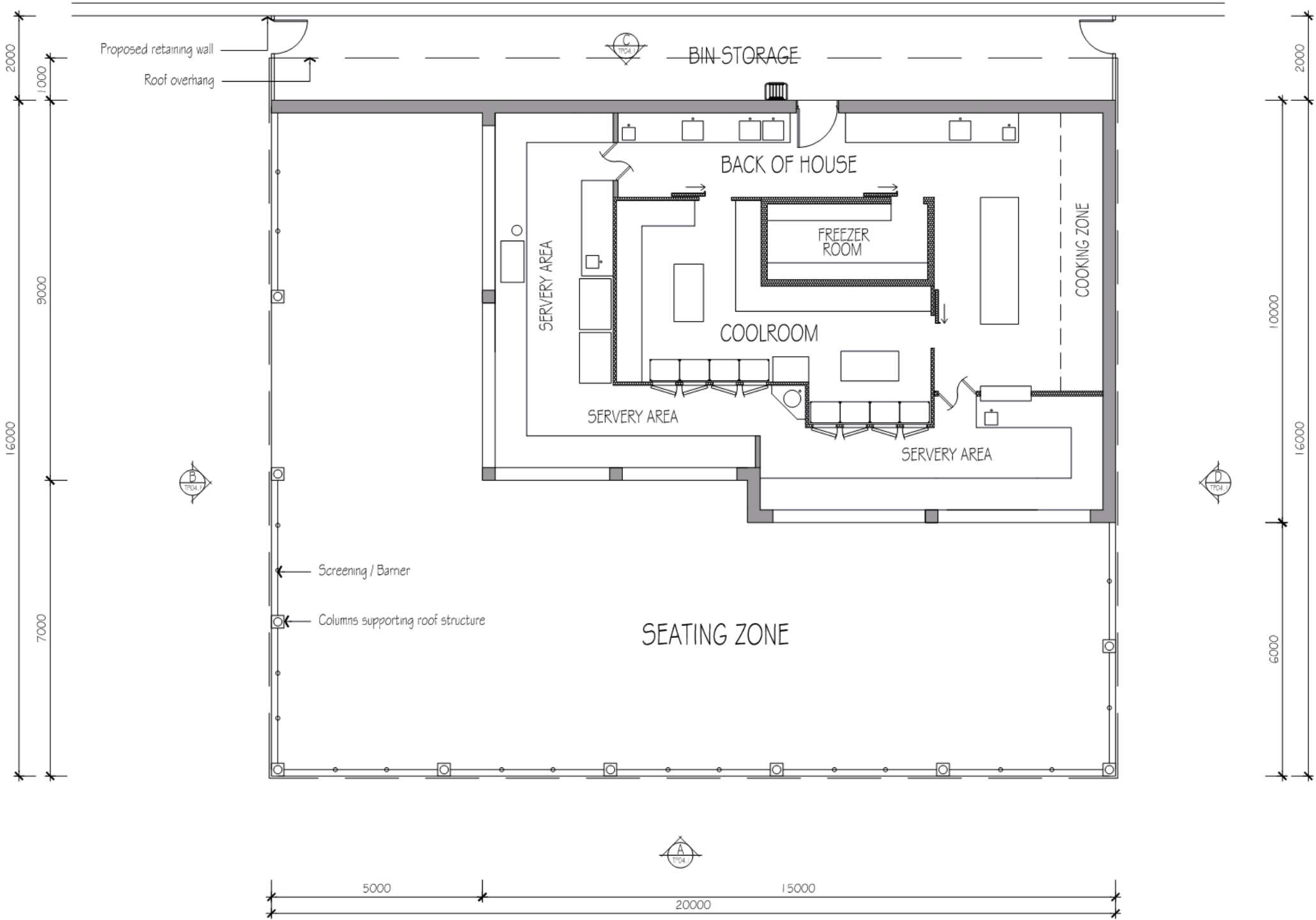


City of Whittlesea
Advertised Plan 6 of 9

FLOOR LAYOUT PLAN

SCALE 1:50@A1
SCALE 1:100@A3

PROPOSED
CAFE EATERY



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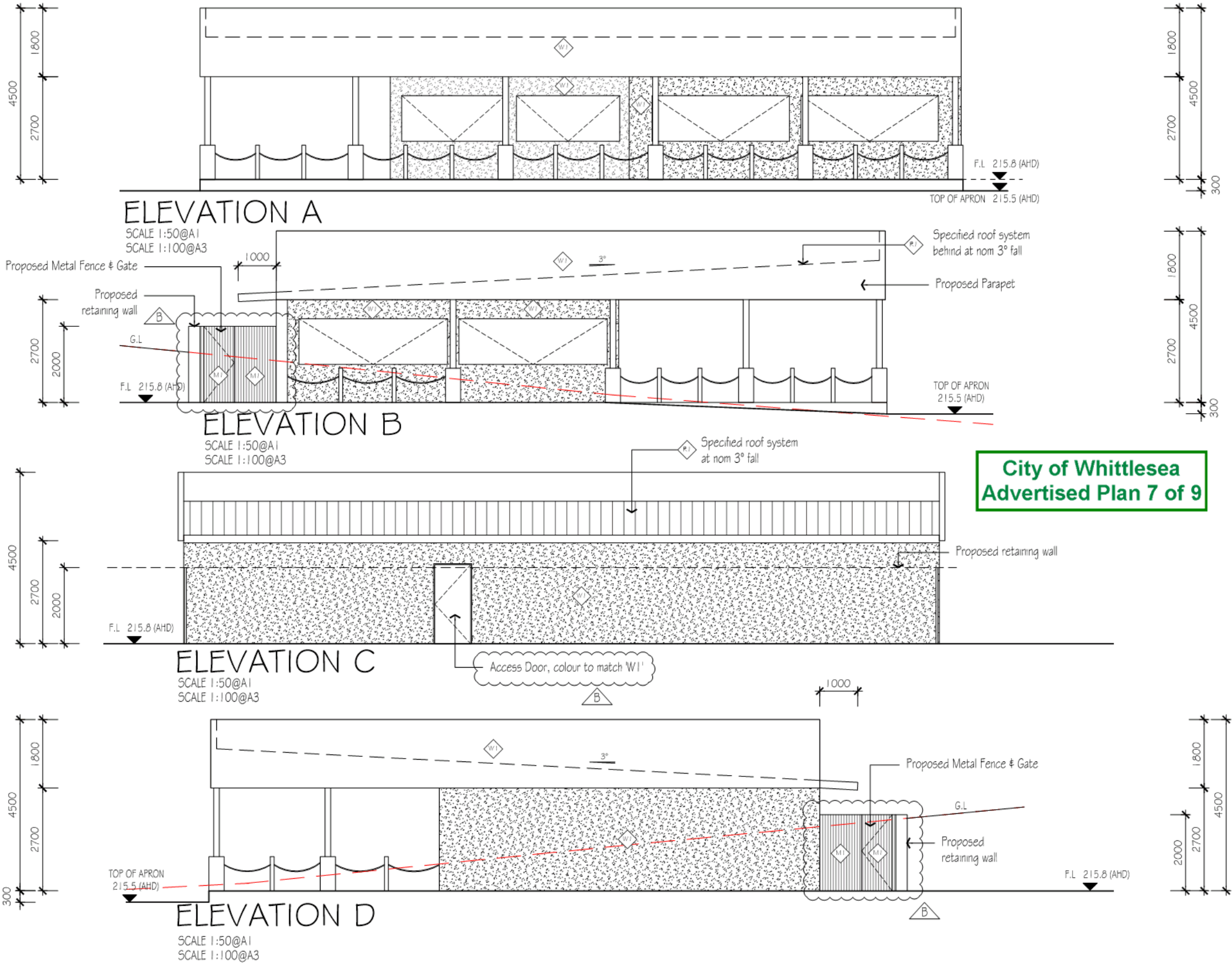
Revision	Date	Description
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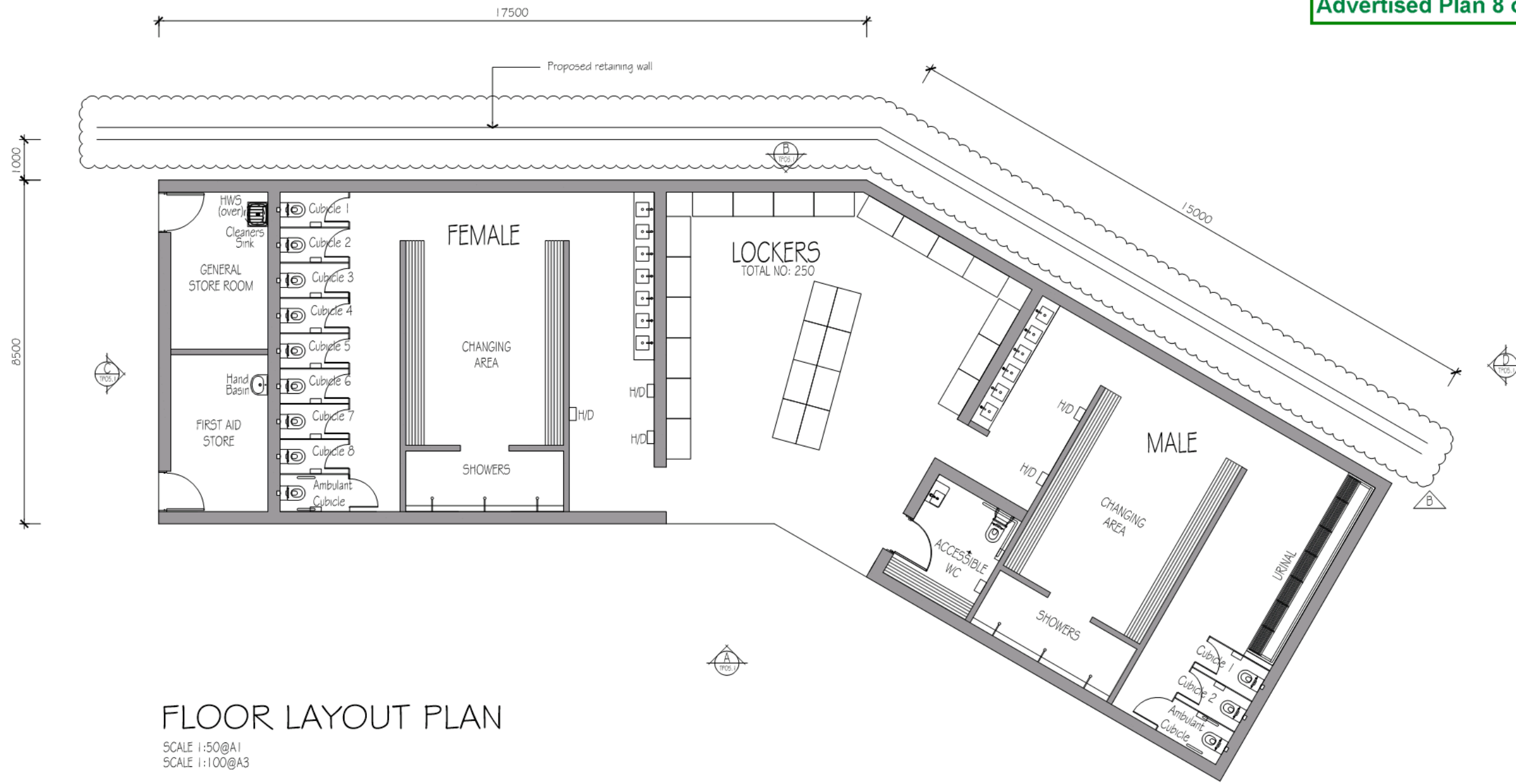
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PROPOSED POOL AREA
FUNFIELDS
2365 PLENTY ROAD, WHITTLESEA
Client Caswell Nominees Pty Ltd

Job No.	Date
17.109	29.03.18
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H.A.J.T.	I.O.
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Revision	Drawing No.
A	TP04



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FLOOR LAYOUT PLAN
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Revision	Date	Description
A	03.04.2018	REVISED FLOOR PLAN
B	04.05.2018	MOVED RETAINING WALL LOCATION



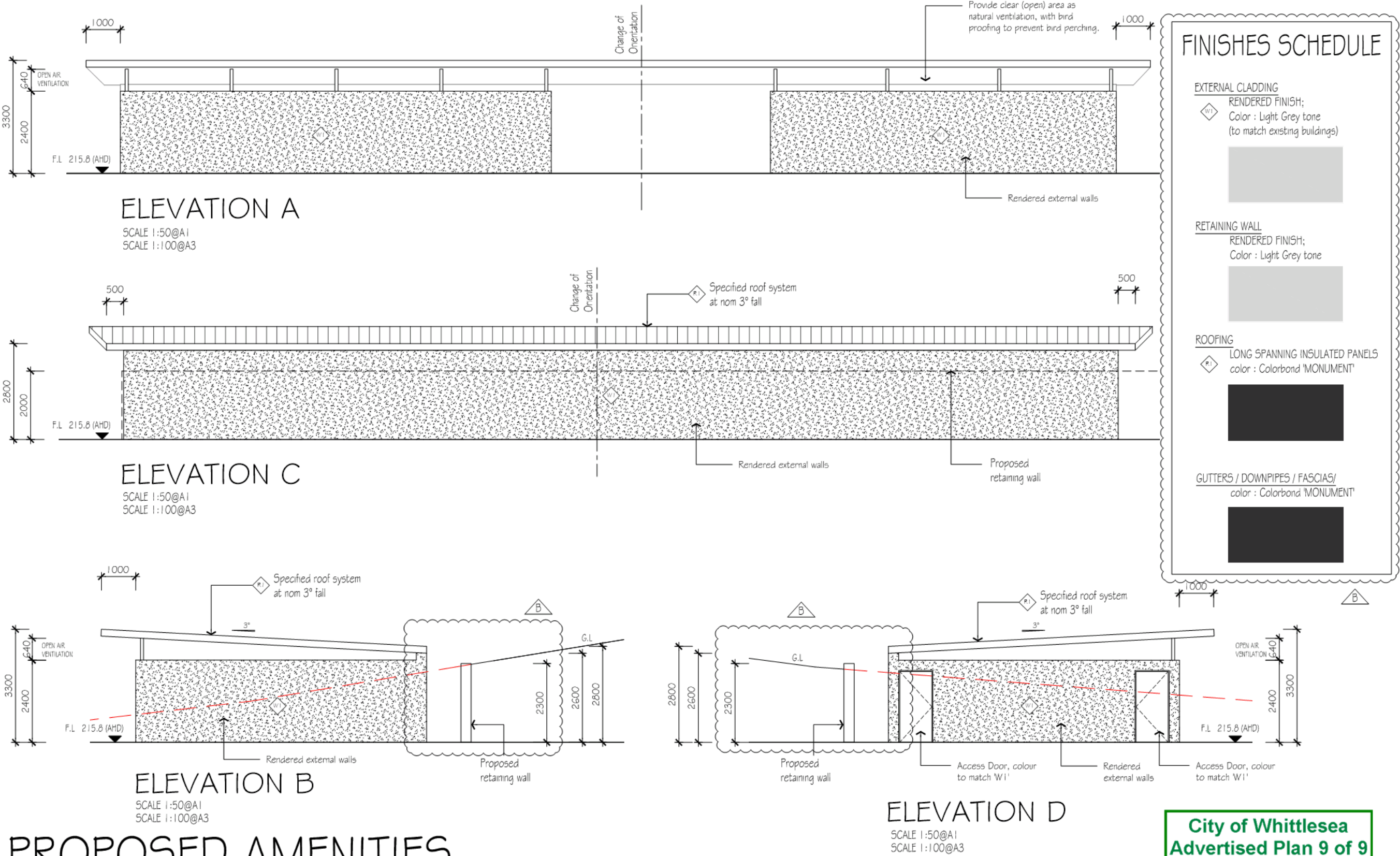
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Revision	Date	Description
A	03.04.2018	REVISED ELEVATIONS
B	04.05.2018	ADDED FINISHES SCHEDULE REVISED RETAINING WALL HEIGHT

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TOWN PLANNING SUBMISSION
Project
PROPOSED POOL AREA
FUNFIELDS
2365 PLENTY ROAD, WHITTLESEA
Client Caswell Nominees Pty Ltd

Job No.	Date
17.109	29.03.18
Drawn by	Checked
H.A.J.T.	I.O.
Format & Scale	
Revision	Drawing No.
B	TP05.1



Landscape Bond Policy

Category	Owners/Developers
Date of adoption by CMT/Council	22 May 1995
Reviewed	30 August 2016
Directorate responsible	Planning and Major Projects

Policy

Appropriate landscaping integrates new development with the surrounding neighbourhood and provides for attractive and liveable open spaces for residents and workers. Quality landscaping improves site amenity, enhances property values and is an important component in any new development proposal.

The imposition of the landscape bond in 1995 has been successful in achieving greater levels of compliance with endorsed landscape plans, resulting in a higher standard of landscaping being provided within the City.

Council will continue to impose a requirement for a cash bond or bank guarantee on those planning permits where landscaping is an integral part of enhancing or improving the streetscape. For residential developments, the bond is refundable when landscaping has been completed generally in accordance with the endorsed landscape plan.

For industrial and commercial developments, the bond is partially refundable (50%) when landscaping has been completed generally in accordance with the endorsed landscape plan, with the remainder refunded after a period of two years, if the landscaping has been satisfactorily maintained.

The focus of compliance with landscaping plans for the purpose of the return of the landscaping bond will be on the provision of landscaping within the front street setback area and common areas of any new development such as driveways.

Objectives

The landscaping bond condition will generally be imposed on a planning permit for the following categories of development (where applicable):

- All industrial and commercial development.
- Medium density residential development (three or more dwelling developments).

The bond/bank guarantee payable will be calculated at the following rates:-

- Multi-dwellings - \$1,000 per five (5) dwellings or part thereof for developments comprising three or more dwellings.



- Commercial/ Industrial - \$1,000 for every 1,000m² of site area or part thereof.

Upon the satisfactory completion of landscaping, a refund of the landscape bond will be provided within one month. A recommendation to refuse the refund of a landscape bond will be reported to Council for determination.

These objectives will be achieved by:

1. Requiring the following permit condition be included on planning permits for **medium density developments of three or more dwellings:**
 - (i) *Prior to the endorsement of the plans required under Condition **, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$**** as security deposit for the satisfactory completion of the landscaping works hereby permitted.*
 - (ii) *Upon completion of the landscaping works generally in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the payee.*
 - (iii) *In the event that the permit expires, the Responsible Authority will refund the security deposit to the payee 12 months after the permit expiry date.*
2. The following permit condition being included on planning permits for **commercial/ industrial developments:**
 - (i) *Prior to the commencement of buildings and works hereby permitted, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$*** as security deposit of the satisfactory completion and maintenance of the landscaping works hereby required.*
 - (ii) *Upon completion of the landscaping works generally in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority, the Responsible Authority will refund up to 50 percent of the security deposit to the payee.*
 - (iii) *Upon the maintenance of the landscaping works for a period of two years after completion of such works to the satisfaction of the Responsible Authority, the Responsible Authority will refund to the payee the balance of the security deposit.*
 - (iv) *In the event that the permit expires, the Responsible Authority will refund the security deposit to the payee 12 months after the permit expiry date.*

This Policy will expire on 30 August 2019 unless extended by Council.



Bonding amounts set out in this policy will be indexed annually.

ATTACHMENT 1: Summary of Current CoW A&D Services

Program	Service Type	Number of Clients	Number of Hours	Total Expenditure (\$)	Council Contribution (\$)
		2016/17 actual		2017/18 Forecast	
Commonwealth Home Support Programme	Home Care	1,768	39,992	4,078,594	1,879,340
	Personal Care*	561	20,534	2,154,793	475,076
	Respite Care	102	3,335	543,023	173,397
Responsibility of the Commonwealth	Social Support*	144	14,710	735,888	298,888
	Delivered Meals	390	23,896	787,638	470,963
Total number of individuals assisted under CHSP = 2,816	Property Maintenance (excluding lawn mowing)	1,902	3,184	287,263	0
	Assessment	1,684	5,317	1,522,319	60,373
	Volunteer Co-ordination	128	836	293,677	69,981
	Access & Support	36	336	76,980	18,190
Home and Community Care Program for Young People (HACC PYP)	Home Care	59	715	283,002	130,402
	Personal Care	41	1,006	199,640	44,015
	Respite Care	72	1,623	310,725	100,111
Responsibility of the State	Social Support*	5	285	18,802	7,624
	Delivered Meals	35	1,500	71,597	42,811
Total number of individuals assisted under HACC PYP = 275	Property Maintenance	75	279	51,730	0
	Assessment	122	264	93,968	3,727
	Volunteer Co-ordination	20	130	29,912	7,128
	Access & Support	0	0	42,808	10,115
Support for Carers Program	Programs & Activities	82	1,745	153,000	0
Council funded Property Maintenance	Lawn mowing	1,321	11,229	962,632	797,632
Positive Ageing	LEAP Program	2,323		206,119	80,427
	Senior Citizens Club Support	4,894		896,559	816,788

* Personal Care for CHSP includes Social Support Individual

* Social Support includes service types 'social support group core' and 'centre-based respite high'

ATTACHMENT 2:**Aged Care Reform Community Consultation****Summary of Findings****Introduction**

This report brings together the findings and summaries of a range of consultations, as well as a recent literature review. The focus of the research relates to service user and carer experiences and perceptions of aged care services, elements of aged care reform and ageing well. It provides a local (City of Whittlesea), regional (North Metro Region local governments) and national perspective to inform Council in its decision-making about its future role in supporting older residents and deliberations about the Commonwealth Government's reform of the aged care system.

Purpose

To provide Council with a picture of community, service user and carer perspectives about what is important for them in the context of Council needing to make a decision about its future role in supporting older people.

Summary of Findings**Ageing Well**

Council's 'A Positive Ageing Strategy for the Whittlesea Municipality 2016-2025' and associated Focus Areas and Outcome Statements are further supported by the consultations undertaken and reviewed for this Community Feedback Report.

The need for stronger social connection and reducing social isolation emerged as the single most important need for older people at a local level, across the North metro region and nationally. Respondents from the Darebin Local Government consultation about ageing well emphasised that social connection needs to be at the 'centre' of everything Council does.

Other themes that emerged are also consistent with Council's Positive Ageing Strategy. These include the ongoing need for access to health, medical and aged care services; access to affordable services and activities; access to transport; access to information; opportunities for volunteering; and accessible walking. These are all seen as important to age well and this is consistent with the World Health Organisation (WHO) Age Friendly Cities: A Guide, developed in 2007.

Aged Care Service Provision

There is very high satisfaction with City of Whittlesea aged care service provision and workers / volunteers delivering the services.

The aspects of service provision and service providers that are important to service users and carers seem to be universal and were highlighted in Whittlesea, the North Metro Region and nationally. These aspects include a relationship of trust and that workers are 'vetted'; continuity of worker; genuine relationship with worker; turning up on time; and integrity, respect, and interest in older people. Other universal aspects include providers that are not for profit; services that are affordable; service delivery models that are based on outcomes

not specific tasks; care that is flexible to meet the person's needs; having good feedback and complaint handling processes and responsive follow-up, workers and staff speaking the language of the service user; and good communication of changes to service delivery.

There is identified unmet need for care givers (informal, family carers) that focuses on education, more flexible aged care service models and emotional support and this was raised both locally (Whittlesea focus groups) and nationally (National Seniors Australia and Australian Aged Care Quality Agency literature review).

There are gaps in service provision nationally in relation to care planning and coordination; the need for greater communication from providers, poor cleaning services, the need for more dementia training and the lack of respite and support services for informal carers.

Aged Care Reform

The consistent messaging about aged care reform from a service users and carer perspective both locally (Whittlesea municipality) and in the North Metro region is a lack of understanding of the new system; choice is 'daunting' and 'overwhelming'; there is a lack of access to information and support to navigate the system and understand choice; and choice seems disingenuous. Respondents were not confident in the new system, "service quality is not clear" (who do you trust?), and there is fear about lack of quality and that there will be less service provision. Access issues were raised by indigenous and CALD groups. A further point emphasised is the lack of local knowledge of the My Aged Care system.

Council's Future Role

Access to aged care services is very important to service users who identify they would not be able to live independently without these services. Council is the preferred service provider for existing service users who attended the Whittlesea focus groups – this is based on trust and the relationship developed with workers. However non-English speaking service users would prefer a provider from their own culture if given the choice and if the organisation were able to deliver like-for-like services. Carers do not mind 'who' provides services so long as the values identified under the Aged Care Service Provision summary are met.

The greatest need for Council's future role was identified as support for older residents to access information about the aged care system and broader community activities, to provide support for service users and carers in their decision-making about services and to link residents to social opportunities and activities. The North Metro region consultation with community organisations identified the need for a service to bridge the information gap and that this service would be more welcome from Council than direct provision of home support services. This service could also register systemic issues, advocate for change, and find ways to apply pressure in the aged care system to weed out poor service and promote good providers.

The lack of access to affordable social support and connection opportunities has also been raised from the national consultation undertaken by National Seniors Australia. Currently those who access a Home Care Package have to pay for this out of package funding which does not often stretch to include social support. This acts as a systemic disincentive for social connection which is an increasing issue for those consulted.

Increased support for carers is also an identified need arising from the consultations, particularly as carers are often caring for more than one person. This was also highlighted for indigenous participants in Whittlesea focus groups who are often caring for a grandchild.

National-Focus on support and education for informal carers will help reduce the negative impacts of the caring role on health including stress, mental exhaustion and feeling overwhelmed.

Another opportunity identified from the Whittlesea focus groups was to undertake activities that bring isolated and lonely residents together on a regular basis. The focus groups were particularly successful as a pilot for this and they provided the opportunity for participants to input their experience and provide feedback to inform Council decision-making as well as to be connected and share and receive information from each other. National consultation supports the idea of focus groups for service users and carers and identified 'the consumer voice as the driver of change in the aged care industry as ageing in place increasingly becomes the norm'.

The Whittlesea Seniors linkup Project has proven to be a successful program to support isolated older people to connect to community and social activities, and facilitating social connection opportunities and supporting access to medical, health and aged care services is a priority area for advocacy in the municipality.

The Household Survey has highlighted the need to encourage more walking for all age groups with respondents identifying improved lighting, creating more walking tracks, creating better footpath connections, improving footpaths/walking tracks and creating more seating along them and improving road crossings as ways to encourage this.

Finally, there is further work to be undertaken to explore, test and identify who are Whittlesea's most vulnerable aged care residents and the factors that may negatively impact on access to supports and services. Geographic location is likely one factor in addition to living alone without family or carer support, indigenous background, cultural background, financial circumstances and housing situation. This piece of work would assist Council to ensure these residents are not 'falling through the gaps' created in the new aged care environment.

Source Materials

Conversations with Whittlesea Aged Care service users and carers about what they need to age well, April 2018 (Pope). City of Whittlesea. [Internal only report.](#)

Whittlesea Seniors Link up Project, 2017. City of Whittlesea. [Internal only report.](#)

City of Whittlesea Household Survey: Municipal Report, August 2017. City of Whittlesea. <https://www.whittlesea.vic.gov.au/about-us/our-city/research-reports/>

Aged & Disability Social Support Group Survey Report, 2017. City of Whittlesea. [Internal only report.](#)

Aged & Disability Delivered Meals Survey Report, 2017. City of Whittlesea. [Internal only report.](#)

Aged Services Client Satisfaction Survey, 2016. City of Whittlesea. [Internal only report.](#)

Ageing Well in Whittlesea municipality: Community Survey Summary Findings, 2016. City of Whittlesea. [Internal only report.](#)

Review of the Needs of Older People in Darebin, 2017 (Pope). City of Darebin. <https://www.yoursaydarebin.com.au/growingolder>

Meeting older people's needs for social connection and to live independently at home, April 2018 (Pope). City of Darebin on behalf of North Metro Region Councils. [Internal only document.](#)

AACQA literature review: Choice and quality in community care. Final Report: Draft 1, March 9 2018. La Trobe University report for the Australian Aged Care Quality Agency. <http://www.aacqa.gov.au/publications/consumer-experience-reports-1/LaTrobeLiteraturereviewfinalreport9March2018.pdf>

Accentuating the positive: Consumer experiences of aged care at home, April 2018. National Seniors Australia. <https://nationalseniors.com.au/accentuatingthepositive>

ATTACHMENT 3: Desired Community Outcome Statements for People Aged 50+ Years

Focus Areas	Community Outcome Statements
1. Friends, connections and a welcoming community Improve wellbeing for people as they age through social connections and an inclusive community.	<p>Older people feel connected to others and feel like they are part of a community. They are able to socialise locally and connect with their neighbours.</p> <p>They are not defined by their age and live free from age related discrimination.</p> <p>They are aware of the diverse range of formal & informal opportunities to meet their particular cultural and life circumstances.</p>
2. Active – socially, mentally, physically Increase opportunities for people to remain active and engaged and maintain functional health, wellbeing and independence for as long as possible.	<p>People make healthy lifestyle choices resulting in a lower incidence of preventable & chronic illness. Older people participate in social, mental and physical activities.</p> <p>They understand the link between regular activity & social connection to their health & well-being. They feel encouraged to pursue opportunities to be active.</p> <p>They can choose from a range of affordable and locally-based options and have the capacity to lead & develop new activities and groups.</p>
3. Learning and sharing knowledge Increase opportunities for people of all ages to continue to learn and actively contribute their skills in the community.	<p>Older people are able to engage in learning and share & use their knowledge, skills and experience.</p> <p>They are encouraged to contribute & valued as community members, volunteers, mentors, workers and business owners.</p> <p>There are a range of formal & informal avenues to learn, participate and contribute that suit their culture, lifestyle, circumstances and goals.</p>
4. Getting around Improve access to a variety of transport options to assist community participation, maintain social engagement and access facilities and services.	<p>Older people can get to where they want to go. Activities and services are available locally. Access to transport is not a barrier to participation.</p> <p>There are a diverse range of transport options, including private, public and community transport, that are safe, affordable, connected, reliable, frequent and available after-hours.</p> <p>Independent movement is supported by infrastructure in public spaces including adequate toilets, seating, shelter, lighting and paths.</p>
5. Informed and having a say Improve communication and provision of information to increase community participation and connections and support older people to have a say in decisions that affect their lives.	<p>Older people are heard and valued. They are encouraged to lead and influence public decision-making and decisions that affect their lives.</p> <p>Timely and reliable information about public decision-making can be accessed from a range of sources, locations and formats.</p> <p>Their views are actively sought in a variety of ways about issues that affect their community. Public decisions are improved by the informed participation of older people.</p>

Focus Areas	Community Outcome Statements
<p>6. Feeling safe Address perceptions/ feelings/ experiences around safety to encourage residents 50+ years to remain active and engaged in the community as they age.</p>	<p>Older people feel safe in their home and community. They are less likely to be victims of elder abuse and crime.</p> <p>The built environment promotes safety.</p> <p>The public understands and responds to perceptions & experiences of safety.</p> <p>The community recognises elder abuse and takes appropriate steps to reduce occurrence.</p> <p>There is a timely response to incidents by justice and social support services.</p>
<p>7. Housing, employment and financial security Support housing, employment and financial security for people in their older years.</p>	<p>Older people will have housing, employment and financial security.</p> <p>They are encouraged & supported to plan for their current & future housing, employment and financial needs.</p> <p>They can choose from a range of local housing options that are responsive to changing circumstances. Housing options are affordable, adaptable and accessible</p> <p>They can participate in the workforce without experiencing age-based discrimination. There are employment options and opportunities for career change and skills development.</p> <p>They have access to trusted financial counselling, advice and support.</p>
<p>8. Health and support services when required Access to a range of health and wellbeing support when required and assist people to manage/treat their health condition</p>	<p>Older people receive the health & support services they require including primary & acute care, community care and preventative health programs.</p> <p>They are able to choose from a range of high quality, locally-based health & support services which are affordable, accessible and available when needed.</p> <p>They have the information and assistance to know what health & support services are available and are confident & capable to access them.</p> <p>They experience a straightforward and responsive service system. They receive trusted advice and services and are confident in the capacity & responsiveness of accountability & complaints mechanisms.</p>

ATTACHMENT 4: Evaluation Framework

Desired Outcome	Criteria
1. Quality <i>Older people will receive timely, coordinated and integrated basic maintenance and support services to continue to live in their community</i>	a. Services will be delivered by registered service providers (mandatory) b. The current range of community care service types are maintained c. Clients experience minimal disruption and difficulty, including continuity of direct care staff d. There is opportunity for integration across the service continuum, including both across sectors (eg health and community care) and the spectrum of need (eg for increasing needs/age) e. Service provider(s) have a demonstrated history of providing community care services
2. Access <i>All older people within the municipality, irrespective of where they live or their social, cultural and economic status, should have access to quality services that maximises their potential to live in and contribute to their local community(s)</i>	a. Services are available in all geographic areas (mandatory) b. Eligible clients will receive a service regardless of complexity c. Services are available at time and day needed by client d. Services are responsive to people's circumstances (cultural, language, lifestyle, relationships diversity) e. Clients will have supported access if required f. Service fees / 'out-of-pocket' costs are affordable for clients
3. Legal obligations <i>Meets all legislative and regulatory requirements</i>	a. Complies with National Competition Policy (mandatory) b. Complies with Commonwealth funding agreement obligations (mandatory) c. Complies with Corporations Act and / or other relevant legislative requirements (mandatory) d. Complies with relevant industrial awards and legislation (mandatory)
4. Feasibility <i>Option(s) can be implemented within required timeframe and budget</i>	a. Can be implemented and operational by July 2020 (mandatory) b. Confident that all significant risks have been identified and can be mitigated or managed c. Council has the necessary capacity and capability to support transition
5. Financial sustainability <i>CoW's A&D service will be in a sustainable financial position</i>	a. There is a material reduction in the cost to Council (ie total Council contribution to operating costs plus transition costs) between the 2018/19 budget and the annual average between 2019/20 and 2026/27 (\$'s) (mandatory) b. Total (\$'s) of Council contribution to operating costs and total (\$'s) of savings available for re-investment or re-allocation in 3, 5 and 10 years c. Transition costs (eg business transformation, establishment or transfer costs) as a proportion of potential savings

Desired Outcome	Criteria
6. Fair work Service provider staff receive appropriate salary and conditions	a. There is minimal impact on current Council staff salary and conditions b. Staff have secure and stable employment with a reputable employer
7. Market maturity <i>There is sufficient choice, information and resources to make effective purchasing decisions (to drive efficiency and innovation)</i>	a. Adequate <u>number of providers</u> to provide required level and range of services b. Sufficient <u>number and diversity of offerings</u> across service providers (including balance of larger mainstream services and smaller niche service providers) c. Client and community has the capacity & capability to navigate system and exercise choice d. Clients and stakeholders have reliable, transparent and accessible information to inform decisions on service quality and price
8. Strategic alignment <i>Delivers on Council's responsibilities & commitments</i>	a. Delivers on Council's commitments to older people as documented in: <ul style="list-style-type: none"> – Age Friendly Declaration – Positive Aging Strategy 2016-2025 – Community Outcome Statements for People Aged 50+ Years in Whittlesea b. Provides opportunities for Council to fulfil its desired future role in the aged care sector (as service provider, advocate, planner and system steward) c. There is minimal impact on residents' ability to receive other services currently delivered by Council services (eg HACCPYP, community transport)
9. Economic development <i>Council funding and activities promotes local economic activities and employment opportunities</i>	a. The number and diversity of locally based businesses and not-for profit organisations is maintained or grows b. There are employment opportunities for local residents

ATTACHMENT 5: National Competition Policy

(sources: Ernst & Young (2018) Northern Metropolitan Local Government National Aged Care Reform Project Addendum 1: Competitive Neutrality Review; and DTF Vic (2012) Competitive Neutrality Policy)

Background: Overview of NCP

Victoria is a party to the inter-governmental *Competition Principles Agreement* 1995 (CPA) which is one of the three agreements that underpin National Competition Policy (NCP). Under the CPA, each state and territory is obliged to apply competitive neutrality policy and principles to local government and to all government agencies. The objective of competitive neutrality is set out in Clause 3(1) of the CPA:

'...the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities: Government business should not enjoy any net competitive advantage simply as a result of their public sector ownership. These principles only apply to the business activities of publicly owned entities, not to the non-business, non-profit activities of these entities'.

Government departments, agencies and local governments are responsible for determining, on a case by case basis, whether its business activity is "significant" in the relevant market and therefore subject to the NCP.

The CPA does not provide a definition of "significant business activities". In determining whether its business activity is significant or not, assessment of the nature and extent of the relevant market, as well as the probable nature and extent of the competition within that market, is required.

The "relevant market" can normally be identified on the basis of the competing goods or services which could reasonably be used interchangeably by most customers or consumers. In addition to this, the relevant market may also be identified in terms of the geographic area or areas in which sellers of a good or service operate and to which consumers can practically turn for the good or service in question.

The question of whether a business activity is "significant" in the relevant market can only be determined on a case-by-case basis. Some of the factors which could be considered in this regard include:

- the size of the relevant business activity in relation to the size of the relevant market
- the influence or competitive impact of the business activity in the relevant market
- the resources the business activity commands and the effect of poor performance
- whether the costs of providing services by the entity are being predominantly met by users

Following a determination that an activity is "significant", an assessment of the expected benefits and costs of introducing appropriate competitive neutrality measures is required. An assessment of the potential benefits of applying competitive neutrality measures should include, but is not limited to:

- increased market contestability which enables competition in the markets that have been traditionally dominated by public sector businesses. Such contestability produces incentives for businesses to lower prices and provide greater choice for consumers
- improved performance of government businesses in comparison with competitors. Competitive neutrality increases the incentives for the business to operate efficiently thereby encouraging better use of the community's scarce resources
- clarifying non-commercial objectives, and thereby determining whether the business is effectively meeting these objectives.

There are three ways in which Councils can comply with competitive neutrality:

- Full cost reflective pricing: includes all direct, indirect costs and advantages of public ownership such as tax exemptions (and applies to all three competitive neutrality measures)
- Commercialisation: separate regulatory functions from direct service delivery
- Corporatisation: establish a new business entity (alone or with another organisation).

Finally, if it is considered that the implementation of a competitive neutrality measure would compromise other public policy objectives, a public interest test should be conducted in order to demonstrate the case for not implementing the measure in question. If implementation of a competitive neutrality measure is shown to be not in the public interest, then the business activity in question is exempt from the NCP.

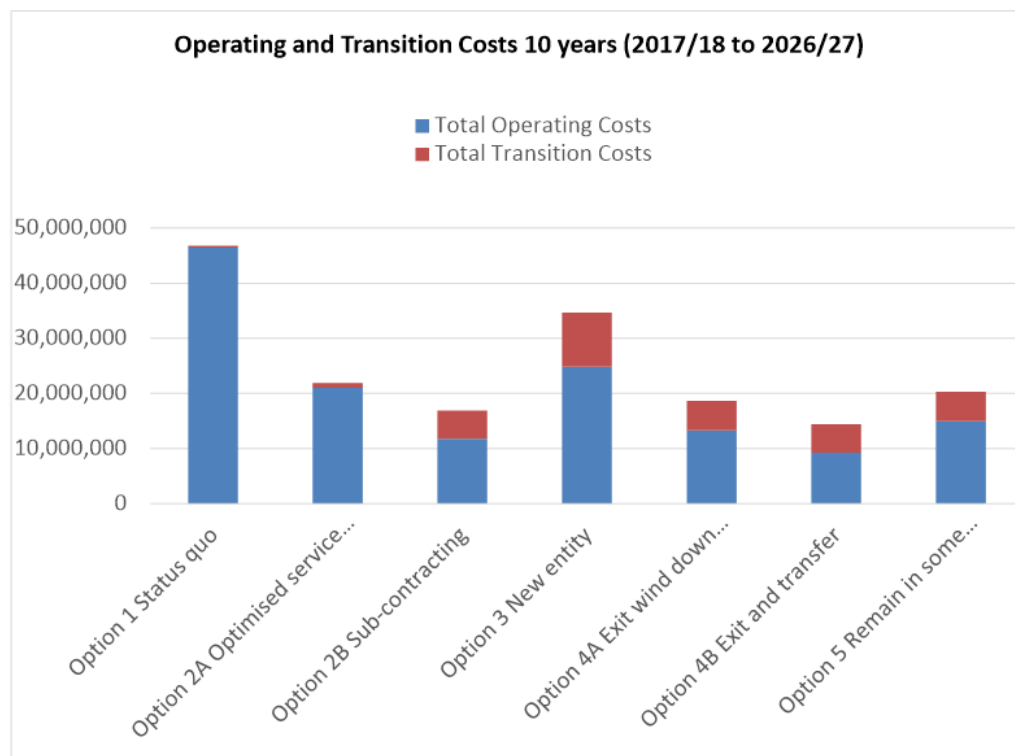
Note that competitive neutrality does not apply to businesses or services that Councils' sub-contract to a third party provider (such as Nillumbik and Yarra Councils). However, Councils are required to ensure that internal bidders or external third parties do not enjoy any competitive advantages such as subsidisation of unit price, in awarding contracts.

Assessment of CoW's A&D services

To help inform Councils' decision making, Ernst & Young (EY) was commissioned to undertake a high level competitive neutrality analysis as part of the Northern Metro Local Government National Aged Care Reforms- Commonwealth Home Support Program Report. EY considered that:

1. Councils' CHSP services were significant business and are therefore required to consider how they will comply with the competitive neutrality policy post 2020
2. The benefits of CHSP services delivered in-house do not outweigh the costs
3. Councils' CHSP service delivery operates at a loss due to their high cost of delivery which is on average 30-50% higher than the unit price paid by the Commonwealth. This requires Council to subsidise CHSP services significantly
4. In addition, for full cost reflective pricing the additional benefits of Council ownership such as payroll tax, land tax and company tax needs to be added to the output costs resulting in an even higher level of subsidisation
5. To remove this subsidy would require Councils to increase their pricing to cover the higher cost base. This cost would be met by clients, families & their carers
6. To avoid the significant increase in costs to clients, Councils would need to consider a public interest test to identify potential policy and socio-economic reasons why Council should to continue to subsidise CHSP services and not implement full cost reflective pricing
7. EY's analysis suggested that the removal of the subsidy for CHSP services would not jeopardise Councils' ability to deliver on their ageing policy objectives. However, EY identified the need further client and community engagement to validate their analysis
8. Alternative ways in which Councils can deliver on their ageing policy objectives other than full cost reflective pricing and include:
 - alternatives such as sub-contracting
 - identifying CHSP services that the market may not deliver such as group-based services
 - facilitating the market to deliver services in specific geographies or to specific cohorts
 - delivering alternative services outside the remit of CHSP that realise Councils ageing policy objective

ATTACHMENT 6: Summary Financial Analysis of Options



ATTACHMENT 7: Review of Council Subsidised Electrical, Plumbing and Lawn Mowing

Aged Care Reform Project
Review of Council Subsidised Electrical, Plumbing
and Lawn Mowing

Background:

The City of Whittlesea currently provides access to subsidised electricians, plumbers and regular lawn mowing (4 week cycle). This is in addition to suite of services provided by Council under the Commonwealth Home Support Program (CHSP) and Home and Community Care Program for Younger People (HACC PYP).

The service is unique to The City of Whittlesea, there are no other known Victorian councils who provide this particular service to their residents.

Expenses for this program in the 2017/18 financial year is forecast to be \$962,000, of which \$797,000 is ratepayer funded. This is significantly higher than the initial budget due to escalating demand and an eligibility process that does not manage demand once budgets are fully committed.

The current gateway to accessing these services is via Council being accessible on the My Aged Care Portal as a CHSP Provider, and residents being eligible for a Regional Assessment Service, where the residents' needs are identified beyond CHSP funded programs for services such as lawns and trades.

While the provision of electrical and plumbing is only modestly subsidised by Council, the cost of lawn mowing is highly subsidised for the growing number of older residents who receive it. In addition there is considerable cost associated with administering the service, rostering services, managing the schedules of over 1100 clients, liaising with contractors and contract management.

The Council Subsidised Property Maintenance Service has been reviewed as part of the overall review of all Aged and Disability services.

The review considered five options for access to electrical, plumbing and lawn mowing:

- a) Business As Usual
- b) Volunteer Model: (Lawns only)
- c) 'Seniors Friendly' list of Preferred Providers
- d) Voucher System in conjunction with Preferred Providers List:
- e) Free Market (no Council involvement)

The five options are described in the table below:

Model	Description
Business As Usual	Council subsidised electrical, plumbing and regular lawn mowing (four weekly roster). Eligibility is based on demonstrating a level of need and access is on an entitlement basis which results in an inability to effectively manage demand and expense.
Volunteer Model: (Lawns only)	<p>Cease provision of electrical and plumbing activities</p> <p>Create teams of volunteer lawnmowers who will be responsible for 'rounds' of lawns.</p> <p>Existing office staff undertaking administration and rostering tasks will be retained.</p> <p>Client fees will need to be increased to cover cost of volunteer coordinators and lawn mowing equipment and consumables.</p>
'Seniors Friendly' list of Preferred Providers	<p>Businesses, volunteer groups and social enterprises submit an Expression of Interest to be registered as a 'Seniors Friendly' provider of trades, lawn mowing or other related services. Providers will need to agree to meet a set of standards similar to those expected of current property maintenance contractors; offer transparent pricing and preferably 'seniors discounts'. Registration will be valid for 12 months and resident feedback will be incorporated into the re-registration process.</p> <p>Residents will be able to independently access the list of providers and contact the provider of their choice and will be responsible for arranging services and paying the provider.</p> <p>This option will require limited ongoing Council support to manage the list of providers and direct residents to these lists.</p>
Voucher System in conjunction with 'Seniors Friendly' list of Preferred Providers	<p>Eligible residents will receive vouchers for subsidised access to services from providers established using the preferred provider model above. Once residents have been assessed and issued with the relevant voucher(s) they will contact the provider themselves. The provider will charge their standard fee for the service, less the value of the voucher. The provider will then redeem the voucher with Council.</p> <p>Residents who are not eligible for a voucher, may still contact the 'Seniors Friendly' providers and purchase services from these providers.</p> <p>This model requires maintenance of an assessment function and the pool of 'Seniors Friendly' providers. The model would also need to develop a methodology to ensure eligibility for vouchers was aligned with available budget.</p>
Free Market (no Council involvement)	Council ceases having any role in residents accessing Lawns and Trades services, with residents accessing a free market.

Consultation:

These services have always been highly regarded by residents along with the other Home Maintenance services provided through CHSP and HACC PYP funding. They provide access to desirable services and resolve two common concerns; how to choose suitable, quality providers to come into clients' homes; and provide protection from financial abuse.

In 2012, existing clients of the HACC and Council subsidised Property Maintenance services were asked to rank all 38 Property Maintenance tasks in order of importance. The ranking

asked clients to take into account the criteria drawn from the core objectives of the Victorian HACC Program:

- Health & Safety
- Access & Mobility
- Maintain Essential Services
- Enhances Comfort
- Cost Savings
- Energy Efficiency
- Cosmetic Benefit

At that time the top four services were all trades (i.e. toilet repairs, installation of power points, fuse replacement; gas leak investigations) with lawn mowing ranked last at 38. Refer Appendix A at the end of this document.

As part of the Joint Community Engagement project of North Metropolitan Aged Care Reform project, Northern Councils hosted an 'Ideas Hack' in March 2018 in order to gain a community perspective on the challenges being faced by local councils in responding to the needs of older people to age well, in light of current Aged Care Reforms. In reference to home maintenance and gardening, the community expressed that councils could host 'member organisations' similar to Grey Army, gardening clubs, Mens' sheds etc, with an option for residents to rank their experience with trades and lawn services

[We need] ... a Council vetted/endorsed grey army. I don't expect it to be free but honest, reliable and affordable for pensioners.

We need a "Trip Advisor" type site for local businesses where we can rate them and share information

These findings are consistent with outcomes from other community engagement activities where residents placed high value on services provided by councils, but in cases where a council was no longer able to provide, the key criteria were trustworthy, reliable and affordable.

Refer Attachment 3 Aged Care Reform Community Consultation Summary of Findings

Evaluation:

The options for Council Subsidised electrical, plumbing and lawn mowing were evaluated against the same Evaluation Framework used for all other Aged and Disability services currently being reviewed.

Evaluation criteria are based on the Desired Community Outcome Statements for older people, clients, carers, staff, Council and the community. If an options fails a mandatory criteria it cannot be further considered:

- Quality (mandatory)
- Access (mandatory)
- Legal obligations (mandatory)
- Feasibility (mandatory)
- Financial sustainability (mandatory)
- Fair work
- Market maturity
- Strategic alignment
- Economic development

Refer Attachment 8 Evaluation Framework and Attachment 2 Desired Community Outcomes Statements

The following table summarises the evaluation of each of the options.

Model	Description
Business As Usual	<p>Quality: Met (Mandatory): This service is highly valued by residents, including the opportunity to approach the contractors to do 'private work' where it is outside the scope of the service. Many clients have expressed that aspects of the lawn mowing service are too rigid, such as the regular four weekly roster and the requirement to be present when the contractor arrives. If they miss a lawn mowing they often have to wait another four weeks. Resolving this aspect of access has proved difficult to achieve whilst simplifying the cost of managing such a large number of regular services.</p> <p>Access: Not Met (Mandatory): The current model reaches a relatively small proportion of older residents. It would appear that access to the electrical and plumbing services are more equitably distributed than lawn mowing. These are comparatively low frequency services.</p> <p>Strategic Alignment: Not Met: The high cost to ratepayers of subsidising this service model diverts resources away from other opportunities to more effectively assist a larger portion of residents to age well.</p> <p>Financial Sustainability: Not Met (Mandatory): This model is a cost to ratepayers, has regularly exceeded budget and does not have effective demand management mechanism. This is forecast to continue. Resolving the 'rigidity' issues raised by residents would impose further administrative cost.</p>
Volunteer Model: (Lawns only)	<p>Quality: Unlikely to be met: Considerable investment in volunteer coordination would be required to achieve a high level of quality and reliability. This model would likely replicate the 'rigidity' of the current model.</p> <p>Access: Not Met (Mandatory): This model would struggle to achieve the current volume of lawn mowing and would require revised (restricted) eligibility requirements.</p> <p>This model would not provide access to electrical or plumbing services.</p> <p>Legal Obligations: Not Met (Mandatory): Council would have direct responsibility for OH&S and Public Liability of volunteers performing unsupervised and potentially dangerous tasks on private property.</p> <p>Feasibility: Not Met (Mandatory): It is doubtful that this model could effectively replace the current level of service provision or even a significant portion of the current services by June 2020.</p> <p>Strategic Alignment: Met: This model would provide high Positive Ageing outcomes, particularly social connection and participation outcomes for both clients and volunteers, as most volunteers would likely be older residents. This model would also release significant resources for other opportunities to more effectively assist a larger portion of residents to age well.</p> <p>Financial Sustainability: Met (Mandatory): This model would significantly reduce cost to ratepayers, but still require an assessment and administration team plus additional resourcing for volunteer coordination, volunteer reimbursement and equipment supply and maintenance.</p>
'Seniors Friendly' list of Preferred Providers	<p>Quality: Met (Mandatory): Residents would have access to choice of provider knowing they have been vetted for quality, reliability and price.</p> <p>Access: Met (Mandatory): All residents would have access to accredited providers as this model does not require eligibility criteria or assessment of clients. This model could also provide access to an increased range of services compared to the current model.</p> <p>Whilst the most highly valued services are trades, these services are relatively rarely required by any individual and whilst affordability is an issue, the priority</p>

Model	Description
	<p>concern is being able to access trusted, reliable providers at a fair price.</p> <p>Legal Obligations: There are no identified legal issues associated with this model that would not be met by assessing certified trades people and suitable qualified and insured providers, which could include volunteers and social enterprises operating under suitable auspice.</p> <p>Feasibility: Met (Mandatory): This model could be readily provided within existing skills and knowledge well before June 2020.</p> <p>Market: There is a very mature local market for all the services being considered. This model provides quality providers an opportunity to distinguish themselves in a crowded market and would empower residents to navigate that market with confidence.</p> <p>Strategic Alignment: This model provides residents with increased access to needed services and a means of safely navigating the market. This model also releases significant resources for other opportunities to more effectively assist a larger portion of residents to age well.</p> <p>Economic Development: This model may provide opportunity for emergent local services to grow their business and specialise in servicing this growing market</p> <p>Financial Sustainability: Met (Mandatory): This would be the least expensive model to administer with the lowest operating costs and a very favourable increase in access</p>
<p>Voucher System in conjunction with Preferred Providers List:</p>	<p>Quality: Met (Mandatory) Residents would have access to choice of provider knowing they have been vetted for quality and reliability and price.</p> <p>Access: Not Met (Mandatory) A restricted number of residents would have access to services and this model would require eligibility criteria and assessment.</p> <p>Legal Obligations: There are no identified legal issues associated with this model that would not be met by assessing certified trades people and suitable qualified and insured providers, which could include volunteers and social enterprises operating under suitable auspice.</p> <p>Feasibility: partly met (Mandatory) This model would require the development of an effective voucher management model. A key challenge would be ensuring risk management associated with fraudulent reproduction or 'sale' of vouchers. This model could be implemented by June 2020</p> <p>Market: There is a very mature local market for all the services being considered. This model provide quality providers an opportunity to distinguish themselves in a crowded market and would empower residents to navigate that market with confidence.</p> <p>Strategic Alignment: Highly Met: This model provides residents with increased access to needed services and a means of safely navigating the market. This model also releases significant resources for other opportunities to more effectively assist a larger portion of residents to age well.</p> <p>Economic Development: This model may provide opportunity for emergent local services to grow their business and specialise in servicing this growing market.</p> <p>Financial Sustainability: Not Met (Mandatory): Depending upon the value of vouchers, there are potential savings from this model compared to business as usual, however this model will have higher administration cost associated with the voucher distribution and redemption and the risks associated with fraudulent reproduction or 'sale' of vouchers.</p>

Model	Description
Free Market (no Council involvement)	<p>Quality: Not Met (Mandatory): Residents would have no guarantee of quality.</p> <p>Access: Met (Mandatory): Access to services would be on the open market. Residents could choose any business and make a decision about qualifications and price and their ability to pay.</p> <p>Legal Obligations: There are no identified legal issues associated with this model</p> <p>Feasibility: (Mandatory) This model could readily be achieved well before June 2020.</p> <p>Financial Sustainability: Highly Met (Mandatory) This model is the cheapest to provide. There would likely be a small number of redundancies in Home Maintenance administration and no ongoing costs.</p> <p>Market: There is a very mature local market for all the services being considered.</p> <p>Strategic Alignment: Partly Met: This model releases current resources for other opportunities to more effectively assist a larger portion of residents to age well. This model does not support residents to navigate a competitive market to obtain needed services with confidence</p> <p>Economic Development: This model may provide opportunity for emergent local providers to grow their business and specialise in servicing this growing market</p>

Outcome:

The option which passed all mandatory evaluation criteria was 'Seniors Friendly' list of Preferred Providers.

All other options failed one or more mandatory criteria and cannot be further considered.

Impacts:

This service is programmatically separate from the CHSP and HACC PYP funded Home Maintenance programs, however the three programs are administered by the same team of Council staff, and the actual services to residents are provided by the same contractors.

Therefore, from a resident perspective, the Council subsidised program is indistinguishable from the other programs.

In 2016/17 the program provided subsidised access to electrical and plumbing services for 244 residents, with a forecast of relatively modest growth in line with growth in the older population. Whilst subsidised access is a valued component of this service, these services are irregularly needed and residents also place a very high value on knowing that the providers are vetted and that they will not be financially exploited. A recurring feature of this program has been that the initial visit by a Council subsidised electrician or plumber is able to make an emergency repair to a problem requiring additional follow-up work that is done as a private job. On many such occasions, the resident arranges for the same provider to do the additional work as a 'private job'. It is proposed that providing 'Seniors Friendly' access to an increased range of trades for all residents is a major benefit to older residents who struggle with confidently navigating a crowded market. This benefit offsets the removal of subsidised access to electrical and plumbing for a small number of residents.

Over the past 3 years the regular lawn mowing was growing at approximately 200 clients per annum. In 2016/17 the program provided regular lawn mowing to 1436 residents and is forecast to grow rapidly due to population ageing and difficulty managing eligibility and

access. Growth in the service will require substantial ongoing increases in ratepayer subsidy to this service.

Residents who receive this service place a very high value on access to a reliable low cost service. They have also repeatedly fed back that aspects of the service model are rigid and if they miss a service it is difficult to provide a timely replacement. Ceasing this service would be disruptive to current recipients.

However, access to this service is inequitable in that under the current assessment process a resident who is eligible for CHSP is also typically eligible for the service. This suggests that there are almost certainly a significant number of older residents who would be found eligible for this service if they requested it. This inequity could be addressed by:

- Assertively promoting the service and expanding access to everyone who is found eligible. This would impose an unpredictable increase on the ratepayer contribution to this service and conflict with the primary objective of Council to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.
- The eligibility criteria could be adjusted to reduce access to the service. This would still need to be complemented by a promotional activity which ensured eligible residents were aware of the program and encouraged to test their eligibility. It is not possible to accurately predict the net financial or community benefit impacts of this strategy as it will result in many existing clients losing access to the service whilst simultaneously attracting new recipients. It would be very difficult to effectively manage the financial and reputational risks.
- Replace the subsidised lawn mowing service currently used by a small portion of potentially eligible older residents with a service model that provides all older residents access to a trusted service. This approach has reputational risks but they can be managed with appropriate communication and by providing residents with support to transition into the new model.

The electrical, plumbing and lawn mowing services are currently provided by a panel of 8 contractors, several of whom also deliver the CHSP and HACC PYP services for eligible residents.

The contracts expire on 30 September 2020 and are based on a schedule of rates with no minimum spend, and all contractors have agreed that they will accept self-referrals from residents for 'private jobs' that fall outside the scope of the CHSP, HACC PYP or Council subsidised programs.

Wind down of the Council subsidised program could be conducted without affecting the contractors' capacity to provide the CHSP or HACC PYP services and would create increased capacity for these contractors to accept direct referrals from residents if they chose to become registered 'Seniors Friendly' Preferred Providers.

The operational management of the Council subsidised electrical, plumbing and lawn mowing is provided by the same team who administer the CHSP and HACC PYP Home Maintenance programs, with costs apportioned by hours of service delivered by each program. Ceasing the existing Council subsidised program would release staff resources, which is difficult to quantify as they are enmeshed in the administration of the CHSP services. It is assumed that operating the new 'Seniors Friendly' list of Preferred Providers could be achieved with the existing Contract Management resources and any future customer service or community information services.

Implementation:

A successful transition to the proposed model can be managed by ensuring the process is well planned and communicated and that the new program is established and available for all older residents before the current program is ceased for existing clients. This will require dedicated, time limited resourcing, similar to the transition support model implemented for

HACC clients transitioning to the NDIS. The NDIS transition experience suggests that with appropriate support, residents' focus rapidly moves from concerns about what is changing and why it is changing to what the new system can provide them and how they can obtain access to what they are now entitled to.

It is proposed that the implementation timelines and transition support for this program be aligned with and incorporated into the broader transition support model for implementing the outcomes of the broader Aged and Disability service review. This will provide a more consistent resident experience and be more efficient for both the organisation and the community.

The process of developing the model of 'Seniors Friendly' Preferred Providers would need to commence in early 2019 and the selection criteria for inclusion could be modelled on the selection criteria previously used to select current contractors:

- Staff undertake Police Checks (annual) and maintain a current Working With Children Check and nominate Council as a relevant agency
- All insurances and Work Safe/Work Cover programs are up to date
- Provide a listing of prices across different job types and sizes that will be publicly available and valid for twelve months
- Demonstrated quality service provision with an awareness of seniors' needs
- The register will emphasise where providers offer additional community benefit:
 - Social enterprise, volunteer based or provide a demonstrated community benefit
 - Locally based business or program
- Annual accreditation of providers will also consider resident feedback and performance

Recommendations:

It is recommended that as part of the Aged and Disability Services Review, Council exit the current model of providing Council subsidised electrical, plumbing and lawn mowing and replace it with a program based on a 'Seniors Friendly' list of Preferred Providers by 30 June 2019 as follows:













- Work to develop and implement the 'Seniors Friendly' list of Preferred Providers commence in early 2019 so that this service is able to be fully operational for all older residents before 30 June 2019.
- Council's entry on the My Aged Care Provider Portal be amended immediately to remove references to Council subsidised electrical, plumbing, lawn mowing and regular garden maintenance.
- During the 2018/19 financial year, Council subsidised electrical and plumbing be provided up to the value of the approved budget which based on current demand will be sufficient for up to twelve months.
- During the 2018/19 financial year Council subsidised lawn mowing be provided only to existing clients up to the value of the approved budget which based on current demand will be sufficient for up to twelve months.
- Resources be allocated to ensure clients are supported to transition to the new program.

Appendix A: Property Maintenance Task Ranking (2012)















Task	Category	Program Benefit Weighting	Ranking
Toilet Repairs	Plumbing	3.56	1
General Power Point Installation	Electrical	3.32	2
Fuse Replacement	Handyman	3.28	3
Gas Leak Investigation	Plumbing	3.18	4
Internal Handrails Installation	Carpentry	3.17	5
External Handrails Installation	Carpentry	3.17	6
Light Switch Repairs/Replacement	Electrical	3.14	6
General Electrical	Electrical	3.08	8
Hot Water Service Repairs	Plumbing	3.02	9
Ceiling Fan Replacement / Installation	Electrical	2.94	10
Pipes Leaking / Blocked	Plumbing	2.91	11
Smoke Alarms Battery Replacement	Handyman	2.9	12
Hot Water Service Repairs	Plumbing	2.87	13
General Plumbing	Plumbing	2.81	14
Light Globe Replacement	Handyman	2.78	15
Door Lock Replacement / Repairs	Carpentry	2.78	15
Sinks Blocked	Plumbing	2.77	17
Door Replacement / Repairs	Carpentry	2.74	18
Handheld Shower Installation	Handyman	2.73	19
Hot Water Service Installation	Plumbing	2.71	20
Fencing Repairs	Handyman	2.54	21
Shower Minor Repairs	Plumbing	2.51	22
Oven / Stove Installation – (Electrical)	Electrician	2.49	23
Pilot Light Check	Handyman	2.47	24
Oven / Stove Installation – (Gas)	Plumbing	2.43	25
General Handyman	Handyman	2.34	26
General Carpentry	Carpentry	2.34	26
Tap Washer Replacement	Handyman	2.27	28
Convert To Low Maintenance Garden	Gardening	2.21	29
Showerhead Exchange (To Low Flow)	Handyman	2.2	30
Cupboard Repairs	Handyman	2.16	31
Occasional Garden Maintenance	Gardening	2.1	32
Rubbish Removal / Clean Up	Handyman	2.1	32
One Off Garden Clean Up	Gardening	2.1	32
Courtyard Lawn / Tree / Hedge Trim	Gardening	2.1	32
Spouting Replacement / Repairs	Plumbing	2.07	36
Spouting Cleaning	Handyman	2	37
Regular Lawn Mowing	Gardening	1.7	38

Aged Care Reform Project – Evaluation Matrix













ATTACHMENT 8: Detailed Evaluation Matrix – CHSP

Criteria	Option 1 Business as Usual	Option 2A Service Optimisation Implementation 1 July 2019	Option 2B Sub-contract services	Option 3 Form a new entity (alone or with others)	Option 4A Exit all service delivery and wind down slowly	Option 4B Exit all service delivery and transfer to alternative provider/s	Option 5 Optimised direct service delivery for Social Support & Delivered Meals and transfer other services to alternative provider/s	
							Social Support and Delivered Meals	Other Services Transferred
Quality		 <ul style="list-style-type: none"> ✓ Maintains existing high level of positive experience for clients with least change to service experience ✓ Local government provides unique value: accountability, connection to rest of Council resources, high level of compliance, local knowledge ✓ Current range of community care service types maintained with least change to service levels ✓ Provides a benchmark for quality services in the market ✗ Entry level service only – other providers likely to provide wider offering along the service continuum ✗ High risk that residents will experience ANY change to service experience or service levels as a significant drop in quality 	 <ul style="list-style-type: none"> ✓ Longer-term influence on quality of services provided through tender specifications and ongoing performance monitoring of sub-contractor ✗ Requires a high level of commitment to CoW contract management and tender specification & evaluation ✗ Residents highly sensitive to any change in service level or experience compounded by change of provider 		 <ul style="list-style-type: none"> ✗ Uncertainty on quality of service offering of alternative providers ✗ No mechanism for local government to influence quality 	 <ul style="list-style-type: none"> ✓ Short-to-medium term influence on quality of services provided through choice of alternative provider ✗ No long term influence 	 <ul style="list-style-type: none"> ✓ Maintains existing high level of positive experience for clients with least change to service experience ✗ Some risk that residents will experience ANY change to service experience or service levels as a significant drop in quality 	 <ul style="list-style-type: none"> ✓ Short-to-medium term influence on quality of services provided through choice of alternative provider
Access		 <ul style="list-style-type: none"> ✓ CHSP eligible clients will not be rejected, or discriminated against, based on locality within municipality or individual circumstances ✓ Safety net for eligible clients that are not 'profitable' for other providers 	 <ul style="list-style-type: none"> ✓ CoW can choose and monitor subcontractor to ensure access for all eligible clients (Note: May require an increase in client fees or CoW subsidy to maintain access across the municipality and meet diversity of individual needs /circumstances) 		 <ul style="list-style-type: none"> ✗ Some alternative providers likely to discriminate against clients that are not 'profitable' ✗ Large dominant or monopoly provider may reduce access or raise costs ✗ No mechanism for local government to influence access ✓ New market entrants may offer enhanced / wider range of services 	 <ul style="list-style-type: none"> ✓ Short-to-medium term influence on access provided through choice of alternative provider ✓ New market entrants may offer enhanced / wider range of services ✗ No long term influence. ✗ Large dominant or monopoly provider may reduce access or raise costs 	 <ul style="list-style-type: none"> ✓ CHSP eligible clients will not be rejected, or discriminated against, based on locality within municipality or individual circumstances ✓ Safety net for eligible clients that are not 'profitable' for other providers 	 <ul style="list-style-type: none"> ✓ Short-to-medium term influence on access provided through choice of alternative provider ✓ New market entrants may offer enhanced / wider range of services ✗ No long term influence.

















Aged Care Reform Project – Evaluation Matrix

Criteria	Option 1 Business as Usual	Option 2A Service Optimisation Implementation 1 July 2019	Option 2B Sub-contract services	Option 3 Form a new entity (alone or with others)	Option 4A Exit all service delivery and wind down slowly	Option 4B Exit all service delivery and transfer to alternative provider/s	Option 5 Optimised direct service delivery for Social Support & Delivered Meals and transfer other services to alternative provider/s	
							Social Support and Delivered Meals	Other Services Transferred
Legal Obligations	 ✘ Detailed advice from Ernst & Young indicates that Business as Usual would not comply with National Competition Policy given Council provided CHSP services are a 'significant business' and the very high level of subsidisation by Council. Market sounding shows there is a market for CHSP services and so it is improbable that Council could successfully demonstrate there was a public interest in subsidising services	 ✘ Would not meet National Competition Policy. Option is dependent on: (i) salaries being reduced by at least 20% through EA re-negotiation (ii) AND the Commonwealth increasing the funded unit price for a reduced number of units and/or (iii) OR Council meets a National Competition Policy public value test to continue to provide services (ie recognising local government's role in maintaining service access and quality)	 ✘ Would not meet National Competition Policy Due to high likelihood that subsidy will be required and unlikely to pass public interest test		 ✘ Low risk of non-compliance with Commonwealth funding agreement obligations ✘ No mechanism for local government to influence compliance	 ✘ Low risk of non-compliance with Commonwealth funding agreement obligations ✓ Short term influence on compliance through choice of provider	 ✓ Optimised model of Delivered Meals and Social Support requires minimal subsidy and in the context of a limited market for these services these services would comply with National Competition Policy	 ✓ Low risk of non-compliance with Commonwealth funding agreement obligations ✓ Short term influence on compliance through choice of provider
Feasibility		 ✘ This option can only be achieved with both significant change in: • how services are delivered • staff conditions (reduced by at least 20%) requiring renegotiation of industrial agreements ✘ This would still leave a significant annual subsidy (\$1.7M) that would conflict with National Competition Policy ✘ It is unclear whether this model would be viable post 2020 when 'funding stability' ends.	 ✘ Unlikely that a subcontractor will commit to long term delivery of services without a significant Council subsidy ✘ High level of capability required for contract management ✓ Certainty and control over resourcing and client transfer ✘ It is unclear whether this model would be viable post 2020 when 'funding stability' ends.	 ✘ There are currently no known partners seeking to form an entity, the costing of this option assume multiple partners ✘ Previous experience indicates that establishing a new entity requires a considerable period of time to develop, implement and transition to full operation. Unlikely to be achieved by July 2020	 ✘ No control of client and staff exit therefore difficult to manage resourcing or service delivery for remaining clients	 ✘ Market maturity variable across service types ✘ High level of capacity and capability required to manage client transition ✘ Potential implementation delay with regard to EOI and transfer process for all service types ✓ Risks could be managed by investing in transition support for clients and staff ✓ Council has well developed procurement contract management and change management skills ✓ Consultation with the Commonwealth indicates their support of Council having an active role in a transfer of funded services to another appropriate provider	 ✓ These services can be optimised within existing industrial instruments ✓ These services would require a modest subsidy that would not conflict with National Competition Policy	 ✓ Market maturity high for these service types which minimises risks ✓ Risks could be managed by investing in transition support for clients and staff ✓ Consultation with the Commonwealth indicates their support of Council having an active role in a transfer of funded services to another appropriate provider

Aged Care Reform Project – Evaluation Matrix

Criteria	Option 1 Business as Usual	Option 2A Service Optimisation Implementation 1 July 2019	Option 2B Sub-contract services	Option 3 Form a new entity (alone or with others)	Option 4A Exit all service delivery and wind down slowly	Option 4B Exit all service delivery and transfer to alternative provider/s	Option 5 Optimised direct service delivery for Social Support & Delivered Meals and transfer other services to alternative provider/s	
							Social Support and Delivered Meals	Other Services Transferred
Financial Sustainability	 Financial modelling indicates that Council contribution for this option will increase rather than decrease over time with an indicative total cost to Council of \$46.8m over ten years.	 ✘ Lowest reduction in the cost to Council Total cost to Council over 10 years: \$21.9m Average annual Council contribution (19/20-26/27): \$1.5m	 Mid-level reduction in the cost to Council Total cost to Council over 10 years: \$16.9m Average annual Council contribution (19/20-26/27): \$0.9m Risk: need to provide subsidy as contractors unlikely to provide all service /client contact at CHSP rate paid to council This possibility is not included in above costings	 This option would not decrease Council's contribution. Financial modelling by Ernst & Young indicates that the cost to Council to establish and operate a new entity over a ten year time frame would be \$35m. The high establishment costs of a new entity with seven other Councils have a significant financial impact on this option.	 Mid-level reduction in the cost to Council Total cost to Council over 10 years: \$18.7m Average annual Council contribution (19/20-26/27): \$1.1m	 ✓ Highest reduction in the cost to Council Total cost to Council over 10 years: \$14.4m Average annual Council contribution (19/20-26/27): \$19K	 ✓ Mid-level reduction in cost to Council Total Cost to Council over 10 years: \$20m including some aspects of proposed enhancements to enable residents to age well. Average annual Council contribution (19/20-26/27) approximately \$1.5m including some aspect of proposed enhancements to enable residents to age well.	
Fair Work		 ✓ Higher pay & conditions than non-government providers ✓ Salary and conditions remain fair in comparison to alternative service providers ✓ Provides certainty of workforce conditions and employment in the short to medium term ✓ Provides a benchmark for fair work in the market ✘ Salary and conditions to be renegotiated with union and staff (proposed rates 20-25% lower) ✘ Reduced conditions for A&D staff would create two tier system within council	 ✓ Maintain some control over level of pay & conditions through choice of sub-contractor (Note: If transmission of business – pay and conditions of current staff maintained until current EA expires) risk: staff will not want to forego redundancy and work for a contractor at a lower rate		 ✘ No control over future employer for current staff ✘ Pay and conditions of alternative providers lower than current EA and proposed pay & conditions in optimised model ✘ Risk of casualisation of workforce	 ✓ Maintain some control over level of pay & conditions through choice of alternative provider (Note: If transmission of business – pay and conditions of current staff maintained until current EA expires) Staff are likely to prefer an option where they can receive a redundancy early and have option to move to the pick of alternate providers at best possible conditions in new market environment	 ✓ It is possible to deliver this model under current staff conditions avoiding significant cuts and risk of two tier employment within council	 ✘ Maintain some control over level of pay & conditions through choice of alternative provider (Note: If transmission of business – pay and conditions of current staff maintained until current EA expires) Staff are likely to prefer an option where they can receive a redundancy early and have option to move to the pick of alternate providers at best possible conditions in new market environment

Aged Care Reform Project – Evaluation Matrix

Criteria	Option 1 Business as Usual	Option 2A Service Optimisation Implementation 1 July 2019	Option 2B Sub-contract services	Option 3 Form a new entity (alone or with others)	Option 4A Exit all service delivery and wind down slowly	Option 4B Exit all service delivery and transfer to alternative provider/s	Option 5 Optimised direct service delivery for Social Support & Delivered Meals and transfer other services to alternative provider/s	
							Social Support and Delivered Meals	Other Services Transferred
Market Maturity		 <ul style="list-style-type: none"> ✓ Supports stability of the market whilst it is developing ✓ Maintains capacity to provide services in the future (in case of market failure) ✗ Maintaining large market shares limits new entrants and growth for alternative local providers 	 <ul style="list-style-type: none"> ✗ Market sounding identified a limited number of service providers interested in being a sub-contractor for all services Alternately; an opportunity to subcontract to a range of providers across services ✓ Opportunity to shape emerging market through choice of sub-contractor/s ✓ Maintain service agreement with Commonwealth (or status as registered provider) - could re-enter direct service delivery in case of market failure 		 <ul style="list-style-type: none"> ✗ Market sounding identified a limited number of service providers with the capacity and capability to provide services to CHSP eligible clients ✗ There are some service types the market has limited interest and or capacity. ✗ No mechanism for local government to influence market 	 <ul style="list-style-type: none"> ✗ Market sounding identified a limited number of service providers interested in offering services to CHSP eligible clients ✗ There are some service types the market has limited interest and or capacity. ✓ Opportunity to shape emerging market through choice of service provider/s 	 <ul style="list-style-type: none"> ✓ This option avoids the thin market for Delivered Meals and Social Support 	 <ul style="list-style-type: none"> ✓ Short term - Strong market for these particular services
Strategic Alignment		 <ul style="list-style-type: none"> ✗ This option focuses Council's resources and efforts in service delivery to one group of older residents and provides limited opportunity to invest in other opportunities for all older residents to age well 	 <ul style="list-style-type: none"> ✓ This option provides the second best outcome against the achievement of Council's strategic objectives in that it ensures access to services for all residents and releases significant resources for investment to ensure residents can age well. 		 <ul style="list-style-type: none"> ✗ This option releases significant resources for investment to ensure residents can age well. This benefit is offset by the lack of input or influence on the service outcomes for residents 	 <ul style="list-style-type: none"> ✓ This option has relatively high positive outcomes for current clients and also releases significant resources for investment to ensure residents can age well. 	 <ul style="list-style-type: none"> ✓ This option optimises the achievement of Council's strategic objectives in that it ensure access to services for all residents and releases significant resources for investment to ensure residents can age well. 	
Economic Development		 <ul style="list-style-type: none"> ✗ Maintaining large market shares limits new entrants and growth for alternative local providers ✓ Council remains a significant local employer in this sector ✓ Maintains number of providers 	 <ul style="list-style-type: none"> ✓ Promote number and diversity of locally based businesses or not-for-profit organisations and local employment opportunities through choice of sub-contractor 		 <ul style="list-style-type: none"> ✗ No influence or support to locally based service providers or local employment 	 <ul style="list-style-type: none"> ✓ Promote number and diversity of locally based businesses or not-for-profit organisations and local employment opportunities through choice of alternative provider 	 <ul style="list-style-type: none"> ✓ Council remains a significant local employer in this sector ✓ Maintains number of providers 	<ul style="list-style-type: none"> ✓ Promote number and diversity of locally based businesses or not-for-profit organisations and local employment opportunities through choice of alternative provider

Beveridge Williams



Epping Recreation Reserve

Master Plan Report

31 May 2018

Job Reference: 1701811

Client: City of Whittlesea

Document Status Table:

Rev	Description	Author	Date	Authorised
A	Draft Issue for Council comment	S. Kelly	10/05/2018	G. Cater
B	Final Issue to Council	G. Cater	31/05/18	G. Cater

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APPENDIX B.	MATERIALS AND FINISHES PALETTE
APPENDIX C.	CROSS SECTIONS AND PERSPECTIVE IMAGES
APPENDIX D.	COST SCHEDULE

1 INTRODUCTION

Beveridge Williams were engaged by the City of Whittlesea in 2017 to prepare a master plan for the Epping Recreation Reserve, Epping. The aim of the master plan was to address the issue of aged sports and informal public open space infrastructure, with consideration of public access, visibility, connection to adjacent properties and interconnectivity between multiple recreation facilities.

Phase One of the project focused on site investigations and research relating to the existing conditions of the reserve and an appreciation of the issues and opportunities concerning its current usage. This resulted in the preparation of a background report comprising a review of all relevant literature and background information gathered from the following sources:

- Background documents including Council strategies, development guidelines, heritage documents, previous master plans, facility audits, feature/level survey and tree survey;
- Surrounding strategic plans, including O'Herns Road, Findon Road, Epping Road and High Street Functional Layout Plans (VicRoads, February 2017), O'Herns Road Intersection Concept Design (Spiire) and NWP Projects Summary;
- Feedback from key stakeholders including Council's Project Working Group, Football Club, Cricket Club, Tennis Club, NFNL and club membership numbers;
- Site observations, summarised in a series of analysis plans.

Phase Two of the project comprised the development of two concept plans which demonstrated options for the Epping Recreation Reserve with reference to access, connectivity and parkland circulation considering the background information, consultation feedback and opportunities identified in Phase 1. These options were reviewed by Council staff to provide direction on the development of a preferred plan, which was then subject to a further traffic and arboricultural assessment. Following this, the preferred concept plan was provided to Council for exhibition to the community for comment and feedback.

Council staff managed the consultation with the sporting clubs, residents and other key stakeholders.

2 MASTER PLAN

The final master plan was developed considering the feedback from the community following the exhibition of the preferred concept plan.

This master plan (Appendix A) will guide the future use and development of the Epping Recreation Reserve to ensure that it continues to function as a high-quality sports precinct with enhanced spectator and parkland amenities to accommodate the local community.

The following written rationale describes the proposed provision of features and facilities, including the location of areas for active and passive recreation and specific treatments such as paths and paving, entry treatments, furniture and tree planting.

There are a number of concurrent VicRoad's projects effecting the surrounding road network. Council is supporting VicRoads in the future duplication of High Street and is advocating for consideration of appropriate access into the Reserve as part of the upgrade.

Oval upgrades

- The redevelopment of Oval 1 and its immediate surrounds is being concurrently undertaken by Council. The master plan reflects the design direction of these improvements, including:
 - Lighting, drainage and centre wicket upgrades to the oval
 - Review of the coaches' boxes to the west of the oval
 - Provision of a 2.5m wide shared path around the perimeter of the oval, taking into account the proposed light towers, existing established trees and regrading of the existing mound area to the north to ensure accessibility, increased surveillance and usability of the space
 - Renewal of the forecourt area directly fronting the pavilion to a consistent surface level in line with the pavilion area upgrades outlined below
- Minor upgrades to Oval 2 including:
 - New scoreboard to the north west of the oval. This is to be an electronic, non-video scoreboard.
 - Review of the coaches' boxes to the east of the oval

Additional sporting facility upgrades

- Redevelopment of the two existing public tennis courts to provide two new concrete tennis courts to the north east of Oval 1.
- A new dual purpose netball/basketball court is proposed on the east side of Oval 1. This will provide an additional sporting facility for the local residents and help activate this corner of the site.
- Redevelopment of the cricket practice nets to the north of the pavilion to include two additional nets (five in total) with suitable run up distances.
- A new fitness circuit has also been incorporated into the master plan. This will include a number of fitness stations positioned throughout the reserve. It is also intended to have a new fitness area, located in the vicinity of the old playground and Elm trees, north of the existing tennis courts.

Pavilion area upgrade

- Expansion of the pavilion forecourt to include a central plaza to the north with spectator seating, shelters to both ovals, picnic/barbeque facilities, feature paving and improved landscape amenity. This paving will also extend to the south of the pavilion to accommodate additional spectator seating and direct access to the proposed DDA accessible parking bays.

- Potential future upgrade of the pavilion building, to be investigated as part of future Capital works to allow for better spectator and club facilities, potential shared uses and improved female change facilities.
- With the formalising of the roads and car parks, refer below, the plaza space can be extended to the rear of the existing pavilion. This will provide the clubs with greater hardstand area, for storage and deliveries.

Additional building upgrades

- Upgrade of the public toilet facility to the south of the pavilion to provide DDA access
- Upgrade of the gatekeeper's box to the west of the main entry point

Existing vegetation

- Protection of existing trees within the reserve, with priority given to those of high retention value, including some locally significant River Red Gums and historical English Elm trees
- Retention of existing vegetation patches and scattered trees to the north, west and south of Oval 2 and within the road reserve, which provide an established landscape character and high environmental and habitat values
- Provision of a landscape buffer fronting the Epping Cemetery, enhancing the existing native vegetation within and around the cemetery which is of significant conservation value

Vehicular circulation and car parking

- Designation of the eastern entry along Park Street as the main vehicle access point, with secondary and maintenance access at the corner of Park Street and Duffy Street
- While the existing pedestrian access from High Street is to be retained, the design of this areas will need to be considered in conjunction with the proposed new fitness area. Redesign of the High Street entrance to the east to be pedestrian only and link into the shared path network, protecting and enhancing the existing brick and ironwork entry feature
- Redevelopment of the overall vehicular circulation network within the reserve to provide safe and legible access delineated from pedestrian movement, protection of existing significant trees, accommodation of bus access, emergency access to ovals and provision of a gate to limit vehicle access to Oval 2 when desired
- The roundabout and road configuration shown in the master plan will allow for a service vehicle (garbage truck) to completely turn around. Large coaches (buses) will still be able to enter through the main entrance, but they will need to exit through the gate at Duffy Street. A number of configurations of the roundabout have been tested and this one provides the best access for vehicles, proximity to the main pavilion, maximises tree retention and pedestrian safety.
- Consolidation of car parking areas with formalised parking to the south of each oval (either side of goals) and the provision of bus drop off and DDA accessible parking spaces to the south of the pavilion
- Formalisation of indented external car parking along Park Street
- Extension and formalisation of the tennis club car park
- Provision of a gate off the parking area south of Oval 2 to provide access to the grassed open space area for overflow parking when required
- Provision of four disabled car parks has been provided.
- The water sensitive urban design feature should be implemented as part of the car park design and construction.

Pedestrian and bicycle circulation

- Establishment of a shared path network to connect key pedestrian access points and facilities, incorporating the north-south link proposed in Council's Bicycle Plan, access around the ovals and a direct connection to the existing shared path along High Street
- Provision of additional secondary pedestrian paths to ensure safe access to all facilities, separated from vehicular movement
- Provision of designated pedestrian crossings where required
- Creation of a fitness circuit around the reserve, with equipment stations located at key points around the shared path network
- Consideration of lighting along the shared path network

Visitor facilities

- Upgraded playground to the south of the pavilion with integrated shelter and picnic facilities. Play opportunities will consider younger children as well as middle years (8 to 12 years) and adolescents (13 to 17 years)
- Provision of seating around the reserve to accommodate spectators, the elderly or those with young children, including the areas around the pavilion, playground, oval perimeters, club tennis courts and dual-purpose tennis/netball courts
- Some of the existing mounding will be retained to the north of Oval No.1 to allow spectators to watch games.
- New shelters will be provided within the plaza area to the north of the existing pavilion. There will also be new shelters at Oval 2, netball courts and the new playground area
- Provision of additional park furniture including picnic tables, barbeques, drinking fountains and public bins at key locations
- Incorporation of wayfinding signage to link key facilities, particularly along the shared path network
- Provision of shade structures and additional canopy trees around ovals, tennis courts, dual-purpose courts, pavilion, playground/picnic facilities and car parking areas to provide enhanced landscape amenity and spectator/visitor comfort
- Regrading of the mounded area to the north of Oval 1 to provide enhanced spectator opportunities and landscape amenity
- Integration of water sensitive urban design opportunities, including a designated WSUD area to the south of Oval 2 to provide landscape amenity and address drainage issues, along with garden beds to car parking areas to collect road and building runoff

Fencing

- Establishment of new vehicle exclusion fencing adjacent to roads and car parking areas to improve safety and ensure delineation from pedestrian only zones such as the central plaza and playground area
- Following on from the consultation, there was a general consensus to maintain perimeter fencing. The fencing is to be retained with further investigations into the longevity.

Lighting

Further investigations are being carried out on the provision of additional lighting on Park Street which can be conducted as part of future capital works program.

3 IMPLEMENTATION

Table 1 provides for a guide as to the priority for the major works items.

Table 1 – Indicative priority of works

	Item	Priority Rating
OVAL 1 and TENNIS	New access road and car park around Oval 1 including roundabout	High
	New access road and car park around adjacent to existing tennis club	High
	Upgrade cricket nets	High
	Plaza area around existing pavilion - paving shelters, planting and furniture	High
	Regrade mounding around the northern half of oval	High
	New public use tennis courts	Medium
	New dual basketball/netball court	Medium
	Footpaths around existing and proposed tennis facilities	Medium
	New playground	Medium
	Upgrade of gate keepers box	Medium
	New north south path connection	Medium
	Fitness circuit	Medium
	Upgrade vehicle exclusion fencing	Medium
	Regrade mounding around the northern half of oval	Medium
	Refurbishment of Oval 1	Concurrent Project
	New lighting and drainage	Concurrent Project
	2.5m wide shared path around the perimeter	Concurrent Project
	OVAL 2	Medium
	New access road and car park to the south of oval from roundabout and WSUD	Medium
	New shelter and furniture	Low
	New scoreboard to north west corner of oval	Low
	Coaches boxes	Low
	Upgrade vehicle exclusion fencing	Low
	Upgrade of toilet block	Low
OTHER WORKS		
	Park Street Parking	Low
	Landscape buffer to cemetery	Low
	New fitness station near multiuse court and shelter	Low
	Gravel paths	Low
	Water sensitive urban design area	Low

4 CONCLUSION

The master plan provides a framework for the redevelopment of Epping Recreation Reserve, which will be integrated with the upgrade of the main oval in line with Council's concurrent project. It considers the issues of land use, circulation, landscape and amenity values in line with the objectives described in the project brief as follows:

- Identification of parkland interface treatments with consideration of fencing types, drainage, erosion control, maintenance access, weed removal, trail bike exclusion and fire prevention and management;
- Identification and preliminary design of major and minor entry/activity nodes including proposed land use, associated access roads, visitor parking for cars and buses, shelters, amenities, utility services and signage;
- Identification of all ability access, walking trails, pathway types and ensure linkages are maintained and enhanced;
- Identification of maintenance and emergency access points for park users and maintenance vehicles;
- Identification of signage in line with Council's signage strategy;
- Identification of options for future water sensitive urban design (WSUD);
- Review of the spatial arrangement of the reserve assets to ensure maximum use for community events and public use, identifying how the public currently use the open space against how it could potentially be used;
- Establish a surface materials and planting palette;
- Ensure designs are environmentally sustainable.

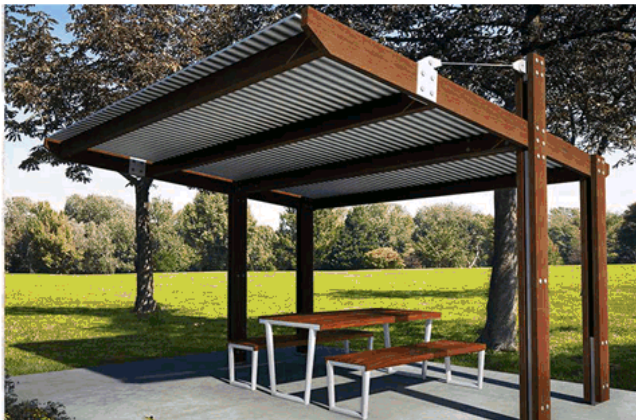
Implementation of the master plan will create a functional and attractive precinct that provides recreational and community facilities for the region as well as a local parkland for the neighbourhood. It will allow for safer pedestrian and vehicular access, establishing an integrated and accessible destination within Epping and the broader Whittlesea region.

APPENDIX A. Master Plan



APPENDIX B. Materials and Finishes Palette

Park Furniture



Park Shelters (Landmark Pro Longreach)



Bench Seats (Furphy Foundry Civic Suite)



Picnic Tables (Furphy Foundry Civic Suite)



Barbeque (Furphy Foundry Evolve Double)

Playground & Fitness Equipment



Play Area Example Images (Adventure Plus)



Fitness Station Example Images

Plaza Area



Spectator Seating Options



Dual Netball and Tennis Courts



Waterview Recreation Reserve, Mernda

Carpark Areas



Waterview Recreation Reserve, Mernda

Furniture and Materials Example Images

Epping Recreation Reserve



APPENDIX C. Perspective Images

Oval 1 Precinct



New access road, plaza and play space



New plaza around the pavilion



New plaza around the pavilion, shelter and cricket nets



Alternate view of the new plaza area, shelter and cricket nets

Indicative Perspective Images

Epping Recreation Reserve



Tennis Precinct



View from Oval 1 of new dual purpose court and fitness station



Alternate view of new dual purpose court and fitness station

Indicative Perspective Images

Epping Recreation Reserve



APPENDIX D. Opinion of Probable Cost

1701811 Epping Recreation Reserve Master Plan

May 2018

Project Name - Epping Recreation Reserve Master Plan

Date: May 2018

Drawing Refs: 1701811

(Subject to change - due to changes in rates and time of implementation)

ITEM	QTY	UNIT	RATE	SUBTOTAL	TOTAL
1.0 PRELIMINARIES					
Works to include securing the site at all times, setting out of works, preparation of site specific OH&S and Environmental Management					
1.1 Plan, testing costs, checking of services, areas and site conditions, and all other costs necessary for the completion of the works that in the Contractor's opinion are not included in the schedule	1	Item	10%		\$ 366,146.97
2.0 EARTHWORKS					
2.1 Trimming and site stripping	22,845	m ²	\$ 3.00	\$ 68,535.00	
2.2 Excavate 180mm for hard paving	1,481	m ³	\$ 35.00	\$ 51,836.40	
2.3 Excavate 350mm for asphalt carpark	2,734	m ³	\$ 35.00	\$ 95,684.75	
2.3 Excavate 200mm for garden areas	131	m ³	\$ 35.00	\$ 4,578.00	
2.4 Excavate 100mm for grass areas	235	m ³	\$ 35.00	\$ 8,225.00	
2.5 Excavate 300 mm for softfall mulched area	94	m ³	\$ 35.00	\$ 3,276.00	
2.6 Excavate 175mm for gratic paving	147	m ³	\$ 35.00	\$ 5,145.00	
2.7 Excavate embankment	368	m ³	\$ 35.00	\$ 12,880.00	
2.8 Grading to achieve finished levels	22,845	m ²	\$ 2.00	\$ 45,690.00	
2.9 Compaction	1	item	\$ 4,000.00	\$ 4,000.00	\$ 299,850.15
3.0 PREPARATION					
3.1 Herbicide & remove weeds to all grassed and planting areas (spray 6 weeks prior to planting/seeding)	5,354	m ²	\$ 3.00	\$ 16,062.00	
3.2 Rip/rotary hoe all grassed and planting areas to the depth as detailed and apply amelioration as required by soil test	5,354	m ²	\$ 10.00	\$ 53,540.00	
3.3 Tree removal	44	ea	\$ 1,500.00	\$ 66,000.00	
3.4 Demolition existing sport fields (lump sum)	1	item	\$ 20,000.00	\$ 20,000.00	\$ 155,602.00
4.0 TOPSOIL					
Supply & install approved topsoil to:					
4.1 100mm depth imported topsoil to grassed areas	470	m ³	\$ 65.00	\$ 30,550.00	
4.2 Supply & install 200mm depth imported topsoil to planting areas	131	m ³	\$ 65.00	\$ 8,515.00	\$ 39,065.00
5.0 CIVIL					
5.1 Carpark area pavement (exclude existing tennis carpark)	7,811	m ²	\$ 80.00	\$ 624,880.00	
5.2 Kerb and channel	1,574	m	\$ 50.00	\$ 78,700.00	
5.3 Grated pits (estimated)	12	ea	\$ 2,100.00	\$ 25,200.00	
5.4 Drainage pipes (estimated)	600	m	\$ 250.00	\$ 150,000.00	
5.5 Connect to existing	1	item	\$ 3,000.00	\$ 3,000.00	
5.6 Line marking	1	item	\$ 6,000.00	\$ 6,000.00	
5.7 Signage (Council signs, local traffic signs)	1	item	\$ 30,000.00	\$ 30,000.00	\$ 917,780.00
6.0 PAVING					
6.1 Concrete paving (2.5m wide shared path, 1.5m wide footpath)	2,955	m ²	\$ 100.00	\$ 295,500.00	
6.2 Granitic gravel	840	m ²	\$ 50.00	\$ 42,000.00	
6.3 Plaza paving	2,560	m ²	\$ 180.00	\$ 460,800.00	\$ 798,300.00
7.0 GRASSING					
7.1 Supply & install hydroseeding (incl. preparation of topsoil, establishment & fertiliser)	4,700	m ²	\$ 3.00	\$ 14,100.00	
7.2 Make Good Existing Grass	12,200	m ²	\$ 3.00	\$ 36,600.00	\$ 50,700.00
8.0 FURNITURE					
8.1 Supply & install drinking fountain	2	ea	\$ 3,000.00	\$ 6,000.00	
8.2 Supply & install bike rack	8	ea	\$ 1,500.00	\$ 12,000.00	
8.3 Supply & install rubbish bin enclosure (include 120L wheelee bin)	6	ea	\$ 2,100.00	\$ 12,600.00	
8.4 Supply & install BBQ table	1	ea	\$ 12,000.00	\$ 12,000.00	
8.5 Supply & install picnic table sets	6	ea	\$ 2,500.00	\$ 15,000.00	

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1701811 Epping Recreation Reserve Master Plan

May 2018

ITEM	QTY	UNIT	RATE	SUBTOTAL	TOTAL
8.6 Supply & install 1.8m seating	9	ea	\$ 2,000.00	\$ 18,000.00	
8.7 Supply & install 6m seating	12	ea	\$ 6,000.00	\$ 72,000.00	\$ 147,600.00
9.0 SHELTER					
9.1 Supply & install 4mx5m shelter	3	ea	\$ 20,000.00	\$ 60,000.00	
9.2 Supply & install 5mx12m shelter	1	ea	\$ 50,000.00	\$ 50,000.00	\$ 110,000.00
10.0 PLANTING					
Supply & install tubestock plants as specified, incl. supply of					
10.1 fertiliser, establishment watering (adhere to relevant water restrictions):	2,616	no.	\$ 15.00	\$ 39,240.00	
10.2 Plaza trees in 100L pots with 2 stakes	16	no.	\$ 650.00	\$ 10,400.00	
10.3 Avenue trees in 45L pots with 2 stakes	62	no.	\$ 200.00	\$ 12,400.00	
10.4 Scattered trees in 300mm pots with 2 stakes as per detail	58	no.	\$ 100.00	\$ 5,800.00	\$ 67,840.00
11.0 MULCH					
11.1 All garden beds	53	m ³	\$ 35.00	\$ 1,837.50	\$ 1,837.50
12.0 PLAY AREA SURFACE					
12.1 Supply and install softfall mulch to min 350mm depth	312	m ²	\$ 40.00	\$ 12,480.00	\$ 12,480.00
13.0 FENCING					
13.1 Supply and install vehicle exclusion fence	612	lin.m	\$ 70.00	\$ 42,840.00	
13.2 Supply and install individual bollard	28	no.	\$ 150.00	\$ 4,200.00	
13.3 Supply and install maintenance access gate	2	no.	\$ 4,000.00	\$ 8,000.00	\$ 55,040.00
14.0 PLAY EQUIPMENT					
14.1 Playground Equipments (lump sum)	1	item	\$ 200,000.00	\$ 200,000.00	\$ 200,000.00
15.0 FITNESS EQUIPMENT					
15.1 Fitness station equipment	5	no.	\$ 5,000.00	\$ 25,000.00	
15.2 Fitness configuration	1	item	\$ 21,000.00	\$ 21,000.00	
15.3 Rubber surfacing	185	m ²	\$ 250.00	\$ 46,250.00	\$ 92,250.00
16.0 EDGING					
16.1 Supply & install timber edging	925	lin.m	\$ 25.00	\$ 23,125.00	\$ 23,125.00
17.0 LIGHTING					
17.1 Supply & install Lighting (lump sum)	1	item	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00
18.0 SPORT FIELDS					
18.1 Dual purpose court	1	item	\$ 100,000.00	\$ 100,000.00	
18.2 Tennis court (including fence surround)	2	item	\$ 150,000.00	\$ 300,000.00	
18.3 Cricket nets	5	item	\$ 30,000.00	\$ 150,000.00	
18.4 New scoreboard (oval 2)	1	item	\$ 30,000.00	\$ 30,000.00	\$ 580,000.00
19.0 WSUD					
19.1 WSUD area (lump sum)	1	item	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
20.0 CONTINGENCY					
20.1 25% allowance for additional works that may result due to unforeseen circumstances	1	item	25%		\$ 915,367.41
Total (excl. GST)					\$ 4,942,984.03

Exclude: Irrigation, Make good existing structures, Electric, Hydraulic, Ovals fields, Ovals fences, Make good existing fences, Gate keeper house relocation and upgrade, toilet upgrade.

Prepared by Beveridge Williams Co. Pty Ltd

1701811 Epping Recreation Reserve Master Plan

May 2018

ITEM	QTY	UNIT	RATE	SUBTOTAL	TOTAL
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Prepared by Beveridge Williams Co. Pty Ltd

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Mill Park 7th February 2018

25 Streeton Circuit
Mill Park VIC 3082

City of Whittlesea

Attention : Mayor Kris Pavlidis
Locked Bag 1
Bundoora MDC VIC 3083

WHITTLESEA CITY COUNCIL	
File No. _____	RECEIVED
RMS No. _____	
CRM No. _____	27 FEB 2017
Action: _____	
Copy: _____	

Dear Mayor Pavlidis,

I am writing this email on behalf of all those that live on Plenty Road where the extra lane will be constructed. As you may be aware, there are several trees that will be cut down to make space for this construction work and the noise that we are already subjected to and pollution will have more negative impact on us.

We ask that you please give your instructions to the Department that handles tree plantation to put closer to our fences, new fast growing trees to replace even though not in the same spot, all the trees that will be cut down. I have also been asked that you please instruct that 'native trees' are Not to be planted because we have had issues in the past where the roots have interfered with foundations of houses and shedding of branches. Can we have trees planted that are the same/similar to the ones planted end of last year in Childs Road Mill Park or where the acoustic walls are near the M80 ring road on the right hand side heading towards the city?

We, the Outer Northern People's Voices Group, wish to thank you for your assistance and support in this matter.

With kind regards

Eva Moran

Eva Moran and the Outer Northern Peoples Voices Group

Domenic Cali
[Signature]

J. Wz (JUDY CZUCHNOWSKI)

Tina Cali
[Signature]

JINGJING SHI
[Signature]

Maura Miller
[Signature]



Audit & Risk Committee
Unconfirmed Minutes
4.30pm Thursday
24 May 2018

Assembly Location: Conference Room 1, Civic Centre

	Present	Apology
Members:		
Independents		
Geoff Harry, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Ulbrick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Theresa Glab	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillors		
Cr Stevan Kozmevski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Sam Alessi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers:		
Simon Overland, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Sui, Director Corporate Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amy Montalti, Manager Finance & Assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Gauci, Internal Compliance Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frank Joyce, Manager Corporate Accountability & Performance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nicole Montague, Team Leader Financial Accounting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve O'Brien, Director Planning & Major Projects (Item 8.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liana Thompson, Director Partnerships & Engagement (Item 11.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In attendance:		
Kunen Satkunasingam, Partner, PwC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natalie Mu, Manager, PwC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Martin Thompson, Partner, Crowe Horwath	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gabrielle Castree, Senior Manager, Crowe Horwath	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Ryan, Director MAV WorkCare (Item 7.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Audit & Risk Committee Minutes
Thursday 24 May 2018



Matters in Discussion

The meeting commenced with the Committee holding an in-camera session with the CEO and Director Corporate Services. Confidential notes of this session were taken.

1. DISCLOSURE OF CONFLICTS OF INTEREST

No declarations were made.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.1 Resolution:

That the minutes of the Audit & Risk Committee meeting held on 8 March 2018 be noted and confirmed.

Moved by: Ms Glab
Seconded by: Cr Kozmevski

3. MATTERS ARISING FROM PREVIOUS MEETING(S)

ITEM 3.1 The Outstanding Items Report from Previous Meetings was presented for discussion. The Committee briefly discussed how the preparation of fraud awareness training was progressing. A further update will be provided at the 30 August 2018 meeting.

Resolution:

That the Matters Arising from Previous meetings be noted.

Moved by: Cr Alessi
Seconded by: Ms Glab

CARRIED

4. AUDIT & RISK COMMITTEE WORK PLAN

ITEM 4.1 The Annual Work Plan Matrix was presented for general discussion. The Committee noted the updated Work Plan.

5. CEO'S REPORT ON COMPLIANCE/NON-COMPLIANCE WIDTH LEGISLATION AND POLICIES INCLUDING TENDERING AND PROCUREMENT

The CEO advised that there were no issues of compliance/non-compliance to report.

Resolution:

That the CEO's verbal report on Compliance/Non-Compliance with Laws/Legislation and Policies be noted.

Moved by: Ms Glab
Seconded by: Cr Kozmevski

CARRIED

Audit & Risk Committee Minutes
Thursday 24 May 2018



6. FINANCIAL REPORT

ITEM 6.1 Financial Performance Report For The Period Ended 31 March 2018

A copy of the Financial Performance Report for the period ended 31 March 2018 was presented, with management responding to questions from the Committee.

Resolution:

That the Committee note the Financial Performance Report for the period ended 31 March 2018.

Moved by: Cr Alessi

Seconded by: Ms Glab

CARRIED

ITEM 6.2 Shell Annual Financial Statements for the year ending 30 June 2018

A copy of the Shell Financial Statements for the year ending 30 June 2018 was provided.

The Committee Chairperson advised that feedback relating to the shell statements will be provided out of session.

Discussion concluded with the Committee requesting that in the future it be provided with a paper outlining any significant changes to the Accounting Standards and any adjustments to assets at the May meeting. Management advised an update will be provided to the Committee prior to the 23 August 2018 Committee meeting.

Resolution:

That the Committee note the Shell Annual Financial Statements – year ending 30 June 2018.

Moved by: Cr Kozmevski

Seconded by: Cr Alessi

CARRIED

7. RISK MANAGEMENT

ITEM 7.1 MAV WorkCare Presentation

This item was presented after item 4.

Peter Ryan, Director MAV WorkCare provided the Committee with an overview of the WorkCare Scheme.

Resolution:

That the Committee note the MAV WorkCare Scheme presentation.

Moved by: Cr Kozmevski

Seconded by: Cr Alessi

CARRIED

Audit & Risk Committee Minutes
Thursday 24 May 2018



ITEM 7.2 Risk Management and Business Continuity Report

The Manager Corporate Accountability and Performance presented the Risk Management and Business Continuity report and responded to questions from the Committee.

The Committee queried if an update on Strategic Risks is provided to Council. Management advised that Council does not currently receive an update on Strategic Risks, however, it is planned to provide updates in the future.

The Committee noted that based on Management's assessment of the maturity of Council's Risk Management System, it was currently rated at the 'integrating stage'. The Committee asked if Management had a strategy in place to move the maturity level to the next stage of 'effective'. Management advised that the Risk Management Working Group has developed an action plan to move Council to this stage. The Committee requested that it be provided with an overview of the actions being undertaken by the Risk Management Working Group at either the 30 August or 22 November 2018 meeting.

Resolution:

That the Committee note the Risk Management and Business Continuity Report.

Moved by: Ms Glab
Seconded by: Cr Kozmevski

CARRIED

8. INTERNAL AUDIT

ITEM 8.1 Internal Audit Status Report

PwC presented the Internal Audit Status Report and responded to questions from the Committee.

Resolution:

That the Committee note the Internal Audit Status report.

Moved by: Cr Alessi
Seconded by: Ms Glab

CARRIED

ITEM 8.2 Internal Audit Reviews

- Accounts Payable

PwC presented the Accounts Payable report and gave an overview of the findings. Officers responded to the report and questions from the Committee.

- Human Resources Information System (HRIS) Post Implementation

PwC presented the Human Resources Information System (HRIS) Post Implementation report and gave an overview of the findings. Officers responded to

Audit & Risk Committee Minutes
Thursday 24 May 2018



the report and questions from the Committee.

- Contract Variation and Contingency Management

PwC presented the Contract Variation and Contingency Management report and gave an overview of the findings. Officers responded to the report and questions from the Committee.

The Committee requested that the actions to be implemented in response to Finding 2.1 be reviewed as part of the Internal Compliance Review Program.

PwC noted that this is the last Committee meeting that they will be attending, as their contract with the City of Whittlesea is due to expire on 30 June 2018. PwC thanked the Committee and Officers for their support and cooperation over the past 10 years.

The Committee Chairperson thanked PwC for their contribution as Internal Auditor to the City of Whittlesea.

Resolution:

That the Committee note the contents and findings of PwC's internal audit reviews: Accounts Payable, Human Resource Information System (HRIS) Post Implementation and Contract Variation and Contingency Management.

Moved by: Cr Kozmevski

Seconded by: Cr Alessi

CARRIED

Representatives from PwC left the meeting at this point.

ITEM 8.3 Outstanding Action Items From Internal Audit Reports

The Outstanding Action Items Report from Previous Internal Audits was presented for discussion.

Resolution:

That the report of Outstanding Action Items from Previous Internal Audit Reports be received and noted.

Moved by: Ms Glab

Seconded by: Cr Kozmevski

CARRIED

ITEM 8.4 Draft Strategic Internal Audit Plan

The Committee Chairperson welcomed representatives from Crowe Horwath to the meeting.

Crowe Horwath presented their Draft Strategic Internal Audit Plan (Plan) and gave an overview of the process undertaken so far to develop the Plan. It was noted that the Plan is currently a work in progress.

The Committee provided their thoughts on the Plan and provided suggestions on the areas that they would like Crowe Horwath to consider included in the Plan.

Audit & Risk Committee Minutes
Thursday 24 May 2018



The Committee noted that the final version of the Plan will be provided at the 30 August 2018 meeting. Scopes for Audits to commence prior to this will be circulated to the Committee out of session.

Discussion concluded with the Committee requesting management provide it with a list of the 10 Service Reviews to be undertaken.

Resolution:

That the update on the development of the Strategic Internal Audit Plan be noted.

Moved by: Cr Alessi

Seconded by: Ms Glab

CARRIED

9. EXTERNAL AUDIT

ITEM 9.1 Interim Management Letter – year ending 30 June 2018

The Interim Management Letter for the year ending 30 June 2018 was presented.

Resolution:

That the Committee note the Interim Management Letter - Year ending 30 June 2018.

Moved by: Cr Kozmevski

Seconded by: Cr Alessi

CARRIED

10. COMPLIANCE

ITEM 10.1 Internal Compliance Reviews

An update on the status of the Internal Compliance Reviews was provided with officers responding to questions from the Committee.

Resolution:

That the Committee note the Internal Compliance Reviews report.

Moved by: Ms Glab

Seconded by: Cr Kozmevski

CARRIED

11. OTHER RESPONSIBILITIES

ITEM 11.1 Update on Significant Legal Matters

The Director Corporate Services noted that there were no significant issues to report.

Audit & Risk Committee Minutes
Thursday 24 May 2018



Resolution:

That the update of significant legal matters be noted.

Moved by: Cr Alessi

Seconded by: Ms Glab

CARRIED

ITEM 11.2 External Agency Examinations

An update on recent reviews undertaken by external agencies was presented.

Resolution:

That the Committee note the External Agency Examinations report.

Moved by: Cr Kozmevski

Seconded by: Cr Alessi

CARRIED

ITEM 11.3 Delegations from Council

An update on the process Council undertakes to review and update delegations was provided.

The Committee requested it be provided with an update on the development of the Policy & Strategy Framework at the 22 November 2018 meeting.

Resolution:

That the Committee note the report.

Moved by: Ms Glab

Seconded by: Cr Kozmevski

CARRIED

ITEM 11.4 Audit & Risk Committee Charter

The updated Audit & Risk Committee Charter was presented for the Committee's information. Clarification was provided regarding the intent of a number of clauses.

Resolution:

That the Committee note and approve the updated Audit & Risk Committee Charter and recommend it be provided to Council for approval.

Moved by: Cr Alessi

Seconded by: Cr Kozmevski

CARRIED

12. CORRESPONDENCE

Nil

Audit & Risk Committee Minutes
Thursday 24 May 2018



13. GENERAL BUSINESS ITEMS

Nil

14. CONFIRMATION OF DATE OF NEXT MEETING:

- 23 August 2018 (*Annual Statements Review*)
- 30 August 2018

Meeting concluded at 6.57 pm



AUDIT & RISK COMMITTEE CHARTER

Last Approved by Council: 10 October 2017

Reviewed by Audit & Risk Committee 24 May 2018

Directorate responsible Corporate Services

1. Purpose

Council has established an independent and advisory Audit & Risk Committee (Committee) pursuant to section 139 of the Local Government Act 1989, which supports Council in discharging its oversight responsibilities related to financial reporting, risk management, maintenance of sound systems of internal control, assurance activities including internal and external audit and Council's performance with regard to legislative and regulatory compliance and its Codes of Conduct. It acts in this capacity by monitoring, reviewing and advising on issues within its scope of responsibility.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. Authority

The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Committee is empowered to:

- Resolve any disagreements between management and the external auditor on financial reporting issues;
- Retain independent counsel of relevant independent experts where it considers that is necessary in order to execute its duties, subject to prior agreement with the Chief Executive Officer;
- Seek any information it requires from Councillors, Council staff (including senior management, all of whom are directed to co-operate with the Committee's requests) and external parties;
- Meet with Council staff, internal and external auditors, or outside counsel, as necessary.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

3. Membership and Tenure

The Committee will consist of five members appointed by Council, three of whom must be independent members. Details of membership and tenure are set out below:

- a) A quorum shall comprise one Councillor member and two independent members;
- b) The Chair of the Committee must be an independent member;
- c) Council will appoint the Chair of the Committee;
- d) Councillor members will be appointed by Council annually;
- e) The Mayor or Deputy Mayor of the day can act as an alternate Councillor member should an appointed Councillor member not be able to attend a Committee meeting;
- f) Expiry of independent member terms shall be staggered so that not more than two members' terms conclude concurrently, ensuring as far as possible that knowledge of Council's operations is not lost when there is a change of membership;
- g) Independent members may be appointed for up to a three year term and, subject to a review of performance and independence and Council approval, a maximum of three consecutive terms.
- h) Each member will be financially literate with independent members having experience in any of the three streams of Committee responsibilities, namely, business management, financial management and reporting and/or risk management and compliance, and be conversant with governance and financial reporting requirements;
- i) Remuneration will be paid to each independent member and is set by Council annually (Payable from October).

4. Meetings

- a) The Committee will meet at least five times a year, with authority to convene additional meetings, as circumstances require;
- b) A schedule of meetings will be developed annually and agreed by members;
- c) All Committee members are expected to attend each meeting in person;
- d) The Committee will invite members of the management team, the internal and external auditors and others as appropriate to attend meetings. The Chief Executive Officer, Director Corporate Services and Manager Finance & Assets will attend all meetings, except for confidential matters. The Manager Finance & Assets or a designated officer will attend in the role of Secretariat;
- e) The Committee may meet with the internal and/or external auditors in the absence of management from time to time;
- f) Meeting agendas and appropriate briefing materials will be provided to members at least one week before each meeting;
- g) Minutes will be prepared for all meetings;

5. Responsibilities

The Committee will carry out the following responsibilities:

5.1 Financial Reporting

- a) At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- b) Review the annual financial report and performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's position;
- c) Review with management and the external auditors the results of the audit, including any difficulties encountered by the external auditors;
- d) Recommend the adoption of the annual financial report and performance statement to Council; and
- e) Review the appropriateness of the format and content of periodic management financial reports to Council as required;

5.2 Systems of Internal control

- a) Review the adequacy and effectiveness of systems and controls for providing a sound internal control framework;
- b) Determine whether systems and controls are reviewed regularly and updated where required;
- c) Ensure that a programme is in place to test, at least annually, compliance with systems and controls;
- d) Review policies and procedures in place for the setting and implementation of delegations of authority.

5.3 Risk management

- a) Review annually Council's risk management framework;
- b) Review management's assessment of Council's risk profile;
- c) Review Council's programme of assessment of business risks and treatment plans;
- d) Review the insurance programme annually prior to renewal; and
- e) Review the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

5.4 Fraud Prevention and Awareness

- h) Review Council's Fraud Prevention policies and procedures (Fraud Control Policy & Plan), including fraud awareness programmes;

- i) Receive reports from management about actual or suspected instances of fraud or corruption within Council.

5.5 Internal audit

- a) Establish and review periodically an Internal Audit Charter that provides an appropriate functional and organisational framework within which Council's internal audit function operates;
- b) Review and approve the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them;
- c) Review and approve proposed scopes for each review in the annual internal audit plan;
- d) Review reports on internal audit reviews;
- e) Monitor action by management on internal audit findings and recommendations;
- f) Meet with the leader of the team delivering the internal audit plan at least annually in the absence of management;
- g) Review the effectiveness of the internal audit function and ensure that it has appropriate authority with Council and has no unjustified limitations on its work;
- h) Ensure that the Committee is aware of any proposed changes to the appointment of the internal audit service provider, and is appropriately briefed on the need for change, including any proposed changes in the specification of the internal audit function;
- i) Recommend to Council, if necessary, the termination of the internal audit contractor.

5.6 External audit

- a) Annually review the external audit scope and plan proposed by the external auditor;
- b) Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope or access to information;
- c) Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner;
- d) Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views;
- e) Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor implementation of the recommendations by Council; and
- f) Meet with the external auditor at least annually in the absence of management.

5.7 Compliance Management

- a) Review the systems and processes implemented by Council for monitoring compliance with legislation and regulations and the results of management's follow up of any instances of non-compliance;
- b) Review the processes for communicating the Councillor Code of Conduct to Council and the Staff Code of Conduct to all Council employees and contractors and for monitoring compliance with the Codes;
- c) Obtain regular briefings on any significant compliance matters; and
- d) Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Local Government Inspectorate, the Ombudsman, IBAC, etc. and monitor Council's responses.

5.8 Reporting to Council

- a) Minutes of Committee meetings will be provided to Council at the first available Council meeting following each Committee meeting;
- b) The Chair of the Committee will report regularly to Council on Committee activities as appropriate;
- c) The Chair of the Committee will prepare a biannual report on significant Committee activities for Council. In addition, the Chair will prepare an annual summary of the Committee's activities for inclusion in Council's Annual Report setting out how the Committee has discharged its responsibilities as outlined in its Charter.

6. Performance Evaluation

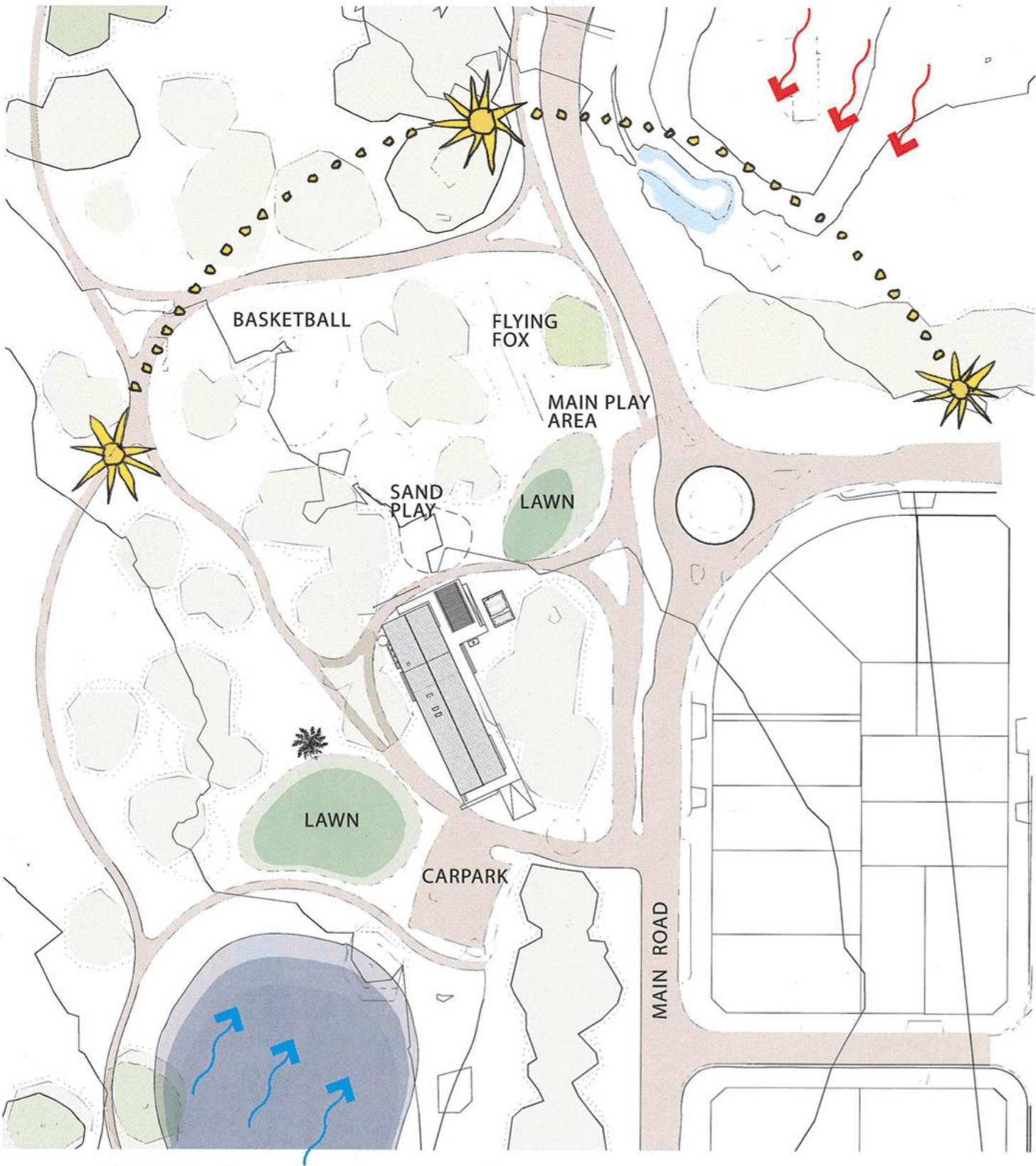
The Committee shall undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council.

7. Conflicts of Interest and Register of Interests

In accordance with section 139 (4A) of the Local Government Act 1989, all members of the Committee are required to complete Primary and Ordinary Returns pursuant to section 81 of the Act.

8. Review of Charter

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests for revisions and improvements to Council for approval.



Scale 1:1000



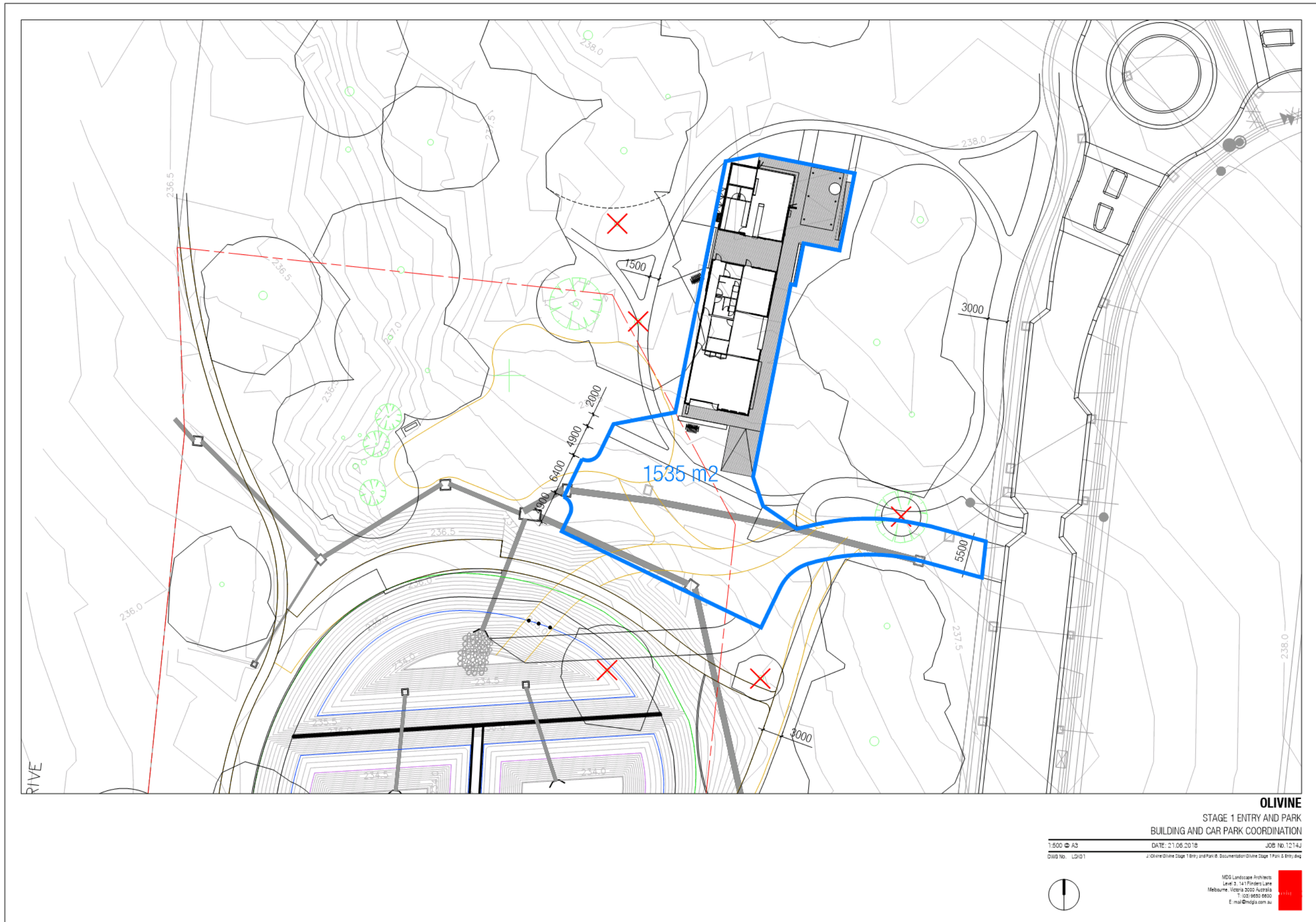
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1025 DONNYBROOK ROAD
DONNYBROOK, VIC
APRIL 2018

PROPOSED
SITE PLAN





Early Activation Policy

Category This policy applies to all Councillors, Council staff and Volunteers

Date of adoption by Council: July 2017

Date of review:
July 2022

Directorate responsible Partnerships and Engagement

Policy

The City of Whittlesea seeks to reduce the isolation of residents in new communities by advocating to the development community and other stakeholders for the early provision of flexible community spaces, services and/or programs. To this end the City of Whittlesea commits to:

- Engaging with internal and external stakeholders to explore opportunities for the early provision of community spaces, services and/or programs for the residents of new developments;
- Exploring partnership opportunities including social enterprise and other funding models to provide, or activate, temporary community spaces or assist with the activation of such spaces provided by others;
- Facilitating the early provision of community spaces, services and/or programs by developers through assisting with information relating to needs assessment, design and the brokering of partnerships with other agencies;
- Providing a strategic structure to the provision, timing and scale of early provision community spaces, services and/or programs that can assist service and recurrent budget planning activities.

Objectives

- To improve timely access to community spaces, services and/or programs in new communities.
- To reduce negative social impacts caused, or exacerbated by, isolation in new communities

These objectives will be achieved by Council through:

- Establishing a broader relationship with the development community by building on the existing relationships various Council departments.
- Extending the scope of these relationships into the realm of community building and applying the principles of the Growth Area Social Planning Tool (commonly referred to as the Community Planning Tool) to work with developers to improve the social outcomes as early in the life of a new development as possible. see <http://www.socialplanningtool.net.au/>

Specifically Council shall:

- Establish a Community Planning Working Group in each of the major growth areas to apply this policy and facilitate the development of new projects that represent over and above the community infrastructure items that are covered by existing development contribution obligations;
- Advocate for capital contributions from the developers located in each development area;
- Facilitate relationships between developers and NGOs for the provision of services and the early activation of community spaces;
- Broker arrangement for the cross subsidisation of community development activities in early community spaces;
- Create, as part of the Growth Area Social Planning Tool website, a *catalogue* of potential models for early activation that can form the basis of negotiations with developers;
- Direct all Council departments with an interest in facilities and services in new communities to *collaborate* with each other and the development community on finding innovative ways to reduce social isolation, utilising the Community Planning Tool processes (Secretariat: Collaboration Panel);
- Develop a local early activation action plan that will identify projects with business cases that could be subject to additional grant applications.

Context/Rationale

The City of Whittlesea has been a high growth corridor for decades. Although the rate of change has varied, the issues created by residential development on the fringe have not. What is different today is the number of development fronts underway at any one time. Historically, Mill Park and South Morang were largely developed by one developer and residents were somewhat centralised and development happened sequentially; in Mernda and Doreen, growth fragmentation



was driven by multiple developers competing simultaneously and this has led to multiple estates and compounding isolation. The Precinct Structure Plan areas of Wollert and Donnybrook will follow a similar pattern to Mernda and Doreen.

Much effort and expense has been made to ensure that the design of growth areas will be an optimum balance of density, permeability, activity, connectivity and open space. The master planned process ensures that walkable catchments for daily needs are delivered, and that as far as the theory of new-urbanism can be achieved within a neo-liberal economic framework, the growth areas of Whittlesea will ultimately deliver sound social outcomes.

Despite this good intent it is now clear that in the period between first residents moving into a new estate and the full maturity of that estate, a significant short fall in liveability exists and can persist for many years. There is a clear link between social isolation and well-being. Social isolation is compounded by a number of factors such as distance to services and facilities, lack of transport options, weak social capital and long travel times for commuters. There is also substantial evidence that social conditions generally in our growth areas are poor. The community strengthening literature confirms that substantial triple bottom line benefits are possible from a small investment in reducing social isolation.

In recent times, innovative approaches to the early provision of community spaces, services and programs have been established to support the early residents of new communities and have been very successful in combating the social isolation that occurs at the beginning of new communities. The City of Whittlesea has also explored and implemented such innovation in the form of the Lend Lease small café and community space model in Epping North.

This policy has been established to guide and support Councillors, Council staff and volunteers in approaching and encouraging the development community and other stakeholders to provide for the early residents in new communities with community spaces, services and/or programs.

Key Policy linkages

State Government Policy

Plan Melbourne is the State Government's key urban development direction setting document. The latest version of Plan Melbourne released in March 2017 specifically acknowledges the challenges faced by rapid development. In particular, Plan Melbourne Direction 5.3 encourages early delivery of social infrastructure in growth areas in partnership public and private sectors.



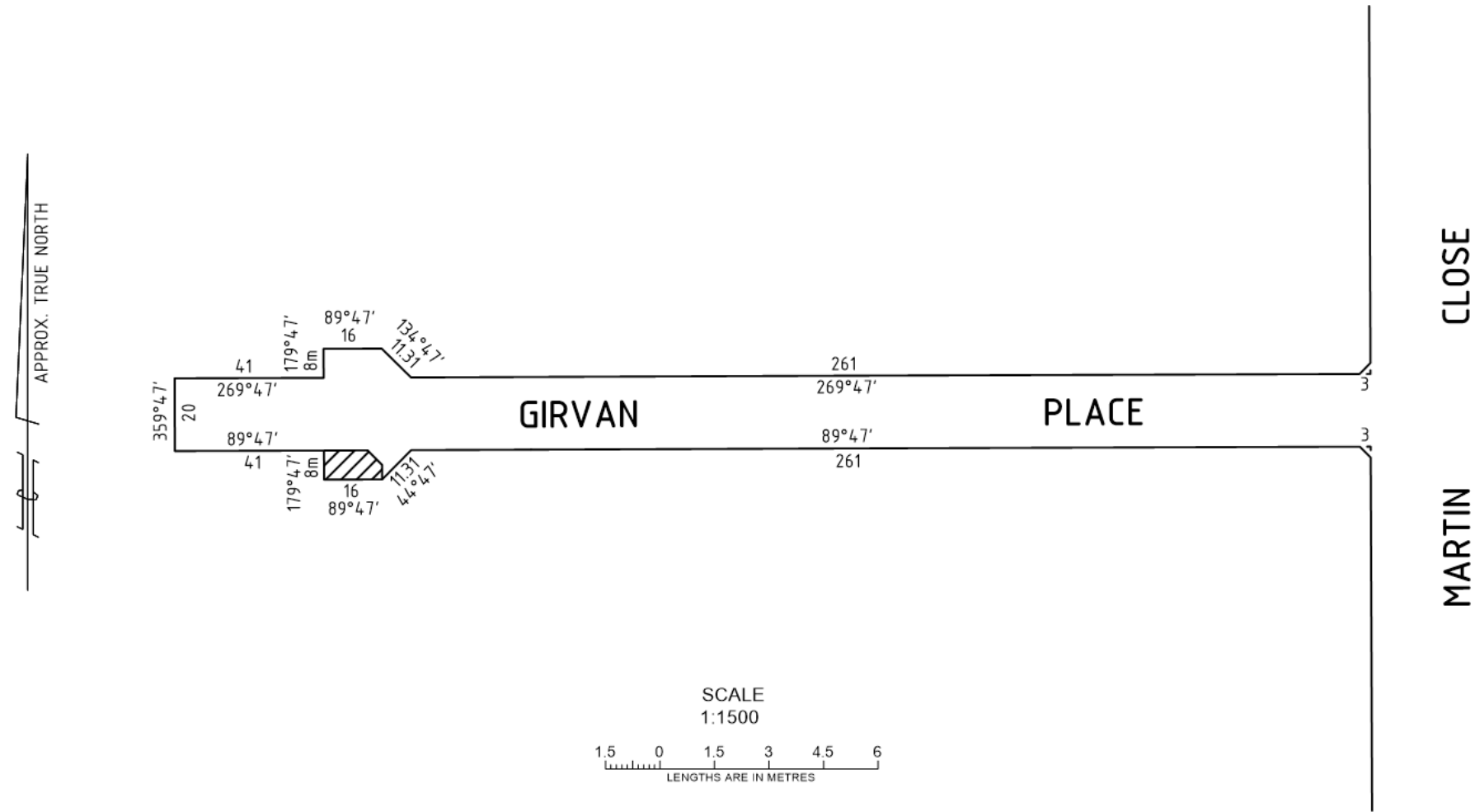
City of Whittlesea Strategy/Policies:

- Whittlesea 2030 Strategic Community Plan 'Shaping Our Future'
- Council Plan, 2017-2021 'Shaping Our Future'
- Municipal Public Health and Wellbeing Plan
- Connect: A Municipal Plan for Children, Young People and their Families 2013-18
- Wellbeing Framework and Indicators 2017
- Community Building Strategy

Procedures

The implementation of the Early Activation policy is guided by the process outlined in the Growth Area Social Planning Tool.







Assessment Criteria



Aims and outcomes (30%)

Are the aims and outcomes of the project clearly identified and do they align with at least one of the categories of the CDGP?

Community need (20%)

Is there a clearly identified and demonstrated local need for this project?

Community support (20%)

Applicants are encouraged to demonstrate local support for their project by partnering with other groups, consulting with community members, and including letters of support in their application.

Does the application provide evidence of community support?

Equity, access and inclusion (15%)

Applicants are encouraged to consider how their project will be accessible and inclusive of all people, regardless of background or ability.

Has the applicant addressed issues of equity, access and inclusion?

Project sustainability (10%)

Will the proposed project and its outcomes continue beyond the funding period?

Budget and applicant capacity (5%)

Is the budget reasonable?

Is there a demonstrated capacity to deliver the project?

City of Whittlesea Community Development Grants Program 2018-2019 Round One

Application assessment and funding recommendations

Project Title	Applicant	Category	Weighted score	Project Summary	Amount Recommended	Assessment Summary
Wild Links Lalor	Links Community Group Inc.	Environment and Sustainable Living	4.775	<p>This project aims to deliver a series of practical community activities and workshops which will increase urban biodiversity in Lalor and encourage participants to connect with nature and their local community.</p> <p>Activities will be hands-on and open to the whole community to get involved in and learn new practical skills they can use in their everyday life. Topics will include nest-box building, creating insect hotels and lizard lounges, indigenous planting and education, and frog bogs.</p>	\$4,996.86	An excellent application that demonstrates clear project aims and outcomes, and strong evidence of partnerships and community connections. It also clearly identifies the need for the project as it is likely to increase social participation for Lalor's diverse population, providing an opportunity to connect and share interests, as well as having a positive and sustainable environmental impact which will benefit the local wildlife of Lalor. The activities within the project are clearly stated and will have long-term benefits for both individuals involved in the project and local residents.
Sing and Grow: building stronger families and communities through music	Melbourne City Mission	Families, Children and Young People	4.550	<p>This project aims to support vulnerable young children, who are identified as having additional needs, and their families through an eight week community based music therapy program that uses music and song to engage parents and children together, modelling positive behaviour and creating fun, shared experiences to develop communication and build social skills.</p> <p>Project outcomes include greater engagement with specialist supports for families, more effective interventions to support childhood development needs, stronger family relationships, greater confidence and capacity of parents, and greater local social networks and friendships for isolated families.</p>	\$4,631.00	<p>This application is comprehensive and provides a clear and thorough explanation of the project, including the outcomes for vulnerable children and their families. The music program is evidence informed with processes that will be implemented to measure outcomes. Various solutions to address barriers to access have also been considered to ensure maximum participation.</p> <p>The benefits of connection between families will continue beyond the program, demonstrating the sustainability of the project.</p>
Big Blokes Brunch	Whittlesea Community House Inc.	Health and Wellbeing	4.450	<p>The program brings together, local cooks on Department of Justice community service orders, food denoted from SecondBite and men from a variety of backgrounds to provide a platform for community connections.</p> <p>The program is open to all men and will provide weekly healthy meals at Whittlesea Community Activity Centre, with any surplus food going to Whittlesea Food Share to support local families in need.</p> <p>Expected outcomes for participants include opportunities to meet new people and develop friendships, and an opportunity to exchange ideas and projects. For the cooks, their involvement will assist with their rehabilitation and reintegration into the community and will increase their confidence and skills.</p>	\$5,000.00	<p>The project is well thought out and presented, and the problem it addresses is a very real issue in this community. Mental health and social isolation are important issues for men, and these kinds of programs provide a safety net, a peer group to rely upon and a sense of belonging to the community they live - at the same time providing a healthy meal.</p> <p>The application clearly fits the category of Health and Wellbeing, with the provision of regular healthy meals to local men, and excess food being donated to Whittlesea Food Share for redistribution to local people in need. This program will also be an entry point for many health and support services.</p> <p>The Big Blokes Brunch delivers excellent value for money, and will produce sustained benefits for the community.</p>
'Get Us Outta Here'	Faith & Hope Anxiety and Depression Support Group (Auspiced by Creeds Farm Living and Learning Centre Inc.)	Equity, Access and Inclusion	4.425	<p>This project aims to up-skill and engage members of the Faith & Hope Anxiety and Depression Community Support Group by participating in a range of community activities and undertaking workshops and programs that strengthen their skills to manage mental wellness.</p> <p>The group and activities are open to new members who experience mental ill-health. Activities will include excursions within the City of Whittlesea to increase social confidence and</p>	\$5,000.00	The need for this project is well identified in this application. The applicant has clearly stated aims and outcomes that align with the Equity, Access and Inclusion category. The group has been able to demonstrate a clear understanding of the needs of the program participants, and has given due consideration to appropriate and achievable methods of evaluation. The project plan is supported by a well-considered budget complete with quotes for essential services.

City of Whittlesea Community Development Grants Program 2018-2019 Round One

Application assessment and funding recommendations

				connections, a series of sessions covering the importance of self-care, and participating in a first-aid course to learn new skills and feel prepared in case of emergencies.		
St John 'First Aid in Schools' Program Whittlesea Council region	St John Ambulance Victoria	Families, Children and Young People	4.275	This project aims to deliver a free 'First Aid in Schools' program to 500 primary school students in the City of Whittlesea. The program will teach primary school aged children about the basics in First Aid and how to safely and adequately respond in an emergency. The program will be delivered in schools during school hours by St John Ambulance professional and qualified trainers covering the essentials of First Aid including stopping a bleed, calling an ambulance, the recovery position, clearing a blocked airway and CPR.	\$5,000.00	<p>The application has clear project outcomes, which will include an increased confidence and ability in children to provide basic First Aid, request medical assistance and potentially save lives. This will in turn contribute to more resilient communities as well as safer homes, schools and playgrounds.</p> <p>Condition of Funding: The applicant must provide letters of support from a minimum of two schools in the municipality prior to 02 October 2018.</p> <p>The applicant secures funding prior to delivering programs in a Local Government Area. Without funding from the CDGP, the 'First Aid in Schools' project is unlikely to be delivered in the City of Whittlesea.</p>
Active Adolescents	Whittlesea and District Netball Association	Families, Children and Young People	4.225	<p>This project aims to deliver opportunities for local young people to learn about the importance of physical exercise and how to incorporate it into their own homes and daily lives delivered through a free school holiday program.</p> <p>The project will bring together young people who may not already be engaged in physical activity in an informal setting and offer them the opportunity to try out a variety of activities without having have to sign up to a 'season' of any one sport. It will also provide guidelines and motivation for healthy eating and wellness.</p>	\$3,840.00	<p>The project scored high against all criteria, as the aims and outcomes respond to a community need and demonstrate strong community support that is upheld by consultation with membership of the Whittlesea Township Sporting Group network.</p> <p>It is a well-rounded project that considers the physical, social and emotional health needs of young people, and is well supported by evidence based research into declining participation rates of youth in team sport in the township area.</p>
Al Siraat College Community Garden	Al Siraat College	Environment and Sustainable Living	4.000	<p>This project aims to develop a community garden that will be developed and maintained by the Al Siraat school community. The community garden will be a space where students can learn about sustainability and gardening and a place where the broader community can come together to grow food. The produce from the garden will also be used in cooking demonstrations by the Parents and Friends Group.</p> <p>A series of community events will be delivered as part of the project, including working bees, sausage sizzles, two sessions with expert speakers, mums and bubs morning teas and a launch event with a free screening of the documentary 'Sustainable'.</p>	\$5,000.00	<p>The project demonstrates broad and far reaching benefits for young people and their families from culturally diverse backgrounds and has potential for positive environmental, sustainability, family strengthening, capacity building and community connection outcomes.</p> <p>The application is supported by the outcomes of consultation with the school community, and potential outcomes align with the City of Whittlesea's 2017-21 Community Plan future directions of 'Living Sustainably' and 'Places and Spaces to Connect us'.</p> <p>Condition of Funding: The applicant must demonstrate to Council how the broader community can be engaged in, and gain access to the garden beyond the terms of this project.</p>
Bands for the Whittlesea Cruise Night	Whittlesea Cruise Night (Auspiced by Mernda and Districts Residents Association)	Arts and Cultural Connections	3.950	<p>This project aims to enhance the Whittlesea Hot Rod Cruise Night by establishing a live music element to the events.</p> <p>The Whittlesea Cruise Night is a free monthly event in the Whittlesea Township that attracts over 1,500 locals and visitors from a variety of ages and backgrounds who connect over shared interests and hobbies.</p> <p>The addition of live bands to the event will create more interest and atmosphere for the event and encourage more people to attend and stay longer. People can dance to the music, or just</p>	\$5,000.00	<p>The application demonstrates strong support from local community groups and businesses to ensure the success and sustainability of the project. The addition of live music to the popular cruise nights will increase community connectedness by providing the opportunity to participate in and contribute to arts and cultural activities.</p> <p>The application includes a realistic budget, consisting of quotes from local performers and the contribution of significant volunteer hours for project coordination.</p>

City of Whittlesea Community Development Grants Program 2018-2019 Round One

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				listen and enjoy a free, fun and safe night out locally.		
Fortifying Families	Breakaway Camps Inc.	Family, Children and Young People	3.950	<p>This project aims to bring families of children participating Breakway program together in a formal catered dinner event in November. It extends the support of the program by connecting the families in a safe and relaxing environment. The breakaway program is a free early intervention outdoor recreation program for disadvantaged and 'at risk' 10-16 year olds.</p> <p>This project will give families that don't have the finances, time, or knowledge a change to just "be" with their kids and be a family. Participants will leave all the stresses and difficulties of life and home at the door, and enjoy a night out together with music, entertainment and games, and create positive memories that add to family cohesion.</p>	\$3,000.00	<p>The application provides a clear description of the project and has outlined the benefits and outcomes expected to be achieved. The application is evidence based and references the Middle Years in Whittlesea: A Collective Response, which identifies the need to offer support to vulnerable young people and their families.</p> <p>This project compliments the Category of Families, Children and Young People, by presenting an opportunity for participants to experience healthy meals, social interaction and support towards developing the family unit in a positive way.</p>
Youth Gamers' Workshops	Creeds Farm Living and Learning Centre Inc.	Families, Children and Young People	3.950	This project aims to deliver twelve facilitated 'Digital Gamers' sessions focusing on young people between the ages of 10 – 14. The project responds to the need for local activities in safe environments for young people. The project will be delivered in partnership with Al Siraat College and Whittlesea Community Connections and will be held at Creeds Farm Living & Learning Centre in Epping North. The 'Digital Gamer' sessions will be used as the vehicle to bring young people from different cultural backgrounds together to socialise and create new friendships in a safe space.	\$5,000.00	The Youth Gamers Workshop project demonstrates excellent potential outcomes for developing community connections for young people from culturally diverse backgrounds. The project has been developed following significant consultation with the local community, and has demonstrated support from Al Siraat College and Whittlesea Community Connections. The project provides a genuine opportunity for young people to interact without the need to 'achieve' an outcome as a measure of success. The project promotes healthy social connections for young people of the Epping North community.
Thomastown School and Community Garden	Thomastown Primary School	Environment and Sustainable Living	3.800	<p>This project aims to develop a shared community garden at Thomastown Primary School that will be used for outdoor classes and a family friendly social gathering space for the local Thomastown community. The garden will have a sustainable permaculture design.</p> <p>The applicant will work collaboratively with project partners to ensure an inclusive, cross cultural and cross generational, socially supportive environment is established. A committee of local residents will be formed to advise on the way the garden develops and how it is managed.</p>	\$5,000.00	<p>The applicant has provided a clearly detailed and well planned out project, with excellent knowledge of both the Thomastown and Primary School communities' and their particular needs.</p> <p>The application shows evidence of clear community support and has clearly identified measurable outcomes. Project sustainability is demonstrated through ensuring the garden is incorporated into the project partners' ongoing programming, and development of leadership opportunities for local community members.</p>
SEWA 2018-19 Indian Senior Citizens Forum - Epping	SEWA International (Aust) Inc.	Equity, Access and Inclusion	3.750	This project aims to bring a 12 month series of forums for Seniors to Epping to enable the growing Indian community opportunities for social connections. The forums will also celebrate Indian festivals and other cultural events, which participants will be encouraged to organise. The project will also involve a picnic excursion for participants.	\$4,811.00	<p>The aims, activities are partnerships are clearly presented in this application. The community need has been identified through multiple requests from community members and is backed by local Indian demographic data.</p> <p>The association has a clear record of success running similar projects in other local Government areas and can provide the catalyst for people to gather and share experiences.</p>
YMCA Dads Group	YMCA Whittlesea Community Services	Families, Children and Young People	3.700	The project aims to encourage closer bonds between children and their fathers while they enjoy being out in nature playing and learning from children of different age groups through varied	\$3,350.00	The application has clearly stated aims and outcomes for the project which includes benefits of dads coming together to support each other and form stronger bonds with their children.

City of Whittlesea Community Development Grants Program 2018-2019 Round One

Application assessment and funding recommendations

				activities such as camping, road trips and visits from guest speakers. The group will also meet fortnightly at their regular venue at YMCA Leisure City, Epping and at other venues within the City of Whittlesea. Project outcomes include providing mothers with the chance to exercise self-care more frequently and giving dads a chance to learn informally from other dads.		<p>The long-term benefits of supporting the group are well stated; developing important learning opportunities for dads with indirect benefits for mothers who can enjoy child free time as dads take a stronger role in parenting and care taking.</p> <p>The lead organization (YMCA) has proven capacity to deliver the project and the group has established an excellent relationship with MCH who will refer dads to the group.</p> <p>Applicant applied for funding in 2016/17 grant round to establish group. This application is to expand activities and reach of the group. The application was assessed as a separate program.</p>
Bollywood Movie Month	Kool Moon Events Inc.	Arts and Cultural Connections	3.700	<p>This project aims to provide an increased understanding and appreciation of Indian culture and encourage the preservation and sharing of Indian cultural heritage and to assist in building community connections in Epping North.</p> <p>A free Bollywood movie will be screened each week for four weeks at Galada Community Centre. Free food and drinks will be available for participants and each event will include pre-movie ice-breaker activities for participants to get to know their neighbours and build connections.</p>	\$5,000.00	<p>The applicant has provided clear project aims and demonstrated they have the capacity to successfully deliver a project that will promote a sense of belonging, value and acceptance amongst participants, and facilitate social inclusion.</p> <p>The applicant has provided clear details around the intended program of activities and has the processes in place to measure and demonstrate outcomes.</p>
Filipino Cooking Class	Filipino Community Council of Victoria, Inc.	Arts and Cultural Connections	3.600	<p>This project aims to take participants through a cultural cooking journey by conducting a series of free Filipino cooking classes at Barry Road Community Activity Centre, where participants will learn about the Filipino culture and history and develop their home cooking skills.</p> <p>Filipino culture and identity has been shaped by Chinese, Malaysian, Spanish, Indian and Western influences, and Filipino cuisine is a reflection of this.</p> <p>After the month of cooking classes, a DVD and recipe book will be produced for participants to take home.</p>	\$4,500.00	<p>A well-considered project idea that also demonstrates elements of the Health & Wellbeing category by promoting a sense of wellbeing across ages and cultural backgrounds.</p> <p>Sharing food is a proven method of bringing people together and will enable the existing Filipino seniors groups to keep active, and share their knowledge and skills with the broader community.</p> <p>The project has the potential to engage many of the cultural groups who meet regularly at Barry Road Community Activity Centre, which will contribute to activation and development of the facility, and the Council plan direction of 'Places and Spaces to connect people'.</p>
Sikh Festival Diwali - Bandi Chhorh Diwas	Khalsa Education Society Inc.	Arts and Cultural Connections	3.550	<p>This project aims to deliver the Sikh festival to celebrate 'Bandi Chhorh Diwas' (also known as Diwali) at the Galada Community Centre in Epping North. The event will bring people together and provide an opportunity for the broader community to learn more about Sikh culture.</p> <p>Festival activities will include cultural performances, free vegetarian food, information stalls, cultural exhibitions and children's activities.</p>	\$3,300.00	<p>The application demonstrates clear community support for this project as evidenced by multiple project partners. The project has clear aims and outcomes and is realistic and achievable.</p> <p>The applicant has demonstrated capacity to deliver successful programs for their community, and will contribute substantial volunteer commitment and in-kind contributions to the project.</p> <p>The applicant has provided a good description of the project and community need is well described. Council recognises an increasing number of new residents in the area have Sikh heritage and the application aims to educate the wider community about Sikh culture while entertaining them</p>
'Positive Parenting'	St Matthias	Families, Children	3.400	This project aims to resource and encourage flourishing families	\$4,220.00	The applicant has provided comprehensive information in response to each

City of Whittlesea Community Development Grants Program 2018-2019 Round One

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Toolbox [Middle Years 6-12] programs & Family Days	Anglican Church Mernda & Doreen (Plentylife) (Auspiced by Mill Park Heights Primary School)	and Young People		through a positive parenting program and a series of Family Fun Days that will also facilitate connectedness of families in the local community.		of the criteria and has demonstrated a clear connection between the community need, the project and the outcomes.
				The positive parenting program will run over six sessions and will cover strategies for strengthening relationships, healthy development, engaged learning, and taking responsibility for behaviour. At the culmination of the course there will be a celebration event and on-going monthly Family Fun Days so participants can remain connected and supported.		The applicant has the support of a local school and local service agencies, and has provided clear details around the intended program of activities and has the processes in place to measure and demonstrate outcomes.
Training of Coaches - up skill existing Netball Coaches	Plenty Valley Netball Association	Health and Wellbeing	3.125	<p>This project aims to improve the quality of the club's coaches by running specific courses in attacking and defensive skills. Up-skilling the coaches in a 'train the trainer' context will in turn, assist with training other coaches and will have a flow on effect for players, whose netball skills, confidence and sportsmanship will be improved.</p> <p>The project will involve Netball Victoria facilitating the three training sessions which will be held at RMIT Sports Centre in Bundoora.</p>	\$4,702.00	<p>This application has clearly stated the health and wellbeing benefits of this type of up-skill training. Community support for this type of training is evident through continuous feedback from parents and players.</p> <p>Project sustainability was well addressed with participants learning skills and developing confidence and sportsmanship that will continue beyond the life of the project. The aim of up-skilling participants is realistic and achievable and the applicant has considered how the outcomes will also be measured once the workshops are completed.</p> <p>Without funding, the applicant does not have the capacity to train coaches; this has previously been provided by an external body. The 'train-the-trainer' approach will build the capacity of the Association to deliver high-level skills development and training, and provide accessible pathways to coaching for their members.</p>

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Application assessment and funding recommendations

Project Title	Applicant	Category	Weighted Score	Project Summary	Amount Requested	Amount Recommended	Assessment Summary
Mid Autumn Festival for Vietnamese Disadvantaged Womens and Seniors	Australian Vietnamese Women's Association Inc.	Arts and Cultural Connections	3.000	<p>This project aims to deliver a traditional Full Moon Festival at the Lalor Living and Learning Centre. The event will showcase Vietnamese singing, dancing and traditional costumes. The event will be catered and feature paid performances by singers and dancers.</p> <p>There is a large Vietnamese community in Whittlesea who will benefit from the Full Moon Festival, and the event will also be open to the broader City of Whittlesea community to attend and learn about the traditional Vietnamese culture.</p>	\$4,000.00	\$0.00	<p>While the aim and the objectives are presented well, the application does not demonstrate enough evidence that it will lead to the stated outcome of social cohesion.</p> <p>The application has not clearly articulated how local community and/or local performers will be engaged in the event other than as passive spectators.</p> <p>The applicant will be referred to the next round of the CDGP and offered support to clearly develop the program idea and connect with local performers.</p>
Carers Wellbeing Walks	Wings Victoria (Auspiced by Whittlesea Community House Inc.)	Health and Wellbeing	2.850	<p>This project aims to address the isolation and mental ill health that carers of neuro-diverse people frequently report experiencing by starting a local 'Wellbeing Walks' program that provides participants with a new support network. The program will encourage a practice of self-care to support the carers own health and wellbeing.</p> <p>The program will occur monthly at various parks and open spaces in the City of Whittlesea and will feature regular guest speakers presenting on relevant topics and providing information on available services and support.</p>	\$3,650.00	\$0.00	<p>Overall the project has merit. Initiatives that provide support and opportunities to bring carers together are important, but more consideration is required to understand how the project will be delivered.</p> <p>The applicant will be offered support to define their project and develop a clear budget in order to strengthen their application for next round.</p> <p>The application outlined plans to bring guest speakers from interstate. Travel costs are not eligible budget items in the CDGP.</p>
Detu Sevana Aged Care Facility Project Launch	Australia Sri Lanka Cultural and Welfare Association Incorporated	Health and Wellbeing	2.700	<p>The project aims to conduct a feasibility review into establishing an Aged Care facility for senior citizens with a Sri Lankan background.</p> <p>The project will include engaging an architect to develop a preliminary building plan and identify the basic requirements, formulating a funding model to present to the targeted community and other financial institutions, engage experts and consultants in the field to generate a business model to move forward. The project will also include road show style events at several venues in the area to make the community aware of the project and seek their support and contribute to the trust fund.</p>	\$5,000.00	\$0.00	<p>This application does not demonstrate strong community support or a clear set of outcomes that would result in improved health and wellbeing of the community in the short to medium term.</p> <p>The application does not align to the goals and objectives of the CDGP.</p> <p>Applicant submitted this exact application in 2017/18 round one and was unsuccessful.</p>
Parent education for people from Cultural and Linguistically Diverse (CALD) backgrounds in Whittlesea	Deakin University	Family, Children and Young People	2.650	<p>This project aims to bring together a reference group of stakeholders to adapt, implement and evaluate a parenting intervention program for migrant parents.</p> <p>The project will involve a series of CALD parent forums and quiz nights with a focus on Iranian families. Culturally adapted parent education resources will be used to educate participants on family management, family conflict and family rituals as well as understanding children's emotional and social competencies and migration challenges. Parents will be consulted to find out the most common challenges that need to be addressed and the predominant parenting style used by Iranian families.</p>	\$5,000.00	\$0.00	<p>This application aligns with the selected category but lacks information in all criteria to be a strong application.</p> <p>The application does not demonstrate strong knowledge of the community or needs specific to this area. The application would be strengthened by demonstrating partnerships and need within the community which would provide greater clarity of the project idea.</p> <p>The applicant will be offered support to assist in strengthen their application and referred to the next round of the CDGP.</p>

City of Whittlesea Community Development Grants Program 2018-2019 Round One

Application assessment and funding recommendations

Project Title	Applicant	Category	Weighted Score	Project Summary	Amount Requested	Amount Recommended	Assessment Summary
Northern Local Drug Action Team	African Australian Welfare Bureau Inc.	Health and Wellbeing	2.500	This project aims to establish the Northern Local Drug Action Team (NLDAT) program to help Whittlesea communities work together to prevent and reduce alcohol and other drug (AOD) harms and issues. This is a primary intervention program that will enable communities, especially new and emerging communities across the municipality to work in a coordinated manner to address AOD harm.	\$5,000.00	\$0.00	Whilst a better understanding of drug-related needs in the City of Whittlesea is required, this application does not have strong alignment to the objectives of the CDGP. It did not clearly demonstrate specific project activities and assessment was made that the application is too soon in group's development. Once the group is more established and has clearly defined projects would have a better chance of securing funding.
Future Foundations Creative Workshops	Future Foundations Limited	Families, Children and Young People	2.325	<p>This project aims to make a difference to disadvantaged young people and their communities by delivering a 15 week integrated creative arts program. The applicant will work with primary schools to identify potential participants who would benefit from an alternative educational opportunity and enrol the children in the program voluntarily and with parental approval.</p> <p>Student participants are partnered with a mentor with who they will undertake weekend group activities. Mentors are carefully screened and inducted before being matched to a child.</p>	\$5,000.00	\$0.00	<p>This a good idea for a program which could have positive outcomes for at risk young people, but the application does not provide evidence of a link to any schools in the City of Whittlesea nor does it evidence any conversation or partnership development with them.</p> <p>The applicant will be advised to provide local evidence of need and support from local schools for the project to increase their chances of a successful application in the future.</p>
Common Courtyard	Oorja Foundation	Families, Children and Young People	2.075	This project aims to deliver a series of information sessions to build the knowledge of the local Punjabi community who are new to the area. Experts will be invited to speak on topics such as health, arts, gender equity, family relationships and family violence, and to support project participants to access information and connect with existing services. This project aims to bridge the gap between community services and the community. The project will take place at Galada Community Centre in Epping North.	\$5,000.00	\$0.00	<p>The project has some merit, as it aims to provide a platform for service providers to link to community members, however it is not clear how the project differentiates from the core business of the group who already meet fortnightly.</p> <p>While many project partners were listed, there were no letters of support attached.</p> <p>The applicant will be offered support to assist in strengthening their application and referred to the next round of the CDGP.</p>
Website with Link to our FB Page-Social Media Presence	Whittlesea Interfaith Network	Equity, Access and Inclusion	2.000	This project aims to develop the group's website as a way to increase awareness of local activities and events and spread relevant and useful information to new audiences. The updated website will be used as a tool to disseminate information about interfaith groups in a simple and efficient way and will provide the applicant group with a more up-to-date method of connecting communities. The project will involve registering a domain name, hosting a website and funding the professional design and development of the website.	\$1,770.00	\$0.00	<p>While the applicant provided reasonable aims and outcomes there was not enough clear evidence that the community supported this project, or how the website would be maintained and managed following the initial construction period.</p> <p>The applicant will be encouraged to attend future grant writing workshops to assist in creating a stronger application for inclusion in future grants opportunities.</p>

City of Whittlesea Community Development Grants Program 2018-2019 Round One

Application assessment and funding recommendations

Project Title	Applicant	Category	Weighted Score	Project Summary	Amount Requested	Amount Recommended	Assessment Summary
The Campaign to End Loneliness - It starts with hello Together Uniting Young and Old	Australian Somali Welfare Brotherhood Association Int	Families, Children and Young People	2.00	This project aims to address social isolation in the community by delivering intergenerational activities and events that bring joy to people's lives. The applicant will hold a series of BBQ style events at Plenty George Park in South Morang that will bring together members of the City of Whittlesea's Somali community, with the broader community also welcome to attend.	\$5,000.00	\$0.00	<p>The application did not show adequate reasoning or clear evidence of the community need for this project. The application was lacking in details of the specific community and their needs, the size of the community, or the social/economic disadvantage that may be exacerbating current isolation and sense of belonging. Reasoning was very general which did not build a strong picture or argument for the need of the activity.</p> <p>The applicant will be encouraged to attend future grant writing workshops to assist in creating a stronger application for inclusion in future grants opportunities.</p>
Community Writer's Festival	Macedonian Literary Association "Koco Racin" Inc	Arts and Cultural Connections	1.950	<p>This project aims to deliver the Macedonian Community Writers Festival featuring local Whittlesea writers and guest writers from interstate. The event will occur at a City of Whittlesea Community Centre and all work will be presented in English and Macedonian. The event will celebrate how language in all its forms promotes multicultural tolerance and can lead to a better understanding of other people's cultural background.</p> <p>The festival will involve writers presenting their works to participants, poetry recitals and activities for children focusing on literacy and reading skills.</p>	\$3,050.00	\$0.00	<p>There is ambiguity around the project and what it is that group are trying to achieve.</p> <p>The application did not provide sufficient detail around important elements of this project, in particular evidence of partnerships with project partners. Letters of support were general in their nature and did not relate directly to the project.</p> <p>The application should be supported to develop the idea with clear and consistent project outlines, and will be referred to the City of Whittlesea's Cultural Heritage Program.</p>
Cultural and Theatrical	Greek Cypriot Cultural And Theatrical Centre Paradise Incorporated	Arts and Cultural Connections	1.400	<p>This project aims to hold a variety of cultural events during the year which will involve volunteers from different age groups and include Greek dancing workshops and the development of theatrical plays.</p> <p>The events will be held at the Epping Memorial Hall and May Road Senior Citizens Centre and catering and transport will be provided. The project will provide an alternative to visiting pokies venues and will be open to all ages, genders and people from other cultures welcome to attend.</p>	\$4,000.00	\$0.00	<p>The nature of the project was vague in detail, and expected outcomes were unclear. The applicant was not able to demonstrate how they plan to invite or be inclusive of people with disabilities, different ages or cultural backgrounds.</p> <p>The applicant was unsuccessful for similar projects in previous grant rounds and has been offered advice and support by Community Development Grants Officer to strengthen future applications.</p> <p>The applicant will be encouraged to reapply in partnership with other local seniors groups to strengthen their application in future grant rounds.</p>
Ghana 'Our Day' celebration	Ghana Association of Victoria	Families, Children and Young people		This project aims to deliver an event to create a sense of community, friendships and relationships among Ghanaians and the broader Australian community.	\$4,962.00	\$0.00	The application is ineligible as the event is not confirmed as being held within the City of Whittlesea.
Operation Newstart Re-engagement Program	Operation Newstart Inc.	Families, Children and Young people		This project aims to deliver a program to link young people with mental health and support facilities in the local area and encourage connections with the local community through community projects.	\$5,000.00	\$0.00	Application is ineligible - no quotes attached for items over \$500. Ineligible items in budget (accommodation, incorporation fees).

City of Whittlesea Community Development Grants Program 2018-2019 Round One
Application assessment and funding recommendations

Project Title	Applicant	Category	Weighted Score	Project Summary	Amount Requested	Amount Recommended	Assessment Summary
Entice growing number of females in the Whittlesea Area to play Basketball in the next 12-18 months	Whittlesea City Basketball Association	Health and Wellbeing		This project aims to engage the growing number of females in the Whittlesea area and grow the club's current female numbers by at least 100 in next 12 months.	\$5,000.00	\$0.00	Application budget is entirely for equipment, making the project ineligible.
							The applicant will be referred to the Female Participation in Sports Grant.
Sharing Skills, Saving Knowledge	Womens Humanitarian Association Hope-Nadez	Arts and Cultural Connections		This project aims to target young women living in the City of Whittlesea who are interested in building their skills in a variety of traditional Macedonian crafts and activities.	\$5,000.00	\$0.00	Application is ineligible. No quotes provided for items over \$500.
Holistic program to increase female participation in 2019 and beyond	Mernda Junior Football Club	Health and Wellbeing		This project aims to take advantage of female interest in AFL to increase female participation in the club's 2019 season and beyond.	\$5,000.00	\$0.00	Application budget is entirely for equipment, making the project ineligible.
							The applicant will be referred to the Female Participation in Sports Grants.
Meeting room use & 'appeals stands' furniture set up	Doreen Returned Services League (RSL)	Equity, Access and Inclusion		This project aims to fund the hire of a community room for the group's regular monthly members meetings and raffles, and the purchase of four tables and four chairs.	\$1,000.00	\$0.00	Application is ineligible as it's requesting funds the group's core business. There is also no quote attached for item over \$500.



**Minutes Procedural Matters
Local Law Advisory
Committee Meeting**

**Thursday 7 June 2018 and
Tuesday 12 June 2018**

Assembly Location: Conference Room 1, 25 Ferres Boulevard, South Morang

Councillors:	Present	Apology
Cr Kris Pavlidis (Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
Cr Emilia Lisa Sterjova (Deputy Mayor)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Lawrie Cox	<input type="checkbox"/>	<input type="checkbox"/>
Mr Simon Overland, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms Liana Thompson, Director Partnerships & Engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms Helen Sui, Director Corporate Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Michael Tonta, Manager Governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Neville Kurth, Manager Community Wellbeing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Sean McManus, Manager Advocacy, Communications & Economic Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Angelo Mamatis, Team Leader Governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Miss Janet Taylor, Governance Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Minutes - Procedural Matters Local Law Advisory Committee
Meeting held Thursday 7 June and Tuesday 12 June 2018



ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT WAS READ BY THE CHAIRPERSON

The Chairperson read the Acknowledgement of Traditional Owners Statement.

INTRODUCTION

The Chairperson introduced the Procedural Matters Local Law Advisory Committee.

DECLARATIONS OF INTEREST

Declaration of Interest: Yes ☐ No ☒

HEARING OF SUBMITTERS

Written submissions were received from the following submitters who were heard in support of their submission.

No.	Name	Page No.
3.	Mr Trevor Carroll	15
5.	Whittlesea Disability Network – Mr Trevor Carroll	73

OTHER SUBMISSIONS - SUBMITTERS NOT BEING HEARD

The Chairperson noted further submissions were received from the following submitters who indicated they did not wish to be heard in support of their submission.

No.	Name	Page No.
1.	Cr Tom Joseph	7
2.	Mr Tony Francis	11
4.	Ms Melissa Cardamone	69

MEETING CLOSE TO THE PUBLIC

The Chairperson indicated to the submitters that the Committee would consider all written and oral submissions and make recommendations at the Council Meeting to Tuesday 3 July 2018.

ADJOURNMENT OF PROCEDURAL MATTERS LOCAL LAW ADVISORY COMMITTEE MEETING

The Advisory Committee Meeting was adjourned until Tuesday 12 June 2018 to enable the Committee to consider all written and oral submissions and make recommendations to Council.

Meeting closed at 6.20pm

Minutes - Procedural Matters Local Law Advisory Committee
Meeting held Thursday 7 June and Tuesday 12 June 2018



**THE PROCEDURAL MATTERS LOCAL LAW ADVISORY COMMITTEE MEETING RESUMED
AT 4.30PM ON TUESDAY 12 JUNE 2018**

Councillors:

Cr Kris Pavlidis (Mayor)	<input type="checkbox"/>	<input type="checkbox"/>
Cr Emilia Lisa Sterjova (Deputy Mayor)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Lawrie Cox	<input type="checkbox"/>	<input type="checkbox"/>
Mr Simon Overland, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms Liana Thompson, Director Partnerships & Engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Michael Tonta, Manager Governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr Angelo Mamatis, Team Leader Governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs Narelle Williamson, Governance Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONSIDERATION OF SUBMISSIONS AND COMMITTEE RECOMMENDATIONS

SUBMISSIONS	
No.	Name
1.	Cr Tom Joseph
2.	Mr Tony Francis
3.	Mr Trevor Carroll
4.	Ms Melissa Cardamone
5.	Whittlesea Disability Network – Mr Trevor Carroll

The Committee considered all written submissions (refer Attachment 1) and oral presentations and made recommendations noted in the attached Table (refer Attachment 2) to be tabled at the Council Meeting to be held 3 July 2018.

Meeting closed at 5.30pm

SUBMISSIONS AND RECOMMENDATIONS7 JUNE 2018

PMLL_18_01

Cr Joseph's submission

From: CR Tom Joseph
Sent: Tuesday, 1 May 2018 12:08 PM
To:
Cc:

Subject: Procedural Matters Local Law - Submission

As discussed over the phone I would like to make a submission to review the following to ensure that the CEO cannot reject a NoM on the grounds that it is not relevant to an item on the Agenda.

51(c) The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of clauses 36 or 37.

36. A motion or an amendment which is proposed by a Member at a Meeting must:

- (a) be expressed clearly and unambiguously;
- (b) not be defamatory or objectionable in nature; and
- (c) be relevant to an item on the Agenda, unless it is resolved to be Urgent Business.

37. A motion or amendment:

- (a) which differs in wording from a recommendation or Notice of Motion which is on the Agenda must be read aloud by the proposer; and
- (b) may be written out by the proposer and given to the Chairperson and, on the request of a Member, must be written out by the Chief Executive Officer or his or her Delegate and made available to Members.

Regards,

Cr Tom Joseph | North Ward City of Whittlesea
Mobile : [0424 567 391](tel:0424567391)
Email : tom.joseph@whittlesea.vic.gov.au
Facebook : www.facebook.com/crtomjoseph

SUBMISSIONS AND RECOMMENDATIONS

7 JUNE 2018

2018 Procedural Matters Local Law Submissions

No	Submitter Details
PMLL_18_001	Cr Tom Joseph North Ward City of Whittlesea
<p>Summary of matters raised</p> <p>I would like to make a submission to review the following to ensure that the Chief Executive Officer cannot reject a Notice of Motion on the grounds that it is not relevant to an item on the Agenda.</p> <p>51(c) The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of clauses 36 or 37.</p> <p>36. A motion or an amendment which is proposed by a Member at a Meeting must:</p> <ul style="list-style-type: none"> (a) be expressed clearly and unambiguously; (b) not be defamatory or objectionable in nature; and (c) be relevant to an item on the Agenda, unless it is resolved to be Urgent Business. <p>37. A motion or amendment:</p> <ul style="list-style-type: none"> (a) which differs in wording from a recommendation or Notice of Motion which is on the Agenda must be read aloud by the proposer; and (b) may be written out by the proposer and given to the Chairperson and, on the request of a Member, must be written out by the Chief Executive Officer or his or her Delegate and made available to Members. <p>Officer Comment:</p> <p>The submitter has identified an inconsistency in the provisions of the proposed Local Law. Clause 36 (c) does prevent a Councillor from submitting a Notice of Motion unless it is relevant to a matter on the agenda or unless Council resolves the matter to be urgent business.</p> <p>The intent of Notices of Motion is to give Councillors the opportunity to submit matters to Council for consideration and decision. The current wording of clause restricts this from occurring.</p>	

PMLL_18_01_ Cr Tom Joseph

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SUBMISSIONS AND RECOMMENDATIONS

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2018 Procedural Matters Local Law Submissions**Committee Recommendation:**

That Council resolve to amend clause 51(c) of the proposed local law to read as follows:

- 51(c) The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of clauses **36(a) and 36(b)** or clause 37.
- 36. A motion or an amendment which is proposed by a Member at a Meeting must:
 - (a) be expressed clearly and unambiguously;
 - (b) not be defamatory or objectionable in nature; and
 - (c) be relevant to an item on the Agenda, unless it is resolved to be Urgent Business
- 37. A motion or amendment:
 - (a) which differs in wording from a recommendation or Notice of Motion which is on the Agenda must be read aloud by the proposer; and
 - (b) may be written out by the proposer and given to the Chairperson and, on the request of a Member, must be written out by the Chief Executive Officer or his or her Delegate and made available to Members.

SUBMISSIONS AND RECOMMENDATIONS

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PMLL_18_02

Date Received

Public Submission – Proposed Local Law

08 MAY 2018

This submission refers to a notice from the Whittlesea City Council on page 673 of the Victorian Government Gazette of 12 April 2018 (website <http://www.gazette.vic.gov.au/gazette/Gazettes2018/GG2018G015.pdf>). The notice states the Council's intention to make Procedural Matters Local Law (No. 1 of 2018). The purpose and general purport of the Local Law includes 'generally provide for the peace, order and good government of the municipal district'.

A more detailed explanation for this notice is needed for local Whittlesea City residents who could be substantially impacted by the revoking of Procedural Matters Local Law (No. 1 of 2012). A possible partial explanation appears in the local newspaper Northern Star Weekly of 10 April 2018 (website <http://www.starweekly.com.au/news/meeting-reform-on-agenda-for-whittlesea-council/pub/northern/>). The author of this article (Laura Michell) suggests local law changes are to 'ensure meetings run more smoothly.' The author continues with:

'Among the changes, chief executive Simon Overland will have the power to reject petitions that are "not well-founded" and will be able to reject notices of motions raised by councillors which he considers to be invalid.

Councillors will be required to submit their notices of motions 14 days before council meetings, up from seven days, and will need to submit any rescission motions within three business days of a council meeting.

Currently, councillors have until the next council meeting to submit a rescission motion.

Residents will have until 3pm on the day of a council meeting to submit questions to councillors.

Currently, questions can be submitted up until the start of a council meeting.'

A follow-up article appears in the same local newspaper of 30 April 2018 by the same author (website <http://www.starweekly.com.au/news/sacking-call-for-whittlesea/pub/northern/>). Laura Michell refers to one councillor raising the possibility of an administrator replacing the council. This article further states:

The council has caught the attention of the state government after Star Weekly reported rising tension within the council.

A spokesman for Local Government Minister Marlene Kairouz said: "We will continue to monitor the operation of City of Whittlesea."

Local law changes include:

'The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:

- (a) repeats a question which has been asked and answered in the preceding three months;
- (b) deals with a matter dealt with by the Council in the preceding three months ...'

This may raise concerns with regard to a question or matter being adequately dealt with in the preceding three months referred to above.

The context to the proposed law changes appears to be misuse of current procedural laws that cause major disruption to meetings that result in them ending much later than planned. A closer and more

SUBMISSIONS AND RECOMMENDATIONS

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detailed examination of meeting disruptions would help in assessing the proposed changes. Undesirable outcomes of the law changes could include excessive power and influence going to an individual or group in the Council to the excessive disadvantage of one or more opposing Councillors or to Whittlesea City residents in general. Perhaps personality clashes among two or more Councillors need to be dealt with separately; this could range from professional counselling to getting the Local Government branch of the Department of Planning and Community Development to administer current or new local government laws to stop damaging disruptions to Council meetings.

Tony Francis

Email: t

Address

1 May

SUBMISSIONS AND RECOMMENDATIONS

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2018 Procedural Matters Local Law Review

No	Submitter Details
PMLL_18_02	Tony Francis
<p>Summary of matters raised</p> <p>The context to the proposed law changes appears to be misuse of current procedural laws that cause major disruption to meetings that result in them ending much later than planned.</p> <p>A closer and more detailed examination of meeting disruptions would help in assessing the proposed changes.</p> <p>Undesirable outcomes of the law changes could include excessive power and influence going to an individual or group in the Council to the excessive disadvantage of one or more opposing Councillors or to Whittlesea City residents in general.</p> <p>Perhaps personality clashes among two or more Councillors need to be dealt with separately. This could range from professional counselling to getting the Local Government branch of the Department of Planning and Community Development to administer current or new local government laws to stop damaging disruptions to Council meetings.</p>	
<p>Officer Comment</p> <p>The submitter raises concerns with regard to clause 45 which allows the CEO the discretion to not relist items on the agenda where they have recently been considered by Council.</p> <p>Sub- clauses (a) and (b) of clause 45, which deals with petitions and joint letters, were included to avoid having to relist items on the agenda which Council has recently considered.</p> <p>This clause has been reviewed based on the comments made by the submitter and it is recommended that Council, instead of the CEO, decide whether a matter dealt with in the preceding three months is reconsidered by Council.</p> <p>Accordingly, it is recommended that clause 45 be amended by deleting sub-clauses (a) and (b). It is also recommended that a new sub-clause be added to protect the disclosure of personal information which is not addressed in the current wording of the draft.</p>	
<p>Committee Recommendation:</p> <p>That Council resolve to</p> <ol style="list-style-type: none"> Amend clause 45, which deals with petitions and joint letters, by deleting sub-clause (a) and (b) and adding a new sub-clause to protect the disclosure of personal information. <p>The clause currently reads:</p> <p>45. <i>The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:</i></p>	

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PMLL_18_02 Tony Francis

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2018 Procedural Matters Local Law Review

- (a) *repeats a question which has been asked and answered in the preceding three months;*
- (b) *deals with a matter dealt with by the Council in the preceding three months;*
- (c) *is defamatory or malicious;*
- (d) *raises an issue of a confidential nature; or*
- (e) *is asked to embarrass a Councillor or Officer.*

The amended clause will read:

45. The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:

- a) *repeats a question which has been asked and answered in the preceding three months;*
- b) *is defamatory or malicious;*
- c) *raises an issue of a confidential nature;*
- d) *is asked to embarrass a Councillor or Officer; or*
- e) *involves the unauthorised disclosure of personal information.*

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PMLL_18_003

South Morang Vic 3752

Mr. Simon Overland
Chief Executive Officer
City of Whittlesea
Locked Bag 1
Bundoora MDC
Victoria...3083

14 May 2018

Sent by Email: info@whittlesea.vic.gov.au**Subject:** Public Submission-Proposed Local Law

Dear Simon

I thank Council for the opportunity to make a submission to the Procedural Matters Local Law (No. 1 of 2018) which is intended to:

- revoke Procedural Matters Local Law (No. 1 of 2012);
- regulate the use of the common seal;
- govern proceedings at Council and Special Committee meetings including notice of meetings, notice papers, minutes, quorums, adjournments, forms of motions and amendments, rescission motions, points of order, rulings of the chairperson, voting, casting votes, speaking times, rules of debate, procedural motions and standards of behaviour;
- provide a policy and procedural guidelines relating to public question time;
- provide for the election of the Mayor, Deputy Mayor and chairpersons;
- provide for offences and penalties for breaches in the provision of the Local Law;
- provide for the administration of Council's powers and functions; and
- generally, provide for the peace, order and good government of the municipal district.

I am a resident and ratepayer and the Chief Executive Officer of Disability Justice Advocacy Inc., which provides advocacy support to many residents with disabilities who live in the City of Whittlesea.

I am also active in the municipality as a community advocate for people with disabilities and am spokesperson for the Respite Alliance Whittlesea (RAW) campaign.

I have many years' experience in the disability sector, have a Master's degree in the field and represent the non-government sector at the national level as Vice Chairperson of the Australian Federation of Disability Organisations and at the international level in my capacity as Chairperson of the Asia-Pacific region for Disabled People's International and member of the Board of Directors for disabled People's international.

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In addition, I have the lived experience of disability. All of this gives me a keen insight into the needs of people with disabilities who want to be part of and participate in community life the same as any other resident or ratepayer without disabilities.

Whilst there are some notable changes from the Procedural Matters Local Law (No. 1 of 2012); I believe there are areas of discrimination as well as many barriers that prevent people with disabilities from accessing Council meetings contained in sections of Procedural Matters Local Law (No. 1 of 2018).

My submission is in 2 parts: Procedural Matters Local Law (No. 1 of 2018) and Schedule 3 Public Question Time

Part 1: Procedural Matters Local Law (No. 1 of 2018).

I make the following submission:

1. Under section 8 Definitions of the proposed Local Law, I have very real concerns about;

(n) *"Joint Letter" means correspondence in writing addressed to the Council and signed by not less than three persons of separate addresses setting forth a matter on which a remedy or relief is sought.*

1.1 Currently on the Council's website at <https://www.whittlesea.vic.gov.au/about-us/contact-us/petitions-and-joint-letters-to-council/> A joint letter is defined as ".... A letter signed by persons residing at more than one address, that attempts to influence the Council's decision making or actions. The joint letter must contain the signatories' full names, addresses and signatures.

1.2 Some residents with physical disabilities such as cerebral palsy who cannot physically sign their name could with some assistance submit a video in support of a joint letter citing their name and address. This would be a reasonable adjustment under section 9 e) of the Victorian Equal Opportunity Act (EOA); but by failing to accept such a submission in the form of a video under the proposed Local Law Council would be in breach of this section of the Act.

1.3 In addition, the requirement that a joint letter must be signed by not less than three persons from three separate addresses quite clearly discriminates against residents with disabilities who live together in a Group Home which is specially staffed by qualified support workers. There is no provision for any reasonable adjustments in the proposed local law that will enable these residents to submit a joint letter.

2. Under section 8 Definitions of the proposed Local Law, the definition of "Petition" is also very problematic because it states that a petition must be in writing and signed by not less than three persons of separate addresses. This is in fact the current provision shown at <https://www.whittlesea.vic.gov.au/about-us/contact-us/petitions-and-joint-letters-to-council/> but is only now being included in the proposed local law

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2.1 This is also a breach of the human rights of some residents with disabilities for the same reasons as those cited in 1.2 and 1.3 above. There is no provision for any reasonable adjustments in the proposed Local Law that will enable some residents with disabilities to submit a petition.

3. It is of some concern that Section 10 of Procedural Matters Local Law (No. 1 of 2012) has been deleted from the proposed local law and replaced with the definition ***“Person” includes a Member or Officer.***

3.1 This is particularly relevant to sections 102 and 103 **Behaviour at Meetings** of the proposed Local Law because there is no definition in the Local Law of what constitutes “improper” or “disorderly conduct” and it will be assumed to be that understood in common usage. Likewise, the definition of ***“Person”*** in the proposed Local Law also refers to Councillors and Council Officers.

3.2 As a raised previously, there is no reference to the provision of reasonable adjustments in the event that a person in the gallery may have complex and challenging behaviours associated with disability which may easily be mistaken for disorderly conduct. This is especially more likely since the continued roll-out of the NDIS in the City of Whittlesea from mid-2016 because now more than ever people with disabilities have funding that enables them to participate in the community and attend a Council meeting if they wish to do so. However, should such a person be ordered to leave the meeting, the Chairperson would be in breach of Section 9 of the EOA 2010.

4. Section 107 of the proposed Local Law states that ***“The Chairperson has discretion to cause the removal of any Person who has committed an Offence under clause 106 or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson.”***

4.1 A ***“Person”*** who is a member of the gallery and has complex and challenging behaviours associated with disability whose behaviour may be mistaken for *“disorderly conduct”* could subsequently be ordered to be removed from the meeting. Should such a person also be found guilty of an Offence under Section 106 and 107 of the proposed Local Law and given a penalty of 20 Units, the Chairperson would be in breach of Section 9 of the EOA 2010 for failing to make reasonable adjustments for this person.

4.2 Likewise, Section 44 of the EOA 2010 is relevant in circumstances like this because participation by a resident or ratepayer at a Council meeting is consistent with Council's obligation as a service provider. By subjecting a person with disability to any detriment, that is, removal from the meeting and being found guilty of an offence without making reasonable adjustments to cater for their disability, would constitute a breach by the Chairperson of section 44 1(c) of the EOA 2010.

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5. Removal of the phrase" in *the opinion of the Chairperson*" from Section 106 of Procedural Matters Local Law (No. 1 of 2012) from the proposed Local Law effectively removes the right of the **"Person"** who has been removed to seek an explanation for the opinion that was reached by the Chairperson and for him/ her to provide it which resulted in the Offence.

5.1 As highlighted in 3 above the definition of **"Person"** in the proposed Local Law also refers to Councillors and Council Officers as well as members of the Gallery which includes people with disabilities.

5.2 The Charter of Human Rights in Responsibilities Act 2006, (Charter) Section 21 Right to liberty and security of person, clearly states that

- (1) Every person has the right to liberty and security.
- (2) A person **must not be** subjected to arbitrary arrest or detention.
- (3) A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.
- (4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and **must be promptly informed** about any proceedings to be brought against him or her.

5.3 It seems to me that to protect the Chairperson from potential complaints of discrimination and Council from a breach of Section 21 of the Charter, the phrase" in *the opinion of the Chairperson*" should and ought to be included in section 107 so that it reads

"107. The Chairperson has discretion to cause the removal of any person, including a Member who, in the opinion of the Chairperson, has committed an Offence under this clause or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson."

6. The same rationale relates to Section 108 of the proposed Local Law where the ***"Chairperson may request any member of the Victoria Police or any Authorised Officer to remove such Person from the Meeting and the member of the Victoria Police or the Authorised Officer must remove such Person accordingly."***

6.1 To do so without cognisance of Section 21 of the Charter puts the Chairperson, the Council and Victoria Police or Council's ***"Authorised Officer"*** at risk of potential complaints of discrimination and breaches of the Charter. This is unacceptable when the least risky solution is to add the phrase ***"in the opinion of the Chairperson"*** to Section 107 of the proposed Local Law.

7. In addition, I note one of the Objectives of Council under the Local Government Act 1989 is as follows:

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"3C(2) (e) to ensure that services and facilities provided by the Council are accessible and equitable"

It certainly seems that the service available in relation to Notice of Council Meetings under Section 24 of the proposed Local Law is not accessible or equitable because a proportion of residents and ratepayers are excluded from attending or even knowing when a meeting is about to occur by virtue of the barriers placed in the way of access due their disabilities. To state in the proposed Local Law under Section 24 that **"Notice of the date, time and place of all Council Meetings will be published in accordance with the Act."** is highly discriminatory and breaches the human rights of many people with disabilities.

Section 89 (4) of the Local Government Act requires Council to give at least 7 days public notice before the holding of—

- (a) an ordinary council meeting; or
- (b) a special council meeting; or
- (c) a meeting of a special committee comprised solely of Councillors.

7.1 It is unreasonable to expect many people with disabilities to locate and search the Local Government Act 1989 to determine how and where they might find out the date, time and place of Council Meetings. This creates a monumental barrier to access.

7.2 Section 15 of the EOA 2010 imposes a duty to eliminate discrimination on Council.

7.3 Similarly, this barrier to attendance at Council meetings is an example of Indirect discrimination under Section 9 of the EOA 2010 because it imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with disabilities that is unreasonable.

7.4 The EOA is very clear that it is the Council which imposes, or proposes to impose, the requirement, condition or practice that has the burden of proving that the requirement, condition or practice is reasonable.

7.5 Furthermore, Council's own Disability Action Plan (p 23) 6.1 Commitment 1: Inclusive Communities. Outcome 1.3 states that **"People with disability will experience no *procedural*, performance, cultural or economic barriers to contributing equitably as valued members of their communities"**

7.6 By failing to state in the proposed Local law where Council will give notice of the date, time and place of an ordinary meeting such as:

- published in a local newspaper,
- posted on a public notice board at Council branch libraries; and
- posted on the Council's website

it is in fact not complying with its own Disability Action Plan because it is placing a **procedural** barrier in the way of people with disabilities.

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7.7 The same applies to notice of the date, time and place of a Special Meeting. It is outrageous to even contemplate that Council would not list this information in the proposed Local Law. It seems that whoever drafted Section 24 of the proposed Local Law deliberately wanted to make it difficult or almost impossible for many members of our disability community to know when and where Council meetings would be held so as to exclude them from attending.

7.8 In the City of Whittlesea Community Plan "Shaping Our Future" (p 29) it states that *"Providing good governance means that the decision-making processes for managing public resources are **accessible, transparent and appropriate**. Council must take into consideration principles of social justice and human rights in the delivery of democratic government."* The current Section 24 simply does not do this.

7.9 Councillors who have to eventually vote on this section of the proposed Local Law need to be acutely aware of their responsibilities under Section 10 of the EOA, namely that motive is irrelevant to whether or not they discriminate.

7.10 Section 24 of the proposed Local Law **should and must list** the relevant information in a similar fashion to that of Sections 26 and 27 of Procedural Matters Local Law (No. 1 of 2012).

7.11 By way of example, I did a search of the Local Government Act 1989 under the heading "Public Notice" and 51 entries came up. It would have taken me several hours to read each entry and work out which ones were relevant to where I might find the information about when my local Council meetings would be held. It is absurd that residents have to be needlessly put through this ordeal.

8. A glaring omission from the Proposed Local Law is any definition of the term 'Quorum'. The Local Government Act 1989 Part 11 (3A) as at 20 December 2017 states **"A quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or the special committee."** This definition must be included in the Procedural Matters Local Law (No. 1 of 2018) so there is absolutely no doubt about what it means for residents who attend Council meetings, those who wish to stand for election to Council and those who need to rely on this Local Law to perform their duties.

9. Section 30 of the proposed Local Law will no longer require the keeping of details in the Minutes of any questions from the public to Council Officers. All previous versions of this Local Law have given residents and ratepayers the right to ask questions during Public Question Time which have been directed to particular Council Officers. The proposed Procedural Guidelines for Public Question Time in Procedural Matters Local Law (No. 1 of 2018) do not in any way limit the right of residents and ratepayers to continue to ask questions directed to Council Officers, so I respectfully submit that when they do, details of the question and the response must be recorded in the Minutes as per Section 93 of the Local Government Act 1989.

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10. Conduct of Business. I commend and support the inclusion of Section 33 in the Procedural Matters Local Law (No. 1 of 2018) because it will aid in transparency and should result in more open and accountable decision making by the CEO in consultation with the Chairperson in relation to why a matter listed on the Agenda has been withdrawn before the meeting.

However, I am concerned that there is no provision for the CEO to indicate to members of the public or Councillors if and when the item might be placed back on the Agenda. I believe this omission should be rectified.

11. Business of Meetings. Section "34 xii) *any other matter that the Council by resolution, or the Chief Executive Officer in his or her discretion, determines.*" This is extremely problematic because there is a real danger here that the Chief Executive Officer could exercise complete control over whether an item is included on the Agenda without reference to the elected Councillors or the need to provide an explanation and subsequently interfere with the democratic process.

11.1 This exceeds the functions of the Chief Executive Officer under Section 94A of the Local Government Act 1989. It is also extremely hypocritical because it gives the CEO the authority to re-visit an issue which was dealt with at a Council meeting within the previous 3 months, but the same right has been removed under Section 45 for residents in relation to the submission of Petitions or Joint Letters.

12. Business of Meetings. Section 34 b) (iii) *The business of a Special Committee Meeting must include where applicable, declarations of conflict of interest.* I strenuously object to the inclusion of the phrase "*where applicable*" Section 79 of the Local Government Act 1989 sets out a procedure for dealing with Conflict of Interest by members of Special Committee Meetings and I can find no provision for this item to be left off the business of a Special Committee Meeting.

13. Business of Meetings. Section "35. *The Chief Executive Officer may determine the order in which the business of a Meeting is to be listed in the Agenda.*" The potential danger here is that a CEO could manipulate the Agenda in such a way as to place Public Question Time or other controversial agenda items in a specific order which would disadvantage residents who might wish to attend at a reasonable time.

13.1 For example, if the CEO was in receipt of some controversial questions from residents or a report and recommendations from Council Officers which were of interest to a large number of residents, s/he could at his/her sole discretion place them at the very end of the Agenda where they might not be dealt with until after 10.00pm This would seriously disadvantage those who wanted to be present and had to get up early the next day for work or restrict attendance by residents with disabilities who have particular needs which require reasonable adjustments associated with early sleep routines.

13.2 This Section should be rewritten to include a safeguard such as:

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"35. The Chief Executive Officer may, with the agreement of the Chairperson determine the order in which the business of a Meeting is to be listed in the Agenda."

14. Petitions and Correspondence. *Section "45. The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:*

(a) repeats a question which has been asked and answered in the preceding three months;

(b) deals with a matter dealt with by the Council in the preceding three months;"

14.1 To give the CEO the power to reject or decline to include on the agenda any petition or joint letter because it *"(b) deals with a matter dealt with by the Council in the preceding three months,* is a fundamental breach of human rights. For Example: Section 18 (1) Taking part in public life, Charter of Human Rights and Responsibilities Act 2006 states that *"Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives."*

14.2 Despite the fact that Council may well have dealt with a matter in the previous three months, this should not presume nor exclude residents or ratepayers from lodging a Petition or Joint Letter about the matter which may be about an unintended consequence of a decision by Councillors at a meeting that had not arisen before.

14.3 Likewise, this provision indirectly discriminates against people with cognitive disabilities under Section 9 of the Victorian Equal Opportunity Act who have difficulty reading and rely on easy English versions of previous minutes of Council meetings. Council minutes are simply not made publicly available in this format by Council governance officers.

14.4 Under section 9 e) of the Victorian Equal Opportunity Act Council is required to make reasonable adjustments in such cases; but this rigid provision banning any Petition or Joint Letter relating to any matter that has been dealt with by Council in the preceding three months is inconsistent with Council's obligations to protect the human rights of residents.

14.5 In addition, in Council's own Disability Action Plan (DAP) page 6 there is a reference to the Charter of Human Rights and Responsibilities Act (Charter) which sets out the basic rights, freedoms and responsibilities of all Victorians. The Charter requires the City of Whittlesea as a public authority, to consider human rights when it makes, interprets and applies laws, develops policies and provides day-to-day services.

14.6 The City of Whittlesea Council must ensure that:

- All council decisions give proper consideration to human rights

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- All actions, policies and services are compatible with human rights
- Local laws are interpreted and applied consistently with human rights
- People who work on behalf of councils do so in a way that respects human rights.

14.7 Section 45 b) of the Procedural Matters Local Law (No. 1 of 2018) must be removed. It is a fundamental breach of human rights, is discriminatory and gives the CEO authority which undermines the objectives of a Council as expressed in Section 3C of the Local Government Act 1989 as follows:

*“(2) In seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives—
 (c) to improve the overall quality of life of people in the local community;
 (e) to ensure that services and facilities provided by the Council are accessible and equitable; and
 (g) to ensure transparency and accountability in Council decision making.”*

15. Petitions and Correspondence. Section “47. A Member should not present and the Chairperson may disallow any Petition and Joint Petition on the grounds that it:
 (b) deals with a matter dealt with by the Council in the preceding three months”

I strenuously object to the inclusion of this Section and request that it be removed. Section 76B of the Local Government Act 1989 sets out the primary conduct principles for Councillors when performing their role. One of which is “(b) impartially exercise his or her responsibilities in the interests of the local community”

15.1 In addition, the current Councillor Code of Conduct located on Council’s website at <https://www.whittlesea.vic.gov.au/about-us/council/mayor-and-councillors/> lists one of the Conduct principles of a Councillor as “to facilitate effective communication between Council and the community.”

15.2 Section “47 (b) as proposed takes this right away from them and in doing so leads to a fundamental breach of human rights and indirectly discriminates against people with disabilities under Sections 9 and 44 of the EOA 2010.

16. Listing of Notices of Motion on an Agenda. There are a number of aspects of Section 51 relating to the role of the CEO and his/her authority over Notices of Motion that are listed on the Agenda which are troubling, and which have the effect of placing unnecessary barriers on the functioning of democratic decision making.

16.1 The requirement under Section 51 that if a Member does not provide Notice of a Motion to the CEO prior to 12 noon on a day that is more than fourteen days prior to the date of the Meeting for which it is intended then it will automatically be held over until the next meeting date is a Procedural barrier that is completely unnecessary.

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16.2 The current provision of 7 days' notice under Section 49 of Procedural Matters Local Law (No. 1 of 2012) is more than adequate especially since under Section 21. A copy of the Agenda for any Meeting must be given to all Members not less than 48 hours before the commencement of the Meeting. The proposed change to 14 days' notice appears to be largely for bureaucratic convenience of Council administration and no rationale has been provided that would substantiate such a change.

16.3 The Guidelines for Local Laws Manual 2010 indicates that Council needs to identify and clearly articulate what the problem is that needs to be solved by making a change such as doubling the amount of time required for a Councillor to give Notice of a Motion to the CEO. No such justification has been given.

17. Form of Motions and Amendments, Sections 36, 37 and 38 of the Procedural Matters Local Law (No. 1 of 2018) are commendable and I support their inclusion.

18. Procedures for Moving Motions and Amendments. I support the inclusion of Section 39 (e) to (o) as I believe they will make the procedure for moving motions and amendments more effective, provided they are enforced.

Part 2: Public Question Time Policy: Procedural Guidelines

I make the following submission:

1. The Key linkages that are listed as relevant to this Council Policy are incomplete. The following should also be included:

- The Victorian Equal Opportunity Act 2010
- Council's 2017-21 Disability Action Plan
- Charter of Human Rights and Responsibilities Act 2006 (Charter)
- The Victorian Disability Act 2006

2. Procedural Guidelines "2. *Public Question Time at Council Meetings is but one method that residents and ratepayers have to formally contribute to public debate or seek to input to, and obtain feedback from, Council.*"

This statement is false and misleading because in practice the procedures that follow after it do not enable residents and ratepayers to formally contribute to public debate or seek input into Council.

2.1 A public debate involves a discussion and an exchange of opinions, ideas and statements about an issue between interested parties. In fact, this is specifically excluded under Section 12 where it is made very clear that "*Statements and opinions are not permitted during question time and will not be read at the meeting.*"

2.2 Likewise, being restricted to asking questions in writing only is an ineffective and discriminatory way of having "*input*" into Council

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meetings. It is also a breach of my human rights as person with a disability.

2.3 Under the Charter of Human Rights and Responsibilities Act 2006, Section 15 (2) every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether-

- (a) orally; or
- (b) in writing; or
- (c) in print; or
- (d) by way of art; or
- (e) in another medium chosen by him or her.

This is regardless of whether they have a disability or not. It is a breach of Council's compliance obligation as a public authority under Section 4 of the Charter to impose written questions only.

2.4 Under Article 19 of the International Covenant on Civil and Political Rights to which Australia is a signatory everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.

2.5 Furthermore Council can only restrict these rights out of

- (a) Respect of the rights or reputations of others; or for
- (b) Protection of national security or of public order, or of public health or morals.

Public Question Time cannot be restricted in the manner proposed without breaching this right. I have the right to ask a question of Council orally, in writing or in print, or through any other media of my choice.

2.6. In addition, Article 21 of the Convention on the Rights of Persons with Disabilities to which Australia is a signatory places an obligation on Council to take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice by:

"Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions"

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My rights under this Convention are quite restricted by Council's Public Question Time Policy because I am not able to seek, receive and impart information and ideas through forms of communication of my choice.

2.7 Furthermore, the Victorian Equal Opportunity Act 2010 - SECT 44, specifically makes it a breach of the Act for a person to discriminate in the provision of goods and services as follows:

"(1) A person must not discriminate against another person-

- (a) by refusing to provide goods or services to the other person;
- (b) in the terms on which goods or services are provided to the other person;
- (c) by subjecting the other person to any other detriment in connection with the provision of goods or services to him or her."

When the Chairperson at a Council meeting administers the Question Time Policy and refuses to allow me to ask my question with an explanatory statement and/or and opinion this is a potentially a breach of the Act.

2.8 Likewise, Section 38 of the Victorian Disability Act 2006 states:

"(1) A public sector body must ensure that a Disability Action Plan is prepared for the purpose of:

- (a) reducing barriers to persons with a disability accessing goods, services and facilities;
- (c) promoting inclusion and participation in the community of persons with a disability;
- (d) achieving tangible changes in attitudes and practices which discriminate against persons with a disability."

The requirement of me having to submit questions in writing only with no accompanying statements or opinions to the Council meeting in order participate in Public Question Time is inconsistent with Section 38 (a), (b) and (d) of the Victorian Disability Act 2006

2.9 Council's Disability Action Plan 2017-2021 (p 4) states:

'The City of Whittlesea Disability Action Plan has been developed to align with the State Disability Plan and community consultation outcomes, recognising that Local Government plays an important role in contributing to and supporting some of the key directions outlined in the State Disability Plan.

The DAP is the statement of the City of Whittlesea's commitment to:

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1. *Inclusive communities,*
2. *Good health, housing and wellbeing for people with disabilities,*
3. *Respect, equity and safety for all, and*
4. *Contributory community living as a right for all regardless of ability.*

*These four commitments are the foundation and underpin the DAP as Council's action plan for achieving genuine inclusion and equity for all. In delivering outcomes targeted by the DAP Council **will also adhere to the intent of international, national and state charters and legislation that safeguard and promote the human rights and equity of people with disability.***

The highlighted **bold** section above is intended to remind Council that the Procedural Guidelines for the Public Question Time Policy do not match the commitments made in the DAP.

2.10 There are at many Councils in Victoria that permit residents to speak at and/or submit oral questions at Council meetings. These are regarded as best practice because they comply with human rights obligations as listed above.

2.11 An example is the City of Darebin where at every Ordinary Meeting, up to 30 minutes is allocated for Public Question Time any member of the public may speak for up to 2 minutes prior to any matter listed on the Agenda. This is in addition to the provision to lodge written questions.

2.12 A further example is the City of Yarra where Public Question Time takes place near the beginning of the meeting with an opportunity for members of the public to ask questions of the Yarra City Council about any matter that is not on the meeting agenda. Council will also allow anyone present at Council meetings to make a submission about any matter on the agenda by raising their hand and speaking for five minutes to address the Council and raise any matters they feel should be considered in reaching a decision.

See

<https://www.yarracity.vic.gov.au/events/2017/12/05/~link.aspx?id=9D53BC862F204D9998869CB6E4ADEBD9&z=z>

2.13 Yet another example is the City of Port Phillip, which provides opportunities for members of the public to speak at Council Meetings as follows: See <http://www.portphillip.vic.gov.au/request-speak-council-meetings.htm>

There are two ways to address Council at an Ordinary Council Meeting.

1. Ask a question during Public Question Time
2. Ask a question or make a public comment on an agenda item.

2.14 Likewise, at the City of Ballarat members of the public are entitled to ask up to 2 oral questions without notice but they can also make public oral submissions on reports by Officers on Agenda Items in open Council meetings as well. See <http://www.ballarat.vic.gov.au/ac/council-meetings-agendas/process-of-a-council-meeting.aspx>

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2.15 The Procedural Guidelines for the Public Question Time Policy specifically excludes my right as a person with a disability to seek, receive and impart information in oral and or written form or in any other communication means of my choice.

2.16 The City of Darebin, City of Yarra, City of Port Philip and the City of Ballarat all give me the option of both written and oral questions and submissions at ordinary Council meetings, yet my own City of Whittlesea Council where I have resided for over 20 years wants to continue to deny me these rights.

2.17 In the disability sector, this right is fundamental to equal opportunity and social inclusion and is expressed as a Communication Bill of Rights. See below.



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3. The deadline of no later than 3pm on the day of the ordinary Council meeting for lodging questions under Item 10 of the Procedural Guidelines creates an unnecessary barrier for people with disabilities. It is noted that the time to submit Questions to Councillors has been moved to 3pm to coincide with the Council resolution in 2017 bringing the Questions to Councillors item to the start of the meeting to allow time for Officers to provide a considered response to the question.

3.1 However, there is no reciprocal declaration in these Procedural Guidelines for the CEO to publish the Agenda and Minutes of the previous Council meeting taking into account the reasonable adjustment provisions of Sections 9 and 45 of the EOA 2010.

3.2 For example:

The Agenda and Minutes of the previous Council meeting would need to be available and accessible to the public:

- At least 5 working days before the date of the meeting; and
- Provided in a variety of accessible formats at that time consistent with Section 15 (2) of the Charter of Human Rights and Responsibilities Act 2006,

3.3 This would enable sufficient time for the Governance Team at Council at <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/> which has responsibility for carrying out Council's commitment to ensuring that all residents and ratepayers can contribute to Council's democratic process to provide assistance to anyone with a disability who has any special requirements before a Council Meeting on 9217 2294.

3.4 Reducing the time to no later than 3pm on the day of the ordinary Council meeting for lodging questions under Item 10 of the Procedural Guidelines clearly indirectly discriminates against people with disabilities because the reasonable adjustments highlighted in 2.1 and 2.2 above are not included in the Procedural Guidelines.

4. Procedural Guideline "12. The Chairperson may disallow any question on the grounds that it:

- *does not relate to a matter on the Agenda for the meeting;*" is highly restrictive and creates yet another barrier to access to Public Question Time for people with disabilities.

4.1 Section 18 of the Charter outlines the right of every person in Victoria to participate in the conduct of public affairs and this includes Public Question Time at Council meetings. There are many valid reasons why a person with a disability might wish to ask a question that does not relate to an item on the Agenda for the meeting including:

- Why isn't the Agenda for the meeting tonight available in Braille?

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- I have learning disabilities, can't read the Agenda on the website or write and so I got my friend to ask who at the Council meeting tonight can help me?
- Is someone from the Governance Team allowed to come to my Group Home the day before each Council meeting and read the Agenda out to me and the other residents so we can work out if we have any questions we want to ask at the Council Meeting?
- I can't write so I got my friend to ask why Council won't let me come to the meetings and ask my questions out loud in front of everybody?
- How do I get an item listed on the Agenda about access to Public Question Time?
- My friend is asking this question for me because I am deaf and blind and want to know how you can make the Agenda for each meeting available to me, so I can understand it?

4.2 It is absurd to disallow questions about items on the Agenda at a Council meeting because it is often these very Agenda items listed for that meeting which attracts members of the Public to the meeting in the first place. It defies common sense and logic not to want interested residents to ask questions about an Agenda item at the meeting because it may well help Councillors in reaching informed decisions and would be the only opportunity *"residents and ratepayers have to formally contribute to public debate."* (See 2 above)

Conclusion

1. There is no logical explanation for the restrictions placed on residents and ratepayers under the Procedural Matters Local Law (No. 1 of 2018) and Procedural Guidelines for the Public Question Time Policy as proposed. In fact, there are potential liabilities for Council under various pieces of legislation and international covenants as cited above.
2. In a free and democratic society all residents and ratepayers have the right to freedom of expression. Section 7, Part 2 of the Charter of Human Rights and Responsibilities Act 2006 specifically denies Council the right to limit or destroy the human rights of any person.
3. There are already precedents set for good practice as described in the examples above and it is recommended that Council adopt the best of these as part of its Public Question Time Policy to make it a leader in the field.
4. In addition, discriminatory practices relating to Council meeting procedures which require signatures on Petitions and joint letters from people with disabilities who are physically unable to sign their name and who are excluded if they all reside in the same Group Home are breaches of human rights.
5. Likewise, not allowing for reasonable adjustments for people with complex and challenging behaviours at Council meetings whose behavior may be mistaken for "disorderly" with the potential for them to be found guilty of an "Offence" and removed from the meeting is similarly discriminatory.

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6. Perhaps the thing that disturbs me the most about Procedural Matters Local Law (No. 1 of 2018) and Procedural Guidelines for the Public Question Time Policy is that the phrase "reasonable adjustments" is missing entirely. This is evidence of the failure to appreciate and demonstrate an understanding of the needs of the disability community.

I look forward to the opportunity to appear in person before a meeting of the Submissions Advisory Committee of Council appointed to hear and consider submissions.

Many thanks



Trevor Carroll

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Attachment 1

ABOUT COUNCIL AND COMMITTEE MEETINGS

Council decisions are made at meetings of the whole Council (Ordinary Council Meetings and Special Council Meetings) or at one of its Special Committees (Internal Development Approvals Committee and Inner Melbourne Action Plan Implementation Committee).

Ordinary Council Meetings**When are the council meetings?**

We generally hold two ordinary council meetings each month from February to December.

Who can attend council meetings?

Anyone is free to attend council meetings to contribute to the decision-making process and to witness proceedings.

How can I ask a question?

Most council meetings provide an opportunity to ask questions of the Yarra City Council about any matter that is not on the meeting agenda. This is known as 'Public Question Time', and takes place near the beginning of the meeting. If you have a question about a Council matter, the Mayor will answer your question or refer it to another Councillor or one of the Council officers present. If your question is operational in nature, it is usually best directed to us using one of the contact methods listed [here](#).

If you want to ask a question, please complete the [Public Question Time Form](#) and submit it to us by 12 noon on the day of the meeting. This will give us enough time to make any necessary enquiries to provide you with an answer at the meeting. Each person may ask a maximum of two questions. If you have two questions, simply submit two forms.

If you are unable to submit a question in advance, you may come along and raise your hand when the Mayor asks if there are any public questions. If we have not received your question in advance, we may need to take your question 'on notice', which means you won't receive an answer at the meeting.

How can I make a submission?

It is Council's custom to allow anyone present at Council meetings to make a submission about any matter on the agenda.

If you want to make a submission, you will need to be in attendance when your matter is considered, and raise your hand when the Mayor asks if anyone would like to speak. You will be provided with up to five minutes to address the Council and raise any matters you feel should be considered in reaching a decision. This is not an opportunity for debate, so this is not an opportunity to engage the Councillors in a discussion.

Submitters are unable to make a presentation using Council's audio-visual equipment, but if you wish to bring material along for the Councillors, you should provide it to the Council staff present before you address the Council. It is suggested you bring at least 10 copies.

How do I know what Council will be considering at the meeting?

As soon as it is available, a Council Meeting Agenda (which includes full reports, and a series of separate attachments) will be published in our [events calendar](#) for the particular meeting. This usually happens on Friday before the meeting, although occasionally the Agenda is not available until Monday.

How do I find out what happened at the meeting?

Once the meeting is complete, the Council Meeting Minutes (which are the official record of the meeting), together with a summary of the questions asked during Public Question Time are published [here](#). These documents are made available before the following meeting.

Special Council Meetings

Special Council Meetings are extraordinary meetings designed to consider specific matters that, for reasons of urgency or time constraints, cannot be considered at an Ordinary Council Meeting.

Trevor Carrol submission Attachment 1_2.12

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All Councillors are members of the Internal Development Approvals Committee, with three Councillors making up each meeting on a rotational basis. IDAC has the authority to make decisions on applications for planning permits that are referred to it by Council Officers.

Major developments are sometimes considered at regular council meetings rather than at Internal Development Approvals Committee.

When are the IDAC meetings?

We generally hold two IDAC meetings each month from February to December.

Who can attend IDAC meetings?

Anyone is free to attend IDAC meetings to witness proceedings, but only parties to proceedings (applicants, objectors) will be invited to make submissions.

What happens at the Internal Development Approvals Committee meetings?

The format of IDAC meetings is more informal than Council Meetings, with the Councillors, Council staff, applicants and objectors all sitting around a large table.

If you are an objector, you will be provided with five minutes to address the Committee to raise any matters you feel should be considered in reaching a decision and to present any alternatives or permit conditions you feel should be applied to a prospective permit.

If you wish to distribute items to assist in your submission, it is suggested you bring at least six copies along (three for the Councillors, one for staff, one for the applicant and one for yourself).

How do I know what the Committee will be considering at the meeting?

As soon as it is available, an IDAC Meeting Agenda (which includes full reports, and a series of separate attachments) will be published in our [events calendar](#) for the particular meeting. This usually happens on Friday before the meeting, although occasionally the Agenda is not available until Monday.

How do I find out what happened at the meeting?

Once the meeting is complete, the IDAC Meeting Minutes (which are the official record of the meeting) are published [here](#). These documents are usually made available within a week of the meeting.

Inner Melbourne Action Plan (IMAP) Committee

The Inner Melbourne Action Plan Committee is a Committee of Council with delegated authority to make decisions in relation to the ongoing implementation of the Inner Melbourne Action Plan.

More details about the operation of the IMAP Committee, including agendas, minutes and how you can attend meetings is available on the [Inner Melbourne Action Plan website](#).

Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra, and gives respect to the Elders past and present.

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Disclaimer: this is provided as a service to the community, and does not purport to be legal advice. Interpreting services are available.

Trevor Carrol submission Attachment 1_2.12

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Attachment 2

home > council > your council > meetings & agendas > request to speak at council meetings

Listen

Meetings & Agendas

Request to speak at Council Meetings

Request to speak at Council meetings

There are two ways you can address Council at an Ordinary Council Meeting.

1. Ask a question during Public Question Time
2. Ask a question or make a public comment on an agenda item.

To address Council you MUST submit a 'request to speak form' which can be done by:

- Filling in a hardcopy blue request to speak form available at the meeting
- Clicking on the link to the online request to speak form below by 4 pm on the day of the meeting.

[Online Request To Speak Form](#). You MUST click 'Submit', then 'OK' in the pop up confirmation window for your request to be received.

Council and Committee meetings are open to the public except during the consideration of confidential items. You can also participate by coming along and listening, no forms required.

Live streaming of Council meetings

All Ordinary and Special Council Meetings are streamed live on the Internet, and recorded to be made available online. Live streaming makes it easy to view meetings from anywhere with an Internet enabled device.

Cameras are set up to film Councillors, however audio of anyone addressing the Council will be streamed and recorded. Any person who walks behind or in front of a Councillor's seat may be filmed and recorded.

If you intend to speak at a meeting, your voice will be streamed and recorded. You can nominate another person to ask your question on your behalf, or ask that the Mayor or a Council officer do so.

Contact the Governance Unit on (03) 9209 6777 or email governance@portphilip.vic.gov.au prior to the meeting to discuss alternative options.

Read the [Live Streaming and Recording of Council Meetings Policy](#) (PDF 515KB).

Asking a question in Public Question Time

- At each meeting, provision is made at the beginning for members of the public to ask general questions. Questions must be directed to the Chairperson of the meeting. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item.
- The question must not relate to a matter beyond or outside the Council's powers, be defamatory, indecent, abusive, objectionable in language or substance, raise any matter which will or would likely to be considered by Council under s89(2) of the Act.
- Each question will be recorded in the minutes. Responses to questions provided at the meeting will be recorded in the minutes. Responses to questions taken on notice will be made publicly available on the Council website.
- Questions and the responses at Ordinary Meetings will be streamed live and recorded to be made available online.
- The number of questions that a member of the gallery may ask shall be at the discretion of the Chairperson.

Making a public comment or asking a question on an agenda item

- This section of the meeting is for members of the public to make comment or ask a question on agenda items and proposals. Members of the public are asked to focus on the agenda item under consideration.
- A brief summary of the speaker's comments and questions will be recorded in the minutes.
- Questions, comments and the responses at Ordinary Meetings will be streamed live and recorded to be made available online.
- Please nominate a single speaker if there are several people representing a common position.
- The Chairperson of the meeting will endeavour to bring forward items where there are numerous speakers.
- When your item is called you will be invited to step forward and address the Council.

Contacts for more information on Council meetings

For more information about meetings, please contact the Council Meetings Unit via [Online Services](#) or phone (03) 9209 6824 or (03) 9209 6701.

do you

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Attachment 3

City of Ballarat Home Page > About Council > Council Meetings & Agendas >

Share Login Listen

Process of a Council Meeting

Recent Pages Visited ▾

What best describes you on this visit? ▾

What happens at a Council meeting?

Council meetings are held on the 2nd and 4th Wednesday of each month. The meetings are conducted in the Council Chambers in the Ballarat Town Hall and are open to the general public. A copy of the agenda appears on-line and limited copies of a Summary Agenda will be made available on the night of the meeting. If a member of the general public would like a copy of the Public Agenda or a specific report please contact the Governance Unit on 03 5320 5875 by 4.30pm on the afternoon of the Council meeting.

Opening the meeting

Meetings commence at 7.00pm with the Chair (the Mayor if he is present), leading the Councillors in a declaration and acknowledgement to the Wathaurong People, the traditional custodians of the land.

Apologies

The Chair will ask if there are any apologies of Councillors. If there are, it will be moved and seconded to accept any apologies.

Conflict of Interest

The Mayor requests Councillors to nominate if they have any conflict of interest with any of the agenda items. The Councillor concerned must describe the type of conflict of interest. This then means when the item is discussed by Council that the Councillor with a conflict of interest must leave the chamber for the period of debate and during the vote. The Councillor will be advised when the resolution has been voted upon so that they can re-enter the chamber. Their period of absence will be noted in the minutes.

Adoption of minutes

The minutes of the previous Council meeting are then moved and seconded by Councillors if they are true and correct. If any changes need to be made to the minutes, they are noted at this time and must be agreed to by a majority of Councillors.

Public Question Time

Members of the public can ask Council two questions. The Chair will ask who would like to ask a question of Council. The Chair will then indicate who is to come forward to the space allocated for the public to speak. The member of the public must state their name and their address (locality) before asking their question through the Chair. The Chair will then either answer the question or ask the appropriate officer to answer the question. A clarification question can be asked by the member of the public if they require further details on the matter. A second question can then be asked. Where the answer cannot be given in Council, the question will be "taken on notice" and the member of the public will receive a written response. The response to the question will be reported back through Council via the outstanding questions report and a future Council meeting.

The question time will either cease at the end of all questions or at the end of 30 minutes. The Chair may elect to extend the question time.

Motions on Notice

A Motion on Notice is a Motion that has been put forward by a Councillor to be considered as part of the agenda. They require a decision to be made about a particular matter at the meeting rather than calling for a report to come back to Council. Motions on Notice are not common.

General Business without Notice

The Chair will ask if any Councillor has any General Business without Notice. This is where a Councillor may ask a question of an officer through the Chair or can request a Council report or briefing at a later date on a particular issue.

Petitions

Members of the community can lodge a petition with Council. The petition must follow the set format as per the Local Law No 18 – Meeting procedure (have link to Local Law) and must be received by the Governance Unit of Council prior to 4.00pm on the day of the Council meeting. The first named

Contact : Governance

Phone : 5320 5875

Meet Your Councillors

Meetings and Agendas

Trevor Carrol submission Attachment 3_2.14

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person on the petition is considered to be the person that Council will respond to. When the petition is discussed in Council, a Councillor will introduce the petition. The lead petitioner should speak with a Councillor before lodging the petition so that they can speak to the petition in Council.

Portfolio Reports

As Council moves through each of the Council reports the following order occurs:

The report is introduced by a Council officer. Once introduced, the Councillors may ask the officer questions to seek clarification.

Any persons who have registered to speak (make a submission) about the report will be called forward by the Chair. **Any person who would like to make a submission must register with the Governance Unit on 03 5320 5875 by 4.30pm on the afternoon of the Council meeting.** You must provide your name, contact phone number, agenda item on which you would like to speak and state whether you are in-favour, against or are open-minded regarding the recommendation of the report.

When you have been called forward by the Chair you will have five minutes to speak. The Chair will advise you when four minutes have passed. The submitter may distribute material to Council and Senior Officers and if they have such material, submitters are asked to speak with a governance officer in advance as the officer will distribute the material on their behalf.

Please note – a submitter may not ask Councillors or Senior Officer questions at this time. Public question time is the opportunity to seek answers to your questions. At the end of each submission Councillors may seek clarification from the submitter on any points raised.

At the conclusion of the final submission, Council will then debate the item.

The Chair will call for a show of hands as each resolution is put to the Council. When voting on an item is not unanimous a Councillor can call for a 'division'. This means that the minutes will show who has voted for and against the motion.

Section 89 or In camera

Most Council meetings will contain some material that will be discussed 'in camera'. This means that the information is confidential and all members of the gallery and media must leave the chamber. Information that is confidential is defined under section 89 of the *Local Government Act 1989*.

The 'in camera' part of the meeting is generally at the end of the meeting so that the gallery does not have to wait for the meeting to re-adjoin. This does not preclude the Council from moving 'in camera' at any stage during the meeting.

If you require any further information with regards to what happens in a Council meeting contact the Governance Unit on 03 5320 5875.

OUR SITES

Ballarat Libraries
Art Gallery of Ballarat
Her Majestys' Theatre
Ballarat Capital
Community Directory

CONTACT US

The Phoenix, 25 Armstrong Street South, Ballarat
Phone +61 3 5320 5500
Online Requests
Email ballcity@ballarat.vic.gov.au
Social:   

Trevor Carrol submission Attachment 3_2.14

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Attachment 4

Council meetings

The elected Councillors make important decisions on behalf of the City of Whittlesea community at regular Council Meetings.

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Any member of the public can attend Council Meetings to hear what is going on and watch Councillors vote on a particular issue.

The meetings involve decision-making on topics including:

- town planning
- the construction of community facilities
- community services
- a range of policies that guide the City's actions

Meeting agendas and minutes

Meeting dates

Ordinary Council meetings are held monthly on the first Tuesday of the month from 6.30pm.

The November and December meetings will be held on the second Tuesday of the month.

2018

- 6 February - held at Barry Road Community Activity Centre, 36 Barry Road, Thomastown commencing at 6.30pm
- 6 March
- 3 April
- 24 April - Special Council Meeting to advertise the proposed 2018-19 Council Budget and Action Plan
- 1 May
- 5 June
- 26 June - Special Council Meeting to adopt the 2018/19 proposed Council Budget and Action Plan at 6pm
- 3 July
- 7 August
- 4 September
- 2 October
- 1 November - Statutory Council Meeting to elect the Mayor and Deputy Mayor at 7pm
- 13 November

Trevor Carrol submission Attachment 4_3.3

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- 11 December

PMLL_18_003

Location

Council Chamber
Council offices
25 Ferres Boulevard
South Morang (Melway 183 A10)

Asking questions

During the meeting, Council will answer questions from residents and ratepayers - usually at the start of the meeting.

You should submit your question in writing before the meeting starts at 6.30pm - it's recommended that you submit your question as early as possible to ensure sufficient information can be provided in the verbal response.

You can submit your question form by:

- **Question box**
Place it in the question box in the Council Chamber by 6.30pm on the day of the meeting.
- **Fax**
Fax it to 9409 9810 by 4pm on the day of the meeting.
- **Email**
Email it to civic.administration@whittlesea.vic.gov.au by 4pm on the day of the meeting.

Council is committed to ensuring that all residents and ratepayers can contribute to Council's democratic process so if you have any special requirements, please call our Governance Team before a Council Meeting on 9217 2294.

Council meeting procedures

You can find information about how Whittlesea Council is governed and how the Mayor is elected in our Procedural Matters Local Law.

This local law regulates:

- how the Council Common Seal can be used
- procedures for Ordinary Council Meetings, Special Meetings, Advisory Committee Meetings, and Special Committees Meetings
- the process for electing the Mayor and Chairpersons.



25 Ferres Boulevard South Morang VIC 3752
Australia
Phone: 9217 2170

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Trevor Carrol submission Attachment 4_3.3

SUBMISSIONS AND RECOMMENDATIONS

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2018 Procedural Matters Local Law Submissions

No	Submitter Details
PMLL_18_003	Mr Trevor Carroll
Matter Raised by the Submitter	
<p>Part 1: Preliminary</p> <p>1. Under section 8 Definitions of the proposed Local Law, I have very real concerns about;</p> <p>(n) <i>“Joint Letter” means correspondence in writing addressed to the Council and signed by not less than three persons of separate addresses setting forth a matter on which a remedy or relief is sought.</i></p> <p>1.1 Currently on the Council's website at https://www.whittlesea.vic.gov.au/about-us/contact-us/petitions-and-joint-letters-to-council/ A joint letter is defined as <i>“..... A letter signed by persons residing at more than one address, that attempts to influence the Council's decision making or actions. The joint letter must contain the signatories' full names, addresses and signatures.</i></p> <p>1.2 <i>Some residents with physical disabilities such as cerebral palsy who cannot physically sign their name could with some assistance submit a video in support of a joint letter citing their name and address. This would be a reasonable adjustment under section 9 e) of the Victorian Equal Opportunity Act (EOA); but by failing to accept such a submission in the form of a video under the proposed Local Law Council would be in breach of this section of the Act.</i></p> <p>1.3 <i>In addition, the requirement that a joint letter must be signed by not less than three persons from three separate addresses quite clearly discriminates against residents with disabilities who live together in a Group Home which is specially staffed by qualified support workers. There is no provision for any reasonable adjustments in the proposed local law that will enable these residents to submit a joint letter.</i></p>	<p>Officer Comment</p> <p>The clause may be considered discriminatory.</p> <p>To ensure that no person is prevented from participating in public life, it is proposed to amend section 8(n) to allow a person who is unreasonably restricted from submitting a joint letter in the prescribed form because of an 'attribute' as defined in the <i>Equal Opportunity Act 2010</i> or for any other reason to submit a joint letter in a form which would allow them to do so.</p>

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Committee Recommendation

That Council resolve to amend clause 8(n) to ensure that no person is prevented from participating in public life.

The clause currently reads:

8 (n) *"Joint Letter" means correspondence in writing, addressed to the Council and signed by not less three persons of separate addresses setting forth a matter on which a remedy or relief is sought."*

The amended clause will read:

8 (n) "Joint Letter" means correspondence in writing, or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought."

Matter raised by submitter

2. Under section 8 Definitions of the proposed Local Law, the definition of "**Petition**" is also very problematic because it states that a petition must be in writing and signed by not less than three persons of separate addresses. This is in fact the current provision shown at <https://www.whittlesea.vic.gov.au/about-us/contact-us/petitions-and-joint-letters-to-council/> but is only now being included in the proposed local law

Officer Comment

The clause may be considered discriminatory.

To ensure that no person is prevented from participating in public life, it is proposed to amend Clause 8(aa) to allow a person who is unable to submit a petition in the prescribed form because of an 'attribute' as defined in the *Equal Opportunity Act 2010* or for any other reason to submit that petition in a form which would allow them to do so.

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Committee Recommendation

That Council resolve to amend clause 8(aa) to ensure that no person is prevented from participating in public life:

The clause currently reads:

8 (aa) "Petition" means a statement in writing addressed to the Council and signed by not less three persons of separate addresses, setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"

The amended clause will read:

8 (aa) "Petition" means a statement in writing, or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"

Matter raised by submitter

3. It is of some concern that Section 10 of Procedural Matters Local Law (No. 1 of 2012) has been deleted from the proposed local law and replaced with the definition "**Person**" includes a Member or Officer.
- 3.1 This is particularly relevant to sections 102 and 103 **Behavior at Meetings** of the proposed Local Law because there is no definition in the Local Law of what constitutes "improper" or "disorderly conduct" and it will be assumed to be that understood in common usage. Likewise, the definition of "**Person**" in the proposed Local Law also refers to Councillors and Council Officers.
- 3.2 As a raised previously, there is no reference to the provision of reasonable adjustments in the event that a person in the gallery may have complex and challenging behaviours associated with disability which may easily be mistaken for disorderly conduct. This is especially more likely since the continued roll-out of the NDIS in the City of Whittlesea from mid-2016 because now more than ever people with disabilities have funding that enables them to participate in the community and attend a Council meeting if they wish to do so. However, should such a person be ordered to leave the meeting, the Chairperson would be in breach of Section 9 of the

Officer Comment

It is not the intent of this clause to prevent persons from participating at Council meetings.

The chairperson would continue to use discretion when ruling on any procedural matter arising during a meeting including exercising any power to remove a person from the public gallery.

The intent of this provision is not to subject a person with a disability to any detriment including removing them from the meeting. The intent is to continue to provide the chairperson with the power to maintain order at the meeting.

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EOA 2010.	
<p>4. Section 107 of the proposed Local Law states that <i>"The Chairperson has discretion to cause the removal of any Person who has committed an Offence under section 106 or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson."</i></p> <p>4.1 A "Person" who is a member of the gallery and has complex and challenging behaviours associated with disability whose behaviour may be mistaken for <i>"disorderly conduct"</i> could subsequently be ordered to be removed from the meeting. Should such a person also be found guilty of an Offence under Section 106 and 107 of the proposed Local Law and given a penalty of 20 Units, the Chairperson would be in breach of Section 9 of the EOA 2010 for failing to make reasonable adjustments for this person.</p> <p>4.2 Likewise, Section 44 of the EOA 2010 is relevant in circumstances like this because participation by a resident or ratepayer at a Council meeting is consistent with Council's obligation as a service provider. By subjecting a person with disability to any detriment, that is, removal from the meeting and being found guilty of an offence without making reasonable adjustments to cater for their disability, would constitute a breach by the Chairperson of section 44 1(c) of the EOA 2010</p>	<p>The Local Law does not contain a definition for "improper" or "disorderly" conduct – the generally understood meaning of these words would apply.</p> <p>Clause 65 makes it clear that it is the chairpersons role to interpret and apply these definitions.</p>
<p>Committee Recommendation</p> <p>That Council resolve to make no change to Clause 107 of the proposed Local Law in relation to this matter as Clause 65 makes it clear that it is the chairpersons role to interpret and apply these definitions</p>	
<p>Matter raised by submitter</p>	
<p>5. Removal of the phrase "in <i>the opinion of the Chairperson</i>" from Section 106 of Procedural Matters Local Law (No. 1 of 2012) from the proposed Local Law effectively removes the right of the "Person" who has been removed to seek an explanation for the opinion that was reached by the Chairperson and for him/her to provide it which resulted in the Offence</p> <p>5.1 As highlighted in 3 above the definition of "Person" in the proposed Local Law also refers to Councillors and Council Officers as well as members of the Gallery which includes people with disabilities.</p> <p>5.2 The Charter of Human Rights in Responsibilities Act 2006, (Charter) Section 21</p>	<p>Officer Comments</p> <p>It is not necessary to include the words <i>"in the opinion of the Chairperson"</i>.</p> <p>It is implied wherever reference is made to the chairperson's powers that it is at the discretion of the chairperson to decide the relevant matter.</p>

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<p>Right to liberty and security of person, clearly states that</p> <ol style="list-style-type: none"> (1) Every person has the right to liberty and security. (2) A person must not be subjected to arbitrary arrest or detention. (3) A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law. (4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against him or her. <p>5.3 It seems to me that to protect the Chairperson from potential complaints of discrimination and Council from a breach of Section 21 of the Charter, the phrase" in <i>the opinion of the Chairperson</i>" should and ought to be included in section 107 so that it reads</p> <p><i>"107. The Chairperson has discretion to cause the removal of any person, including a Member who, in the opinion of the Chairperson, has committed an Offence under this section or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson."</i></p>	
<p>Committee Recommendation</p> <p>That Council resolve not to amend Clause 106 of the proposed Local Law in relation to this matter as it is implied wherever reference is made to the chairperson's powers that it is at the discretion of the chairperson to decide the relevant matter.</p>	
<p>Matter raised by submitter</p>	
<p>6. The same rationale relates to Section 108 of the proposed Local Law where the <i>"Chairperson may request any member of the Victoria Police or any Authorised Officer to remove such Person from the Meeting and the member of the Victoria Police or the Authorised Officer must remove such Person accordingly."</i></p> <p>6.1 To do so without cognisance of Section 21 of the Charter puts the Chairperson, the Council and Victoria Police or Council's "Authorised Officer" at risk of potential complaints of discrimination and breaches of the Charter. This is unacceptable when</p>	<p>Officer Comment</p> <p>Refer to officer comments made in item 5 above.</p>

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the least risky solution is to add the phrase "in the opinion of the Chairperson" to Section 107 of the proposed Local Law.	
Committee Recommendation That Council resolve not to amend Clause 108 of proposed Local Law in relation to this matter as it is implied wherever reference is made to the chairperson's powers that it is at the discretion of the chairperson to decide the relevant matter.	
Matter raised by submitter	
<p>7. In addition, I note one of the Objectives of Council under the Local Government Act 1989 is as follows:</p> <p><i>"3C(2)(e) to ensure that services and facilities provided by the Council are accessible and equitable"</i></p> <p>It certainly seems that the service available in relation to Notice of Council Meetings under Section 24 of the proposed Local Law is not accessible or equitable because a proportion of residents and ratepayers are excluded from attending or even knowing when a meeting is about to occur by virtue of the barriers placed in the way of access due their disabilities. To state in the proposed Local Law under Section 24 that "Notice of the date, time and place of all Council Meetings will be published in accordance with the Act." is highly discriminatory and breaches the human rights of many people with disabilities.</p> <p>Section 89 (4) of the Local Government Act requires Council to give at least 7 days public notice before the holding of—</p> <ul style="list-style-type: none"> a) an ordinary council meeting; or b) a special council meeting; or c) a meeting of a special committee comprised solely of Councillors. <p>7.1 It is unreasonable to expect many people with disabilities to locate and search the Local Government Act 1989 to determine how and where they might find out the date, time and place of Council Meetings. This creates a monumental barrier to access.</p> <p>7.2 Section 15 of the EOA 2010 imposes a duty to eliminate discrimination on Council.</p>	<p>Officer Comment</p> <p>Clause 24 does not make specific reference to how Council will publish the date, time and place of Council meetings as this requirement is regulated by a number of sections of the <i>Local Government Act 1989</i> including sections 3, 82A(2), 89(4) and 89(4A).</p> <p>The Victorian Ombudsman, in her report titled 'Investigation into the Transparency of Local Government Decision Making', stated that, where local law provisions replicate or partly address legislative provisions, they could be misleading.</p> <p>Accordingly, direct references to legislative provisions have been removed from the draft Local Law.</p> <p>In terms of giving public notice of meetings, Sections 3, 82A(2), 89(4) and 89(4A) the <i>Local Government Act 1989</i> provide for Council to give 7 days' public notice of Council meetings unless urgent</p>

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7.3	Similarly, this barrier to attendance at Council meetings is an example of Indirect discrimination under Section 9 of the EOA 2010 because it imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with disabilities that is unreasonable.	or extraordinary circumstances prevent Council from complying in which case Council must give such public notice as is practicable.
7.4	The EOA is very clear that it is the Council which imposes, or proposes to impose, the requirement, condition or practice that has the burden of proving that the requirement, condition or practice is reasonable.	Public notice means published in a newspaper generally circulating in the municipality and on Council's website.
7.5	Furthermore, Council's own Disability Action Plan (p 23) 6.1 Commitment 1: Inclusive Communities. Outcome 1.3 states that <i>"People with disability will experience no procedural, performance, cultural or economic barriers to contributing equitably as valued members of their communities"</i>	In practice, Council gives notice of ordinary and special Council meetings by publishing a notice on Council's website and in the Whittlesea Leader newspaper (where time permits in regard to Special Meetings). A public notice listing all Council meeting dates for the year is published at the start of the year and a notice is placed in Council's weekly column in the Whittlesea Leader before each meeting. Notice is also provided at the Council libraries and on the notice board at the front entrance to the Council Offices.
7.6	By failing to state in the proposed Local law where Council will give notice of the date, time and place of an ordinary meeting such as: <ul style="list-style-type: none"> published in a local newspaper, posted on a public notice board at Council branch libraries; and posted on the Council's website <p>it is in fact not complying with its own Disability Action Plan because it is placing a procedural barrier in the way of people with disabilities.7.7 The same applies to notice of the date, time and place of a Special Meeting. It is outrageous to even contemplate that Council would not list this information in the proposed Local Law. It seems that whoever drafted Section 24 of the proposed Local Law deliberately wanted to make it difficult or almost impossible for many members of our disability community to know when and where Council meetings would be held so as to exclude them from attending.</p>	A note could be included under the relevant provision in the Local Law specifying how Council advertises the date, time and place of Council meetings. The note could be amended if Council subsequently decides to change the way it advertises the date, time and place of Council meetings.
7.8	In the City of Whittlesea Community Plan "Shaping Our Future" (p 29) it states that <i>"Providing good governance means that the decision-making processes for managing public resources are accessible, transparent and appropriate. Council must take into consideration principles of social justice and human rights in the delivery of democratic government."</i> The current Section 24 simply does not do this.	

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7.9	Councillors who have to eventually vote on this section of the proposed Local Law need to be acutely aware of their responsibilities under Section 10 of the EOA, namely that motive is irrelevant to whether or not they discriminate.	
7.10	Section 24 of the proposed Local Law should and must list the relevant information in a similar fashion to that of Sections 26 and 27 of Procedural Matters Local Law (No. 1 of 2012).	
7.11	By way of example, I did a search of the Local Government Act 1989 under the heading "Public Notice" and 51 entries came up. It would have taken me several hours to read each entry and work out which ones are relevant to where I might find the information about when my local Council meetings would be held. It is absurd that residents have to be needlessly put through this ordeal.	
Committee Recommendation <p>That Council resolve to include the following explanatory note under Clause 17 of the Local Law specifying how Council currently advertises the date, time and place of Council meetings.</p> <p><u>Note:</u></p> <p><i>Council gives notice of ordinary and special Council meetings by publishing a notice on Council's website and in the Whittlesea Leader newspaper. A public notice listing all Council meeting dates for the year is published at the start of the year and a notice is placed in Council's weekly column in the Whittlesea Leader before each meeting. Notice is also provided at the Council libraries and on the notice board at the front entrance to the Council Offices.</i></p>		
Matter raised by submitter		
8.	<p>A glaring omission from the Proposed Local Law is any definition of the term 'Quorum'. The Local Government Act 1989 Part 11 (3A) as at 20 December 2017 states "A quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or the special committee."</p> <p>This definition must be included in the Procedural Matters Local Law (No. 1 of 2018) so there is absolutely no doubt about what it means for residents who attend Council meetings, those who wish to stand for election to Council and those who need to rely on this Local Law to perform their duties.</p>	Officer Comment <p>The proposed Local Law does not make specific reference to what constitutes a quorum as this requirement is legislated by section 91(3A) the <i>Local Government Act 1989</i>.</p> <p>As mentioned under item 7, the Victorian Ombudsman, in her report titled</p>

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	<p>'Investigation into the Transparency of Local Government Decision Making', stated that, where local law provisions replicate or partly address legislative provisions, they could be misleading.</p> <p>Accordingly, direct references to legislative provisions have been removed from the draft Local Law.</p> <p>To address the submitter's point regarding notification in the local law of what constitutes a quorum, a note could be included in the Local Law specifying what constitutes a quorum at Council meetings. The note could be updated if the legislation is amended at any time.</p>
<p>Committee Recommendation</p> <p>That Council resolve to the add following explanatory note under Clause 25 to inform the public on what constitutes a quorum:</p> <p><u>Note:</u></p> <p><i>Section 91(3A) of the Local Government Act 1989 states that a quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or special committee.</i></p>	
<p>Matter raised by submitter</p>	
<p>9. Section 30 of the proposed Local Law will no longer require the keeping of details in the Minutes of any questions from the public to Council Officers. All previous versions of this Local Law have given residents and ratepayers the right to ask questions during Public Question Time which have been directed to particular Council Officers. The proposed Procedural Guidelines for Public Question Time in Procedural Matters Local Law (No. 1 of 2018) do not in any way limit the right of residents and ratepayers to continue to ask questions directed to Council Officers, so I respectfully submit that when they do, details of</p>	<p>Officer Comment</p> <p>It is not the aim of the Policy to facilitate the asking of questions by the public to Council officers. Accordingly, this reference in the Local Law has been removed.</p>

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<p>the question and the response must be recorded in the Minutes as per Section 93 of the Local Government Act 1989.</p>	<p>The objective of the Public Question Time Policy is to facilitate the asking of questions by the public to Councillors as Council is ultimately accountable for the performance of the Council.</p> <p>It is inappropriate for members of the public to ask questions directly of Council officers as officers are responsible for providing advice to Council and implementing Council decisions and policies.</p> <p>Members of the public are able to ask officers question in relation to operational matters by other means including telephoning Council officers, visiting the Council offices and speaking personally to an officer or sending a letter or email to Council.</p>
<p>Committee Recommendation</p> <p>That Council resolve not to amend Clause 30 of the proposed Local Law in relation to this matter as it is inappropriate for members of the public to ask questions directly of Council officers as officers are responsible for providing advice to Council and implementing Council decisions and policies.</p>	
<p>Matter raised by submitter</p>	
<p>10. Conduct of Business. I commend and support the inclusion of Section 33 in the Procedural Matters Local Law (No. 1 of 2018) because it will aid in transparency and should result in more open and accountable decision making by the CEO in consultation with the Chairperson in relation to why a matter listed on the Agenda has been withdrawn before the meeting.</p> <p>However, I am concerned that there is no provision for the CEO to indicate to members of the public or Councillors if and when the item might be placed back on the Agenda. I believe</p>	<p>Officer Comment</p> <p>Items may be withdrawn from the agenda for different reasons.</p> <p>Where an item is withdrawn from the agenda, the reason is recorded in the minutes of the meeting. The minutes of</p>

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this omission should be rectified.		Ordinary Council Meetings are made available to the public.
Committee Recommendation That Council resolve not to amend Clause 33 of the proposed Local Law in relation to this matter Where an item is withdrawn from the agenda, the reason is recorded in the minutes of the meeting. The minutes of Ordinary Council Meetings are made available to the public.		
Matter raised by submitter		
11.	Business of Meetings. Section "34 xii) <i>any other matter that the Council by resolution, or the Chief Executive Officer in his or her discretion, determines.</i> " This is extremely problematic because there is a real danger here that the Chief Executive Officer could exercise complete control over whether an item is included on the Agenda without reference to the elected Councillors or the need to provide an explanation and subsequently interfere with the democratic process. 11.1 This exceeds the functions of the Chief Executive Officer under Section 94A of the Local Government Act 1989. It is also extremely hypocritical because it gives the CEO the authority to re-visit an issue which was dealt with at a Council meeting within the previous 3 months, but the same right has been removed under Section 45 for residents in relation to the submission of Petitions or Joint Letters.	Officer Comment Although Clause 29 states that the CEO has overall responsibility for determining the form of Council agenda and minutes the CEO does not have exclusive right to determine which matters are listed. There are other ways in which a matter may be listed on the Council agenda. Council may include a matter by resolution or a Councillor or group of Councillors may submit a matter to Council via a Notice of Motion.
Committee Recommendation Council resolve not to amend Clause 34 (xii) of the proposed Local Law in relation to this matter as there are other ways in which a matter may be listed on the Council agenda. Council may include a matter by resolution or a Councillor or group of Councillors may submit a matter to Council via a Notice of Motion.		
Matter raised by submitter		
12.	Business of Meetings. Section 34 b) (iii) <i>The business of a Special Committee Meeting must include where applicable, declarations of conflict of interest.</i> I strenuously object to the inclusion of the phrase "where applicable" Section 79 of the Local	Officer Comment There are certain situation listed in section 79C of the <i>Local Government Act</i> where a

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<p>Government Act 1989 sets out a procedure for dealing with Conflict of Interest by members of Special Committee Meetings and I can find no provision for this item to be left off the business of a Special Committee Meeting.</p>	<p>Councillor is not taken to have a conflict of interest. For example, if a matter only relates to:</p> <ul style="list-style-type: none"> a) the nomination or appointment by the Council of the Councillor to a position for which the Councillor will not be remunerated; b) the election of the Mayor under section 71 or the appointment of an acting Mayor under section 73(3); c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2); d) the adoption of a policy under section 75B in relation to the reimbursement of expenses; or e) the adoption of a Councillor Code of Conduct under section 76C. <p>Therefore, there will be instances where the declaration of conflicts of interest by Councillors at a Special Council meeting will not be relevant to the matter(s) being discussed.</p>
<p>Committee Recommendation</p> <p>That Council resolve not to amend Clause 34(b)(iii) of the proposed Local Law in relation to this matter as there are certain situations listed in section 79C of the <i>Local Government Act</i> where a Councillor is not taken to have a conflict of interest..</p>	
<p>Matter raised by submitter</p>	
<p>13. Section "35. <i>The Chief Executive Officer may determine the order in which the business of a Meeting is to be listed in the Agenda.</i>" The potential danger here is that a CEO could manipulate the Agenda in such a way as to place Public Question Time or other</p>	<p>Officer Comment</p> <p>Clause 35 gives the Chief Executive</p>

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<p>controversial agenda items in a specific order which would disadvantage residents who might wish to attend at a reasonable time.</p> <p>13.1 For example, if the CEO was in receipt of some controversial questions from residents or a report and recommendations from Council Officers which were of interest to a large number of residents, s/he could at his/her sole discretion place them at the very end of the Agenda where they might not be dealt with until after 10.00pm This would seriously disadvantage those who wanted to be present and had to get up early the next day for work or restrict attendance by residents with disabilities who have particular needs which require reasonable adjustments associated with early sleep routines.</p> <p>13.2 This Section should be rewritten to include a safeguard such as:</p> <p>"35. The Chief Executive Officer may, with the agreement of the Chairperson determine the order in which the business of a Meeting is to be listed in the Agenda."</p>	<p>Officer the responsibility of determine the order in which the business of a Meeting is to be listed in the Agenda. However, Council may resolve to change the order of business at the Council meeting.</p> <p>In practice, the Chief Executive Officer consults with the Mayor of the day on the order of business to be transacted at each Council meeting.</p>
<p>Committee Recommendation:</p> <p>That Council resolve not to amend Clause 35 of the proposed Local Law in relation to this matter as Clause 35 gives the Chief Executive Officer the responsibility of determining the order in which the business of a Meeting is to be listed on the Agenda. Council may resolve to change the order of business the Council meeting.</p>	
<p>Matter raised by submitter</p>	
<p>14. Petitions and Correspondence. <i>Section "45. The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:</i></p> <p>(a) <i>repeats a question which has been asked and answered in the preceding three months;</i></p> <p>(b) <i>deals with a matter dealt with by the Council in the preceding three months;"</i></p> <p>14.1 To give the CEO the power to reject or decline to include on the agenda any petition or joint letter because it "(b) deals with a matter dealt with by the Council in the preceding three months, is a fundamental breach of human rights. For Example: Section 18 (1) Taking part in public life, Charter of Human Rights and Responsibilities Act 2006 states that "Every person in Victoria has the right, and is to have the</p>	<p>Officer Comment</p> <p>Under Clause 35 the Chief Executive Officer has the responsibility of determine the business listed on the agenda for each Council meeting.</p> <p>In practice, the Chief Executive Officer consults with the Mayor of the day on the order of business to be transacted at each Council meeting.</p> <p>In addition, Council has the discretion to</p>

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<p><i>opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives."</i></p> <p>14.2 Despite the fact that Council may well have dealt with a matter in the previous three months, this should not presume nor exclude residents or ratepayers from lodging a Petition or Joint Letter about the matter which may be about an unintended consequence of a decision by Councillors at a meeting that had not arisen before.</p> <p>14.3 Likewise, this provision indirectly discriminates against people with cognitive disabilities under Section 9 of the Victorian Equal Opportunity Act who have difficulty reading and rely on easy English versions of previous minutes of Council meetings. Council minutes are simply not made publicly available in this format by Council governance officers.</p> <p>14.4 Under section 9 e) of the Victorian Equal Opportunity Act Council is required to make reasonable adjustments in such cases; but this rigid provision banning any Petition or Joint Letter relating to any matter that has been dealt with by Council in the preceding three months is inconsistent with Council's obligations to protect the human rights of residents.</p> <p>14.5 In addition, in Council's own Disability Action Plan (DAP) page 6 there is a reference to the Charter of Human Rights and Responsibilities Act (Charter) which sets out the basic rights, freedoms and responsibilities of all Victorians. The Charter requires the City of Whittlesea as a public authority, to consider human rights when it makes, interprets and applies laws, develops policies and provides day-to-day services.</p> <p>14.6 The City of Whittlesea Council must ensure that:</p> <ul style="list-style-type: none"> • All council decisions give proper consideration to human rights • All actions, policies and services are compatible with human rights • Local laws are interpreted and applied consistently with human rights • People who work on behalf of councils do so in a way that respects human rights. <p>14.7 Section 45 b) of the Procedural Matters Local Law (No. 1 of 2018) must be removed. It is a fundamental breach of human rights, is discriminatory and gives the CEO</p>	<p>change the order of business at the Council meeting by Council resolution.</p> <p>Sub-clauses (a) and (b) of Clause 45, which deal with petitions and joint, letters were included to avoid having to relist items on the agenda which Council has recently considered.</p> <p>However, this position has been reviewed based on the comments made by the submitter and it is recommended that Council, instead of the CEO, decide whether a matter dealt with in the preceding three months is reconsidered by Council.</p> <p>It is recommended that Clause 45 be amended to delete sub-clause (a) and (b) and to add a new sub-clause (e) to protect the disclosure of personal information.</p> <p>To ensure that the Local Law does not discriminate against people with cognitive disabilities, it is proposed that Council minutes be made available in alternative formats if requested.</p>
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<p>authority which undermines the objectives of a Council as expressed in Section 3C of the Local Government Act 1989 as follows:</p> <p>“(2) <i>In seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives—</i></p> <p style="padding-left: 40px;">(c) <i>to improve the overall quality of life of people in the local community;</i></p> <p style="padding-left: 40px;">(e) <i>to ensure that services and facilities provided by the Council are accessible and equitable; and</i></p> <p style="padding-left: 40px;">(g) <i>to ensure transparency and accountability in Council decision making.”</i></p>	
<p>Committee Recommendation</p> <p>That Council resolve to</p> <p>1. Amend Clause 45, which deals with petitions and joint letters, by changing sub-clause (a) to allow the CEO to reject or decline to include on the agenda any petition or joint letter if it repeats a question which has been asked and answered in the preceeding three months, deleting sub-clause (b) and adding a new sub-clause (e) to protect the disclosure of personal information.</p> <p>The Clause currently reads:</p> <p>45. <i>The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:</i></p> <p style="padding-left: 40px;">(a) <i>repeats a question which has been asked and answered in the preceding three months;</i></p> <p style="padding-left: 40px;">(b) <i>deals with a matter dealt with by the Council in the preceding three months;</i></p> <p style="padding-left: 40px;">(c) <i>is defamatory or malicious;</i></p> <p style="padding-left: 40px;">(d) <i>raises an issue of a confidential nature; or</i></p> <p style="padding-left: 40px;">(e) <i>is asked to embarrass a Councillor or Officer.</i></p> <p>The amended Clause will read:</p> <p>45. Subject to Clause 46, the Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:</p> <p style="padding-left: 40px;">a) repeats a question which has been asked and answered in the preceding three months;</p> <p style="padding-left: 40px;">b) is defamatory or malicious;</p>	

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<p>c) raises an issue of a confidential nature;</p> <p>d) is asked to embarrass a Councillor or Officer; or</p> <p>e) involves the unauthorised disclosure of personal information.</p> <p>2. On request, work with individuals to make Council minutes available in alternative formats if possible, to ensure that the Local Law does not discriminate.</p>	
Matter raised by submitter	
<p>15. Petitions and Correspondence. Section "47. A Member should not present and the Chairperson may disallow any Petition and Joint Petition on the grounds that it:</p> <p>(b) deals with a matter dealt with by the Council in the preceding three months"</p> <p>I strenuously object to the inclusion of this Section and request that it be removed. Section 76B of the Local Government Act 1989 sets out the primary conduct principles for Councillors when performing their role. One of which is "(b) impartially exercise his or her responsibilities in the interests of the local community"</p> <p>15.1 In addition, the current Councillor Code of Conduct located on Council's website at https://www.whittlesea.vic.gov.au/about-us/council/mayor-and-councillors/ lists one of the Conduct principles of a Councillor as "to facilitate effective communication between Council and the community."</p> <p>15.2 Section "47 (b) as proposed takes this right away from them and in doing so leads to a fundamental breach of human rights and indirectly discriminates against people with disabilities under Sections 9 and 44 of the EOA 2010.</p>	<p>Officer Comment</p> <p>Sub-clause (b) of Clause 47 was included in the draft to avoid relisting items on the agenda which Council has recently considered and decided.</p> <p>This clause has been reworded based on the comments made by the submitter.</p> <p>The Chief Executive Officer may decide whether a matter dealt with by Council in the preceding three months is reconsidered by Council if it repeats a question which has been asked and answered in the preceding three months.</p> <p>It is recommended that Clause 47 be amended to change sub-clause (a), delete sub-clause (b) and to add a new sub-clause (e) to protect the disclosure of personal information.</p>
Committee Recommendation	
<p>That Council resolve to amend Clause 47 by changing sub-clause (a), deleting sub-clause (b) and add new sub-clause (e) to protect the disclosure of personal information.</p>	

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47. A Member should not present and the Chairperson may disallow any Petition or Joint Letter on the grounds that it:

- (a) repeats a question which has been asked and answered in the preceding three months;
- (b) deals with a matter dealt with by the Council in the preceding three months;
- (c) is defamatory or malicious;
- (d) raises an issue of a confidential nature; or
- (e) is asked to embarrass a Councillor or Officer.

The amended Clause will read:

47. A Member should not present and the Chairperson may disallow Petition or Joint Letter on the grounds that it:

- a) repeats a question which has been asked and answered in the preceding three months;
- b) is defamatory or malicious;
- c) raises an issue of a confidential nature;
- d) is asked to embarrass a Councillor or Officer; or
- e) involves the unauthorised disclosure of personal information.

Matter raised by submitter

1. Listing of Notices of Motion on an Agenda. There are a number of aspects of Section 51 relating to the role of the CEO and his/her authority over Notices of Motion that are listed on the Agenda which are troubling, and which have the effect of placing unnecessary barriers on the functioning of democratic decision making.
- 16.1 The requirement under Section 51 that if a Member does not provide Notice of a Motion to the CEO prior to 12 noon on a day that is more than fourteen days prior to the date of the Meeting for which it is intended then it will automatically be held over until the next meeting date is a Procedural barrier that is completely unnecessary.
- 16.2 The current provision of 7 days' notice under Section 49 of Procedural Matters Local Law (No. 1 of 2012) is more than adequate especially since under Section 21. A copy of the Agenda for any Meeting must be given to all Members not less than 48 hours

Officer Comment

A change to the cut-off time for Notices of Motion (NOM's) was made to align with other changes made to the Council meeting cycle.

This year, Council meetings are held monthly and agenda papers are distributed to Councillors 12 days before the Council meeting.

The earlier cut-off for Notices of Motion (NOM's) is to allow NOM's to be included

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<p>before the commencement of the Meeting. The proposed change to 14 days' notice appears to be largely for bureaucratic convenience of Council administration and no rationale has been provided that would substantiate such a change.</p> <p>16.3 The Guidelines for Local Laws Manual 2010 indicates that Council needs to identify and clearly articulate what the problem is that needs to be solved by making a change such as doubling the amount of time required for a Councillor to give Notice of a Motion to the CEO. No such justification has been given.</p>	<p>in the agenda when it is published and distributed to Councillors.</p> <p>This would result in Councillors having the same time to review NOM's as they have to review other matters listed on the Council agenda.</p>
<p>Committee Recommendation</p> <p>That Council resolve not to amend Clause 51 of the proposed Local Law in relation to this matter as the earlier cut-off for Notices of Motion (NOM's) is to allow NOM's to be included in the agenda when it is published and distributed to Councillors.</p>	
<p>Matter raised by submitter</p>	
<p>17. Form of Motions and Amendments, Sections 36, 37 and 38 of the Procedural Matters Local Law (No. 1 of 2018) are commendable and I support their inclusion.</p>	<p>Officer Comment</p> <p>The submitter's support for Clauses 36, 37 and 38 is noted.</p>
<p>Committee Recommendation</p> <p>That Council resolve to note the submitter's support for Clauses 36, 37 and 38 .</p>	
<p>Matter raised by submitter</p>	
<p>18. Procedures for Moving Motions and Amendments. I support the inclusion of Section 39 (e) to (o) as I believe they will make the procedure for moving motions and amendments more effective, provided they are enforced.</p>	<p>Officer Comment</p> <p>The submitter's support for Clauses 39 (e) to (o) is noted.</p>
<p>Committee Recommendation</p> <p>That Council resolve to note the submitter's support for Clauses 39 (e) to (o).</p>	

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Matter raised by submitter	
<p>Part 2: Public Question Time Policy: Procedural Guidelines</p> <p>1. The Key linkages that are listed as relevant to this Council Policy are incomplete. The following should also be included:</p> <ul style="list-style-type: none"> • The Victorian Equal Opportunity Act 2010 • Council's 2017-21 Disability Action Plan • Charter of Human Rights and Responsibilities Act 2006 (Charter) • The Victorian Disability Act 2006 	<p>Officer Comment</p> <p>Reference in the Public Question Time Policy to the subject Acts is supported.</p>
<p>Committee Recommendation</p> <p>That Council resolve to include reference in Council's Public Question Time Policy to the <i>Victorian Equal Opportunity Act 2010</i>, <i>Council's 2017-21 Disability Action Plan</i>, the <i>Charter of Human Rights and Responsibilities Act 2006</i> and the <i>Victorian Disability Act 2006</i>.</p>	
Matter raised by submitter	
<p>2. Procedural Guidelines "2 <i>Public Question Time at Council Meetings is but one method that residents and ratepayers have to formally contribute to public debate or seek to input to, and obtain feedback from, Council.</i>"</p> <p>This statement is false and misleading because in practice the procedures that follow after it do not enable residents and ratepayers to formally contribute to public debate or seek input into Council.</p> <p>2.1 A public debate involves a discussion and an exchange of opinions, ideas and statements about an issue between interested parties. In fact, this is specifically excluded under Section 12 where it is made very clear that "<i>Statements and opinions are not permitted during question time and will not be read at the meeting.</i>"</p>	<p>Officer Comment</p> <p>It is not the intent of the Public Question Time Policy to allow members of the public to directly participate in debate during a Council meeting.</p> <p>The objective of Public Question time is to give the public the opportunity to raise relevant issues at a Council meeting in relation to a matter listed on a Council Notice Paper or to a significant strategic or governance matter affecting the City.</p> <p>In this sense, the public have an opportunity to inform debate on a particular matter.</p>

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		It is also worth noting that the <i>Local Government Act</i> makes no provision for public question time.
Committee Recommendation		
That Council resolve to amend the Public Question Time Guidelines in relation to this matter to require the Chief Executive Officer to notify the Mayor of any public questions received including any questions disallowed.		
Matter raised by submitter		
2.2	Likewise, being restricted to asking questions in writing only is an ineffective and discriminatory way of having "input" into Council meetings. It is also a breach of my human rights as person with a disability.	Officer Comment The Procedural Guidelines associated with the Policy require questions to be in writing and in English unless this unreasonably prevents or hinders a person from participating. Having questions submitted in writing and preferably on the prescribed form allows Council to have an accurate record of the question and to be able to identify the questioner so that a written response is provided. In addition, a written question better ensures that the question will be clearly set out. A non-written question may include statements and commentary particularly if there is an issue of controversy. Questions should be framed clearly and concisely which would preclude the need for questioners to address Council. Allowing questioners to address the
2.3	Under the Charter of Human Rights and Responsibilities Act 2006, Section 15 (2) every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether-	
	(a) orally; or	
	(b) in writing; or	
	(c) in print; or	
	(d) by way of art; or	
	(e) in another medium chosen by him or her.	
	This is regardless of whether they have a disability or not. It is a breach of Council's compliance obligation as a public authority under Section 4 of the Charter to impose written questions only.	
2.4	Under Article 19 of the International Covenant on Civil and Political Rights to which Australia is a signatory everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or	

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<p>through any other media of their choice</p> <p>2.5 Furthermore Council can only restrict these rights out of</p> <p>(a) Respect of the rights or reputations of others; or for</p> <p>(b) Protection of national security or of public order, or of public health or morals.</p> <p>Public Question Time cannot be restricted in the manner proposed without breaching this right. I have the right to ask a question of Council orally, in writing or in print, or through any other media of my choice.</p>	<p>meeting may result in an attempt to debate the matter from the gallery.</p> <p>The Guidelines state that if a person is unable to provide their question in writing and/or in English and would like to make alternate arrangements, they are able to contact Council before the Council meeting to discuss the means by which they may submit their question to the Council meeting.</p> <p>If a person does not speak English, Council offers various language services to help people communicate with Council including VITS and LanguageLinks. People with hearing or speech impairment may use the National Relay Service.</p>
<p>Committee Recommendation</p> <p>That Council resolve not to amend the Public Question Time Guidelines in relation to this matter as the Guidelines state that, if a person is unable to provide their question in writing and in English and would like to make alternate arrangements they are able to contact Council before the Council meeting to discuss the matter by which they may submit their question to the Council meeting.</p>	
<p>Matter raised by submitter</p>	
<p>2.6. In addition, Article 21 of the Convention on the Rights of Persons with Disabilities, to which Australia is a signatory, places an obligation on Council to take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice by:</p> <p>"Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their</p>	<p>Officer Comment</p> <p>The Guidelines state that, if a person is unable to provide their question in writing and in English and would like to make alternate arrangements, they are able to contact Council before the Council meeting to discuss the means by which</p>

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choice by persons with disabilities in official interactions"	they may submit their question to the Council meeting.
Committee Recommendation That Council resolve not to amend the Public Question Time Guidelines in relation to this matter as the Guidelines state that, if a person is unable to provide their question in writing and in English and would like to make alternate arrangements they are able to contact Council before the Council meeting to discuss the matter by which they may submit their question to the Council meeting.	
Matter raised by submitter	
<p>2.7 Furthermore, the Victorian Equal Opportunity Act 2010 - SECT 44, specifically makes it a breach of the Act for a person to discriminate in the provision of goods and services as follows:</p> <p>"(1) A person must not discriminate against another person-</p> <ul style="list-style-type: none"> (a) by refusing to provide goods or services to the other person; (b) in the terms on which goods or services are provided to the other person; (c) by subjecting the other person to any other detriment in connection with the provision of goods or services to him or her." <p>When the Chairperson at a Council meeting administers the Question Time Policy and refuses to allow me to ask my question with an explanatory statement and/or and opinion this is a potentially a breach of the Act.</p> 	Officer Comment <p>The objective of Public Question time is to give the public the opportunity to raise relevant issues with Council to inform debate on particular items. The intent of Policy is not to directly facilitate public debate.</p> <p>Allowing questioners to provide explanatory statements or opinions during public question time could distract Council from its deliberations.</p> <p>There are other ways that people can contact the Council to ask a question, receive a service or voice an opinion. Residents and ratepayers can contact the Mayor and Councillors directly or they can call Council, visit the Council offices or send a letter or email to Council.</p>
Committee Recommendation That Council resolve not to amend the Public Question Time Guidelines in relation to this matter as allowing questioners to provide explanatory statements or opinions during public question time could distract Council from its deliberations.	

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Matter raised by submitter	
<p>2.8 Likewise, Section 38 of the Victorian Disability Act 2006 states:</p> <p>"(1) A public sector body must ensure that a Disability Action Plan is prepared for the purpose of:</p> <ul style="list-style-type: none"> (a) reducing barriers to persons with a disability accessing goods, services and facilities; (c) promoting inclusion and participation in the community of persons with a disability; (d) achieving tangible changes in attitudes and practices which discriminate against persons with a disability." <p>The requirement of me having to submit questions in writing only with no accompanying statements or opinions to the Council meeting in order participate in Public Question Time is inconsistent with Section 38 (a), and (d) of the Victorian Disability Act 2006.</p> <p>2.9 Council's Disability Action Plan 2017-2021 (p 4) states:</p> <p><i>'The City of Whittlesea Disability Action Plan has been developed to align with the State Disability Plan and community consultation outcomes, recognising that Local Government plays an important role in contributing to and supporting some of the key directions outlined in the State Disability Plan.</i></p> <p><i>The DAP is the statement of the City of Whittlesea's commitment to:</i></p> <ol style="list-style-type: none"> 1. <i>Inclusive communities,</i> 2. <i>Good health, housing and wellbeing for people with disabilities,</i> 3. <i>Respect, equity and safety for all, and</i> 4. <i>Contributory community living as a right for all regardless of ability.</i> <p><i>These four commitments are the foundation and underpin the DAP as Council's action plan for achieving genuine inclusion and equity for all. In delivering outcomes targeted by the DAP Council will also adhere to the intent of international, national and state charters and legislation that safeguard and promote the human rights and equity of people with disability."</i></p> 	<p>Officer Comment</p> <p>The Guidelines state that, if a person is unable to provide their question in writing and in English and would like to make alternate arrangements, they are able to contact Council before the Council meeting to discuss the means by which they may submit their question to the Council meeting.</p>

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The highlighted bold section above is intended to remind Council that the Procedural Guidelines for the Public Question Time Policy do not match the commitments made in the DAP.	
Committee Recommendation That Council resolve not to amend the Public Question Time Guidelines in relation to this matter and note the submitters comments.	
Matter raised by submitter	
2.10 There are many Councils in Victoria that permit residents to speak at and/or submit oral questions at Council meetings. These are regarded as best practice because they comply with human rights obligations as listed above. 2.11 An example is the City of Darebin where at every Ordinary Meeting, up to 30 minutes is allocated for Public Question Time and any member of the public may speak for up to 2 minutes prior to any matter listed on the Agenda. This is in addition to the provision to lodge written questions. 2.12 A further example is the City of Yarra where Public Question Time takes place near the beginning of the meeting with an opportunity for members of the public to ask questions of the Yarra City Council about any matter that is not on the meeting agenda. Council will also allow anyone present at Council meetings to make a submission about any matter on the agenda by raising their hand and speaking for five minutes to address the Council and raise any matters they feel should be considered in reaching a decision. See https://www.yarracity.vic.gov.au/events/2017/12/05/~link.aspx?id=9D53BC862F204D9998869CB6E4ADEBD9&z=z Refer Attachment Two	Officer Comments It should be noted that the <i>Local Government Act</i> makes no provision for public question time. Council has decided to provide the public with the opportunity to submit questions at Council meetings.
2.13 Yet another example is the City of Port Philip, which provides opportunities for members of the public to speak at Council Meetings as follows: See http://www.portphillip.vic.gov.au/request-speak-council-meetings.htm Refer Attachment Three There are two ways to address Council at an Ordinary Council Meeting. <ol style="list-style-type: none"> 1. Ask a question during Public Question Time 2. Ask a question or make a public comment on an agenda item. 	

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<p>2.14 Likewise, at the City of Ballarat members of the public are entitled to ask up to 2 oral questions without notice but they can also make public oral submissions on reports by Officers on Agenda Items in open Council meetings as well. See http://www.ballarat.vic.gov.au/ac/council-meetings-agendas/process-of-a-council-meeting.aspx Refer Attachment Four</p> <p>2.15 The Procedural Guidelines for the Public Question Time Policy specifically excludes my right as a person with a disability to seek, receive and impart information in oral and or written form or in any other communication means of my choice.</p> <p>2.16 The City of Darebin, City of Yarra, City of Port Philip and the City of Ballarat all give me the option of both written and oral questions and submissions at ordinary Council meetings, yet my own City of Whittlesea Council where I have resided for over 20 years wants to continue to deny me these rights.</p> <p>2.17 In the disability sector, this right is fundamental to equal opportunity and social inclusion and is expressed as a Communication Bill of Rights. See below.</p>	
<p>Committee Recommendation</p> <p>That Council resolve not to amend the Public Question Time Guidelines in relation to this matter and note the submitters comments.</p>	
<p>Matter raised by submitter</p>	
<p>3. The deadline of no later than 3pm on the day of the ordinary Council meeting for lodging questions under Item 10 of the Procedural Guidelines creates an unnecessary barrier for people with disabilities. It is noted that the time to submit Questions to Councillors has been moved to 3pm to coincide with the Council resolution in 2017 bringing the Questions to Councillors item to the start of the meeting to allow time for Officers to provide a considered response to the question.</p> <p>3.1 However, there is no reciprocal declaration in these Procedural Guidelines for the CEO to publish the Agenda and Minutes of the previous Council meeting taking into account the reasonable adjustment provisions of Sections 9 and 45 of the EOA 2010.</p> <p>3.2 For example:</p>	<p>Officer Comments</p> <p>Questions received in another language or in another format may need to be translated or converted in time for the meeting. If a translator or interpreter is not available at the meeting, the questioner may be disadvantaged.</p> <p>The requirement for questions to be submitted well in advance of the Council meeting also allows time for questions proposed to be submitted in alternative</p>

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<p>The Agenda and Minutes of the previous Council meeting would need to be available and accessible to the public:</p> <ul style="list-style-type: none"> • At least 5 working days before the date of the meeting; and • Provided in a variety of accessible formats at that time consistent with Section 15 (2) of the Charter of Human Rights and Responsibilities Act 2006, <p>3.3 This would enable sufficient time for the Governance Team at Council at https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/ Refer Attachment Four which has responsibility for carrying out Council's commitment to ensuring that all residents and ratepayers can contribute to Council's democratic process to provide assistance to anyone with a disability who has any special requirements before a Council Meeting on 9217 2294.</p> <p>3.4 Reducing the time to no later than 3pm on the day of the ordinary Council meeting for lodging questions under Item 10 of the Procedural Guidelines clearly indirectly discriminates against people with disabilities because the reasonable adjustments highlighted in 2.1 and 2.2 above are not included in the Procedural Guidelines.</p>	<p>formats to be processed particularly where external expertise is required.</p>
<p>Committee Recommendation</p> <p>That Council resolve not to amend the Public Question Time Guidelines in relation to this matter and note the submitters comments.</p>	

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PMLL_18_04

From:
Sent: Tuesday, 8 May 2018 8:54 PM
To: Shared Mailbox - IS Information Management Info
Subject: Re changes to local laws

I'm writing against these changes.

In affect these changes are gagging the community whom do not agree with council decisions. Further the changes make it virtually impossible for people with disabilities to disagree with future council decisions.

The proposed change to the local laws not only stops freedom of speech but is also discriminatory.

To the Mayor and CEO whom are instigating this change, please be aware that although you're representing a low social economic area whose first language is generally not English, your dictatorship tactics have not gone unnoticed amongst the wider community.

Regards
Melissa Cardamone

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2018 Procedural Matters Local Law Review

No	Submitter Details
PMLL_18_004	Melissa Cardamone Via email
Summary of matters raised I'm writing against these changes. In affect these changes are gagging the community whom do not agree with council decisions. Further the changes make it virtually impossible for people with disabilities to disagree with future council decisions. The proposed change to the local laws not only stops freedom of speech but is also discriminatory. To the Mayor and CEO whom are instigating this change, please be aware that although you're representing a low social economic area whose first language is generally not English, your dictatorship tactics have not gone unnoticed amongst the wider community.	
Officer Comment This submission puts forward a personal observation or statement rather than proposing any specific amendments to the proposed local law.	
Committee Recommendation THAT Council resolve to note the submission and advise the submitter that the whole Council is reviewing the Local Law not just the Mayor and Chief Executive Officer.	

**SUBMISSIONS AND RECOMMENDATIONS
2018**

7 JUNE

PMLL_18_05

WDN Submission to the Review of Procedural Matters Local Law May, 9, 2018

Submission points for inclusion within the proposed Local Law document.

- a) Procedural Guideline 10 dot points 1,2 and 3:

WDN requests the retention of the 6:00 PM cut off time for receipt of questions and strongly advocates for earlier release of Council agendas.

- b) Procedural Guideline 10 dot point 4 to read:

"People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question."

- c) Procedural Matters Local Law (No. 1 of 2018) under "Definitions" to read:

"Joint Letter" means correspondence in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought"

- d) Procedural Matters Local Law (No. 1 of 2018) under "Definitions" to read:

"Petition" means a statement in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"

Background to this submission.

The May 8 regular meeting of the Whittlesea Disability Network discussed changes that have been proposed to the procedure for presentation of questions at Council meetings by the public as detailed in the draft **Procedural Matters Local Laws**

This submission responds to the **Procedural Matters Local Laws - May 2018** currently available for public information and consideration on Council's website. The WDN meeting expressed concerns about the impact of proposed changes on the accessibility of the procedure for presentation of questions to Council meetings by the public.

The meeting decided to make representation to the review process regarding concerns about potential barriers to the accessibility inherent within the draft procedure.

Schedule 3 Procedural Guidelines

WDN supports the range of alternative methods for receipt of questions.

Guideline 8

WDN notes and supports the reference to presenting questions in community languages.

WDN notes and supports the reference to presenting questions in alternative formats with the observation that the National Relay Service is not necessarily the preferred alternative format for all people with communication impairment.

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SUBMISSIONS AND RECOMMENDATIONS
2018

7 JUNE

PMLL_18_05

WDN Submission to the Review of Procedural Matters Local Law May, 9, 2018

For some people with severely impaired or no speech at all the National relay Service is not an option.

Guideline 10

WDN supports the concept that refers to submitting questions using alternative formats and alternative time lines by prior agreement.

WDN requests an amendment to the draft so that all aspects of presenting and processing questions in alternative formats and timelines are subsumed into one Guideline paragraph for ease of access to this information.

WDN requests that this new Guideline also addresses "reasonable (alternative) adjustment as required by The Disability Discrimination Act (1992) (The DDA).

The matter of "reasonable adjustment" is within the scope of the proposed new paragraph for Guideline 10 in that the term "preferred" is inclusive of the major alternative formats used by people with communication disability.

Suggested wording of the proposed paragraph for Guideline 10 might be:

"People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question."

Guideline 10 (cont.)

This guideline further proposes that the cut-off time for receipt of question by all alternative means is to be 3:00PM on the day of the Council meeting.

Part 3 of the proposed Meeting Procedures states that the agenda for each meeting will be published not less than 48 hours prior to the meeting. History has shown that the minimum 48 hours is rarely exceeded and is rather the norm.

The agenda is often released on Friday. People who need to convert information into their preferred alternative format may not have the resources to do so over the weekend meaning all preparation for a question on an agenda item is limited to Monday morning.

WDN contends that closing the receipt of questions at 3:00 PM on the day of the meeting which is effectively 45 hours after the release of the agenda, does not enable sufficient time for preparation of questions pertinent to agenda items. This particularly so for people using alternative formats.

WDN is also concerned at the potential for barriers to presentation in alternative formats and/or community languages where Council Administration is unable to process these questions in the reduced time available prior to the meeting.

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**SUBMISSIONS AND RECOMMENDATIONS
2018**

7 JUNE

PMLL_18_05

WDN Submission to the Review of Procedural Matters Local Law May, 9, 2018

Issue

WDN requests at least retention of the 6:00 PM cut off time for receipt of questions and strongly advocates for earlier release of agendas.

The 6:00 PM cut off time allows two full working days for the preparation of questions and translation into alternative formats.

Similarly the 3:00 PM cut off allows more time for Council administration to convert questions out of alternative formats and into English from community languages.

The preferred outcome would be the earlier release of agendas.

Definitions

WDN request that Joint letters and Petitions can be submitted by three people of the same address. There are many group homes in our community with four or five residents with disabilities who live together who are not related. It is our belief that having the restriction requiring separate addresses prevents residents who live in group homes being able to submit a Joint letter or Petition. Also having the restriction of only receiving Joint letters or Petitions in writing restricts the rights of an individual who cannot write or sign their name from being able to submit a joint letter or sign a petition. This can include someone who is Blind or Visual impaired.

SUBMISSIONS AND RECOMMENDATIONS

7 JUNE 2018

2018 Procedural Matters Local Law Submissions

No	Submitter Details
PMLL_18_005	Whittlesea Disability Network (WDN) 25 Ferres Boulevard South Morang Representative: Mr Trevor Carroll
<p>Summary of matters raised</p> <p>Whittlesea Disability Network (WDN) Submission to the Review of Procedural Matters Local Law May 2018</p> <p>Submission points for inclusion within the proposed Local Law document.</p> <ul style="list-style-type: none"> a) Procedural Guideline 10 dot points 1,2 and 3: <i>WDN requests the retention of the 6:00 PM cut off time for receipt of questions and strongly advocates for earlier release of Council agendas.</i> b) Procedural Guideline 10 dot point 4 to read: <i>"People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question."</i> c) Procedural Matters Local Law (No. 1 of 2018) under "Definitions" to read: <i>"Joint Letter" means correspondence in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought"</i> d) Procedural Matters Local Law (No. 1 of 2018) under "Definitions" to read: <i>"Petition" means a statement in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"</i> <p>Background to this submission.</p> <p>The May 8 regular meeting of the Whittlesea Disability Network discussed changes that have been proposed to the procedure for presentation of questions at Council meetings by the public as detailed in the draft Procedural Matters Local Laws</p> <p>This submission responds to the Procedural Matters Local Laws - May 2018 currently available for public information and consideration on Council's website. The WDN meeting expressed concerns about the impact of proposed changes on the accessibility of the procedure for presentation of questions to Council meetings by the public.</p> <p>The meeting decided to make representation to the review process regarding concerns about potential barriers to the accessibility inherent within the draft procedure.</p> <p>Schedule 3 Procedural Guidelines</p>	

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PMLL_18_05 Whittlesea Disability Network

SUBMISSIONS AND RECOMMENDATIONS

7 JUNE 2018

2018 Procedural Matters Local Law Submissions

WDN supports the range of alternative methods for receipt of questions.

Guideline 8

WDN notes and supports the reference to presenting questions in community languages.

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For some people with severely impaired or no speech at all the National relay Service is not an option.

Guideline 10

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WDN requests an amendment to the draft so that all aspects of presenting and processing questions in alternative formats and timelines are subsumed into one Guideline paragraph for ease of access to this information.

WDN requests that this new Guideline also addresses "reasonable (alternative) adjustment as required by The Disability Discrimination Act (1992) (The DDA).

The matter of "reasonable adjustment" is within the scope of the proposed new paragraph for Guideline 10 in that the term "preferred" is inclusive of the major alternative formats used by people with communication disability.

Suggested wording of the proposed paragraph for Guideline 10 might be:

"People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question."

This guideline further proposes that the cut-off time for receipt of question by all alternative means is to be 3:00PM on the day of the Council meeting.

Part 3 of the proposed Meeting Procedures states that the agenda for each meeting will be published not less than 48 hours prior to the meeting.

History has shown that the minimum 48 hours is rarely exceeded and is rather the norm.

The agenda is often released on Friday. People who need to convert information into their preferred alternative format may not have the resources to do so over the weekend meaning all preparation for a question on an agenda item is limited to Monday morning.

WDN contends that closing the receipt of questions at 3:00 PM on the day of the meeting which is effectively 45 hours after the release of the agenda, does not enable sufficient time for preparation of questions pertinent to agenda items. This particularly so for people using alternative formats.

WDN is also concerned at the potential for barriers to presentation in alternative formats and/or community languages where Council Administration is unable to process these questions in the reduced time available prior to the meeting.

Issue

WDN requests at least retention of the 6:00 PM cut off time for receipt of questions and strongly advocates for earlier release of agendas.

The 6:30 PM cut off time allows two full working days for the preparation of questions and translation into alternative formats.

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PMLL_18_05 Whittlesea Disability Network

SUBMISSIONS AND RECOMMENDATIONS

7 JUNE 2018

2018 Procedural Matters Local Law Submissions

Similarly the 3:00 PM cut off allows more time for Council administration to convert questions out of alternative formats and into English from community languages.

The preferred outcome would be the earlier release of agendas.

Definitions

WDN request that Joint letters and Petitions can be submitted by three people of the same address. There are many group homes in our community with four or five residents with disabilities who live together who are not related. It is our belief that having the restriction requiring separate addresses prevents residents who live in group homes being able to submit a Joint letter or Petition. Also having the restriction of only receiving Joint letters or Petitions in writing restricts the rights of an individual who cannot write or sign their name from being able to submit a joint letter or sign a petition. This can include someone who is Blind or Visual impaired.

- a) *The submitter requests the retention of the 6:30pm cut off time for receipt of questions and strongly advocates for earlier release of Council agendas.*

The proposed local law moves the cut-off for public questions forward from 6.30pm to 3.00pm to allow adequate time for Council officers to thoroughly investigate issues raised by questioners and to provide a full and meaningful response at the Council meeting.

The agenda is usually published on the Council website on Monday morning before the Council meeting. This allows sufficient time for member of the public to review the agenda and formulate relevant questions even if questions need to be formulated into different formats.

- b) *The submitter requests that Procedural Guideline 10 dot point 4 be amended to read "People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question."*

Dot point 4 of Guideline 10 provides for a question to be 'submitting it in any other form we have agreed with you within the times we have also agreed with you.

The proposed amendment is reasonable and will demonstrate that Council will make reasonable (alternative) adjustment to allow persons to submit a public question at a Council meeting.

- c) *The submitter requests that s8(n) which defines 'Joint letter' be amended to read:*

"Joint Letter" means correspondence in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought"

To ensure that no person is prevented from participating in public life, it is proposed to amend clause 8(n) to allow a person who is unable to submit a joint letter in the prescribed form to submit that petition in their preferred format.

- d) *The submitter requests that that s8(aa) which defines 'Petition' be amended to read:*

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PMLL_18_05 Whittlesea Disability Network

SUBMISSIONS AND RECOMMENDATIONS

7 JUNE 2018

2018 Procedural Matters Local Law Submissions

three persons setting forth a matter on which a remedy or relief is sought"

To ensure that no person is prevented from participating in public life, it is proposed to amend clause 8(n) to allow a person who is unable to submit a joint letter in the prescribed form to submit that petition in their preferred format.

d) *The submitter requests that that s8(aa) which defines 'Petition' be amended to read:*

"Petition" means a statement in writing or another format using a reasonable adjustment, addressed to the Council and signed by not less three persons setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"

To ensure that no person is prevented from participating in public life, it is proposed to amend clause 8(aa) to allow a person who is unable to submit a petition in the prescribed form to submit that petition in their preferred format.

Committee Recommendation:

That Council resolve to:

1. Not change the cut-off for public questions from 3.00pm on the day of the Council meeting;
2. Amend Procedural Guideline 10 dot point 4 to read "People with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question;
3. Amend Clause 8(n) to read:
 - 8 (n) "Joint Letter" means correspondence in writing, or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought."
4. Amend Clause 8(aa) to read:
 - 8 (aa) "Petition" means a statement in writing, or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought but excludes an Online Petition"



PROCEDURAL MATTERS LOCAL LAW

(NO. 1 OF 2018)

Final – 3 July 2018

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PROCEDURAL MATTERS LOCAL LAW (NO. 1 OF 2012)**PART 1 - PRELIMINARY****Title**

1. This is Local Law No. 1 of 2018 and is known as the "Procedural Matters Local Law".

Objectives

2. This Local Law is made for the purposes of:
 - (a) regulating:
 - (i) providing the use and keeping of the Common Seal;
 - (ii) proceedings at Meetings of the Council and Special Committees;
 - (iii) proceedings for the election of the Mayor and Chairpersons;
 - (b) for the administration of the Council's powers and functions; and
 - (c) generally maintaining the peace, order and good government of the Municipal District.

Authorising Provision

3. This Local Law is made under sections 5(3), 91(1) and 111(1) of the Act.

Commencement

4. This Local Law commences on the day on which the Council completes the procedure set out in section 119(3) of the Act for giving notice of the making of this Local Law by a notice in the Victoria Government Gazette and a public notice.

Revocation of Earlier Local Law

5. On the commencement of this Local Law, the Council's Procedural Matters Local Law No.1 of 2012 is revoked.

Cessation of Local Law

6. Unless this Local Law is earlier revoked, it will cease to operate ten years after the day on which it is made.

Application

7. This Local Law applies throughout the whole of the Municipal District.

Definitions

8. In this Local Law -
 - (a) "**Act**" means the *Local Government Act 1989*;

- (b) **"Advisory Committee"** means a committee established by the Council which is not a Special Committee;
- (c) **"Advisory Committee Meeting"** means a meeting of an Advisory Committee;
- (d) **"Agenda"** means a document in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying papers;
- (e) **"Assembly of Councillors"** has the meaning ascribed to it by the Act;
- (f) **"Authorised Officer"** means a person appointed by the Council under section 224 of the Act;
- (g) **"Chairperson"** means the person who chairs a Meeting;
- (h) **"Code of Conduct"** means the Code of Conduct approved by the Council under section 76C of the Act;
- (i) **"Common Seal"** means the Common Seal of the Council;
- (j) **"Council"** means the Whittlesea City Council;
- (k) **"Council Meeting"** means any Ordinary Meeting or Special Meeting of the Council;
- (l) **"Delegate"** means:
 - (i) any member of the Council's staff to whom a delegation has been made under section 98 of the Act; or
 - (ii) a Special Committee to which a delegation has been made under section 86 of the Act;
- (m) **"In writing"** includes communications sent electronically;
- (n) **"Joint Letter"** means correspondence in writing or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought;

~~"Joint Letter" means correspondence in writing addressed to the Council and signed by not less than three persons of separate addresses setting forth a matter on which a remedy or relief is sought;~~
- (o) **"Mayor"** means the Mayor of the Council;
- (p) **"Meeting"** includes an Ordinary Meeting, a Special Meeting and a Special Committee Meeting but does not include an Assembly of Councillors;
- (q) **"Member"** means a Councillor or a person appointed to a Special Committee who, apart from circumstances in which the conflict of interest provisions of the Act apply, is entitled to vote on matters which are dealt with at the Meeting;
- (r) **"Minutes"** means the record of the proceedings of a Meeting;

- (s) **"Municipal District"** means the municipal district of the Council;
- (t) **"Notice of Motion"** means a notice setting out the content of a motion which a Member proposes to move at a Meeting;
- (u) **"Offence"** means an act contrary to, or in default of, this Local Law;
- (v) **"Officer"** means a person employed on the Council's staff;
- (w) **"Online Petition"** means a petition which is signed online through a form on a website or a similar process;
- (x) **"Ordinary Meeting"** means a Meeting of the Council at which general business may be transacted;
- (y) **"Penalty Unit"** means a penalty unit as defined by the *Monetary Units Act 2004*;
- (z) **"Person"** includes a Member or Officer;
- (aa) **"Petition"** means a statement in writing or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought but excludes an Online Petition.

~~**"Petition"** means a statement in writing addressed to the Council and signed by not less than three persons of separate addresses setting forth a matter on which a remedy or relief is sought but excludes an Online Petition;~~
- (bb) **"Procedural Motion"** means a motion as set out in Schedule 2;
- (cc) **"Sent electronically"** in respect of communication to and from Members means transmitted by electronic means to or from the relevant Member portal or other electronic mail address of the Member;
- (dd) **"Special Committee"** means a committee established by the Council under section 86 of the Act;
- (ee) **"Special Committee Meeting"** means a Meeting of a Special Committee;
- (ff) **"Special Meeting"** means a special meeting of the Council convened in accordance with the Act;
- (gg) **"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; and
- (hh) **"Visitor"** means any person other than a Member or an Officer who is invited to be present at and addresses a meeting.

PART 2 - COUNCIL COMMON SEAL**Form of Common Seal**

9. The Common Seal must be in a form specified by Council resolution but must include the words "Whittlesea City Council".

Common Seal Security

10. The Chief Executive Officer must ensure that the Common Seal is kept at the Council's offices in a secure way.

Use of the Common Seal

11. The Common Seal must only be used:
- (a) by resolution of the Council;
 - (b) by an Officer to whom power to use the Common Seal has been delegated;
or
 - (c) in accordance with clause 15.

Unauthorised use of the Common Seal

12. Unless in accordance with clause 11, a person must not use or affix to a document, the Common Seal or any device resembling the Common Seal.

Penalty: 20 Penalty Units

Signature to Accompany the Common Seal

13. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of any Delegate, the document to which it is affixed must be signed by the Delegate in the form contained in Schedule 1.
14. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of the Council, the document to which it is affixed must be signed by one Councillor and the Chief Executive Officer in the form contained in Schedule 2.
15. If for a purpose other than of giving legal force or effect to a document, the Common Seal is used with the authority of a Councillor and the Chief Executive Officer (to whom power to seal any such document on behalf of the Council for such a purpose is hereby given), the document to which it is affixed must be witnessed by a Councillor and the Chief Executive Officer.

PART 3 - MEETING PROCEDURES**Code of Conduct**

16. A Councillor must comply with the Code of Conduct during the course of any Meeting.

Date, Time and Place of Council Meetings

17. The date, time and place of Council Meetings are to be determined by resolution of the Council (*).

** Note - Council gives notice of ordinary and special Council meetings by publishing a notice on Council's website and in the Whittlesea Leader newspaper. A public notice listing all Council meeting dates for the year is published at the start of the year and a notice is placed in Council's weekly column in the Whittlesea Leader before each meeting. Notice is also provided at the Council libraries and on the notice board at the front entrance to the Council Offices.*

18. The Council may by resolution alter the date, time and place of any Council Meeting that has been fixed and must provide reasonable notice to the public.
19. Subject to clause 20, a Council Meeting must not proceed beyond 10:30pm on any given day.
20. The Council may, by resolution, extend the duration of a Council Meeting beyond 10:30pm, but only for intervals of not more than 30 minutes at a time.

Notice of Council Meetings

21. A copy of the Agenda for any Meeting must be given to all Members not less than 48 hours before the commencement of the Meeting.
22. A copy of the Agenda is duly given if, not less than 48 hours before the commencement of the Meeting, it is:
- (a) handed to the Member;
 - (b) delivered to the Member's postal or residential address; or
 - (c) sent electronically to the Member.
23. The obligations in clause 22 must be complied with:
- (a) in the case of a Council Meeting, by the Chief Executive Officer or his or her Delegate; and
 - (b) in the case of a Special Committee Meeting, by the Chief Executive Officer or his or her Delegate.
24. Notice of the date, time and place of all Council Meetings will be published in accordance with the Act.

Adjournment of Meetings

25. If a quorum (*)
- (a) cannot be formed within 30 minutes after the time fixed in the Agenda for the commencement of a Meeting, or
 - (b) cannot be maintained due to the absence of Members,
- then the majority of Members present or, if there are not any Members present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, any other Officer present at the Meeting, may adjourn the Meeting to:
- (c) another time (having regard to the requirements of clause 19); or
 - (d) another date within seven days from the date of adjournment.

** Note - In accordance with Section 91(3A) of the Local Government Act 1989, a quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or special committee.*

26. Where a quorum cannot be maintained as a result of a declaration of a conflict of interest by a majority of Members at a Meeting the Mayor, Chairperson, Chief Executive Officer or, in their absence, an Officer, may adjourn consideration of that item for a length of time sufficient to enable dispensation to be obtained from the Minister administering the Act pursuant to section 80(2) of the Act.
27. Where the Chairperson is of the opinion that disorder in the Council Chamber or in the public gallery makes it desirable to adjourn a Meeting, the Chairperson may adjourn the Meeting in the same manner as prescribed in clause 25 (except that a reference to "Chief Executive Officer" shall be construed as a reference to the "Chairperson").
28. Where a Meeting is adjourned, the Chief Executive Officer or his or her Delegate, having regard to the circumstances of the adjournment must make all reasonable efforts to give all Members of the Council or Special Committee, as appropriate, and the public (where required by the Act) notification in a form which, in the discretion of the Chief Executive Officer, is appropriate advising of the adjourned time or adjourned date and time.

Agenda and Minutes

29. Subject to clauses 30 and 34, the Chief Executive Officer must determine the form of Minutes and Agenda for Meetings.
30. The Minutes must record:
- (a) in the case of a Special Committee Meeting, the name of the relevant committee;
 - (b) the date, time and place of the Meeting, the time it commenced and any times at which it was adjourned and resumed;
 - (c) the names of the Members present and a record of their attendance relative to items considered during the entire Meeting;
 - (d) the names of Officers present and their titles;

- (e) details of any action taken by any Member in compliance with the conflict of interest provisions of the Act;
- (f) formal reports by Members who report as delegates or by Officers;
- (g) the names of Members who move and second any motion or amendment;
- (h) the text of any motion or amendment which is proposed, whether or not it is seconded;
- (i) whether or not a motion or an amendment which has been proposed and seconded is carried or lost;
- (j) a reference to any formal submission made verbally by a Visitor pursuant to a statutory right;
- (k) details of any deputations made to the Council;
- (l) details of failure to achieve a quorum, and a time and reason for any adjournment;
- (m) details of questions from Members to Officers during hearing of 'Questions to Officers';
- (n) details of questions from the public to Members during hearing of "Questions to Councillors"; and
- (o) any other matter, including Chief Executive Officer Notes, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes.

Conduct of Business

- 31. Only the business contained in the Agenda for an Ordinary Meeting or Special Committee Meeting may be dealt with unless the Meeting resolves to deal with Urgent Business.
- 32. After the Agenda is published the Chief Executive Officer may, with the agreement of the Chairperson, withdraw a matter listed on the Agenda.
- 33. If a matter listed on the Agenda is withdrawn in accordance with clause 32, the Chief Executive Officer must:
 - (a) tell Councillors of its withdrawal and the reasons for it by notice sent electronically as soon as practicable after withdrawal; and
 - (b) provide an explanation for its withdrawal to the Meeting which the matter was listed.

Business of Meetings

- 34. The business of:
 - (a) an Ordinary Meeting may include:
 - (i) confirmation of previous Minutes;
 - (ii) attendance and apologies;

- (iii) where applicable, declarations of conflict of interest;
 - (iv) presentation of general reports, including, where applicable, reports of a confidential nature where the Meeting is closed to the public under section 89(2) of the Act;
 - (v) consideration of Petitions and Joint Letters, including those submitted without notice by Councillors;
 - (vi) Notices of Motion;
 - (vii) reports from Councillors appointed by the Council to other bodies;
 - (viii) public question time;
 - (ix) questions from Members to Officers;
 - (x) questions from the public to Members;
 - (xi) Urgent Business; and
 - (xii) any other matter that the Council by resolution, or the Chief Executive Officer in his or her discretion, determines.
- (b) a Special Committee Meeting must include:
- (i) confirmation of previous Minutes;
 - (ii) attendance and apologies;
 - (iii) where applicable, declarations of conflict of interest;
 - (iv) presentation of general reports, including those of a confidential nature where the Meeting is closed to the public under section 89(2) of the Act; and
 - (v) Urgent Business dealt with under clause 31.
35. The Chief Executive Officer may determine the order in which the business of a Meeting is to be listed in the Agenda.

Form of Motions and Amendments

36. A motion or an amendment which is proposed by a Member at a Meeting must:
- (a) be expressed clearly and unambiguously;
 - (b) not be defamatory or objectionable in nature; and
 - (c) be relevant to an item on the Agenda, unless it is resolved to be Urgent Business.
37. A motion or amendment:
- (a) which differs in wording from a recommendation or Notice of Motion which is on the Agenda must be read aloud by the proposer; and

- (b) may be written out by the proposer and given to the Chairperson and, on the request of a Member, must be written out by the Chief Executive Officer or his or her Delegate and made available to Members.

A copy of the motion or amendment may be given to all Members present or otherwise displayed so that Members can read it before any further debate takes place or the vote on it is taken.

- 38. The Chairperson may reject a motion or amendment which does not conform to the requirements of clauses 36 or 37.

Procedures for Moving Motions and Amendments

- 39. The procedure upon any motion or amendment is as follows:
 - (a) the mover must state the motion;
 - (b) the Chairperson must call for a seconder, unless the motion is a call to enforce a point of order;
 - (c) if there is no seconder, the motion lapses;
 - (d) if there is a seconder, the Chairperson must ask whether the motion is opposed;
 - (e) if no Member indicates opposition to a motion or amendment which has been seconded, the Chairperson must ask the mover to speak to their motion and after they have spoken put the motion or amendment to the vote without debate;
 - (f) if any Member indicates opposition to a motion or amendment which has been seconded:
 - (i) the Chairperson must call for any questions regarding the matter to be asked through the Chairperson to the Chief Executive Officer;
 - (ii) any questions received from Members will be referred by the Mayor to the Chief Executive Officer;
 - (iii) the Chief Executive Officer will respond to any referred questions or determine which member of staff should respond; and
 - (iv) the Chairperson must then ask the mover to speak to the motion;
 - (g) after the mover has spoken to the motion, the seconder may speak to the motion;
 - (h) after the seconder has spoken to the motion or, if after the mover has addressed the Meeting, the seconder does not speak to the motion, after the mover has spoken to the motion, the Chairperson must call upon any Member who wishes to speak for or against the motion;
 - (i) any Member, except the mover or the seconder of the original motion may move or second an amendment;
 - (j) in regard to a motion a Member may speak once except that where there has been a speaker in opposition the mover of the motion has a right of reply prior to the motion being put to a vote;

- (k) in regard to an amendment a Member may speak once on the amendment and the mover of the amendment does not have a right of reply prior to the amendment being put to a vote;
- (l) a Member may be permitted by the Chairperson to speak more than once to explain that the Member has been misrepresented or misunderstood;
- (m) before any motion or amendment is put to the vote, it may be withdrawn by the mover, unless any Member objects to the withdrawal. If any Member objects to the withdrawal of the motion or amendment, it may not be withdrawn;
- (n) amendments must be dealt with one at a time; and
- (o) any subsequent amendment must not be dealt with until the preceding amendment is resolved.

Confirmation of Minutes

40. The Minutes of a Meeting must be confirmed in the following manner:
- (a) the Chief Executive Officer must give a copy of the Minutes of the Meeting to all Members not less than 48 hours before the commencement of the Meeting at which the Minutes are to be confirmed;
 - (b) a copy of the Minutes is duly given if it is:
 - (i) handed to the Member;
 - (ii) delivered to the Member's postal or residential address; or
 - (iii) sent electronically to the Member;
 - (c) the Chairperson must not allow any discussion on the Minutes, except concerning their accuracy;
 - (d) if a Member does not consider that the Minutes are accurate, the Member must specify the particular item in the Minutes and, after asking any questions to clarify the matter, must move a motion to rectify any errors or inaccuracy in the Minutes; and
 - (e) where such a motion is moved it must be dealt with in accordance with clauses 36 and 37.

Public Question Time

41. A member of the public may submit a question or questions to the Council at an Ordinary Meeting in accordance with policy and procedures adopted from time to time by the Council.
42. The Public Question Time Policy in place at the time of adoption of the Local Law is set out in Schedule 3.

Petitions and Correspondence

43. All written and electronic correspondence, including a Petition or Joint Letter, which is addressed to a Member personally and which requires a decision of, or a direction from, the Council must be referred to the Chief Executive Officer.
44. The Chief Executive Officer must determine whether any Petition or Joint Letter or correspondence addressed to a Member personally needs to be included on the Agenda.
45. The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:
- (a) repeats a question which has been asked and answered in the preceding three months;
 - ~~(b) deals with a matter dealt with by the Council in the preceding three months;~~
 - (b) is defamatory or malicious;
 - (c) raises an issue of a confidential nature;
 - (d) is asked to embarrass a Councillor or Officer; or
 - (e) involves the unauthorised disclosure of personal information.
- 45A When the Chief Executive Officer rejects or decides not to include a Petition or Joint Letter under the provision of clause 45, they must within 2 business days advise the person submitting the Petition or Joint Letter of that decision and the grounds and provide a recommended alternative wording and/or format that would be acceptable.
46. The Chairperson must allow a Member submitting a Petition and Joint Letter without notice to read the contents of the Petition and to inform the Meeting of the number of signatories to the Petition.
47. A Member should not present and the Chairperson may disallow any Petition and Joint Petition on the grounds that it:
- (a) repeats a question which has been asked and answered in the preceding three months;
 - ~~(b) deals with a matter dealt with by the Council in the preceding three months;~~
 - (b) is defamatory or malicious;
 - (c) raises an issue of a confidential nature;
 - (d) is asked to embarrass a Councillor or Officer; or
 - (e) involves the unauthorised disclosure of personal information.
48. A motion to deal with a Petition or Joint Letter submitted without notice by a Member to a Meeting, apart from a motion receiving a Petition and directing it to the Chief Executive Officer for attention, must not be further considered unless resolved to be an item of Urgent Business.

49. Where a Petition or Joint Letter submitted without notice relates to an item of business already on the Agenda for the Meeting, the Petition or Joint Letter is to be referred to that item and considered by the Meeting as part of its deliberation on that matter.
50. Any Petition or Joint Letter received by any Member or Officer must be submitted to the relevant Meeting for consideration.

Listing of Notices of Motion on an Agenda

51. A Member may submit to the Chief Executive Officer a Notice of Motion in writing for consideration at a Meeting.
 - (a) Subject to clause 51(c), a Notice of Motion, which is received in writing by the Chief Executive Officer prior to 12 noon on a day that is not less than fourteen days prior to the date of the Meeting for which it is intended, must be included on the Agenda for that Meeting unless the Notice of Motion specifies a different Meeting date.
 - (b) If a Notice of Motion is received after the time specified in (a) above, it must, unless it is withdrawn in writing by the Member, be included in the Agenda for the next available Meeting of the same type.
 - (c) The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of clauses 36(a) and 36(b) or 37.
 - (d) If the Chief Executive Officer rejects a motion under clause 51(c), he or she must:
 - (i) notify the Councillor who lodged the Notice of Motion of the rejection and reasons for it; and
 - (ii) give the Councillor who lodged the Notice of Motion a reasonable opportunity to amend it, where it is practicable to do so, so that it conforms to the requirements of clauses 36 or 37.
 - (e) Having regard to the requirements of clause 21, a Notice of Motion may only be withdrawn if:
 - (i) notice of the withdrawal is received in writing prior to the publication of the Agenda for which the Notice of Motion was intended to be included; or
 - (ii) a motion put to the Meeting, and Council resolves, to withdraw the Notice of Motion.
 - (f) The Chief Executive Officer must arrange for every Notice of Motion received to be endorsed with the date and time of its receipt and for it to be kept or entered, in the order received, in a register.
52. The Chief Executive Officer may include on the Agenda for a Meeting any comments which provide information about the issues dealt with in a Notice of Motion.
53. Where a Member who has given a Notice of Motion is present at the Meeting, the Member must move the motion contained in the Notice of Motion.

54. Where a Member who has given a Notice of Motion is not present at the Meeting at the time the matter is due to be dealt with, any other Member may move the motion contained in the Notice of Motion.

Reports of Mayor and Representatives – Ordinary Meetings

55. At an Ordinary Meeting, the Mayor and any Councillor who is a delegate or representative of the Council on another body may report to the Ordinary Meeting about an issue which is important to the Council, despite the report not being on the Agenda.
56. A copy of any such report may be submitted to the Chairperson before the close of the Ordinary Meeting and included in the Minutes.
57. The Chairperson must only accept a motion to receive the report and must not accept any other motion arising from the report, unless the motion is resolved to be Urgent Business.
58. The presentation of a report by a Councillor under clause 55 must not exceed five minutes, unless the Chairperson allows an extension of time.

Points of Order

59. A point of order is a question raised in a Meeting by a Member as to whether the procedures set out under this Local Law have been, or are being, breached.
60. A Member may take a point of order at any time during the course of a Meeting by stating briefly the subject of the point of order.
61. A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to a motion or an amendment.
62. Where a point of order is taken, any Member speaking at the time must stop until the Chairperson rules upon the point of order.
63. The Chairperson may adjourn the Meeting to consider a point of order, but must rule upon it as soon as possible and before the Meeting continues with ordinary business.
64. When ruling upon a point of order, the Chairperson must state the basis of and give reasons for the ruling.

Ruling of the Chairperson

65. Subject to clause 66, the ruling of the Chairperson on any procedural matter arising during a Meeting is final and binding.

Dissent from Chairperson's Ruling

66. A Member may move a motion to the effect that the Meeting dissent from the Chairperson's ruling.
67. A motion of dissent in the Chairperson's ruling shall, if seconded, be given priority.
68. When a motion of dissent is moved and seconded, the following process must be followed:

- (a) the Chairperson must leave the Chair and a temporary Chairperson must take his or her place;
- (b) the temporary Chairperson must invite the mover of the motion of dissent to outline the reasons for his or her dissent and the Chairperson must reply;
- (c) the matter is then decided by a vote on the following question:
‘That the Chairperson’s ruling be upheld’;
- (d) following a decision on the motion of dissent, the Chairperson will resume the Chair for the remainder of the Meeting;
- (e) if the motion under clause (c) is:
 - (i) lost, the Chairperson must reverse or vary (as the case may be) his or her previous ruling and proceed; or
 - (ii) carried, the Meeting will proceed; and
- (f) the defeat of the Chairperson’s ruling is in no way a motion of censure or no-confidence in the Chairperson, and should not be so regarded by the Meeting.

Voting

- 69. Voting shall be conducted in accordance with the Act.
- 70. Voting shall be by a show of hands unless otherwise permitted under the Act.

Use of the casting vote

- 71. The Chairperson must exercise a casting vote if there is an equality of votes, except in the circumstances set out in the Act.¹

Recording Opposition to Vote

- 72. At any Meeting a Member may ask that the Member’s name be recorded in the Minutes as having voted in the negative immediately after the Chairperson has put any motion or amendment to the vote and has announced the result of that vote.

Division

- 73. The calling of a division sets aside the result of the voting announced by the Chairperson and voting by division determines whether the motion or amendment is carried or lost.

When a Division is permitted

- 74. Immediately after a motion (except for a Procedural Motion) or amendment has been put to a Meeting but before the next item of business is commenced, a Member may call for a division.

¹ Section 90(2) of the Act sets out when the matter is to be determined by lot.

Procedure for a Division

75. Where a division is called for, the Chairperson must:
 - (a) first ask each Member wishing to vote in the affirmative to raise a hand and, upon such request being made, each Member so wishing must show a hand and the Chairperson must then state the names of those Members so voting;
 - (b) next ask each Member wishing to vote in the negative to raise a hand and, upon such request being made, each Member so wishing must show a hand and the Chairperson must then state the names of those Members so voting; and
 - (c) then record the names of Members voting in the affirmative and in the negative and abstaining from voting in the Minutes of the Meeting.
76. The Chairperson must announce to the Meeting the result of the voting immediately after the division has been taken.

Procedural Motions

77. Unless otherwise prescribed by this Local Law, Procedural Motions may be moved at any time and must be dealt with in accordance with Schedule 4 to this Local Law.

Foreshadowed Motions

78. At any time during a debate a Member may foreshadow a motion so as to inform the Meeting 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.
79. A foreshadowed motion may be prefaced with a statement that, in the event of a particular motion being resolved in a certain way, the Member intends to move an alternative or additional motion.
80. A motion foreshadowed has no procedural standing and is merely a means to assist in the flow of the Meeting.
81. The Chief Executive Officer is not required to record in the Minutes a foreshadowed motion, but may do so if he or she considers it appropriate.

Rescission of or Variation to Previous Resolution

82. Unless a resolution has already been acted upon, a motion to rescind or vary a previous resolution may be made by:
 - (a) Notice of Motion; or
 - (b) a recommendation in an Officer's report which is on the Agenda.
83. The Chief Executive Officer must not accept a Notice of Motion to rescind or vary a previous resolution unless the Notice of Motion is received in writing before 12 noon on the third working day following the Meeting at which that previous resolution was made.

- 84. On receipt of a notice of motion to rescind or vary the previous resolution under Clause 82, above, the Chief Executive Officer will undertake the steps necessary to enable the Council to consider the proposed motion at a Special Meeting.
- 84A A Notice of Motion to rescind cannot be proposed as an item of Urgent Business.
- 85. A motion which, if passed, would have the effect of nullifying a previous resolution (without directly rescinding it) or would be in conflict with a previous resolution, must be treated in accordance with clauses 83 and 84.
- 86. A Member may withdraw a Notice of Motion to rescind or vary a resolution in accordance with clause 51(c).

Speaking Times

- 87. Unless a motion for an extension of time has been carried, the speaking times during a Meeting must not exceed:
 - (a) for the mover of a motion or an amendment - five minutes;
 - (b) for the mover of a motion exercising a right of reply - two minutes; and
 - (c) for any other Member on any other matter - three minutes.

Extension of Speaking Time

- 88. An extension of speaking time may be granted by resolution of the Council but only one extension for each speaker is permitted.
- 89. Any extension of speaking time must not exceed two minutes.
- 90. A motion for an extension must not be accepted by the Chairperson if another speaker has commenced speaking.

Manner of Address

- 91. In addressing a Meeting, a person must:
 - (a) do so through the Chairperson;
 - (b) refer to the Chairperson as Mayor, Mr Mayor, Madam Mayor, Chair, Mr Chairperson or Madam Chairperson, as appropriate;
 - (c) refer to another Member as Councillor [surname] or for Members who are not Councillors as Mr, Mrs, Ms or Miss [surname], as appropriate;
 - (d) refer to an Officer by that Officer's position with the Council; and
 - (e) refer to any other person in a courteous manner.

Additional Rules of Debate

- 92. A Member must not make any defamatory, indecent, abusive, offensive, or disorderly statement or comment.
- 93. The Chairperson may require a Member to withdraw any such statement or comment and, if so required, a Member must immediately and unreservedly do so.

94. The Chairperson must decide the order in which Members may speak.
95. Where debate is adjourned by a resolution, the Member moving the adjournment has the right to speak first when the debate is resumed.
96. A Member must not be interrupted while speaking, except by the Chairperson or upon a point of order being taken.
97. The Chairperson may speak on any matter under discussion.
98. When exercising a right of reply, a Member must not introduce new or additional matters.
99. There should be no further discussion on a resolution after it has been dealt with.

Compliance with Meeting Procedures

100. If during a Meeting the Chief Executive Officer or his or her delegate becomes aware of any non-compliance with the Meeting procedures contained in this Local Law or other applicable legislation, rule, custom or practice relating to Meeting procedures, the Chief Executive Officer or his or her Delegate must immediately inform the Chairperson about the requirements of this Local Law or other applicable legislation, rule, custom or practice relating to Meeting procedures.
101. The Chairperson must allow the Chief Executive Officer or his or her Delegate to advise the Meeting of any such breach or likely breach of this Local Law or other applicable legislation, rule, custom or practice, and the Meeting must take account of the advice given.

Behaviour at Meetings

102. Silence must be observed by the gallery at all times during a Meeting.
103. If a Person is called to order by the Chairperson for any improper or disorderly conduct and does not comply with the direction, the Person may be ordered by the Chairperson to leave the Meeting.

Suspension of Standing Orders

104. The Council or a Special Committee may by resolution suspend for all or part of a Meeting the provisions of Part 3 of this Local Law, except to the extent that such suspension would be inconsistent with the Act.
105. Despite clause 104, standing orders must not be suspended during the election of the Mayor, Deputy Mayor or Chairperson.

Offences

106. It is an Offence:
 - (a) if a Person fails to withdraw a remark which is defamatory, indecent, abusive, offensive or disorderly in language, substance or nature and does not satisfactorily apologise where called upon by the Chairperson to do so at least twice;

Penalty: 20 Penalty Units

- (b) if a Person, who has been called to order for any improper or disorderly conduct fails to leave a Meeting when directed by the Chairperson to do so; and

Penalty: 20 Penalty Units

- (c) if any Person fails to obey a direction of the Chairperson relating to the orderly conduct of a Meeting.

Penalty: 20 Penalty Units

- 107. The Chairperson has discretion to cause the removal of any Person who has committed an Offence under clause 106 or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson.
- 108. For the purposes of securing the proper removal of any Person under clause 107, the Chairperson may request any member of the Victoria Police or any Authorised Officer to remove such Person from the Meeting and the member of the Victoria Police or the Authorised Officer must remove such Person accordingly.

PART 4 - ELECTION OF THE MAYOR AND DEPUTY MAYOR

Nominations

109. Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

Agenda for Meeting to elect the Mayor

110. The Agenda for the Meeting to elect the Mayor and Deputy Mayor may include:
- (a) the taking of the oath (*) of office by each Councillor under the Act;
 - (b) the fixing of allowances for the Mayor and Councillors under the Act; and
 - (c) the appointment of Councillor representatives to various bodies.

*Note – Section 102 of the *Evidence Act 1958* provides for the taking of an affirmation instead of an oath.

Temporary Chairperson

111. The Chief Executive Officer will be the temporary Chairperson of the Meeting at which the election of the Mayor and Deputy Mayor is to be conducted but will have no voting rights.

Procedure for election of Mayor and Deputy Mayor

112. The Chief Executive Officer shall invite nominations for the office of Mayor and the following procedures shall apply to the conduct of the election:
- (a) any Councillor nominated may accept or refuse nomination;
 - (b) if only one nomination is received, the candidate nominated shall be declared elected Mayor;
 - (c) if there is more than one nomination, a vote must be taken to elect one of the candidates;
 - (d) in the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected;
 - (e) in the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. A further vote will then be taken for the remaining candidates;
 - (f) if one 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 of the candidates receives a majority of the votes. That candidate must then be declared to have been duly elected;
 - (g) in the event that;

- (i) there are more than two candidates remaining and two, or more, of those candidates each have the fewest number of votes and an equal number of votes; or
- (ii) there are only two candidates remaining and each has an equal number of votes –

the candidate to be declared the defeated candidate shall be determined by lot.

113. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
 - (b) 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 or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many balls as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the balls, and the Councillor who draws the ball with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).
114. The procedure for the election of the Deputy Mayor will, as near as is practicable, follow the procedure for the election of Mayor, with any necessary modifications.

Chairperson

115. After the elections of the Mayor and the Deputy Mayor are determined, the Mayor assumes the position of Chairperson.
116. The Mayor must chair all Council Meetings at which he or she is present.
117. Where the Mayor is absent from all or part of a Council Meeting, the Deputy Mayor will chair the Council Meeting.
118. Where both the Mayor and the Deputy Mayor are absent from all or part of a Council Meeting, the Chief Executive Officer must invite nominations for a temporary Chairperson.
119. If there is more than one nomination for a temporary Chairperson under clause 118 the procedure for determining the temporary Chairperson will be in accordance with clauses 112 and 113.

PART 5 - ADVISORY COMMITTEES AND SPECIAL COMMITTEES OF COUNCIL

Establishment of Committees

120. The Council may establish Advisory Committees and Special Committees comprised of Councillors, Officers or other Persons, or any combination of them.
121. The terms of reference for, or the roles and responsibilities of, Advisory Committees and Special Committees which the Council establishes must be clearly defined by the Council.
122. Advisory Committees and Special Committees must only deal with matters which are within their respective terms of reference and roles and responsibilities.
123. Advisory Committees and Special Committees may meet at times and places which they each determine unless otherwise directed by the Council.
124. Advisory Committee Meetings are not open to the public unless the Council or the Advisory Committee otherwise determines.
125. An Advisory Committee may appoint a Chairperson in the event that the Council has not done so.
126. An Advisory Committee cannot be delegated any powers, duties or functions of the Council and must not purport to exercise or perform any power, duty or function of the Council.
127. The Council will specify the meeting procedures and associated procedures to be followed by an Advisory Committee.
128. This Local Law applies to Special Committee, with any necessary modifications, unless Council resolves otherwise.

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

Schedule 1 Signature to Accompany the Common Seal

Clause 13

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Delegate

Schedule 2 Signature to Accompany the Common Seal

Clause 14

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

Schedule 3 Public Question Time Policy

Clause 41

Category	Councillors, members of Council staff, members of the public and any Person attending a Council Meeting
Date of Adoption by Council	
Directorate Responsibility	Governance & Economic Development

Policy

The purpose of this policy is to provide procedural guidelines in relation to the conduct of Public Question Time at Council meetings as provided in Procedural Matters Local Law No 1 of 2018.

Clause 41

Objectives

The objective of this policy is to facilitate the asking and answering of questions by members of the public at ordinary meetings of Council in relation to a matter listed on a Council Notice Paper or a significant strategic or governance matter affecting the City.

Context/Rationale

This policy on Public Question Time is incorporated by reference in the Whittlesea City Council's Procedural Matters Local Law No 1 of 2018.

Key linkages

Key linkages to this Council Policy are:

- Council's *Procedural Matters Local Law No 1 of 2018* (Clause 41);
- Council's Community Plan; and
- The *Local Government Act 1989* (Vic)
- The *Victorian Equal Opportunity Act 2010* (Vic)
- Council's *Disability Action Plan*
- The *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- The *Victorian Disability Act 2006* (Vic)

Procedural Guidelines

1. There are many ways that you can contact the Council to ask a question, receive a service or obtain information. You can contact us by telephone, by visiting the Council offices, sending a letter, a fax or an email or by speaking with one of our staff out in the community. Public Question Time at Council Meetings is but one method that residents and ratepayers have to formally contribute to public debate or seek to input to, and obtain feedback from, Council.
2. You are also welcome to contact the Mayor and Councillors directly. Councillors are elected to represent residents and ratepayers of the City of Whittlesea and to make decisions on your behalf at regular Council meetings.
3. The purpose of public question time is to facilitate the asking and answering of questions by members of the public at ordinary meetings of Council in relation to matters listed on the Notice Paper or a significant strategic or governance matter affecting the City.
4. The answer that we give you at the Council Meeting is an interim reply only and the Council's official response will be sent to you after the meeting.
5. Residents and ratepayers of the City of Whittlesea can ask questions at the formal Council meeting. Persons submitting questions must identify themselves when requested by the Chairperson to do so. If you are unable to attend the meeting for any reason, including because of an 'attribute' as defined in the *Equal Opportunity Act 2010* (eg a disability), you may nominate a representative to attend on your behalf.
6. Regardless of whether you or your representative are able to attend the Council meeting, we will read out your question and provide a response at the meeting and also record your question and the interim response in the minutes of the meeting subject to points 10, 11, 12 and 13 of these Guidelines.
7. The schedule of Council meeting dates and times is available on the City of Whittlesea website (www.whittlesea.vic.gov.au).
8. If you would like to ask a question at a Council meeting, your question should be in writing and in English unless this unreasonably prevents or hinders you from participating. If you are unable to provide your question in writing and/or in English and would like to make alternate arrangements, please contact the Council's Governance Team before the Council meeting to discuss the means by which you may submit your question to the Council meeting. If you do not speak English, we offer various language services to help you communicate with us including VITS and LanguageLinks. If you have a hearing or speech impairment you may use the National Relay Service.
9. We recommend that your question is submitted on the form available on our website as this gives you space to record your contact details as well as your question.
10. A question must be received by:
 - leaving it in the "Question Box" in the Council offices no later than 3pm on the day of the ordinary Council meeting; or
 - leaving it at the reception desk at the Council Offices no later than 3pm on the day of the ordinary Council meeting; or
 - sending it by e-mail (info@whittlesea.vic.gov.au) (Fax: 9408 6978) no later than 3pm on the day of the ordinary Council meeting; or
 - ~~submitting it in any other form we have agreed with you within the times we have also agreed with you.~~

- people with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question.

11. A time is set aside for public questions during ordinary meetings of Council, in anticipation of you or your representative being present in person or by some other approved means. When we reach that time on the agenda, we will read your question and provide an interim reply. When we read your question, we must be sure that it complies with these guidelines. The Chairperson reserves the right to summarise or précis your question when reading it out at the meeting and recording the question in the minutes of the meeting.

12. The Chief Executive Officer must notify the Chairperson of all public question received including any questions which are disallowed under point 13.

13. The Chairperson may disallow any question on the grounds that it:

- is repetitive of a question already asked;
- is defamatory or malicious;
- does not relate to a matter on the Agenda for the meeting;
- raises an issue of a confidential nature (see below); or
- is asked to embarrass a Councillor or Council officer.

The Chairperson may provide reasons where a question is disallowed but is not obliged to do so where clarification is impracticable or may, in the opinion of the Chairperson, cause Council to directly or indirectly breach contractual undertakings or offend relevant laws, guidelines, policies and procedures. Statements and opinions are not permitted during question time and will not be read at the meeting.

14. Where a question:

- (a) relates to a matter to be dealt with in the confidential section of the Agenda; or
- (b) is of a nature that would ordinarily be dealt with in the confidential section of the Agenda,

the Chairperson may, without reading the question aloud, advise the person submitting the question that:

- (c) the question will not be dealt with during the meeting; and
- (d) a written response will be provided as soon as is practicable.

15. The Chairperson will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself. The text of the question or a summary and the response will be recorded in the minutes of the Council meeting. No debate or discussion of the questions or answers is permitted.

16. Council's official response to questions submitted at a Council meeting will be finalised generally within 5 working days of the Council Meeting and provided in writing or any other reasonable form determined by Council. If a complete response cannot be provided, an interim response will be sent indicating when the full response will be provided.

Schedule 4 Procedural Motions - Procedure and Effect

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later hour/date	That this matter be adjourned until	Any Councillor	Yes	Any matter	(a)During the election of the Chairperson (b)When another Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter	(a)During the election of the Chairperson (b)When another Councillor is speaking (c)When the matter is one in respect of which a call of Council has been made	Motion and amendments postponed but may be resumed: (a)At the same Meeting upon resolution to resume (b)At any later Meeting if on the Agenda	Debate continues unaffected
Adjournment of Meeting to later hour/date	That the Meeting be adjourned until	Any Councillor	Yes	Any Meeting	(a)During the election of the Chairperson (b)When another Councillor is speaking	Meeting adjourns immediately until the stated time (or date)	Meeting continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of Meeting indefinitely	That this Meeting be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson (b) When another Councillor is speaking (c) During a Meeting which is a call of the Council	Meeting adjourns until further notice	Meeting continues unaffected
The Closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	No	Any matter	During nominations for Chairperson (NB A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a)During the election of the Chairperson (b)During a Meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a)Council resolves to take the question from the table at the same Meeting (b)Matter is placed on an Agenda and the Council resolves to take the question from the table	Debate continues unaffected
Proceeding to the Next Business	That the Meeting proceed to the next business	A Councillor who has not moved, seconded or spoken to the matter to which the motion relates	Yes	Any matter	(a)During the election of the Chairperson (b)During a Meeting which is a call of the Council	(a)If carried in respect of a motion, its effect is to remove that motion from consideration (b)If carried in respect of an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

PROCEDURAL MATTERS LOCAL LAW

NO. 1 OF 2018

I certify that this is a true copy of the Procedural Matters Local Law No. 1 of 2018 made by the Whittlesea City Council on [insert date] in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by section 119(2) of that Act appeared in Victoria Government Gazette No. [insert number] on [insert date] at page 1707 and in the Whittlesea Leader newspaper on [insert date].

The notices required to be given by section 119(3) of that Act were given in the Victoria Government Gazette No. [insert number] on [insert date] and in the Whittlesea Leader newspaper on [insert date]. A copy of this Local Law was sent to the Minister for Local Government on [insert date].

The Local Law commenced operation on [insert date] and will expire on [insert date].

.....
Chief Executive Officer

History of Local Law

Date Made	Amended	Operation Date	Gazettal Date	Title	Council File

- end -



PROCEDURAL MATTERS LOCAL LAW

(NO. 1 OF 2018)

Final – 3 July 2018

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PROCEDURAL MATTERS LOCAL LAW (NO. 1 OF 2012)**PART 1 - PRELIMINARY****Title**

1. This is Local Law No. 1 of 2018 and is known as the "Procedural Matters Local Law".

Objectives

2. This Local Law is made for the purposes of:
 - (a) regulating:
 - (i) providing the use and keeping of the Common Seal;
 - (ii) proceedings at Meetings of the Council and Special Committees;
 - (iii) proceedings for the election of the Mayor and Chairpersons;
 - (b) for the administration of the Council's powers and functions; and
 - (c) generally maintaining the peace, order and good government of the Municipal District.

Authorising Provision

3. This Local Law is made under sections 5(3), 91(1) and 111(1) of the Act.

Commencement

4. This Local Law commences on the day on which the Council completes the procedure set out in section 119(3) of the Act for giving notice of the making of this Local Law by a notice in the Victoria Government Gazette and a public notice.

Revocation of Earlier Local Law

5. On the commencement of this Local Law, the Council's Procedural Matters Local Law No.1 of 2012 is revoked.

Cessation of Local Law

6. Unless this Local Law is earlier revoked, it will cease to operate ten years after the day on which it is made.

Application

7. This Local Law applies throughout the whole of the Municipal District.

Definitions

8. In this Local Law -
 - (a) "**Act**" means the *Local Government Act 1989*;

- (b) **"Advisory Committee"** means a committee established by the Council which is not a Special Committee;
- (c) **"Advisory Committee Meeting"** means a meeting of an Advisory Committee;
- (d) **"Agenda"** means a document in the form of a notice which specifies the date, time and place of a Meeting and the business to be transacted at the Meeting and includes any accompanying papers;
- (e) **"Assembly of Councillors"** has the meaning ascribed to it by the Act;
- (f) **"Authorised Officer"** means a person appointed by the Council under section 224 of the Act;
- (g) **"Chairperson"** means the person who chairs a Meeting;
- (h) **"Code of Conduct"** means the Code of Conduct approved by the Council under section 76C of the Act;
- (i) **"Common Seal"** means the Common Seal of the Council;
- (j) **"Council"** means the Whittlesea City Council;
- (k) **"Council Meeting"** means any Ordinary Meeting or Special Meeting of the Council;
- (l) **"Delegate"** means:
 - (i) any member of the Council's staff to whom a delegation has been made under section 98 of the Act; or
 - (ii) a Special Committee to which a delegation has been made under section 86 of the Act;
- (m) **"In writing"** includes communications sent electronically;
- (n) **"Joint Letter"** means correspondence in writing or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought;
- (o) **"Mayor"** means the Mayor of the Council;
- (p) **"Meeting"** includes an Ordinary Meeting, a Special Meeting and a Special Committee Meeting but does not include an Assembly of Councillors;
- (q) **"Member"** means a Councillor or a person appointed to a Special Committee who, apart from circumstances in which the conflict of interest provisions of the Act apply, is entitled to vote on matters which are dealt with at the Meeting;
- (r) **"Minutes"** means the record of the proceedings of a Meeting;
- (s) **"Municipal District"** means the municipal district of the Council;

- (t) **"Notice of Motion"** means a notice setting out the content of a motion which a Member proposes to move at a Meeting;
- (u) **"Offence"** means an act contrary to, or in default of, this Local Law;
- (v) **"Officer"** means a person employed on the Council's staff;
- (w) **"Online Petition"** means a petition which is signed online through a form on a website or a similar process;
- (x) **"Ordinary Meeting"** means a Meeting of the Council at which general business may be transacted;
- (y) **"Penalty Unit"** means a penalty unit as defined by the *Monetary Units Act 2004*;
- (z) **"Person"** includes a Member or Officer;
- (aa) **"Petition"** means a statement in writing or in such other format as the Chief Executive Officer may determine acceptable from time to time, addressed to the Council and signed by not less than three persons, personally or by a representative authorised by each person for the purpose, setting forth a matter on which a remedy or relief is sought but excludes an Online Petition.
- (bb) **"Procedural Motion"** means a motion as set out in Schedule 2;
- (cc) **"Sent electronically"** in respect of communication to and from Members means transmitted by electronic means to or from the relevant Member portal or other electronic mail address of the Member;
- (dd) **"Special Committee"** means a committee established by the Council under section 86 of the Act;
- (ee) **"Special Committee Meeting"** means a Meeting of a Special Committee;
- (ff) **"Special Meeting"** means a special meeting of the Council convened in accordance with the Act;
- (gg) **"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; and
- (hh) **"Visitor"** means any person other than a Member or an Officer who is invited to be present at and addresses a meeting.

PART 2 - COUNCIL COMMON SEAL**Form of Common Seal**

9. The Common Seal must be in a form specified by Council resolution but must include the words "Whittlesea City Council".

Common Seal Security

10. The Chief Executive Officer must ensure that the Common Seal is kept at the Council's offices in a secure way.

Use of the Common Seal

11. The Common Seal must only be used:
- (a) by resolution of the Council;
 - (b) by an Officer to whom power to use the Common Seal has been delegated;
or
 - (c) in accordance with clause 15.

Unauthorised use of the Common Seal

12. Unless in accordance with clause 11, a person must not use or affix to a document, the Common Seal or any device resembling the Common Seal.

Penalty: 20 Penalty Units

Signature to Accompany the Common Seal

13. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of any Delegate, the document to which it is affixed must be signed by the Delegate in the form contained in Schedule 1.
14. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of the Council, the document to which it is affixed must be signed by one Councillor and the Chief Executive Officer in the form contained in Schedule 2.
15. If for a purpose other than of giving legal force or effect to a document, the Common Seal is used with the authority of a Councillor and the Chief Executive Officer (to whom power to seal any such document on behalf of the Council for such a purpose is hereby given), the document to which it is affixed must be witnessed by a Councillor and the Chief Executive Officer.

PART 3 - MEETING PROCEDURES

Code of Conduct

16. A Councillor must comply with the Code of Conduct during the course of any Meeting.

Date, Time and Place of Council Meetings

17. The date, time and place of Council Meetings are to be determined by resolution of the Council (*).

** Note - Council gives notice of ordinary and special Council meetings by publishing a notice on Council's website and in the Whittlesea Leader newspaper. A public notice listing all Council meeting dates for the year is published at the start of the year and a notice is placed in Council's weekly column in the Whittlesea Leader before each meeting. Notice is also provided at the Council libraries and on the notice board at the front entrance to the Council Offices.*

18. The Council may by resolution alter the date, time and place of any Council Meeting that has been fixed and must provide reasonable notice to the public.
19. Subject to clause 20, a Council Meeting must not proceed beyond 10:30pm on any given day.
20. The Council may, by resolution, extend the duration of a Council Meeting beyond 10:30pm, but only for intervals of not more than 30 minutes at a time.

Notice of Council Meetings

21. A copy of the Agenda for any Meeting must be given to all Members not less than 48 hours before the commencement of the Meeting.
22. A copy of the Agenda is duly given if, not less than 48 hours before the commencement of the Meeting, it is:
 - (a) handed to the Member;
 - (b) delivered to the Member's postal or residential address; or
 - (c) sent electronically to the Member.
23. The obligations in clause 22 must be complied with:
 - (a) in the case of a Council Meeting, by the Chief Executive Officer or his or her Delegate; and
 - (b) in the case of a Special Committee Meeting, by the Chief Executive Officer or his or her Delegate.
24. Notice of the date, time and place of all Council Meetings will be published in accordance with the Act.

Adjournment of Meetings

25. If a quorum (*)
 - (a) cannot be formed within 30 minutes after the time fixed in the Agenda for the commencement of a Meeting, or
 - (b) cannot be maintained due to the absence of Members,

then the majority of Members present or, if there are not any Members present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, any other Officer present at the Meeting, may adjourn the Meeting to:
 - (c) another time (having regard to the requirements of clause 19); or
 - (d) another date within seven days from the date of adjournment.

** Note - In accordance with Section 91(3A) of the Local Government Act 1989, a quorum at a meeting of the Council or a special committee must be at least a majority of the members of the Council or special committee.*

26. Where a quorum cannot be maintained as a result of a declaration of a conflict of interest by a majority of Members at a Meeting the Mayor, Chairperson, Chief Executive Officer or, in their absence, an Officer, may adjourn consideration of that item for a length of time sufficient to enable dispensation to be obtained from the Minister administering the Act pursuant to section 80(2) of the Act.
27. Where the Chairperson is of the opinion that disorder in the Council Chamber or in the public gallery makes it desirable to adjourn a Meeting, the Chairperson may adjourn the Meeting in the same manner as prescribed in clause 25 (except that a reference to "Chief Executive Officer" shall be construed as a reference to the "Chairperson").
28. Where a Meeting is adjourned, the Chief Executive Officer or his or her Delegate, having regard to the circumstances of the adjournment must make all reasonable efforts to give all Members of the Council or Special Committee, as appropriate, and the public (where required by the Act) notification in a form which, in the discretion of the Chief Executive Officer, is appropriate advising of the adjourned time or adjourned date and time.

Agenda and Minutes

29. Subject to clauses 30 and 34, the Chief Executive Officer must determine the form of Minutes and Agenda for Meetings.
30. The Minutes must record:
 - (a) in the case of a Special Committee Meeting, the name of the relevant committee;
 - (b) the date, time and place of the Meeting, the time it commenced and any times at which it was adjourned and resumed;
 - (c) the names of the Members present and a record of their attendance relative to items considered during the entire Meeting;
 - (d) the names of Officers present and their titles;

- (e) details of any action taken by any Member in compliance with the conflict of interest provisions of the Act;
- (f) formal reports by Members who report as delegates or by Officers;
- (g) the names of Members who move and second any motion or amendment;
- (h) the text of any motion or amendment which is proposed, whether or not it is seconded;
- (i) whether or not a motion or an amendment which has been proposed and seconded is carried or lost;
- (j) a reference to any formal submission made verbally by a Visitor pursuant to a statutory right;
- (k) details of any deputations made to the Council;
- (l) details of failure to achieve a quorum, and a time and reason for any adjournment;
- (m) details of questions from Members to Officers during hearing of 'Questions to Officers';
- (n) details of questions from the public to Members during hearing of "Questions to Councillors"; and
- (o) any other matter, including Chief Executive Officer Notes, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes.

Conduct of Business

- 31. Only the business contained in the Agenda for an Ordinary Meeting or Special Committee Meeting may be dealt with unless the Meeting resolves to deal with Urgent Business.
- 32. After the Agenda is published the Chief Executive Officer may, with the agreement of the Chairperson, withdraw a matter listed on the Agenda.
- 33. If a matter listed on the Agenda is withdrawn in accordance with clause 32, the Chief Executive Officer must:
 - (a) tell Councillors of its withdrawal and the reasons for it by notice sent electronically as soon as practicable after withdrawal; and
 - (b) provide an explanation for its withdrawal to the Meeting which the matter was listed.

Business of Meetings

- 34. The business of:
 - (a) an Ordinary Meeting may include:
 - (i) confirmation of previous Minutes;
 - (ii) attendance and apologies;

- (iii) where applicable, declarations of conflict of interest;
 - (iv) presentation of general reports, including, where applicable, reports of a confidential nature where the Meeting is closed to the public under section 89(2) of the Act;
 - (v) consideration of Petitions and Joint Letters, including those submitted without notice by Councillors;
 - (vi) Notices of Motion;
 - (vii) reports from Councillors appointed by the Council to other bodies;
 - (viii) public question time;
 - (ix) questions from Members to Officers;
 - (x) questions from the public to Members;
 - (xi) Urgent Business; and
 - (xii) any other matter that the Council by resolution, or the Chief Executive Officer in his or her discretion, determines.
- (b) a Special Committee Meeting must include:
- (i) confirmation of previous Minutes;
 - (ii) attendance and apologies;
 - (iii) where applicable, declarations of conflict of interest;
 - (iv) presentation of general reports, including those of a confidential nature where the Meeting is closed to the public under section 89(2) of the Act; and
 - (v) Urgent Business dealt with under clause 31.
35. The Chief Executive Officer may determine the order in which the business of a Meeting is to be listed in the Agenda.

Form of Motions and Amendments

36. A motion or an amendment which is proposed by a Member at a Meeting must:
- (a) be expressed clearly and unambiguously;
 - (b) not be defamatory or objectionable in nature; and
 - (c) be relevant to an item on the Agenda, unless it is resolved to be Urgent Business.
37. A motion or amendment:
- (a) which differs in wording from a recommendation or Notice of Motion which is on the Agenda must be read aloud by the proposer; and

- (b) may be written out by the proposer and given to the Chairperson and, on the request of a Member, must be written out by the Chief Executive Officer or his or her Delegate and made available to Members.

A copy of the motion or amendment may be given to all Members present or otherwise displayed so that Members can read it before any further debate takes place or the vote on it is taken.

- 38. The Chairperson may reject a motion or amendment which does not conform to the requirements of clauses 36 or 37.

Procedures for Moving Motions and Amendments

- 39. The procedure upon any motion or amendment is as follows:
 - (a) the mover must state the motion;
 - (b) the Chairperson must call for a seconder, unless the motion is a call to enforce a point of order;
 - (c) if there is no seconder, the motion lapses;
 - (d) if there is a seconder, the Chairperson must ask whether the motion is opposed;
 - (e) if no Member indicates opposition to a motion or amendment which has been seconded, the Chairperson must ask the mover to speak to their motion and after they have spoken put the motion or amendment to the vote without debate;
 - (f) if any Member indicates opposition to a motion or amendment which has been seconded:
 - (i) the Chairperson must call for any questions regarding the matter to be asked through the Chairperson to the Chief Executive Officer;
 - (ii) any questions received from Members will be referred by the Mayor to the Chief Executive Officer;
 - (iii) the Chief Executive Officer will respond to any referred questions or determine which member of staff should respond; and
 - (iv) the Chairperson must then ask the mover to speak to the motion;
 - (g) after the mover has spoken to the motion, the seconder may speak to the motion;
 - (h) after the seconder has spoken to the motion or, if after the mover has addressed the Meeting, the seconder does not speak to the motion, after the mover has spoken to the motion, the Chairperson must call upon any Member who wishes to speak for or against the motion;
 - (i) any Member, except the mover or the seconder of the original motion may move or second an amendment;
 - (j) in regard to a motion a Member may speak once except that where there has been a speaker in opposition the mover of the motion has a right of reply prior to the motion being put to a vote;

- (k) in regard to an amendment a Member may speak once on the amendment and the mover of the amendment does not have a right of reply prior to the amendment being put to a vote;
- (l) a Member may be permitted by the Chairperson to speak more than once to explain that the Member has been misrepresented or misunderstood;
- (m) before any motion or amendment is put to the vote, it may be withdrawn by the mover, unless any Member objects to the withdrawal. If any Member objects to the withdrawal of the motion or amendment, it may not be withdrawn;
- (n) amendments must be dealt with one at a time; and
- (o) any subsequent amendment must not be dealt with until the preceding amendment is resolved.

Confirmation of Minutes

40. The Minutes of a Meeting must be confirmed in the following manner:
- (a) the Chief Executive Officer must give a copy of the Minutes of the Meeting to all Members not less than 48 hours before the commencement of the Meeting at which the Minutes are to be confirmed;
 - (b) a copy of the Minutes is duly given if it is:
 - (i) handed to the Member;
 - (ii) delivered to the Member's postal or residential address; or
 - (iii) sent electronically to the Member;
 - (c) the Chairperson must not allow any discussion on the Minutes, except concerning their accuracy;
 - (d) if a Member does not consider that the Minutes are accurate, the Member must specify the particular item in the Minutes and, after asking any questions to clarify the matter, must move a motion to rectify any errors or inaccuracy in the Minutes; and
 - (e) where such a motion is moved it must be dealt with in accordance with clauses 36 and 37.

Public Question Time

41. A member of the public may submit a question or questions to the Council at an Ordinary Meeting in accordance with policy and procedures adopted from time to time by the Council.
42. The Public Question Time Policy in place at the time of adoption of the Local Law is set out in Schedule 3.

Petitions and Correspondence

43. All written and electronic correspondence, including a Petition or Joint Letter, which is addressed to a Member personally and which requires a decision of, or a direction from, the Council must be referred to the Chief Executive Officer.
44. The Chief Executive Officer must determine whether any Petition or Joint Letter or correspondence addressed to a Member personally needs to be included on the Agenda.
45. The Chief Executive Officer may reject and decline to include on the Agenda any Petition or Joint Letter on the grounds that it:
 - (a) repeats a question which has been asked and answered in the preceding three months;
 - (b) is defamatory or malicious;
 - (c) raises an issue of a confidential nature;
 - (d) is asked to embarrass a Councillor or Officer; or
 - (e) involves the unauthorised disclosure of personal information.
- 45A When the Chief Executive Officer rejects or decides not to include a Petition or Joint Letter under the provision of clause 45, they must within 2 business days advise the person submitting the Petition or Joint Letter of that decision and the grounds and provide a recommended alternative wording and/or format that would be acceptable.
46. The Chairperson must allow a Member submitting a Petition and Joint Letter without notice to read the contents of the Petition and to inform the Meeting of the number of signatories to the Petition.
47. A Member should not present and the Chairperson may disallow any Petition and Joint Petition on the grounds that it:
 - (a) repeats a question which has been asked and answered in the preceding three months;
 - (b) is defamatory or malicious;
 - (c) raises an issue of a confidential nature;
 - (d) is asked to embarrass a Councillor or Officer; or
 - (e) involves the unauthorised disclosure of personal information.
48. A motion to deal with a Petition or Joint Letter submitted without notice by a Member to a Meeting, apart from a motion receiving a Petition and directing it to the Chief Executive Officer for attention, must not be further considered unless resolved to be an item of Urgent Business.
49. Where a Petition or Joint Letter submitted without notice relates to an item of business already on the Agenda for the Meeting, the Petition or Joint Letter is to be referred to that item and considered by the Meeting as part of its deliberation on that matter.

50. Any Petition or Joint Letter received by any Member or Officer must be submitted to the relevant Meeting for consideration.

Listing of Notices of Motion on an Agenda

51. A Member may submit to the Chief Executive Officer a Notice of Motion in writing for consideration at a Meeting.
- (a) Subject to clause 51(c), a Notice of Motion, which is received in writing by the Chief Executive Officer prior to 12 noon on a day that is not less than fourteen days prior to the date of the Meeting for which it is intended, must be included on the Agenda for that Meeting unless the Notice of Motion specifies a different Meeting date.
 - (b) If a Notice of Motion is received after the time specified in (a) above, it must, unless it is withdrawn in writing by the Member, be included in the Agenda for the next available Meeting of the same type.
 - (c) The Chief Executive Officer must reject a Notice of Motion which does not conform to the requirements of clauses 36(a) and 36(b) or 37.
 - (d) If the Chief Executive Officer rejects a motion under clause 51(c), he or she must:
 - (i) notify the Councillor who lodged the Notice of Motion of the rejection and reasons for it; and
 - (ii) give the Councillor who lodged the Notice of Motion a reasonable opportunity to amend it, where it is practicable to do so, so that it conforms to the requirements of clauses 36 or 37.
 - (e) Having regard to the requirements of clause 21, a Notice of Motion may only be withdrawn if:
 - (i) notice of the withdrawal is received in writing prior to the publication of the Agenda for which the Notice of Motion was intended to be included; or
 - (ii) a motion put to the Meeting, and Council resolves, to withdraw the Notice of Motion.
 - (f) The Chief Executive Officer must arrange for every Notice of Motion received to be endorsed with the date and time of its receipt and for it to be kept or entered, in the order received, in a register.
52. The Chief Executive Officer may include on the Agenda for a Meeting any comments which provide information about the issues dealt with in a Notice of Motion.
53. Where a Member who has given a Notice of Motion is present at the Meeting, the Member must move the motion contained in the Notice of Motion.
54. Where a Member who has given a Notice of Motion is not present at the Meeting at the time the matter is due to be dealt with, any other Member may move the motion contained in the Notice of Motion.

Reports of Mayor and Representatives – Ordinary Meetings

55. At an Ordinary Meeting, the Mayor and any Councillor who is a delegate or representative of the Council on another body may report to the Ordinary Meeting about an issue which is important to the Council, despite the report not being on the Agenda.
56. A copy of any such report may be submitted to the Chairperson before the close of the Ordinary Meeting and included in the Minutes.
57. The Chairperson must only accept a motion to receive the report and must not accept any other motion arising from the report, unless the motion is resolved to be Urgent Business.
58. The presentation of a report by a Councillor under clause 55 must not exceed five minutes, unless the Chairperson allows an extension of time.

Points of Order

59. A point of order is a question raised in a Meeting by a Member as to whether the procedures set out under this Local Law have been, or are being, breached.
60. A Member may take a point of order at any time during the course of a Meeting by stating briefly the subject of the point of order.
61. A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to a motion or an amendment.
62. Where a point of order is taken, any Member speaking at the time must stop until the Chairperson rules upon the point of order.
63. The Chairperson may adjourn the Meeting to consider a point of order, but must rule upon it as soon as possible and before the Meeting continues with ordinary business.
64. When ruling upon a point of order, the Chairperson must state the basis of and give reasons for the ruling.

Ruling of the Chairperson

65. Subject to clause 66, the ruling of the Chairperson on any procedural matter arising during a Meeting is final and binding.

Dissent from Chairperson's Ruling

66. A Member may move a motion to the effect that the Meeting dissent from the Chairperson's ruling.
67. A motion of dissent in the Chairperson's ruling shall, if seconded, be given priority.
68. When a motion of dissent is moved and seconded, the following process must be followed:
 - (a) the Chairperson must leave the Chair and a temporary Chairperson must take his or her place;

- (b) the temporary Chairperson must invite the mover of the motion of dissent to outline the reasons for his or her dissent and the Chairperson must reply;
- (c) the matter is then decided by a vote on the following question:
‘That the Chairperson’s ruling be upheld’;
- (d) following a decision on the motion of dissent, the Chairperson will resume the Chair for the remainder of the Meeting;
- (e) if the motion under clause (c) is:
 - (i) lost, the Chairperson must reverse or vary (as the case may be) his or her previous ruling and proceed; or
 - (ii) carried, the Meeting will proceed; and
- (f) the defeat of the Chairperson’s ruling is in no way a motion of censure or no-confidence in the Chairperson, and should not be so regarded by the Meeting.

Voting

- 69. Voting shall be conducted in accordance with the Act.
- 70. Voting shall be by a show of hands unless otherwise permitted under the Act.

Use of the casting vote

- 71. The Chairperson must exercise a casting vote if there is an equality of votes, except in the circumstances set out in the Act.¹

Recording Opposition to Vote

- 72. At any Meeting a Member may ask that the Member’s name be recorded in the Minutes as having voted in the negative immediately after the Chairperson has put any motion or amendment to the vote and has announced the result of that vote.

Division

- 73. The calling of a division sets aside the result of the voting announced by the Chairperson and voting by division determines whether the motion or amendment is carried or lost.

When a Division is permitted

- 74. Immediately after a motion (except for a Procedural Motion) or amendment has been put to a Meeting but before the next item of business is commenced, a Member may call for a division.

Procedure for a Division

- 75. Where a division is called for, the Chairperson must:

¹ Section 90(2) of the Act sets out when the matter is to be determined by lot.

- (a) first ask each Member wishing to vote in the affirmative to raise a hand and, upon such request being made, each Member so wishing must show a hand and the Chairperson must then state the names of those Members so voting;
 - (b) next ask each Member wishing to vote in the negative to raise a hand and, upon such request being made, each Member so wishing must show a hand and the Chairperson must then state the names of those Members so voting; and
 - (c) then record the names of Members voting in the affirmative and in the negative and abstaining from voting in the Minutes of the Meeting.
76. The Chairperson must announce to the Meeting the result of the voting immediately after the division has been taken.

Procedural Motions

77. Unless otherwise prescribed by this Local Law, Procedural Motions may be moved at any time and must be dealt with in accordance with Schedule 4 to this Local Law.

Foreshadowed Motions

78. At any time during a debate a Member may foreshadow a motion so as to inform the Meeting 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.
79. A foreshadowed motion may be prefaced with a statement that, in the event of a particular motion being resolved in a certain way, the Member intends to move an alternative or additional motion.
80. A motion foreshadowed has no procedural standing and is merely a means to assist in the flow of the Meeting.
81. The Chief Executive Officer is not required to record in the Minutes a foreshadowed motion, but may do so if he or she considers it appropriate.

Rescission of or Variation to Previous Resolution

82. Unless a resolution has already been acted upon, a motion to rescind or vary a previous resolution may be made by:
- (a) Notice of Motion; or
 - (b) a recommendation in an Officer's report which is on the Agenda.
83. The Chief Executive Officer must not accept a Notice of Motion to rescind or vary a previous resolution unless the Notice of Motion is received in writing before 12 noon on the third working day following the Meeting at which that previous resolution was made.
84. On receipt of a notice of motion to rescind or vary the previous resolution under Clause 82, above, the Chief Executive Officer will undertake the steps necessary to enable the Council to consider the proposed motion at a Special Meeting.
- 84A A Notice of Motion to rescind cannot be proposed as an item of Urgent Business.

85. A motion which, if passed, would have the effect of nullifying a previous resolution (without directly rescinding it) or would be in conflict with a previous resolution, must be treated in accordance with clauses 83 and 84.
86. A Member may withdraw a Notice of Motion to rescind or vary a resolution in accordance with clause 51(c).

Speaking Times

87. Unless a motion for an extension of time has been carried, the speaking times during a Meeting must not exceed:
 - (a) for the mover of a motion or an amendment - five minutes;
 - (b) for the mover of a motion exercising a right of reply - two minutes; and
 - (c) for any other Member on any other matter - three minutes.

Extension of Speaking Time

88. An extension of speaking time may be granted by resolution of the Council but only one extension for each speaker is permitted.
89. Any extension of speaking time must not exceed two minutes.
90. A motion for an extension must not be accepted by the Chairperson if another speaker has commenced speaking.

Manner of Address

91. In addressing a Meeting, a person must:
 - (a) do so through the Chairperson;
 - (b) refer to the Chairperson as Mayor, Mr Mayor, Madam Mayor, Chair, Mr Chairperson or Madam Chairperson, as appropriate;
 - (c) refer to another Member as Councillor [surname] or for Members who are not Councillors as Mr, Mrs, Ms or Miss [surname], as appropriate;
 - (d) refer to an Officer by that Officer's position with the Council; and
 - (e) refer to any other person in a courteous manner.

Additional Rules of Debate

92. A Member must not make any defamatory, indecent, abusive, offensive, or disorderly statement or comment.
93. The Chairperson may require a Member to withdraw any such statement or comment and, if so required, a Member must immediately and unreservedly do so.
94. The Chairperson must decide the order in which Members may speak.
95. Where debate is adjourned by a resolution, the Member moving the adjournment has the right to speak first when the debate is resumed.

96. A Member must not be interrupted while speaking, except by the Chairperson or upon a point of order being taken.
97. The Chairperson may speak on any matter under discussion.
98. When exercising a right of reply, a Member must not introduce new or additional matters.
99. There should be no further discussion on a resolution after it has been dealt with.

Compliance with Meeting Procedures

100. If during a Meeting the Chief Executive Officer or his or her delegate becomes aware of any non-compliance with the Meeting procedures contained in this Local Law or other applicable legislation, rule, custom or practice relating to Meeting procedures, the Chief Executive Officer or his or her Delegate must immediately inform the Chairperson about the requirements of this Local Law or other applicable legislation, rule, custom or practice relating to Meeting procedures.
101. The Chairperson must allow the Chief Executive Officer or his or her Delegate to advise the Meeting of any such breach or likely breach of this Local Law or other applicable legislation, rule, custom or practice, and the Meeting must take account of the advice given.

Behaviour at Meetings

102. Silence must be observed by the gallery at all times during a Meeting.
103. If a Person is called to order by the Chairperson for any improper or disorderly conduct and does not comply with the direction, the Person may be ordered by the Chairperson to leave the Meeting.

Suspension of Standing Orders

104. The Council or a Special Committee may by resolution suspend for all or part of a Meeting the provisions of Part 3 of this Local Law, except to the extent that such suspension would be inconsistent with the Act.
105. Despite clause 104, standing orders must not be suspended during the election of the Mayor, Deputy Mayor or Chairperson.

Offences

106. It is an Offence:
 - (a) if a Person fails to withdraw a remark which is defamatory, indecent, abusive, offensive or disorderly in language, substance or nature and does not satisfactorily apologise where called upon by the Chairperson to do so at least twice;

Penalty: 20 Penalty Units
 - (b) if a Person, who has been called to order for any improper or disorderly conduct fails to leave a Meeting when directed by the Chairperson to do so; and

Penalty: 20 Penalty Units

- (c) if any Person fails to obey a direction of the Chairperson relating to the orderly conduct of a Meeting.

Penalty: 20 Penalty Units

- 107. The Chairperson has discretion to cause the removal of any Person who has committed an Offence under clause 106 or otherwise disrupts a Meeting or fails to comply with a direction of the Chairperson.
- 108. For the purposes of securing the proper removal of any Person under clause 107, the Chairperson may request any member of the Victoria Police or any Authorised Officer to remove such Person from the Meeting and the member of the Victoria Police or the Authorised Officer must remove such Person accordingly.

PART 4 - ELECTION OF THE MAYOR AND DEPUTY MAYOR

Nominations

109. Any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

Agenda for Meeting to elect the Mayor

110. The Agenda for the Meeting to elect the Mayor and Deputy Mayor may include:
- (a) the taking of the oath (*) of office by each Councillor under the Act;
 - (b) the fixing of allowances for the Mayor and Councillors under the Act; and
 - (c) the appointment of Councillor representatives to various bodies.

*Note – Section 102 of the *Evidence Act 1958* provides for the taking of an affirmation instead of an oath.

Temporary Chairperson

111. The Chief Executive Officer will be the temporary Chairperson of the Meeting at which the election of the Mayor and Deputy Mayor is to be conducted but will have no voting rights.

Procedure for election of Mayor and Deputy Mayor

112. The Chief Executive Officer shall invite nominations for the office of Mayor and the following procedures shall apply to the conduct of the election:
- (a) any Councillor nominated may accept or refuse nomination;
 - (b) if only one nomination is received, the candidate nominated shall be declared elected Mayor;
 - (c) if there is more than one nomination, a vote must be taken to elect one of the candidates;
 - (d) in the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected;
 - (e) in the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. A further vote will then be taken for the remaining candidates;
 - (f) if one 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 of the candidates receives a majority of the votes. That candidate must then be declared to have been duly elected;
 - (g) in the event that;

- (i) there are more than two candidates remaining and two, or more, of those candidates each have the fewest number of votes and an equal number of votes; or
- (ii) there are only two candidates remaining and each has an equal number of votes –

the candidate to be declared the defeated candidate shall be determined by lot.

113. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
 - (b) 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 or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many balls as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the balls, and the Councillor who draws the ball with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).
114. The procedure for the election of the Deputy Mayor will, as near as is practicable, follow the procedure for the election of Mayor, with any necessary modifications.

Chairperson

115. After the elections of the Mayor and the Deputy Mayor are determined, the Mayor assumes the position of Chairperson.
116. The Mayor must chair all Council Meetings at which he or she is present.
117. Where the Mayor is absent from all or part of a Council Meeting, the Deputy Mayor will chair the Council Meeting.
118. Where both the Mayor and the Deputy Mayor are absent from all or part of a Council Meeting, the Chief Executive Officer must invite nominations for a temporary Chairperson.
119. If there is more than one nomination for a temporary Chairperson under clause 118 the procedure for determining the temporary Chairperson will be in accordance with clauses 112 and 113.

PART 5 - ADVISORY COMMITTEES AND SPECIAL COMMITTEES OF COUNCIL

Establishment of Committees

120. The Council may establish Advisory Committees and Special Committees comprised of Councillors, Officers or other Persons, or any combination of them.
121. The terms of reference for, or the roles and responsibilities of, Advisory Committees and Special Committees which the Council establishes must be clearly defined by the Council.
122. Advisory Committees and Special Committees must only deal with matters which are within their respective terms of reference and roles and responsibilities.
123. Advisory Committees and Special Committees may meet at times and places which they each determine unless otherwise directed by the Council.
124. Advisory Committee Meetings are not open to the public unless the Council or the Advisory Committee otherwise determines.
125. An Advisory Committee may appoint a Chairperson in the event that the Council has not done so.
126. An Advisory Committee cannot be delegated any powers, duties or functions of the Council and must not purport to exercise or perform any power, duty or function of the Council.
127. The Council will specify the meeting procedures and associated procedures to be followed by an Advisory Committee.
128. This Local Law applies to Special Committee, with any necessary modifications, unless Council resolves otherwise.

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

Schedule 1 Signature to Accompany the Common Seal

Clause 13

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Delegate

Schedule 2 Signature to Accompany the Common Seal

Clause 14

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

Schedule 3 Public Question Time Policy

Clause 41

Category	Councillors, members of Council staff, members of the public and any Person attending a Council Meeting
Date of Adoption by Council	
Directorate Responsibility	Governance & Economic Development

Policy

The purpose of this policy is to provide procedural guidelines in relation to the conduct of Public Question Time at Council meetings as provided in Procedural Matters Local Law No 1 of 2018.

Clause 41

Objectives

The objective of this policy is to facilitate the asking and answering of questions by members of the public at ordinary meetings of Council in relation to a matter listed on a Council Notice Paper or a significant strategic or governance matter affecting the City.

Context/Rationale

This policy on Public Question Time is incorporated by reference in the Whittlesea City Council's Procedural Matters Local Law No 1 of 2018.

Key linkages

Key linkages to this Council Policy are:

- Council's *Procedural Matters Local Law No 1 of 2018* (Clause 41);
- Council's Community Plan; and
- The *Local Government Act 1989* (Vic)
- The *Victorian Equal Opportunity Act 2010* (Vic)
- Council's *Disability Action Plan*
- The *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- The *Victorian Disability Act 2006* (Vic)

Procedural Guidelines

1. There are many ways that you can contact the Council to ask a question, receive a service or obtain information. You can contact us by telephone, by visiting the Council offices, sending a letter, a fax or an email or by speaking with one of our staff out in the community. Public Question Time at Council Meetings is but one method that residents and ratepayers have to formally contribute to public debate or seek to input to, and obtain feedback from, Council.
2. You are also welcome to contact the Mayor and Councillors directly. Councillors are elected to represent residents and ratepayers of the City of Whittlesea and to make decisions on your behalf at regular Council meetings.
3. The purpose of public question time is to facilitate the asking and answering of questions by members of the public at ordinary meetings of Council in relation to matters listed on the Notice Paper or a significant strategic or governance matter affecting the City.
4. The answer that we give you at the Council Meeting is an interim reply only and the Council's official response will be sent to you after the meeting.
5. Residents and ratepayers of the City of Whittlesea can ask questions at the formal Council meeting. Persons submitting questions must identify themselves when requested by the Chairperson to do so. If you are unable to attend the meeting for any reason, including because of an 'attribute' as defined in the *Equal Opportunity Act 2010* (eg a disability), you may nominate a representative to attend on your behalf.
6. Regardless of whether you or your representative are able to attend the Council meeting, we will read out your question and provide a response at the meeting and also record your question and the interim response in the minutes of the meeting subject to points 10, 11, 12 and 13 of these Guidelines.
7. The schedule of Council meeting dates and times is available on the City of Whittlesea website (www.whittlesea.vic.gov.au).
8. If you would like to ask a question at a Council meeting, your question should be in writing and in English unless this unreasonably prevents or hinders you from participating. If you are unable to provide your question in writing and/or in English and would like to make alternate arrangements, please contact the Council's Governance Team before the Council meeting to discuss the means by which you may submit your question to the Council meeting. If you do not speak English, we offer various language services to help you communicate with us including VITS and LanguageLinks. If you have a hearing or speech impairment you may use the National Relay Service.
9. We recommend that your question is submitted on the form available on our website as this gives you space to record your contact details as well as your question.
10. A question must be received by:
 - leaving it in the "Question Box" in the Council offices no later than 3pm on the day of the ordinary Council meeting; or
 - leaving it at the reception desk at the Council Offices no later than 3pm on the day of the ordinary Council meeting; or
 - sending it by e-mail (info@whittlesea.vic.gov.au) (Fax: 9408 6978) no later than 3pm on the day of the ordinary Council meeting; or
 - people with communication impairment may present their questions in their preferred formats. Prior notification of the particular format will facilitate acceptance and processing of the question.

11. A time is set aside for public questions during ordinary meetings of Council, in anticipation of you or your representative being present in person or by some other approved means. When we reach that time on the agenda, we will read your question and provide an interim reply. When we read your question, we must be sure that it complies with these guidelines. The Chairperson reserves the right to summarise or précis your question when reading it out at the meeting and recording the question in the minutes of the meeting.
12. The Chief Executive Officer must notify the Chairperson of all public question received including any questions which are disallowed under point 13.
13. The Chairperson may disallow any question on the grounds that it:
 - is repetitive of a question already asked;
 - is defamatory or malicious;
 - does not relate to a matter on the Agenda for the meeting;
 - raises an issue of a confidential nature (see below); or
 - is asked to embarrass a Councillor or Council officer.

The Chairperson may provide reasons where a question is disallowed but is not obliged to do so where clarification is impracticable or may, in the opinion of the Chairperson, cause Council to directly or indirectly breach contractual undertakings or offend relevant laws, guidelines, policies and procedures. Statements and opinions are not permitted during question time and will not be read at the meeting.
14. Where a question:
 - (a) relates to a matter to be dealt with in the confidential section of the Agenda; or
 - (b) is of a nature that would ordinarily be dealt with in the confidential section of the Agenda,

the Chairperson may, without reading the question aloud, advise the person submitting the question that:

 - (c) the question will not be dealt with during the meeting; and
 - (d) a written response will be provided as soon as is practicable.
15. The Chairperson will nominate the appropriate Councillor or Council officer to answer the question or elect to answer it himself/herself. The text of the question or a summary and the response will be recorded in the minutes of the Council meeting. No debate or discussion of the questions or answers is permitted.
16. Council's official response to questions submitted at a Council meeting will be finalised generally within 5 working days of the Council Meeting and provided in writing or any other reasonable form determined by Council. If a complete response cannot be provided, an interim response will be sent indicating when the full response will be provided.

Schedule 4 Procedural Motions - Procedure and Effect

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later hour/date	That this matter be adjourned until	Any Councillor	Yes	Any matter	(a)During the election of the Chairperson (b)When another Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter	(a)During the election of the Chairperson (b)When another Councillor is speaking (c)When the matter is one in respect of which a call of Council has been made	Motion and amendments postponed but may be resumed: (a)At the same Meeting upon resolution to resume (b)At any later Meeting if on the Agenda	Debate continues unaffected
Adjournment of Meeting to later hour/date	That the Meeting be adjourned until	Any Councillor	Yes	Any Meeting	(a)During the election of the Chairperson (b)When another Councillor is speaking	Meeting adjourns immediately until the stated time (or date)	Meeting continues unaffected

Final – 3 July 2018

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of Meeting indefinitely	That this Meeting be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson (b) When another Councillor is speaking (c) During a Meeting which is a call of the Council	Meeting adjourns until further notice	Meeting continues unaffected
The Closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	No	Any matter	During nominations for Chairperson (NB A closure motion shall not be accepted by the Chairperson unless the Chairperson considers there has been sufficient debate for and against the original motion or amendment)	Motion or amendment in respect of which the closure carried is put to the vote immediately	Debate continues unaffected

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Laying the question on the table	That the matter lie on the table	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a)During the election of the Chairperson (b)During a Meeting which is a call of the Council	Motion and amendments not further discussed or voted on until: (a)Council resolves to take the question from the table at the same Meeting (b)Matter is placed on an Agenda and the Council resolves to take the question from the table	Debate continues unaffected
Proceeding to the Next Business	That the Meeting proceed to the next business	A Councillor who has not moved, seconded or spoken to the matter to which the motion relates	Yes	Any matter	(a)During the election of the Chairperson (b)During a Meeting which is a call of the Council	(a)If carried in respect of a motion, its effect is to remove that motion from consideration (b)If carried in respect of an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

PROCEDURAL MATTERS LOCAL LAW

NO. 1 OF 2018

I certify that this is a true copy of the Procedural Matters Local Law No. 1 of 2018 made by the Whittlesea City Council on [insert date] in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by section 119(2) of that Act appeared in Victoria Government Gazette No. [insert number] on [insert date] at page 1707 and in the Whittlesea Leader newspaper on [insert date].

The notices required to be given by section 119(3) of that Act were given in the Victoria Government Gazette No. [insert number] on [insert date] and in the Whittlesea Leader newspaper on [insert date]. A copy of this Local Law was sent to the Minister for Local Government on [insert date].

The Local Law commenced operation on [insert date] and will expire on [insert date].

.....
Chief Executive Officer

History of Local Law

Date Made	Amended	Operation Date	Gazettal Date	Title	Council File

- end -