



Special Meeting of Council Minutes

**held on Wednesday 30 January 2008
at the Richmond Town Hall at 5.45 pm**

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of pecuniary interest and conflict of interest**
- 4. Council business reports**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land.

Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

2. Attendance, apologies and requests for leave of absence

Attendees:

Councillors

- Cr Judy Morton (Mayor)
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Kay Meadows
- Cr Gurm Sekhon

Cr D’Agostino, Cr Barbara, Cr Maltzahn and Cr Farrar were granted a leave of absence for the Special Meeting of Council.

Council officers

- Ivan Gilbert (Acting Chief Executive Officer)
- Bruce Phillips (Director City Development)
- Craig Kenny (Director Organisational Development)
- Bryan Lancaster (Director Asset Management)
- Sally Isaac (Director Community Programs)
- Roma O’Callaghan (Acting Manager Governance and Manager People and Organisational Development)
- Margaret Elvey (Governance Officer)

3. Declarations of pecuniary interest and conflict of interest

Nil

4. Council business reports

Item		Page	Res. Page
4.1	Approval to Conduct a Countback at the Offices of the Victorian Electoral Commission, 505 Little Collins Street, Melbourne	5	7

4.1 Approval to Conduct a Countback at the Offices of the Victorian Electoral Commission, 505 Little Collins Street, Melbourne

File: 25/30/09
 Responsible Officer: Acting Manager Governance and Manager People and Organisational Development

Purpose

1. To approve the venue for the countback (for filling the extraordinary vacancy caused by the resignation of Cr Barbara), being head office of the Victorian Electoral Commission (VEC), 505 Little Collins Street, Melbourne.

Background

2. Cr Barbara has resigned as a councillor effective Friday 15 February 2008.
3. As the resignation occurred more than six months prior to the forthcoming 29 November 2008 general election, Council is required by section 37A of the *Local Government Act 1989* (the Act) to fill the resulting extraordinary vacancy.
4. Pursuant to Part 3 of Schedule 3A of the Act, the extraordinary vacancy will be filled by a computer countback. In general terms, the VEC computer will read the electronic record of the ballots used to elect Cr Barbara in the November 2004 general election, then 'throw' those ballots according to the voters' next preference to remaining eligible candidates.
5. The computer countback will be completed by the VEC at 11.00am, Monday 18 February 2008. It is estimated the countback will take less the one minute to complete.
6. The key issue to be determined by Council via this report, is to the venue for the computer countback. Pursuant to regulation 93 of the *Local Government (Electoral) Regulations 2005*, computer countbacks must be conducted within the relevant municipality, unless the council approves the countback occurring outside the municipality.
7. Regardless of the venue, scrutineers appointed by the candidates may attend the computer countback. (The VEC may potentially also allow candidates to attend this computer countback.)

Issues

Additional Cost to Complete Computer Countback at the Richmond Town Hall

8. The VEC has advised that it will cost approximately \$3000 - \$4000 to complete the entire countback procedure (including statutory advertising) **if** the computer countback component is completed at the VEC's head office at 505 Little Collins Street, Melbourne.
9. It will cost an additional \$5000 - \$7000 for the VEC to complete the identical computer count at the Richmond Town Hall (within the City of Yarra.)

Public Notice of Countback

10. The VEC will give public notice of the date, time and location of the countback in *The Age* on Monday 4 February 2008. (Due to the tight statutory timeframe for the countback, it was not possible to use local weekly newspapers for this public notice).
11. The subsequent 'Notice of persons elected' will be published as soon as possible after the completion of the countback in the *Melbourne Times* and *Yarra Leader*.

Advantages and Disadvantages of the Proposal

12. Advantages of conducting the computer countback at the VEC's office include:
 - (a) a cost saving of \$5000 - \$7000;
 - (b) ensuring the integrity of the computer count by using existing VEC hardware and software in-situ at the VEC's head office;
 - (b) avoiding disruption to the Richmond Town Hall; and
 - (c) ensuring the countback process is perceived to be conducted at arms length from normal Council operations.
13. There are no disadvantages to conducting this computer countback at the VEC's head office, other than scrutineers needing to travel the short distance to CBD to view the event.

Post Countback Procedures

14. After the computer countback is completed:
 - (a) the successful candidate will have 48 hours to give the Returning Officer (Mr Brian Ritchie) a written declaration that he/she is eligible to be a councillor;
 - (b) the Returning Officer will then declare the result of the election;
 - (c) the councillor elect will then be required to take an oath or affirmation of office; and finally
 - (d) the councillor elect will commence the roles and responsibilities of a councillor.

Resource and Financial Implications

15. Council will save \$5000 - \$7000 by allowing the VEC to conduct the computer countback at its head office at 505 Little Collins Street, Melbourne.

Legal Implications

16. The proposal to conduct the computer countback at the VEC's head office complies with the *Local Government Act 1989* and the relevant electoral regulations.

RECOMMENDATION

17. That pursuant to regulation 93 of the *Local Government (Electoral) Regulations 2005*, Council allow the Returning Officer to designate the venue for conducting the computer countback (for filling the extraordinary vacancy caused by the resignation of Cr Barbara) as the Victorian Electoral Commission office, 505 Little Collins Street, Melbourne.
18. That Council approve the use of *The Age* newspaper by the Victorian Electoral Commission, to give formal public notice of the time, date and location of the countback.

REVISED RECOMMENDATION

19. That pursuant to regulation 93 of the *Local Government (Electoral) Regulations 2005*, Council allow the Returning Officer to designate the venue for conducting **any** computer count backs (for filling the extraordinary vacancy caused by the resignation of Cr Barbara) as the Victorian Electoral Commission office, 505 Little Collins Street, Melbourne.
20. That Council approve the use of *The Age* newspaper by the Victorian Electoral Commission, to give formal public notice of the time, date and location of **any** count back.”

COUNCIL RESOLUTION

Moved: Councillor Meadows

Seconded: Councillor Fristacky

1. That:
 - (a) pursuant to regulation 93 of the *Local Government (Electoral) Regulations 2005*, Council allow the Returning Officer to designate the venue for conducting any computer count backs (for filling the extraordinary vacancy caused by the resignation of Cr Barbara) as the Victorian Electoral Commission office, 505 Little Collins Street, Melbourne; and
 - (b) Council approve the use of *The Age* newspaper by the Victorian Electoral Commission, to give formal public notice of the time, date and location of any count back.”

CARRIED

CONTACT OFFICER: Roma O’Callaghan
TITLE Acting Manager Governance and Manager People and Organisational Development
TELEPHONE 9205 5058

The meeting closed at 5.54 pm.

Confirmed this 19th day of February 2008.

Mayor