



Ceremonial Meeting of Council Agenda

**to be held on Wednesday 9 November 2016 at 6.30pm
Richmond Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance and apologies**
- 3. 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 and apologies

Anticipated attendees:

Councillors

- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director – Corporate, Business and Finance)
- Ivan Gilbert (Group Manager – Chief Executive's Office)
- Chris Leivers (Director – Community Welling)
- Bruce Phillips (Director – Planning and Place Making)
- Jane Waldock (Assistant Director – Planning and Place Making)
- Fred Warner (Group Manager – People, Culture and Community)
- Guy Wilson-Browne (Director – City Works and Assets)
- Rhys Thomas (Senior Governance Advisor)
- Mel Nikou (Governance Officer)

3. Council business reports

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3.1 Welcome Address

Trim Record Number: D16/126198
Responsible Officer: Chief Executive Officer

The Chief Executive Officer will open proceedings and invite a Wurundjeri Elder to conduct a Welcome to Country ceremony.

Following the ceremony, the Chief Executive Officer will introduce the newly elected Councillors and formally open the Ceremonial Meeting.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

3.2 Oath of Office and Code of Conduct Declaration

Trim Record Number: D16/151219

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To have Councillors-elect:
 - (a) take and sign the Oath of Office as a Councillor; and
 - (b) make a written Declaration to abide by the Councillor Code of Conduct.

Background

2. The *Local Government Act 1989* requires that a person is not capable of acting as a Councillor until they have:
 - (a) taken and signed in the presence of the Chief Executive Officer, the Oath of Office or Solemn Affirmation as prescribed in the Act; and
 - (b) read the Councillor Code of Conduct and made a written declaration in accordance with the *Evidence (Miscellaneous Provisions) Act 1958* to be witnessed by the Chief Executive Officer, stating that they will abide by the Councillor Code of Conduct.
3. While a number of Yarra Councillors have taken the Oath Office or Solemn Affirmation since the declaration of results, an opportunity will be provided to repeat the oath in front of members of the community.
4. In addition to taking the Oath of Office or Solemn Affirmation, Councillors who have not yet done so will be provided an opportunity to sign a declaration that they have read the Councillor Code of Conduct and will abide by it.
5. The Local Government Act requires that the Code of Conduct be reviewed by the incoming Council by 22 February 2017. This review will commence in December, with a further report presented to Council in February 2017 to comply with this requirement.

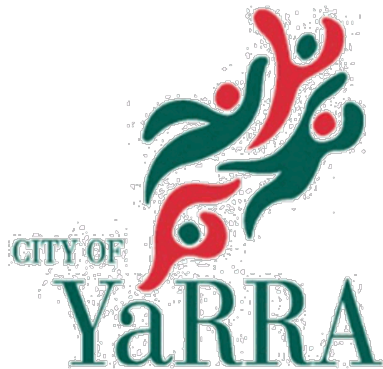
Legal Implications

6. As noted, the legislation both requires the above noted steps to be undertaken and penalties apply if not completed.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

- 1 Councillor Code of Conduct and Grievance Resolution Procedure



Councillor Code of Conduct

This policy, together with the Councillors Grievance Resolution Procedure (23 May 2017) constitutes the Councillor Code of Conduct required under section 76C of the *Local Government Act 1989*

As adopted by Council – 23 May 2016

Due for Review – 22 February 2017

Responsible Officer – Group Manager Governance

Trim Ref D13/83056

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Local Government Act 1989		
Privacy and Data Protection Act 2014		
Protected Disclosure Act 2012		
Independent Broad-based Anti-corruption Commission Act 2011		
Winky Pop Supreme Court decision of 2007		
Council's Gifts Received By Councillors Policy		
Councillor Grievance Resolution Procedure		
Council's Election Period Policy		
Council's Councillor Expense Entitlements Policy		
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2. Preamble		
As Councillors of the City of Yarra we commit to:		
(a) working together and being accountable to achieving the aspirations and best interests of our community;		
(b) effective good governance and to ensuring the diversity of community views and opinions are properly balanced in the decision making process;		
(c) working constructively with our community and to take a strategic forward thinking approach to their long term aspirations, having always, a high regard for our environment, our heritage and the liveability of our city, whilst fostering employment opportunity; and		
(d) discharging our responsibilities to the best of our skill and judgement.		
<hr/>		
3. Primary Principles of Conduct		Derived from s.76B of the

Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure

<p>I will:</p> <ul style="list-style-type: none"> (a) act with integrity; (b) impartially exercise my responsibilities in the interests of the whole local community; and (c) not improperly seek to confer an advantage or disadvantage on any person. 	<p><i>Local Government Act 1989</i></p>
<p>4. General Principles of Conduct</p> <p>I will:</p> <ul style="list-style-type: none"> (a) avoid conflicts between my public duties as a Councillor and my personal interests and obligations; (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person; <i>(this includes the manner in which I communicate with and/or about Councillors or others, whether verbally, by electronic or any other medium)</i> (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons; <i>(this includes the manner in which I communicate with and/or about Councillors or others, whether verbally, by electronic or any other medium)</i> (d) exercise reasonable care and diligence and submit myself to the lawful scrutiny that is appropriate to my office; (e) endeavour to ensure that public resources are used prudently and solely in the public interest; (f) act lawfully and in accordance with the trust placed in me as an elected representative; and (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor. 	<p><i>Derived from s.76BA of the Local Government Act 1989</i></p>
<p>5. Misuse of Position</p> <p>I will not misuse my position:</p> <ul style="list-style-type: none"> (a) to gain or attempt to gain, directly or indirectly, an advantage for myself or another person; or (b) to cause, or attempt to cause, detriment to the Council or another person. <i>(this includes the manner in which I communicate with and/or about Councillors or others, whether verbally, by electronic or any other</i> 	<p><i>Derived from s.76D of the Local Government Act 1989</i></p>

Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure

<p><i>medium)</i></p> <p>Misuse of position includes:</p> <ul style="list-style-type: none"> (a) making improper use of information acquired as a result of the position he or she held or holds; or (b) disclosing information that is confidential information within the meaning of section 77(2); or (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or (e) using public funds or resources in a manner that is improper or unauthorised; or (f) failing to disclose a conflict of interest as required under this Division. 	
<p>6. Relationship With Staff</p> <ul style="list-style-type: none"> 1. I will not seek to improperly direct or influence a member of Council staff in the exercise of any power or in the performance of any duty or function. 2. As a collective, Councillors appoint and instruct the Chief Executive Officer, who in turn is responsible for the day to day operations of the organisation. I acknowledge that as an individual Councillor, I cannot direct staff members to undertake specific duties. 3. I recognise that a resolution of Council is the appropriate mechanism to establish or amend Council policy. In the case of routine inquiries, however, I may contact the relevant member of the Executive Team (or the appropriate Executive Assistant) for clarification. 4. I agree that workplace bullying can and should be prevented. As a collective, Council will collaborate with staff and unions to institute and uphold policies to facilitate an environment free from physical and psychological violence. 	<p><i>Derived from s.76E of the Local Government Act 1989</i></p>
<p>7. Access to Files</p> <p>If I wish to inspect a Council file, I will lodge a request with the Executive Manager Governance. I acknowledge that:</p> <ul style="list-style-type: none"> (a) I will only be able to view the material in the presence of a Council officer; 	

Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure

<p>(b) I will not be permitted to take the file 'off-site'; and</p> <p>(c) I will not be permitted to copy any part of the file.</p>	
<p>8. Conflict of Interest</p> <p>1. When I have (or may be perceived to have) an interest that prevents me from acting impartially, I will as soon as possible inform the Chief Executive Officer and my fellow Councillors that I am declaring a conflict of interest and state the nature of the interest.</p> <p>2. When I have a conflict, I will ensure that I neither move nor second a motion at a Council or Special Committee meeting and exit the room prior to and remain outside during any discussion of the issue in question and for any vote on the matter. In the case of Assemblies of Councillors, I will vacate the room prior to and during any discussion of the issue in question.</p> <p>3. While I may seek advice, I recognise that the legal onus rests with me. If I cannot confidently say that I do not have a conflict, I will declare a possible conflict and comply with the relevant requirements as if I do have a conflict.</p>	<p><i>Derived from s.77A-80A of the Local Government Act 1989</i></p>
<p>9. An Open Mind</p> <p>1. Notwithstanding my broader policy positions, I will keep an 'open mind' when researching, hearing submissions on, considering and finally, making a decision regarding a specific matter.</p> <p>2. In the event that I am not capable of being persuaded from a pre-determined viewpoint, I will declare a conflict of interest and excuse myself from consideration of the matter.</p>	<p>Refer: Winky Pop Supreme Court decision of 2007</p>
<p>10. Gifts and Hospitality</p> <p>1. I will not accept any gifts or hospitality (including loans or discounts) where there may be a real or perceived conflict of interest with my past, present or future duties as a Councillor.</p> <p>2. In particular, I will not accept gifts from individuals or bodies:</p> <p>(a) participating in a competitive tendering processes conducted by Council;</p> <p>(b) engaged in seeking an approval from Council in respect to planning, building, local laws, health</p>	<p><i>Derived from s.78C of the Local Government Act 1989</i></p> <p><i>and</i></p> <p><i>Council's Gifts Received by Councillors Policy</i></p>

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<p>registration or any statutory or other process; and</p> <p>(c) with any party responding to Council in undertaking its statutory enforcement responsibilities in respect to planning, building, health registration or any statutory or other process.</p> <p>3. Under no circumstances will I accept cash or other money as a gift.</p> <p>4. Council recognises the cultural sensitivities around gift giving. In circumstances where:</p> <p>(a) there is no potential for a real or perceived conflict of interest; and</p> <p>(b) refusal of the gift is likely to cause offence;</p> <p>I may, pending the approval of the Executive Manager Governance, accept the gift on behalf of Council.</p> <p>5. If I do accept a gift, I will declare it by submitting both a Gifts and Hospitality Form and the item itself to the Executive Manager Governance.</p> <p>6. The Executive Manager Governance will in accordance with any Council policy then applicable, determine the manner in which accepted gifts will be employed for the benefit of Council as a whole. If the gift is valued at over \$500, the Executive Manager Governance will make the decision in consultation with the Chief Executive Officer.</p>	
<p>11. Grievance Resolution Procedure</p> <p>1. In response to grievances raised, whether by another Councillor/s or by a Council officer or another person, against a Councillor or Councillors, Council will follow the process set out in the Governance – Councillor Grievance Resolution Procedure document.</p> <p>Special Note:</p> <p>Pursuant to the provisions of the <i>Protected Disclosure Act 2012</i> which came into operation on 10 February 2013, “disclosures” relating to a Councillor (as defined in that Act) must now be made to the Independent Broad-based Anti-corruption Commission (IBAC) or the Ombudsman. <i>The practical application of this requirement now is that a Council cannot investigate “disclosures” (as defined in that Act), made about a Councillor.</i></p>	<p><i>Refer also to Councillor Grievance Resolution Procedure</i></p> <p><i>Protected Disclosure Act 2012</i></p> <p><i>Independent Broad-based Anti-corruption Commission Act 2011</i></p>
<p>12. Confidentiality and privacy</p> <p>I will:</p> <p>(a) ensure that I do not release information that has been declared confidential by the Chief Executive Officer;</p>	<p><i>Derived from s.77 of the Local Government Act 1989</i></p> <p><i>and</i></p> <p><i>Privacy and Data Protection Act 2014</i></p>

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<ul style="list-style-type: none"> (b) exercise due diligence in my management of private and/or personal information provided to Council by third parties; and (c) refrain from using information gained by virtue of being a Councillor for any purpose other than to exercise my role as Councillor. 	
<p>13. Council Resources</p> <p>I will:</p> <ul style="list-style-type: none"> (a) exercise prudence in the use of public resources and maintain separation between Council property and my own; (b) ensure that I do not use Council resources (including staff time) for personal purposes; and (c) ensure that claims for out of pocket expenses are accurate and relate strictly to Council business. 	<p><i>Refer also to Council's Councillor Expense Entitlements Policy</i></p>
<p>14. Caretaker Period</p> <p>1. Council is committed to upholding the highest standards of governance during election periods. I therefore agree:</p> <ul style="list-style-type: none"> (a) to refrain from using Council resources (including facilities and staff) to promote any candidate or position; (b) to ensure that my electoral material is not present at any Council location or Council sponsored event; (c) refrain from seeking access to Council's databases and mailing lists for electoral purposes; (d) to ensure that my electoral material does not feature Council's logo or imply Council's endorsement in any way whatsoever; (e) to avoid unfairly binding the incoming Council by making significant decisions or major policy decisions unnecessarily; (f) that ward meetings will not be conducted during the caretaker period; (g) that civic functions will only be organised if they are part of the normal services of the Council; and (h) that no information other than my photograph and contact details will appear in Council publications (including Council's public website) during the caretaker period. <p>2. Where it is impractical for me to cease using a Council</p>	<p><i>Derived from s.93A-93A2 of the Local Government Act 1989</i></p> <p><i>and</i></p> <p><i>Council's Election Period Policy</i></p> <p><i>and</i></p> <p><i>Council's Councillor Expense Entitlements Policy</i></p>

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funded service (e.g. mobile telephone, fax machine, laptop computer, internet connection), I agree to reimburse the Council for election related expenditure.

This Councillor Code of Conduct was adopted by resolution of Council on 23 May 2016.

Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure



GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/02/17

Policy is compliant with the Charter of Human Rights legislation

Purpose

To note the framework and record the procedure for managing the resolution of grievances directed at and/or relating to a Councillor/s, whether by a Councillor/s, an Officer/s or any other person/s, in a constructive manner.

Special Notes:

- A. Subject to section 16 of the *Protected Disclosure Act* 2012, “disclosures” relating to a Councillor/s, must now be made to the Independent Broad-based Anti-corruption Commission (IBAC) or the Ombudsman.

The practical application of this requirement is that:

- Council may not be aware (nor become aware for some time) if a disclosure has been made to the IBAC or Ombudsman; and
 - IBAC or the Ombudsman (not Council) now determines if/how/by whom, such “disclosures” are to be investigated.
- B. Such disclosures must be assessed and defined as **improper conduct** as stated in the *Protected Disclosure Act*.
- C. Such disclosures must be made by a “**natural person**” (eg. Councillor, officer or any other person).
- D. “Disclosures” as defined in the *Protected Disclosure Act* will be managed by IBAC or the Ombudsman, as distinct from grievances about other types of conduct which are lodged with Council.

Scope

This procedure is premised around the principles of Councillor Conduct as noted in *the Local Government Act* 1989 (“the Act”) and the Councillor’s Code of Conduct.

Primary principle

It is a primary principle of Councillor Conduct (refer Section 76B of the Act) that, in performing the role of a Councillor, a Councillor must:

- a) act with integrity; and
- b) impartially exercise his or her responsibilities in the interests of the local community; and
- c) not improperly seek to confer an advantage or disadvantage on any person.

Responsible Officer: Group Manager Chief Executive’s Office

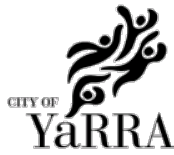
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Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure



GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/2/17

General principles

In performing the role of a Councillor (refer Section 76BA of the Act), a Councillor must also:

- a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council officers and other persons;
- d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- f) act lawfully and in accordance with the trust placed in him or her as an elected representative; and
- g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

These principles are reflected in the Yarra City Council Values:

Teamwork // Innovation // Accountability // Integrity // Respect.

This procedure applies to all Councillors and prescribes the manner of dealing with grievances (i.e. not being "disclosures" under the *Protected Disclosure Act 2012*) directed at or relating to a Councillor/s, whether by a Councillor/s, an Officer/s or any other person/s. The procedure shall take into account, the following principles:

- (a) prior to commencing any formal grievance resolution process, a Councillor/s who are parties to any grievance/s, together with any other aggrieved party/ies, will endeavour to resolve the issues at the local level, in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.
- (b) the grievance/s should be dealt with expeditiously so as to avoid the potential for escalation and to maximise control and resolution of the matter at the local level.
- (c) that satisfactory resolution of any grievance will principally arise from:
 - (i) establishing timely and effective communication between the relevant parties;
 - (ii) identifying what the basis of the concerns which give rise to the grievance/s are, the symptoms, the most likely cause(s);
 - (iii) implementing an agreed or a preferred and realistic action plan;
 - (iv) engaging in a genuine attempt at resolution of the grievance/s raised in accordance with the principles of natural justice, equity and fair treatment for all parties; and
 - (v) the procedure being mutual and that Councillor/s must make a genuine and constructive attempt at resolution of the particular grievance issue.

Responsible Officer: Group Manager Chief Executive's Office

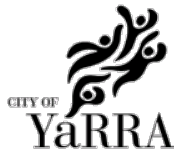
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GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/2/17

Definitions

*Grievance **means** a complaint against the conduct of a Councillor or Councillors lodged by other Councillor/s; or Council officer/s or Other person/s.

Dispute **means** a grievance which has not been able to be resolved and is referred to an independent body for review.

*(Not being a "disclosure" under the Protected Disclosure Act 2012).

Procedure

In response to grievances raised, whether by another Councillor/s or by a Council officer or another person, against a Councillor or Councillors, the stepped procedure below shall be followed.

To assist in management of the grievance, the Councillor raising the matter shall set out the circumstances giving rise to the grievance in writing and provide it to the Mayor in the first instance.

Step 1:

The Mayor will raise the grievance/s issue/s with the Councillor/s which are subject of the grievance/s (*unless the Mayor is the subject of the grievance, in which case the grievance shall be first discussed with a sub-committee of three Councillors, such sub-Committee to be appointed annually by Council at its statutory meeting when council delegates are appointed*).

This step is premised on the principle that before commencing any formal dispute resolution process, a Councillor/s who is/are party/ies to any grievance, together with any other aggrieved party/ies, will exhaustively endeavour to resolve the issue in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

In this regard, a Councillor/s may obtain assistance (e.g. an independent mediator) in resolving the grievance. This grievance resolution procedure is intended to be used when a Councillor/s and any other aggrieved party/ies, have been unable to resolve a grievance and where the situation is unduly affecting the operation of the Council.

Note:

This procedure is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in Council and Committee meetings.

- a) If the parties are able to achieve a resolution to the grievance/s, whether by means of an apology or any other agreed action, the matter will be deemed to have been addressed and completed.
- b) If after exhaustive effort, the grievance is not able to be resolved, the matter will proceed to Step 2.

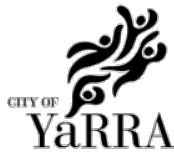
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GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/2/17

Step 2:

The Councillors will convene an *informal confidential meeting of Councillors only*, to discuss the grievance/s and exhaustively endeavour to resolve the issue/s, in a courteous and respectful manner.

This step is premised on the principle that before commencing any formal dispute resolution process, the Councillor/s who is/are parties, together with any other aggrieved party/ies, to any grievance will endeavour to resolve the issue/s in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

In this regard, a Councillor/s may obtain assistance (e.g. an independent mediator) in resolving the grievance/s issue/s. This grievance resolution procedure is intended to be used when a Councillor/s have been unable to resolve a grievance/s and where the situation is unduly affecting the operation of the Council.

- a) If the parties are able to achieve a resolution to the grievance, whether by means of an apology or other agreed action, the matter will be deemed to have been addressed and completed.
- b) If after exhaustive effort, the grievance is not able to be resolved, the matter will proceed to Step 3.

Step 3:

The Group Manager, Chief Executive's Office will nominate three external arbiters (at least one of whom will be a member of the MAV panel of appointed arbiters) to assist in the resolution of the grievances. Each of these nominees will be suitably independent and able to carry out the role of arbiter fairly.

The arbiter to be appointed will be the nominee agreed on by all parties to the grievances or, failing agreement, the nominee selected by the Chief Executive Officer.

The arbiter will have responsibility for the oversight of a confidential dispute resolution process which shall include:

- a) Consideration of applications alleging a contravention of the Councillor Code of Conduct by a Councillor;
- b) Making findings in relation to any application alleging a contravention of the Councillor Code of Conduct and the submission of those findings in writing to the Council.

The findings of the arbiter will be presented to a formal Council Meeting (in confidential session), to discuss the grievance/s and exhaustively endeavour to formally resolve on the issue/s.

- a) If Council finds that a Councillor has contravened the Councillor Code of Conduct, the Council may give any or all of the following written directions to the Councillor:
 - a. direct the Councillor to make an apology in a form or manner specified by the Council;
 - b. direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council (beginning with the next scheduled meeting);

Responsible Officer: Group Manager Chief Executive's Office

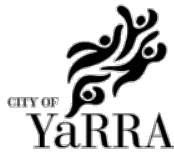
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Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure



GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/2/17

- c. direct that, for a period of up to, but not exceeding, 2 months commencing on a date specified by the Council, the Councillor be removed from any position where the Councillor represents the Council and to not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.
- b) If Council determines that the grievance has been resolved, whether by means of an apology or other agreed action, the matter will be deemed to have been addressed and completed.
- c) If after exhaustive effort, the grievance/s is/are not able to be resolved, it will proceed to Step 4. Therefore, a "dispute" will be considered to be declared and Council shall formally resolve that its operation is being impeded because of a dispute between a Councillor/s, and/or any other aggrieved party/ies. Council will further formally resolve to take one of the following options, depending on the nature of the grievance/s issue/s:
 - i) to make an application for a Councillor Conduct Panel under Section 81B of the Local Government Act 1989, in respect of a Councillor's conduct; *and noting that:*
 - Such an application can also be made by a Councillor, or a group of Councillor;
 - Such an application must comply with section 81B of the Act;
 - Applications and proceedings made and conducted under this part of the Act must be suspended during the election period for a general election). **OR**
 - ii) to refer the matter to the Local Government Inspectorate; **OR**
 - iii) to refer the matter to the Ombudsman; **OR**
 - iv) to refer the matter to the Independent Broad-based Anti-Corruption Commission (IBAC).

Note:

Option (i) would generally apply where the grievance existed between Councillors only; Options (ii) to (iv) would general apply where the grievance involves another party/ies.

Step 4:

Matter is then taken up by one of the following:

- (i) Councillor Conduct Panel; or
- (ii) The Local Government Inspectorate; or
- (iii) The Ombudsman; or
- (iv) Independent Broad-based Anti-Corruption Commission (IBAC).

Note:

Upon referral to one of the above bodies, the process is effectively out of the control of the Council and Councillors and becomes subject to a more formal action by the respective body. It is clearly more desirable for a Council to exhaust all efforts to address and resolve any grievance/s at the level of Steps 1 to 3.

Responsible Officer: Group Manager Chief Executive's Office

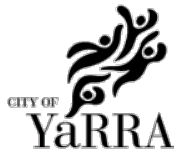
Document Name: Governance – Councillors Grievance Resolution Procedure

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Attachment 1 - Councillor Code of Conduct and Grievance Resolution Procedure



GOVERNANCE – COUNCILLORS GRIEVANCE RESOLUTION PROCEDURE

Approval Date: 11/2/2013 Last Revised: 23/05/16 Next Review Date: 22/2/17

Step 1:

- Complaint/grievance lodged
- Mayor discusses grievance with Councillor/s and aggrieved party/ies.
- Mayor exhausts all efforts to achieve agreed resolution
- If grievance not resolved, proceed to Step 2.

Step 2:

- Mayor convenes confidential informal meeting of Councillors
- Mayor discusses grievance with Councillor/s
- Mayor exhausts all efforts to achieve agreed resolution between Councillor/s and aggrieved party/ies
- If grievance not resolved, proceed to Step 3.

Step 3:

- Nomination of three independent arbiters
- Selection and appointment of independent arbiter
- Conduct of arbiter's investigation
- Consideration of arbiters findings at confidential Council Meeting
- Resolution by Council determining whether a contravention has occurred, what (if any) sanctions will be imposed and whether the grievance has been resolved.
- If grievance not resolved, proceed to Step 4

Step 4:

- Matter taken out of Council control and investigated by referred body.

Formal procedure

Throughout the process, details of all the steps taken including the relevant facts, referrals and dates, must be recorded by the parties, in order that the Council can inform any Authority, to which the dispute matter may be referred, comprehensive details of steps taken to that point and of the status of the dispute.

Consultation

This policy has been prepared in consultation with Councillors and the Executive.

Related documents and attachments

This Policy should be read in conjunction with:

- a) The *Local Government Act 1989*;
- b) The Councillors Code of Conduct;
- c) The *Protected Disclosure Act 2012*; and
- d) The *Independent Broad-based Anti-corruption Commission Act 2011*.

Responsible Officer: Group Manager Chief Executive's Office

Document Name: Governance – Councillors Grievance Resolution Procedure

TRIM Ref No D15/41844

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3.3 Appointment of Acting Chairperson

Trim Record Number: D16/126199
Responsible Officer: Chief Executive Officer

Purpose

1. Under the terms of the Local Government Act 1989, the office of Mayor became vacant at 6.00am on Election Day, Saturday 22 October 2016.
2. The Chief Executive Officer will call for nominations for the role of Acting Chairperson in order to assume the chair of this meeting and conduct the election of the Mayor for the 2016/2017 year.
3. It is to be noted that under the terms of Council's Meeting Procedures Local Law 2011:
 - (a) the Acting Chairperson cannot be a candidate for the election of Mayor;
 - (b) no seconder is required; and
 - (c) in the event of there being more than one nomination, the CEO will call for a show of hands for each of the nominees to decide the appointment of Acting Chairperson.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

3.4 Term of Office of Mayor

Trim Record Number: D16/154056
Responsible Officer: Chief Executive Officer

Purpose

1. Section 71 of the Local Government Act 1989 provides that, at a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be Mayor of the Council.
2. The Act further provides that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of two years. If no decision is made, the term of Mayor remains as one year.
3. This report seeks a Council resolution on the term of office for Mayor

Background

4. In its submission to the current review of the Local Government Act 1989, the previous Council confirmed that it does not support two year terms for the Mayor.
5. In part, this opposition is based on the fact that the Act places no restriction on Mayors serving multiple consecutive terms. In this way, there is no reason why an effective Mayor who enjoys the support of colleagues could not continue to serve for a second year or more.

Options

6. Recommended Option - Council may determine to elect a mayor for a period of one year – 9 November 2016 to 9 November 2017 (inclusive).
7. Alternative Option - Council may determine to elect a mayor for a period of two years – 9 November 2016 to 8 November 2018 (inclusive).

RECOMMENDATION

1. That Council resolve to elect a Mayor for the period 9 November 2016 to 9 November 2017 (inclusive).

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

There are no attachments for this report.

3.5 Election of Mayor

Trim Record Number: D16/126200

Responsible Officer: Chief Executive Officer

Purpose

1. To elect a Councillor to be the Mayor of the Yarra City Council.

Background

2. Section 71 of the Local Government Act 1989 prescribes that Council must elect a Councillor to be the Mayor of the Council.
3. Any Councillor is eligible for election (or re-election) to the office of Mayor.
4. The Mayor takes precedence at all municipal proceedings within the municipal district and must take the Chair at all meetings of the Council at which he or she is present.
5. The Yarra City Council Meeting Procedures Local Law 2011 sets out the process for the receipt of nominations and the conduct of an election (if required).
6. The process for receipt of nominations provides:
 - (a) Any number of Councillors may be nominated.
 - (b) No seconder is required.
 - (c) The nominee(s) must consent to his or her nomination.
 - (d) If nominees are not present, the Acting Chairperson will require the immediate presentation of written notification.
7. The process for election of a Mayor provides:
 - (a) Once nominations have closed, no candidate can withdraw his or her candidacy.
 - (b) If only one candidate is nominated, that candidate is deemed to be duly elected.
 - (c) If more than one nomination is received, then an election is conducted.
 - (d) Voting is by show of hands.
 - (e) Councillors shall be asked to raise their hands in support of each candidate.
 - (f) A candidate who receives an absolute majority of votes shall be deemed duly elected.
 - (g) If no candidate receives a majority in the first round, the candidate with the fewest votes is declared the defeated candidate.
 - (h) The process is repeated until such time as a candidate receives an absolute majority.
 - (i) In the event of three or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the result will be determined by lot.
 - (j) The Acting Chairperson does not have a casting vote.
 - (k) The CEO is responsible for conducting a lot.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

3.6 Mayoral and Councillor Address

Trim Record Number: D16/126201
Responsible Officer: Chief Executive Officer

An opportunity will be provided for the newly elected Mayor to deliver an inaugural address.
Following the Mayor's address, an opportunity will be provided to any Councillor who wishes to address the meeting.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

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3.7 Mayoral and Councillor allowances and support

Trim Record Number: D16/154103

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To propose the setting of the Mayoral and Councillor allowances for the 2016-2020 Council term and to provide an update to Council on the provision of other support to the Mayor and Councillors.

Note regarding Conflict of Interest

2. The consideration of a matter where there is a reasonable likelihood that a Councillor will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way would ordinarily present a conflict of interest for a Councillor. That said, section 76C(1) of the Local Government Act specifically provides:
 - (1) *A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter only relates to—*
 - (c) *a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2);*
3. On this basis, Councillors are not required to declare a conflict of interest arising from a decision in relation to the payment of allowances to the Mayor or Councillors.

Background

Allowances

4. Section 74B of the Local Government Act 1989 provides that:
 - (1) *The Governor in Council may by Order in Council-*
 - (a) *Specify the amounts of allowances payable by a Council as a Councillor allowance or a Mayoral allowance;*
 - (b) *Specify limits on the amounts of allowances payable by a Council as a Councillor allowance or a Mayoral allowance;*
 - (c) *Vary the amount, limit or range of allowances payable by a Council as a Councillor allowance or a Mayoral allowance;*
 - (d) *Specify the manner in which Councillor allowances and Mayoral allowances are payable.*
 - (2) *An Order in Council may make the same provision for all Councils or may make different provision for particular Councils or for different categories of Councils as specified in the Order in Council.*
5. Following the publication of an Order in Council, the Minister for Local Government is required to conduct an annual review of Mayoral and Councillor allowances, and determine a percentage adjustment factor to be applied to Councillor allowances.
6. The most recent Order in Council was dated 3 July 2012 and established Yarra City Council as a 'Category 2' Council for the purposes of annual allowance ranges and limits. The Order in Council also determined that a percentage amount equivalent to the superannuation guarantee (currently 9.5%) be added to the allowances paid. The most recent adjustment factor was published in the Victoria Government Gazette on 26 November 2015, and was effective from 15 December 2015. The cumulative effect of these gazettals means that the permissible ranges for Mayoral and Councillor allowances for Yarra City Councillors are:

	Base allowance	Superannuation equivalent	Total
Lowest permissible Mayoral allowance	\$ 0.00	\$ 0.00	\$ 0.00
Highest permissible Mayoral Allowance	\$ 74,655.00	\$ 7,092.23	\$ 81,747.23
Lowest permissible Councillor allowance	\$ 10,033.00	\$ 953.14	\$ 10,986.14
Highest permissible Councillor allowance	\$ 24,127.00	\$ 2,292.07	\$ 26,419.07

7. In accordance with Council's resolution on 18 December 2012, Yarra City Councillors currently receive an allowance of the maximum amount permissible, The current allowances are therefore:
 - (a) Mayoral Allowance \$ 81,747.23 per annum
 - (b) Councillor Allowance \$ 26,419.07 per annum
8. Pursuant to section 74 of the Local Government Act 1989 (The Act), the Council must, within the period of six months after a general election, review and determine the level of the Mayoral allowance and Councillor allowance. Further, section 74(4) requires that prior to finally resolving on the matter, Council must include public consultation in the review process and consider any submissions received under the provisions of section 223 of the Act.
9. In resolving in December 2012 to establish Mayoral and Councillor allowances at the top of the permissible range, Council had regard to the Local Government (Councillor Remuneration Review) Panel report prepared for the then Victorian Department of Planning and Community Development into the roles and responsibilities of Councillors. That report recommended that allowance classifications be set to enable Councils to appropriately reflect the extent of responsibility of the Council concerned and importantly, to not constitute a barrier to candidates nominating for election.
10. Council noted the extensive time commitment required of Yarra City Councillors to attend formal and informal meetings throughout the year, in addition to their general commitment to serve their constituents.
11. On this basis, it is recommended that Council give notice of its intention to continue its practice of setting Mayoral and Councillor allowances at the top of the permissible range.
12. In the event that an individual Councillor chooses to forego their Mayoral or Councillor allowance, they may notify the Chief Executive Officer under section 74A(3) of the Local Government Act 1989 at any time.

Councillor Support

13. Section 75B of the Local Government Act 1989 requires each Council to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council Committees.
14. The Councillor Support and Reimbursement of Expenses Policy was last adopted by Council on 25 November 2014. The policy includes provision for resources and support, conferences, professional development and training, family related expenses, insurance, office facilities and meeting spaces, stationery and sustenance. It also includes specific provisions for support to the Mayor.
15. Notably, the policy is supported by a September 2011 Council resolution to publish detailed quarterly expense reports on Council's website. This transparency measure exceeds the minimum reporting requirements of the Local Government Act 1989.
16. As the policy is scheduled for a comprehensive review by November 2017, it is recommended that Council continue to be governed by that policy (including the provision for quarterly reporting) until that review is complete.

RECOMMENDATION

1. That Council:
 - (a) give public notice of its intent to retain the current setting of the Mayoral allowance and Councillor allowance at the top of the permissible range, plus an additional amount equivalent to the Superannuation Guarantee Levy (currently being a Mayoral Allowance of \$81,747.23 and a Councillor Allowance of \$26,419.07 per annum);
 - (b) hear and consider any submissions received at the next Council Meeting scheduled at least 28 days after the public notice of such proposal;
 - (c) note the provisions of the Councillor Support and Reimbursement of Expenses Policy and the quarterly public expense reporting will continue to operate until the next scheduled review in December 2017.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.

3.8 Internal Development Approvals Committee - Instrument of Delegation and Membership

Trim Record Number: D16/152139

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To review the Instrument of Delegation to the Internal Development Approvals Committee and appoint the membership for the coming twelve months.

Background

Instrument of Delegation

2. Section 86(6) of the Local Government Act 1989 provides that:

(6) The Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.

3. The Internal Development Approvals Committee is a committee made up of all nine Councillors, and is primarily established to consider planning applications where there is either substantial non-compliance with Council policy and guidelines or where more than five objections have been received.
4. In order to manage the workload of the Committee, three Councillors are rostered to attend each meeting, with a quorum of two Councillors required. Where a rostered Councillor is unable to attend, an alternative Councillor (preferably from the same ward) is rostered to attend in their place.
5. The Chief Executive Officer has the delegated authority to determine the rostering of members in consultation with the Mayor and Councillors. The Committee determines the Chairperson at the opening of each meeting.
6. The attached draft Instrument of Delegation does not seek to alter the scope of the existing delegation of the Internal Development Approvals Committee, and the only change is to the first point under "Membership", where the text:

The Internal Development Approval Committee membership comprises all nine Councillors, with a maximum of three Councillors as rostered on a quarterly basis (or their substitute Councillor), to meet as the scheduled Internal Development Approvals Committee, such roster being determined by the Chief Executive Officer in consultation with the Councillors.

has been changed to

All nine Yarra City Councillors are appointed to the Internal Development Approval Committee, with membership for each meeting comprising three Councillors as rostered on a quarterly basis (or their substitute Councillor), to meet as the scheduled Internal Development Approvals Committee, such roster being determined by the Chief Executive Officer in consultation with the Councillors.

7. This change has been made to clarify that the formal membership of each individual meeting of the Committee comprises the three rostered Councillors, rather than all nine Councillors. This change has been made to ensure that the Instrument of Delegation is unambiguous in respect of the committee membership and it cannot be argued that the Committee does not comply with section 91(3A) of the Local Government Act 1989 which states that "*a quorum at a meeting of ... a special committee must be at least a majority of the members.*"
8. Aside from formatting, the Instrument of Delegation remains the same as the previous instrument in all other respects.

Membership

9. It is not proposed to alter the composition of the Committee membership, and the recommendation seeks to appoint all nine Councillors as has been the previous practice.

RECOMMENDATION

1. That:
 - (a) having reviewed the draft document, Council adopt under the seal of the Council, the Instrument of Delegation to the Internal Development Approval Committee attached to this report as **Attachment One**;
 - (b) All nine Councillors of the Yarra City Council be appointed as members of the Internal Development Approvals Committee for a term of twelve months; and
 - (c) the Chief Executive Officer, in consultation with Councillors, determine a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

- 1 Draft Instrument of Delegation to the Internal Development Approvals Committee

Attachment 1 - Draft Instrument of Delegation to the Internal Development Approvals Committee



Instrument of Delegation

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

In exercise of the power conferred by section 86 (4) of the *Local Government Act 1989* and section 188 (1) of the *Planning and Environment Act 1987*, the Yarra City Council ("Council") delegates to the Internal Development Approvals Committee (IDAC), the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a resolution of Council passed on 9 November 2016.
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. for the purpose of this Instrument of Delegation, the Internal Development Approvals Committee shall comprise the three members of Council, as are rostered by rotation on a quarterly basis, or such substitute Councillors, deputising from time to time, in the instance where the rostered Councillor/s is/are unable to attend the scheduled IDAC meeting.

THE COMMON SEAL of the)
YARRA CITY COUNCIL was)
affixed hereto in the presence of:)

..... Mayor

..... Chief Executive Officer

Attachment 1 - Draft Instrument of Delegation to the Internal Development Approvals Committee

SCHEDULE

The power to:

- (a) consider planning applications which require formal consideration (and an opportunity for community consultation) but do not require referral to the Council;
- (b) consider planning applications where there is substantial non compliance with Council policy and guidelines or involve planning applications which are subject to more than five objections,; and
- (c) determine on town planning applications received pursuant to the provisions of the *Planning and Environment Act 1987*.

Conditions and Limitations

1. Membership

- (a) All nine Yarra City Councillors are appointed to the Internal Development Approval Committee, with membership for each meeting comprising three Councillors as rostered on a quarterly basis (or their substitute Councillor), to meet as the scheduled Internal Development Approvals Committee, such roster being determined by the Chief Executive Officer in consultation with the Councillors.
- (b) The Internal Development Approval Committee shall appoint its chairperson.

2. Substitute Councillors

In selecting a substitute Councillor, in the first instance, preference is to be given to a Councillor who represents the same Ward as the rostered Councillor.

3. Voting

- (a) Voting by the Internal Development Approval Committee members shall be in accordance with Council's Meeting Procedures Local Law.
- (b) Councillors other than the rostered committee members (or their substitute Councillors) are permitted to attend and participate at meetings of the Internal Development Approvals Committee, however, they do not have a voting entitlement.

4. Quorum

The quorum for meetings of the Internal Development Approval Committee is two Councillors.

5. Meeting Frequency

Meetings of the Internal Development Approvals Committee shall generally be convened on a fortnightly basis.

3.9 Appointment of Delegates to Internal and External Bodies

Trim Record Number: D16/126203

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To appoint Councillors and staff as delegates to Council's Advisory Committees and external bodies for the 2016/2017 Council year.

Background

2. In order to assist the Council to undertake its extensive range of functions, Council has:
 - a. established a range of Community Advisory Committees, to which it appoints Councillor and Officer representatives; and
 - b. appointed delegates to represent it on a range of external organisations.
3. The Community Advisory Committees are structures to facilitate community participation and input to policy and service development, or to assist with facility, project and event management.
4. Community Advisory Committees typically comprise one or more Councillors, Council officers and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right, or representatives of service authorities, support agencies or community organisations.
5. The progress, advice and recommendations of Community Advisory Committees is reported to Council through Delegate's reports by Councillors and progress reports from Council officers.
6. Under the respective Terms of Reference and committee rules, the elected Mayor is appointed automatically to the following Advisory Committees and external organisations and bodies:

Advisory Committee, Organisation or Body	Purpose
Audit Committee	To provide independent assurance and assistance to Council on its risk, control and compliance framework and external accountability responsibilities.
Australia Day Awards Committee	To facilitate selection of Australia Day Citizens of the Year
Inner Melbourne Action Plan Implementation Committee	To make Melbourne More Liveable: IMAP 2006. Covers Yarra, Maribyrnong, Melbourne, Port Phillip, Stonnington.
Inner South Metropolitan Mayors' Forum	An alliance of Melbourne's inner south municipalities working together to promote key transport priorities.
Performance Review Sub Committee	To conduct the annual performance review and remuneration review of Council's Chief Executive Officer.

7. Nominations are now sought in respect of the following Advisory Committees:

Advisory Committee	Purpose
Aboriginal Advisory Committee	To facilitate communication with the Aboriginal community.
Active Ageing Advisory Committee	To advise Council on aged services.
Audit Committee	To provide independent assurance and assistance to Council on its risk, control and compliance framework, and external accountability responsibilities.
Australia Day Awards Committee	To facilitate selection of Australia Day Citizens of the Year
Bicycle Advisory Committee	To advise Council on bicycle infrastructure, education and related issues.
Business Advisory Group	To improve communication between Council and the local business community.
Community Gardens Advisory Committee	To advise on Council on development of community gardens.
Disability Advisory Committee	To advise Council on disability issues.
Early Years Reference Group	To advise and inform Council on policy initiatives related to the implementation of the Municipal Early Years Plan.
Heritage Advisory Committee	To provide advice to Council on strategic heritage matters.
Performance Review Sub Committee	To conduct the annual performance review and remuneration review of Council's Chief Executive Officer.
Yarra Arts Advisory Committee	To advise Council on arts and culture issues, funding priorities and policy formulation
Yarra Environment Advisory Committee	A forum for community and professional input on environmental issues.
Yarra Health and Wellbeing Advisory Committee	To oversee the development and monitoring of the Municipal Public Health Plan.
Yarra Libraries Advisory Committee	To provide advice on public library services.
Yarra Multicultural Advisory Group	To provide a structure for on-going communication and consultation between multicultural communities and Yarra City Council across a broad range of issues impacting on those communities.
Yarra Sustainability Awards Panel	An award panel to assess entries in the listed award categories.
Youth Advisory Committee	To inform Council on youth issues.

8. Nominations are sought in respect of the following external organisations or bodies:

Organisation or body	Purpose/Description
Australian Local Government Women's Association	To promote participation and representation by women in Local Government.
Collingwood Children's Farm Management Committee	To oversee management of the Collingwood Children's Farm.
Doncaster Rail Local Government Group	To advocate for the delivery of Doncaster Rail.
Friends of Baucau	To promote governance and friendship to the city of Baucau in East Timor.
Mayors for Peace	An international organisation of cities dedicated to the promotion of peace.
Metropolitan (Local Government) Waste Management Forum	To develop, support and promote waste reduction and recycling programs.
Metropolitan Transport Forum	To develop recommendations pertaining to transport in Melbourne, with particular emphasis on advocating for improved public transport.
Municipal Association of Victoria	A peak representative and lobbying body for Victorian Councils which provides leadership to Councils by supporting them to achieve the highest levels of respect and recognition through improved performance.
Northern Alliance for Greenhouse Action	To promote community understanding and support for Greenhouse actions.
Victorian Local Governance Association	A peak local government body which aims to promote good governance and sustainability by supporting local governments through programs of advocacy, training, information provision and support.
Yarra Energy Foundation	To promote and implement energy sustainability.

Process

9. Before considering the officer's recommendation below, Council should conduct an election in relation to any Committees or external bodies where the number of nominations exceeds the number of vacancies. The process for these elections is set out in clause 21 of Council's Meetings Procedures Local Law (Local Law No.1 of 2011) and is conducted using the procedure for electing the Mayor set out in clauses 10 to 19.
10. In summary, this process is as follows:
 - (a) any number of Councillor may be nominated for each vacancy;
 - (b) no seconder is required;
 - (c) the nominee must consent to their nomination;
 - (d) Councillors present shall vote by a show of hands;
 - (e) in the event that no candidate receives a majority, candidates shall be eliminated by the drawing of lots as conducted by the Chief Executive Officer; and
 - (f) in the event of an election being required for a Committee with multiple vacancies, an election shall be conducted for the first vacancy, then a further election for the second vacancy, and so on.
11. Following the conduct of any election or elections as required, Council may consider the officer's recommendation below.

RECOMMENDATION

1. That Council note the following automatic appointments to Council's Advisory Committees and as Council representatives to the organisations or bodies for the 2016/2017 Council year:

Advisory Committee, Organisation or Body	Automatic appointments	Further appointments required (see below)
Audit Committee	Mayor	One other Councillor
Australia Day Awards Committee	Mayor	One Councillor from each of the other two wards
Inner Melbourne Action Plan Implementation Committee	The Mayor and the Chief Executive Officer	None
Inner South Metropolitan Mayors' Forum	Mayor	None
Performance Review Sub Committee	Mayor	Any other Councillors

2. That in addition to the automatic appointments, the following Councillors be appointed as members of Council's Advisory Committees listed in the table for the 2016/2017 Council year:

Advisory Committee	Nominees required	Appointments for 2016/2017 Council Year
Aboriginal Advisory Committee	One Councillor	Cr _____
Active Ageing Advisory Committee	One Councillor	Cr _____
Audit Committee	One Councillor (in addition to the automatic appointment of the Mayor)	Cr _____
Australia Day Awards Committee	One Councillor from each ward, other than the Mayor's ward (in addition to the automatic appointment of the Mayor)	Cr _____ Cr _____
Bicycle Advisory Committee	At least one Councillor	Cr _____ ...
Business Advisory Group	At least two Councillors	Cr _____ Cr _____ ...
Community Gardens Advisory Committee	Two Councillors	Cr _____ Cr _____
Disability Advisory Committee	Two Councillors	Cr _____ Cr _____
Early Years Reference Group	At least one Councillor	Cr _____ ...
Heritage Advisory Committee	Two Councillors	Cr _____ Cr _____
Performance Review Sub Committee	One or more Councillors (in addition to the automatic appointment of the Mayor)	Cr _____ ...

Yarra Arts Advisory Committee	Two Councillors	Cr _____ Cr _____
Yarra Environment Advisory Committee	At least one Councillor	Cr _____ ...
Yarra Health and Wellbeing Advisory Committee	Two Councillors (from different wards)	Cr _____ Cr _____
Yarra Libraries Advisory Committee	Two Councillors	Cr _____ Cr _____
Yarra Multicultural Advisory Group	One Councillor	Cr _____
Yarra Sustainability Awards Panel	One Councillor in each of the following categories: 1. Business 2. Educational services 3. Community action 4. Building and design development 5. Home and garden 6. Local Hero 7. Staff award 8. Frank Fisher Award	Cr _____ (Category 1) Cr _____ (Category 2) Cr _____ (Category 3) Cr _____ (Category 4) Cr _____ (Category 5) Cr _____ (Category 6) Cr _____ (Category 7) Cr _____ (Category 8)
Youth Advisory Committee	Two Councillors	Cr _____ Cr _____

3. That the following Councillors and staff be appointed as Council representatives to the organisations listed in the table for the 2015/2016 Council year:

Organisation or body	Nominees required	Appointments for 2015/2016 Council Year
Australian Local Government Women's Association	One Councillor	Cr _____
Collingwood Children's Farm Management Committee	One Councillor	Cr _____
Doncaster Rail Local Government Group	Up to two Councillors	Cr _____ Cr _____ (optional)
Friends of Baucau	One Councillor plus one substitute Councillor	Cr _____ Cr _____ (substitute)
Mayor's for Peace	The Mayor or appointee	Cr _____
Metropolitan (Local Government) Waste Management Forum	One Councillor plus one substitute Councillor	Cr _____ Cr _____ (substitute)
Metropolitan Transport Forum	One Councillor plus one substitute Councillor	Cr _____ Cr _____ (substitute)
Municipal Association of Victoria	One Councillor plus one substitute Councillor	Cr _____ Cr _____ (substitute)
Northern Alliance for Greenhouse Action	One Councillor	Cr _____
Victorian Local Governance Association	One Councillor plus one substitute Councillor	Cr _____ Cr _____ (substitute)
Yarra Energy Foundation	Two Councillors plus one Council officer	Cr _____ Cr _____ Guy Wilson-Browne (Director City Works and Assets)

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

3.10 Council Meeting Schedule 2017

Trim Record Number: D16/126204

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To formally adopt the meeting schedule for the 2017 calendar year.

Background

2. The proposed meeting cycle follows the same frequency as was used in 2016 and prior years. Some minor adjustments have been required to accommodate public holidays and the ALGA National General Assembly. The times and dates have been established as follows:
 - (a) Council Meetings commence at 6.30pm for closed sessions and 7.00 pm for public sessions on two Tuesdays of each Month, with the exception of January (where no meetings are proposed), October (where three meetings are proposed) and November (where one meeting is proposed); and
 - (b) Internal Development Approvals Committee Meetings commence at 6.30pm two Wednesdays each month, with the exception of January (one meeting), March (three meetings), and December (one meeting).
3. Council Meetings have traditionally been held at both Richmond and Fitzroy Town Halls. It is proposed that in 2017:
 - (a) Council Meetings be held at Fitzroy Town Hall in the months of February, March, October, November and December 2017 and at Richmond Town Hall in the months of April, May, June, July, August and September 2017; and
 - (b) Internal Development Approvals Committee meetings be held at Richmond Town Hall from January to December 2017.
4. It is further proposed that the Chief Executive Officer be provided with the delegated authority to relocate any meeting without the need for a further Council resolution in the event that the proposed venue is unavailable or unsuitable. This power is subject to compliance with public notification requirements of the Local Government Act.
5. Additional Special Council Meetings may also be called during the 2017 year as the need arises, and appropriate notice will be provided as per legislative requirements.

Consultation

6. The nature of this report did not necessitate any consultation to be undertaken.

Financial Implications

7. There are no direct financial implications flowing from the preparation of this report.

Economic Implications

8. There are no economic implications flowing from the preparation of this report.

Sustainability Implications

9. There are no sustainability implications flowing from the preparation of this report.

Social Implications

10. There are no social implications associated with the preparation of this report.

Human Rights Implications

11. There are no Human Rights implications flowing from the preparation of this report.

Communications with CALD Communities Implications

12. The nature of this report did not necessitate any dedicated consultation to be undertaken.

Council Plan, Strategy and Policy Implications

13. Council's Strategic Objective 5: leading local government - includes a leadership focus; and reinforces that Council is working closely with its community to represent and advocate for the rights and needs of such a community. It is therefore vital that the community is well informed of when Council conducts its formal meetings.

Legal Implications

14. Section 89 (4) of the Local Government Act 1989, generally provides that a Council must give at least 7 days' notice when holding an Ordinary or Special Council Meeting or a Special Committee comprising solely of Councillors (such as IDAC). Where urgent or extraordinary circumstances prevent Council from complying with section 89(4), Council is required to give such public notice as is practicable and specify the urgent or extraordinary circumstances which prevented normal notice in the Minutes.
15. Further, Clause 36 of Council's Meeting Procedures Local Law 2011, provides that – "the date, time and place for all Ordinary Meetings and Special Committee Meetings shall be fixed by the Council from time to time".

Other Issues

16. There are no other issues relevant in the preparation of this report.

Options

17. Council can accept the Officer's recommendation or amend, vary, or defer the matter, pending receipt of other required information.

Conclusion

18. The recommended Council Meeting Schedule for the 2017 year is reflective of the schedule adopted for recent years.

RECOMMENDATION

1. That Council:
 - (a) adopt the following Meeting Schedule for the 2016 year:
 - (i) Ordinary Council (6.30pm for closed sessions and 7.00pm for public sessions):
 - a. 7 & 21 February 2017 (Fitzroy Town Hall);
 - b. 7 & 21 March 2017 (Fitzroy Town Hall);
 - c. 4 & 11 April 2017 (Richmond Town Hall);
 - d. 2 & 16 May 2017 (Richmond Town Hall);
 - e. 6 & 27 June 2017 (Richmond Town Hall);
 - f. 4 & 18 July 2017 (Richmond Town Hall);
 - g. 1 & 15 August 2017 (Richmond Town Hall);
 - h. 5 & 19 September 2017 (Richmond Town Hall);
 - i. 3, 17 & 31 October 2017 (Fitzroy Town Hall);
 - j. 21 November 2017 (Fitzroy Town Hall); and
 - k. 5 & 19 December 2017 (Fitzroy Town Hall).

(ii) Internal Development Approvals Committee (6.30pm):

- a. 18 January 2017;
 - b. 1 & 15 February 2017;
 - c. 1, 15 & 29 March 2017;
 - d. 19 & 26 April 2017;
 - e. 10 & 24 May 2017;
 - f. 14 & 28 June 2017;
 - g. 12 & 26 July 2017;
 - h. 9 & 23 August 2017;
 - i. 13 & 27 September 2017;
 - j. 11 & 25 October 2017;
 - k. 15 & 29 November 2017; and
 - l. 13 December 2017; and
- (b) authorise the Chief Executive Officer to alter the location of Ordinary Meetings of Council and the Internal Development Approvals Committee (IDAC) under clause 36 of the Yarra City Council Meeting Procedures Local Law 2011 if required, subject to public notification in accordance with the Local Government Act 1989; and
- (c) request the Chief Executive Officer to ensure that the adopted Council Meeting Schedule and IDAC meeting schedule and Special Meeting details are posted on the Council website and advertised appropriately.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

1 2017 Meeting Dates

Attachment 1 - 2017 Meeting Dates

2017 Meeting schedule



	Su	Mo	Tu	We	Th	Fr	Sa
January	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
February	29	30	31	1	2	3	4
	5	6	7 F	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21 F	22	23	24	25
March	26	27	28	1	2	3	4
	5	6	7 F	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21 F	22	23	24	25
April	26	27	28	29	30	31	1
	2	3	4 R	5	6	7	8
	9	10	11 R	12	13	14	15
	16	17	18	19	20	21	22
May	23	24	25	26	27	28	29
	30	1	2 R	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16 R	17	18	19	20
June	21	22	23	24	25	26	27
	28	29	30	31	1	2	3
	4	5	6 R	7	8	9	10
	11	12	13	14	15	16	17
July	18	19	20	21	22	23	24
	25	26	27 R	28	29	30	1
	2	3	4 R	5	6	7	8
	9	10	11	12	13	14	15
August	16	17	18 R	19	20	21	22
	23	24	25	26	27	28	29
	30	31	1 R	2	3	4	5
	6	7	8	9	10	11	12
September	13	14	15 R	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31	1	2
	3	4 R	5 R	6	7	8	9
October	10	11	12	13	14	15	16
	17	18 R	19 R	20	21	22	23
	24	25	26	27	28	29	30
	1	2	3 F	4	5	6	7
November	8	9	10	11	12	13	14
	15	16	17 F	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31 F	1	2	3	4
December	5	6	7	8	9 R	10	11
	12	13	14	15	16	17	18
	19	20	21 F	22	23	24	25
	26	27	28	29	30	1	2
	3	4	5 F	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19 F	20	21	22	23
	24	25	26	27	28	29	30
	31						

Council Meeting

Public Holiday

ALGA Assembly

IDAC

Statutory Meeting

3.11 Conclusion

Trim Record Number: D16/126205

Responsible Officer: Group Manager Chief Executive's Office

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments