



**CITY OF
MONASH**

**MINUTES OF THE SPECIAL MEETING OF
COUNCIL
HELD ON 20 FEBRUARY 2018**

at 7.30 pm

**Council Chambers
293 Springvale Road,
Glen Waverley**

**MINUTES OF THE SPECIAL MEETING OF THE MONASH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY
ON 20 FEBRUARY 2018 AT 7.30 PM.**

PRESENT: Councillors P Klisaris (Mayor), S McCluskey (Deputy Mayor), R Davies, J Fergeus, S James, G Lake, B Little, R Paterson, L Saloumi, MT Pang Tsoi, T Zographos

APOLOGIES:

Nil

DISCLOSURES OF INTEREST

Nil.

ITEM OF BUSINESS

The Mayor stated that this meeting had been called at short notice and therefore the requirements of section 89(4) of the Local Government Act 1989 had not been met. He further stated that in accordance with the requirements of section 89(4A) of the Act, the urgency of the meeting was that the matter of the business before the Council, at this meeting, would have a direct impact on the Chinese cultural festival, which Council supported and which was to be held on Sunday 25 February 2018.

The Mayor stated that the business of the meeting was as follows:

To clarify that:

- 1. Council's guidelines for stallholders and speakers at Monash festivals and events applies to both Council presented and sponsored events and festivals; and*
- 2. Balloons, bags, stickers or politically partisan pamphlets (or other promotional material of this nature) should not be issued by political parties, candidates or members of parliament.*

1. Council Presented and Council Sponsored Events and Festivals Updated Guidelines For Stallholders and Speakers

Moved Cr Little

Seconded Cr Paterson

That Council endorses the updated Guidelines for Stallholders and Speakers at Monash Events and Festivals pertaining to both Council presented and Council supported Events and Festivals within the City of Monash.

AMENDMENT

Moved Cr Zographos

Seconded Cr Davies

Add to the end of the motion, the following words: subject to the removal of parts 1.3 and 1.4 of the proposed guidelines.

Cr Zographos said he proposed the amendment because there were democratic ideals that were important in any community and if the Council sought to diminish them, then that needed to be called out. He added that no political party or activity should be censored at Council run festivals or ones that it supported or partnered. In 2009 Council sought to stop certain political parties from having stalls at festivals and that was contrary to what applied to events conducted by adjoining councils. Cr Zographos said that the amendment was aimed at allowing anyone who had a passion about the City of Monash to apply for a stall at a festival, and it was expected that they would need to meet all the other guidelines for stallholders. He added that it should be the community that decided which stalls it wanted to see and visit at such events.

Cr James sought clarification on the amendment.

The Mayor read out parts 1.3 and 1.4 of the Guidelines.

Cr Lake said that he did not support the amendment and that it was the opposite of the motion that was before the Council. He added that he would foreshadow an amendment to clarify the Guidelines, subject to the outcome of the vote on this amendment. Cr Lake said that the Council had a fair policy which allowed Members of Parliament to participate in Council run or sponsored festivals and that festivals were for the community and should not be politicised. He noted that there had been complaints from the community regarding the handing out of balloons at festivals.

Cr Davies said that he was agnostic about political parties being able to set up stalls at festivals; the issue was about Council's rules not being enforced consistently, with Members of Parliament flouting guidelines. Cr Davies added that the Council needed reasonable and enforceable rules, otherwise it should allow particular behaviours at festivals.

Cr Paterson said that she took her family to festivals for the entertainment, as did many others. She noted that political pamphlets usually ended up being discarded in Council bins that the Council then had to spend money on having emptied. Cr Paterson said that information on local services and facilities was far more valuable to the community. She added that festivals were conducted for the community with ratepayers' money and that no one went to a festival to seek interaction with politicians.

Cr James said that he agreed with Cr Paterson and that festivals were not for politicians. He said that he foreshadowed an amendment to have the guidelines reviewed, for future festivals. Cr James added that it was problematic to allow balloons at festivals, given the environmental damage that they caused and the rapidly declining amount of

helium available. He said that festivals were for the community and would not support the amendment.

Cr McCluskey said that he could not support the amendment and did not support the presence of political parties at festivals. He added that he supported the ban on political parties at festivals, with the exception of Members of Parliament who had been formally invited and/or who had been formally invited to speak at such events.

Cr Tsoi said that he supported the principle of Members of Parliament being available to the public, as they served and were part of the community.

The Mayor said that political representatives were part of the community and they therefore had a place in Council events. However, he said that he could not support the amendment as he considered that it was important that there were boundaries around activities.

LOST

DIVISION

A division was called.

For: Crs Saloumi, Zographos, Tsoi, Davies

Against: Little, Fergeus, Paterson, McCluskey, Klisaris, James, Lake

PROCEDURAL MOTION

Moved Cr Davies

Seconded Cr Saloumi

That this matter be deferred for 3 months.

LOST

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

That the Guidelines for Stallholders and Speakers at Monash Festivals & Events read as follows:

Introduction

Festival, events and celebratory activities are an important part of community life. They can create a sense of pride and belonging in a geographical area or within a community, showcase the talents and cultures of that community to a wider audience and bring people of many different backgrounds together in celebration. Council presented and supported events and festivals express the character, attributes and aspirations of the people of Monash.

Stallholders applying to participate in a Council event or festival, or to a Council supported event or festival, are required to submit a description, including where practicable a visual representation, of what they intend to display and/or sell at a festival or event.

Upon receipt of an application from a stallholder, Council reserves the right to seek information concerning material proposed to be displayed or goods or services to be sold from a stall. It also reserves the right to refuse an application, if an applicant does not provide the information sought by Council (see above) or, in its absolute discretion, it deems the proposed stall activities to be inconsistent with one or more desired festival or event outcomes.

So, submitting an application does not guarantee that Council, or the organizing committee of a Council supported event under the conditions of these Guidelines, will grant the application.

1. Desired Outcomes of Council presented and Council supported events and festivals

- 1.1 In general Council deems community festivals and events to achieve the following broad outcomes:
- Provide appropriate entertainment and activities to enrich the cultural life of the Monash community
 - Provide opportunities for local community groups to provide information about local community services and activities that are directly of benefit to the local community
 - Seek feedback from residents concerning Council services
 - Promote Council services.
 - Provide opportunities for State and Federal government departments to disseminate information about their relevant community services.
- 1.2 Each festival or event is a non-political occasion. Council will, however, allow local sitting Members of Parliament to participate in festivals and events presented by Council and those events and festivals supported by Council, if they provide information or services that are of direct benefit and relevance to the local community, which are not politically partisan in nature and which reflect the spirit and general intent of clauses 1.2, 1.3 and 1.4. Permitted material includes local newsletters and information of general local interest.
- 1.3 Material distributed by or associated with any Member of Parliament must not promote a political party, another candidate or group, or solicit membership to a political party or group. Material which is not permitted includes any material that includes negative or derogatory statements regarding an opposing policy position, point of view or opinion.
- 1.4 Material with a predominant purpose of promoting a political party, Member of Parliament, candidate or political cause is not permitted. In particular, balloons, bags, stickers, pens or other similar 'give-aways' must not be distributed under any circumstances.

2. Invitations to Members of Parliament

- 2.1 Invitations to attend Council presented festivals, events and celebratory activities are to be extended to all local Federal and State Upper and Lower House Members of Parliament. Invitations are to be issued under the Mayor's name.
- 2.1.1 In the case of Council supported events and festivals, the invitation may be issued by the organizing committee, or under the name of the head of the organizing committee.

2.2 Council may invite appropriate government representatives when funding has been obtained from State or Federal Government programs for that specific event, to officially speak at Council presented festivals, events and celebratory activities.

2.2.1 In the case of Council supported events and festivals where funding has been obtained from State or Federal Government programs for that specific event, the invitation may be issued by the organizing committee, or under the name of the head of the organizing committee.

2.3 Council may invite State or Federal Lower House Members of Parliament whose electorates cover the locality in which a Council event or festival is held, to speak at that event or festival.

2.3.1 In the case of Council supported events and festivals where the electorates of a State or Federal Lower House Members of Parliament cover the locality in which a Council supported event or festival is held, the invitation may be issued by the organizing committee, or under the name of the head of the organizing committee.

3. Conclusion

3.1 By providing funding to community events and festivals, Council has determined that the desired outcomes of these events accord with those of Council's own events and festivals program.

3.2 Therefore, adherence to the conditions of clauses 1 and 2 of these Guidelines is a condition of Council's funding support to those events and festivals sponsored by Monash Council.

Cr Lake said that the Guidelines could be improved. But this meeting was not an appropriate time to do so. He said that he would support Cr James' proposed amendment to review the guidelines over the winter period, before the next festival season, and consult on it. He said that there was a role for Members of Parliament at festivals, but it had to be a small role and not conflict with the community focus of the events. He added that there was confusion about the guidelines, particularly around the handing out of balloons by MP's. He said that there was the potential for a "balloon war" to break out at the forthcoming Chinese festival. He said that it had happened before. The amendment sought to clarify the prohibition on balloons. Cr Lake said that the material handed out at the Clayton Festival was acceptable under the current guidelines.

Cr Fergeus said that he was surprised that there was discussion about balloons as he thought that that issue had been addressed. He said that he generally supported the amendment, but could not support the inclusion of the words "political cause" as it was a catchall phrase and could potentially cause a problem. He added that MP's were an important part of the community and would not support a ban on them attending community events and be available to talk about local issues and their presence would support accessibility of elected representatives, which many councillors supported. Cr Fergeus said that he supported the guidelines being clear, even handed and supporting the reduction of waste.

Cr Zographos said that he could not believe what he was hearing. He said that he had heard an attack on democracy from three councillors; that they didn't want politicians at Council festivals, and that included councillors, who were politicians. He said that both Crs Paterson and James had said that.

POINT OF ORDER

Cr James raised a Point of Order, saying that he didn't say that politicians couldn't attend festivals; he was referring to them not having stalls. Cr Zographos had misquoted and misrepresented him.

Cr James withdrew his Point of Order, saying that he had made his point.

Cr Zographos continued. He said that Cr Paterson had said that she didn't want politicians at community festivals and Cr James had supported her statement. He said that the community should be consulted on whether politicians should be able to attend festivals. He said that people wanted to see their politicians, to complain to them, ask questions, see what they stood for and ask about policies. He said that other than going to an MP's office, a festival was the best place for people to see their MP's. Cr Zographos said that councillors were in the business of politics. He said that the guidelines did not work and were pointless. He added that he would not support preventing politicians from attending events, but would support consultation on the issue.

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr Paterson

That the amendment no longer be put.

CARRIED

AMENDMENT

Moved Cr Lake

Seconded Cr Klisaris

That the Guidelines for Stallholders and Speakers At Monash Festivals & Events read as Follows:

Introduction

Festival, events and celebratory activities are an important part of community life. They can create a sense of pride and belonging in a geographical area or within a community, showcase the talents and cultures of that community to a wider audience and bring people of many different backgrounds together in celebration. Council presented and supported events and festivals express the character, attributes and aspirations of the people of Monash.

Stallholders applying to participate in a Council event or festival, or to a Council supported event or festival, are required to submit a description, including where practicable a visual representation, of what they intend to display and/or sell at a festival or event.

Upon receipt of an application from a stallholder, Council reserves the right to seek information concerning material proposed to be displayed or goods or services to be sold from a stall. It also reserves the right to refuse an application, if an applicant does not provide the information sought by Council (see above) or, in its absolute discretion, it deems the proposed stall activities to be inconsistent with one or more desired festival or event outcomes.

So, submitting an application does not guarantee that Council, or the organizing committee of a Council supported event under the conditions of these Guidelines, will grant the application.

1. Desired Outcomes of Council presented and Council supported events and festivals

1.1 In general Council deems community festivals and events to achieve the following broad outcomes:

- Provide appropriate entertainment and activities to enrich the cultural life of the Monash community
- Provide opportunities for local community groups to provide information about local community services and activities that are directly of benefit to the local community
- Seek feedback from residents concerning Council services
- Promote Council services.
- Provide opportunities for State and Federal government departments to disseminate information about their relevant community services.

1.2 Each festival or event is a non-political occasion. Council will, however, allow local sitting Members of Parliament to participate in festivals and events presented by Council and those events and festivals supported by Council, if they provide information or services that are of direct benefit and relevance to the local community, which are not politically partisan in nature and which reflect the spirit and general intent of clauses 1.2, 1.3 and 1.4. Permitted material includes local newsletters and information of general local interest.

1.3 Material distributed by or associated with any Member of Parliament must not promote a political party, another candidate or group, or solicit membership to a political party or group. Material which is not permitted includes any material that includes negative or derogatory statements regarding an opposing policy position, point of view or opinion.

1.4 Material with a predominant purpose of promoting a political party, Member of Parliament, or candidate is not permitted. In particular, balloons, bags, stickers, pens or other similar 'give-aways' must not be distributed under any circumstances.

2. Invitations to Members of Parliament

2.1 Invitations to attend Council presented festivals, events and celebratory activities are to be extended to all local Federal and State Upper and Lower House Members of Parliament. Invitations are to be issued under the Mayor's name.

2.1.1 In the case of Council supported events and festivals, the invitation may be issued by the organizing committee, or under the name of the head of the organizing committee.

2.2 Council may invite appropriate government representatives when funding has been obtained from State or Federal Government programs for that specific event, to officially speak at Council presented festivals, events and celebratory activities.

2.2.1 In the case of Council supported events and festivals where funding has been obtained from State or Federal Government programs for that specific event, the invitation may be

issued by the organizing committee, or under the name of the head of the organizing committee.

2.3 Council may invite State or Federal Lower House Members of Parliament whose electorates cover the locality in which a Council event or festival is held, to speak at that event or festival.

2.3.1 In the case of Council supported events and festivals where the electorates of a State or Federal Lower House Members of Parliament cover the locality in which a Council supported event or festival is held, the invitation may be issued by the organizing committee, or under the name of the head of the organizing committee.

3 Conclusion

3.1 By providing funding to community events and festivals, Council has determined that the desired outcomes of these events accord with those of Council's own events and festivals program.

3.2 Therefore, adherence to the conditions of clauses 1 and 2 of these Guidelines is a condition of Council's funding support to those events and festivals sponsored by Monash Council.

Cr Saloumi said that she was concerned with the inclusion of words and terms such as "another candidate" "includes negative or derogatory statements regarding an opposing policy position, point of view or opinion". She said that such words were subjective and a decision depended on the person making the assessment. Cr Saloumi said that the view of the incumbent tended to be heard and anyone with an opposing view or represented what constituents wanted, was shut down. She said she specifically disagreed with the amendment that related to talking about another candidate or group. She said that she thought that balloons were already prohibited. Cr Saloumi said that she probably preferred the Guidelines as proposed by Council officers, as they were not quite restrictive as those proposed in the amendment.

Cr Little said that these were guidelines and therefore there was bound to be some subjectivity and that they were not subject to enforcement, as such. Cr Little said that the Council was seeking to reinforce the Guidelines and approach the MP's in a civilised way, to inform them that they were guests at these events and ask them to behave as such and to abide by the guidelines. He said that he supported the amendment as it achieved a balance.

PROCEDURAL MOTION

Moved Cr James

That the amendment be put.

As this motion did not have a seconder, it lapsed.

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr Paterson

That Cr Zographos not be heard on this amendment.

LOST

Cr Zographos said that said that some councillors such as Crs Lake and Paterson did not like others' opinions and had tried to gag freedom of thought, freedom of expression.

POINT OF ORDER

Cr Little called a Point of Order, stating that Cr Zographos' comments were not relevant to the matter before Council.

The Mayor upheld the Point of Order and requested Cr Zographos to confine his contribution to the item before the Council.

Cr Zographos continued, saying that Cr Saloumi made a good point in that candidates would not be allowed to have a stall at a festival; only incumbent councillors could. He said that that was against democracy. Cr Zographos said that democracy provided the foundation to allow society to function. He said that if the amendment was passed, he would ensure that there were hundreds of people going to the door of those who supported it expressing their anger on the attack on democracy.

Cr Davies said that the amount of helium released into the atmosphere from balloons was not significant, compared to the amount released from gas deposits, or industrial uses. He said that the balloons issue was not worth arguing about; he was happy to have them banned if that was what the Council wanted. He said that material promoting a political party was taking place; signs, pamphlets and tee shirts. He said that current MP's were ignoring the guidelines. Cr Davies asked why was the Council seeking to censor political parties; they were part of the community and there were current councillors who were members of political parties. He asked why it was proposed that Council candidates be banned from having stalls. Cr Davies said that the current guidelines were difficult enough to enforce, now the amendment was adding further prohibitions. Cr Davies said that a set of rules that worked and had community buy-in was needed.

Cr McCluskey said that, in reference to Cr Zographos' comments, he had something different to what Cr Zographos had claimed that he had said. Cr McCluskey clarified that he made specific reference to MP's being invited as guests, to make speeches. He said that this was policy on the run; amendment after amendment. Cr McCluskey added that guidelines were toothless in relation to enforcement and enforcement was not achievable. He said that he hoped that the Council revisited this matter. He reiterated his view that there should be no political parties with stalls at any festival.

VOTE ON AMENDMENT

The amendment was put to the vote and declared carried. It formed part of the Substantive Motion.

CARRIED

DIVISION

A division was called.

For: Crs Little, Fergeus, Paterson, McCluskey, Klisaris, James, Lake

Against: Crs Saloumi, Zographos, Tsoi, Davies

AMENDMENT

Moved Cr James

Seconded Cr Lake

Add part 2: That officers undertake a comprehensive review of the Guidelines for Stallholders and speakers at Monash Festivals and Events and report back to Council prior to the 2018/2019 Festival season.

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr McCluskey

That the amendment be put to the vote.

CARRIED

DIVISION

A division was called.

For: Crs Saloumi, Fergeus, Paterson McCluskey, Klisaris, James, Lake, Davies.

Against: Crs Little, Zographos

VOTE ON AMENDMENT

The amendment was put to the vote and declared carried. It formed part of the Substantive Motion

CARRIED

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr James

That the motion be put to the vote.

LOST

AMENDMENT

Moved Cr Davies

Seconded Cr Saloumi

Add part 3 to the motion, as follows: “3. That the policy specifically and explicitly excludes limitations on political party material, such as tee shirts and signage.”

Cr Davies said that this had been seen at the Clayton Festival, where people wore tee shirts, had signage and distributed pamphlets and officers considered that that was within the guidelines. He said that this should be permitted within the guidelines.

Cr Lake said that the amendment was not necessary, but was not concerned if it was carried. As he didn't consider a tee shirt to be objectionable or something to be regulated, or offended the current guidelines or the proposed guidelines before Council. Cr Lake said that the key was material with the predominant purpose of promoting a political party, Member of Parliament, candidate or political cause. He added that the focus was on items such as balloons, bags, stickers, pens, and similar items, which polluted a festival and which had caused problems in the past. Cr Lake said that he did not have a problem with branded stalls, which simply identified who the stall belonged to, or volunteers wearing tee shirts. Cr Lake said that the amendment was open-ended and would allow people to argue that they could promote their political party in particular ways. He noted the motion included a review of the guidelines and no further changes were needed.

POINT OF ORDER

Cr James called a Point of Order, saying that the amendment contradicted part 1 of the motion, in regard to the wording of part 1.4 of the proposed guidelines, and was therefore against the meeting procedures local law.

The Mayor did not uphold the Point of Order.

LOST

DIVISION

A division was called.

For: Crs Davies, Zographos, Saloumi, Tsoi

Against: Crs Little, Fergeus, Paterson, McCluskey, Klisaris, James, Lake

PROCEDURAL MOTION

Moved Cr Lake

Seconded Cr James

That the motion be put to the vote.

LOST

DIVISION

A division was called.

For: Crs Lake, James, Klisaris, Paterson, Little

Against: Crs Zographos, Saloumi, Tsoi, Davies, McCluskey, Fergeus

AMENDMENT

Moved Cr Zographos

Seconded Cr Davies

*Add the following words, after the word Events, in part 2 of the Substantive Motion:
“by inviting community feedback on the Guidelines for Stallholders and speakers at
Monash Festival and Events, including from stallholders from the 2017 calendar year.”*

PROCEDURAL MOTION

Moved Cr James

Seconded Cr Little

That the amendment be put to the vote.

CARRIED

VOTE ON AMENDMENT

The amendment was put to the vote and declared carried and formed part of the Substantive Motion.

CARRIED

DIVISION

A division was called.

For: Crs Zographos, Tsoi, Davies, Saloumi, Fergeus, , Paterson

Against: Crs Lake, Klisaris, Little, James, McCluskey

Cr McCluskey sought to move an amendment as he was concerned that the motion would not necessarily achieve what was intended. In response to a question from Cr

McCluskey, the Acting Chief Executive Officer advised that the current wording was sufficient and that it was not necessary to add “or Monash supported festivals and events” in the amendment.

PROCEDURAL MOTION

Moved Cr Paterson

Seconded Cr James

That the Substantive Motion be put to the vote.

CARRIED

VOTE ON SUBSTANTIVE MOTION

The Substantive Motion was put to the vote and declared carried.

CARRIED

The Mayor declared the meeting closed at 8.35 pm

MAYOR:

DATED THIS DAY OF 2018