



Office of the Mayor,  
Councillor Jami Klisaris

17 February 2017

Dear Ms Rado

I am writing in response to the questions that you raised at the Council meeting of 6 February 2017. The responses have been prepared by Council Officers.

Stonnington Council has a 17.28% (up by 44.03%) of making decisions in confidence (behind closed doors). Similar Councils percentage is 9.45%. Added to this, Stonnington Council no longer allows public questions and answers to be read out at Council meetings or identified in the agenda and minutes.

The Victorian Ombudsman recently (Dec 16) made the following points:  
"Despite evidence indicating public questions have limited capacity to influence Council decision making, public questions time is an important way for the public to engage with Councils. It allows the public to seek further clarification about Council's reasoning or to have concerns about Council activities to be placed on the public record. Not all Councils record public questions and answers in their minutes. Yet, this should not be burdensome, as most Councils require questions in advance to prepare answers. Ensuring public questions and answers are placed on the public record recognises the value of public participation in Council decision-making processes".

In light of this report, will Councillors put up a motion to read out and record public questions?  
If not, why not?

## Response

Council's meeting procedure is outlined in the Stonnington City Council General Local Law 2008 (No1). It is also in the index of all Council agendas and minutes, includes g) Questions to Council from Members of the Public. (Clause 424 of the General Local Law 2008 (No1). This clause is as follows:

### **424. Questions to Council from Members of the Public**

- (1) Questions to Council from members of the public will be considered as part of the Order of Business of an Ordinary Meeting only when submitted in the format outlined below:
  - (a) Questions must be in writing and lodged at the Office of the Chief Executive Officer by 12 noon on the day of the next scheduled Ordinary Meeting;
  - (b) A limit of five (5) questions per questioner applies;
  - (c) Questions must include the name and address of the questioner and the date of the question. Questions by facsimile or email are acceptable.
- (2) Within four (4) working days of receipt of a complying question to Council from a member of the public, the Chief Executive Officer will dispatch a notice to the member of the public who submitted the question, advising that the question has been received.
- (3) At a meeting at which a question is to be considered:
  - (a) The Chairperson will acknowledge that a question or questions have been received from a (named) person and ask if that questioner is in the gallery;
  - (b) If the questioner is present in the gallery, a summary of the subject matter of the question(s) will be read out by the Chairperson and the questioner advised that a written reply to the question(s) will be issued within fourteen days of that meeting date;
  - (c) If the questioner is not in the gallery, Council will respond to the question(s) in accordance with any standard correspondence to Council.
- (4) The Chairperson has the discretion to allow a question to be asked and/or answered at the meeting which is in variance with the procedure in this Local Law.
- (5) The Chairperson may refuse to acknowledge a question if, in the opinion of the Chairperson, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language or substance, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, outside Council's powers or functions, which has been asked at a previous Council meeting and a reply issued, or relates to matters that come under Section 89(2) of the Act.
- (6) Any question relating to electoral matter during an Election Period will not be considered at any Council Meeting.

In the past the minutes of the meetings have recorded a summary of the questions that have been raised. Since the recent Council elections there has been a change in process where questions have been received and the author is in the gallery.

Unfortunately at the relevant meeting time I did not ask if the person was in the gallery as per the Local Law as it was not contained in the summary. This has now been addressed and indeed I have now asked at the Council meeting on 19 December 2016 if any of the seven persons who lodged questions were present and read the summary of their questions if they were present (see clause 424 (3b)) and again on Monday 6 February 2017 I asked if any of the 16 submitters were present of which five person were and I read out a summary of their questions.

While Council has always replied to the submitter of questions the response was not incorporated into the minutes. Council has now implemented the incorporation of the responses at the following meeting with the Chair (usually myself as Mayor) formally tabling the responses for inclusion into the Minutes of that subsequent meeting. You can now see these in the Minutes of the Council meeting of 19 December 2016 for the questions raised at the meeting of 5 December 2016. Similarly the responses to the questions from 19 December will be incorporated into the minutes of the 6 February and so on.

The minutes are made available to the public on the day after they have been confirmed which is at the following Council meeting – that is: the minutes of the meeting of 6 February 2017 will be confirmed on 20 February. It should be noted that Council minutes are not Hansard style minutes and only record the Council resolutions and a summary of other matters.

Council is currently reviewing its Local Law and will formally incorporate the above process into Clause 424 as part of this process.

In respect to the matters considered under Confidential Business the following are the legislative requirements reasons under section 89 (2) of the *Local Government Act 1989* for which Council can proceed to close the meeting:

- a Personnel matters
- b personal hardship of resident or ratepayer
- c industrial matters
- d contractual matters
- e proposed developments
- f legal advice
- g matters affecting the security of Council property
- h matters that may prejudice the council or any person

The figures you quoted related to the 2015-16 year and to get into context you need to also note the comments that were also listed at Know Your Council. "In 2015-16, confidential resolutions were related to contractual and land acquisition matters reflecting Council's adopted strategy to increase open space. Council formed the view that the premature disclosure of this information was prejudicial to the interests of Council and other persons."

The figures for 2016-17 for the first half year are at 9.86%. Council is always open about the items it lists under Confidential Business as the subject is always incorporated into the index of the Ordinary Council meeting agenda.

I trust that this has responded to your questions.

Yours sincerely



**Cr Jami Klisaris, GAICD**  
*Mayor of the City of Stonnington*  
*Councillor for East Ward*