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Surf Coast Shire Special Council Meeting for Hearing of Submissions (Via Zoom)

Tuesday, 4 July 2023 at 6pm

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CHAIR: Hello. Good evening, everybody. I'd like to welcome everyone watching this Special Council Meeting. My name is Councillor Liz Pattison and I'm Mayor of the Surf Coast Shire.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud peoples of the Maar nation. The main Council offices in Torquay are on Wadawurrung country. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I'm so grateful that we can be here today living and working in such a beautiful part of the world. The Surf Coast Shire Council is committed to walking with traditional owners of these lands on a journey of genuine reconciliation.

Tonight we will be hearing from those who wish to speak to their written submissions regarding the proposed Community Amenity Local Law 2023. To facilitate public access, this meeting is being live streamed and the recording will be available on Council's website. If a submitter does not wish to be video recorded, it is their responsibility to turn off their video function and use audio only. Live captioning will accompany the live stream.

Councillors are bound by the behaviour and obligations under the code of Conduct. Please direct any comments or questions you have through me as the Chair and I will endeavour to ensure everyone has an opportunity to speak while also making sure we stick to time.

The following procedures will apply during this meeting. Speakers will be given 5 minutes to present their submission. When the timer on the screen reaches 5 minutes, you must stop your presentation. The timer will turn orange when you have 1 minute left as a bit of a warning and then red when you have 10 seconds remaining. Councillors will then be invited to ask questions directly related to your submission if needed.

I request that all of our presenters keep to the content and ensure that language of your submissions is respectful as any offensive conduct won't be tolerated. We want to make sure we're being respectful in our conduct and I'm sure everyone will.

This Special Council Meeting is not a workshop and it should not be necessary for officers to be asked to make comment on the submissions. However, if there are any questions of officers, they should be directed through me as the Chair. Councillors will not be making any decisions in relation to the matters heard tonight. Decision making will occur at a future Council meeting once all relevant information has been received and reviewed.

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I will now recite the pledge. As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

Are there any apologies for this meeting? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. I believe Councillor Stapleton is an apology for this meeting.

CHAIR: Thank you. Can I have a mover of a motion to accept Councillor Stapleton's apology? Councillor Allen and seconded by Councillor Bodsworth. All those in favour. And the motion is carried unanimously.

If a Councillor or officer has a conflict of interest, they must declare it now and do so again just prior to - or, you know, we have one motion, which is this Local Law. Are there any conflicts of interest? No.

We now move in to the reports, which is our Proposed Community Amenity Local Law. We had 84 submissions received for this item and tonight we have 6 submitters who have requested to speak. Our first submission tonight will be from Mark Barker and Emma Dumesny.

JAKE: Through you, Mayor, Mark and Emma are not online.

CHAIR: Okay, thanks. We'll move on to our next submitter, which is Helen Papadimitriou. Can Helen please be admitted into the meeting?

JAKE: Through you, Mayor, Helen is being admitted into the meeting now.

CHAIR: Great. Thank you. Hi, Helen. We can see you there now. If you can turn your mic on and your video if you're happy to be filmed. That's great, thank you. And welcome and I'll now pass it over to present. You have got 5 minutes to present your submission.

HELEN PAPADIMITRIOU: Great. Thanks, guys. Thanks for having me. Really appreciate it. And I also wanted to thank the Councillors that I spoke to a couple of weeks ago, so Mike Bodsworth and Heather and, I don't know, the other woman from Anglesea. So I really appreciate those conversations and the time that people gave to me and also Shannon from Council because I also spoke to Shannon as well.

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Okay, so I reviewed my submission before coming tonight and I can see that it's actually very emotional and I think that speaks to - it speaks to how emotive this topic can be and also how important women's spaces are to women, right? We hold them dear for many reasons, mostly for safety and dignity and all of that stuff.

So basically I've got four points. My concern was about the consultation process that Council undertook. After I spoke to Shannon, I must say I was a bit shocked that no women's groups were considered in that consultation, given that this will affect women-only spaces. Why was Our Watch not consulted, ANROWS, Gender Equity Victoria? I found that odd that the four groups consulted, none about women.

So I think, yes, if anyone can tell me at some point, that would be great because I think that's part of the problem. I think if women's groups aren't consulted, then what you don't hear about is the way women self exclude when they're uncomfortable and the way that women tell each other avoid places and we stop going, and I'm sure that's not the intention of any changes, but women's behaviour is particular, you know, and that's what we do when we no longer feel safe somewhere.

Given that violence against women is increasing, not decreasing, Brittany Higgins, the whole shebang, I have to question why Council would remove even the smallest lever that it has at its disposal to use to keep women safe and as part of a preventative strategy to kind of deal with this and even have a tick a box that says, you know, at least we've got that. And in my discussions with everyone, everyone said oh, you know, this rule is not enforceable. Well, you know, it doesn't matter. Social contract relies on a whole lot of behaviours, a whole lot of rules in place. What would it hurt to keep it there?

Which leads to the next point, which is how can protecting half the population be considered discriminatory, but it's not discriminatory to remove all protection of single spaces? Like I just don't understand the legal advice and the way the laws interact if that's the case. We are half the population.

Finally, the other serious concern I have is that apparently Council, if this change does go through, is not intending to let women know. So essentially if this goes through, women's spaces, changing rooms, toilets, become mixed sex, but no-one is going to tell women. No-one is going to tell the Muslim groups that come down, the Chinese groups that come down, like no-one is going to tell anyone. So how does that work? Why would you make such a change and keep it a secret? It just doesn't make sense. So they were my four points.

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CHAIR: Thanks so much, Helen. I appreciate you sharing those views and it gives us lots to think about. Do we have any questions from our Councillors? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. Helen, thanks for joining us and making your submission and also I'd like to thank you for the way that you've engaged on this, which has been a really good, constructive engagement, so thanks for that. In relation to the last point that you made about no plans to let women know about these changes, what are you basing that on? You've got some information on that that I'm not aware of, so can you just run through that?

HELEN PAPADIMITRIOU: Just from the conversations. I think it was Shannon and maybe Libby even said, "Oh, we're not going to change the signage on the toilets." If you don't change the signage, they really - I mean, if they're mixed sex toilets, they should be called mixed sex toilets. That's kind of what I think. Otherwise, yeah, it's a little bit - not deceptive, but you know what I mean, it's like deception by omission, or something.

CR BODSWORTH: Mmm-hmm, okay.

HELEN PAPADIMITRIOU: You know, if you make a decision if you've got religious concerns, if you've got small kids that you want to send in, like it's kind of important to know that, I think. People make decisions based on that stuff.

CR BODSWORTH: Mmm-hmm, I understand. Thanks, Helen.

CHAIR: Okay. Thank you, Helen. We'll now move on to our next presenter. Can Adam Aleksandrowicz please be let into the meeting?

JAKE: Through you, Mayor, that resident isn't online at the moment.

CHAIR: Okay, thank you. Can Russell and Norma Adams be let in, please?

JAKE: Through you, Mayor, Russell and Norma are being admitted to the meeting now.

CHAIR: Great. Thank you. Hello, Russell. Could you please - I'm not sure if it's Russell or Norma. You've got Russell written on your thing. Could you please turn your microphone on and, if you're comfortable, your video? That would be great. Russell and Norma, it would be great if you could turn your mic on so we can hear you and your video if you're comfortable.

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RUSSELL ADAMS: Is that right now?

CHAIR: Did you want to turn your video on, Russell, or are you happy to be off video?

RUSSELL ADAMS: Well, I'm not quite sure how I turn the video on.

CHAIR: Oh. Well, next to the mute button and the microphone there's like a little video camera button. It says - if you click on that at the bottom left hand of your screen, that's how you can turn the video on. But look, we've got your sound, so if you're happy, we can just progress with just the sound. It's up to you.

RUSSELL ADAMS: Yeah, okay, I'm not really good with the computers.

CHAIR: That's alright, Russell. Thanks for coming on. Let's just leave it with the voice. That would be great. So I'll pass it on to you, Russell --

RUSSELL ADAMS: Alright, thanks.

CHAIR: -- for you to give your submission. Thanks for coming along.

RUSSELL ADAMS: Reading your information, Council say they have a proud history against gender-based violence to manage and control and regulate activities and use of land that may be dangerous or cause a nuisance or damage to others, but the facts show 1 in 5 women experience sexual violence from the age of 15. 93% of the victims experience this violence from males. And from my information, the UK Times in 2018, using the Freedom of Information laws, they found that 90% of sexual assault in 2017-18 took place in unisex facilities. It seems to me that this will place our female members of our family in danger, or possible danger, from this.

I can't see - this law, Victorian Equal Opportunity Act of 2010, means that individuals can already access bathroom facilities aligned with their gender ID rather than sex, so why is Council suddenly moving to promote this idea of unisex toilets?

And I think that's about all that I've got to say about it, except for one thing, and you might laugh at this, but I have been a teacher and I have access to teachers at the moment and they tell me that a lot of children - I shouldn't say "a lot", but a significant amount of children now identify as cats, so I don't

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know what this is coming to and whether Torquay Surf Coast will have to put kitty litter in public toilets.

CHAIR: Thanks, Russell, for your presentation. We'll just check if any Councillors have any questions. Councillor Allen.

CR ALLEN: Thanks, Mayor. Thanks, Russell, for your submission. Could you let us know the UK research? Maybe if you could, through Governance - if you could share the origin - the source of that research for us so that we could read that, please.

RUSSELL ADAMS: Yes, I can.

CR ALLEN: Thank you.

CHAIR: That would be great. I'm sure Jake in Governance, or Liberty, will be able to have a chat to you and get in touch around that, so that would be good, thanks. Do we have any further questions for Russell? No. Thank you, Russell, for your time coming online to speak with us and share your submission. We appreciate that.

We now move on to Bo Carter. Can Bo Carter please be let in? Just checking with Governance, do we have Bo Carter online?

JAKE: Through you, Mayor, we're just admitting Bo into the room.

CHAIR: Oh, great. Thank you. Oh, hi, Bo. You've got your video and your mic. So thanks, Bo, you've got five minutes and I'll pass over to you.

BO CARTER: No worries. Thanks for letting me - giving me the opportunity to talk again. I've got a couple of submissions, one from me and then one from a friend. So I'll read first.

As the leader of this petition against this amendment, I have spent the last few weeks engaging in the Surf Coast community in the towns of Torquay, Winchelsea, Anglesea and surrounding areas. The response I have received from a very diverse range of people, including some women from the LGBT community, is that this is a massive power imbalance towards our women and they do not feel safe. Another very common feeling out in the Surf Coast community is that the local Council should not be getting involved in these sorts of issues as lots of people feel it's more of a State or even Federal Government issue. That was my one. Do you want me to move straight on to the next one?

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CHAIR: We'll just see if any Councillors have any questions of you because we probably won't do questions of the next person, so does anyone - given that you'll be reading it. Does anybody have a question for Bo? Councillor Wellington?

CR WELLINGTON: Yes, thanks, Bo. Are you saying that people feel - when you say they think these are State or Federal Government issues, people are attributing this as a political move, is that what you mean by that, or is it an ideological sort of position or --

BO CARTER: Oh, sorry, go on, Heather.

CR WELLINGTON: That's just the question, when they say we shouldn't be involved in it, I mean, there are toilets and it is our local law, but do people view it as being driven by something that's beyond Council's planning?

BO CARTER: They see it as like sort of the woke agenda which they don't believe that Council should be implementing. They think it should be coming from a higher - it's not local government sort of deal to get involved with political agendas as such is sort of the feedback I'm getting I would say.

CR WELLINGTON: Thanks, Bo.

CHAIR: Councillor Bodsworth, have you got a question?

CR BODSWORTH: Thanks, I do. Thanks, Mayor. Bo, thanks for your involvement in this and also I'd like to thank you for the - you've been heavily involved and thanks for the respectful way that you've approached your involvement in this.

Now, my question was in the engagement that you've had with people in the streets and with regard to the petition, have you got any views on whether people have looked at the FAQs on the Council website, yes or no, and if so, have they found those valuable and, you know, have their views been informed by those FAQs on our website?

BO CARTER: I think it's a little bit misleading the way it's wrote on there, as in it just says about taking your child of another gender into the toilet is kind of how it reads. So I think they're a little bit confused, to be honest, and I think a lot of people I spoke to are like, "Oh, yeah, we're all for other toilets, but if you're forcing us women to maybe have to go with a strange man, well, we're not really - we don't really feel safe."

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A lot of people when I said - when I was out in the streets with the petition and I said, "Oh, this is for genderless toilets", they were like, "Oh, yeah, no, I agree with that", but then I sort of explained that men - any man will be - that they want to amend the Local Law that men will be able to come into your toilet and then the attitude would sort of change and they'd be like, "No, I really don't feel safe with that." And that was I would say 90% of women I spoke to. So I just think it's a bit misleading the way it's actually worded on the Surf Coast Shire's website.

CR BODSWORTH: Okay, no worries. Thanks, Bo.

CHAIR: Thanks for the feedback, Bo. We'll have a look at those and make sure it's not misleading. Would you like to move on with your next that you're reading, yes, the submission that you're reading?

BO CARTER: Yes, no worries. This is from Lauren Chenhall: "Hi, I am a local mother who finds this proposal to amend this local law very concerning as the thought of going to a bathroom with a male seems very intimidating and feels like a massive power imbalance, especially for my young daughter who uses the toilets at the basketball court weekly. If Council was to pass this amendment, neither me or my daughter would be using the bathrooms as it would not feel safe. A lot of mothers in my group feel very strongly the same way. Kind regards, Lauren Chenhall."

CHAIR: Thanks, Bo, for reading that online behalf. That brings our hearing to an end. We've heard from those that are present. Governance, we don't have any of the other submitters that have come online since we've done our submissions? Oh, sorry, Councillor Schonfelder, did you have a question?

CR SCHONFELDER: Thank you, Mayor. I was just going to ask whether Bo could pass on to Lauren and thank her on behalf of the Council for her submission, please.

BO CARTER: No worries. Will do. Cheers.

CHAIR: Thanks. Governance, did we have any of the other submitters that have come online?

JAKE: Through you, Mayor, no, no-one else has come online.

CHAIR: Okay. So Councillors, we have no further submissions to hear tonight and so we have a recommendation before us as per the report, which is that



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Council receives a note for submissions relating to the Proposed Community Amenity (Amendment) Local Law 2023. Can I have a mover of a motion, please? Councillor Schonfelder - is that as per the recommendation? It is. And a seconder, please? Councillor Hodge. All those in favour. And the motion is carried unanimously.

So that brings our hearing of submissions - given there is no further business, I'd like to declare the meeting closed at 6.23pm. Thank you, everybody, for coming online and thanks to everyone watching online. Thank you. Bye.