



MARIBYRNONG CITY COUNCIL

Human Rights and Social Justice Framework 2013-2016



[Contents

Mayor's Message	03
Introduction	04
01 Human rights and social justice issues in the City of Maribyrnong	05
02 Outline of the Framework	07
03 Council's commitment to human rights and social justice	08
04 Council actions to promote human rights and social justice	09
4.1 Compliance	09
4.2 Culture	09
4.3 Advocacy	10
05 Rights outlined in the Victorian Charter of Human Rights and Responsibilities which are relevant to Council	11
5.1 Freedom	11
5.2 Respect	12
5.3 Equality	14
5.4 Dignity	14
06 Other human rights and social justice issues that Council supports	16
07 Further information about human rights and social justice	23

[Mayor's Message

The City of Maribyrnong is a diverse and vibrant community undergoing significant changes with population growth and new residential development. These changes create opportunities for social and economic development in the municipality.

However, they also create a number of complex challenges for local residents in areas such as housing affordability, access to community services and facilities and opportunities for employment and education.

Maribyrnong City Council has a history of supporting community wellbeing and encouraging social inclusion through the provision of programs and services, that help to meet the diverse needs of the city's residents. Through this experience Council has gained an understanding of some of the human rights and social justice issues that affect local communities.

This framework provides a foundation for Council's commitment to protecting human rights and promoting social justice in the City of Maribyrnong community. It reflects the range of human rights and social justice issues that affect local communities, and aligns with the vision and values of the Council Plan.

I encourage you to read the framework and find out how Council supports human rights and social justice in the City of Maribyrnong.



Cr Catherine Cumming
Mayor, Maribyrnong City Council

[Introduction

Human rights are the rights that belong to everyone. These rights are recognised as the basic standards required for governments and communities to operate in a respectful and peaceful manner.

Social justice is the pursuit of equal rights and equal opportunity for all people in our community. Social justice seeks to redress the impact that social and economic inequalities have on both the people experiencing it and the wider community.

The City of Maribyrnong is a socially and economically diverse municipality located at the gateway to the west of Melbourne. The City of Maribyrnong will see a significant increase in population and residential development over the next 20 years which will change the identity of the municipality. The City of Maribyrnong community faces a number of challenges relating to human rights and social justice such as housing affordability, social and economic disadvantage, disability, age, culture, gender, and sexuality issues.

The purpose of this framework is to provide a foundation for Council's commitment and actions to protect human rights and promote social justice in the City of Maribyrnong community.

A key aspect of Council's commitment to human rights is compliance with the Victorian *Charter of Human Rights and Responsibilities 2006* (The Charter) and other Victorian and Commonwealth legislation relating to human rights and social justice. Section Five of this framework outlines the rights contained in the Charter that are directly relevant to Council.

The framework recognises that an organisational culture that values human rights and social justice is crucial to assisting its compliance with the Charter and will also enable staff to gain a better understanding of how the work of Council impacts on the human rights of the City of Maribyrnong community.

In addition, Council has an important role in advocating for human rights and social justice issues on behalf of the local community including lobbying Victorian and Commonwealth Governments to strengthen the Charter. Section Six of this framework outlines the human rights and social justice issues that Council supports, which are not contained in the Charter.

This framework aligns with the vision, principles and values of the Council Plan, and will apply to Council's laws, policies, programs and services.

01 [Human rights and social justice issues in the City of Maribyrnong

This section outlines some of the changes that are occurring in the City of Maribyrnong and highlights some of the human rights and social justice issues faced by the local community such as housing affordability and social and economic disadvantage.

Cultural Diversity

The City of Maribyrnong has a long history of cultural diversity. 40% of residents are born overseas, 52% had two overseas born parents and 43% speak a language other than English. (ID, based on Census 2011).

Since 2007, there have been 3,742 new arrivals in the municipality, the majority coming from India with 1,328 people (Department of Immigration Settlement Reporting Facility 2012).

Population Growth

By 2031, it is predicted that the City of Maribyrnong's population will increase to approximately 107,690, which is a 31% increase on the June 2011 estimated residential population of 75,297 (ID, Estimated Residential Population June 2011).

This population increase will see significant economic development in the City of Maribyrnong with potential for employment in areas such as housing construction and retail. However, there are also negative impacts, such as increasing housing costs and a rise in social and economic disadvantage stemming from increasing demand for resources and employment.

Housing Affordability

The median weekly household rent has increased by 39% from \$170 in 2006 to \$280 in 2011.

The median weekly household mortgage costs have increased by 34% from \$1,420 in 2006 to \$2,167 in 2011. (Census 2011).

The rising cost of housing in the City has increased demand for cheaper forms of accommodation such as rooming houses. Rooming houses have become the defacto form of affordable housing in the municipality, as rents and housing costs continue to increase.

As of December 2012, the City of Maribyrnong had 187 Rooming Houses. 54 were registered and 168 were under investigation.



Social and Economic Disadvantage

The Relative Index of Disadvantage (SEIFA) is derived from attributes such as income, education attainment and employment. A low SEIFA score occurs when an area has low levels of education, high unemployment and a high concentration of people living on low incomes.

The City of Maribyrnong is the third most disadvantaged municipality in metropolitan Melbourne with SEIFA ranking of 948.5. The suburb of Braybrook is the second most disadvantaged suburb in Victoria with a SEIFA ranking of 764.8 (ID, based on Census 2006).

This is also reflected by the median weekly household income for Braybrook of \$792 which is significantly lower than the figure for the City of Maribyrnong of \$1,258 (Census 2011). It is also lower than the Australian Poverty Line figure of \$908.17 per week for a family household, (Poverty Lines Australia, Melbourne Institute of Applied Economic and Social Research, September 2012).

Health and Wellbeing

There is significant demand for health services in the City of Maribyrnong, particularly among older residents and people from lower social and economic backgrounds, which is reflected in the statistics for health issues.

55.9% of males and 32.3% of females are overweight or obese and 5.5% of the population have Type 2 diabetes, which is higher than the Victorian average of 4.8%. The rate of heart disease is 9.6% which is higher than the Victorian average of 6.7% (2010 Local Government Areas Statistical Profiles, Victorian Department of Health and Victorian Population Health Survey 2008).

Disability

By 2031, the City of Maribyrnong could see a 30% increase in all reported disabilities in people over 65 and a 19% increase in all reported disabilities in people aged 15-64. (Data based on National Survey of People with Disabilities and Census Population data).

02 [Outline of the Framework

Council committment to human rights and social justice

Council actions to promote human rights and social justice

Compliance

- Comply with the requirements of the Victorian Charter of Human Rights and Responsibilities
- Comply with the requirements of other legislation relating to human rights and social justice

Culture

- Establish a Council Human Rights and Social Justice Steering Group to provide guidance and support to Council Divisions
- Develop skills and understanding of Councillors and staff.
- Develop case studies of Council branches that have applied a human rights and social justice lens
- Support local community human rights and social justice education programs

Advocacy

- Lobby Victorian and Commonwealth Governments through submissions and direct advocacy
- Build partnerships with other Councils, government agencies, and non-government organisations
- Initiate and participate in events and forums that promote human rights and social justice

03 [Council's commitment to human rights and social justice

Maribyrnong City Council is committed to protecting human rights and improving social justice in the community.

Council will meet this commitment through:

- Making certain its decisions, laws, policies and services uphold the Victorian Charter of Human Rights and Responsibilities.
- Actively promoting equality of access to the municipality's services and public places.
- Fostering a culture where all people are respected and the principles of human rights and social justice are highly valued.
- Advocating for a fairer more inclusive community.
- Valuing and embracing diversity.
- Ensuring people are not discriminated against regardless of age, gender, sexuality, ability, faith, social and economic status, cultural background or beliefs.

04 [Council actions to promote human rights and social justice

4.1 Compliance

Council is required to comply with the requirements of the Charter and other Commonwealth and Victorian legislation relating to human rights and social justice, such as the *Victorian Equal Opportunity Act 2010*.

The Charter consists of 20 human rights protected by Victorian law. Public authorities, such as Councils, must consider these rights when making decisions, creating laws, setting policies and providing services. The Charter provides a framework to assess actions by a public authority that may limit human rights and aims to ensure they are taken into account at the earliest stages of the development of laws, programs, policies and services.

Council must submit an annual report on its compliance with the Charter to the Victorian Equal Opportunity Human Rights and Commission (VEOHRC). The Commission is responsible for reporting each year to the Victorian Parliament on the implementation of the requirements of the Charter by government authorities. Section Five of this framework outlines the rights contained in the Charter that are directly relevant to Council.

This framework aims to support Council's compliance with the Charter and other legislation by developing a culture of human rights and social justice across the organisation.

4.2 Culture

Developing a culture of human rights and social justice across Council can assist staff gain a better understanding of how the Charter and other human rights legislation applies to the work of Council. This in turn can lead to a greater awareness of the human rights and social justice issues that are faced by the City of Maribyrnong community. Council actions in this area include:

- Establish a Council Human Rights and Social Justice Steering Group which will review Council's annual report to the VEOHRC and provide guidance and support to Council staff developing policies and programs.
- Develop a human rights and social justice checklist for Council staff to assess laws, policies programs and services. The checklist will consider:
 - What is the objective being sought by the law, policy, program or service?
 - What (if any) human rights and social justice issues are being affected?
 - Are any human rights being limited?
 - If so, how important is it to limit rights to achieve the objective?
 - Are there other options which do not breach human rights?



- Develop Council staff skills and understanding of human rights and social justice issues in the City of Maribyrnong community.
 - Develop case studies of a Council law, program, policy or service where a human rights and social justice lens have been applied.
 - Develop human rights and social justice reporting criteria for Council briefings and reports.
 - Support local community education programs that raise awareness of the Charter and Council's role in protecting and promoting human rights and social justice.
- ### 4.3 Advocacy
- Through advocacy Council can promote human rights and social justice issues on behalf of the City of Maribyrnong community. Council's actions to advocate for human rights and social justice are as follows:
- Advocate to the Victorian Government for a strengthening of the Charter to include the human rights and social justice issues outlined in Section Six of this framework.
 - Advocate to the Federal Government to introduce a Commonwealth Human Rights Act that clearly outlines the rights and protections for all Australians based on Australia's support for international conventions on human rights and support for an inclusive society.
 - Develop submissions to Federal and Victorian Government inquiries into human rights and social justice issues.
 - Continue to participate in events and forums that promote human rights and social justice such as White Ribbon Day, NAIDOC Week, Refugee Week, International Day of People with Disabilities and other events as identified.
 - Form partnerships with other government and non-government organisations to promote human rights and social justice. This includes strengthening local partnerships with community organisations in the City of Maribyrnong such as the Public Interest Law Clearing House (PILCH) and the Footscray Legal Centre.

05 [Rights outlined in the Victorian Charter of Human Rights and Responsibilities which are relevant to Council

The Charter contains 20 human rights which apply in accordance with existing Victorian and Commonwealth laws.

They are divided into the four key areas contained in the Charter: Freedom, Respect, Equality and Dignity. This section includes the rights in the Charter which are relevant to Council and some examples of how Council supports these rights through its different policies and programs. Details on the other rights contained in the Charter can be found on the Victorian Equal Opportunity and Human Rights Commission's website at: <http://www.humanrightscommission.vic.gov.au/>

5.1 Freedom

Freedom of expression

1. Every person has the right to hold an opinion without interference.
2. Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether;

- a. orally; or
- b. in writing; or
- c. in print; or
- d. by way of art; or
- e. in another medium chosen by him or her
3. Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary;
 - a. to respect the rights and reputation of other persons;
 - b. for the protection of national security, public order, public health or public morality.

Council adheres to its obligations in this area through:

- Open Ward and Council meetings that are well advertised and accessible to the public.
- Timely and accessible publication of meeting agenda and minutes, plans, policies, reports and budgets.
- Regular publication of relevant and useful information through newsletters, public notices, local newspapers and the Council's website.

Freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Peaceful assembly and freedom of association

1. Every person has the right of peaceful assembly.
2. Every person has the right to freedom of association with others, including the right to form and join trade unions.

Freedom of thought, conscience, religion or belief

1. Every person has the right to freedom of thought, conscience, religion and beliefs including;
 - a. The freedom to have or to adopt a religion or belief of his or her choice; and
 - b. The freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.
2. A person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

Maribyrnong City Council actively supports the Brimbank and Maribyrnong Interfaith Network and is committed to supporting opportunities to foster interfaith and intercultural dialogue and understanding between different faith and cultural groups.

Right to liberty and security of person

1. Every person has the right to liberty and security.
2. A person must not be deprived of his or her liberty except in accordance with procedures, established by law.

Council is a strong supporter of White Ribbon Day which aims to raise awareness among Australian men and boys about the role they can play in preventing violence against women.

Council also supports community services that provide assistance to victims of domestic violence.

5.2 Respect

Protection of families and children

1. Families are the fundamental group unit of society and are entitled to be protected by society and the State.
2. Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.



Maribyrnong City Council's *Early Years Plan 2010-14 'Our City-Our Children, Hearing Their Voices'* aims to deliver services and design our public spaces in a way that nurtures and supports children, families and our community. Council provides Maternal and Child Health Services and coordinates and supports the children's and early years' services throughout the municipality.

Cultural rights

1. All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practice his or her religion and to use his or her language.
2. Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community:
 - a. to enjoy their identity and culture; and
 - b. to maintain and use their language; and
 - c. to maintain their kinship ties; and
 - d. to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Council supports its community's cultural diversity and strives for an inclusive community where groups can retain their own identity whilst being part of the broader community.

The *Multicultural Policy and Action Plan 2012-2017* reflects the community's priorities and the actions Council will take to improve accessibility and equity for multicultural communities across the breadth of Council's functions.

Council recognises the need for specific communication strategies when working with multicultural communities and has developed a CALD Communications Strategy for its staff and translated Welcome Booklets and CDs for new residents. Council also promotes diversity through a number of arts and cultural events, including Cultural Diversity Week, Refugee Week and NAIDOC week.

In 2011, Council made a submission to the Commonwealth's Parliamentary Inquiry into Multiculturalism in Australia. This submission strongly supported maintaining multiculturalism as a key aspect of Australian society.

Property rights

A person must not be deprived of his or her property other than in accordance with the law.

5.3 Equality

Recognition and equality before the law

1. Every person has the right to recognition as a person before the law.
2. Every person has the right to enjoy his or her human rights without discrimination.
3. Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.
4. Measures taken for the purpose of assisting or advancing persons or groups of person disadvantaged because of discrimination do not constitute discrimination.

Taking part in public life

1. Every person in Victoria has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives.
2. Every eligible person has the right and is to have the opportunity, without discrimination:

- a. to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and
- b. to have access, on general terms of equality, to the Victorian public service and public office.

Council supports the right of everyone to participate in public life. In line with the Charter and Victorian *Local Government Act 1989*, Council also supports the rights of residents to vote and run in elections.

5.4 Dignity

Privacy and reputation

A person has the right:

- a. not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- b. not to have his or her reputation unlawfully attacked.

Council respects people's right to privacy as outlined in the Charter, the *Victorian Information Privacy Act 2000* and the *Commonwealth Privacy Act 1988*.



06 [Other human rights and social justice issues that Council supports

The rights outlined below are the rights that Council supports through its programs and policies and through advocacy across these areas. They are based on the international covenants and conventions to which the Australian government is a signatory. This is not an exhaustive list, although it reflects Council's commitment to human rights and social justice.

Council does not have the scope to control the fulfilment of all of the human rights and social justice issues outlined in this section. However, Council will advocate for their inclusion in the Charter.

Self determination

Everyone has the right to self-determination which includes freely determining ones political status and pursuing economic, social and cultural development.

Recognition of Indigenous Australians

All Aboriginal and Torres Strait Islander people have the right to maintain their language, kinship ties and spiritual and material relationship with the land, waters and other resources to which they have a connection under traditional laws and customs.

All Aboriginal and Torres Strait Islander people have the right not to be discriminated against in areas including laws and regulations, employment, accommodation, the provision of services and participation in society.

Council's *Indigenous Policy and Action Plan 2009-13* outlines Council's commitment to Reconciliation and the actions it will take under themes of Respect, Relationships and Rights. During NAIDOC Week 2010, the Wurundjeri Tribe Land and Compensation Cultural Heritage Council and Maribyrnong City Council signed a renewed Statement of Commitment.

Council is committed to formally acknowledging the traditional owners of the land at the commencement of Council meetings and civic and community functions.



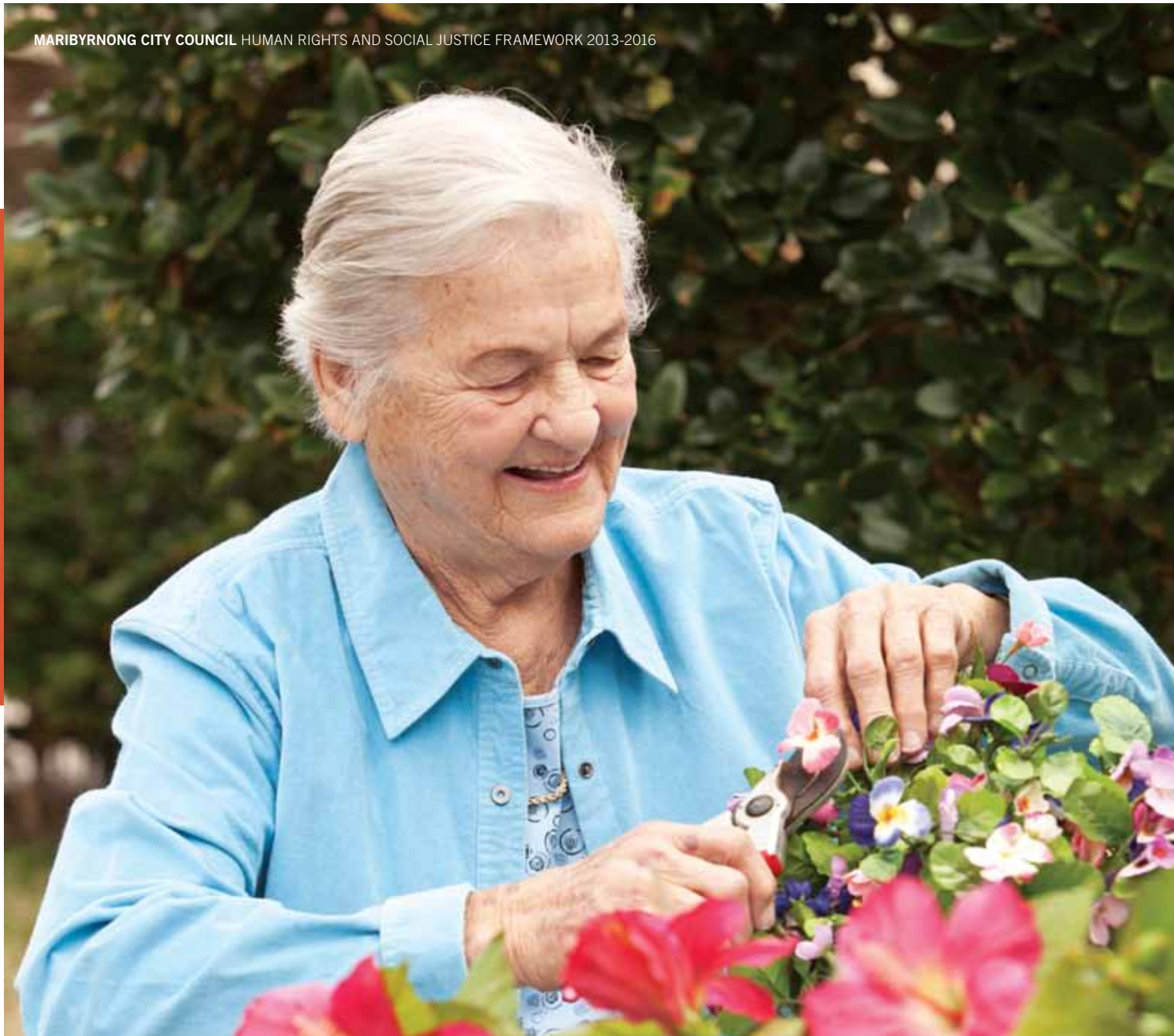
Housing and shelter

Everyone has the right to safe, secure, affordable, accessible and appropriate housing and shelter and to live there in peace and dignity.

The City of Maribyrnong is experiencing a high demand for accommodation across the municipality which has seen an increase in property and rental prices. In turn, this has led to an increase in the number of rooming houses in the municipality and an increase in the number of people couch surfing or sleeping rough on the streets.

Council supports people's right to access affordable housing through its Housing Strategy which states the following:

- Appropriate housing is a fundamental human right and one of the universal determinants of health and wellbeing. The availability of secure and well located affordable housing provides pathways to employment and education, and helps build strong, connected communities.
- Affordable housing must take account of diversity of needs including people from low income households, people with disabilities, older residents, students, and newly arrived migrants and refugees.
- Council defines housing affordability according to the residual method which calculates the proportion of a household budget that is left over for rents or mortgages after households costs (such as food, utilities and medical expenses) have been taken into account.



Gender and sexuality

Everyone has the right not to be discriminated against due to their gender or sexuality in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.

Council supports gender rights through equal opportunity employment practices and the Gender Equity Statements Project, which outlines eight statements to promote gender equity in the City of Maribyrnong community. Council also supports White Ribbon Day, International Women's Day, and festivals and events that promote gender equity and sexuality rights.

Age

Everyone has the right not to be discriminated against due to their age in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.

Council's Ageing Well Strategy 2004-2016 was developed to provide a plan for its ageing population and to define the changing role of local government in relation to ageing in the community.

Council is also a strong supporter of young people through the programs and services provided by the Phoenix Youth Centre and Council's Youth Strategy. This strategy outlines the ongoing actions Council can take to support young people in the municipality.



Disability

Everyone has the right not to be discriminated against due to their real or perceived physical or intellectual disability in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.

Council recognises the barriers often faced by people with a disability, their families and carers in the community and is committed to providing accessible services and ensuring that people of all abilities can participate in community life.

Established in 2001, the Disability Advisory Committee provides advice to Council about issues that affect people with disability, their families and carers. Council's *Disability Policy and Action Plan 2012-15* drives work across Council to improve accessibility and opportunities for people of all abilities.

Council has also made a submission to the Productivity Commission Inquiry into Disability Care and Support strongly supporting the development of a National Disability Insurance Scheme (NDIS). The NDIS would provide long term care and support for all Australians with a significant and ongoing disability.

Health and wellbeing

Everyone has the right to an appropriate standard of health and wellbeing, including access to adequate food, clothing, housing, medical and mental health care services and other government and community services such as child care.

Council has incorporated its Municipal Public Health Plan into the Council Plan. This Plan outlines actions to support health and wellbeing in the local community. Council has also developed the *Maribyrnong Story* and the *Annual Wellbeing and Liveability Snapshot Report* which provide information to the public about community wellbeing in the city. In addition, Council has developed the *Food Security Policy 2011-2013* which outlines our support for equitable access to food across the city.

Council's commitment to health and wellbeing is further reflected in the provision of community services including childcare, child immunisation services, youth, senior and indigenous support services, environmental health services and sports and community centres.

Social and economic disadvantage

Everyone who experiences social and economic disadvantage has the right to appropriate support and assistance from all levels of government, including access to food, appropriate housing, income support and social support services.

Council is acutely aware of the impact of social and economic disadvantage on the local population. According to Census data, the City of Maribyrnong is the third most socially and economically disadvantaged municipality in Victoria. The suburb of Braybrook is the second most disadvantaged suburb in Victoria.

The impacts of social and economic disadvantage on the local population include high rental costs, increasing pressure on household budgets, poor health and increases in addictions such as alcohol and gambling.

Council continues to advocate for improved outcomes for people experiencing social and economic disadvantage and to provide community support services, such as those offered in local community centres.



Education

Everyone has the right to access good quality and affordable early childhood, primary, secondary and tertiary education.

Council research shows that the level of education attained by people in the municipality reflects their level of social and economic disadvantage and their level of health and wellbeing. Council continues to advocate to the Commonwealth and Victorian Governments about improving the quality of education for all Australians, regardless of their social or economic background.

Access to government and community services

Everyone has the right to access government and community services without discrimination in areas such as health, education, childcare, income support and legal support services.

Council supports access to government and community services without discrimination. Council provides for its community by directly funding three community centres and support for another four in the municipality. Council also provides direct support for the local community through childcare and sporting facilities, youth services, libraries and a range of other facilities.



Employment

Everyone has the right to work, to free choice of employment, to protection against unemployment and to just and favourable work conditions in accordance with the Commonwealth *Fair Work Act 2009*.

Council is an equal opportunity employer and strongly supports equal rights for employees in the workplace in accordance with the *Fair Work Act 2009* and our requirements to respect equity under the Charter and the Victorian *Equal Opportunity Act 2010*. Council encourages the employment of people from CALD and Aboriginal and Torres Strait Islander backgrounds, and people with a disability.

Council recognises its duty of care for employees as outlined in the Victorian *Occupational Health and Safety Act 2004* and the *Fair Work Act 2009*. Council also has in place policies and programs to support and promote a safe work place for all staff.

Rest and leisure

Everyone has the right to rest and leisure.

Council supports a work/life balance for employees and encourages employers in the community to support a work/life balance for their staff.

This includes:

- a limitation of working hours for full time employees in accordance with the 38 hour week outlined in the *Fair Work Act 2010*.
- a reasonable limitation of working hours for part time employees based on requirements set out in workplace agreements.
- the right to periodic holidays with pay for full time and permanent part-time employees.
- the right to access parks and gardens, and sports and leisure facilities located in the municipality.

07 [Further information about human rights and social justice

Amnesty International

<http://www.amnesty.org.au/>

Australian Human Rights Commission

Provides information about human rights issues and Commonwealth legislation that protects human rights

<http://www.hreoc.gov.au/>

Brimbank City Council Social Justice Charter

http://www.brimbank.vic.gov.au/About_Brimbank/Governance/Council_Policies_Strategies_Plans/Council_Policies/Social_Justice_Charter

Hume City Council Social Justice Charter

http://www.hume.vic.gov.au/About_Us/Your_Council/Publications_Forms/Council_Strategic_Plans/Social_Justice

Office of Australian Information Commissioner

Commonwealth agency that manages freedom of information and privacy issues

<http://www.oaic.gov.au/>

Public Interest Law Clearing House (PILCH)

PILCH is an independent, not-for-profit organisation which is committed to furthering the public interest, improving access to justice and protecting human rights

<http://www.pilch.org.au/>

Victorian Equal Opportunity and Human Rights Commission

Provides information about the Victorian *Charter of Human Rights and Responsibilities 2006* and the Victorian *Equal Opportunity Act 2010*

<http://www.victorianhumanrightscommission.com/www/>

Victorian Local Government Association Human Rights Campaign

http://www.vlga.org.au/Projects___Campaigns/Human_Rights.aspx

United Nations Charter for Human Rights

<http://www.un.org/en/documents/udhr/index.shtml>

Maribyrnong City Council

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Maribyrnong
CITY COUNCIL