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AGENDA OF THE SPECIAL COUNCIL MEETING

To be held on Wednesday 25 January 2023 at 6.00pm

This Special Council Meeting will be held virtually

This meeting will be open to the public and available for the public to watch through livestreaming via the Council's website www.darebin.vic.gov.au



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

These are the Minutes for the Council Meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la Reunión del Concejo. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Julie Williams (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Lina Messina

Cr. Tim Laurence

Cr. Tom Hannan

Cr. Trent McCarthy

Cr. Susan Rennie

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONSIDERATION OF REPORTS

4.1 COUNCILLOR CONDUCT OFFICER

Author: Manager Corporate Governance

Reviewed By: Governance and Engagement

EXECUTIVE SUMMARY

On 26 September 2022, Council resolved to note the extension of the appointment of Megan Lawton, Council's Councillor Conduct Officer.

In accordance with section 150 of the *Local Government Act 2020*, this report seeks to further extend the existing appointment for a period of three (3) months.

Officer Recommendation

That Council:

- (1) Extend the appointment of Megan Lawton as the Councillor Conduct Officer until 28 April 2023, or earlier by agreement, to ensure continuity in the handling of Councillor conduct matters.
-

BACKGROUND / KEY INFORMATION

At its meeting of 26 September 2022, Council noted the extension to the appointment of Megan Lawton until 18 January 2023. The September 2022 extension followed the original appointment via a Council resolution dated 18 July 2022.

Section 150 (2)(b) of the *Local Government Act 2020* requires the following:

Appointment of Councillor Conduct Officer

- 1) The Chief Executive Officer must—
 - a) Appoint a person in writing to be the Councillor Conduct Officer; and
 - b) Notify the Principal Councillor Conduct Registrar of the appointment.
- 2) Subject to subsection (3), a person may be appointed to be a Councillor Conduct Officer if—
 - a) The person is a member of Council staff; or
 - b) The Council resolves that the person is suitably qualified to perform the functions of the Councillor Conduct Officer.
- 3) The Chief Executive Officer cannot be appointed as a Councillor Conduct Officer.

Previous Council Resolution

At its meeting held on 18 July 2022, Council resolved:

That Council:

- (1) *Confirm the qualifications and experience contained in the resume provided in **Appendix A** demonstrates the proposed Councillor Conduct Officer is suitably qualified to perform the functions of the Councillor Conduct Officer.*
- (2) *Appoint **Megan Lawton** as the Councillor Conduct Officer effective from 19 July 2022.*
- (3) *Note the appointment of the Councillor Conduct Officer is made with an exemption from the Social and Sustainable Procurement Policy due to urgency and the sensitive nature of requirements and matters in hand.*
- (4) *Directs and authorises the CEO (or delegate) to do all things necessary to appoint **Megan Lawton** as Councillor Conduct Officer'*

At its meeting held on 26 September 2022, Council resolved:

'That Council:

(1)-(9) ...

- (10) *Notes that the appointment of Megan Lawton, Councillor Conduct Officer made on 19 July 2022 will remain in place until 18 January 2023, or earlier by agreement, to ensure continuity in the handling of Councillor conduct matters.'*

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

DISCUSSION

To best provide continuity in this function for the next three months, it is recommended that Megan Lawton continue as Council's Councillor Conduct Officer.

The transition of these responsibilities to the officer position planned for, under delegation of the CEO is no longer possible at this time.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The existing Governance Department budget has sufficient funds to cover the cost of the proposed extension.

Community Engagement

No community engagement has been undertaken. This is a legislative function that Council is required to provide.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

This proposal does not have environmental sustainability considerations or impacts.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The function of the Councillor Conduct officer is important for good governance and the functioning of equitable, inclusive local government as an important democratic institution.

Economic Development and Cultural Considerations

This proposed extension does not have Economic Development or Cultural considerations or impacts.

Operational Impacts

This decision is recommended to ensure that the function can be effectively delivered to support Councillors with existing conduct matters and to ensure compliance with section 151 of the *Local Government Act 2020*.

Legal and Risk Implications

Section 150 of the *Local Government Act 2020* requires the CEO to appoint a Councillor Conduct Officer. A person may be appointed to be a Councillor Conduct Officer if the person is a member of staff or the Council resolves that the person is suitably qualified to perform the functions of the Councillor Conduct Officer. The function of the Councillor Conduct Officer is set out in section 151 of the *Act* and includes responsibility for assisting the Council to implement and conduct its Council's internal arbitration processes.

IMPLEMENTATION ACTIONS

Confirm the three (3) month extension from 19 January 2023 in writing

RELATED DOCUMENTS

- Councillor Code of Conduct
- *Local Government Act 2020*

Attachments

Nil

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

5. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential by the Chief Executive Officer in accordance with Section 3(1) of the Act for the reasons indicated:

5.1 CT202221 - Construction of Bill Lawry Oval Pavilion

This item is designated confidential because it is private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets and private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to Section 3(1) (g(i)) and (g(ii)) of the Act.

This document and supporting appendices have been designated as confidential by the Chief Executive Officer, in accordance with Section 3 (1) of the Local Government Act 2020, as private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

CLOSE OF MEETING

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer on the basis that the matters are confidential in accordance with Section 3(1) of the Act.

RE-OPENING OF MEETING


Recommendation

That the meeting be re-opened to the members of the public.


6 CLOSE OF MEETING

**CITY OF
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relayservice.gov.au

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 **Speak your language**
T 8470 8470

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हिंदी	பெங்களி	Tiếng Việt