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# MINUTES OF THE ORDINARY COUNCIL MEETING

Held on Monday 24 October 2022

Released to the public on 27 October 2022

**LIVE STREAMING OF THE COUNCIL MEETING WAS MADE AVAILABLE ON  
COUNCIL'S INTERNET SITE.**



## **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 کی روداد کے نقاط ہیں۔ روداد 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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## MINUTES OF THE ORDINARY MEETING OF THE DAREBIN CITY COUNCIL HELD VIRTUALLY ON MONDAY 24 OCTOBER 2022

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### THE MEETING OPENED AT 6.04 PM

The Mayor advised that the meeting was being streamed live and that audio and video would be made available on Council's website.

The Mayor acknowledged the safe arrival of baby Bryn and sent congratulations and best wishes to Cr. Newton and all of the Newton-Hanlon family.

The Mayor also expressed a warm welcome Peter Smith, Darebin's new CEO.

## 1. OPENING OF MEETING AND MEMBERSHIP

### **Councillors**

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Trent McCarthy (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Susan Rennie

Cr. Julie Williams

### **Council Officers**

Peter Smith - Chief Executive Officer

Jodie Watson - General Manager Governance and Engagement

Rachel Ollivier - General Manager City Sustainability and Strategy

Sam Hewett - General Manager Operations and Capital

Shadi Hanna - Acting General Manager Community

Jacinta Stevens - Manager Governance and Engagement

Jody Brodribb - Coordinator Governance Services

Michelle Martin - Acting Senior Governance Services Officer

Danica Webster - Governance Services Officer

Rebecca Papoulias - Governance Services Officer

Zeeshan Mehmood - Acting Team Leader Service Desk

John Watson - Municipal Monitor

## 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson, Mayor Messina, opened the meeting with the following statement:

*Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional*

*Owners and custodians of the land and waters 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.*

*I WOULD ALSO LIKE TO ACKNOWLEDGE THAT TODAY WE MEET ON THE JOYOUS CELEBRATION DAY OF DIWALI, THE FESTIVAL OF LIGHTS - A DAY THAT HINDUS, JAINS AND SIKHS CELEBRATE WITH FAMILIES AND FRIENDS.*

*A FESTIVAL MARKED BY FOUR DAYS OF CELEBRATION, DEEPAWALI OR DIWALI IS THE BRIGHTEST AND THE MOST SIGNIFICANT FESTIVAL IN INDIAN CULTURE. THE FESTIVAL, WHICH COINCIDES WITH THE HINDU NEW YEAR, CELEBRATES NEW BEGINNINGS AND SIGNIFIES LIGHT OVER DARKNESS, GOOD OVER EVIL OR KNOWLEDGE OVER IGNORANCE.*

*DIWALI CELEBRATES THE SIMPLE JOYS OF LIFE. THE IDEALS INCLUDE RIGHTEOUSNESS, INTROSPECTION, TOLERANCE AND RESPECT, AND TRANSCEND BORDERS AND CULTURES ACROSS THE WORLD.*

*SIKHS CELEBRATE THIS SPECIAL DAY AS BANDI CHHOR DIVAS IN MEMORY OF THE DAY, GURU HARGOBIND SAHIB JI WAS RELEASED FROM PRISON WITH 52 HINDU KINGS AND PRINCES HOLDING ON TO ROPES ATTACHED TO HIS ROBE.*

*DIWALI AND BANDI CHHOR DIVAS CELEBRATE WITH GATHERINGS, SONG, DANCE, PRAYER, THE LIGHTING OF LAMPS AND FIREWORKS.*

*ON BEHALF OF THE COUNCIL I WISH ALL OUR HINDU, JAIN AND SIKH COMMUNITY MEMBERS A HAPPY DIWALI AND A HAPPY BHANDI CHHOR DIVAS.*

### **3. APOLOGIES**

Cr. Newton is on Parental Leave.

### **4. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr. Greco disclosed a conflict of interest in 'Item 8.1 – Petition – Road Safety at Boldrewood Parade/Broadway Intersection' due to being a candidate in the 26 November 2022 State Election and attending, as a Prospective Independent Candidate, at a street meeting of residents raising concerns about the Boldrewood Parade round-about.

Peter Smith, CEO foreshadowed he may need to declare a direct interest in 'Item 9.9 – Governance Report', in relation to the confidential Minutes relating to the CEO Employment Matters Committee. Should councillors need to discuss any matter relating to the CEO Employment Matters Committee, Mr Smith will declare a conflict and leave the meeting.



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## 5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Council Resolution</b>
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MINUTE NO. 22-098

MOVED: Cr. T Laurence

SECONDED: Cr. S Rennie

That the Minutes of the Ordinary Meeting of Council held on 26 September 2022 be confirmed as a correct record of business transacted.

**CARRIED UNANIMOUSLY**

## 6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

*The health, safety and wellbeing of the community has and will always be the paramount consideration of the Council. Council continues to be guided by the government directives and wants to be able to do the right thing for the health of our community, councillors and council staff.*

*The Chamber (virtually or in person) is both a workplace and a public space, and we have an obligation to ensure that the working environment and public forums are safe for everyone, both emotionally as well as physically.*

## 7. QUESTION AND SUBMISSION TIME

The Chairperson, Cr Messina, responded to the following questions submitted for Public Question Time.

- **Elizabeth Lamb of Preston**

At the Ordinary Council meeting on the 26 September 2022, I asked the question 'Under what specific legislation does Council derive the authority to issue fines on privately owned property?' Your response was "The Road Safety Act 1986 Section 90D Agreement provides the authority to issue fines on privately owned property".

Can you prove that the Road Safety Act 1986 has been lawfully enacted by producing a certified copy of the Original Proclamation Certificate? If you are unable to provide this certificate, the Road Safety Act 1986 cannot be enforced, and any money collected from fines issued should be refunded.

### **Response from Chairperson, Mayor Messina**

**We do not have a Proclamation Certificate, but nor are we required to have one. All infringements are issued in accordance with the relevant Act depending on the nature of the fine. We have no concerns about the lawful basis of our work. If you would like more information, the Department Manager, Yash Duggal, is happy to talk to you about it. You can contact him via our Customer Service number during working hours.**

**Council provides information about review and appeal options in relation to fines. The appropriate forum for challenging the interpretation of legislation relating to a fine is**

open court. You may wish to consider seeking your own legal advice about the options available to you.

- **Ruth Jelley of Northcote**

**Question 1**

Now that the final report for Your Street Your Say, Group A has been released, can Council confirm how much is budgeted for this miscellaneous collection of infrastructure projects and what cost benefit analysis measures will be used to assess the success of each Project?

**Question 2**

Council's draft financial report and performance statement shows that staff turnover has doubled from 10% to 20% in the last 2 years. What impact has this had on the budget?

**Response from Chairperson, Mayor Messina**

**Response to question 1.**

**Provision of \$2.4million for these works is in Council's 10-year Capital Works plan for the 2023-24 year. This will be confirmed in the first half of next year when Council's 2023-24 annual budget is considered after community consultation.**

**We are not planning specific cost benefit analysis of these projects. What we do is regularly collect and review road usage data and safety data.**

**Response to question 2.**

**We are not planning specific cost benefit analysis of these projects. What we do is regularly collect and review road usage data and safety data.**

**Most of Council's recruitment activities are managed internally which has minimized adverse budget impact.**

**The employment market throughout Australia is experiencing high staff turnover. Darebin is currently in the process of bargaining an Enterprise**

**Agreement and working through identifying what retention tools are important to staff.**

- **Tim Holdsworth of Northcote**

Council is investigating changes to the Resident Parking Permit Policy. Has Council written to current permit holders, given they will be the most directly affected by changes to the permits they hold?

**Response from Chairperson, Mayor Messina**

**Council is letting all households know via Darebin Community News which is delivered to all letterboxes. We are advising of the consultation through a wide variety of channels designed to reach our diverse community – including permit holders and non-permit holders.**

- **Serena O'Meley of Reservoir**

I refer to the block of units at 1 Macartney Street, Reservoir. Several of the units were completed many years ago, but one of the units is not finished, and is just a tall steel frame and some graffiti-covered lower walls. This unfinished building is an eyesore in the middle of Reservoir. It is directly opposite our new train station and close to the Cheddar Road east linear reserve.

How long has the building been in this state, has the building permit expired and when will it either be completed or demolished?

**Response from Chairperson, Mayor Messina**

**A planning permit was issued for this development but has expired. Our records suggest construction has in progress since 2014. This matter has been referred to Council's planning compliance team for investigation and given the length of time that this has been ongoing, this will be prioritised.**

**A building permit was issued by a private building surveyor but has now expired. It is a matter for the private building surveyor to pursue. Council officers cannot enforce this however we have notified the private building surveyor.**

**It is not possible to say how long it may take to resolve, but it is likely to be a lengthy process.**

- **Bill Jennings of Preston**

**Question 1**

Could Council please inform the community who drew the design for the reconfiguration of the 9 holes at Northcote Public Golf course and please detail in your answer, the name of the person/people/company and the qualifications of the person/people/company, specifically stating if the design was done by a qualified golf course architect?

**Question 2.**

During the period of discussion about the Northcote Public Golf Course, representatives of one group interested in the topic visited classrooms in at least five local government primary schools and ran an activity that was the source of the children's drawings that were subsequently submitted as part of the consultation and, as an attempted petition, that was disallowed. Members of the community learnt that this activity was done without parental consent and in one instance at least, without the knowledge of the Principal. In light of this activity occurring and the media attention the matter received, is Council doing anything to review its policies with respect to what are appropriate activities to run in local government schools and its criteria for accepting, or not accepting, documents like the drawings in the future

**Response from Chairperson, Mayor Messina**

**Response to Question 1**

**The original concept maps outlining the proposed golf course reconfiguration were a creation of a number of Council staff from the Parks & Open Space team**

**Response to Question 2**

**As reported at the July 2022 Council meeting when responding to a similar question, Council's community engagement practices encourage consulting young people**

where appropriate. These practices include receiving guardian consent when seeking feedback from minors.

All Darebin schools were emailed an invitation to share Council's survey with their families and community and provide a direct response via the survey.

However, Council did not run the activity referred to in the question. Officers understand the activity sheet was created and distributed by a group of parents.

Sam Hewitt, General Manager Operations and Capital will ring Mr Jennings to discuss this.

*6.21 pm The Mayor adjourned the meeting for a brief break.*

*6.30 pm The meeting resumed.*

## 8. PETITIONS

**6.31pm** - Councillor Greco declared a general conflict of interest in Item 8.1, Petition – Road Safety at Boldrewood Parade/Broadway Intersection as he is a candidate in the 26 November 2022 State Election and attended, as a Prospective Independent Candidate, to a Street meeting of Residents raising concerns about Boldrewood Parade round-about and left the meeting.

### 8.1 TABLING OF PETITION – ROAD SAFETY AT BOLDREWOOD PARADE/BROADWAY INTERSECTION

Cr. Williams sought leave of Council to present a petition concerning Road Safety at Boldrewood Parade/Broadway Intersection.

Leave was granted

<b>Council Resolution</b>
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**MINUTE NO. 22-099**

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. T Laurence

**That** the petition signed by approx. 32 persons stating Reservoir residents are demanding changes to this dangerous intersection located close to a state primary school, senior citizens' centre and other community facilities.

A group of concerned residents recently met with 2022 Victorian election candidates, and Darebin councillors, at the intersection to see for themselves the lack of safety for users of the roundabout.

Darebin Council's Darebin Advocacy Platform 2022 includes specific reference to this issue: 'Fix the safety issues at the Boldrewood Parade and Broadway intersection in Reservoir'.

Following sustained advocacy over many years, we are calling on Darebin Council to collaborate with State Government to finally fix this situation.

Our key demands are:

- (1) An audit and assessment of the roundabout.
- (2) A solution to the safety and usability issues of the intersection.
- (3) Consultation with the community on this.
- (4) A clear implementation plan in which the community are kept informed.

be received and referred to the CEO for consideration and response.

**CARRIED**

#### **Submission**

*Claire Layden made a submission in relation to Item 8.1 – Petition Road Safety at Boldrewood Parade/Broadway Intersection.*

**6.35 pm** - Councillor Greco returned to the meeting at the conclusion of this item.

## 9. CONSIDERATION OF REPORTS

### 9.1 DRAFT 2021-22 FINANCIAL REPORT AND PERFORMANCE STATEMENT

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#### EXECUTIVE SUMMARY

Under the section 98 of the *Local Government Act 2020* (the Act), Council is required to prepare an annual report in respect of each financial year. This must contain the following:

- A report of operations of the Council, including a statement of progress on implementation of the Council Plan, which includes the results of strategic indicators; a statement of progress in relation to major initiatives identified in the budget or revised budget; the prescribed indicators of service performance for the services provided by the Council; and any other information prescribed by the regulations.
- An audited Performance Statement containing the prescribed indicators of service performance, the prescribed indicators of financial performance, the prescribed indicators of sustainability performance and any other information prescribed by the regulations.
- Audited Financial Statements including any other information prescribed by the regulations and prepared in accordance with the regulations.
- A copy of the Auditor's report on the financial statements under Part 3 of the Audit Act 1994;
- Any other matters prescribed by the regulations.

The Act requires that the annual report be reported to Council within four months of the end of the financial year. Council is required to pass a resolution giving approval in principle to each of the Statements and authorise two Councillors to certify each of the Statements after any changes recommended, or agreed to, by the auditor have been made.

Regulations 21 of the Local Government (Planning and Reporting) Regulations 2020 (the Regulations), specify that the Financial Report must be certified by the Principal Accounting Officer, two Councillors and the Chief Executive Officer, prior to the Auditor-General signing the audit report.

To assist Council in approving in principle the Financial Reports and Performance Statement for year ended 30 June 2022, the Audit Committee should review the draft Statements with the benefit of comments by Council management and the Victorian Auditor-General's Office representative. The Audit Committee, after it is satisfied with comments of Council management and the Victorian Auditor-General's Office representative, should then make a recommendation to Council to adopt in principle each of the statements for the year ended 30 June 2022. The statements were presented to Council's Audit and Risk Committee at its meeting on 12 October 2022.

The Financial Report and the Performance Statement provide, as part of the annual report, a transparent account of Council's operations in line with good governance. The annual report forms part of a comprehensive public accountability process and reporting that includes:

- The Council Plan
- The Annual Budget
- Internal and External Audit; and
- The Annual Report.

<b>Council Resolution</b>
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MINUTE NO. 22-100

**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. S Rennie

**That** Council, in accordance with the recommendations of the Audit and Risk Management Committee, and having considered Council's draft Financial Reports, Performance Statements, VAGO Final Management Letter, VAGO Closing Report and Management Representation Letter for 2021/2022, at **Appendix A, B, C, D and E** respectively to this report:

- (1) Note the recommendation from the Audit and Risk Committee that Council approve 'in principle' the Annual Financial Report and the Annual Performance Statement ended 30 June 2022; and that the Council resolution include the authorisations provided for at points (7), (4), (3).
- (2) Approve in principle the Financial Report for the year ended 30 June 2022 as per **Appendix A** to this report;
- (3) Authorise the Chief Financial Officer to make any non-material changes to the Annual Financial Report and the Annual Performance Statement that may arise from the completion of audit and internal review procedures;
- (4) Authorise the Chief Executive Officer, Mayor Lina Messina and Cr. Hannan to certify the Financial Reports in their final form after any changes recommended or agreed to by the Auditor-General have been made;
- (5) Approve in principle the Performance Statements for the year ended 30 June 2022 as per **Appendix B** to this report;
- (6) Authorise Mayor Lina Messina and Cr. Hannan to certify the Performance Statements in their final form after any changes recommended or agreed to by the Auditor-General have been made;
- (7) Authorise the Chief Executive Officer to forward the Annual Financial Report and the Annual Performance Statement to the Victorian Auditor-General's Office (VAGO).

**CARRIED UNANIMOUSLY**

## 9.2

## ANNUAL REPORT 2021-22

**EXECUTIVE SUMMARY**

The *Local Government Act 2020* (section 98) requires each Council in Victoria to prepare an Annual Report for the previous financial year that contains a report of operations, the audited financial and performance statements and a copy of the Auditor's report on the financial statements.

This is the first Annual Report following the full implementation of the *Local Government Act 2020*. To increase transparency in our reporting, Council has aligned the Annual Report 2021 against the six sets of principles incorporated in the *Local Government Act 2020*, whilst ensuring compliance with legislative reporting requirements and best practice.

The Annual Report 2021-22 will contain Darebin City Council's audited Financial and Performance Statements ('Statements') which were subject to an earlier Council report at this meeting. These Statements provide information on Council operations and services delivered to and for the Darebin community for the 2021-22 financial year. The Statements have been presented to, and considered by, the Audit and Risk Committee. The Financial and Performance Statements and the Auditor-General reports will be included in the Annual Report 2021-22.

The Annual Report 2021-22 (**Appendix A**), contains the key highlights and achievements of Darebin Council for the first year of the implementation of the Council Plan 2021-25. Since the commencement of the *Local Government Act 2020*, the previous legislative requirement for Council to submit the annual report to the Minister has been repealed therefore no longer a requirement.

A summary of the Annual Report is currently in development to include as content on the Council website to inform the community Darebin Council's achievements over the past year in an engaging and accessible way. This continues the approach introduced last year to enable the use of key features of the new website including translation of content into 109 languages, adjustable font size of content and audio translation of content. The Full Annual Report will also be available on the website to view or download.

**Council Resolution****MINUTE NO. 22-101**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. T Hannan

**That** Council:

- (1) Notes the consideration of this report is subject to Council endorsing the Financial and Performance Statements listed as a separate agenda item in this meeting.
- (2) Notes upon certification of the Performance and Financial Statements (subject to an earlier agenda item resolution) the Darebin City Council Annual Report 2021-22, attached at **Appendix A**, will be updated to incorporate the certified Statements.
- (3) Notes the Darebin City Council Annual Report 2021-22, attached at **Appendix A**, in accordance with s 98 of the *Local Government Act 2020*.
- (4) Notes that a summary of the Annual Report 2021-22 will be available digitally on Council's website, enabling use of accessibility features including translation into 109 languages and audio translation, to increase transparency and accessibility, along with a full copy of the Annual Report 2021-22 for download.

**CARRIED UNANIMOUSLY**



## 9.3

## DRAFT MEMORIAL POLICY 2022

**EXECUTIVE SUMMARY**

This report seeks adoption of the Memorial Policy 2022 (*formerly the Civic Recognition (Monuments and Memorials) Policy*). Following consultation with key internal stakeholders the policy has been reviewed and updated to reflect contemporary practices.

The proposed Policy also takes into consideration feedback following Community Consultation during the months of September and October 2022.

**Officer Recommendation**

**That Council:**

- (1) Adopts the Memorial Policy 2022 (Policy) attached at **Appendix A** to this report.
- (2) Thanks, the community for their participation in the community consultation on the draft Memorial Policy and notes that officers will thank individuals who provided feedback.

**Motion**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That Council:**

- (1) Adopts the Memorial Policy 2022 (Policy) attached at **Appendix A** to this report **with the following amendments:**
  - a) **Under the Cultural and Equity Consideration include the following words underlined in paragraph 3 that commences Council is committed to gender equity ... should prioritise the consideration of any request from underrepresented and marginalised people in alignment with the Toward Equality Framework.**
  - b) **“Recommendations of the Memorials Committee will be made to Council’s Executive Management Team, who will determine if the request needs to progress to Council. If there is strong community interest but not alignment with the policy, the Committee will determine if the request needs to progress to Council for consideration.”**
- (2) Thanks, the community for their participation in the community consultation on the draft Memorial Policy and notes that officers will thank individuals who provided feedback.

The motion was put and carried and became the Council Resolution.

<b>Council Resolution</b>
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MINUTE NO. 22-102

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T Laurence

**That Council:**

- (1) Adopts the Memorial Policy 2022 (Policy) attached at **Appendix A** to this report with the following amendments:
  - a) Under the Cultural and Equity Consideration include the following words underlined in paragraph 3 that commences 'Council is committed to gender equity' ... should prioritise the consideration of any request from underrepresented and marginalised people in alignment with the Toward Equality Framework.
  - b) Recommendations of the Memorials Committee will be made to Council's Executive Management Team, who will determine if the request needs to progress to Council. If there is strong community interest but not alignment with the policy, the Committee will determine if the request needs to progress to Council for consideration.
- (2) Thanks, the community for their participation in the community consultation on the draft Memorial Policy and notes that officers will thank individuals who provided feedback.

**CARRIED UNANIMOUSLY**

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**9.4 EAST PRESTON COMMUNITY CENTRE TRANSITION PLAN UPDATE**

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**EXECUTIVE SUMMARY**

A Council resolution was made in 2019 to transition the East Preston Community Centre to a lead tenant model by the end of this financial year 2022/23. As part of the transition plan, Council was to reduce the commitment in a staged way from October. A limited response to the Request for Tender was received with several community organisations providing feedback that the sector is still in recovery from the pandemic and unable to expand their operations.

This paper presents three options for consideration. The recommended option is an additional three-year transition plan from a Council-operated facility. In order to undertake cost benefit analysis and community engagement to inform an options paper and allow the community sector to recover and finalise an operational model by June 2025.

**Officer Recommendation**

**That Council:**

- (1) Continues to operate the East Preston Community Centre as a Council run centre until June 2025.
- (2) Receives a further report which will provide recommendations regarding future management models and options for transition.
- (3) Refers to the 2023/24 and 2024/25 budget development process provision for required allocation of \$170,000 for the annual operation of the East Preston Community Centre.

**Motion**

**MOVED: Cr. G Greco**  
**SECONDED: Cr. J Williams**

**That Council:**

- (1) Continues to operate the East Preston Community Centre as a Council run centre.
- (2) Receives a further report which will provide recommendations regarding future management models and options as Council run.
- (3) Refers to the 2023/24 and future years budget development process provision for required allocation of \$170,000 (or other amount deemed suitable) for the annual operation of the East Preston Community Centre.

The alternate motion was put and carried and became the Council resolution as follows:

**Council Resolution**

**MINUTE NO. 22-103**

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Continues to operate the East Preston Community Centre as a Council run centre.
- (2) Receive a further report which will provide recommendations regarding future management models and options as Council run.
- (3) Refers to the 2023/24 and future years budget development process provision for required allocation of \$170,000 (or other amount deemed suitable) for the annual operation of the East Preston Community Centre.

**CARRIED**

**For:** Cr's. Greco, Williams, Laurence, Dimitriadis, McCarthy and Messina (6)

**Against:** Cr's. Rennie and Hannan (2)

## 9.5

## DAREBIN LIBRARIES FINES

**EXECUTIVE SUMMARY**

There is a global movement to remove library overdue fines. The Australian Library and Information Association states, "Library fines undermine one of the core principles of public libraries – the provision of free and universal access to information" and the American Library Association resolved that "the imposition of monetary library fines creates a barrier to the provision of library and information services".

Council requested a report exploring the implications of removing Darebin Libraries overdue fines from the Council budget. Financially, the impact of removing fines from 1 February 2023 results in a \$16,530 reduction in revenue in 2022-23; for the full 2023-24 financial year, this is projected as \$40,000 in reduced revenue.

Based on evidence from other Victorian public library services, the discontinuation of overdue fines would remove an inequitable barrier to use and promote community participation, lifelong learning and opportunities for connection for all community members, with significant benefits for the people who can least afford to pay overdue fines: the people who often need library services the most.

**Officer Recommendation**

**That Council:**

- (1) Supports in principle the discontinuation of library fines for overdue items to remove a barrier to library use and encourage community engagement with library services.
- (2) Refers for consideration as part of the development of the 2023-24 budget the discontinuation of library fines for overdue items and the removal of unpaid historical overdue fines.

**Revised Officer Recommendation**

**That Council:**

- (1) Supports in principle the discontinuation of library fines for overdue items to remove a barrier to library use and encourage community engagement with library services.
- (2) Refers for consideration as part of the development of the 2023-24 budget the discontinuation of library fines for overdue items and the removal of unpaid historical overdue fines.
- (3) Notes that a library fine amnesty will commence from 7 November 2022 to 30 June 2023.

**Council Resolution**

**MINUTE NO. 22-104**

**MOVED: Cr. S Rennie**  
**SECONDED: Cr. T McCarthy**

**That Council:**

- (1) Supports in principle the discontinuation of library fines for overdue items to remove a barrier to library use and encourage community engagement with library services.
- (2) Refers for consideration as part of the development of the 2023-24 budget the discontinuation of library fines for overdue items and the removal of unpaid historical overdue fines.
- (3) Notes that a library fine amnesty will commence from 7 November 2022 to 30 June 2023.

**CARRIED UNANIMOUSLY**

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**9.6 INTENTION TO DECLARE A SPECIAL CHARGE: SOLAR SAVER (BATCH 1)**

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**EXECUTIVE SUMMARY**

The Solar Saver program is an action of both the Council Plan 2021-25 and Council's Climate Emergency Plan.

The proposed Special Charge scheme relates to the 2021-25 program. The Declaration of this Special Charge is expected to be considered by Council on 28 November 2022, after the public advertising period has closed.

The 36 households included in this batch have received and accepted quotes for their properties. The installations for this batch would add a total of 179.2kW of solar capacity in Darebin. In line with Council's focus for the Solar Saver Special Charge program in 2021-25, all households meet the eligibility criteria set by Council.

The proposed Special Charge scheme totals \$228,689.53 (Special Charge Amount - see also **Appendix A** and **Appendix B**) (The gross amount is \$328,211.43 before the STC claim and rebate, and incl GST).

Council will pay upfront for installation and supply of the solar power systems as listed in confidential **Appendix C**. Council will be repaid these costs, also detailed in confidential **Appendix C**. Around 30% to 40% of this cost is returned to Council when works are invoiced and the Small-scale technology certificates (STC) credits generated by the solar systems are applied. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years.

All participants are expected to be eligible for state government rebates which will reduce the upfront cost to Council and therefore, the Special Charges to be raised. Officers estimate that the total upfront cost will be reduced by around \$50,400.00 (ex GST) after rebates are confirmed.

No interest is charged to ratepayers on Special Charge repayments. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants from the outset.

<b>Council Resolution</b>
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**MINUTE NO. 22-105**

**MOVED:** Cr. T McCarthy  
**SECONDED:** Cr. S. Rennie

**That Council:**

- (1) Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:
  - a) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
  - b) We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:

- i. Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
    - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
  - c) The total:
    - i. Cost of performing the function described in paragraph 1(b) of this resolution is \$228,689.53; and
    - ii. Amount for the Special Charge to be levied is \$228,689.53, or such other amount as is lawfully levied as a consequence of this resolution
  - d) We declare the Special Charge in relation to all rateable land described in the table included as **Appendix B** to this report, in the amount specified in the table as applying to each piece of rateable land.
  - e) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
  - f) The Special Charge will be assessed and levied as follows:
    - i. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$228,689.53 being the total cost of the scheme to Council;
    - ii. The Special Charge will be levied each year for a period of 10 years.
  - g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
    - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) For the purposes of having determined the total amount of the Special Charge to be levied:
  - a) Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and



- b) Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
- (4) Council will give public notice in The Age newspaper of Council's intention to declare, at its ordinary meeting to be held on 28 November 2022, the Special Charge in the form set out above.
- (5) Council will send separate letters, enclosing a copy of: this resolution; Appendix B to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- (6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear any persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- (7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

**CARRIED UNANIMOUSLY**

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**9.7 SOLAR SAVER, SELECTION OF NEW SERVICE PROVIDER  
FOR ROUND 4.2 2023 – 2025**

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**EXECUTIVE SUMMARY**

It is recommended that Council appoint a contractor to supply Solar PV systems and reverse cycle air conditioning for delivering the Solar Saver program for stage 2 (2022 – 25).

A Request for Tender (RFT) was advertised from Saturday 11 June 2022 to Tuesday 12 July 2022 for the provision of supply and installation services of Solar PV Systems and Heating and Cooling Systems under the Darebin Solar Saver Program.

A tender evaluation panel has completed a detailed evaluation process and has put forward a recommendation.

The proposed contract arrangement is to run for a period of 31 months, with an option of a 6 month extension.

<b>Council Resolution</b>
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**MINUTE NO. 22-106****MOVED: Cr. T McCarthy****SECONDED: Cr. G Greco****That Council:**

- (1) Awards the appointment of The Environment Shop Pty Ltd as the trustee for Environment Futures Trust, trading as EnviroGroup as supplier of contract no. CT20222 for the Darebin Solar Saver Program 2022 – 2025 for Supply - Residential and non-residential systems: up to 100kW. The contract terms are to commence on 21 November 2022 and conclude on 30 June 2025 with the option to extend to 31 December 2025.
- (2) Awards the appointment of The Environment Shop Pty Ltd as the trustee for Environment Futures Trust, trading as EnviroGroup as supplier of contract no. CT20222 for the Darebin Solar Saver Program 2022 – 2025 for Supply – Efficient Heating and Cooling systems: up to 10kW. The contract terms are to commence on 21 November 2022 and conclude on 30 June 2025 with the option to extend to 31 December 2025. This will be subject to a trial of 20 installations in 2022-2023.
- (3) Authorises the General Manager City Sustainability and Strategy to finalise and execute the supply contracts on behalf of Darebin Council, and all subsequent contracts associated with future implementation stages for supply - residential and non-residential solar PV systems during the contract period.
- (4) Authorises the General Manager City Sustainability and Strategy to finalise and execute the supply contracts on behalf of Darebin Council, and all subsequent contracts associated with future implementation stages for supply - efficient heating and cooling systems during the contract period.
- (5) Authorises the General Manager City Sustainability and Strategy to review and approve contract variation requirements within the scope of service provisions and subject to satisfactory performance reviews. This includes the 6 months price variation allowed in the contract.
- (6) Authorises the General Manager City Sustainability and Strategy to exercise options for extensions if and when required.

**.CARRIED UNANIMOUSLY**

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**9.8 PROPERTY MATTERS**

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**EXECUTIVE SUMMARY**

This report relates to an update on:

- 1) The completion of the statutory procedures for the proposed sale of the discontinued road adjoining the rear of 138 Wood Street and 31 Malpas Street, Preston, shown as Lot 4 on Title Plan TP848578W in **Appendix A**. This report further recommends the land from the discontinued road be sold to the owners of the adjoining property at 138 Wood Street, Preston.
- 2) The commencement of the statutory procedures for the proposed sale of the discontinued road adjoining 107 Keon Parade and 76 Arundel Avenue, Reservoir, shown as Lot 8 on Title Plan TP853006R in **Appendix B**. This report further recommends that the land from the discontinued road be sold to the owners of 107 Keon Parade, Reservoir.
- 3) Council's application to Geographic Names Victoria to name the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury, "Kalamata Place". This report recommends the rescission of Council's resolution to endorse the name "Kalamata Place" and that Council make a new resolution to endorse the name "Kalamata Lane" to comply with the requirements of the Registrar of Geographic Names Victoria.

<b>Council Resolution</b>
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**MINUTE NO. 22-107**

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. T McCarthy

Item 1: Proposed sale of the discontinued road adjoining the rear of 138 Wood Street and 31 Malpas Street, Preston

**That Council:**

Having given notice of intention under section 114 of the *Local Government Act 2020* to sell the land from the discontinued road adjoining the rear of 138 Wood Street and 31 Malpas Street, Preston, shown at Lot 4 on Title Plan TP848578W in **Appendix A** and having received no submissions in respect of this proposal:

- (1) Directs that the land be sold by private treaty to the owners of the adjoining property at 138 Wood Street, Preston in accordance with Council policy.
- (2) Authorises the Chief Executive Officer, or such other person as the Chief Executive Officer delegates, to sign all documents relating to the sale of the land.
- (3) Transfers to itself any land from the road not sold.
- (4) Authorises the Chief Executive Officer, or such other person as the Chief Executive Officer delegates, to undertake all actions required to transfer to Council any land not sold.

Item 2: Proposed sale of the discontinued road adjoining 107 Keon Parade and 76 Arundel Avenue, Reservoir

**That Council:**

- (1) Commences the statutory procedures under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining 107 Keon Parade and 76 Arundel Avenue, Reservoir, shown hatched on the site plan in **Appendix B** and shown as Lot 8 on Title Plan TP853006R in **Appendix B** to the owner of 107 Keon Parade, Reservoir, by private treaty in accordance with Council Policy.
- (2) Gives notice of its intention to sell the land on Council's website and in such notice states that Council proposes to sell the land from the former road to the owner of 107 Keon Parade, Reservoir, by private treaty and to transfer to itself any land not sold, in accordance with Council policy.
- (3) As part of its community engagement process, Council invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
- (4) That any submissions received be considered by Council's Hearing of Submissions Committee at the Hearing of Submissions Committee meeting following the close of submissions.
- (5) Notwithstanding the present intention to sell the land to the owner of 107 Keon Parade, Reservoir, in the event that submissions are received from other adjoining property owners or interested parties, Council reserves the right to reallocate the manner in which the land is to be sold in accordance with Council policy.

Item 3: Naming of Unnamed Laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury

**That Council:**

- (1) Note that Geographic Names Victoria has advised that the laneway description "Place" cannot be used in the proposed name "Kalamata Place" of the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury as "Place" denotes an enclosed road;
- (2) Rescind the resolution made on 23 May 2022 to endorse Kalamata Place as the name for the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury;
- (3) Endorse Kalamata Lane as the name for the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury;
- (4) Delegates the Manager Property and Asset Strategy to amend the application lodged with Geographic Names Victoria for the naming of the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury to Kalamata Place to Kalamata Lane;
- (5) Writes to the Papaflessas Club, the proposer of the name, to advise them that it is now proposed to name the unnamed laneway between 2 Gooch Street and 1 Raleigh Street, Thornbury to Kalamata Lane.

**CARRIED UNANIMOUSLY**

## 9.9

## GOVERNANCE REPORT - OCTOBER 2022

## EXECUTIVE SUMMARY

The matters covered under the Governance Report for the month of September 2022 are:

- Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors
- Reports by Mayor and Councillors
- Review of Instruments of Delegations
- Councillor/s Leave of Absence
- CEO Employment Matters Committee Minutes – 4, 11, 18 and 22 July

<b>Council Resolution</b>
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MINUTE NO. 22-108

MOVED: Cr. T McCarthy

SECONDED: Cr. S Rennie

**That** Council:

- (1) Notes the Governance Report – September 2022.
- (2) Notes the Summary of Advisory Committees, Councillor Briefings and other Informal Meetings of Councillors at **Appendix A** to this report, for incorporation in the minutes of this meeting.
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
- (4) In the exercise of the powers conferred by Section 11 of the *Local Government Act 2020* (the Act) and the other legislation referred to in the attached Instruments of Delegation, resolves:
  - a) To delegate to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the '*Instrument of Delegation to the Chief Executive Officer (S5)*' (**Appendix B**) subject to the conditions and limitations specified in that Instrument of Delegation.
  - b) To delegate to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the '*Instrument of Delegation to members of Council staff (S6)*' (**Appendix C**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - c) Adopts and affix Council's Common Seal to the following Instruments of Delegation provided as attachments to this report:
    - Instrument of Delegation from Council to the CEO (S5) (**Appendix B**);
    - Instrument of Delegation from Council to members of Council Staff (S6) (**Appendix C**);
  - d) That these instruments come into force immediately the Common Seal of Council is affixed to each instrument.

- (5) Notes that the Chief Executive Officer, pursuant to Section 47 of the Act may by instrument of delegation delegate any power, duty or function of Council that has been delegated to the Chief Executive Officer by the Council to (a) a member of Council staff, or (b) the members of a Community Asset Committee, if any.
- (6) Notes Cr Newton is on parental leave pursuant to section 35(6) of the *Local Government Act 2020* (Vic) from 1 October 2022 to 27 November 2022 and does not require formal Council approval.
- (7) Notes Cr Newton's leave will be noted in Council meeting minutes, Planning Committee meeting minutes and in any Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors meeting minutes.
- (8) Notes should Councillors wish to attend any Council meetings or Planning Committee meetings virtually rather than attending meetings scheduled wholly-in-person during any approved leave of absence period, Councillors must make a request to the Chief Executive Officer in accordance with Governance Rule 11.1.4.
- (9) Notes the Minutes of the CEO Employment Matters Committee Meetings held on 4, 11, 18 and 22 July 2022 at **Appendix D** to this report.

**CARRIED UNANIMOUSLY**

## REPORTS BY MAYOR AND COUNCILLORS

### REPORT OF CR. LINA MESSINA, MAYOR

Cr. Messina reported on her attendance at the following functions/activities:

- Councillor Briefings
- Councillor only meetings
- Monthly Council meeting
- Planning meeting
- Councillor session with David Bryson
- Regular meetings with CEO
- Regular meetings with CE Office Staff
- Good Governance Action Plan Meetings
- "Bring It Home" event – October Seniors month (Merr-Bek/Darebin joint venture)
- First Nations Job Fair
- Salvation Army – meeting with Corps Officer
- Northern Bullants Best & Fairest Awards Night
- His Grace Bishop Evmenios (Northcote Monastery) meeting
- Monthly Audit & Risk Committee meeting
- Bell St bridge Video shoot
- Community Grants video shoot
- Minister visit – LaTrobe Bike Path opening

- Northern Health Foundation Corporate Breakfast
- M9 Mayors & CEO meeting
- NCA Launch – pre launch briefing
- St. Mark's Optic Orthodox Church lunch
- Preston Women's Football event
- Strategic Stakeholder Engagement Evening – Islam Society of Victoria
- NCA Launch
- MIC Board meeting & AGM Briefing
- "Walkaround the Roundabout" – East Reservoir Community event
- Vic Government Grant App announcement – Northcote Theatre
- MIC Board Meeting & AGM
- State Election Forum 2022- ECCV
- Northcote IGA Grand opening
- Grand Launch of Kalamata Lane
- Edwards Lake Dog Park Opening
- Water Festival – Edwards Lake
- Meeting with Nathan Lambert candidate for Preston
- Meeting with Northern Bullants – Advocacy for State Election
- Discussions with Preston Lions- Advocacy for State Election
- Opening Keys Leisure Centre

### **REPORT OF CR. GAETANO GRECO**

Cr. Greco reported on his attendance at the following functions/activities:

- Councillor online meeting
- Councillor Briefing
- Mayor taskforce meeting with MPs
- Planning meeting
- Councillor and CEO meeting
- Strategic Stakeholder engagement with Preston Mosque
- ECCV Forum
- Edwardes Lake Dog Park Opening
- Launch of Edgars Creek and Edwardes Lake Task Force - water festival

**REPORT OF CR. JULIE WILLIAMS**

Cr. Williams reported on her attendance at the following functions/activities

- Darebin Disability Adversary committee
- Councillors and CEO meeting
- 1 x Council Meeting
- 3 x Council Briefing session
- 3 x Weekly online Councillor Teams meetings
- SAVE THE DATE Protect Preston Market Community Picnic
- Joint special meeting on Climate Change Strategy
- Discussion re: Removal of Parklets
- Attended to matter and discussions with residents regarding: Northcote Golf Course, Preston Market, graffiti, home help, community garden, and meeting residents.

**REPORT OF CR. TIM LAURENCE**

Cr. Laurence reported on his attendance at the following functions/activities:

- Contact with residents by phone and online about their concerns, e.g. parking and traffic, Planning infringements, North East Hub issues, dog issues at Bundoora Park
- Contact with residents onsite Clements Reserve
- Contact with residents onsite Bolderwood Parade roundabout
- Contact with residents onsite Bundoora Park - flood issues
- Contact with residents onsite Crookston Rd and Bolderwood Parade drainage and pit issues
- Contact with residents onsite Darebin Creek
- Consultation with Mayor of Strathbogie and community members in various regional Victoria lgas regarding regional community needs in Flood situation
- Consultation with interested state candidates re Clements Reserve Lead contamination
- LG PRO - Racism - Cultural Inclusion & Safety Workshop (pre-launch professional development session)
- Stakeholder engagement dinner with Islamic Society of Victoria
- Councillor Briefings
- Planning Committee meeting
- Monthly Council meeting



**REPORT OF CR. SUSANNE NEWTON**

Cr. Newton reported on her attendance at the following functions/activities:

- One on one with Mayor Messina
- One on one with CEO Peter Smith
- Welcome dinner with Peter Smith
- Protect Preston Market community picnic
- Joint special meeting with Council advisory committees on climate emergency strategy

**REPORT OF CR. SUSAN RENNIE**

Cr. Rennie reported on her attendance at the following functions/activities:

- Stakeholder engagement dinner with Islamic Society of Victoria
- Meeting with CEO
- Meeting with Mayor
- Councillor Briefings
- Councillor only meetings
- Planning Committee meeting
- Monthly Council meeting
- Contact (phone / online) with residents about their concerns, e.g. parking and traffic, planning and developments, waste management
- Meeting with residents of Stott Street re substation
- Protect Preston Market Community picnic
- Seniors Week Bring it Home event
- Speakeasy BatSh\*t
- Speakeasy Truth Club
- MAV State Council
- Meeting with Councillors, monitor and CEO
- NCA Launch of strategic priorities
- Rossmoyne Street rummage

**REPORT OF CR. TRENT MCCARTHY**

Cr. McCarthy reported on his attendance at the following functions/activities:

- Speaker at INLLEN Real Industry Job Interviews x 2
- Melbourne Innovation Centre AGM and Meeting
- Northern Council Alliance Advocacy Launch
- Opening of Marra Guwiyap Garden

- Stakeholder engagement dinner with Islamic Society of Victoria
- Councillor Briefings
- Councillor only meetings
- Planning Committee meeting
- Monthly Council meeting

**REPORT OF CR. EMILY DIMITRIADIS**

Cr. Dimitriadis reported on her attendance at the following functions/activities:

- Council Briefings
- Councillor-only meetings
- Official Council meeting
- Planning meeting
- Fairfield Family Fun Day
- Croxton Community Garden / Marra Guwiyap Garden opening
- Fairfield Bowls Club announcement of State Government grant
- Kalamata Lane opening celebration
- Meeting with representatives from Northcote Junior Football Club, Dennis Cricket Club and Northcote Tennis Club at McDonnell Park.
- LGPro workshop on cultural inclusion

**REPORT OF CR. TOM HANNAN**

Cr. Hannan reported on his attendance at the following functions/activities:

- Contact (phone / online) with residents about their concerns, e.g. parking and traffic, planning and developments, waste management
- Planning for a Safe Climate – online update with Northern Alliance for Greenhouse Action
- Northern Choral Fest
- Opening of Marra Guwiyap Garden
- Meeting with Northcote Junior Football Club and Darebin Cricket Club
- Stakeholder engagement dinner with Islamic Society of Victoria
- Audit and Risk Committee meeting
- Meeting with CEO
- Meeting with Mayor
- Councillor Briefings
- Councillor only meetings
- Planning Committee meeting
- Monthly Council meeting

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**9.10 CT2021152 - CONTRACT AWARD SECURITY SERVICES  
PANEL (INCL. ELECTRONIC SECURITY, CCTV AND  
GUARDS)**

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**EXECUTIVE SUMMARY**

This contract is required to ensure continuity of Council's obligations and to adhere to a wide range of security services across Darebin's broad portfolio of facilities. Council sought tenders from a pool of qualified security service providers to establish a panel of experienced and highly capable providers, with the capability and skill set to deliver security services for Council's wide range of security assets and security guard service requirements.

The provision of services under the contract are structured in three packages. Package A calls for providers to undertake preventative, reactive maintenance, electronic access control, CCTV and security control room monitoring services for Council. Package B seeks to pre-qualify contractors to quote for all associated security renewal works and new projects. Package C sought to find appropriately experienced and licensed security guards to be requested by Council on an ad-hoc basis.

The request for tender (RFT) for CT2021152 Security Services Panel (Incl. Electronic Security, CCTV and Guards) was advertised publicly on 2 July 2022. The tender closed on 28 July 2022.

The purpose of this report is to recommend that Council awards contract CT2021152 for the Security Services Panel (Incl. Electronic Security, CCTV and Guards) to a number of service providers.

<b>Council Resolution</b>
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**MINUTE NO. 22-109**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. T McCarthy

**That Council:**

- 1) Awards contract CT2021152 Security Services Panel (Incl. Electronic Security, CCTV and Guards) – **Package A** Preventative and reactive maintenance - for a principal contract term of four years with a one-year option to extend commencing on 1 December 2022 (services to be charged as per tendered schedules of rates subject to CPI adjustments) to MA Services Group Pty Ltd.
- 2) Awards contract CT2021152 Security Services Panel (Incl. Electronic Security, CCTV and Guards) – **Package B** Capital works and projects - for a principal contract term of four years with a one-year option to extend commencing on 1 December 2022 to the following tenderers:
  - MA Services Group Pty Ltd
  - Scope Protective & Data Solutions Pty Ltd ATF Scope Security Unit Trust
  - SecureMonitoring Pty Ltd

- 3) Awards contract CT2021152 Security Services Panel (Incl. Electronic Security, CCTV and Guards) – **Package C** Security guard services - for a principal contract term of four years with a one-year option to extend commencing on 1 December 2022 (services to be charged as per tendered schedules of rates subject to CPI adjustments) to MA Services Group Pty Ltd.
- 4) Authorises the Chief Executive Officer to finalise and execute the contract documents on behalf of Council.
- 5) Authorises the Chief Executive Officer to review and approve the option to extend the contract subject to satisfactory performance reviews.

**CARRIED UNANIMOUSLY**

## 9.11

**CT202153 - CONTRACT VARIATION FOR THE  
INTERCULTURAL CENTRE CONSTRUCTION****EXECUTIVE SUMMARY**

The Darebin Intercultural Centre project aims to create a welcoming and inclusive space for Darebin's diverse multicultural communities by refurbishing the building at 350 High Street, Preston over financial years 2021/2022 and 2022/2023.

Following a public tender process, at its November 2021 meeting Council approved the award of Contract CT202153 to construct the new Darebin Intercultural Centre for the contract sum of \$1,732,946.62 (inclusive of GST) to Construction Building Design Pty Ltd (CBD). Council further approved a contingency of 10% of the contract in the amount of \$173,294.66 (inclusive of GST) to be used for unforeseen circumstances.

The project commenced construction in April 2022 and is scheduled for completion in November 2022. As the project has progressed, the contingency funds have been required and it is anticipated that additional funds will be required in order to complete the construction works. This is mainly due to\*:

- A number of unforeseen site conditions that could only be discovered after existing flooring, walls and ceilings had been removed;
- A significant increase in the required structural repairs and modifications including changes to construction methodologies and designs;
- The effects of Covid-19 on staffing levels, material availability and pricing;
- The impact of the world conflict on transport costs and delivery time frames;
- An increase in the portion of work requiring manual labour rather than machine use.
- Asbestos was found during construction which required removal;
- Water infiltration, leaks and underground drainage uncovered during the demolition phase;
- Structural engineering works were more complicated and time intensive than anticipated; and
- The construction market, procurement and material and equipment prices have increased considerably since the tender period concluded in September 2021. This has also negatively impacted on the overall construction cost of the works.

\*Some of the cost escalations apply to variations only not the lump sum.

<b>Council Resolution</b>
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MINUTE NO. 22-110

**MOVED:** Cr. G Greco  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Approves a budget variation of a maximum of \$275,000 (GST inclusive) for Contract CT202153 - Contract Variation for the Intercultural Centre Construction awarded to Construction Building Design Pty Ltd to a new maximum construction cost of \$2,181,241.28 (GST inclusive).
- (2) Approves the resulting increase to the adopted project budget from \$2,200,000 to \$2,486,000 (inclusive of consultant costs, project management and GST).

**CARRIED UNANIMOUSLY**

## 10. NOTICES OF MOTION

### 10.1 PARKING RESTRICTIONS

---

Take notice that at the Council Meeting to be held on 24 October 2022, it is my intention to move:

**That Council:**

- (1) *Notes the current process that residents can apply to Council for review of parking restrictions in their street.*
- (2) *Receives a report at the next scheduled Ordinary Council Meeting on 28 November that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to:*
  - a. *The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.*
  - b. *The criteria used by officers to make a decision that parking restrictions will be installed in a street.*
  - c. *The considerations Officers use that results in a net loss of parking spaces in a street.*

#### **Rationale**

There has been huge community outcry at council's current parking restrictions study across large areas of the municipality. There is a lack of understanding on the implications of such studies amongst the broader community It's important we understand the rationale governing the methodology and implementation of parking restrictions so that it best meets community expectations and needs.

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<b>Notice Received:</b>	<b>9 October 2022</b>
<b>Notice Given to Councillors</b>	<b>9 October 2022</b>
<b>Date of Meeting:</b>	<b>24 October 2022</b>

**Motion****That Council:**

- (1) *Notes the current process that residents can apply to Council for review of parking restrictions in their street.*
- (2) *Receives a report at the next scheduled Ordinary Council Meeting on 28 November that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to:*
  - a. *The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.*
  - b. *The criteria used by officers to make a decision that parking restrictions will be installed in a street.*
  - c. *The considerations Officers use that results in a net loss of parking spaces in a street.*

**Rationale**

There has been huge community outcry at council's current parking restrictions study across large areas of the municipality. There is a lack of understanding on the implications of such studies amongst the broader community It's important we understand the rationale governing the methodology and implementation of parking restrictions so that it best meets community expectations and needs.

---

*Cr. Greco proposed an amendment to the motion which was accepted by the mover and seconder.*

**Amended Motion**

**MOVED:** Cr. E. Dimitriadis  
**SECONDED:** Cr. T Laurence

**That Council:**

- (1) *Notes the current process that residents can apply to Council for review of parking restrictions in their street.*
- (2) *Receives a report at the next scheduled Ordinary Council Meeting on 28 November that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to considerations of the following.*
  - a) *The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.*
  - b) *The current criteria used by officers to make a decision that parking restrictions will be installed in a street.*
  - c) *The considerations Officers use that results in a net loss of parking spaces in a street.*



- d) The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process.
- e) The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.
- f) Any cost implications to residents, owners and businesses of the proposed options above.

**8.25 pm** *The Mayor adjourned the meeting for a brief break.*

**8.36 pm** *The meeting resumed.*

**8.42 pm** *The Mayor adjourned the meeting for a brief break.*

**8.46 pm** *The meeting resumed.*

---

*Cr. Greco proposed a further amendment to the Motion which was accepted by the mover and seconder.*

<b>Amended Motion</b>
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**MOVED:** Cr. E Dimitriadis  
**SECONDED:** Cr. T Laurence

**That Council:**

- (1) Notes the current process that residents can apply to Council for review of parking restrictions in their street.
- (2) Receives a report at the first meeting in February 2023 that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to considerations of the following.
  - a. The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.
  - b. The current criteria used by Officers to make a decision that parking restrictions will be installed in a street.
  - c. The considerations Officers use that results in a net loss of parking spaces in a street.
  - d. The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process.
  - e. The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.

- f. Any cost implications to residents, owners and businesses of the proposed options above.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

<b>Council Resolution</b>
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**MINUTE NO. 22-111**

**MOVED:** Cr. E Dimitriadis  
**SECONDED:** Cr. T Laurence

**That Council:**

- (1) Notes the current process that residents can apply to Council for review of parking restrictions in their street.
- (2) Receives a report at the first meeting in February 2023 that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to considerations of the following.
  - a. The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.
  - b. The current criteria used by Officers to make a decision that parking restrictions will be installed in a street.
  - c. The considerations Officers use that results in a net loss of parking spaces in a street.
  - d. The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process.
  - e. The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.
  - f. Any cost implications to residents, owners and businesses of the proposed options above.

**CARRIED**

**For:** Cr's. Greco, Williams, Laurence, Dimitriadis and Messina (5)

**Against:** Cr's. Hannan, Rennie and McCarthy (3)

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**10.2 TOWARDS FUNCTIONAL ZERO ROUGH SLEEPERS IN DAREBIN**

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Take notice that at the Council Meeting to be held on 24 October 2022, it is my intention to move:

**That Council:**

- (1) *Resolves to commit to a target of zero rough sleepers in the City of Darebin.*
- (2) *Receives a report from Officers a report outlining the staff and financial resources required to consider in the next Council budget 2023/2024 the funding of a Darebin Zero program based on the recent pilot at the City of Port Phillip and in other cities overseas.*
- (3) *Receives a report in November in relation to the mid year budget review in December 2022 on potential recourses to enable Officers to do partnership planning work with external housing agencies and homelessness groups to plan for a Darebin Zero program.*

**Rationale**

Homelessness and rough sleeping is increasing in Darebin and requires a world's best practice approach such as been piloted in Port Phillip Zero. Cost of housing pressures in Darebin and the North are a threat of increased homelessness in all its forms. Tackling rough sleeping should be a foundation in further action by all three level of governments to tackle this growing problem in our community. Action by Darebin and Port Phillip Council in this social policy space has the capacity to create momentum for a state wide and nationwide responses as we have seen in other successful Darebin programs such as Say No To Racism, the Darebin Poverty Inquiry and the Solar Savers program were our programs were adopted by SA, NSW and Victorian Governments.

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**Notice Received:** 10 October 2022

**Notice Given to Councillors** 10 October 2022

**Date of Meeting:** 24 October 2022

<b>Motion</b>
---------------

**MOVED:** Cr. T Laurence  
**SECONDED:** Cr. E Dimitriadis

*That Darebin Council:*

- 1. Resolves to commit to a target of functional zero rough sleepers in the City of Darebin.*
  - 2. Receives a report from officers a report no later than February 2023 outlining the staff and financial resources required to consider in the next Council budget 2023/2024 the funding of a Darebin Zero program based on the recent pilot at the City of Port Phillip and in other cities overseas.*
  - 3. Receives a report in December November in relation to the mid year budget review in December 2022 to identify on potential recourses to enable officers to commence do partnership planning work in 2022/23 with external housing agencies and homelessness groups to plan for a Darebin Zero program.*
- 

*Cr. Hannan proposed the following amendment.*

*The mover and seconder of the motion did not consent to the amendment.*

<b>Amendment</b>
------------------

**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. T McCarthy

**That Council:**

- (1) Resolves to consider a target of functional zero for rough sleepers in the City of Darebin.
- (2) Receives a report from Officers no later than February 2023 outlining the staff and financial resources required to consider in the next Council budget 2023/2024 the funding of a Darebin Zero program, including evidence from the recent pilot at the City of Port Phillip and in other cities overseas.

The Amendment was put and carried on the casting vote of the Mayor.

**CARRIED**

**For:** Cr's. Hannan, Rennie, McCarthy and Messina (4)

**Against:** Cr's. Dimitriadis, Greco, Laurence and Williams (4)

**EXTENTION OF TIME****Council Resolution**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. G Greco

**9.01pm That** the Council meeting continue for 30 minutes.

**CARRIED UNANIMOUSLY**

**Council Resolution**

**MINUTE NO. 22-112**

**MOVED:** Cr. T Laurence  
**SECONDED:** Cr. E Dimitriadis

**That** Council:

- (1) Resolves to consider a target of functional zero for rough sleepers in the City of Darebin.
- (2) Receives a report from Officers no later than February 2023 outlining the staff and financial resources required to consider in the next Council budget 2023/2024 the funding of a Darebin Zero program, including evidence from the recent pilot at the City of Port Phillip and in other cities overseas.

**CARRIED UNANIMOUSLY**

## 11. URGENT BUSINESS

Nil

## 12. ITEMS TO BE TABLED

THAT IN ACCORDANCE WITH SECTION 147(4) OF THE *LOCAL GOVERNMENT ACT 2020*, THE ARBITER'S DECISION AND STATEMENT OF REASONS ON THE MATTER OF AN APPLICATION BY COUNCILLOR TIM LAURENCE CONCERNING COUNCILLOR SUSANNE NEWTON (BELOW) IS TABLED AND TO BE RECORDED IN THE MINUTES OF THE MEETING.

### IN THE MATTER OF AN APPLICATION FOR AN INTERNAL ARBITRATION PROCESS

DAREBIN CITY COUNCIL

**IAP 2022-18**

**HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE *LOCAL GOVERNMENT ACT 2020***

**APPLICANT:** CR TIM LAURENCE

**RESPONDENT:** CR SUSANNE NEWTON

**DATE OF HEARING:** THURSDAY, 8 SEPTEMBER 2022

**PLACE OF HEARING:** CITY OF DAREBIN COUNCIL OFFICES, 284-286 GOWER STREET, PRESTON

**ARBITER:** SIMON HEATH

#### **DETERMINATION:**

CR. LAURENCE WITHDREW TWO OF FOUR ALLEGATIONS IN THE APPLICATION THAT CR. NEWTON HAD BREACHED THE STANDARDS OF CONDUCT. IN RELATION TO THE TWO REMAINING ALLEGATIONS, THE ARBITER FINDS THAT CR. NEWTON HAD NOT BREACHED THE STANDARDS AND, AS SUCH, NO FINDING OF MISCONDUCT IS MADE.

THE ARBITER THEREFORE DISMISSES CR. LAURENCE'S APPLICATION.

#### **STATEMENT OF REASONS**

##### **THE APPLICATION**

THE 'APPLICATION FOR AN INTERNAL ARBITRATION PROCESS' IS DATED 6 JUNE 2022 AND SEEKS A FINDING OF MISCONDUCT AGAINST THE RESPONDENT IN RELATION TO FOUR SPECIFIED ALLEGED BREACHES OF THE STANDARDS OF CONDUCT (**APPLICATION**).

AT THE HEARING HOWEVER, THE APPLICANT CONFIRMED THAT THE APPLICATION SHOULD HAVE BEEN DATED 15 JUNE 2022, BEING THE DATE THE

APPLICANT SPECIFIED IN SECTION B THEREOF, THAT THE FOLLOWING FOUR ALLEGED BREACHES REMAINED "ONLINE":

1. A TWEET BY THE RESPONDENT DATED 15 APRIL 2022 **(THE TWEET)**
2. SEVERAL SOCIAL MEDIA POSTS IN OCTOBER 2020 **(THE POSTS)**
3. AN UNDATED EXTRACT FROM THE 'DAREBIN APPROPRIATE DEVELOPMENT ASSOCIATION' WEBSITE POSTED PRIOR TO THE COUNCIL ELECTIONS IN OCTOBER 2020 **(THE EXTRACT)**
4. AN ONLINE ARTICLE FROM 'THE AGE' DATED 9 MAY 2021**(THE ARTICLE)**

### **ARBITER'S JURISDICTION**

SECTION 143 OF THE *LOCAL GOVERNMENT ACT 2020 (ACT)* PROVIDES THAT AN ARBITER MAY HEAR AN APPLICATION THAT ALLEGES MISCONDUCT BY A COUNCILLOR.

IMPORTANTLY, SUB-SECTION 143(3) OF THE ACT PROVIDES THAT THE APPLICATION "MUST BE MADE WITHIN 3 MONTHS OF THE ALLEGED MISCONDUCT OCCURRING".

THE ARBITER WAS APPOINTED PURSUANT TO SECTION 144 OF THE ACT.

PURSUANT TO SECTION 147 OF THE ACT, AN ARBITER MAY DETERMINE WHETHER OR NOT A COUNCILLOR HAS ENGAGED IN MISCONDUCT.

"MISCONDUCT" IS DEFINED IN SECTION 3 OF THE ACT

AS FOLLOWS: "...ANY BREACH BY A COUNCILLOR OF THE STANDARDS OF CONDUCT"

THE "STANDARDS OF CONDUCT" ARE SET OUT IN SCHEDULE I TO *LOCAL GOVERNMENT (GOVERNANCE AND INTEGRITY) REGULATIONS 2020 (STANDARDS)*. A COPY THEREOF IS ATTACHED AS ANNEXURE A.

THE RELEVANT STANDARDS WHICH THE APPLICANT ALLEGES THE RESPONDENT BREACHED ARE: CLAUSE 1 TREATMENT OF OTHERS BUT ONLY AN ALLEGED BREACH OF SUB-CLAUSE (A) THEREOF; AND. CLAUSE 4 COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC.

### **HEARINGS**

THE INTERNAL ARBITRATION PROCESS COMPRISED A DIRECTIONS HEARING ON THURSDAY, 18 AUGUST 2022 AND THE HEARING ON 8 SEPTEMBER 2022.

### **EVIDENCE**

THE APPLICANT'S EVIDENCE COMPRISED THE APPLICATION (WHICH INCLUDED A COPY OF THE TWEET, THE POSTS, THE EXTRACT AND THE ARTICLE), A COPY OF MINUTES FROM THE ORDINARY COUNCIL MEETING ON 15 DECEMBER 2021 AND

THE SPECIAL COUNCIL MEETING ON 14 APRIL 2022, AS WELL AS ORAL EVIDENCE AT THE HEARING.

THE RESPONDENT'S EVIDENCE COMPRISED A LETTER TO THE ARBITER DATED 19 AUGUST 2022, DETAILED WRITTEN SUBMISSIONS DATED 31 AUGUST 2022, AND ORAL EVIDENCE AT THE HEARING.

**APPLICANT'S EVIDENCE**

THE APPLICANT ALLEGED THAT THE APPLICANT'S REFERENCE IN THE TWEET TO "PETULANT BEHAVIOUR" WAS DISRESPECTFUL TO THE FOUR COUNCILLORS REFERRED TO.

WITH RESPECT TO THE POSTS, THE APPLICANT ALLEGED THAT THE RESPONDENT HAD MISLEAD THE PUBLIC BY CLAIMING THAT THE APPLICANT HAD BEEN USING FAKE FACEBOOK ACCOUNTS.

THE APPLICANT ALLEGED THAT THE EXTRACT WAS EVIDENCE THAT THE RESPONDENT HAD MISLEAD THE PUBLIC IN RELATION TO PLANS FOR THE PRESTON MARKET. THE APPLICANT ACKNOWLEDGED HOWEVER THAT THE ALLEGED MISCONDUCT OCCURRED MORE THAN THREE MONTHS BEFORE THE APPLICATION AND APPROPRIATELY WITHDREW THE ALLEGATION.

THE APPLICANT ALLEGED THE ARTICLE WAS EVIDENCE THAT THE RESPONDENT HAD MADE MISLEADING STATEMENTS AS TO HOW THE COUNCIL VOTED ON BICYCLE LANES. SIMILARLY, THE APPLICANT ACKNOWLEDGED THAT THE ALLEGED MISCONDUCT OCCURRED MORE THAN THREE MONTHS BEFORE THE APPLICATION AND APPROPRIATELY WITHDREW THE ALLEGATION.

**RESPONDENT'S EVIDENCE**

THE RESPONDENT DENIED THAT THE TWEET, THE POSTS, THE EXTRACT OR THE ARTICLE BREACHED THE STANDARDS.

THE RESPONDENT ADVISED THAT ALTHOUGH THE TWEET HAD BEEN DELETED, THE CONTENTS WERE ACCURATE. IN SUPPORT, THE RESPONDENT PROVIDED EXTRACTS FROM THE MINUTES OF THE ORDINARY COUNCIL MEETING ON 28 MARCH 2022 AND OF THE SPECIAL COUNCIL MEETING ON 14 APRIL 2022, WHICH RECORD THAT AS A RESULT OF THE FOUR COUNCILLORS LEAVING AND NOT RETURNING TO EACH MEETING, AGENDA ITEMS COULD NOT BE DEALT WITH.

THE RESPONDENT ALSO SUBMITTED THAT THE TWEET WAS "ROBUST POLITICAL DEBATE" AS PERMITTED BY CLAUSE 5 OF THE STANDARDS.

IN ANY EVENT, THE RESPONDENT WAS PREPARED TO APOLOGISE TO THE APPLICANT FOR THE USE OF "PETULANT" IN THE TWEET.

THE RESPONDENT SUBMITTED THAT THE POSTS, THE EXTRACT AND THE ARTICLE WERE ALL MORE THAN THREE MONTHS BEFORE THE APPLICATION



AND, IN ANY EVENT, OCCURRED IN THE CONTEXT OF "ROBUST POLITICAL DEBATE".

### **ARBITER'S FINDINGS**

THE ARBITER NOTES THE APPLICANT'S WITHDRAWAL OF TWO OF THE FOUR ALLEGATIONS IN THE APPLICATION. IN RELATION TO THE TWO REMAINING ALLEGATIONS, THE ARBITER FINDS THAT THE RESPONDENT DID NOT BREACH THE STANDARDS AND, AS SUCH, NO FINDING OF MISCONDUCT IS MADE.

THE ARBITER THEREFORE DISMISSES THE APPLICATION.

### **ARBITER'S REASONS**

#### **(A) THE TWEET**

THE ARBITER NOTES THAT THE TWEET WAS MADE ON 15 APRIL 2022 AND THEREFORE THE ALLEGED MISCONDUCT OCCURRED WITHIN THREE MONTHS OF THE APPLICATION.

THE APPLICANT ALLEGED THAT THE TWEET REMAINED "ONLINE" AS AT 15 JUNE 2022 BUT PROVIDED NO EVIDENCE IN SUPPORT.

THE ARBITER ACCEPTS THE RESPONDENT'S EVIDENCE THAT THE TWEET HAS BEEN DELETED AND, IN ANY EVENT, THE ARBITER DOES NOT FIND THAT THE TWEET BREACHED THE STANDARDS.

THE MINUTES OF MEETINGS PROVIDED BY THE RESPONDENT CONFIRM THE ACCURACY OF THE TWEET, NAMELY THAT COUNCILLORS HAD "WALKED OUT OF THE LAST TWO COUNCIL MEETINGS, REFUSING TO PARTICIPATE, WHICH LAST NIGHT MADE IT IMPOSSIBLE FOR THE MEETING TO CONTINUE". THE ARBITER NOTES THAT THE INABILITY TO MAINTAIN A QUORUM MEANT THAT AGENDA ITEMS COULD NOT BE DEALT WITH.

THE ARBITER DOES NOT THINK THAT THE RESPONDENT'S REFERENCE IN THE TWEET TO THE COUNCILLORS' BEHAVIOUR BEING "PETULANT" IS A BREACH OF THE STANDARDS. IN ANY EVENT, THE RESPONDENT OFFERED A GENUINE PERSONAL APOLOGY TO THE APPLICANT BOTH PRIOR TO AND AT THE HEARING FOR USING THAT WORD AND THE APPLICANT ACCEPTED THAT APOLOGY.

#### **(B) THE POSTS**

WHILE THE APPLICANT SUBMITTED THAT THE POSTS WERE INAPPROPRIATE, THE ARBITER NOTES THAT CLEARLY RELATE TO THE COUNCIL ELECTION, WHICH RAN BETWEEN 22 SEPTEMBER 2020 AND 24 OCTOBER 2020.

THE APPLICANT CONFIRMED BEING AWARE OF THE POSTS AT THE TIME.

THE APPLICANT ALLEGED THAT THE POSTS REMAINED "ONLINE" AS AT THE DATE OF THE APPLICATION BUT PROVIDED NO EVIDENCE IN SUPPORT. THE RESPONDENT'S EVIDENCE WAS THAT THE POSTS WERE TO A FACEBOOK GROUP THAT THE RESPONDENT WAS NO LONGER A MEMBER OF.

BECAUSE THE POSTS WERE MADE NEARLY TWO YEARS AGO, A CONSIDERABLE PERIOD OUTSIDE THE THREE MONTHS CONTEMPLATED BY SUBSECTION 143(3) OF THE ACT, THE ARBITER MAKES NO FINDING OF MISCONDUCT IN RELATION TO THEM.

**(C) THE EXTRACT**

THE ARBITER NOTES THAT THE EXTRACT IS UNDATED BUT IT REFERS TO THE FORTHCOMING COUNCIL ELECTIONS SO MUST HAVE BEEN MADE PRIOR TO 24 OCTOBER 2020.

THE APPLICANT DID NOT PROVIDE ANY EVIDENCE TO SUPPORT THE ASSERTION THAT THE EXTRACT REMAINED "ONLINE" AS AT 15 JUNE 2022 BUT, EVEN IF IT WAS, THE ARBITER NOTES THAT THE RESPONDENT HAD NO CONTROL OVER THE CONTENT OF THE EXTRACT OR WHETHER IT COULD BE DELETED.

WERE IT NOT FOR THE APPLICANT'S WITHDRAWAL OF THE ALLEGATION IN RELATION TO THE EXTRACT BECAUSE IT OCCURRED MORE THAN 3 MONTHS BEFORE THE APPLICATION, HAVING HEARD THE EVIDENCE OF THE PARTIES, THE ARBITER WOULD HAVE FOUND THAT THERE HAD NOT BEEN A BREACH OF THE STANDARDS BY THE RESPONDENT IN RELATION TO THE EXTRACT.

**(D) THE ARTICLE**

THE ARBITER NOTES THAT THE ARTICLE IS DATED 9 MAY 2021.

WHILE THE APPLICANT ALLEGED THAT THE ARTICLE REMAINED "ONLINE" AS AT THE DATE OF THE APPLICATION, THE RESPONDENT HAD NO CONTROL OVER WHETHER IT DID. IN ANY EVENT, THE APPLICANT WITHDREW THE ALLEGATION OF MISCONDUCT ON THE BASIS THAT THE ARTICLE WAS PUBLISHED MORE THAN THREE MONTHS BEFORE THE APPLICATION.

AGAIN, WERE IT NOT FOR THE APPLICANT'S WITHDRAWAL OF THE ALLEGATION OF MISCONDUCT IN RELATION TO THE ARTICLE, HAVING CONSIDERED THE EVIDENCE OF THE PARTIES, THE ARBITER WOULD HAVE FOUND THAT THE ARTICLE WAS NOT MISLEADING AND THERE HAD NOT BEEN A BREACH OF THE STANDARDS BY THE RESPONDENT.

IN SUMMARY, THE ARBITER FINDS THAT THE APPLICATION SHOULD BE DISMISSED GIVEN THE APPLICANT'S WITHDRAWAL OF THE ALLEGATIONS OF MISCONDUCT IN RELATION TO THE EXTRACT AND THE ARTICLE, AND GIVEN THE ARBITER'S FINDINGS THAT THE ALLEGATIONS IN RELATION TO THE TWEET AND THE POSTS WERE NOT BREACHES OF THE STANDARDS.

**SIMON HEATH**

ARBITER

DATED: 21 SEPTEMBER 2022

**APPENDIX A****SCHEDULE 1-STANDARDS OF CONDUCT****1 TREATMENT OF OTHERS**

A COUNCILLOR MUST, IN PERFORMING THE ROLE OF A COUNCILLOR, TREAT OTHER COUNCILLORS, MEMBERS OF COUNCIL STAFF, THE MUNICIPAL COMMUNITY AND MEMBERS OF THE PUBLIC WITH DIGNITY, FAIRNESS, OBJECTIVITY, COURTESY AND RESPECT, INCLUDING BY ENSURING THAT THE COUNCILLOR-

- A) TAKES POSITIVE ACTION TO ELIMINATE DISCRIMINATION, SEXUAL HARASSMENT AND VICTIMISATION IN ACCORDANCE WITH THE **EQUAL OPPORTUNITY ACT 2010**; AND
- B) SUPPORTS THE COUNCIL IN FULFILLING ITS OBLIGATION TO ACHIEVE AND PROMOTE GENDER EQUALITY; AND
- C) DOES NOT ENGAGE IN ABUSIVE, OBSCENE OR THREATENING BEHAVIOUR IN THEIR DEALINGS WITH MEMBERS OF THE PUBLIC, COUNCIL STAFF AND COUNCILLORS; AND
- D) IN CONSIDERING THE DIVERSITY OF INTERESTS AND NEEDS OF THE MUNICIPAL COMMUNITY, TREATS ALL PERSONS WITH RESPECT AND HAS DUE REGARD FOR THEIR OPINIONS, BELIEFS, RIGHTS AND RESPONSIBILITIES.

**2 PERFORMING THE ROLE OF COUNCILLOR**

A COUNCILLOR MUST, IN PERFORMING THE ROLE OF A COUNCILLOR, DO EVERYTHING REASONABLY NECESSARY TO ENSURE THAT THE COUNCILLOR PERFORMS THE ROLE OF A COUNCILLOR EFFECTIVELY AND RESPONSIBLY, INCLUDING BY ENSURING THAT THE COUNCILLOR-

- A) UNDERTAKES ANY TRAINING OR PROFESSIONAL DEVELOPMENT ACTIVITIES THE COUNCIL DECIDES IT IS NECESSARY FOR ALL COUNCILLORS TO UNDERTAKE IN ORDER TO EFFECTIVELY PERFORM THE ROLE OF A COUNCILLOR; AND
- B) DILIGENTLY USES COUNCIL PROCESSES TO BECOME INFORMED ABOUT MATTERS WHICH ARE SUBJECT TO COUNCIL DECISIONS; AND
- C) IS FIT TO CONSCIENTIOUSLY PERFORM THE ROLE OF A COUNCILLOR WHEN ACTING IN THAT CAPACITY OR PURPORTING TO ACT IN THAT CAPACITY; AND
- D) REPRESENTS THE INTERESTS OF THE MUNICIPAL COMMUNITY IN PERFORMING THE ROLE OF A COUNCILLOR BY CONSIDERING AND BEING RESPONSIVE TO THE DIVERSITY OF INTERESTS AND NEEDS OF THE MUNICIPAL COMMUNITY.

**3 COMPLIANCE WITH GOOD GOVERNANCE MEASURES**

A COUNCILLOR, IN PERFORMING THE ROLE OF A COUNCILLOR, TO ENSURE THE GOOD GOVERNANCE OF THE COUNCIL, MUST DILIGENTLY AND PROPERLY COMPLY WITH THE FOLLOWING-

- A) ANY POLICY, PRACTICE OR PROTOCOL DEVELOPED AND IMPLEMENTED BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH SECTION 46 OF THE ACT FOR MANAGING INTERACTIONS BETWEEN MEMBERS OF

COUNCIL STAFF AND COUNCILLORS;

- B) THE COUNCIL EXPENSES POLICY ADOPTED AND MAINTAINED BY THE COUNCIL UNDER SECTION 41 OF THE ACT;
- C) THE GOVERNANCE RULES DEVELOPED, ADOPTED AND KEPT IN FORCE BY THE COUNCIL UNDER SECTION 60 OF THE ACT;
- D) ANY DIRECTIONS OF THE MINISTER ISSUED UNDER SECTION 175 OF THE ACT.

**4 COUNCILLOR MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC**

- (1) IN PERFORMING THE ROLE OF A COUNCILLOR, A COUNCILLOR MUST ENSURE THAT THEIR BEHAVIOUR DOES NOT BRING DISCREDIT UPON THE COUNCIL.
- (2) IN PERFORMING THE ROLE OF A COUNCILLOR, A COUNCILLOR MUST NOT DELIBERATELY MISLEAD THE COUNCIL OR THE PUBLIC ABOUT ANY MATTER RELATED TO THE PERFORMANCE OF THEIR PUBLIC DUTIES.

**5 STANDARDS DO NOT LIMIT ROBUST POLITICAL DEBATE**

NOTHING IN THESE STANDARDS IS INTENDED TO LIMIT, RESTRICT OR DETRACT FROM ROBUST PUBLIC DEBATE IN A DEMOCRACY.

**13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

Nil

**13. CLOSE OF MEETING**


The meeting closed at **9.18 pm**.

**CITY OF  
DAREBIN**

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PO Box 91, Preston, Vic 3072  
T 8470 8888 F 8470 8877  
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[darebin.vic.gov.au](http://darebin.vic.gov.au)

 **National Relay Service**  
[relayservice.gov.au](http://relayservice.gov.au)

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**  
T 8470 8470

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