

Unscheduled Council Meeting Minutes

Tuesday 22 February 2021

COUNCIL CHAMBER

Virtual Meeting

**HOBSONS
BAY CITY
COUNCIL**



OUR MISSION

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

Council acknowledges the peoples of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past and present.

Chairperson:

Cr Jonathon Marsden (Mayor)

Strand Ward

Councillors:

Cr Daria Kellander (Deputy Mayor)

Cherry Lake Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Peter Hemphill

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Diana Grima

Wetlands Ward

Cr Matt Tyler

Wetlands Ward

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 22 February 2021 at 6.05pm.

Present

Chairperson

Cr Jonathon Marsden (Mayor) Strand Ward

Councillors

Cr Daria Kellander (Deputy Mayor) Cherry Lake Ward

Cr Tony Briffa JP Cherry Lake Ward

Cr Peter Hemphill Strand Ward

Cr Pamela Sutton-Legaud Strand Ward

Cr Diana Grima Wetlands Ward

Cr Matt Tyler Wetlands Ward

Officers

Mr Aaron van Egmond Chief Executive Officer

Mr Andrew McLeod Director Corporate Services

Ms Diane Eyckens Manager Corporate Integrity (Legal Counsel)

Ms Julie Brne Coordinator Governance and Information Management

Ms Briony Davis Governance Officer and Minute Secretary

1 Council Welcome and Acknowledgement

The Chairperson welcomed members of the public and acknowledged the people of the Kulin Nation as the Traditional Owners of this land.

2 Purpose of Meeting

The purpose of the meeting was for Council to adopt the Hobsons Bay Councillor Code of Conduct 2021 in accordance with statutory timelines set by section 139(4) of the Local Government Act 2020, following the loss of the original motion at the Council Meeting held on 9 February 2021.

3 Virtual Meeting Protocols

Due to current COVID-19 restrictions, this Council Meeting was conducted virtually in accordance with the Hobsons Bay Governance Rules, and livestreamed on the Council website at <http://webcast.hobsonsbay.vic.gov.au>

3.1 Voting Method

Voting was conducted by show of hands, as in the Council Chamber.

3.2 Absence from Meeting

If a Councillor leaves the meeting at any time for any reason other than for a conflict of interest, the Councillor will stand to indicate their intention to leave and then walk away.

If a Councillor needs to leave the meeting due to a declared conflict of interest, the Chairperson will remove the Councillor from the virtual meeting until the matter under discussion has been resolved. The Chairperson will then invite the Councillor back into the meeting.

If a Councillor cannot be seen or heard due to technical issues and cannot carry on as a participant in the meeting, the meeting will continue as long as a quorum remains.

If the quorum is lost, the meeting will be adjourned until the quorum can be returned.

The time that any Councillor leaves and returns to the meeting will be recorded in the minutes regardless of the reason for absence.

4 Apologies

Nil.

5 Disclosure of Interest

In accordance with sections 127 and 128 of the *Local Government Act 2020* Councillors are required to disclose a general or material conflict of interest. A conflict of interest must be disclosed in accordance with rule 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

Nil.

6 Business

6.1 Corporate Services

6.1.1 Adoption of the Hobsons Bay Councillor Code of Conduct

Directorate:	Corporate Services
Responsible Officer:	Governance Officer
Reviewer:	Director Corporate Services
Attachments:	1. Hobsons Bay Councillor Code of Conduct 2021 [6.1.1.1 – 26 pages]

Purpose

To adopt the Hobsons Bay Councillor Code of Conduct 2021.

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council adopts the Hobsons Bay Councillor Code of Conduct 2021, noting that in accordance with section 140(1) of the *Local Government Act 2020* a council may review or amend the Councillor Code of Conduct at any time.

Carried unanimously

Recommendation

That Council adopts the Hobsons Bay Councillor Code of Conduct 2021, noting that in accordance with section 140(1) of the *Local Government Act 2020* a council may review or amend the Councillor Code of Conduct at any time.

Summary

Section 139 of the *Local Government Act 2020* (the LG Act) requires Council to develop and adopt a Councillor Code of Conduct. The Hobsons Bay Councillor Code of Conduct has been developed to comply with the requirements of the LG Act.

Background

The current Councillor Code of Conduct 2016 was adopted at the Council Meeting held on 7 June 2016 and reviewed by Council on 14 February 2017 in accordance with the *Local Government Act 1989*. The Hobsons Bay Councillor Code of Conduct 2021 is revised and updated to meet the requirements of the LG Act 2020.

Section 139(4) of the LG Act requires that Council must review and adopt its Code of Conduct by a formal resolution of Council within four months after a general election. The Code of Conduct includes the standards of conduct to be observed by Councillors when performing their duties and functions as Councillors and must be adopted by a formal resolution of Council.

Discussion

The purpose of local government is to provide a system under which councils perform the functions and exercise the powers conferred by or under the LG Act and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a council being able to perform its purpose and relies on agreed protocols and respectful good working relations between Councillors.

Local Government Victoria has provided a best practice framework for Codes of Conduct. The proposed Councillor Code of Conduct meets the requirements of this framework.

The Code of Conduct sets out:

- the Council Charter, which identifies the roles and responsibilities of Councillors, the relationship between Councillors and Council as an organisation, and the values and behaviours expected to be observed by Councillors
- the Standards of Conduct, including the Standards of Conduct prescribed by the Local Government (Governance and Integrity) Regulations 2020, specific Councillor obligations, and improper conduct as defined within the LG Act
- dispute resolution processes
- internal arbitration processes to address breaches of the Standards of Conduct

In order to comply with the LG Act, Council must adopt its Code of Conduct by 24 February 2021. The Code of Conduct must be passed by at least two-thirds of the total number of Councillors elected to Council, equating to five out of seven Councillors for Hobsons Bay City Council.

As soon as is practicable following adoption, Councillors must individually make a written declaration before the Chief Executive Officer that they have read the Hobsons Bay Councillor Code of Conduct 2021 and will abide by it at all times.

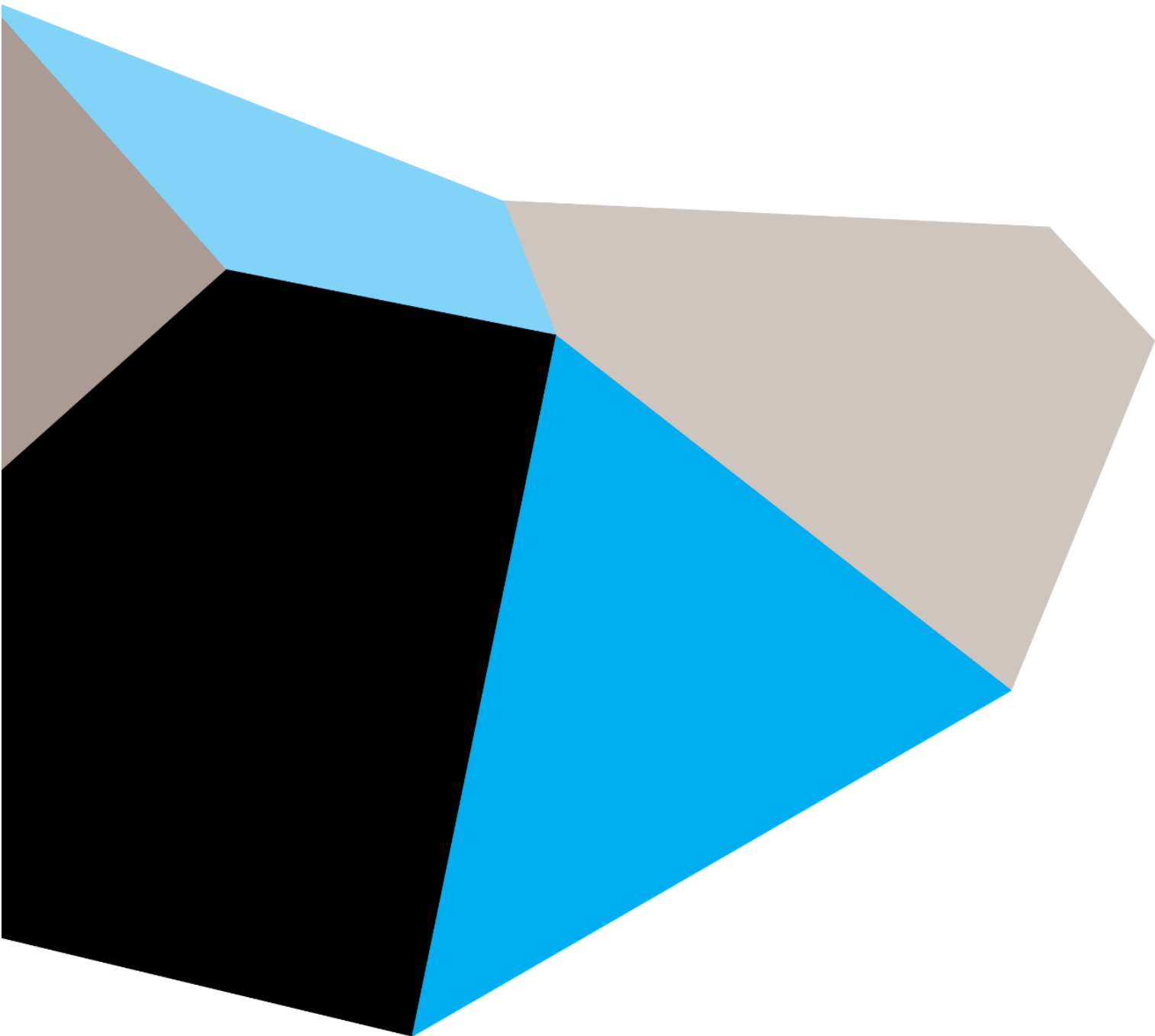
7 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 6.20pm.

Chairperson – Cr Jonathon Marsden

Signed and certified as having been confirmed.


9 March 2021



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