



Unscheduled Council Meeting Agenda

Monday 22 February 2021
Commencing at 6.00 PM

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 Tony Briffa JP

Cherry Lake Ward

Cr Daria Kellander (Deputy Mayor)

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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1 Council Welcome and Acknowledgement

The Chairperson will welcome members of the gallery and acknowledge that Council is gathered on the traditional land of the Kulin Nation and offers its respect to elders past and present.

2 Purpose of Meeting

In accordance with rule 4.2.5 of the Hobsons Bay Governance Rules, the Chief Executive Officer gives notice of the unscheduled Council Meeting to be held on Monday 22 February 2021 at 6pm.

The purpose of the meeting is 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 is being conducted virtually in accordance with the Hobsons Bay Governance Rules, and will be livestreamed on the Council website at <http://webcast.hobsonsbay.vic.gov.au>

3.1 Voting Method

Voting will be 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

The Chairperson will call for apologies received from Councillors who are unable to attend this meeting.

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.

6 Business

6.1 Corporate Services

6.1.1 Adoption of the Hobsons Bay Councillor Code of Conduct 2021

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.

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.

Strategic Alignment

This report specifically addresses priorities from the following strategic documents:

Hobsons Bay 2030 Community Vision

This report does not relate to a specific priority of the Hobsons Bay 2030 Community Vision.

Council Plan 2017-21

Goal 4: A Council of excellence

Objective 4.2: Be a more efficient and effective organisation by having a strong focus on continuous improvement, innovation, strategic planning and responsible financial management.

Policies and Related Council Documents

The Hobsons Bay Councillor Code of Conduct 2021 replaces the previous Councillor Code of Conduct 2016, adopted at the Council Meeting held on 7 June 2016 and reviewed by Council on 14 February 2017.

The Hobsons Bay Councillor Code of Conduct 2021 was initially proposed for adoption by Council at the Council Meeting held on 9 February 2021, but the motion was lost.

A subsequent unscheduled Council Meeting for 22 February 2021 has been called to adopt the Hobsons Bay Councillor Code of Conduct in order to comply with the requirement of section 139(4) of the LG Act for Council to develop and adopt a Councillor Code of Conduct within the period of four months after a general election.

Legal/Statutory Obligations and Risk

The proposed Code of Conduct has been developed in accordance with the requirements of the LG Act 2020.

The LG Act requires Council to adopt a Code of Conduct within four months of a general council election; that is, by 24 February 2021 following the general council election held on 24 October 2020. The Code of Conduct must be passed by at least two thirds of the total number of elected Councillors, or at least five out of Hobsons Bay's seven Councillors.

Financial and Resource Implications

There are no financial resource implications associated with the Councillor Code of Conduct.

Environmental, Social and Economic Impacts

The Code is an important element of Council's commitment to provide good governance in the best interests of the community.

Consultation and Communication

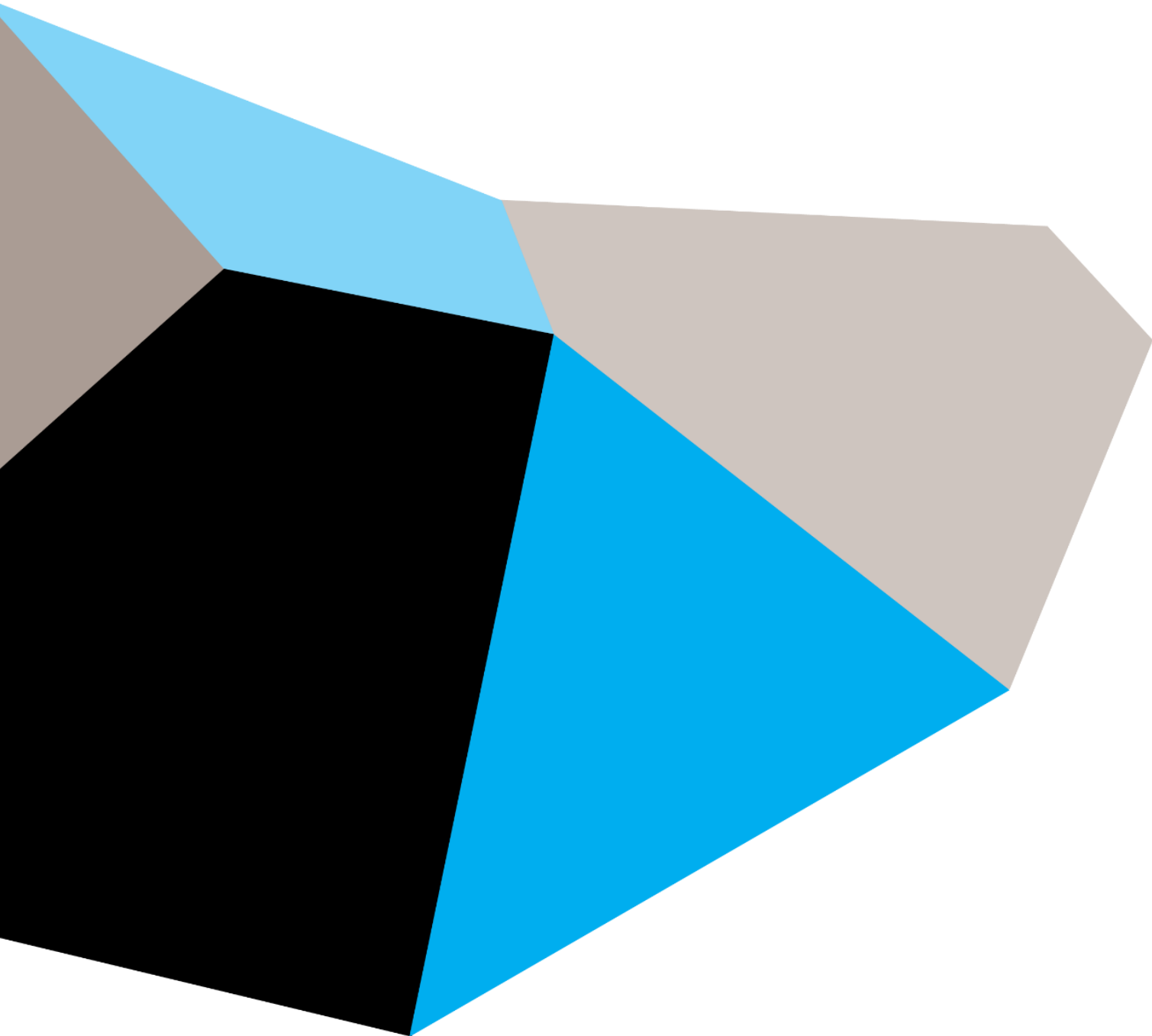
The Code has been reviewed in consultation with Councillors and with reference to best practice models from other councils and Local Government Victoria.

Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff to disclose any general or material conflict of interest in matters to be considered at a Council meeting.

Council staff involved in the preparation of this report have no conflict of interest in this matter.

7 Close of Meeting



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