

Council Meeting

Minutes

Meeting No. 639

20 November 2024

Commenced at 6.03pm

Council Chamber

301 Hampshire Road, Sunshine,
Victoria

Fiona Blair
Chief Executive Officer
22 November 2024

Council

Cr Joh Bauch

Cr Victoria Borg Deputy Mayor

Cr Thuy Dang Mayor

Cr Maria Kerr

Cr Daniel Kruk

Cr Lucy Nguyen

Cr Katharine Nikolic

Cr Duyen Anh Pham

Cr Ranka Rasic

Cr Virginia Tachos

Cr Kim Thien Truong

Executive Leadership Team

Ms Fiona Blair Chief Executive Officer

Ms Lynley Dumble Director Community Wellbeing

Ms Georgie Hill Director People, Partnerships and Performance

Mr Chris Leivers Director Infrastructure and City Services

Mr Mark Stoermer Director Corporate Services

Mr Kelvin Walsh Director City Futures

Governance Team

Mr Danny Bilaver Manager Governance and Risk

Mr Tony Vo Coordinator Council Business

Ms Natalie Horvatic Council Business Officer

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Order of Business

1 Opening (Including Acknowledgement Of Country)

The Chief Executive Officer, Fiona Blair, opened the meeting at 6.03pm and welcomed all in attendance.

The Chief Executive Officer stated:

On behalf of Brimbank City Council, I respectfully acknowledge and recognise the Wurundjeri and Bunurong Peoples as the Traditional Custodians of this land and pay respect to their Elders, past, present and future.

2 Council Commitment

The Chief Executive Officer, on behalf of the Council, read the Council Commitment:

As the Council, you will act in the best interests of the Brimbank community and consider the immediate and long term impacts of your decisions. You will make these decisions fairly and without bias.

You will uphold all of your obligations under the laws of Victoria and Council's local laws, and will act in accordance with the Model Councillor Code of Conduct.

Swearing In of Councillors

In accordance with s30(1)(c) of the *Local Government Act 2020*, notification is provided in these minutes of those Councillors who have taken the oath and affirmation of office.

As per s30 of the *Local Government Act 2020* each Councillor is required to take the oath or affirmation of office.

At the Council Meeting held 20 November 2024, Councillors Joh Bauch, Victoria Borg, Maria Kerr, Katharine Nikolic, Duyen Anh Pham, Ranka Rasic, Virginia Tachos and Kim Thien Truong read and signed an oath of office before the Chief Executive Officer, Fiona Blair, who witnessed the signing of the oath of office. Councillors Thuy Dang, Daniel Kruk and Lucy Nguyen read and signed an affirmation of office before the Chief Executive Officer, Fiona Blair, who witnessed the signing of the affirmation of office.

The signed statements of each Councillor are attached to these minutes.

3 Apologies/Leave Of Absence

Nil.

4 Disclosure Of Conflicts Of Interest

Nil.

5 Term Of Mayor

Before the Election of the Mayor, the Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term, in accordance with section 26 of the *Local Government Act 2020*.

Motion

That on the declaration of the result of the Mayoral Election by the Chief Executive Officer, the successful candidate is elected Mayor of Brimbank City Council for a ____ year term.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Ranka Rasic

That, on the declaration of the result of the Mayoral Election by the Chair, the successful candidate is elected Mayor of Brimbank City Council for a one year term.

Carried

6 Mayoral Election

The election of the Mayor was conducted in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules.

Councillors may nominate themselves or another Councillor. Nominations must be seconded by another Councillor.

The names of nominated Councillors were displayed in writing.

To be elected Mayor, a nominee must get the vote of an absolute majority of the Councillors of Brimbank City Council. That is, at least six votes.

Voting was by show of hands.

The Brimbank Governance Rules require Councillors to vote for one of the candidates. Councillors can vote for themselves or another Councillor. A Councillor can only vote for one candidate in any round.

The Chief Executive Officer invited nominations for the office of Mayor

Nominations

Cr Thuy Dang was nominated by Cr Virginia Tachos. Cr Thuy Dang confirmed acceptance of the nomination. The nomination was seconded by Cr Victoria Borg.

In accordance with the Brimbank Governance Rules, as there was only one nomination, the Chief Executive Officer declared Cr Thuy Dang to be duly elected Mayor of Brimbank City Council.

The Mayor, robed and chained, assumed the role of Chair of the meeting.

7 Mayoral Commencement Address

The incoming Mayor, Cr Thuy Dang, addressed the meeting.

8 Determination Of Position Of Deputy Mayor

Section 20A of the *Local Government Act 2020* provides that Council may establish an office of Deputy Mayor.

If Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if the Mayor is

unable for any reason to attend a Council meeting or part of a Council meeting, or incapable of performing the duties of the office of Mayor for any reason, including illness, or the office of Mayor is vacant.

If Council has not established an office of Deputy Mayor, Council may appoint a Councillor to be the Acting Mayor when the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, is incapable of performing the duties of the office of Mayor for any reason, including illness, or the office of Mayor is vacant.

Motion

That:

- a. Council, in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules, establishes the position of Deputy Mayor, for a ____ year term.
- b. On the declaration of the result of the Deputy Mayoral Election by the Chair, the successful candidate is elected Deputy Mayor of Brimbank City Council for a ____ year term.

Resolution

Moved Cr Virginia Tachos/Seconded Cr Joh Bauch

That:

- a. **Council, in accordance with the *Local Government Act 2020* and the Brimbank Governance Rules, establishes the position of Deputy Mayor, for a one year term.**
- b. **On the declaration of the result of the Deputy Mayoral Election by the Chair, the successful candidate is elected Deputy Mayor of Brimbank City Council for a one year term.**

Carried

9 Election Of Deputy Mayor (If Position Established)

The election was held in accordance with the Brimbank Governance Rules and the *Local Government Act 2020*.

The Mayor invited nominations for the office of Deputy Mayor.

Nominations

Cr Victoria Borg was nominated by Cr Ranka Rasic. Cr Victoria Borg confirmed acceptance of the nomination. The nomination was seconded by Cr Katharine Nikolic.

Cr Maria Kerr was nominated by Cr Joh Bauch. Cr Maria Kerr did not accept the nomination.

In accordance with the Brimbank Governance Rules, as there was only one nomination, the Chief Executive Officer declared Cr Victoria Borg to be duly elected Deputy Mayor of Brimbank City Council.

10 Officer Reports

10.1	Appointment to Committees
Directorate	People, Partnerships and Performance
Director	Georgie Hill
Manager	Danny Bilaver
Attachment(s)	Nil

Purpose

For Council to consider appointments to the LeadWest Joint Delegated Committee and the Audit and Risk Committee.

Officer Recommendation

That Council appoints until Council resolves otherwise:

- a. Councillor _____ as Councillor delegate, and Councillor _____ as proxy, to the LeadWest Joint Delegated Committee.
- b. Councillors _____ and _____ as representatives, and Councillors _____ and _____ as substitutes, to the Audit and Risk Committee.

Background

Committees

LeadWest is a Joint Delegated Committee established by Brimbank City Council, Maribyrnong City Council, Hobsons Bay City Council, Wyndham City Council and Melton City Council. Council is required to appoint Council delegates to this committee.

Under the *Local Government Act 2020*, Council is required to establish an Audit and Risk Committee to which it appoints Council representatives.

The role of the Council representative or delegate for both committees is defined in the Terms of Reference for each committee, and is, broadly, to represent the issues facing, and position of Council.

Matters for Consideration

Committee Appointments

Council generally reviews appointments of Council representatives and delegates to committees on an annual basis.

It is recommended that Council appoints Council delegates and representatives to the LeadWest Joint Delegated Committee and the Audit and Risk Committee due to those committees' upcoming meetings on 11 December 2024 and 22 November 2024 respectively.

Another report will be presented to Council to consider the appointment of Council representatives and delegates to the remaining of the committees at the December Council Meeting scheduled for 10 December 2024.

LeadWest Joint Delegated Committee

LeadWest Joint Delegated Committee represents the councils of Brimbank, Hobsons Bay, Maribyrnong, Melton and Wyndham, to support sustainable growth and regional development in Melbourne's West.

It is recommended Council appoints one Councillor delegate and one proxy to the LeadWest Joint Delegated Committee.

Audit and Risk Committee

The Audit and Risk Committee is an Advisory Committee to Council established in accordance with section 53 of the *Local Government Act 2020*, to provide oversight of internal and external audit and strategic risk activities.

It is recommended Council appoints two representatives and two substitutes to the Audit and Risk Committee. The substitutes would only be called upon to attend meetings should one or both representatives be unavailable. All Councillors are able to attend Audit and Risk Committee meetings as observers, with the approval of the Chair.

Community Engagement

Not applicable.

Resource And Risk Implications

Resource requirements can be met within the Annual Budget 2024/2025.

Regulatory: legal, legislative or regulatory implications including the rights/obligations of stakeholders

- This report fulfils legislative governance obligations, to provide transparent and accountable reporting of governance activity.

There are no Community, Environmental, Financial or Safety risks identified.

Legislation/Council Plan/Policy Context

This report supports the Council Plan 2021-2025 strategic direction and objective of:

4. Leadership and Governance - A high performing organisation that enacts the vision and decisions of Council through the delivery of quality and innovative services - A fairer place for all

- High Performing and Accountable - Our workforce strive to enhance services and liveability for the Brimbank community.

This report complies with the *Local Government Act 2020*, *Local Government (Governance and Integrity) Regulations 2020*, Council Plan 2021-2025, S5 Instrument of Delegation to the Chief Executive Officer, S7 Instrument of Sub-Delegation by the Chief Executive Officer, Councillor Code of Conduct 2021 and Procurement Policy.

Council officers contributing to the preparation and approval of this report, have no conflicts of interests to declare.

Section 129 of the *Local Government Act 2020* provides that a conflict of interest does not arise in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the Local Government (Governance and Integrity) Regulations 2020. Regulation 7(1) prescribes the following are exempt matters:

- The nomination or appointment by the Council of a Councillor to a position for which the Councillor will not be remunerated;
- The nomination or appointment by the Council of a Councillor to a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils.

Resolution

Moved Cr Maria Kerr/Seconded Daniel Kruk

That Council appoints until Council resolves otherwise:

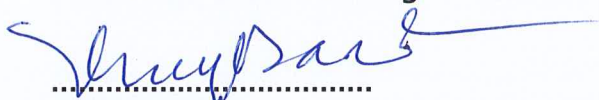
- Councillor Katharine Nikolic as Councillor delegate, and Councillor Lucy Nguyen as proxy, to the LeadWest Joint Delegated Committee.**
- Councillors Daniel Kruk and Thuy Dang as representatives, and Councillors Ranka Rasic and Victoria Borg as substitutes, to the Audit and Risk Committee.**

CARRIED

11 Meeting Closure

The Mayor thanked all in attendance and closed the meeting at 6.31pm.

Confirmed at the meeting of Council held on 10/12/2024


.....
Cr Thuy Dang
Mayor

Oath of Office



I, Joh Bauch,

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Joh Bauch
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



*I, **Victoria Borg**,*

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*


Cr Victoria Borg
13 November 2024


Fiona Blair
Chief Executive Officer
13 November 2024

Affirmation of Office



I, Thuy Dang,

solemnly and sincerely declare and affirm that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Thuy Dang
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



I, Maria Kerr,

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Maria Kerr
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Affirmation of Office



I, **Daniel Kruk**,

solemnly and sincerely declare and affirm that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Daniel Kruk
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Affirmation of Office



*I, **Lucy Nguyen**,*

solemnly and sincerely declare and affirm that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Lucy Nguyen
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



*I, **Katharine Nikolic,***

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Katharine Nikolic
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



I, Duyen Anh Pham,

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Duyen Anh Pham
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



*I, **Ranka Rasic**,*

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Cr Ranka Rasic
13 November 2024

Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



*I, **Virginia Tachos,***

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*

Virginia Tachos
Cr Virginia Tachos
13 November 2024

Fiona Blair
Fiona Blair
Chief Executive Officer
13 November 2024

Oath of Office



*I, **Kim Thien Truong,***

Swear by Almighty God that

*I will undertake the duties of the office of Councillor
in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct
and uphold the standards of conduct set out in
the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions,
powers, authorities and discretions vested in me
under the Local Government Act 2020 and any other Act
to the best of my skill and judgment.*


Cr Kim Thien Truong
13 November 2024


Fiona Blair
Chief Executive Officer
13 November 2024