

# Municipal Monitor appointed to Darebin City Council

## Report to the Minister for Local Government

### 1 Background

#### 1.1 Appointment

On 22 April 2022 the Minister for Local Government appointed me, John Watson as the Municipal Monitor to the Darebin City Council with Terms of Reference (Appendix 1) for a nine-month period ending 31 January 2023.

The Minister described the appointment as being in response to governance concerns raised with the Minister including:

- alleged bullying, intimidation, and disrespectful behaviour between councillors
- an overuse of meeting procedures resulting in a limiting of debate
- alleged failures to comply with conflict-of-interest requirements
- inadequate community engagement, and
- the processes used by the council to appoint its ongoing Chief Executive Officer

#### 1.2 Minister for Local Government's Letter to the Council

On 14 January 2022 the Minister for Local Government wrote to the Darebin City Council (Appendix 2) about correspondence received by the Minister regarding allegations of perceived bullying and unacceptable councillor conduct at the council. The Minister expressed concern that the matters raised may indicate a potential risk to good governance and cited concerns including –

- bullying, intimidation, and disrespectful behaviour between councillors
- an overuse of meeting procedures resulting in a limiting of debate, and
- general governance concerns, such as:
  - alleged failures to comply with conflict-of-interest requirements, and
  - inadequate community engagement

**The Minister requested that the council provide a written response to reassure the Minister that the council is committed to good governance and working together in the best interests of its community.** The Minister asked that the council respond by no later than Monday 28 February 2022 to specifically outline the actions it is taking to address the concerns.

#### 1.3 Council's Letter to the Minister for Local Government

On 23 February 2022 the mayor wrote responding to the Minister (Appendix 3) advising that a Good Governance Action Plan had been prepared in collaboration with all councillors, to support council's professional development and to promote and maintain a healthy and dynamic councillor environment on an ongoing basis. **The letter described the Good Governance Action Plan as a demonstration of the commitment of each councillor to working together in the interests of the community and leading excellence in governance for the remainder of the term.**

#### 1.4 Media Release by Councillors Laurence, Williams, Greco and Dimitriadis

The four councillors issued a media release (Appendix 4) headed 'On TUESDAY 29/3/22 THE GREENS RULING BLOC REJECTED THE CHANCE TO HEAL OUR DIVIDED COUNCIL!'. The release claimed many of the 9 elected councillors were locked out of the CEO Employment Matters Committee that would be short listing for the new CEO.

## 2 Darebin City Council – Some History and Context

### 2.1 Formation of the City

The Darebin City Council was formed out of Victorian local government amalgamations in 1994 with the merger of most of the former cities of Northcote and Preston, with the transfer of the portion of the City of Northcote south of Heidelberg Road to the Yarra City Council and minor adjustments with the former Cities of Coburg, Heidelberg, and the Shire of Diamond Valley.

### 2.2 History of Intervention

- **December 1996** – The Minister for Local Government announced a Commission of Inquiry into various matters relating to the affairs of the Council.
- **13 June 1997** – Governor in Council Order suspended the Councillors and appointed an administrator.
- **19 May 1998** – Local Government Act (Darebin City Council) Act 1998 dismissed the Councillors and continued the administrator and set the date of the next council election for 12 September 1998.
- **August 2013** – The Ombudsman annual Report tabled in Victorian Parliament recommended the state government monitor the council to ensure bad behaviour did not recur.
- **January 2014** – Municipal Monitor appointed to Darebin City Council to observe the council, identify any governance issues and work closely with the council to improve governance practices.
- **May 2015** – Further report to the Minister for Local Government by the Municipal Monitor.
- **25 June 2015** - Two Special Inspectors appointed by the Minister for Local Government to work with the council on a short-term basis.
- **20 November 2015** – Final Report to the Minister for Local Government by Inspectors of Municipal Administration.
- **December 2015** – Council agreed to undertake a series of reforms designed to bolster community confidence in the Council's governance and decision-making processes.
- **14 January 2022** – Minister for Local Government letter to council expressing concern about potential risk to good governance and asking for written response.
- **23 February 2022** – Council letter to the Minister for Local Government setting out at length all councillors' commitment to a Good Governance Action Plan.
- **22 April 2022** – Municipal Monitor appointed to Darebin City Council to monitor the governance processes and practices of the council.
- **14 November 2022** – Code of Conduct Arbitrator's report tabled at council requiring Cr Laurence to be suspended for two weeks and to make a public apology.

### 2.3 The Council's Electoral Arrangements

Prior to the 2020 council elections, there were nine councillors elected from three uniform multi member wards.

At the 2020 council elections, nine councillors were elected from nine single member wards. (Map – Appendix 5).

## 2.4 The Current Councillors

Name	Ward name	Elected terms	Terms as Mayor and Deputy Mayor
Emily Dimitriadis	South East	2020-2024.	Not applicable.
Gaetano Greco	North East	2008-2012, 2012-2016, 2016-2020, 2020-2024.	Mayor: 2013 – 2014. Deputy Mayor: 2012-2013, 2017 and 2020-2021.
Tom Hannan	South	2020 - 2024.	Not applicable.
Tim Laurence	East	1996–1998, 1998-2002, 2008–2012, 2012-2016, 2016-2020, 2020-2024	Mayor: 2000-2001 and 2012-2013.
Trent McCarthy	South West	2008-2012, 2012-2016, 2016-2020, 2020-2024.	Deputy Mayor: 2021 – 2022.
Lina Messina	Central	2016-2020, 2020-2024	Mayor: 2020-2021, 2021-2022. Deputy Mayor: 2017-2018.
Susanne Newton	West	2016-2020, 2020-2024	Deputy Mayor: 2018-2019, 2019-2020 and 2022-2023.
Susan Rennie	South Central	2016-2020, 2020-2024	Mayor: 2018-2019 and 2019-2020.
Julie Williams	North Central	2012-2016, 2016-2020, 2020-2024	Mayor: 2022-2023. Deputy Mayor: 2013-2014.

## 2.5 Recent Council Mayoral Elections

2020 – 2021 Cr Lina Messina  
 2021 – 2022 Cr Lina Messina  
 2022 – 2023 Cr Julie Williams \*

The 2020-2021 and 2021-2022 Mayoral elections were each the result of different divisions of the council based broadly on political affiliations which in my opinion over those two years caused added difficulties in the functioning of the council. The 2022-2023 mayoral election was a unanimous decision arrived at after very difficult discussions between councillors and advice from myself ahead of the council meeting that there needed to be a clear decision and that all councillors then support whoever was elected.

## 3 Monitoring activities

### 3.1 The First Council Meeting

I first attended the council for the council meeting held on 26 April 2022. The meeting with a relatively small agenda to consider, commenced at 6.00 PM and ended over five hours later. The meeting was disorderly and punctuated by almost constant Points of Order and meeting procedure which were time consuming and without proper foundation or basis. There were also some allegations of conflict of interest by some councillors against other councillors. In my opinion the overuse of meeting procedure, seriously interfered with orderly debate. In my opinion councillors openly demonstrated a lack of respect for each other and the chair. It was also apparent in my opinion that there was a lack of trust between councillors. I was surprised when subsequently advised that it had been a better meeting than prior meetings. In my opinion it was one of the most difficult meetings I had witnessed in over 50 years involved in local government.

Also, in my opinion, the presence of a Municipal Monitor had little or no influence on councillor behaviour in the meeting.

### 3.2 Meeting with Each Councillor

I subsequently met one on one with each councillor during which I discussed my terms of reference. I also used the meetings to provide advice to each councillor relating to the council meeting I had attended.

### 3.3 Early Advice Provided to each Councillor Individually and Subsequently to All Councillors as a Group

- The need to respect the chair and each other
- To cease raising pointless and time-wasting and often 'Tit for Tat' like Points of Order
- To stop making public allegations against other councillors accusing them of acting with a conflict of interest

I also provided more basic advice to improve meeting arrangements and process to help save time.

### 3.4 Message to All Staff and Meetings with Staff

Early in my term as Municipal Monitor I emailed all staff advising them about my role and providing a copy of my Terms of Reference. I offered an open invitation for staff to contact me for a confidential discussion if they had any concerns about councillor behaviour and in particular any concerns about councillor interactions with staff and the health and safety of staff.

In response a small number of staff came forward. I also met with the Interim and then Acting CEO and senior council officers. A variety of concerns were expressed including the following direct quotes:

- 'Stress suffered when attending councillor briefing sessions, caused by the manner in which some councillors asked questions and intimidated staff'
- 'Some staff have required well-being assistance following interactions with councillors'
- 'General Managers being preoccupied with the needs of councillors'
- 'Reputation of Darebin is poor, and retention and recruitment of staff is made difficult'
- 'Computer systems need investment – Staff are stressed due to systems and processes not linked/talking to each other'
- 'Cascading issues down through organisation starting at the council level'
- 'Organisation at risk of collapsing'
- 'Many acting positions'
- 'Incident when a Councillor asked dismissive questions about staff consultation in the council chamber'
- 'Issues around personal information the council requires to be gathered to count community members involved in consultations – concern expressed by a consultant that the requirement for such information to be provided may be contrary to federal law'
- 'Councillors don't use briefing sessions properly to explore and ask questions about the matters being presented by staff'
- 'Projects that have taken many months of consultant costs – feel councillors don't fully understand and decisions sometimes follow views expressed to councillors by small numbers in community'
- 'Planning scheme audit overdue and council needs to make decisions'
- 'Problem of councillor amendments at last moment on complex planning matters – no time for officers at meetings to check properly and some decisions can't be implemented'

- 'Many senior staff leaving because of attacks in the council chamber'
- 'When you see the councillors fighting it's difficult for staff'
- 'Council has poor reputation around governance'
- 'Work done on some projects and then abandoned'
- 'Unsatisfactory process of the mayor being required to deal with resident complaints about councillors'
- 'Council asks for things that can't be delivered'
- 'Some staff have had enough and left Darebin'

I also met with the former Chief Executive Officer who is now the Chief Executive Officer at the Yarra City Council.

During my term I met regularly with the Mayor Councillor Lina Messina, the acting and later confirmed interim Chief Executive Officer Rachel Ollivier and following his appointment with the new Chief Executive Officer Peter Smith.

### **3.5 Feedback and Advice to Councillors**

During my time as Municipal Monitor, I offered to provide advice and feedback to councillors individually. Several councillors took up the offer.

On other occasions, including leading up to and after the election of the new mayor in December 2022, I had councillors come to me distressed and sometimes in tears about the way they had or were being treated by some of their colleagues.

This was very clear evidence in my opinion that despite the councillors attempts to demonstrate outwardly all was well and they were working as one, they were not, and ill feelings and lack of trust towards one another were still very much present.

On occasions my role necessitated being more akin to that of a counsellor to individual councillors rather than the role of Municipal Monitor to which I had been appointed.

## **4 Addressing the Terms of Reference (ToR)**

### **4.1 Governance Processes and Practices of the Council with Regard to the Council's Councillor Code of Conduct (ToR 1a)**

The council has a well-developed and comprehensive Code of Conduct to guide councillors in a range of matters including:

- Values
- Roles and Responsibilities
- Conflict of Interest
- Statutory Decision Making and Enforcement Responsibilities
- Fraud and Corruption
- Communication
- Standards of Conduct – which includes –
  - Treatment of Others
  - Compliance with Good Governance Measures
  - Working with CEO and Staff
- Children and Young People
- Fitness for Duty
- Use of Council Resources
- Gifts and Hospitality
- Occupational Health and Safety –
  - Sexual Harassment
  - Bullying, Vilification and Victimisation

- Dispute Resolution Procedures for Alleged Contravention of the Code (other than Standards of Conduct) – which includes –
  - Internal Inquiry Process
- Application During Election Period
- Relevant Legislation and Policies

The Code provides a good framework and guide for all the councillors to clearly understand how to behave or respond in a variety of circumstances. I formed the opinion that if all the councillors took the time to read, understand and genuinely commit to the code that they have adopted for themselves, then **there should be no excuse for poor behaviour or acting contrary to the code**. There are however weaknesses in the current Councillor Code of Conduct arrangements which I discuss in more detail under 4.4.

During the period April 2022 to December 2022, I was advised there were fifteen separate formal Code of Conduct applications for internal arbitration by councillors against each. Most applications were comprised of multiple, and in most cases many separate complaints with some complaints dating back to before the 2020 council elections. By December 2022, several of the applications had either been rejected, withdrawn or had been heard and either had a decision or a decision was pending. In addition, I was advised that there were a further eight applications that had lapsed prior to April 2022 in the term of the current council.

In my opinion a culture had developed and had become entrenched within the councillor group so that immediate escalation to a formal internal arbitration application had become the first course of action rather than a process of last resort.

After a general discussion with the Principal Councillor Conduct Registrar at Local Government Victoria, I approached councillors that had initiated current code applications to ask them to consider withdrawing their applications in the interest of improving relationships between councillors and to help create a better environment ahead of the commencement of a new Chief Executive Officer.

Disappointingly, such was the level of feeling between councillors, that only two councillors with reciprocal applications between them agreed to withdraw those two complaints at that time.

Subsequently however and very late in my term as Monitor, a further five actions were withdrawn.

Of real concern was the failure of several councillors to confirm a clear recommitment to the Councillors Code of Conduct during a session on 14 October. This is further discussed under 4.7.

I formed the view that all councils (not just Darebin) would be better served by a consistent Code of Conduct which includes internal council mechanisms for resolving allegations of breaches of the Code of Conduct and allegations of misconduct or serious misconduct under the Act, that councillors must participate in before an application can be made under the Councillor Conduct framework in the Act.

Refer to 4.4 for further discussion on the subject of Councillor Codes of Conduct.



## **4.2 The Council's Meeting Procedures and Decision Making, including Councillor Attendance and Conduct at Council Briefings, the Adequacy of the Council's Governance Rules and Councillor Adherence to the Governance Rules (ToR 1b)**

### **4.2.1 The Adequacy of Council's Governance Rules**

The council has a well-developed and comprehensive set of Governance Rules to guide councillors. The Rules were revised during 2022 to include new provisions relating to the conduct of virtual meetings.

I took the opportunity to suggest a number of changes to further improve the council's Governance Rules, all of which were accepted.

I formed the opinion that the problem was not with the Governance Rules but with misuse of the rules such as the overuse of points of order and meeting procedure prior to and when I first arrived.

### **4.2.2 Meeting Procedure, Conduct at Council Meetings and Decision Making**

As indicated earlier, the first council meeting I attended as Municipal Monitor had a small agenda, lasted over five hours, and was constantly punctuated and delayed by baseless points of order. It was in my opinion an example of a poor decision-making process.

After giving advice to councillors, individually and together, subsequent council meetings were for the most part better run with only occasional lapses into points of order and meeting procedures being raised. The absence of an overuse of meeting procedures enabled more fulsome debate.

It also became apparent over time, that the presence of a Municipal Monitor had a positive influence on councillors' behaviour.

For most matters coming before the council, the council is able to reach a unanimous decision. There have however been a small number of matters where the council has been deeply divided. These matters have notably included –

- The future use of the Northcote Golf Course
- If, when and to what extent the Reservoir Leisure Centre should be redeveloped

Even on some lesser matters however, the council sometimes really struggles to reach a final agreed position. There is a culture of multiple and quite often complex amendments being proposed in meetings. This results in a risk of decisions that can be open to different interpretations as to what they mean.

With this in mind, I suggested, and it was agreed by the council in the review of its Governance Rules to include that if a motion is unclear in its intent or may be subject to misinterpretation, the Chairperson must lay the motion on the table until the next Council Meeting when advice will be provided by the Chief Executive Officer as to the meaning of the motion as worded.

Notwithstanding this provision in the Governance Rules, I continued to observe what in my opinion were clumsy decision-making processes often still involving multiple amendments to officer recommendations and creating potential for uncertainty in interpretation of the resolution.

An example was the decision-making process at the council meeting on 19 December 2022. This was the first council meeting chaired by the new mayor and the last scheduled meeting where I would be present as Monitor.

It was a relatively small agenda but included two important good governance matters.

The first was a report including the review of Darebin's Community Engagement Policy, particularly about the collection of personal information. In February 2021 the council had adopted a new Community Engagement Policy **in which the council had added a requirement that participants provide personal information such a name (email address or postal address) and postcode.**

The report advised the council that **implementation of the personal information collection requirement had caused a significant impact on engagements undertaken and had raised a range of issues.** Officers reported **it was a barrier to participation. On average, one fifth of engagement participants choose not to participate because of the personal information collection requirement,** automatically excluding these individuals from participating in council engagement. The report further explained that the barrier to participation is increased when engaging with culturally and linguistically diverse community members. In developing the Multicultural Communications and Engagement Toolkit, one of the key pieces of feedback was the discomfort with providing personal information as a condition of the engagement process. There had been numerous examples since the adoption of the policy where CALD community groups declined requests.

In light of recent cyber-attacks, the demonstrated barrier to participation and privacy law implications, the report recommended that Darebin Council remove the requirement and instead only collect postcode.

In my opinion some councillors were uncomfortable with the recommendation and a process of in my opinion confusing amendments followed aimed at seeking to include collection of the same information from engagement participants on a voluntary basis. What should have been simple became complicated and included several meeting adjournments whilst councillors tried without success to make sense of it.

Despite the situation being an obvious candidate for laying it on the table pending clarification advice, it was not considered or utilised until I suggested it during one of the adjournments. Finally, after much wasted time the motion was laid on the table and the meeting was able to progress.

However only two agenda items later a similar situation developed when consideration of a report recommending that council –

- 1) Adopt and commits to a Councillor Media & Social Media Policy
- 2) Adopt and commits to a Councillor Occupational Health & Safety Policy, and
- 3) Adopt and commits to a Councillor Interaction Protocol.

An amendment was moved and seconded, to amongst other things, remove the word 'criticism' in two places in the Councillor Media & Social Media Policy which would have had the effect of appearing to allow councillors to be openly critical of staff and the organisation, and make the policy contradict the Councillors Code of Conduct. The debate again quickly deteriorated into confusion with several unsuccessful adjournment breaks to sort it out until finally a motion to lay it on the table for clarification by the CEO at a subsequent meeting was moved and carried.

In my appointment, the Minister referred to concerns of alleged bullying and intimidation between councillors. Whilst there were suggestions of bullying behaviour by the chair in meetings, I did not observe behaviour by either the Chair or councillors that I could describe as bullying and intimidation. What I did observe was quite robust debate on occasions and both Mayors Messina and Williams, needing to ask a councillor to lower their tone when



addressing a council meeting. In my opinion the call by the mayors was quite appropriate in the circumstances.

Quite separate to the question of was there bullying by councillors, there was an instance where there was what might be described as a 'campaign' of bullying of one councillor by members of the public using social media posts. The councillor had in a council meeting debate, quoted from a report in relation to the Reservoir leisure Centre which had triggered the community response. In my opinion it was a missed opportunity for some other councillors to demonstrate support for their colleague, even though they sat on the other side of the matter debated in the chamber.

#### 4.2.3 Councillor Attendance

Appendix 6 shows the attendance of each councillor at Ordinary Council meetings, Special Council Meetings, Planning Committee meetings, Submission Hearings, Councillor Briefing sessions, Governance Training and Good Governance Action Plan sessions during the period 23 November 2020 to December 2022.

**Not reflected in Appendix 6, was one Good Governance Action Plan session that disappointingly had to be abandoned on the day it was due to be held because of lack of attendance by most councillors.**

A low attendance record by some councillors is attributable in part to work requirements, health issues, parental leave, and approved Leave of Absence.

**Attendance at councillor briefing sessions was particularly low for some councillors.**

This pattern did not change, and I observed on several occasions, the mayor offering to try to find a better time for the sessions but without the offer being taken up.

**This was very disappointing as it is in the briefing sessions that councillors have the best opportunity to explore and ask questions about matters that will come before the council for decision.**

**Also of disappointment was the level of attendance at Good Governance Action Plan sessions.** Although the sessions were recorded for the benefit of councillors who had not attended in person, I am not confident about the level of take-up of this option. **This is even more disappointing given the very clear undertakings and commitment expressed on behalf of all councillors in the mayor's letter of 23 February 2022 to the Minister for Local Government describing the Good Governance Action Plan.**

I also noted that the council failed to provide a six-month report to the Minister on the implementation of the Good Governance Action Plan despite an undertaking to the Minister that it would provide one.

I noted and concurred with the following commentary included in the June 2022 Municipal Monitors Report on the Governance of the City of Yarra:

*'Councillors have an obligation under the Local Government Act to ensure that they understand the issues on which they are making decisions and that these decisions are made in the interests of the whole community. Many of the matters considered by Council are technically complex and/or ones on which there are a variety of views in the community. With the best will in the world, without discussions between themselves and with officers it is unlikely that the best decisions are made in the interest of the community.'*

Given the importance Councillor Briefing Sessions now play in the way in which councillors in Victorian Local Governments gain information to properly inform their formal decision making, it is notable that the Local Government Act 2020 provides no recognition or guidance for the operation or conduct of them. The Darebin Governance Rules only provide

for Ordinary and Special council meeting whilst the Local Government Act 2020 makes no such distinction and only provides for Council meetings.

It is common practice amongst councils to distinguish between normally scheduled council meetings as 'ordinary' council meetings and unscheduled or extra council meetings as 'special' council meetings. 'Ordinary' council meetings would be expected to attract a great public awareness and scrutiny whereas 'special' council meetings sometimes called at very short notice, may not attract the same public attention. Where legislation requires certain matters to be tabled at the next council meeting such as is the case with an Arbiters decision and statement of reasons, I consider that it should be tabled at the next 'ordinary' council meeting rather than a 'special' council meeting.

These are perhaps areas where Local Government Victoria could provide guidance to Victorian Local Governments. Also, as a lot of the material provided and discussed at Councillor Briefing meetings is sensitive and not all is subsequently made public, Local Government Victoria could also provide guidance to councils on how councils may maintain the confidentiality of information provided to and discussed at Councillor Briefing meetings, including where this information does not meet the definition of confidential information under the Local Government Act 2020.

#### **4.3 The Council's Policies and Processes related to the Appointment of an ongoing Chief Executive Officer, including the Council's CEO Employment Matters Committee (ToR 1c)**

Part of the background to my appointment as Municipal Monitor to the Darebin City Council was the conduct of a special council meeting on 14 April 2022 where one of two agenda items was the composition of the CEO Employment Matters Committee and processes to support the committee and proposed CEO recruitment process. Eight councillors were present with Councillor Newton recorded as an apology.

A motion was moved and seconded which in part provided –

*'2) Endorse the appointment of 7 Councillors to the CEO Employment Matters Committee (Cr's Dimitriadis, Greco, Laurence, McCarthy, Hannan, Rennie and Messina) for the duration of the recruitment of the CEO up to confirmation of appointment, acknowledging that Cr's Newton and Williams indicated at the March Council meeting they did not wish to be members of the Committee.*

*3) Note that further to the above composition, Council provide the opportunity for Cr's Williams and Newton to reconsider their interest in being part of the CEO Employment Matters Committee at any point throughout the process.'*

An amendment to remove 'for the duration of the recruitment of the CEO up to confirmation of appointment' from part 2) was lost on the casting vote of the Chair.

A further amendment for the whole of the motion to be –

*'That Council calls for a report to the next Council meeting to outline the framework for the recruitment of the CEO as endorsed by the CEO Employment Matters Committee, summarising the functions of the CEO Employment Matters Committee, the inclusion of all Councillors throughout the process and the decisions to be made by Council'*

was accepted by the original mover and seconder and became the substantive motion but before it could be put to a vote, the council minutes record that Councillors Dimitriadis, Greco, Laurence and

Williams progressively **left the meeting thereby denying the ability to maintain a quorum and the meeting at that point failed.**

The undisposed business was listed for the next council meeting held on 26 April 2022 which was also the first meeting I attended as the Municipal Monitor. The matter was voted on and carried with the apparently controversial parts being settled as follows –

*'2) Endorse the appointment of 8 Councillors to the CEO Employment Matters Committee (Cr's Dimitriadis, Greco, Laurence, McCarthy, Hannan, Rennie, Williams and Messina) for the duration of the recruitment of the CEO up to confirmation of appointment, acknowledging that Cr Newton indicated at the March Council meeting she did not wish to be a member of the Committee.*

*3) Note that further to the above composition, Council provide the opportunity for Cr Newton to reconsider their interest in being part of the CEO Employment Matters Committee at any point throughout the process.'*

As Municipal Monitor I subsequently sat in on all meetings and deliberations of the CEO Employment Matters Committee other than the actual interviews of candidates for initially the selection of the Interim CEO and subsequently for the recruitment of the new CEO. On a number of occasions, the independent chair of the committee and myself needed to assist the councillors by providing advice about their responsibilities and the importance of choosing a CEO for Darebin now who should have the experience and strength to advise and guide the council in dealing with the difficult circumstances the council was in. The Committee needed to be refocussed several times.

Even when the recommendation from the committee came to the council for the final appointment decision, I found it necessary to intervene and again refocus the council on the importance of a unanimous decision and a preparedness by all councillors to support the new CEO.

#### **4.4 The Council's Policies, Processes, and Practices in relation to the Health and Safety of Councillors and Council Staff (ToR 1d)**

The Councillors Code of Conduct includes very specific provisions –

- Councillors commit to behaving courteously and respectfully in their dealing with Council staff, protecting their professional integrity and ensuring that neither offence nor embarrassment is caused when considering advice or recommendations.
- Councillors will not be publicly critical of the organisation
- Advise the CEO in a timely fashion of any concerns that a Council officer has acted contrary to a Council policy or decision, noting that any discussion pertaining to the performance of a Council officer must be held privately with the CEO in a constructive manner.

Unfortunately, several councillors despite the councillor group being advised not to on a number of occasions continued during the period of monitoring to allege systemic discrimination within the organisation.

Also, during the same period another councillor in my opinion inappropriately addressed or questioned staff causing unnecessary distress.

On another occasion video footage of an officer answering a question in a planning meeting was in my opinion inappropriately used on several social media platforms with wording that distorted the context and resulted in the officer suffering stress and leaving the organisation.

The social media postings were only removed after intervention by the interim CEO, and me as Monitor not once but twice to insist the posting on different platforms be removed. I formed the opinion that such comments and actions have caused considerable damage to the organisation and have contributed to staff stress, staff leaving and Darebin's reputation

as an employer also being damaged and making recruitment even more difficult in what was already a hard recruitment market.

I am also of the opinion that councillors who witnessed other councillors criticising the organisation and staff could have done more to challenge the offending behaviour by their councillor colleagues.

Having said other councillors could have done more, the problem in my mind exposes a weakness in the concept of the Councillors Code of Conduct. That weakness being that unless the matter relates to the types of misconduct defined under the Councillor Conduct framework in the Act, the only action available is the council's own internal process which if a councillor chooses not to participate in, lapses and has no consequences.

As all councils have been required by the Local Government Act 2020 to prepare and adopt a Councillors Code of Conduct, which must include the Standards of Conduct, for which there are legislated process for misconduct and serious misconduct, it raises the question, what really is the value of anything else a council puts into its code other than a token commitment without enforceable accountability.

Bad conduct is bad conduct wherever it might occur so I believe it is difficult to argue that the expectations for Councillor behaviour should be different in one municipality versus another depending on the individual councils' Councillors Code of Conduct. The Standards of Conduct go some way toward achieving consistency, but then each council is left to build its own Councillors Code of Conduct around them with different variations which at the end of the day may be unenforceable. I have therefore formed the view that the sector would be better served by a consistent Councillors Code of Conduct and one where even the 'lesser' problems or issues have a clear and consistent process that can lead to a meaningful outcome. These lesser issues could be still subject to a local facilitation process, but all done under the same rules. Based on my observations at Darebin, the fact that a councillor may choose not to participate in an internal arbitration process can result in the process being abandoned, is not satisfactory.

#### **4.5 The Council's Policies, Processes, and Practices related to the Management of Conflicts of Interest (ToR 1e)**

As Municipal Monitor I only observed a handful of occasions when councillors declared a conflict of interest. I had no evidence or reason to think that councillors failed to declare conflicts of interest.

I formed the opinion that the problem around conflict of interest at Darebin was the way some councillors in meetings and some people in the community on social media had made allegations that certain councillors had participated in a decision or taken some action in relation to a matter in which they had a conflict of interest.

As Monitor I advised all councillors individually and as a group of the risk of making such allegations. I advised them that the responsibility for deciding whether a conflict of interest should be declared, rests solely with the individual councillor.

If another person is concerned that a councillor has contravened the conflict-of-interest requirements under the Local Government Act 2020, then that person should report their concern to the Local Government Inspectorate.

Publicly alleging a councillor has a conflict of interest is a serious matter and runs the risk of a potentially very expensive defamation action against the person making the allegation. It was very noticeable that such allegations by councillors and by others on social media ceased after my giving this advice.

#### 4.6 Adequacy of Council's Community Engagement Policies, Processes, and Practices (ToR 1f)

In February 2021 the council adopted a new Community Engagement Policy. The policy was comprehensive and should have served the city well. **Unfortunately, in adopting the policy the council had added a requirement that participants be required to provide personal information such a name (email address or postal address) as well as postcode.**

On 19 December 2022 a report advised the council that **implementation of the personal information collection requirement had caused a significant impact on engagements undertaken and had raised a range of issues.** Officers reported **it was a barrier to participation.**

Regrettably as discussed in more detail under 4.2.2 the council failed to cleanly amend the policy and it is currently laid on the table for further advice and clarification in early 2023. I formed the opinion that notwithstanding the current council imposed 'personal information' flaw in the policy, officers have applied the policy as best that they can when undertaking community engagement.

#### 4.7 The Council's Policies and Practices that manage the interactions between Councillors and Council staff and Contractors, and compliance with those Policies and Practices (ToR 1g)

The relationship between councillors and staff has been explained to councillors a number of times including by the CEO and the Monitor to the extent that no councillor could claim ignorance. It is very clear in the Councillors Code of Conduct that if a councillor is concerned about or has a complaint about any council staff or the organisation, then they should raise the matter privately with the CEO.

Despite this clarity and numerous reminders, I continued to observe some councillors making allegations of systemic organisational discrimination. Another councillor was observed directing what were in my opinion critical comments and questions towards staff in meetings. Shortly after the commencement of the new Chief Executive Officer, he together with myself addressed a session with all councillors on 14 October 2022. The CEO used the opportunity to explain to councillors very clearly, his legal obligations and responsibilities for the staff within the organisation. He also made it very clear to the councillors that they must not criticize the staff or the organisation and that if a councillor has a concern, they must raise it privately with him.

At the same session I reminded the councillors of the reasons why a monitor had been appointed to the Darebin City Council. I referred to advice I had provided to the council since being appointed and how some of that advice had been heeded and some in my opinion had not or at least not by all councillors. Advice in this latter category included –

- Advice in the form of a request that Councillors involved in Code of Conduct complaints give serious consideration to withdrawing actions with a view to making a fresh start for the arrival of the new CEO.
- Advice to be careful about the use of social media which I considered had only partially been accepted.
- Advice to stop negative comments about the organisation and the staff. I advised the group that this matter concerned me the most. I advised the group that there had been in my opinion instances of very poor behaviour towards staff and the organisation.

I also reminded the councillors that staff have left and were leaving Darebin because of councillor behaviour. In a hard recruitment market, it was even harder at Darebin because the city had grown a poor reputation as a place to work.



During the session, the CEO asked each councillor in turn to make a recommitment to the Councillors Code of Conduct. The responses proved to be highly emotional but very disappointing in the case of several **councillors who despite long responses, failed to express a clear recommitment to the Councillors Code of Conduct.**

A culture has existed at Darebin where in my opinion councillors have come to have unreasonable expectations of staff to respond to their requests, often at very short notice requesting information or the drafting of notices of motion or proposed amendments to report recommendations.

I observed staff responding to this culture which I could describe as being like 'the more you get the more you want', with amazingly fast turnaround including sometimes out of work hours and at the expense of their normal duties.

In my opinion the impact of the behaviour at the council level (the governing body) towards its own staff and organisation has severely damaged the council's reputation as an employer.

At the time of writing this report, the vacancy rates within the organisation were reported as 'still in excess of 20%'.

## **5. Any other Council Governance Policies, Processes, and Procedures (ToR 1h)**

### **5.1 The Financial Circumstances of the Darebin City Council**

In my opinion the financial circumstances of the City are not healthy and raise serious concerns about the Council's priorities and its financial stewardship.

From my observations and financial information provided to me at my request, I have formed the opinion that unless the council takes some difficult and potentially unpopular decisions, the city's financial sustainability is threatened within in the next few years. In my opinion this situation is the result of internal and external circumstances including failure to manage the impact of the rate cap and increasing costs of materials and labour in the current high inflation period, and council policies and decisions over time:

- Unlike most councils, Darebin has historically maintained a policy of providing most services in-house when most other councils to varying degrees, have outsourced many services. A consequence of the in-house model is being locked into inflexible higher labour costs.
- The council has undertaken significant borrowing making further borrowings in the short to medium term very difficult.
- Decisions on recent new infrastructure have been to deliver higher quality (e.g., green stars rating) when a lesser standard would have served the community just as well and had less financial impact.
- Recent decisions to invest in large high-quality projects appear not to have been taken with a sufficiently holistic view of the city's wider investment needs. By this I mean there are a number of pressing needs for investment across the city but a wider approach as to how to address them all over time in a planned way has not occurred.
- The council does not appear to have placed sufficient importance on the Governance Principles in the Local Government Act 2020 and in particular –
  - Priority is to be given to achieving the best outcomes for the municipal community, including future generations
  - The economic, social, and environmental sustainability of the municipal district, ....
  - The ongoing financial viability of the Council is to be assured
- Similarly, I am concerned that the council has not placed adequate importance on the Financial Management Principles in the Local Government Act 2020 and in particular

that 'financial risks must be monitored and managed prudently having regard to economic circumstances.

Again, I noted comments by the Municipal Monitor to the Yarra City Council in his report on that council. He expressed the view that the Council requires continual oversight of its decisions to bring its budget to a sustainable position and that this should be done through the normal annual auditing process undertaken by the Victorian Auditor-General. The Monitor went on to recommend that the Minister write to the Auditor-General requesting that, in addition to his annual audit of the City of Yarra's accounts, that the Auditor-General undertake an annual performance review of the progress of Yarra towards financial sustainability until the Auditor-General is satisfied that the Council has achieved financial sustainability.

I have formed a similar conclusion with respect to the Darebin City Council.

## 5.2 The Cost of Councillor Behaviour

In my opinion the **costs** incurred by the city which can be **attributed to the behaviour of its councillors** are significant. Since the November 2020 council elections, in my assessment, a conservative calculation based on known and estimated costs **amounts to in excess of \$600,000.**

Costs include:

- Code of Conduct matters (Mediation between councillors, arbitration, and legal advice)
- Costs to council as a result of Local Government Inspectorate matters
- Integrity and Conduct Officer (internal and outsourced)
- Good Governance Action Plan
- Extra Governance induction sessions (in addition to standard mandatory induction processes)
- Governance legal advice
- Monitor
- High staff turnover costs (recruitment and induction) over and above what might be considered normal.

## 5.3 Priorities needed for the City

In my opinion, the council has failed to invest adequately in providing the staff of the city with the essential tools they need to function properly and to deliver services to the community. The council needs to establish and commit to a set of key priorities for the short to medium term:

- Restoration of the financial position of the city to a sound and long-term sustainable basis
- Priority investment in the fundamentals needed to ensure the city can properly function and provide governance for its community and delivery of the array of services provided. Those fundamentals requiring investment being:
  - Delivery of a digital transformation strategy
  - Provision of fit for purpose staff accommodation

Only when the steps are put in place to ensure these key priorities can be achieved, should the council look to making other new large capital infrastructure investments.

## 6. Appreciation to Councillors and Staff

I wish to record my appreciation for the way in which my presence as Municipal Monitor was received by the Councillors and Officers of the Darebin City Council. Councillors appeared to respect my presence and advice and Council Officers provided me with information and assistance without hesitation whenever I sought it.

Towards the end of my term as Monitor, I was approached by a number of councillors who individually expressed their appreciation for the role I had performed and to express a desire that the term of monitor be extended with some suggesting six months. I advised those councillors that the latter was not a matter I could comment upon.

## **7. Findings and Conclusions**


- a) The presence of a Monitor has positively influenced councillor behaviour. Notwithstanding this observation, political and personal divisions between councillors are still present.**
- b) Code of Conduct –**
  - i. Conflict issues between councillors would benefit from greater efforts to resolve problems before lodging an application with the Principal Councillor Conduct Registrar for an internal arbitration process.**
  - ii. Conduct processes take too long to be resolved contributing to ongoing issues between councillors in the meantime.**
  - iii. Sanctions that may be imposed by an Arbiter would have greater meaning and impact if any period of suspension had to include one ordinary or regular council after the council tabled the arbiter's decision and statement of reasons.**
  - iv. A requirement by an Arbiter for a councillor to undertake training would be more meaningful in some cases if the arbiter's decision could include that the cost of the training be deducted from the councillor's allowance.**
  - v. An arbiter's decision and statement of reasons would be more transparent to the community if required to be tabled at the next 'ordinary' council meeting rather than just the next council meeting which might be a special' meeting.**
  - vi. All councils might be better served by a consistent Code of Conduct with mechanisms to properly conclude even minor internal matters rather than see them lapse simply because a councillor chooses not to participate.**
- c) Whilst there was strong and robust debate, no bullying or intimidation by the chair or councillors was observed.**
- d) The attendance by some councillors at meetings was low even allowing for work commitments, health issues, parental leave, and approved leave of absence.**
- e) 'Councillor Briefing' Meetings –**
  - i. There appears to be lack of clarity about the purpose and governance of 'Councillors Briefing' meetings.**

- II. There also appears to be a lack of clarity about how to maintain the confidentiality of information provided and discussed in ‘Councillor Briefing’ meetings where this information does not meet the definition of confidential information under the Local Government Act 2020 and is not subsequently included in a public council report.
- f) The council failed in its undertaking to the Minister, to provide the Minister with a six-month report on its implementation of the Good Governance Action Plan.
  - g) Comments by some councillors towards or about staff and the organisation have been damaging and contrary to the Councillors Code of Conduct. A failure by other councillors to stand up for staff and the organisation was disappointing.
  - h) A failure by several councillors to make a clear recommitment to the Councillors Code of Conduct when asked to do so by the new CEO was disappointing.
  - i) The council needs to give priority to securing the ongoing financial sustainability of the city.
  - j) Ratepayers have incurred high and unnecessary costs as a result of councillor behaviour.
  - k) The council needs to prioritise investment in information technology and suitable staff accommodation to ensure the capability to deliver necessary works and services for its community.
8. Recommendations for the Minister for Local Government
- a) That the sanctions that may be imposed by an arbiter on a finding of misconduct be expanded to include directing that a councillor is prevented from attending and participating at the next regular council meeting after the council tabled the arbiter’s decision and statement of reasons.
  - b) That the sanctions that may be imposed by an arbiter on a finding of misconduct be expanded to include being able to direct that a councillor undertake training the cost of which must be deducted by the council from the councillor’s allowance.
  - c) To provide better public transparency of arbiter determinations that –
    - a copy of an arbiter’s decision and statement of reasons must be tabled at the next regular council meeting after the council received the copy of the arbiter’s decision and statement of reasons, and
    - any apology a councillor is directed to make by an arbiter must be made at the next regular council meeting that the councillor attends.

- d) That the Local Government Act 2020 be amended to provide for a consistent Code of Conduct for all councils which should include internal council mechanisms for resolving allegations of breaches of the Code of Conduct and allegations of misconduct or serious misconduct under the Act, that councillors must participate in before an application can be made under the Councillor Conduct framework in the Act.
- e) That measures be considered about how to ensure Code of Conduct applications are resolved in a timelier manner.
- f) That Local Government Victoria provide advice to councils about the purpose and governance of Councillor Briefing meetings and how councils may maintain the confidentiality of information provided at and discussed at Councillor Briefing meetings, including when it does not meet the definition of confidential information under the Local Government Act 2020.
- g) That there be an obligation on all councillors to initiate a formal Code of Conduct application when they observe any of the councillors openly criticising the council organisation or staff of the council.
- h) That all councillors be required annually at a regular council meeting to publicly declare and sign a recommitment to the Code of Conduct for Councillors and that a failure by a councillor to do so, result in them no longer being qualified to be a councillor.
- i) That pursuant to section 175 of the Local Government Act 2020, that the Minister direct the council:
  - To prepare and submit to the Minister within the period of 4 weeks after the direction is given to the council –
    - a) financial statements for the period 1 July 2022 to 31 December 2022
    - b) a detailed financial projection for the next 10 years of its borrowing capacity and unrestricted cash and how the council proposes to address financial sustainability concerns
  - To advise the Minister within the period of 12 weeks after the direction is given to the council, how the council proposes to address the need to prioritise investment on information technology and suitable staff accommodation
  - To provide a quarterly report to the Minister on its progress implementing its Good Governance Action Plan
- j) That the council be advised that reports or complaints of inappropriate behaviour by councillors towards each other or by councillors towards the staff and organisation will be regarded seriously.



- k) That the Minister write to the Auditor-General requesting that in addition to the annual audit of the Darebin City Council's financial accounts, the Auditor-General undertake an annual performance review of the progress of the council towards financial sustainability until the Auditor-General is satisfied that the council has achieved financial sustainability.



**John Watson**  
Municipal Monitor

**Date: 2 February 2023**

### **Appendices –**

- |   |  |
|---|--|
| 1 | Municipal Monitor Terms of Reference                                 |
| 2 | Minister for Local Government's Letter to the Council                |
| 3 | Council's letter to the Minister for Local Government                |
| 4 | Media Release by Councillors Laurance, Williams, Greco, and Williams |
| 5 | Ward Map of the Darebin City Council                                 |
| 6 | Councillors Attendance at Meetings and Sessions                      |

## **SCHEDULE 2**

### **TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITOR TO DAREBIN CITY COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020**

Without limiting the Municipal Monitor's functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitor is:

1. To monitor the governance processes and practices of the Council, with specific regard to the following matters –
  - a. the Council's Councillor Code of Conduct;
  - b. the Council's meeting procedures and decision making, including Councillor attendance and conduct at Council briefings, the adequacy of the Council's Governance Rules and Councillor adherence to the Governance Rules;
  - c. the Council's policies and processes related to the appointment of an ongoing Chief Executive Officer, including the Council's CEO Employment Matters Committee;
  - d. the Council's policies, processes and practices in relation to the health and safety of councillors and Council staff;
  - e. the Council's policies, processes and practices related to the management of conflicts of interest;
  - f. the adequacy of Council's community engagement policies, processes and practices;
  - g. the Council's policies and practices that manage the interactions between Councillors and Council staff and contractors, and compliance with those policies and practices; and
  - h. any other Council governance policies, processes and practices.
2. To advise, and provide any relevant assistance and support, to the Council in relation to the improvement of the Council's governance processes and practices, with specific regard to the matters raised in clause 1.
3. To report to the Minister for Local Government, with respect to the matters in clause 1, on:
  - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions; and
  - b. any recommendations in relation to the exercise of any Ministerial power under the Act.



## The Hon Shaun Leane MP

Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans

121 Exhibition Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 2240  
DX 210074

Ref: CMIN-2-21-13509

Cr Lina Messina  
Mayor  
City of Darebin  
PO Box 91  
PRESTON VIC 3072  
[Lina.Messina@darebin.vic.gov.au](mailto:Lina.Messina@darebin.vic.gov.au)

Dear Cr Messina

I have recently received several pieces of correspondence regarding allegations of perceived bullying and unacceptable councillor conduct at Darebin City Council.

I am concerned that the matters raised may indicate a potential risk to good governance at the Council. The concerns raised with me mention a specific council meeting of Monday 15 December 2021 and include:

- bullying, intimidation, and disrespectful behaviour between Councillors
- an overuse of meeting procedures resulting in a limiting of debate, and
- general governance concerns, such as:
  - alleged failures to comply with conflict-of-interest requirements, and
  - inadequate community engagement.

The *Local Government Act 2020* (the Act) includes a clear description of the role and responsibilities of councillors. Under the Act, the role of a councillor is to contribute to the strategic direction of the council, participate in council's decision making and to represent the interests of the whole municipality in that decision-making.

The Act also places responsibility on the Mayor and CEO of a council to assist and support councillors to understand and perform their roles, including in relation to the expected standards of conduct. It is my expectation that councillors will work cooperatively with the Mayor and CEO to ensure they understand and are performing their roles effectively.

Additionally, the councillor conduct framework under the Act has been strengthened through prescribed standards of conduct and an independent process for the appointment of arbiters to hear applications of misconduct. Where councillor conduct does not meet the expected standards, councils and councillors may make an application for a finding of

misconduct or serious misconduct against a councillor. I encourage councillors to use this framework as necessary to ensure appropriate councillor conduct.

Further, I remind the council that any concerns about potential breaches of the Act should be referred to the Local Government Inspectorate. The Inspectorate may be contacted via telephone on 1800 469 359 or via email at [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

As these concerns have been raised with me by the community, I am requesting that Council provide me with a written response to reassure me that it is committed to good governance and working together in the best interests of its community. I ask that the Council specifically outline the actions it is taking to address these concerns and provide me with this response by no later than Monday 28 February 2022. After reviewing the response from the Council, I will consider whether further action is necessary.

In addition, I encourage councillors to contribute their ideas in response to the discussion paper developed as part of the Local Government Culture Project. The Project is designed to promote a more positive environment at councils, create more representative councils, improve governance, and enhance public trust. To read the discussion paper and make a submission visit <https://www.localgovernment.vic.gov.au/council-governance/local-government-culture-project>.

If you would like to discuss these matters, please contact Colin Morrison, Acting Executive Director, Local Government Victoria by phone on 0413 276 911 or via email at [colin.morrison@ecodev.vic.gov.au](mailto:colin.morrison@ecodev.vic.gov.au).

I also ask that you provide each councillor at the Council with a copy of this letter. Thank you for your time and commitment to the Council and I look forward to the Council's response.

Yours sincerely



**The Hon Shaun Leane MP**

Minister for Local Government

Minister for Suburban Development

Minister for Veterans

Date: 14 / 1 / 2022

cc Ms Sue Wilkinson, Chief Executive Officer

cc Kat Theophanous

23 February 2022

Hon Shaun Leane MP  
Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans State Member for Eastern Metropolitan  
[shaun.leane@parliament.vic.gov.au](mailto:shaun.leane@parliament.vic.gov.au)

Dear Minister Leane,

## CONFIDENTIAL

### Overview

Thank you for your letter dated 14 January 2022, and for the opportunity to also have met on 24 January 2022, regarding perceived concerns and allegations that have been raised with you in relation to governance and code of conduct matters at Darebin City Council.

As discussed, Council takes seriously the concerns that have been raised, and we genuinely welcome the opportunity to engage with you, the State Government and Local Government Victoria (LGV) in relation to these matters. Since our meeting and as confirmed via Council's correspondence to you dated 31 January, I can reaffirm that as requested, your original correspondence has been provided to all Councillors.

Furthermore, I am also pleased to advise that this response has been prepared in consultation and collaboration with the broader Councillor group, including over two on line workshops.

In doing so, I am pleased to advise that Councillors are united in their commitment to working together in good faith to improve the culture and performance of the Councillor cohort in the interests of best serving the community and leading excellence in governance.

As part of this, it is acknowledged that each Councillor brings to Council their own life experience, professional expertise, community connections, political and philosophical affiliations. At Darebin, all Councillors are proudly passionate about their community and local issues and recognise that diverse and challenging conversations can contribute to a rich political and policy debates, which are the cornerstones of local democracy.

Notwithstanding this, I want to reassure you that Councillors also understand their overriding collective responsibility to endeavour to work as a "team", and that individually and cooperatively, they are committed to fulfilling their elected representative role in the interest of the entire municipality and the Darebin community.



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In order to support and facilitate this commitment, I am delighted to inform you that a *Good Governance Action Plan* has been prepared in collaboration with Councillors, to support Council's professional development and to promote and maintain a healthy and dynamic Councillor environment on an ongoing basis.

This Plan also aims to respond to and address, the issues raised in your correspondence of 14 January 2022, to ensure that going forward Council continues to embed proactive steps and initiatives that continually encourage, foster and strengthen governance, compliance with the Councillor Code of Conduct and facilitate strategic leadership outcomes amongst Councillors.

To help inform and provide broader context around Council's *Good Governance Action Plan*, Councillors have also sought to provide you with an overview of the collective good work that we have successfully and largely unanimously achieved together during the duration of our current Council term for your consideration, including with respect to strategic leadership, capital works program delivery, Darebin's leadership through the Victorian Energy Collaboration (VECO), Council's COVID-19 Response initiatives, and our successful partnerships and project delivery with State Government.

## Background

Darebin Councillors have worked very collaboratively for the first year of this term, supported by a comprehensive induction program held in late 2020.

Over the course of this current Council term, there are many examples that demonstrate Councillors commitment to working together to successfully achieve and deliver outcomes for the community. These include;

### ○ Strategic Leadership

For the first time in recent history at Darebin, in June 2021, Councillors voted to unanimously adopt;

- Our ambitious Council Plan 2021-2025
- The 2041 Community Vision
- Council's Revenue and Rating Plan 2021-25
- 2021-22 Budget
- Council's ten-year Financial Plan 2021-31

Council views the unanimous support of these key strategic plans as a demonstration of the Councillor Group's commitment towards strategic leadership that is in the interests of the future of the City.

### ○ Capital Delivery

As you are aware, the capital works program is an essential part of Council's stewardship role. It provides effective management and oversight of our infrastructure assets, gives the community access to vital facilities and services, and allows Council to administer resources and support for the community.

In September 2021, Council considered and noted the progress of the capital works program to the end of the financial year 2020/21 as part of the final report on the delivery of the Council Plan 2017/21.



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This was the fourth year of the Council Plan 2017/21, and the capital works program continued Council's strong investment in new and renewed infrastructure.

In the Annual Adjusted Budget 2020/21, Council committed \$49.79 million to its 2020/21 capital works program towards 57 projects and programs of work. Actual spend on the capital works program for 2020-21 was \$50.08 million which represents 100.01% of the portfolio budget.

Council is proud to advise that the final results for 2020-21 capital works delivery were the best ever in Darebin's history. This outcome is extraordinary when considering the significant disruptions and challenges associated with the COVID-19 Pandemic.

- Demonstrated Sector Leadership – Victorian Energy Collaboration (VECO)

Darebin is proud to have been the driving force behind VECO, the largest emissions reduction project undertaken by local government in Australia.

With a landmark 46 Councils taking part in a joint procurement project, VECO aggregates 45% of all Victorian council electricity supply to switch to 100% renewable energy.

This project highlights how Darebin's leadership has brought together large-scale co-operation and collaboration across the local government sector to transition to a renewable energy future.

The new electricity contract will help reduce costs, protect councils against energy market volatility, improve budget certainty, and reduce local government greenhouse gas emissions across Victorian councils.

In addition, the wind farms linked to VECO have led to significant economic and community benefits for local communities in regional Victoria and for the State as a whole.

Council is extremely proud of our leadership to coordinate and lead a piece of work of this magnitude.

- COVID-19 Response

The COVID-19 Pandemic has created an unprecedented demand for Council supports and services and has reinforced the critical importance of local government in all of our lives, particularly in times of community distress.

Over the last 2 years Council has proudly implemented a range of multifaced and proactive measures to support our community and to compliment State support programs.



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Key initiatives in this respect have included;

- The implementation of an \$11.8 million COVID Community and Business Resilience and Recovery package in 2020/21 focusing on businesses and the parts of our community most in need.
- The provision of over \$300,000 for emergency food relief with local partners including the provision of grocery vouchers, 1300 food parcels and 2,000 meals in 2020/21.
- The introduction of the innovative *Love Local Voucher Program* in 2021/22 which supports and promotes our diverse local businesses and industries. This program aims to complement the various Federal and State financial relief initiatives for businesses, including JobSeeker, the Business Support Program and Working for Victoria and provided multiple benefits to support local economic and social outcomes. Rate payers and vulnerable community members such as jobseekers have been provided access to Council funded vouchers to spend locally, injecting much needed funds into the local economy.
- Support for more than 120 businesses through the extended outdoor dining project, facilitated thanks to State Government investment. As part of this, we helped facilitate 1300+ additional seats to local cafes, restaurants and bars.
- The commencement of a job matching service where hospitality job vacancies offered by local businesses were shared with the community (job seekers) through Darebin Hospitality Jobs Facebook and [Instagram](#) pages. This initiative is in partnership with the Darebin Hospitality Traders Association.
- The introduction of a Community Navigation Service (CNS), which has proved to be a vital resource in supporting our community. The CNS connects our community to any help, services or support they may need during this time.
- Extensive work to support our diverse community to get vaccinated including implementing a comprehensive vaccination campaign partnering with multicultural community organizations, including Spectrum Migrant Resource Centre, Islamic Society of Vic (Preston Mosque), DIVRS, DECC, Macedonian Community Welfare Association, Somali Council of Victoria. This includes funding bi-cultural workers for these organisations and have their community leaders as the face of the campaign.
- Delivering in Partnership with the State Government

Darebin has also been proudly partnering with State Government to successfully support and deliver a range of local infrastructure projects and community initiatives over the current Council term, including:

- \$60m Northcote Aquatic Centre (\$10m State Loan)
- \$34m Narrandjeri Indoor Stadium and Outdoor Netball Courts (\$3.3m State Investment)
- \$5.75m Aboriginal Women's Sport and Wellness Centre (\$5.35m State Investment)
- Delivering approximately \$5m of Sport and Recreation Victoria (SRV) investments towards local sporting clubs, lights, netball courts & female friendly facilities.



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- The delivery of new parks and pocket parks, including Oakover Road (\$400K), Ruthven play space (\$200k), Penders Park play space (\$300k), Edwardes Lake (\$275k)
- The construction of a dedicated off lead dog area at Edwardes Lake (to be completed July 2022) including \$275,000 State funding under the Local Parks Program.
- The expansion of kindergarten capacity in Darebin including a \$150,000 Building Blocks Planning Grant from DET to support planning and design work for the potential expansion of three kindergarten and child care centres in Darebin. In addition, there is direct investment from DET to build a new kindergarten at Reservoir East Primary School with additional funding being contributed by Council for the inclusion of consulting rooms within the facility to enable integrated services to be delivered to families.
- Participation in the Reservoir Revitalisation Board and the delivery of \$1.47m of place-making projects in the Reservoir activity centre (mid-2022) plus a further \$0.37m in cultural events/initiatives
- Strong support for the State Government's new 'Home of the Matilda's' and 'Home of Rugby Union' Project at La Trobe University

### Darebin Councillor Code of Conduct 2021

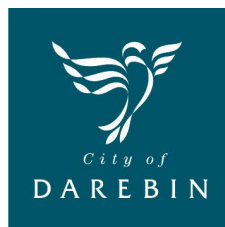
Also relevant to this response is the Darebin Councillor Code of Conduct 2021, which details the expectations of behavior and conduct for Darebin Councillors.

The Code was signed by every Councillor in 2020 and includes the values which underpin the way in which Councillors will work together, the Standards of Conduct as outlined in the Regulations, adherence to key policies that are relevant to the role of Councillors and the mechanisms through which interpersonal disputes between Councillors and allegations of misconduct will be addressed.

The Code is designed to foster a resilient and safe workplace culture by promoting constructive working relationships and communication, and by supporting timely, fair and respectful resolution of disputes and conflicts as they arise. The Code is a public commitment and declaration that Councillors are committed to working together.

As part of Councillors ongoing responsibility to modelling the values and behaviours outlined in the Code, a dedicated workshop will be held in the next three months to act as a refresher and to clarify any queries. This session will be facilitated by a partner from Maddocks Lawyers and forms part of the Council's *Good Governance Action Plan*.

A copy of Darebin's Councillor Code of Conduct 2021 is attached for your information.



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## Agreed Councillor Values

Collectively Councillors have also established shared values and actions that represent our commitment to ensuring respectful and productive working relationships throughout the Council term.

These are;

- We value each other and are committed to fostering a cohesive, respectful team and courteous and professional working relationships and raise any issues of concern with each other directly.
- We value Council staff and will be respectful in all of our dealings with them.
- We value the Darebin community and will work together to demonstrate leadership in the best interests of the whole of the City (not just wards), be inclusive, listen, respond and build trust.
- We are committed to maintaining high standards of personal and professional conduct where we respect differences and treat everyone with dignity and respect.
- We will be inclusive, open and transparent in our decisions and avoid creating false expectations.
- We will work hard to support each other to achieve our common goals and respect decisions made by Council.

An independently facilitated Councillor workshop will be held within the next three months as part of Council's ongoing commitment to these agreed values. This session will form part of a quarterly series of Councillor Only workshops designed to support a strong team culture. These sessions form part of the *Good Governance Action Plan*.

## Good Governance Action Plan – Commitments and Actions

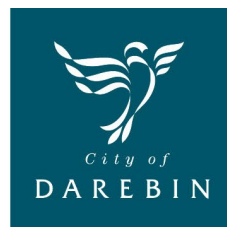
Professional development for Councillors and supporting team development on an ongoing basis is critical to enable the Council to work successfully together, positively support the organisation, make excellent decisions for the community and operate in a high performing environment.

Toward this, Councillors have worked together to agree a detailed *Good Governance Action Plan (Action Plan)*. The *Action Plan* is a demonstration of the commitment of each of the Councillors to working together in the interests of the community and leading excellence in governance for the remainder of the term.

The *Action Plan* also seeks to specifically addresses the matters outlined in your recent correspondence.

As noted above, using the *Good Governance Action Plan* as a guide for the remainder of the term, Councillors are committed to come together as a Council team with an independent facilitator regularly to;

- Reflect on progress towards agreed outcomes taking into account all views
- Listen and hear each other's concerns
- Understand Councillor beliefs, attitudes, relationships and behaviours
- Create the opportunity to be explicit and honest about identified issues



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- Understand examples of positive and negative behaviours in the context of Council team culture and the agreed Councillor Values and Behaviours
- Create a shared understanding of the issues and personal impact on people (wellbeing and safety)
- Make recommendations to improve culture and performance
- To review and re-set processes where required to ensure there is clarity, direction, opportunity and fairness for all
- To refresh and strengthen Councillors understanding and adherence to governance protocols including the Councillor Code of Conduct and the agreed Councillor Values and Behaviours

The *Good Governance Action Plan* is centred on the following three themes;

### **Theme One –**

#### **Promoting Excellence in Governance**

Updates from 2020 Councillor Induction Program and including at a minimum;

1. A full day workshop for all Councillors run by an independent facilitator and focused on;
  - Role of a Council and Councillors
  - Role of the Mayor and the Deputy Mayor
  - Managing confidentiality – including Councillor obligations
  - Meeting procedures – including additional training on Councils Governance Rules (valid points of order, use of Notices of Motion etc)
  - Conflict of interest requirements

This will be held before 30 June 2022.

2. Supported attendance at a variety of external training programs including the MAV's "*Chairing Meetings for Mayors*" and the AICD Company Directors Course or similar (under consideration).

### **Theme Two –**

#### **Working Together – A Cohesive Councillor Team Culture**

Includes at a minimum;

1. A commitment by all Councillors to the ongoing professional development program detailed in the *Good Governance Action Plan* aimed at strengthening and maintaining Councillor team effectiveness and culture guided by the agreed values (outlined above).

This will include quarterly sessions facilitated by an independent facilitator and attended by all Councillors focusing on various aspects of leadership and ways to positively support and strengthen Councillor team dynamics.

These will also act as a "health check" for the Councillor group.

2. The introduction of "post meeting reviews" aimed at delivering a path to continuous improvement for the Councillors working as a team. These will be checked against the agreed values and behaviours signed on to at the start of the term and facilitated by a different Councillor at the end of every session.



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3. A joint review of the scheduling and content of Councillor Only Time (COT).
4. Formal dispute resolution training to be attended by all Councillors aimed at supporting Councillors to have difficult conversations and reaching resolution.
5. Supported attendance at a variety external training programs including the MAV's "Resilience and Wellbeing" training in August 2022.

### **Theme Three - Councillor Conduct**

Including addressing perceptions of bullying, intimidation and disrespectful behavior between Councillors in addition to;

1. Dedicated training on Health, Safety and Wellbeing and obligations under the OHS Act
2. Supported attendance at a variety external training programs including the MAV "Discrimination, Bullying & Harassment" before the end of the financial year.
3. Revisiting the training from induction 2020 in relation to Councils Media and Social Media Policy

### **Response to specific matters raised by the Minister for Local Government**

#### *"Bullying, intimidation, and disrespectful behaviour between Councillors"*

Darebin Councillors have reflected and wish to reaffirm their deep commitment to working constructively to address any challenges if they arise.

Further, Councillors will work to ensure that any concerns regarding bullying, intimidation and disrespectful behaviour between Councillors are avoided in the future.

Towards this, Councillors have developed the *Good Governance Action Plan* as outlined previously. This plan includes a strong commitment to using a strengths-based approach and supporting Councillors via a combination of formal training and facilitated "team" workshops for the remainder of the Councillor term.

As your letter states, *"Under the Act, the role of a councillor is to contribute to the strategic direction of the council, participate in council's decision making and to represent the interests of the whole municipality in that decision-making."*

Your expectation that *"... Councillors will work cooperatively with the Mayor and CEO to ensure they understand and are performing their roles effectively"* is also noted and acknowledged by all Councillors.



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I also wish to formally acknowledge and note your advice that “... the councillor conduct framework under the Act has been strengthened through prescribed standards of conduct and an independent process for the appointment of arbiters to hear applications of misconduct. Where councillor conduct does not meet the expected standards, councils and councillors may make an application for a finding of misconduct or serious misconduct against a councillor. I encourage councillors to use this framework as necessary to ensure appropriate councillor conduct.”

I am pleased to confirm that all councillors are well aware of the Act requirements and the provisions contained in the Councillor Code of Conduct in relation to dispute resolution and breaches of conduct. All councillors fully understand the expected standards of conduct and are committed to these.

Further, Councillors are well aware of the opportunity to report concerns or breaches of the Act to the Local Government Inspectorate.

As part of the Councillor Induction Program held in late 2020, Councillors participated in comprehensive training regarding the requirements of the Act (led by Mark Hayes, Partner Maddocks Lawyers) and the role and functions of the relevant integrity agencies (led by David Wolfe IBAC).

I also note that the *Good Governance Action Plan* includes ongoing professional development aimed at supporting Councillors understanding of their obligations under the OHS Act as well as Discrimination, Bullying & Harassment.

#### “Overuse of meeting procedures resulting in a limiting of debate”

Darebin Councillors have worked very constructively for the first year of this term. This is evidenced by the fact that between June and December 2021 more than 80 per cent of Council decisions were unanimous (83.3%).

As mentioned previously this includes the unanimous adoption of the Council Plan 2021-2025, 2041 Community Vision, the Council’s Revenue and Rating Plan 2021-25, 2021-22 Budget and the ten-year Financial Plan 2021-31, which we believe is a clear indication of Councils commitment to strategic leadership in the long-term interests of Darebin.

Notwithstanding this, as outlined previously, the *Action Plan* incorporates dedicated sessions designed to reaffirm Councillors understanding of the Councils Governance Rules in relation to Council meeting procedures to ensure that healthy debate is promoted and any perceived concerns in relation to the limiting of debate are avoided in the future.

#### General governance concerns, such as:

##### (a) Alleged failures to comply with conflict-of-interest requirements. and:

As outlined previously, I am pleased to confirm that all councillors are well aware of the Act requirements in relation to conflict of interest. Councillors regularly declare conflicts of interest and these are publicly recorded as required.

Further, Councillors are well aware of the opportunity to report concerns or breaches of the Act to the Local Government Inspectorate.



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As part of the Councillor Induction Program held in November to December 2020, Councillors participated in comprehensive training regarding the requirements of the Act (led by Mark Hayes, Partner Maddocks Lawyers) and the role and functions of the relevant integrity agencies (led by David Wolfe IBAC).

Again, these requirements will be revisited as part of the training included in the *Good Governance Action Plan*.

**(b) Inadequate community engagement**

Councillors are deeply committed to meaningful engagement with our community.

The Darebin Community Engagement Policy was endorsed in February 2021 and includes minimum standards of engaging with our diverse community and Aboriginal and Torres Strait Islander peoples. The Policy is applied to all engagements undertaken by Council.

Darebin's Community Engagement Policy reflects and is consistent with the community engagement requirements included in the Local Government Act 2020.

The Policy specifies that the level and type of consultation will vary depending on the circumstances including the significance and complexity of a matter, the level of interest and the impact and influence that stakeholders can have on decisions being made. We use the IAP2 Spectrum of Engagement which describes five levels of engagement linked to levels of influence – being Inform, Consult, Involve, Collaborate and Empower.

The policy seeks to ensure that we conduct our community engagement in a way that includes all voices in our diverse community by actively seeking to remove the barriers people and groups in the community might encounter. In particular we are working hard to strengthen our approach to engagement to ensure that the voices of our diverse community and those that traditionally experience barriers to participation are heard.

## Conclusion

On behalf of all Councillors I would like to express my appreciation for your interest in the City of Darebin and for the opportunity to demonstrate our commitment to good governance, continuous improvement, transparency and accountability in of our activities.

As previously outlined, Councillors have worked together to agree a detailed *Good Governance Action Plan* demonstrating our collective commitment to ongoing professional and team development for the remainder of the term.

I trust that this response satisfactorily addresses the concerns you have raised and note that it has been prepared in consultation with all Councillors over two on line workshops. Further I note that all Councillors have provided their support for me to write you on their behalf.



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I would welcome the opportunity to provide you with a further formal update in relation to the implementation of the *Good Governance Action Plan* in six months.

Council would also like to congratulate you on the Local Government Culture Review initiative which is currently underway. We look forward to understanding the review findings and opportunities for implementation at both the sector wide and local level.

Please do not hesitate to contact me directly on my 0419 750 504 if you require further information or would like to discuss this matter.

Yours faithfully,



Lina Messina  
**MAYOR**  
**CITY OF DAREBIN**

Attachment

- Darebin Councillor Code of Conduct 2021



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## **MEDIA RELEASE !**

# **ON TUESDAY 29/3/22 THE GREENS RULING BLOC REJECTED THE CHANCE TO HEAL OUR DIVIDED COUNCIL!**

**We had no choice but to walk out of Darebin Council's monthly meeting.**

**We put up an important motion to ensure all Councillors were on the CEO Employment Matters Committee so we can work together for the community. This was thoughtlessly rejected.**

**Our balanced and democratic Motion would have allowed all elected Councillors to join the Committee that will be shortlisting the new CEO, since the unexpected departure of CEO Sue Wilkinson.**

**Our move towards harmony and unity was trashed by the Mayor and the Greens Ruling Bloc, who controversially seized control of the powerful CEO Employment Matters Committee last December. This was a toxic power grab that has triggered division on the Council ever since.**

**Darebin is a diverse community of culture, incomes and lifestyles and it is unconscionable that representatives of all 9 wards will NOT have an EQUAL say on hiring a new CEO.**

**Many of the 9 elected Councillors are now locked out of this Committee that controversially has an unelected sitting member with voting rights. This also means 5 out of 9 wards will NOT have a representative on this important Committee.**

**Excluding Councillors is not 'working together for better'! Our Community deserves more! We will continue to stand up for fairness, inclusiveness and good governance and for the Darebin community.**

**It is a crying shame that despite community outcry, the Greens Ruling Bloc has refused to share power and bring the Council together. Council can do better, we should do better, and we should work together, but it is clear this is not the intent of the Greens Ruling Bloc.**

**The Mayor must stop her repeated bias and now step up to show real leadership and some balance to bring the Council together, by ending her support of the unfair and undemocratic Greens power grab at Darebin.**

**Cr. Tim Singh Laurence**

**Cr. Julie Williams**

**Cr. Gaetano Greco**

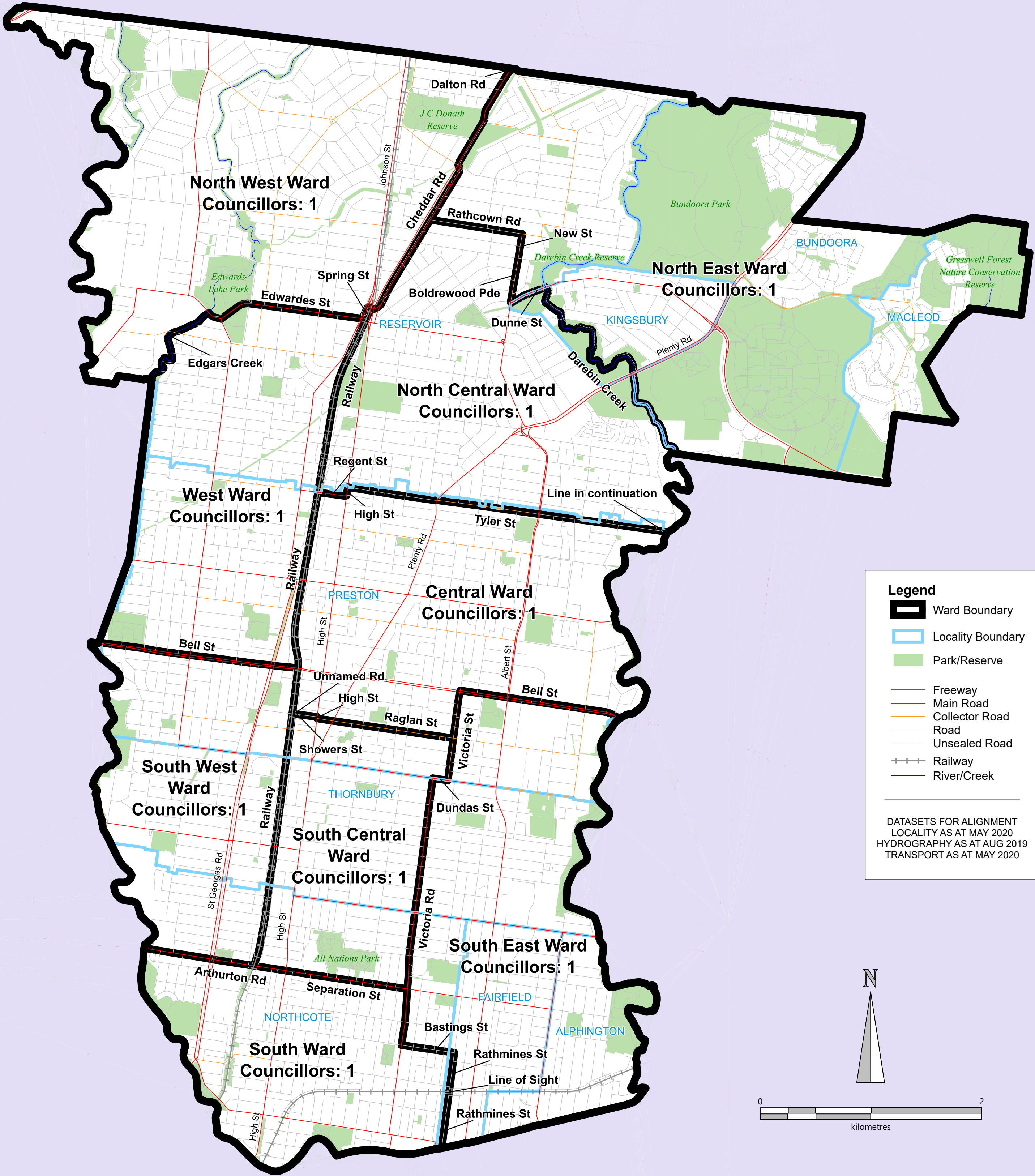
**Cr. Emily Dimitriadis**



# Darebin City Council

ELECTORAL STRUCTURE OF DAREBIN CITY COUNCIL

NOTE: By Order in Council under section 15(1)(a) and (b) of the Local Government Act 2020, the electoral structure of Darebin City Council is fixed as described in this plan.



Electoral boundaries are aligned to the VicMap spatial data files as defined in the legend on this map. These boundaries will be provided to DELWP for inclusion in the VicMap Admin dataset by 31 July 2020. This electoral structure was published on the Victoria Government Gazette No. G 27 Thursday 9 July 2020.

Map prepared by:



Data use:



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**APPENDIX 6 - COUNCILLORS MEETING/SESSION ATTENDANCE RECORD FOR THE PERIOD 23 NOVEMBER 2020 TO 19 DECEMBER 2022**

Meeting Type	Cr Dimitriadis^	Cr Greco	Cr Hannan	Cr Laurence	Cr McCarthy	Cr Messina	Cr Newton^	Cr Rennie	Cr Williams
<b>Ordinary Council</b>	Attended 24 Apology 1 L of A® 1	Attended 25 L of A 1	Attended 26	Attended 26	Attended 25 L of A 1	Attended 26	Attended 25 L of A 1	Attended 26	Attended 26
<b>Special Council</b>	Attended 10 Apology 3 L of A 1	Attended 12 Apology 1 L of A 1	Attended 14	Attended 13 Apology 1	Attended 13	Attended 13 Apology 1	Attended 12 Apology 1 L of A 1	Attended 14	Attended 13 Apology 1
<b>Planning Committee</b>	Attended 10 Apology 5	Attended 13 Apology 1 L of A 1	Attended 14 Apology 1	Attended 13 Apology 2	Attended 15	Attended 12 Apology 3	Attended 13 L of A 2	Attended 14 Apology 1	Attended 13 L of A 2
<b>Submission Hearings</b>	Attended 2 Apology 1	Attended 3	Attended 3	Attended 2 Apology 1	Attended 2 Apology 1	Attended 3	Attended 3	Attended 3	Attended 2 Apology 1
<b>Councillors Briefing</b>	Attended 56 Apology 9	Attended 56 Apology 5 L of A 4	Attended 65	Attended 28 Apology 32 L of A 4 Suspension 1	Attended 59 Apology 5 L of A 2	Attended 61 Apology 4	Attended 60 L of A 5	Attended 64 Apology 1	Attended 59 Apology 4 L of A 2
<b>Governance Training</b>	Attended 3	Attended 3	Attended 3	Attended 0 Absent 3	Attended 3	Attended 3	Attended 3	Attended 3	Attended 2 Absent 1
<b>Good Governance Action Plan*</b>	Attended 3 Apology 1 L of A 2	Attended 5 L of A 1	Attended 6	Attended 2 Apology 1 Absent 3	Attended 6	Attended 6 Absent 1	Attended 5	Attended 6	Attended 5 Apology 1
<b>Totals</b>	Attended 108 Apology 20 L of A 4 Absent 0 Suspension 0	Attended 117 Apology 6 L of A 8 Absent 0 Suspension 0	Attended 131 Apology 1 L of A 0 Absent 0 Suspension 0	Attended 84 Apology 37 L of A 4 Absent 6 Suspension 1	Attended 123 Apology 6 L of A 3 Absent 0 Suspension 0	Attended 123 Apology 8 L of A 0 Absent 1 Suspension 0	Attended 122 Apology 1 L of A 9 Absent 0 Suspension 0	Attended 130 Apology 2 L of A 0 Absent 0 Suspension 0	Attended 120 Apology 7 L of A 4 Absent 1 Suspension 0

® L o A - Leave of Absence

\* Table does not include one Good Governance Action Plan Session abandoned due to lack of attendance

^ LoA and Apologies includes Parental Leave

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