

wyndhamcity

Meeting of Council Minutes

**Tuesday 30 November 2021
At 6.30pm**

**Council Chamber
Functions Centre
45 Princes Highway
Werribee**

**MEETING OF COUNCIL HELD AT THE
COUNCIL CHAMBERS, CIVIC CENTRE,
45 PRINCES HIGHWAY, WERRIBEE ON
TUESDAY 30 NOVEMBER 2021**

The meeting commenced at 6.30 pm.

PRESENT: Cr Jennie Barrera
Cr Josh Gilligan
Cr Adele Hegedich
Cr Jasmine Hill
Cr Marcel Mahfoud (virtual)
Cr Heather Marcus
Cr Peter Maynard
Cr Susan McIntyre
Cr Sahana Ramesh
Cr Mia Shaw
Cr Robert Szatkowski

IN ATTENDANCE: Stephen Wall Chief Executive Officer
Ludo Campbell-Reid Director City Design & Livability
Allison Kenwood Director City Life
Stephen Thorpe Director City Operations
Natalie Walker Head of Strategy & Policy Impact
Binda Gokhale Chief Financial Officer
Emily Keogh Executive Manager Corporate Affairs
Jenny Wood Coordinator Governance
Martina Simkin A/Governance Policy & Projects Advisor
Tammy Williamson Executive Assistant to Chief Executive Officer

1. OPENING PRAYER & WELCOME

The Mayor, Cr Peter Maynard, welcomed all in attendance to the meeting.

2. APOLOGIES

Nil.

3. DECLARATION BY COUNCILLORS OF DISCLOSURE OF CONFLICT OF INTEREST/CONFLICTING PERSONAL INTEREST IN ANY ITEM OF THE AGENDA

Nil.

4. OTHER REPORTS

4.1 COUNCILLOR VACCINATIONS

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5. CLOSE OF MEETING

The meeting was declared closed at 6.47pm.

FILE NO:

ITEM NO: 4.1
ACTING CEO - ALLISON KENWOOD**COUNCILLOR VACCINATIONS****Summary**

On Friday 26 November 2021 the Chief Executive Officer received a letter requesting a meeting that falls into the category of Rule 11 of the Wyndham City Governance Rules; 'Meetings Not Fixed by Council'.

The notification was from Cr Gilligan, Cr Marcus and Cr Shaw and the business to be conducted is attached.

Attachments

1. Notification of additional meeting

Officers' Declaration of Interests

Under Section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

Acting Chief Executive Officer - Allison Kenwood

In providing this advice as the Acting Chief Executive Officer, I have no disclosable interests in this report.

Executive Manager Corporate Affairs - Emily Keogh

In providing this advice as the Manager, I have no disclosable interests in this report.

Governance Coordinator - Jenny Wood

In providing this advice as the Author, I have no disclosable interests in this report.

Key Issues

- Notification of additional Council Meeting

MOTION

CRS MIA SHAW / HEATHER MARCUS

That Council:

1. Supports the Victorian Parliament's mandatory vaccine requirements requiring parliamentarians to be vaccinated in order to protect the health and safety of Members of Parliament and parliamentary staff or be suspended from their roles;
2. Writes to the Victorian Minister for Local Government, Shaun Leane MP and Victorian Chief Health Officer, Mr. Brett Sutton, requesting the rationale as to why these vaccination requirements have not been extended to Victorian Councillors; and
3. Request all Wyndham Councillors to provide their proof of vaccination to the Mayor and CEO by close of business, Thursday 2nd December 2021, and for the Mayor to write to any Councillor who fails to provide proof of vaccination and encourage them to take a leave of absence until a response is received from the Minister for Local Government.

(CARRIED)

FILE NO:

**ITEM NO: 4.1
ACTING CEO - ALLISON KENWOOD**

COUNCILLOR VACCINATIONS (cont'd)

COUNCILLOR JOSH GILLIGAN CALLED FOR A **DIVISION** ON THE VOTE.

The **DIVISION** was taken and the names of the Councillors voting **FOR** and **AGAINST** were as follows:

FOR

Councillor Barrera
Councillor Gilligan
Councillor Hegedich
Councillor Marcus
Councillor McIntyre
Councillor Shaw

Total (6)

AGAINST

Councillor Hill
Councillor Mahfoud
Councillor Maynard
Councillor Ramesh
Councillor Szatkowski

Total (5)

FILE NO:

ITEM NO: 4.1
ACTING CEO - ALLISON KENWOOD**COUNCILLOR VACCINATIONS (cont'd)****1. Background**

On Friday 26 November 2021 the Chief Executive Officer received a letter requesting a meeting that has not been fixed by Council.

The meeting requested falls into the category of Rule 11.1 of the Wyndham City Governance Rules; 'Meetings Not Fixed by Council' where the Mayor or three Councillors may by a written notice to the CEO call a Council Meeting.

Under Rule 11.2 The notice must specify the date and time of the Council Meeting and the business to be transacted. The CEO must convene the Council Meeting as specified in the notice.

2. Relevant Law

Wyndham City Council Governance Rule 11 applies – Meetings not fixed by Council.

3. Discussion

The meeting requested falls into the category of Rule 11.1 of the Wyndham City Governance Rules; 'Meetings Not Fixed by Council' where the Mayor or three Councillors may by a written notice to the CEO call a Council Meeting.

Under Rule 11.2 The notice must specify the date and time of the Council Meeting and the business to be transacted. The CEO must convene the Council Meeting as specified in the notice.

4. Wyndham 2040 Community Vision

Not applicable

5. Council Plan

7.3 Foster trust in Council through the implementation of effective civic leadership and responsible governance processes that ensure accountability and compliance with all legislated and statutory requirements.

6. Other Council Strategies, Plans and Policies

Rule 11 of the Wyndham City Governance Rules outlines the requirements for meetings that have not been fixed by Council.

7. Regional, State and national plans and Policies

Not applicable

8. Financial Viability

Funding for Council Meetings is currently allocated in Wyndham's 2021-22 budget and no further funding is required at this time.

9. Sustainability Implications

Not applicable

FILE NO:

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ACTING CEO - ALLISON KENWOOD**

COUNCILLOR VACCINATIONS (cont'd)

10. Options

Not applicable

11. Community Engagement

Not applicable

12. Communication Strategy

Council will advise the community of the Council meeting on Council's website as soon as possible.

13. Innovation and Continuous Improvement

Not applicable

14. Collaboration

Not applicable

Dear CEO,

The following councillors, enclosed in this written notice, request that an urgent Special Council Meeting be called in accordance with 11.1 of the Wyndham City Council Governance Rules to be held on **Tuesday, 30th November 2021 at 6.30pm at 45 Princes Highway, Werribee VIC 3030 (Council Chambers)**. The meeting will consider the agenda item as follows:

Referral of an unvaccinated councillor to the Minister to be stood down under Section 228 of the *Local Government Act 2020*

1. That Council supports the Victorian Parliament's mandatory vaccine requirements requiring parliamentarians to be vaccinated in order to protect the health and safety of Members of Parliament and parliamentary staff or be suspended from their roles;
2. Directs the Chief Executive Officer (CEO) to obtain confirmation of the vaccination status of all Wyndham City Councillors by no later than 11.59pm Wednesday, 1 December 2021 and publishes the names of all vaccinated Councillors on the Council's website by Thursday, 2 December 2021; and
3. Requests that the CEO, on behalf of Council, writes to the State Minister for Local Government, Shaun Leane MP, to inform him of any councillor/s who are not double vaccinated by the above deadline and request that he uses powers afforded to him under Section 228 of the *Local Government Act 2020* in relation to standing down a councillor who is not double vaccinated.

Preamble

Section 228 of the *Local Government Act 2020* enables the Minister for Local Government to stand down a councillor who creates a 'serious risk to the health and safety of Councillors or Council staff'.

This power is only reserved for the most serious of circumstances. An unvaccinated councillor would be an appropriate use of this power to protect our staff, councillors and our community and to signal that being unvaccinated and holding elected office is untenable. Wyndham City is on track for more than 95% of our community to be double vaccinated. The councillors signatory to this motion pushed for the establishment of a seven-day vaccination hub and an increase in vaccination supply to protect our community from the devastation of COVID on the social and economic fabric of the Wyndham community. This has been very successful and protected our community.

It would be hypocritical for Wyndham City Council to not take a stand requiring councillors who were elected by this community to be double vaccinated too. This city had the highest COVID cases in the nation in 2020. Dozens in our community died because of this virus. Hundreds of Wyndham families can talk firsthand of their experience in battling this virus.

Council staff are required to be double vaccinated under the Chief Health Officer's Mandatory Health Directions. Councillors should be too.

Hospitality workers, small business owners, beauty services and a raft of other industries have been forced to adjust to being double vaccinated in order to get back to work and or open for business. Those who have refused are losing their jobs because they refuse to be vaccinated. It is a privilege to be elected to public office. It is entirely reasonable to expect any councillor who is not double vaccinated to consider their position as a representative of our community or be stood down.

The Victorian Government's mandatory vaccine requirements has led to the suspension of Victorian Members of Parliament who have consciously chosen not to be vaccinated. The councillors who

have called for this action believe that the same suspension powers should apply to local councillors. Ratepayers should not be paying for an unvaccinated councillor to continue who is prepared to put the health and safety of our community, staff and councillors at risk by refusing to access the available vaccinations readily available in our community.



Cr Josh Gilligan



Cr Heather Marcus



Cr Mia Shaw

