



Confidential Minutes

Unscheduled Confidential Council Meeting

Tuesday 4 February 2025 at 7:04pm

Council Chamber,
25 Ferres Boulevard, South Morang



**City of
Whittlesea**

Councillors

Cr Aidan McLindon, Mayor	Kirrip Ward
Cr Daniela Zinni, Deputy Mayor	Bundoora Ward
Cr Nic Brooks	Thomastown Ward
Cr Blair Colwell	Mill Park Ward
Cr Lawrie Cox	Ganbul Gulinj Ward
Cr Deb Gunn	Painted Hills Ward
Cr Stevan Kozmevski	Lalor Ward
Cr Jarrod Lappin	Mernda Ward
Cr David Lenberg	Epping Ward
Cr Christine Stow	North Ward
Cr Martin Taylor	South Morang Ward

Executive Leadership Team

Craig Lloyd	Chief Executive Officer
Jacinta Stevens	Executive Manager Office of Council & CEO

Order of Business

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The Chief Executive Officer admitted the Councillor Urgent Business Motion into the agenda in accordance with Clause 19.4 of Council's Governance Rules.

5 Councillor Motion Confidential

5.1 Potential breaches of the Model Councillor Code of Conduct by the Mayor, Cr McLindon

This motion has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains possible internal arbitration information to be discussed and provided to any appointed arbiter.

Councillor Motion

THAT Council:

1. Note the Mayor, Cr McLindon advised the CEO of his decision to take leave from 12pm 23 January 2025 to 11.59pm 8 February 2025 inclusive.
2. Note Councillors have reviewed media and social media posts by Cr McLindon up to and inclusive 30 January 2025.
3. Believe the Mayor, Cr McLindon has on more than one occasion allegedly breached clauses 1 (a), 1 (b), 1 (e)(ii), 2 (1)(a), 2 (1)(b), 2 (1)(c), 2 (1)(d), 2 (1)(e), 2 (2)(a), 3 (b)(iii) and 4 (1)(a), of the Model Councillor Code of Conduct (Appendix 1), including the Election Period Policy (Appendix 2), clauses 3.1.1, 4, 5.1.1, 9.1.2 and 10.3 leading up to and during his candidacy for the Werribee District by-election.
4. Resolve to make an urgent formal application within 24 hours of this Council resolution for an Internal Arbitration Process.
5. Resolve that Councillor Colwell be appointed as the representative to act on behalf Councillors Zinni, Stow, Gunn, Lenberg, Cox, Brooks, Taylor, Kozmevski, Lappin (the 10 Councillors) during the Internal Arbitration Process.
6. Resolve the Deputy Mayor, Cr Zinni write to the Minister for Local Government within 24 hours of this Council resolution, on behalf of the 10 Councillors, requesting the application for Internal Arbitration be expediated.
7. Resolve that the CEO make this Council resolution public upon formal lodgement of the application for Internal Arbitration.

Cr Colwell moved the motion with the following changes.

Motion

THAT Council:

1. Note the Mayor, Cr McLindon advised the CEO of his decision to take leave from 12pm 23 January 2025 to 11.59pm 8 February 2025 inclusive.
2. Note Councillors have **reviewed** media and social media posts by Cr McLindon up to and inclusive 30 January 2025.

3. Believe the Mayor, Cr McLindon has on more than one occasion **allegedly** breached clauses 1 (a), 1 (b), 1 (e)(ii), 2 (1)(a), 2 (1)(b), 2 (1)(a), 2 (1)(c), 2 (1)(d), 2 (1)(e), 2 (2)(a), 3 (b)(iii) and 4 (1)(a), of the Model Councillor Code of Conduct (Appendix 1), including the Election Period Policy (Appendix 2), clauses ~~3.1.1~~, 4, 5.1.1, 9.1.2 and 10.3 leading up to and during his candidacy for the Werribee District by-election.
4. Resolve to make an urgent formal application within 24 hours of this Council resolution for an Internal Arbitration Process.
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6. Resolve the Deputy Mayor, Cr Zinni write to the Minister for Local Government within 24 hours of this Council resolution, on behalf of the 10 Councillors, requesting the application for Internal Arbitration be **expedited**.
7. Resolve that the CEO make this Council resolution public upon formal lodgement of the application for Internal Arbitration.

MOTION	
Moved:	<i>Cr Colwell</i>
Seconded:	<i>Cr Gunn</i>

COUNCILLOR/S WHO SPOKE TO THE MOTION

Nil

Cr Taylor called for a Procedural Motion to immediately put the motion to a vote.

PROCEDURAL MOTION	
Moved:	<i>Cr Taylor</i>
Seconded:	<i>Cr Lappin</i>

THAT the motion moved by Cr Colwell and seconded by Cr Gunn be put to a vote.

CARRIED

VOTING – PROCEDURAL MOTION		
FOR	AGAINST	ABSTAINED
<i>Cr McLindon</i> <i>Cr Zinni</i> <i>Cr Brooks</i> <i>Cr Cox</i> <i>Cr Gunn</i> <i>Cr Kozmevski</i> <i>Cr Lappin</i> <i>Cr Lenberg</i> <i>Cr Taylor</i>	<i>Cr Stow</i>	<i>Cr Colwell</i>

The Chair, Cr McLindon put the motion to a vote which became the Council Resolution.

COUNCIL RESOLUTION	
Moved:	<i>Cr Colwell</i>
Seconded:	<i>Cr Gunn</i>

THAT Council:

1. Note the Mayor, Cr McLindon advised the CEO of his decision to take leave from 12pm 23 January 2025 to 11.59pm 8 February 2025 inclusive.
2. Note Councillors have reviewed media and social media posts by Cr McLindon up to and inclusive 30 January 2025.
3. Believe the Mayor, Cr McLindon has on more than one occasion allegedly breached clauses 1 (a), 1 (b), 1 (e)(ii), 2 (1)(a), 2 (1)(b), 2 (1)(a), 2 (1)(c), 2 (1)(d), 2 (1)(e), 2 (2)(a), 3 (b)(iii) and 4 (1)(a), of the Model Councillor Code of Conduct (Appendix 1), including the Election Period Policy (Appendix 2), clauses 4, 5.1.1, 9.1.2 and 10.3 leading up to and during his candidacy for the Werribee District by-election.
4. Resolve to make an urgent formal application within 24 hours of this Council resolution for an Internal Arbitration Process.
5. Resolve that Councillor Colwell be appointed as the representative to act on behalf Councillors Zinni, Stow, Gunn, Lenberg, Cox, Brooks, Taylor, Kozmevski, Lappin (the 10 Councillors) during the Internal Arbitration Process.
6. Resolve the Deputy Mayor, Cr Zinni write to the Minister for Local Government within 24 hours of this Council resolution, on behalf of the 10 Councillors, requesting the application for Internal Arbitration be expedited.
7. Resolve that the CEO make this Council resolution public upon formal lodgement of the application for Internal Arbitration.

CARRIED

VOTING – COUNCIL RESOLUTION		
FOR	AGAINST	ABSTAINED
<i>Cr Colwell</i> <i>Cr Gunn</i> <i>Cr Lenberg</i> <i>Cr Stow</i> <i>Cr Zinni</i> <i>Cr Kozmevski</i> <i>Cr Brooks</i> <i>Cr Cox</i> <i>Cr Lappin</i> <i>Cr Taylor</i>		<i>Cr McLindon</i>

The Chair, Cr McLindon sought a motion to re-open the meeting.

COUNCIL RESOLUTION	
Moved:	<i>Cr Kozmevski</i>
Seconded:	<i>Cr Taylor</i>

THAT Council resolve to re-open the meeting to the public.

CARRIED UNANIMOUSLY

6 Closure

There being no further business the Mayor formally closed the meeting at 7:11pm.

Confirmed this 18th day of February 2025.

Cr Aidan McLindon
Mayor