



AGENDA FOR THE EXTRAORDINARY MEETING

13 January 2023

EXTRAORDINARY MEETING OF COUNCIL

The following items are submitted for consideration -

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1 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

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| 1.1 | Code of Meeting Practice - 2023 Schedule of Meetings | 5 |
| 1.2 | Investigation Outcome - Allegations of corrupt conduct made by the Member for Bankstown and the Member for East Hills concerning Council Officials | 7 |

Governance and Administration Matters - 13 January 2023

ITEM 1.1 **Code of Meeting Practice - 2023 Schedule of Meetings**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Councillors will recall at its Ordinary Meeting in October 2022 considering the proposed schedule of Ordinary Meetings for 2023.

At the time, the report reflected the need to schedule an Ordinary Meeting on Tuesday, 31 January 2023 to consider a report on the tender process for the upgrade works at the Canterbury Leisure and Aquatics Centre.

Given that the matter is now being considered as part of this Extraordinary Meeting, the scheduled meeting will no longer be required.

ISSUE

That Council's scheduled Ordinary Meeting for Tuesday, 31 January 2023, be cancelled.

RECOMMENDATION

That Council's scheduled Ordinary Meeting for Tuesday, 31 January 2023, be cancelled.

ATTACHMENTS [Click here for attachment](#)

- A. Code of Meeting Practice - 2023 Schedule of Meetings- October 2022 Council Report

POLICY IMPACT

In accordance with Clause 3.1 of Council's Code of Meeting Practice, the Council shall, by way of resolution, set the frequency, time, date and place of its Ordinary Meetings.

As a result, this report proposes that Council consider and resolve to cancel the January 2023 Ordinary Meeting, for the reasons stated above.

FINANCIAL IMPACT

There is no financial impact

COMMUNITY IMPACT

There is no community impact

Governance and Administration Matters - 13 January 2023

ITEM 1.2 **Investigation Outcome - Allegations of corrupt conduct made by the Member for Bankstown and the Member for East Hills concerning Council Officials**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

At Council's September 2022 Ordinary Meeting, Item 7.5 – *Code of Conduct Matter – Investigation of allegations of corrupt conduct made by the Member for Bankstown concerning Council Officials* - (Attachment A) was considered.

Following its consideration, Council resolved to support the actions taken to investigate the matter and that a further report be provided to Council, informing it of the findings.

ISSUE

Council has now received the report dated 23 December 2022 of the Independent Review of the Investigation into Allegations made concerning the Mayor of Canterbury Bankstown Council by Arthur Moses SC and Jaye Alderson; and the report dated 20 December 2022 of SINC Solutions into Statements made under Parliamentary Privilege by Ms Tania Mihailuk MP and Ms Lindsay MP - (Attachments B and C).

Council only received the relevant attachments and therefore the full report on 3 January 2023.

Councillors should also note that whilst the basis for the investigation originally stemmed from allegations made by Ms Tania Mihailuk MP to the Legislative Assembly; at the request of the Department of Planning and Environment, the scope of the review was expanded to also incorporate subsequent allegations made by Ms Wendy Lindsay MP on 21 September 2022 to the Legislative Assembly, also by way of parliamentary privilege.

Separately, the Minister for Local Government, the Hon. Wendy Tuckerman MP, issued an Order directing that Council, pursuant to section 429 of the *Local Government Act 1993*, provide her with a copy of the full report into the investigation within 14 days from receipt of the report (Order), received by Council in full on 3 January 2023.

Whilst the attached independent report provides a comprehensive assessment/review concerning the matter, in the main, the investigation has concluded that:

- the investigation report found that based on the information gathered the allegations were not substantiated;
- Council adopted a strong governance approach; and

- there is no governance, probity or conduct issues relating to Council Officials arising from the investigation.

The review report found the conclusions made in the investigation report were soundly based and the information gathered by the investigation demonstrates that there is no evidence of any conduct by Mayor Asfour or employees of Council which constitutes:

- (a) a breach of the relevant Code of Conduct which was in effect for the purposes of section 440 of the *Local Government Act 1993*;
- (b) a breach of the *Local Government Act 1993*;
- (c) conduct which could constitute corrupt conduct for the purposes of the ICAC Act; and/or
- (d) a criminal offence under the law of NSW or any other law relevant to the conduct in question.

RECOMMENDATION That -

1. Council receive and note the findings of the independent investigation and review contained in the Reports.
2. Council receive and note, under separate cover, sealed hardcopy of confidential council reports relevant to the investigation.
3. Council note that pursuant to the Order, the Reports have been provided to the Minister for Local Government.
4. Council notes that for transparency purposes, the Reports have been provided to the following:
 - (a) Independent Commission Against Corruption;
 - (b) Department of Planning and Environment; and
 - (c) Chair, Audit and Risk Committee, Canterbury Bankstown Council.

ATTACHMENTS [Click here for attachment\(s\)](#)

- A. 29 September 2022 Ordinary Meeting, Item 7.5 – Code of Conduct Matter – Investigation of allegations of corrupt conduct made by the Member for Bankstown concerning Council Officials.
- B. Report dated 23 December 2022 of the Independent Review of the Investigation into Allegations made concerning the Mayor of Canterbury Bankstown Council.
- C. Report dated 20 December 2022 of SINC Solutions into Statements made under Parliamentary Privilege by Ms Tania Mihailuk and Ms Lindsay MP.

POLICY IMPACT

There are no policy implications.

FINANCIAL IMPACT

Funding to carry out the investigation and review has been accommodated from within Council's existing legal related services budget.

COMMUNITY IMPACT

The reports provide the community with confidence and assurance that Council's Officials and its processes and procedures are managed with the highest degree of integrity, ethically and transparently.

2 COMMITTEE REPORTS

The following item is submitted for consideration -

- 2.1 Minutes of the Traffic Committee Meeting held on 3 January 2023 13

Committee Reports - 13 January 2023

ITEM 2.1 **Minutes of the Traffic Committee Meeting held on 3 January 2023**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 3 January 2023.

The Committee have been constituted to advise and make recommendations in relation to traffic activities. It has, however, no delegated authority and cannot bind Council.

The recommendations of the Committee are in line with the objectives of the Committee and with established practices and procedures.

ISSUE

Having regard to an upcoming NRL trial game at the Belmore Sports Ground, the Traffic Committee was required to consider temporary closure of certain streets and traffic detours associated with the event. The temporary road closures are proposed from 8:30am – 11:30pm on Sunday, 19 February 2023 or until all patrons on event day have left the area.

This report considers the recommendations of the Canterbury-Bankstown Council Traffic Committee meeting, with regards to the matter.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 3 January 2023, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Traffic Committee Minutes - 3 January 2023

POLICY IMPACT

The matter has no policy implications to Council.

FINANCIAL IMPACT

Potential costs arising out of recommendations of the Traffic Committees are detailed in each report and included in either current Operational Budgets or Future Works Programs for Roadworks/Traffic Facilities.

COMMUNITY IMPACT

The recommendations will improve road safety for the community whilst minimising the adverse impacts on residential amenity. Community consultations have been carried out where required.

3 CONFIDENTIAL SESSION

- 3.1 T29-23 Redevelopment of Canterbury Leisure and Aquatic Centre - Principal Contractor 15

Chief Executive Officer's Statement

Confidentiality

Councillors and staff are reminded of their obligations in respect to the need for confidentiality and not disclose or otherwise misuse the information which is about to be discussed, failure to do so could result in a reference to the NSW Civil and Administrative Tribunal and/or result in a prosecution in accordance with Sec. 664 of the Act for which the maximum penalty is \$5,500.

CONFIDENTIAL SESSION

Section 10A(2) of the Local Government Act, 1993 provides that Council may, by resolution, close to the public so much of its meeting as comprises the receipt or discussion of matters as listed in that section, or for any matter that arises during the course of business during the meeting that should be treated as confidential in accordance with Section 10(2) of the Act.

Council's Agenda for this meeting contains reports that meet the criteria specified in Section 10A(2) of the Act. To consider these reports in confidential session, Council can adopt the following recommendation:

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Item 3.1 in confidential session for the reasons indicated:

Item 3.1 T29-23 Redevelopment of Canterbury Leisure and Aquatic Centre - Principal Contractor

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.