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AGENDA

UNSCHEDULED MEETING OF COUNCIL **FOR** **MONDAY 23 JANUARY 2023** **TO BE HELD AT COUNCILLOR BRIEFING ROOM** **44 STATION STREET COBRAM** **COMMENCING AT 11:00 AM**

RECORDING

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

1. WELCOME CALLING TO ORDER – ACTING CEO MATT JARVIS

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES / LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DISCLOSURE OF CONFLICTS OF INTEREST

7. OFFICER REPORTS FOR DETERMINATION

7 CORPORATE GOVERNANCE AND PERFORMANCE

7.1 SUBMISSION TO THE COMMISSION OF ENQUIRY

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8. CLOSE OF MEETING

FILE NO:
5. TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

ITEM NO: 7.1
(MANAGER GOVERNANCE AND
PERFORMANCE, AMANDA CHADWICK)
(CHIEF FINANCE OFFICER, MATT JARVIS)

SUBMISSION TO THE COMMISSION OF ENQUIRY

Recommendation

That Council engage Hunt & Hunt Lawyers to assist with the preparation of a submission to the Commission of Inquiry on behalf of the Councillors.

1. Executive Summary

A Commission of Inquiry is underway in relation to the affairs of the Council. An opportunity is available for a joint submission to be prepared on behalf of the Councillors in response to the enquiry.

2. Conflict of interest declaration

There are no conflict of interest considerations as part of this report.

3. Background & Context

On 28 October 2022, a Commission of Inquiry into Moira Shire Council was appointed under section 200 of the Local Government Act 2020.

The Commission was established to conduct an inquiry into the affairs of the Council.

Two commissioners with relevant expertise have been appointed:

- **Ms Frances O'Brien KC** - Commissioner and Chair of the Commission of Inquiry. Ms O'Brien was the Chair of Ararat Commission of Inquiry and a Commissioner for Geelong, and
- **Mr John Tanner AM** as Commissioner on the Commission of Inquiry. Mr Tanner was a former member of the Ministerial Panel Local Government Rating System Review, former Ararat Commissioner and former Brimbank administrator.

The Municipal Monitor's appointment concluded when the Commission of Inquiry commenced.

4. Issues

The Terms of Reference for the Commission of Enquiry include:

- To conduct an inquiry into matters relating to the affairs of the Moira Shire Council (the Council), including through an examination of:
 - The confidential advice provided to the Minister for Local Government by the municipal monitor dated 7 October 2022 and the confidential letter provided by the Australian Services Union dated 5 October 2022;
 - Any matters affecting the Councillors' performance of their roles;
 - Any matters affecting the Council administration's performance, including human resource practices;
 - The efficiency and effectiveness of the Council's governance arrangements in delivering services to its constituents, including financial management and community engagement practices; and

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SUBMISSION TO THE COMMISSION OF ENQUIRY (cont'd)

- Any other matters identified by the Commission of Inquiry that have an impact on the Council's ability to function.
- To report to the Minister for Local Government in writing on the matters outlined above by 28 February 2023.
- If the Commission of Inquiry determines to make an order for the payment of costs of the Commission of Inquiry under section 214 of the Act, to provide the reasons for any determination that the Council should not be responsible for all of the costs.

5. Strategic Alignment

This report aligns with the Council Plan Strategy of Transparent and Accountable Governance.

6. Internal & External Engagement

Internal consultation occurred with all Councillors in relation to this opportunity.
No external consultation was required.

7. Budget / Financial Considerations

Costs associated with the preparation of the draft submission are included as part of the Council's operating budget.

8. Risk & Mitigation

The decision to prepare a submission is made via Council resolution to support council's ongoing drive for good governance under the Public Transparency Policy.

9. Conclusion

Council should consider the opportunity to prepare a submission to the Commission of Inquiry to address a number of matters that are in the interest of all Councillors.

Attachments

Nil