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## AGENDA

### UNSCHEDULED MEETING OF COUNCIL FOR **THURSDAY 30 MARCH 2023** **TO BE HELD AT BRIEFING ROOM** **44 STATION STREET COBRAM** **COMMENCING AT 12.30 PM**

#### **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 - CEO**

#### **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. DISCLOSURE OF CONFLICTS OF INTEREST**

#### **6. OFFICER REPORTS FOR DETERMINATION**

##### **6 CORPORATE GOVERNANCE AND PERFORMANCE**

6.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER 2

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#### **7. CLOSE OF MEETING**

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 6.1  
(SENIOR GOVERNANCE OFFICER, NANCY  
MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

### Recommendation

That Council appoint Joshua Lewis as the Acting Chief Executive Officer of Moira Shire Council from 1 April 2023 for a period of up to 28 days.

#### 1. Executive Summary

Moira Shire Council's Chief Executive Officer (CEO) is currently on extended leave and as a result Council is now required by the *Local Government Act 2020* to appoint an Acting Chief Executive Officer. It is recommended that Council extends the current Acting CEO arrangement with Joshua Lewis for a further period of up to 28 days.

#### 2. Conflict of interest declaration

There is no officer conflict of interest considerations.

#### 3. Background & Context

On 10 March 2023 the Chief Executive Officer commenced a period of leave and appointed Joshua Lewis as the Acting Chief Executive Officer until 31 March 2023.

The Instrument of Delegation to the Chief Executive Officer allows the CEO to appoint an Acting Chief Executive Officer for a period not exceeding 28 days, therefore a Council resolution is required to extend the appointment of Joshua Lewis as Acting Chief Executive Officer for a further period.

#### 4. Issues

Under Section 11(3) of the *Local Government Act 2020*, Council may delegate to the Chief Executive Officer the power to appoint an Acting CEO for a period not exceeding 28 days. A Council resolution is required to appoint an Acting Chief Executive Officer for a greater period.

Section 44(5) of the *Local Government Act 2020* states that the Acting Chief Executive Officer is a member of staff.

#### 5. Strategic Alignment

##### Council Plan

5. Transparent and accountable governance

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ITEM NO: 6.1  
(SENIOR GOVERNANCE OFFICER, NANCY  
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GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (cont'd)

### 6. Internal & External Engagement

Internal consultation was held with the Director Corporate, Governance and Performance and Governance Team.

### 7. Budget / Financial Considerations

The Acting Chief Executive Officer salary will be paid from the existing budget. There are no significant budgetary impacts as a result of this appointment.

### 8. Risk & Mitigation

| Risk                                                   | Mitigation                                       |
|--------------------------------------------------------|--------------------------------------------------|
| Financial                                              | Covered in existing budget                       |
| Economic (regional context or broader economic impact) | n/a                                              |
| Environmental                                          | n/a                                              |
| Reputational                                           | n/a                                              |
| Legislative Compliance                                 | Compliance with <i>Local Government Act 2020</i> |

### 9. Conclusion

Under the *Local Government Act 2020* Council must appoint an Acting Chief Executive Officer where the period required exceeds 28 days, as delegated to the CEO.

### Attachments

Nil

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 6.2  
(SENIOR GOVERNANCE OFFICER, NANCY  
MUSTICA)  
(ACTING DIRECTOR CORPORATE  
GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## APPOINTMENT OF THE INDEPENDENT ADMINISTRATOR TO COMMITTEES

### Recommendation

That Council appoint John Tanner, Independent Administrator to the following committees to fill the current vacancies in the:

1. Moira Shire Council All Abilities Advisory Committee;
2. Murray River Group of Councils;
3. Goulburn Valley Regional Library Corporation Board;
4. Moira Shire Council CEO Employment and Remuneration Advisory Committee; and
5. Moira Shire Council Audit and Risk Committee.

### 1. Executive Summary

There are a currently vacancies on a number of committees that require a Council representative as part of the committee membership.

Under Section 6(a) of the Local Government (Moira Shire Council) Act 2023 (the Act), John Tanner AM was appointed as the interim Independent Administrator to Moira Shire Council. Section 7 of the Act provides that the Administrator constitutes the Council and must perform all functions, powers and duties of the Council including the role of the Mayor and Councillor of the Council.

### 2. Conflict of interest declaration

There are no conflict of interest declaration associated with this report.

### 3. Background & Context

#### All Abilities Advisory Committee

Council's All Abilities Advisory Committee (AAAC) advises Council on how to improve access and inclusion for people of all abilities in the Moira Shire community.

The Committee meets four times per year and advises Council on the Disability Action Plan (DAP), as well as other relevant Council projects, policies, and plans. The Disability Act 2006 (Victoria) requires all Councils to have a DAP. The AAAC will provide input into the development and implementation of the DAP.

The committee is made up of a maximum of 20 Council and community representatives including up to two Council representatives, nominated annually. The next meeting of the AAAC will be held on 4 April 2023.

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GOVERNANCE

ITEM NO: 6.2  
(SENIOR GOVERNANCE OFFICER, NANCY  
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GOVERNANCE AND PERFORMANCE,  
AMANDA CHADWICK)

## APPOINTMENT OF THE INDEPENDENT ADMINISTRATOR TO COMMITTEES (cont'd)

### Murray River Group of Councils

The Murray River Group of Councils is a local government advocacy group in northern Victoria that comprises Mildura Rural City, Swan Hill Rural City, Gannawarra Shire, Loddon Shire, Campaspe Shire and Moira Shire Councils.

The member councils work collaboratively on behalf of communities to promote regional priorities to support the long term prosperity and social well-being of the region.

Each Member Council is represented on the MRGC by its Mayor and its CEO. The next meeting of the MRGC will be held on 6 April 2023.

### Goulburn Valley Regional Library Corporation Board

Goulburn Valley Libraries is governed by an independent Board. The Board's responsibilities and authorities include policy development, strategic and corporate planning and service evaluation.

Membership on the board includes representatives from Moira Shire Council, Greater Shepparton City Council and Strathbogie Shire Council and the CEO for Goulburn Valley Libraries. The next meeting of the GV Libraries Board will be held on 20 April 2023.

### CEO Employment and Remuneration Committee

The CEO Employment and Remuneration Advisory Committee was established in line with the adoption of the Chief Executive Officer Employment and Remuneration Policy, in accordance with the requirements of the *Local Government Act 2020*.

The role of the Committee is to recommend, when required, to Council:

- A Position Description for the CEO, the appointment of a recruitment consultant and undertake the recruitment process leading to the recommendation to Council of a preferred candidate for the CEO position and a recommended remuneration package;
- Employment contract conditions (including any agreed modifications to the Position Description) and determining the CEO's Initial Performance Plan;
- After assessing the CEO's performance against that plan, annual remuneration increases and a course of action when the CEO's contract is nearing its end.

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AMANDA CHADWICK)

## APPOINTMENT OF THE INDEPENDENT ADMINISTRATOR TO COMMITTEES (cont'd)

### Audit and Risk Committee

In accordance with section 53 of the *Local Government Act 2020*, Moira Shire Council has an Audit & Risk Committee (ARC) which acts as an independent advisory Committee to Council.

The primary role of the Audit & Risk Committee is to assist Council to:

- effectively manage its responsibilities in regard to internal and external financial reporting;
- manage Council's strategic risks
- ensure compliance with laws and regulations as well as the use of best practice guidelines; and
- manage the internal and external audit functions.

The Audit & Risk Committee consists of at least 7 members: up to 5 external independent members and 2 representatives nominated by Council. A minimum of 1 Council representative is required at each meeting to form a quorum. The next meeting of the ARC will be held on 11 May 2023.

### 4. Issues

There are vacancies on a number of committees that require a Council representative as part of the committee membership with upcoming meetings scheduled.

### 5. Strategic Alignment

#### Council Plan

5. Transparent and accountable governance

### 6. Internal & External Engagement

Internal consultation was held with the Executive Leadership Team and Governance Team.

### 7. Budget / Financial Considerations

Council's financial support for special committees is a budgeted item.

### 8. Risk & Mitigation

Risk is mitigated by Council meeting its statutory requirements and by having representation on the committee.

### 9. Conclusion

The appointment of John Tanner, Independent Administrator to these committees will provide a Council representative where required as part of the committee membership.

### Attachments

Nil