

LOCAL GOVERNMENT ACT 2020

Section 231

**INSTRUMENT FIXING CONDITIONS, REMUNERATION AND ALLOWANCES OF ADMINISTRATOR FOR
THE STRATHBOGIE SHIRE COUNCIL**

I, the Hon Melissa Horne MP, Minister for Local Government, under section 231(1)(c) of the *Local Government Act 2020* (**the Act**) fix the conditions, allowances and conditions of employment of PETER STEPHENSON, being the administrator appointed for Strathbogie Shire Council (**Council**) by the Governor in Council under section 230 of the Act.

1 Objective

The objective of this instrument is to fix the remuneration, allowances and conditions of employment of the administrator appointed for the Council by the Governor in Council under section 230 of the Act.

2 Conditions, remuneration and allowances

The remuneration, allowances and conditions of appointment of the administrator appointed for the Council are set out in Schedule 1 to this instrument.

3 Commencement and revocation

This instrument comes into operation on and from the day it is made and continues in force until the earlier of:

- (a) the office of administrator for the Council becomes vacant; or
- (b) this instrument is revoked.



HON MELISSA HORNE MP
Minister for Local Government

Dated: 5 / 12 / 2023

SCHEDULE 1

**CONDITIONS, REMUNERATION AND ALLOWANCES OF APPOINTMENT OF ADMINISTRATOR
FOR THE STRATHBOGIE SHIRE COUNCIL – PETER STEPHENSON**

1 Appointment arrangements

The appointment of Peter Stephenson as the administrator for the Council under section 230 of the Act is a part time appointment.

2 Period of appointment

The Governor in Council has appointed Peter Stephenson from 6 December 2023 until 6 March 2024 (both dates inclusive).

3 Duties and responsibilities of the administrator

Section 231(1)(a) of the Act provides that the administrator constitutes the Council and must perform all the functions, powers and duties of the Council, which must be treated as if they were performed by the Council.

4 Outside paid employment

Section 231(1)(d)(i) of the Act provides that an administrator must not, without the Minister's consent, directly or indirectly engage in any paid employment outside the duties of the office of administrator.

5 Termination and resignation

(a) Section 231(1)(e) of the Act provides that the office of the administrator becomes vacant if the administrator –

- (i) becomes bankrupt; or
- (ii) dies; or
- (iii) is removed or resigns from office; or
- (iv) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
- (v) becomes incapable of performing the duties of the office.

(b) Section 231(1)(d)(ii) of the Act provides that the administrator may resign by a written notice of resignation addressed to the Governor in Council.

(c) The administrator will cease to hold office if the administrator receives a notice of termination of appointment from the Minister for Local Government, on the basis that the Minister is not satisfied of the suitability of the administrator's appointment based on the result of a probity check required by the Minister.

6 Payment provisions

(a) Section 231(1)(c) of the Act provides that the remuneration and allowances of the administrator are to be paid by the Council.

- (b) Remuneration is fixed at \$160,000 per annum.
- (c) The administrator's part time statutory appointment requires a minimum of three days of work per week.
- (d) Remuneration does not include any superannuation obligations payable under the *Superannuation Guarantee (Administration) Act 1992* (Cth).

7 Travel and personal expenses

- (a) Travel and other allowances are payable to the administrator at a rate equal to the out-of-pocket expenses actually and necessarily incurred in the exercise of the functions, powers, or duties of the administrator, but not exceeding the reasonable allowance expense amounts determined by the Commissioner of Taxation for the income year in which the allowance is claimed.
- (b) The administrator must provide evidence of expenses to the satisfaction of the Minister or the Minister's delegate at the time the administrator claims travel and personal expenses under this clause.

8 Leave arrangements

There are no leave arrangements for this part time statutory appointment.

9 Prior service

Prior service entitlements are not applicable to the administrator's appointment as there are no leave arrangements for this appointment.