

SCHEDULE 2

TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITOR TO COLAC OTWAY SHIRE COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020

Having regard to the confidential advice of the Chief Municipal Inspector and without limiting the Municipal Monitor's functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitor is:

1. To monitor the governance processes and practices of the Council, with specific regard to the following matters –
 - a. the Councillors' understanding and performance of their statutory roles and responsibilities, including in relation to the separation of roles between councillors and the Chief Executive Officer;
 - b. the Council's meeting procedures and decision-making processes, including councillor attendance at briefings and Council meetings, the adequacy of the Governance Rules and the Council's policies, processes and practices related to the management of conflicts of interest;
 - c. the relationships between councillors and between councillors and Council staff, including councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
 - d. support for the Chief Executive Officer to effectively perform their responsibilities and functions, including in relation to establishing policies and practices that manage the interactions between Councillors and Council staff and contractors;
 - e. the Council's processes and practices in relation to health and safety, including any matters that may be creating a serious risk to the health and safety of councillors, Council staff or other persons;
 - f. the Council's community engagement and financial and asset management practices, including its ability to meet current and future needs of the community;
 - g. any support needed in the lead up to and following the elections in October 2024 to ensure good governance at the Council; and
 - h. any other matters that may be affecting the Council's ability to effectively perform, including behaviour that may be preventing the Council from performing its functions.
2. To advise, and provide any relevant assistance and support, to the Council in relation to the improvement of the Council's governance processes and practices, with specific regard to the matters raised in clause 1.
3. To assist the Council to develop an Action Plan and progress updates for any necessary governance improvements, with specific regard to the matters raised in clause 1.
4. To report to the Minister for Local Government, with respect to the matters in clause 1, on:
 - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions; and
 - b. any recommendations in relation to the exercise of any Ministerial power under the Act.