

SCHEDULE 2

TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITORS TO HOBSONS BAY CITY COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020

Without limiting the Municipal Monitors' functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitors are:

1. To monitor the Hobsons Bay City Council's (Council) governance processes and practices, with specific regard to the following matters—
 - a. the functions and responsibilities of the Council's Audit and Risk Committee, including any matters relevant to its establishment and the Audit and Risk Committee Charter;
 - b. the Council's policies, processes and practices in relation to the recruitment, appointment and performance management of an ongoing Chief Executive Officer (CEO) and the establishment of an effective working relationship between the ongoing CEO and the Council;
 - c. the Chief Executive Officer's policies, processes and practices to ensure that Council staff can effectively perform their roles, including in relation to recruitment and appointment, conduct and performance;
 - d. the Council's meeting procedures and decision-making processes, Council briefings and meetings, the adequacy of the Council's Governance Rules, councillor adherence to the Governance Rules and councillor attendance and participation at meetings;
 - e. the Councillors' understanding and performance of their statutory roles and responsibilities, including the adequacy of the Council's Councillor induction training program and any ongoing professional development opportunities;
 - f. 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;
 - g. 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; and
 - h. any other matters that may be affecting the Council's ability to effectively perform its role, including behaviour that may be preventing the Council from performing its functions.
2. To identify the underlying causes of any issues affecting the ability of the Council and/or individual councillors to properly perform their statutory roles, 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 clauses 1 - 2.
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;
 - b. any recommendations for the Council to ensure the proper performance of its statutory role, including in relation to the conduct of councillors; and
 - c. any recommendations in relation to the exercise of any Ministerial power under the Act.
5. To report to the Minister for Local Government on the costs incurred by the Council in relation to the matters contained in clauses 13 – 16 in Schedule 1 to this instrument of appointment to support the public transparency about the costs of monitor appointments.