

SCHEDULE

TERMS OF REFERENCE OF THE COMMISSION OF INQUIRY INTO WHITTLESEA CITY COUNCIL

For the purpose of Clause 5 of the instrument, and without limiting the Commission of Inquiry's functions and powers under the *Local Government Act 2020* (the Act), the Commission of Inquiry is:

1. To conduct an inquiry into matters relating to the affairs of the Whittlesea City Council (the Council), including through an examination of:
 - a) The circumstances that resulted in the Councillors and the Chief Executive Officer (CEO) taking action against the then Mayor within months of both the 2024 Council elections and the election of the Council's then Mayor and Deputy Mayor.
 - b) Any matters affecting the health and safety of Councillors, members of Council staff or other persons, including but not limited to:
 - i. Any Councillor conduct that is creating a risk to health and safety to such persons, and;
 - ii. The effectiveness of actions taken by Councillors and the Council's CEO to address risks to health and safety at the Council.
 - c) Any matters affecting the ability of Councillors and the CEO at the Council to effectively perform their statutory roles, which include but are not limited to the following:
 - i. The role of the Mayor in accordance with section 18 of the Act; and
 - ii. The role of the Deputy Mayor in accordance with section 21 of the Act; and
 - iii. The role of Councillors in accordance with section 28 of the Act; and
 - iv. The conduct of the election of the Mayor and Deputy Mayor in accordance with the Council's Governance Rules and the Act's requirements; and
 - v. The role of the CEO in accordance with section 46 of the Act and any other legislative responsibilities.
 - d) Any matters affecting the Council's ability to perform its functions, including but not limited to:
 - i. Any failure by the Council to provide good governance and any steps the Council has taken to address and remedy the difficulties underlying any failure; and
 - ii. Any Councillor conduct that is preventing the Council from performing its functions.
 - e) Any recommended improvements to Council policies, processes or practices to address the above matters.
 - f) Any recommended legislative reforms or non-legislative options relevant to the local government sector (such as good practice guidance) to address the above matters, including but not limited to the following:
 - i. The election process of the Mayor and Deputy Mayor, to promote more considered election outcomes and support local decision-making regarding council leadership; and
 - ii. Existing mechanisms or bodies to properly address risks to occupational health and safety (including for the CEO) at councils; and
 - iii. Improve council compliance with the Act.

The following matters are outside the scope of your inquiry and you should not inquire into them:

- i. The decisions made under Division 7 of the Act to suspend the then Councillor McLindon on 16 April 2025, including the decision by the Minister for Local Government to recommend to the Governor in Council and the Governor in Council's decision itself pursuant to s 229A of the Act.

For the avoidance of any doubt, you may inquire into the facts and circumstances that lead to the Minister for Local Government and the Governor in Council's decisions pursuant to s 229A of the Act (but not the decisions themselves).

2. To report to the Minister for Local Government in writing on the matters outlined above by 19 September 2025.
3. If the Commission of Inquiry determines to make an order for the payment of costs of the Commission of Inquiry under section 214(1) of the Act, to provide the reasons for any determination that the Council should not be responsible for all the costs.