



MINUTES

POLICY REVIEW PANEL

held on 18 April 2018 at 10.00am in Civic Room 2, Melton Civic Centre

Present: Cr B Turner, Mayor
Cr K Hardy, Deputy Mayor
Cr L Carli
Cr K Majdlik

Ms C Denyer, Manager Legal & Governance
Mr J Whitfield, Governance Coordinator

Chairperson: Cr K Hardy, Deputy Mayor

1. Welcome

The meeting commenced at 10.13am. Cr K Hardy took the Chair.

2. Apologies

Nil

3. Declaration of interests and/or conflict of interests

Nil

4. Confirmation of the previous minutes

Crs Carli/Hardy

The minutes of the Policy Review Panel held on 13 December 2017, adopted by Council at the Ordinary Meeting held 18 December 2017 were noted.

5. Business Arising

Nil

6. General Business

6.1 Reconciliation Advisory Committee Terms of Reference (Revised)

Presenter Tony Ball, Acting Community Capacity Coordinator

The Melton City Council Reconciliation Advisory Committee was first convened in 2014, and the first Melton City Council Reconciliation Action Plan was developed through this committee.

Melton City Council has now developed its second Reconciliation Action Plan in consultation with the committee, and it is anticipated this Plan will be launched in Reconciliation Week in May 2018.

At its last meeting the Reconciliation Advisory Committee revised its Terms of Reference to increase its membership to ensure sufficient community representation at each meeting, and to include the Bunurong Aboriginal Corporation.

The Panel discussed the Reconciliation Advisory Committee Terms of Reference as presented. It agreed to amend the document as presented to the Panel to include another



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Councillor on the Committee as previously determined by the Council. This brings the total committee membership to fourteen.

Recommendation 1

Crs Carli/Majdlik

That Council adopt the amended Terms of Reference for the *Reconciliation Advisory Committee* as attached to these minutes.

Cr B Turner arrived at 10.22am.

6.2 Community Requests for Council Budget Allocation Policy (New)

Presenter Kate McCluskey, Social Planning Officer

The Community Requests for Council Budget Allocation Policy supersedes the Community Service Organisation Support Funding Policy.

The previous Policy applied only to requests for multi-year funding by community service organisations or projects. The scope of the Policy has been broadened to create a consolidated process for all submissions for Council budget allocation to be considered during annual budget development. Submissions typically fall in to two categories:

- Submissions from organisations seeking Council funding to allow that organisation to deliver projects, programs or services
- Submissions seeking Council to both fund and deliver projects, programs or services

The Panel discussed the Community Requests for Council Budget Allocation Policy as presented. It agreed to amend the Guidelines accompanying the Policy to include a Privacy Collection Statement at the end of the Submission Form.

Recommendation 2

Crs Majdlik/Carli

That Council adopt the *Community Requests for Council Budget Allocation Policy* as attached to these minutes.

The Panel agreed that Items 6.5, 6.6 and 6.7 on the Agenda be heard before Items 6.3 and 6.4 in order to accommodate Council Officers in attendance.

6.3 Policy Review Panel Terms of Reference (Revised)

Presenter Christine Denyer, Manager Legal & Governance and John Whitfield, Governance Coordinator

The Policy Review Panel Terms of Reference were last reviewed by the Policy Review Panel on 2 December 2013 with the Council adopting the minutes of that meeting on 17 December 2013.

The Council amended the representation structure of the Panel at its ordinary meeting held 21 November 2016 by adding a fourth Councillor to the Panel. This change to the Terms of Reference was recommended by the Councillor Representation Nominations Advisory Committee at its meeting held 14 November 2016.



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Other minor changes to the Terms of Reference were included for consideration.

Recommendation 6

Crs Carli/Majdlik

That Council adopt the *Policy Review Panel Terms of Reference* as attached to these minutes.

Cr B Turner left the meeting at 11.26pm.

6.4 Councillors as Candidates in a State or Federal Election Policy (New)

Presenter Christine Denyer, Manager Legal & Governance and John Whitfield, Governance Coordinator

At its meeting held on 19 October 2017, the Policy Review Panel discussed a report entitled 'Councillors as Candidates in State or Federal Elections'. The Panel made the following Recommendation:

That Council officers develop a draft policy on Councillors as Candidates in a State or Federal Election and circulate it in February 2018 for review.

The Policy Review Panel meeting scheduled for February 2018 was not held as there was insufficient matters for consideration.

A draft Policy was presented to the Panel for its consideration. The Policy is designed to eliminate or at least mitigate the potential conflict of interests that could arise between a person's role as a Councillor and that of a candidate.

The Panel amended the Policy as presented primarily to align the Council's position for both a Prospective Candidate and a Nominated Candidate.

The Panel noted that there is nothing in the *Local Government Act 1989* that compels a Councillor to take a leave of absence if a candidate for election.

Recommendation 7

Crs Majdlik/Carli

That Council adopt the *Councillors as Candidates in a State or Federal Election Policy* as attached to these minutes.

6.5 Community Events Signage Policy (New)

Presenter Bob Baggio, Planning Services Manager and Andrew Mason, City Amenity & Compliance Coordinator

This policy is created in conjunction with Melton City Council General Local Law 2015. This policy has been created to inform event organisers of Council's requirements for the temporary placement of community event notice boards on roads and Council land.

The requirement for Council to have this Policy is to ensure that event organisers are aware of time limits for sign placement, the application process, permitted locations and penalties that may be incurred for non-compliance.



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Further to this the Policy has outlined the responsibilities between City Amenity & Compliance and Planning Enforcement.

After discussion, some minor modifications were suggested by the Panel and these have been incorporated into the attached Policy.

Recommendation 3

Crs Majdlik/Turner

That Council adopt the *Community Events Signage Policy* as attached to these minutes.

6.6 Political & Electoral Signage Policy (New)

Presenter Bob Baggio, Planning Services Manager and Andrew Mason, City Amenity & Compliance Coordinator

This policy is created in conjunction with Melton City Council General Local Law 2015. This policy has been created to ensure that political candidates and campaign organisers are aware of the time limits, size requirements and construction standards regarding the erection or display of electoral signage on private land. This policy will also clarify the enforcement options available to Council in the event that a regulatory breach occurs.

Further to this the Policy has outlined the responsibilities between City Amenity & Compliance and Planning Enforcement.

The Policy was developed to align with VicRoads Policy.

Recommendation 4

Crs Turner/Carli

That Council adopt the *Political & Electoral Signage Policy* as attached to these minutes.

6.7 Dog Attack Policy (New)

Presenter Andrew Mason, City Amenity & Compliance Coordinator

This policy has been created to provide some context around the processes undertaken by Council when dealing with dog attacks and related offences such as dogs wandering at large. When read in conjunction with *Council's Dog Attack Work Instruction* it will also ensure openness, transparency and consistency regarding the way Council investigate and deal with dog attacks.

The requirement for Council to have this Policy is a requirement of the Domestic Animal Management Plan adopted by Council 18 December 2017.

Further to this a gap was identified through the Local Laws Service Review in 2016 requiring Local Laws to have a Dog Attack Policy.

Recommendation 5

Crs Majdlik/Carli

That Council adopt the *Dog Attack Policy* as attached to these minutes.



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7. Next Meeting

13 June 2018, 10.00am - 12.00pm, Civic Room 2, Melton Civic Centre.

8. Close of Business

The meeting closed at 11.43am.



Terms of Reference

Name: Reconciliation Advisory Committee

Endorsed by: Policy Review Panel – 18 April 2018

Approved by: Council

Last reviewed:

1. PURPOSE

This document establishes the terms of reference, composition and operating arrangements of the Melton City Council's Reconciliation Advisory Committee.

2. DEFINITIONS

Word/Term	Definition
RAC	Reconciliation Advisory Committee
Closing the Gap	Endorsed by the Australian Government in March 2008, 'Closing the Gap' is a strategy that aims to reduce Indigenous disadvantage with respect to life expectancy, child mortality, access to early childhood education, educational achievement and employment outcomes.

3. RESPONSIBILITY

The City of Melton is home to a growing Indigenous population that enriches the community by sharing an intricate knowledge of Australia's history through the lens of Australia's First People. The Indigenous population has a strong connection with Country and a unique culture that is internationally recognised and attributed to Australia.

The Reconciliation Advisory Committee (RAC) has been established to work together with the City of Melton community to support the Reconciliation process between Indigenous and non-Indigenous Australian's for the benefit of all.

The Committee will:

- 3.1 Provide guidance and support to Council on issues and barriers that negatively affect the Reconciliation process.
- 3.2 Provide advice to Council on the development and implementation of strategies that will deliver positive outcomes and which are aligned to the Council and Wellbeing Plan, the Closing the Gap strategy and Melton City Council's Reconciliation Action Plan.
- 3.3 Receive and comment on the progress in implementing specific strategies that encourages inclusive involvement of Indigenous people in Council services, programs and activities.

- 3.4 Raise advocacy issues for Council to consider on behalf of the Indigenous community.

4. COMPOSITION

4.1 Membership

The committee will comprise a total of fourteen (14) representatives, consisting of the Indigenous community, an elected Councillor, officers of Council, community service providers and other stakeholders, who have a significant role in supporting the Indigenous community in the City of Melton.

The Committee may elect to open meetings to community members with an interest in witnessing the Committee proceedings. The Committee will determine in advance by consensus whether individual meetings will be open in this way.

	Name	Type of Appointment	Term of Office
1	Councillor, Melton City Council	Chair, Elected Representative	1 year
2	Councillor, Melton City Council	Elected Representative	1 year
3	Melton City Council, Community Capacity Coordinator	Appointed	Ongoing
4	Melton City Council, Aboriginal and Torres Strait Islander Community Engagement Officer	Appointed	Ongoing
5	Kirrip Aboriginal Corporation representative	Appointed	Ongoing
6	Wauthaurong Corporation representative (Wadawurrong)	Appointed	Ongoing
7	Wurundjeri Land and Compensation Aboriginal Cultural Heritage Corporation	Appointed	Ongoing
8	Bunurong Land Aboriginal Corporation representative	Appointed	Ongoing
9	Local Aboriginal Community member	Appointed	2 years
10	Local Aboriginal Community member	Appointed	2 years
11	Local Aboriginal Community member	Appointed	2 years
12	Local Aboriginal Community member	Appointed	2 years
13	Local Community member	Appointed	2 years
14	Local Community member	Appointed	2 years

A subgroup, consisting of the Chairperson, together with Council officers will undertake specific responsibilities to assess advisory committee applications, plan meeting dates and distribute agendas and minutes.

Additional Council staff, guest advisory bodies and other professionals will attend meetings to present, or respond to, agenda items on an ex officio basis only for the purpose of providing relevant information and advice on matters being considered by the Committee.

4.2 Method of appointment

- 4.2.1 Council officers will be appointed by the Chief Executive.
- 4.2.2 Nominations for applicants to Specific Group and Agency Representatives shall be invited by letter from Council to appoint a member of their group to represent their body.
- 4.2.3 Nominations for applicants to the Indigenous Community and broader Community Member Representatives shall be called by public notice in local media and by information letter to relevant local groups and agencies.
- 4.2.4 Appointments will be recommended to Council by a Sub-Committee, comprising Council staff, which will assess applicants against predetermined selection criteria, as stated in Expression of Interest documentation.
- 4.2.5 Indigenous Community Member and broader Community Representatives will be appointed for a period of two years. At the end of the two-year term, Expressions of Interest will be sought for nomination, with existing members eligible to renominate.
- 4.2.6 A position will be deemed to be vacant if a representative fails to attend for three consecutive meetings.
- 4.2.7 Leave may be negotiated and granted to a member in the event that a member needs to arrange a temporary absence (e.g. travel overseas). A proxy may be nominated in order to maintain an individual or group's representation if required.
- 4.2.8 If a vacancy occurs, a nomination process as outlined will be undertaken by the subcommittee as per clauses contained within section 4.2

4.3 Expectations of Committee members

- 4.3.1 Commitment to promote inclusion and active engagement of Indigenous community members in all aspects of community life.
- 4.3.2 To stimulate discussion on the range of issues that affects the Indigenous community across the municipality.
- 4.3.3 Encourage and support participation by all members of the community in Indigenous culture and events.
- 4.3.4 Represent the views of their community / organisation.
- 4.3.5 Provide advice, make recommendations and comment on the activities of the RAC.
- 4.3.6 Willingness to participate in Council's Reconciliation Action Plan implementation and review.
- 4.3.7 Preparedness to present reports and promote the activities of the RAC to their respective community, organisation and networks.

5. OPERATING PROCEDURES

5.1 Chair

The Chairperson is a Councillor, Melton City Council. The chairperson is responsible for presiding the meeting. In the chairperson's absence, the other Councillor will act as Chair for the meeting.

Any other member of the Committee may also be appointed to assist in various tasks e.g. taking of minutes etc.

5.2 Quorum

A quorum for the Committee will require attendance of a minimum of one (1) Councillor, one (1) Council officer and a minimum of two (2) Aboriginal Community members.

The Committee will operate on a consensus basis. Where issues remain unresolved, the Chair will defer the issue to the next meeting. If issues remain unresolved and a solution cannot be reached, and the matter is viewed as significant to the successful operation of the Committee, the Committee can appoint an independent mediator to assist to resolve the issues or assist the parties / group to reach consensus.

5.3 Meetings

- 5.3.1 There will be a minimum of four (4) meetings per year.
- 5.3.2 Meetings will commence and conclude on time.
- 5.3.3 Council officers will undertake administrative duties such as setting meeting dates and locations, agenda, minutes, correspondence and reports.
- 5.3.4 Where practicable, the agenda, reports and documents that relate to the Committee and minutes of the previous meeting, will be forwarded to members at least five (5) working days prior to meetings.
- 5.3.5 Accurate minutes will be kept of each committee meeting. The minutes of a meeting shall be submitted to committee members for ratification at the next subsequent meeting of the Committee.
- 5.3.2 Additional sub-committee meetings, as agreed by members, may be formed to advise the committee.

5.4 Reports

Council will review and consider advice and recommendations in the form of Committee minutes and reports. Committee meeting minutes will be reported quarterly to Council.

6. REQUIREMENTS OF MEMBERS


Members are required to:

- 6.1 Declare any interest, pecuniary interest or conflict of interest.
- 6.2 Keep informed of current developments, issues and concerns in the local community.
- 6.3 Have an understanding of and/or experience in the principles of community development.
- 6.4 Prepare for and actively participate in meetings.

- 6.5 Act in a courteous manner, respecting others views and opinions. All members should respect the decision of the consensus view as adjudicated by the Chair.
- 6.6 Treat information with sensitivity.

7. EVALUATION AND REVIEW

The Terms of Reference will be reviewed and evaluated every two years.

	<h2>Community Requests for Council Budget Allocation Policy</h2>
Version No.	Version 1, 9 March 2018
Endorsement	Policy Review Panel - 18 April 2018
Authorisation	Council <insert date>
Review date:	July 2021
Responsible officer:	Manager Community Planning
Policy owner	Social Planning Officer

1. Purpose

This Policy describes Melton City Council's (Council's) approach to the management of requests for Council budget allocation from community members, Incorporated Community Organisations and Community Service Agencies for projects, programs or services that address local need.

2. Scope

This Policy applies to all submissions for Council budget allocation from community members, Incorporated Community Organisations or Community Service Agencies. The provisions of this Policy also apply to those responsible for the administration, assessment and approval of received submissions.

This policy applies to:

- Submissions requesting partnerships between Council and Incorporated Community Organisations or Community Service Agencies, where Council provides funding for the delivery of projects, programs or services that benefit the local community and these activities are delivered by the funded organisation.

Submissions may be for single-year or recurrent funding for periods of up to 5 years. Recurrent funding of up to 5 years is typically awarded only to organisations providing projects, programs or services for the benefit or welfare of the community or any members who have a particular need by reason of youth, age, infirmity or disablement, poverty or social or economic circumstances. Examples include:

- The provision emergency food relief to low income residents
- The provision of learning and social opportunities for people with disabilities
- Funding for the delivery of elements within a master plan for a community asset, i.e. landscape works.

- Submissions requesting Council to undertake projects, programs or services. In such cases, Council is responsible for funding and delivering the activity.

This Policy does not preclude community members making a submission under Section 223 of the Victorian Local Government Act 1989.

Definitions

Word / Term	Definition
Auspice Partnership	An arrangement between an incorporated organisation (auspisor) and an unincorporated organisation (auspicee), where the auspicee carries out the project 'under the auspices of' the auspisor'. The auspisor receives funding or enters into relevant agreements on behalf of the auspicee
Budget Development Period	The period during which Council's annual budget is developed. This typically begins in the 2 nd quarter of the financial year prior and the final budget is adopted in June at the end of the financial year
Community Grants Program	Council's primary community funding stream, comprised of a range of grants that are open to various applicants either year-round or at specified times only
Community member	Any individual who has attained the age of 18 years and is not making a submission on behalf of a corporation; a Council or any other body incorporated or constituted by or under the Local Government Act 1989; or any public statutory corporation constituted by or under any law of the State of Victoria, any other State or Territory of the Commonwealth or the Commonwealth
Community Service Agency	Funded organisations that promote, provide or carry out activities, facilities or projects for the benefit or welfare of the community or any members who have a particular need by reason of youth, age, infirmity or disablement, poverty or social or economic circumstances
Incorporated Community Organisation	A legal entity separate from its members. Incorporation of a community organisation includes a number of requirements including a written constitution and an elected committee of management or board of directors. Examples include sports clubs, service clubs and local charitable organisations

3. Policy

Melton City Council (Council) recognises that community engagement and participation processes are a vital part of local democracy. Community engagement in the development of the annual budget provides an avenue for the community to make submissions for budget allocation. The budget reflects Council's core business as outlined in the Council and Wellbeing Plan.

Submissions are assessed on a case-by-case basis as part of Council's annual budget development. Allocation of funding is dependent upon the availability of funds and the merit of submissions. Should funding recipients seek further funding after the end of their existing funding term, they will need to prepare a new submission during their final year of funding to be considered for budget allocation for the next financial year. Further allocation must not be assumed.

3.1 Objective

This Policy aims to establish a clear process for the management of community requests for Council budget allocation.

3.2 Policy Principles

The principles underpinning this Policy are:

a) Alignment with Council and Wellbeing Plan

The Council and Wellbeing Plan is the 4 year strategic plan that directs Council operations to meet the needs and aspirations of the community. There is significant community input in to the development of Council and Wellbeing Plan. Submissions for Council budget allocation should align with the current Council and Wellbeing Plan objectives.

b) Good governance

Budget will be allocated under principles of good governance. This means that the process of receiving and assessing submissions should be transparent, responsive, equitable and inclusive, effective and efficient, participatory and consistent with relevant legislation.

c) Community engagement

The community should have the opportunity to be involved in decision making regarding budget allocation. The process should be participatory, equitable and inclusive. Community members, Incorporated Community Organisations and Community Service Agencies will be invited to make submissions to the budget development process. The engagement process should endeavour to be accessible to the breadth of Melton's community.

3.3 Eligibility Criteria

Any community member, Incorporated Community Organisation or Community Service Agency may make a submission for budget allocation.

Special conditions apply for parties seeking funding to deliver programs, services or projects themselves. Parties should meet the following eligibility criteria for their submission to be considered:

- Be an Incorporated Community Organisation or Community Service Agency. In the unlikely circumstance that an unincorporated group seeks funding, an auspice partnership may be considered
- Hold an Australian Business Number (ABN)

- Hold relevant Public Liability Insurance coverage to the value of \$20 million
- Eighty per cent (80%) of participants for the proposed activity should be residents of the City of Melton

Projects, programs and services that are the direct responsibility of other government agencies are generally not viewed favourably for Council budget allocation.

Schools are not eligible to apply for budget allocation, but may be a partner in a project submitted by an eligible organisation.

Individual community members cannot seek funding to deliver programs, services or projects themselves. They may only make submissions requesting that Council fund and deliver outputs.

3.4 Assessment Considerations

Funding should be allocated based upon the merit of the submission and available funds. A Submission Form template is provided in the Community Requests for Council Budget Allocation - Guidelines for Submission.

The table below outlines assessment considerations for submissions.

Submissions seeking Council to fund and deliver a project, program or service should respond to Considerations 2 and 3.

Submissions requesting Council funding for external parties to deliver activities should respond to Considerations 1 to 5.

Consideration	To be included in the submission
1. Applicant Details and Experience	<ul style="list-style-type: none"> • What does your organisation do? • When were you established? • What are your governance arrangements? • What relevant work have you done in the past?
2. Community Need	<ul style="list-style-type: none"> • What existing or emerging need does this proposal address? • How do you know this is a need? (Statistical and anecdotal evidence should be provided to support this) • Explain how the identified need aligns with current Melton City Council and Wellbeing Plan objectives.
3. Community Benefit	<ul style="list-style-type: none"> • Who will be involved in the project/program/service planning and delivery? • Describe any new community partnerships and connections that will be developed. • Who will benefit from the project/program/service? (Identify which groups will benefit).

	<ul style="list-style-type: none"> • What will be the outcomes of the project/program/service for these groups?
4. Ability to Deliver Project	<ul style="list-style-type: none"> • Provide a project plan that demonstrates the steps to be taken to deliver the project/program/service during the funded period. • Provide a complete, realistic and achievable budget. • Provide details of other sources of funding or resourcing for the project/program/service. • Explain how the project/program/service may continue into the future (without Council funding) if it is an ongoing event or activity.
5. Commitment to the Improvement of the Municipality	<ul style="list-style-type: none"> • Explain how your organisation has participated and been engaged in other community events and activities in the City of Melton. • Explain your organisation's history of promoting positive outcomes for the community.

3.5 Submission Process

Submissions for budget allocation are invited from community during the annual budget development period. Submissions received at this time are assessed at the optimal time for inclusion in the upcoming budget. Submissions may be received at any time but will only be assessed during the annual budget development period.

Parties requesting funding allocation should:

1. Read and ensure adherence to Community Requests for Budget Allocation - Guidelines for Submission.
2. Complete the Community Requests for Budget Allocation Submission Form.
3. Submit Form and any relevant attachments to Council by the published deadline (which may vary from year to year).

The submission process is designed to be accessible to a range of community members, Incorporated Community Groups and Community Service Agencies. The onus is on submitters to provide substantial information and evidence to support their submission and assist Council to assess the merits of the proposal.

Submission for budget allocation is one option for community members and organisations to seek support from Council. The Community Grants Program is another option that may be more appropriate for some submissions. Refer to the Community Grants Program Guidelines for further detail.

Applicants are encouraged to first exhaust the Community Grants Program options, where appropriate, prior to making a submission through this Policy.

3.6 Assessment Process

Submissions should be assessed using the following process:

1. Submissions will be invited from community members, Incorporated Community Organisations and Community Service Agencies annually in line with Council's budget development process. Submission information will be available via Council's website and will be promoted on the website and by public notice.
2. Submissions will be received by Council's Risk and Performance Department.
3. Council Budget Engagement sessions will be held to allow submitters to present their submission to Council Officers and Councillors in person.
4. Relevant Council Officers will be asked to make comment on submissions. Commentary will be sought regarding the quality of the submission, assessment considerations and history of previous funding outcomes (if applicable).
5. Submissions and commentary will be presented to the Council's Executive and Councillors.
6. Councillors will consider submissions and commentary and decide which submissions (if any) will be included in the draft budget.
7. Submitters will be notified in writing whether their submission is included in the draft budget.
8. Submitters will be notified in writing of Council's decision when the final budget is adopted by Council. Council's decision is final.

3.7 Funding Agreements

Successful applicants for funding to deliver activities with Council monies will be required to sign a Funding Agreement before funding is disbursed. The Funding Agreement will include the conditions that funded organisations will need to meet throughout the funding term and upon acquittal of the funds.

3.8 Acquittal Process

An acquittal process will be consistently applied to those parties subject to Funding Agreements to ensure correct and intended use of funds.

Funding recipients will be required to complete an acquittal form either:

- Annually for multi-year funding
- Within two months of project completion for single-year funding

Funding recipients who fail to properly acquit their grants will not be eligible for any further Council funding until the matter is resolved.

Recipients of multi-year funding will also be required to submit proof of solvency in order to receive funding for the following year.

3.9 Internal Process for Acquittals

Receipt of acquittal reports will be the responsibility of Council's Finance Department.

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The Manager Finance will assess expenditure and forward to the relevant Manager to assess outcomes of the funding.

Acquittal reports will be signed off by both the Manager Finance and the relevant Department Manager.

The Manager Finance will ensure that all reports are added to ECM (Council's record management system).

Any issues with acquittals will be raised with the relevant General Manager who will make recommendations to Councillors regarding action required.

4. Responsibility / Accountability

4.8	<p>Council Officers</p> <ul style="list-style-type: none"> • Refer relevant parties seeking budget allocation to this Policy • Ensure that this Policy is followed • Provide commentary on submissions as requested • Provide advice to prospective submitters and unsuccessful submitters as requested • Oversee outcome component of acquittal process as requested
4.9	<p>Manager Finance</p> <ul style="list-style-type: none"> • Present submissions to Executive and Council • Notify submitters of outcomes of submissions • Provide input in to the development of Funding Agreements • Oversee assessment of financial component of acquittal process • Add acquittal forms to ECM
4.10	<p>Manager Risk and Performance</p> <ul style="list-style-type: none"> • Receive submissions • Enter data into Register of Submissions • Cross-check submissions with Community Funding Officer to ensure that no acquittals are outstanding and that the same program has not been funded under the Community Grants Program • Distribute submissions to relevant Council Officers for comment
4.11	<p>Community Funding Officer</p> <ul style="list-style-type: none"> • Provide information about previous or current grants received by Submitters

4.12	<p>General Managers</p> <ul style="list-style-type: none"> • Provide advice to Council regarding action on acquittal issues as required
4.13	<p>Executive</p> <ul style="list-style-type: none"> • Review submissions prior to presentation to Council
4.14	<p>Councillors</p> <ul style="list-style-type: none"> • Refer relevant parties seeking budget allocation to this Policy • Ensure that this Policy is followed • Assess submissions • Select successful submissions (if any)
4.15	<p>Funding Recipients</p> <ul style="list-style-type: none"> • Responsibility for meeting the obligations of the Funding Agreement

5. References and links to legislation and other documents

Name	Location
Melton City Council - Council and Wellbeing Plan 2017-2021	melton.vic.gov.au
Community Grants Program Guidelines	melton.vic.gov.au
Community Requests for Council Budget Allocation – Guidelines for Submissions	melton.vic.gov.au
Profile ID website – Melton (Census information)	profile.id.com.au/melton



Community Requests for Council Budget Allocation Guidelines for Submissions

March 2018

Melton City Council

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Definitions

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Community Service Agency	Funded organisations that promote, provide or carry out activities, facilities or projects for the benefit or welfare of the community or any members who have a particular need by reason of youth, age, infirmity or disablement, poverty or social or economic circumstances
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Introduction

Melton City Council (Council) recognises that community engagement and participation processes are a vital part of local democracy. Community engagement in the development of the annual budget provides an avenue for the community to make submissions for budget allocation. The budget reflects Council's core business as outlined in the Council and Wellbeing Plan.

Submissions are assessed on a case-by-case basis as part of Council's annual budget development. Allocation of funding is dependent upon the availability of funds and the merit of submissions.

These Guidelines provide information on the application and assessment process for submissions for Council budget allocation and should be read in conjunction with the Community Requests for Council Budget Allocation Policy (melton.vic.gov.au).

Council recommends that applicants submit their requests for budget allocation when they are invited during the development of the annual Council budget. This is the optimal time for inclusion of submissions in to the upcoming budget. Submissions may be received outside of this time but will not be assessed until the annual budget development process begins.

Submissions for budget allocation generally fall in to two categories:

1. Submissions from organisations seeking Council funding to allow that organisation to deliver projects, programs or services
2. Submissions seeking Council to both fund and deliver projects, programs or services

Different information is sought from Council for the two categories of submission therefore the Guidelines are structured to provide relevant information for each category separately to avoid confusion.

If you require assistance with this process or document, please contact Council's Community Planning Department on 9747 7200.

1. Submissions seeking Council to fund and deliver projects, programs or services

These submissions seek Council budget allocation for projects, programs or services that Council will deliver. Examples include: improvements to community facilities, installation of infrastructure such as lighting or development of new programs such as a sporting clinic for children.

Submission for budget allocation is one option for community members and organisations to seek support from Council. The Community Grants Program (melton.vic.gov.au) is another option that may be more appropriate for some submissions. Grants are open several times per year and provide options for groups and organisations seeking funding for a single year and for sums of \$10,000 or less.

1.1 Submission Process

Those making submissions for budget allocation for Council to fund and deliver projects, programs and services should:

1. Read and ensure adherence to these Guidelines
2. Complete the relevant sections of the Community Requests for Council Budget Allocation Submission Form (See Section 4). This form will also be available on line at melton.vic.gov.au
3. Submit Form to Council by the published deadline (which may vary from year to year)

1.2 Assessment Considerations

Allocation of budget will be based upon the merit of the submission and available funds.

Strong submissions will provide a clear outline of what should be done and demonstrate that the proposal addresses a clear need in the community and that it will have broad community benefit.

Submitters are strongly encouraged to address each of the following considerations in their application:

Consideration	To be included in the submission
1. Community Need	<ul style="list-style-type: none"> • What existing or emerging need does this proposal address? • How do you know this is a need? (Statistical and anecdotal evidence should be provided to support this) • Explain how the identified need aligns with Council and Wellbeing Plan objectives
2. Community Benefit	<ul style="list-style-type: none"> • Who will be involved in the project/program/service planning and delivery? • Describe any new community partnerships and connections that will be developed • Who will benefit from the project/program/service? (Identify which groups will benefit) • What will be the outcomes of the project/program/service for these groups?

1.3 Assessment Process

Submissions will be assessed using the following process:

1. Submissions will be invited from community members, Incorporated Community Organisations and Community Service Agencies annually in line with Council's budget development process. Submission information will be available via Council's website and will be promoted on the website and by Public Notice
2. Submissions will be received by Council's Risk and Performance Department
3. Council Budget Engagement sessions will be held to allow submitters to present their submission to Council Officers and Councillors in person
4. Relevant Council Officers will be asked to make comment on submissions. Commentary will be sought regarding the quality of the submission, assessment considerations and history of previous funding outcomes (if applicable)
5. Submissions and commentary will be presented to the Council's Executive and Councillors
6. Councillors will consider submissions and commentary and decide which submissions (if any) will be included in the draft budget
7. Submitters will be notified in writing whether their submission has been included in the draft budget
8. Submitters will be notified in writing of Council's decision when the final budget is endorsed by Council. Council's decision is final

2. Submissions seeking Council funding for external organisations to deliver projects, programs or services

These submissions are from organisations seeking Council funding for projects, programs or services that the applicant organisation will deliver. Submissions may be for single-year or recurrent funding for periods of up to five years.

Recurrent funding of up to five years is typically awarded only to organisations providing projects, programs or services for the benefit or welfare of the community or any members who have a particular need by reason of youth, age, infirmity or disablement, poverty or social or economic circumstances. Examples include:

- The provision emergency food relief to low income residents
- The provision of learning and social opportunities for people with disabilities
- Funding for the delivery of elements within a master plan for a community asset, i.e. landscape works

Should funding recipients seek further funding after the end of their existing funding term, they will need to prepare a new submission during their final year of funding to be considered for budget allocation for the next financial year. Further allocation must not be assumed. For example:

If you received three years of funding from 2016-2019, that funding term would end in mid-2019. To receive further funding for the 2019-2020 financial year, you would need to make a submission in September or October 2018. This would be considered along with all other submissions for budget allocation for the 2019-2020 financial year.

Submission for budget allocation is one option for community members and organisations to seek support from Council. The Community Grants Program (melton.vic.gov.au) is another option that may be more appropriate for some submissions. Grants are open several times per year and provide options for groups and organisations seeking funding for a single year and for sums of \$10,000 or less.

2.1 General Funding Conditions

- Submissions for projects where participants are charged fees must declare the charge per participant and the expected number of participants
- Successful applicants will be required to complete an acquittal process
- Applicants who have previously received funding through Council grants will only be considered if they have met all acquittal conditions for completed projects
- Retrospective funding will not be provided for projects already commenced
- Applicants must comply with Child Safe Standards if the project, program or service involves children or young people. See ccyp.vic.gov.au/child-safety for further detail on child safe organisations and your obligations

2.2 Eligibility Criteria

Applicants should meet the following eligibility criteria:

- Be an Incorporated Community Organisation or Community Service Agency. In the unlikely circumstance that an unincorporated group seeks funding, an auspice partnership may be considered*
- Hold an Australian Business Number (ABN)
- Hold relevant Public Liability Insurance coverage to the value of \$20 million
- Eighty per cent (80%) of participants for the proposed activity must be residents of the City of Melton

Projects, programs and services that are the direct responsibility of other government agencies are generally not viewed favourably for Council budget allocation.

Schools are not eligible to apply for budget allocation but may be a partner in a project submitted by an eligible organisation.

Individual community members cannot seek funding to deliver programs, services or projects themselves. They may only make submissions requesting that Council fund and deliver outputs.

* An auspice partnership is an arrangement between an incorporated organisation and an unincorporated group. The incorporated organisation receives the funding on your behalf and distributes the funds to your group for the delivery of the project. A letter confirming the auspice arrangement must be attached to the submission.

2.3 Submission Process

Organisations requesting Council budget allocation should:

1. Read and ensure adherence to these Guidelines
2. Complete the Community Requests for Council Budget Allocation Submission Form (See Section 4). Submissions can also be made online at melton.vic.gov.au
3. Submit Submission Form and any relevant attachments** to Council by the published deadline (which may vary from year to year)

**Applicants must include the following documents:

- Certificate of Incorporation
- Statement of Supplier if no ABN provided
- Two quotations for any expense over \$1000 to be funded with this grant
- Certificate of Currency for Public Liability Insurance of \$20 million (must cover activities outlined in submission)
- Project Plan
- Other supporting documentation, e.g. letters of support

The submission process is designed to be accessible to a range of Incorporated Community Groups and Community Service Agencies. The onus is on submitters to provide enough

Appendix 3 Policy Review Panel Minutes - dated 18 April 2018

information and evidence to support their submission and assist Council to assess the merits of the proposal.

Submission for budget allocation is one option for community members and organisations to seek support from Council. The Community Grants Program (melton.vic.gov.au) is another option that may be more appropriate for some submissions.

Applicants are encouraged to first exhaust the Community Grants Program options prior to making a submission through this Policy.

2.4 Assessment Considerations

Funding will be allocated based upon the merit of the submission and available funds.

Strong submissions will demonstrate that the proposal addresses a clear need in the community and that it will have broad community benefit. The submission will outline sustainability considerations if the activity is to continue beyond the requested funding period. Applicants will have adequate experience in their field and be able to demonstrate a commitment to promoting positive outcomes for the City of Melton.

Applicants are strongly encouraged to address each of the following considerations in their submission:

Consideration	To be included in the submission
1. Applicant Details and Experience	<ul style="list-style-type: none"> • What does your organisation do? • When were you established? • What are your governance arrangements? • What relevant work have you done in the past?
2. Community Need	<ul style="list-style-type: none"> • What existing or emerging need does this proposal address? • How do you know this is a need? (Statistical and anecdotal evidence should be provided to support this) • Explain how the identified need aligns with Council and Wellbeing Plan objectives
3. Community Benefit	<ul style="list-style-type: none"> • Who will be involved in the project/program/service planning and delivery? • Describe any new community partnerships and connections that will be developed • Who will benefit from the project/program/service? (Identify which groups will benefit) • What will be the outcomes of the project/program/service for these groups?
4. Ability to Deliver Project	<ul style="list-style-type: none"> • Provide a project plan that demonstrates the steps to be taken to deliver the project/program/service during the funded period • Provide a complete, realistic and achievable budget

	<ul style="list-style-type: none"> • Provide details of other sources of funding or resourcing for the project/program/service • Explain how the project/program/service may continue into the future (without Council funding) if it is an ongoing event or activity
5. Commitment to the Improvement of the Municipality	<ul style="list-style-type: none"> • Explain how your organisation has participated and been engaged in other community events and activities in the City of Melton • Explain your organisation's history of promoting positive outcomes for the community

2.5 Assessment Process

Submissions will be assessed using the following process:

1. Submissions will be invited from Incorporated Community Organisations and Community Service Agencies annually in line with Council's budget development process. Submission information will be available via Council's website and will be promoted on the website and by Public Notice
2. Submissions will be received by Council's Risk and Performance Department
3. Council Budget Engagement sessions will be held to allow submitters to present their submission to Council Officers and Councillors in person
4. Relevant Council Officers will be asked to make comment on submissions. Commentary will be sought regarding the quality of the submission, assessment considerations and history of previous funding outcomes (if applicable)
5. Submissions and commentary will be presented to the Council's Executive and Councillors
6. Councillors will consider submissions and commentary and decide which submissions (if any) will be included in the upcoming budget
7. Submitters will be notified in writing whether their submission has been included in the draft budget
8. Submitters will be notified in writing of Council's decision when the final budget is endorsed by Council. Council's decision is final

2.6 Funding Agreement

Successful submitters will be required to sign a funding agreement with Council. This document will detail the amount and fixed term of funding and conditions associated with the provision of funding.

2.7 Acquittal Report

Successful submitters are required to complete an acquittal process annually (for multi-year funding) or within two months of completion of the project for single year funding. Proof of solvency will need to be provided at this time for multi-year funding. An acquittal form template is provided in Section 5.

3. Submissions Made Outside of the Budget Development Period

Council recommends that parties submit their requests for budget allocation during the development of the annual Council budget. This is the optimal time for inclusion of submissions in to the upcoming budget. Submissions may be received outside of the budget development period but will only be assessed during the budget development period.

Applicants should follow the Guidelines outlined above to prepare their submission and submit to Council. These will be assessed with all other submissions received from the public at the beginning of the Council budget development period.

4. Community Requests for Council Budget Allocation - Submission Form

Please note that submissions can also be lodged via our online form at melton.vic.gov.au

Are you seeking funding for your organisation to deliver project, program or service?

Complete Sections 1 to 9

Are you requesting that Council fund and deliver a project, program or service?

Complete Sections 1, 3, 4b and 4c and 5 (these sections are shaded)

1. Contact Details	
Contact Person	
Position in the Organisation (if relevant)	
Phone	
Email	
Would you like to present your submission to Councillors in person?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Your Organisation	
Name of organisation	
Briefly describe what your organisation does	
Postal address	
Are you incorporated? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the incorporation registration number:	Are you not-profit? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Organisation's ABN:

<p>Will an auspice arrangement be required? <input type="checkbox"/> Yes <input type="checkbox"/> No If you answered 'yes', please provide a letter from the auspicng organisation</p>
<p>Has your organisation received funding from Melton City Council in the past five years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide detail (year, amount, project):</p>
<p>If yes, has your organisation provided an acquittal report to Council for each year funding was received? <input type="checkbox"/> Yes <input type="checkbox"/> No Note: If your organisation has received funding in a previous year and has not provided an acquittal report, you are not eligible to apply for funding</p>
<p>3. Project, Program or Service Outline</p>
<p>Project, Program or Service Title</p>
<p>Location</p>
<p>Target Community - Specify demographics and number of participants expected</p>
<p>Project, Program or Service Description – Briefly describe the main activities that will be undertaken</p>
<p>Project, Program or Service Outcomes – Describe what will be achieved at the completion of the project</p>

4. Assessment Considerations Explain how your project, program or service will meet the assessment considerations
4a) Applicant Details and Experience <ul style="list-style-type: none">• What does your organisation do?• When were you established?• What are your governance arrangements?• What relevant work have you done in the past?
4b) Community Need <ul style="list-style-type: none">• What existing or emerging need does this proposal address?• How do you know this is a need? (Statistical and anecdotal evidence provided to support this)• Explain how the identified need aligns with Council and Wellbeing Plan objectives
4c) Community Benefit <ul style="list-style-type: none">• Who will be involved in the project/program/service planning and delivery?• Describe any new community partnerships and connections that will be developed• Who will benefit from the project/program/service? (Identify which groups will benefit)• What will be the outcomes of the project/program/service for these groups?
4d) Ability to Deliver Project <ul style="list-style-type: none">• Provide a project plan that demonstrates the steps to be taken to deliver the project/program/service during the funded period• Provide a complete, realistic and achievable budget• Provide details of other sources of funding or resourcing for the project/program/service• Explain how the project/program/service may continue into the future (without Council funding) if it is an ongoing event or activity
4e) Commitment to the Improvement of the Municipality <ul style="list-style-type: none">• Explain how your organisation has participated and been engaged in other community events and activities in the City of Melton• Explain your organisation's history of promoting positive outcomes for the community

5. Funding Requested	
Note: Where inadequate or inaccurate costings have been provided, Council will cost the project, program or service and this will be considered in the assessment of the submission	
Total amount requested from Council (ex GST): \$	
If partial funding is acceptable, what is the minimum requested (amount or N/A): \$	
What particular costs will Council funding be used for? (Please note that funding cannot be used for the purchase or hire of equipment to address work health and safety issues or to fund ongoing operational or maintenance costs e.g. salaries or repairs)	
Total amount requested from other funding sources (amount or N/A): \$	
Funding source/s:	
Your contribution - either monetary or in-kind (amount, description or N/A): \$	
If you are requesting funding for your organisation to deliver a project, program or service, how will you/the project recognise Council's contribution? (Publicity, promotions, website, social media, press release, materials etc.)	
6. Draft Budget	
Note: Where inadequate or inaccurate costings have been provided, Council will cost the project, program or service and this will be considered in the assessment of the submission	
Income	
User fees / Registration fees	\$
Sponsorship	\$
Total of other grants (as listed above)	\$
Other e.g. fundraising	\$
Your contribution (either monetary or in-kind)	\$
Funding requested from Council	\$
TOTAL INCOME	\$
Expenditure*	
Salaries / Wages	\$
Rent / Venue Hire	\$
Administration	\$
Conference / Meetings	\$
Equipment / Materials	\$
Other (please specify)	\$
TOTAL EXPENDITURE	\$
*Please provide two quotes for each Council-funded expense greater than \$1000	

7. Attachments	
Please ensure you attach the following documents:	
<input type="checkbox"/> Project Plan <input type="checkbox"/> Certificate of Incorporation <input type="checkbox"/> Proof of non-profit status <input type="checkbox"/> Certificate of Currency for relevant Public Liability Insurance of \$20 million <input type="checkbox"/> Letter outlining auspicing partnership (if relevant) <input type="checkbox"/> Two quotes for any expense greater than \$1000 to be funded by this grant	
8. Child Safe Standards – Declaration	
If your proposal involves children or young people, you will be required to meet your obligations under Victoria's Child Safe Standards. See ccyp.vic.gov.au/child-safety for further information.	
I understand that my organisation is responsible for adherence to Victoria's Child Safe Standards <input type="checkbox"/> Yes <input type="checkbox"/> No	
9. Declaration by Submitter	
I declare that the information provided in this submission is correct and that I have read and accepted, on behalf of the organisation, the Community Requests for Budget Allocation - Guidelines for Submission.	
I acknowledge that Melton City Council has the right to withdraw the offer of funding or demand the return of any funds already paid if it is discovered that any of the information provided is false.	
Organisation/group's legal name:	
Representative's name:	
Position in the organisation/group:	
Signature:	Date:
Please note: this declaration must be signed by an Office Bearer from your Management Committee (e.g. president, chairperson, secretary or treasurer).	
10. Delivering your submission to Council	
<u>By mail</u> Manager Risk and Performance Melton City Council PO Box 21 Melton Vic 3337	<u>In Person</u> Manager Risk and Performance Melton City Council 232 High Street Melton Vic 3337
You can also complete your submission online at melton.vic.gov.au	
11. Privacy Collection Statement	
This form collects 'personal information' which Council requires in order to properly assess submissions and award funding. Your personal information will only be used for this purpose. In using it for this purpose, some of this personal information may be included in reports presented at public Council meetings (names and suburbs only). Please contact Council's Privacy Officer on 9747 7200 in order to amend any details provided on this form.	

5. Community Requests for Council Budget Allocation - Acquittal Report

If your organisation receives budget allocation to deliver projects, programs or services, you are required to complete this Acquittal Report annually (for multi-year funding) or within two months of project completion (for single-year funding). The due date for this report is specified in your Funding Agreement.

Funding Details	
Name of Organisation	
Contact Person	
Position in Organisation	
Phone and Email	
Project Name	
Amount of funding received	
Was all money spent?	Yes <input type="checkbox"/> No <input type="checkbox"/> If you answered 'No', how much money is remaining?
Project, Program or Service Outcomes	
Please describe how you achieved your goals for the project, program or service? - Consider who your project assisted, how it created benefits for the community, what your project changed	
Describe the key challenges to your project, program or service	

What would you do differently next time?- For multi-year projects, outline what changes you are putting in place to improve outcomes in the next year

Describe any unanticipated outcomes of your project, program or service (positive or negative)

Participation

Please estimate the number of participants of your project, program or service from each of the following groups
 (For multi-year projects, please specify whether the numbers are cumulative or for the current reporting year only)

Number of participants in total

Percentage of participants residing in the City of Melton

Children 0-4 years 5-11 years	Young People 12-17 years 18-24 years
Seniors 65+ years	Aboriginal and Torres Strait Islander Communities
Culturally and Linguistically Diverse Communities	People with Disabilities

Sustainability	
Will this project, program or service continue without Council funding?	
What measures did you or are you taking to help this project, program or service to be sustainable without Council funding?	
Attachments	
Please ensure you attach the following:	
<input type="checkbox"/> Copies of receipts for expenditure <input type="checkbox"/> Proof of solvency of organisation (for multi-year funding only)	
Declaration	
I declare that the details in this acquittal report are accurate to the best of my knowledge	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Name	
Position	
Organisation	



Terms of Reference

Name	Policy Review Panel
Endorsed by	Policy Review Panel – 18 April 2018
Approved by	Council
Next review	

1. PURPOSE

Established to provide advice and recommendations to Council on draft Council policies.

2. ROLE

- To undertake a review and assessment of all exiting 'Council' policies to determine their relevance and appropriateness and to recommend to Council in relation thereto.
- To identify 'gaps' that exist in Council policy and develop draft policies for recommendation to Council for adoption.
- To provide comment on the development of a 'Policy Framework' for Council.
- Reviewing and recommending to Council on Terms of Reference for all Council Committees.
- Review and consider policy proposals from Councillors for development of policy.

3. COMPOSITION

3.1 Membership

The panel consists of four Councillors and two officers who are appointed annually to the role.

Type of Appointment	Term of Office
Chair, Elected Representative	1 year
Elected Representative	1 year
Elected Representative	1 year
Elected Representative	1 year
Council Officer - Manager Legal and Governance	Ongoing
Council Officer – Governance Coordinator	Ongoing

3.2 Chair

The chair is filled by an elected representative elected annually by the members of the Panel.

The Chair is responsible for chairing meetings and setting meeting dates and location.

3.3 Council Officer

- Will take minutes of the meeting.

3.4 Executive Officer

The Governance Coordinator acts as the Executive Officer and is responsible for:

- Collating and circulating the agenda and draft policies to panel members
- Manages review of Council Policies including quality control.

4. OPERATING PROCEDURE**4.1 Quorum**

Three Councillors and one Council Officer.

4.2 Meetings

The Committee will meet every two months or as required.

The agenda together with reports and documents that relate to the Panel will be forwarded to members at least five days prior to meetings.

Accurate minutes will be kept of each meeting of the Committee. The minutes of a meeting shall be submitted to committee members for ratification at the next subsequent meeting of the Panel.


4.3 Reports to Council

The minutes will be submitted to the Council as part of its regular agenda.

4.4 Evaluation and Review

These Terms of Reference will be reviewed by the Council every two years.

Council will at least annually review all Committees to ensure that they are achieving the Terms of Reference established for the Committee and are continuing to provide value to this Council.

	Councillors as Candidates in a State or Federal Election Policy
Version No.	V1.1 – 18 April 2018
Endorsement	Executive – 12 April 2018 Policy Review Panel - 18 April 2018
Authorisation	Council <insert date>
Review date	30 June 2020
Responsible officer	Manager Legal and Governance
Policy owner	Governance Coordinator

1. Purpose

The purpose of this policy is to outline Council’s position in relation to a Councillor announcing an intention to be, or taking the step to nominate as, a candidate in a State or Federal election.

By complying with this policy, it is expected that Councillors will avoid the appearance that their position as a Councillor is being used as a platform for their campaign in the relevant State or Federal election.

2. Scope

This Policy applies to all Councillors who make the decision to be a Prospective Candidate or take the steps to be a Nominated Candidate for a Federal or State election.

This policy recommends the same treatment for Prospective Candidates and Nominated Candidates.

3. Definitions

Word/Term	Definition
Act	<i>Local Government Act 1989 (Vic)</i>
Nominated Candidate	a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.
Prospective Candidate	a Councillor who is endorsed as a candidate for election by a political party or who if not a member of a political party has announced their intention to nominate as a candidate in an election.
Council	means the City of Melton City, a body corporate constituted as a municipal Council under the <i>Local Government Act 1989</i> (the “Act”)
Election	a Victorian State election or a Federal election or a by-election for either parliament.
Election Period	the period commencing on the day a Councillor nominates as a candidate for election and concluding at the close of voting on election day.

Formal nomination date	the date set by the relevant electoral commission at which nominations to be candidates in an election close.
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4. Policy

This policy supports good governance at the City of Melton prior to and during an Election Period, provides guidance to Councillors to act in the best interests of the community whilst undertaking normal business including the functions of legitimate advocacy in an unbiased manner.

4.1 Councillors to declare their candidacy in an election

A Councillor who becomes a Prospective Candidate or a Nominated Candidate should provide written advice to the Chief Executive Officer (CEO), as soon as practicable, who will then advise all councillors in writing.

A Councillor who is a Prospective Candidate or a Nominated Candidate, should declare his/her intended candidacy at a meeting of the council as soon as practicable after notifying the CEO as above.

4.2 Leave of absence

A Councillor who becomes a Prospective Candidate or Nominated Candidate, should apply for leave of absence from the Council and this leave of absence should commence no later than the date of their advice to the CEO and conclude either at the close of voting for the election or when they no longer be a Prospective Candidate or Nominated Candidate, whichever occurs earlier. Section 66B of the Act outlines the Leave of Absence provisions.

Such a leave of absence is to be sought in accordance with the processes ordinarily adopted by Council and cannot, in accordance with section 69(2) of the Act, be unreasonably refused by Council.

A Councillor should request for their councillor allowance be ceased for the period they are on leave of absence. Section 74A(3) of the Act deals with payment of councillor allowances.

During this period, a Councillor who is on a leave of absence must not attend meetings of the council or otherwise act as a Councillor.

If the Councillor who becomes a Prospective Candidate or Nominated Candidate holds the Office of Mayor, it is the position of this Council that the Mayor should take a leave of absence in the same way as any other Councillor. In this circumstance, the council must appoint one of the Councillors to be the acting Mayor. (Refer the Act, sections 66B(2) & 73(3)).

4.3 Improper Use of Position by Councillors

A Councillor who is a Prospective or Nominated Candidate must take care to differentiate between his/her role as a state or federal election candidate and role as a Councillor when making public comment.

A Councillor who is a Prospective or Nominated Candidate must at all times avoid campaigning on (opposing or taking credit for) Council decisions in an effort to not be seen as misusing or inappropriately making use of their position. This includes making their views public on matters before the council (before or after it has been resolved) by way of letters, fliers, social media posts and other communication avenues.

Sections 76D and 76E of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

4.4. Council Resources and Activities

A Councillor who is a Prospective Candidate or a Nominated Candidate, must not use council resources, including council equipment and facilities in relation to his/her candidacy. This includes no use of office equipment including computer equipment, vehicles, telephones, mobile phones, logos, letterhead, council email addresses, mail and publications in relation to his/her candidacy.

The Councillor must not use council activities, including committee meetings and council-related external activities in relation to his/her candidacy.

4.5. Media Advice

Where a Councillor speaks on Council issues who is a Prospective or Nominated Candidate, the Councillor must clearly identify this fact.

No media advice or assistance will be provided in relation to election issues or publicity that involves Councillors who are a Prospective or Nominated Candidate.

Consistent with Council's Media Policy, media and external communications issued by Council are not to be used for political advantage by Councillors who are a Prospective or Nominated Candidate.

Media releases will not refer to specific Councillors in their capacity as Prospective or Nominated Candidates. Councillors who are Prospective or Nominated Candidate are not eligible to be Council's official spokesperson on Council advocacy priorities, Council will nominate an alternate Councillor to be Council's advocacy spokesperson where required.

Councillors will not use Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is a Prospective or Nominated Candidate.

Photos of and references to Councillors who are a Prospective or Nominated Candidate will only feature in Council's publications where it is related to usual Council business, functions or events.

During this time the Mayor and Deputy Mayor will not delegate to any Councillor who is a Prospective or Nominated Candidate any responsibility to represent him or her.

5. Responsibility /Accountability

5.1	<p>Governance Coordinator</p> <ul style="list-style-type: none"> The Governance Coordinator is the policy owner and is responsible for updating and amending this policy and related procedures.
5.2	<p>Manager Legal and Governance</p> <ul style="list-style-type: none"> The Manager Legal and Governance is the responsible officer and is responsible for providing professional advice and guidance to Councillors regarding this policy.

6. References and links to legislation and other documents

Name	Location
<i>Local Government Act 1989</i>	www.legislation.vic.gov.au
Councillor Code of Conduct	Policy Intranet
Governance Charter	Policy Intranet
Conflict of Interest: A Guide for Council Councillors	Policy Intranet
Mayor and Councillors Purchase Card Procedure	Policy Intranet
Resource Support and Expenses of Councillors and Special Committee Members Policy	Policy Intranet
Media Policy	Policy Intranet

	<h2>Community Events Signage Policy</h2>
Version No.	Draft 0.11, 28 February 2018
Endorsement	Policy Review Panel – 18 April 2018
Authorisation	Council <insert date>
Review date	1 July 2020
Responsible officer	Manager Compliance
Policy owner	City Amenity & Compliance Coordinator

1 Purpose

This policy has been created to inform event organisers of Council's requirements for the temporary placement of community event notice boards on roads and Council land. All community event signage should conform to size, safety and content standards and should not create a hazard, annoyance or distraction for road users and the wider community.

The community event to be advertised may be educational, cultural, religious, social or recreational but is not to be held for commercial purposes. This policy will ensure that event organisers are aware of time limits for sign placement, the application process, permitted locations and penalties that may be incurred for non-compliance.

2 Scope

This policy applies to the following groups:

- Council employees involved in the sponsorship, support or organising of community events
- Council employees responsible for assessing applications to erect advertising signs for community events
- Organisers of community events who are considering the use of advertising signs to publicize the event
- Authorised Council staff responsible for enforcing Council's advertising sign policy and General Local Law 2015
- Council staff or contractors responsible for the removal and storage of advertising signs which do not conform to the terms of the application and approval process.

Out of scope:

- This policy does not apply to the erection of advertising signs on private property. Council's Planning Enforcement team are able to provide information regarding the placement of signs on private property.
- Banners, flags and sandwich board signs (sometimes referred to as "A frames / boards") are not included in this policy as they are prohibited under General Local Law 2015.
- All signage on Council-owned or managed sporting reserves and centres is to comply with the provisions of *Melton Planning Scheme* and is not within scope of this policy.
- All forms of political and electoral advertising signs are not within scope of this policy.

3 Definitions

Word/Term	Definition
Commercial Event	Is defined as an event run by a for-profit business or for private financial gain.
Community Event	Means an event run by an organisation that is not for profit and is a legal entity, and where entry is free and the event proceeds are returned directly to the community.
Event	An activity or function that is open to the public and run once or at infrequent occurrences of limited duration that provides the general public with leisure and social opportunities beyond everyday experiences. Events are distinct and organised programs usually of sporting, cultural, community or special interest group significance.
Melton City Council General Local Law 2015	Melton City Council Local Law currently in place within Melton City and authorised under Section 111(1) of the <i>Local Government Act 1989</i>
Sign	A sign which contains information relating to a community event, charitable function or other charitable community activity from Melton City Council or within Melton.
Sponsor Panel	Area of the sign set aside for sponsorship information, corporate images or logo of sponsor.

4 Policy

This policy is created in conjunction with Melton City Council General Local Law 2015. Council permits the temporary placement of advertising signs for community events to be erected up to 28 days prior to the event, provided approval has been obtained in writing from the City Amenity and Compliance Unit. Signs may only be erected upon Council-approved sites. Any signs placed at unapproved locations may be removed and impounded without notice.

4.1 The Application Procedure

To proceed with an application Council must be satisfied that the community event is of a cultural, social or recreational nature and should encourage a high level of community participation, with strong benefits to the community. City Amenity & Compliance officers will assess the nature of the event along with the sign design and location before making a decision. The assessment will be conducted in accordance with the criteria detailed in sections 4.1, 4.2, 4.3 and elsewhere in this policy. Subsequently the applicant will be notified by a representative of the City Amenity & Compliance Unit whether approval is granted or denied.

Council may limit the duration of the sign placement and the number of signs permitted, giving consideration to roadside clutter, driver distraction and competition for attention with other signs. No new sign shall obscure existing signage, traffic devices, or signs relating to road works and other temporary road or traffic conditions.

Submitting an application:

- a. Applications shall be made using the form provided on the Melton City Council web site.
- b. Artwork must be supplied for appraisal with the application.
- c. The application shall be made at least two weeks prior to the intended date for erection of the sign.
- d. Permits may not be granted for any period longer than four weeks.
- e. No application fee is applicable.

- f. A maximum of three signs of the same design may be granted for each event.
- g. Council may refer any application to VicRoads for comment or approval.

Penalty and Removal of Signs

- a. A contravention of any condition of the permission granted could result in an infringement notice being issued.
- b. Any applicant who breaches the conditions of this policy may not be considered for any subsequent permission.
- c. Failure to remove any sign by the permit expiry date may result in an infringement notice and impoundment of the sign by an authorised officer of Melton City Council. A fee will be charged for the release of each impounded sign.
- d. An authorised Council officer may impound any community event sign placed on roads and Council land contrary to the requirements of this policy and issue an infringement notice in accordance with Melton City Council General Local Law 2015 or the Environment Protection Act 1970.

4.2 Physical Aspects of the Sign

Size:

- a. The sign shall be no more than 2.4 metres high x 1.2 metres wide.
- b. The maximum height of the top of the sign above ground level is 2.7 metres.
- c. Alternative sizing for boards which are to be used repeatedly and which meet the spirit of this policy may be allowed if specifically approved by the City Amenity and Compliance Coordinator prior to its initial use.

Content:

- a. The sign must include the name of the community group organising the event located in the middle section of the sign.
- b. Lettering should be large enough to be clearly legible for passing motorists. As a general guide, principle lettering should be at least 100mm high in a 60 km per hour zone and 120mm high in a 80 km zone.
- c. To avoid driver distraction the messaging on any sign must be simple and concise.
- d. The recommended fonts for signs are those set down in Australian Standards AS1744 (Series E and D are preferred). Arial Bold is reasonably close to the Australian standard fonts.
- e. Sponsorship information, corporate images or logo of sponsor may only be located within the sponsor panel. The sponsor panel should be located at the foot of the sign's advertising area and occupy a space no greater than 20% of the total height of the sign.
- f. All signs must display the permit number supplied by Council along with the permit expiry date on the bottom right-hand corner of the board.
- g. No sign will be approved if the message conveyed is deemed to be offensive or discriminatory or political in nature.

Structural:

- a. The sign shall be of a solid and sound construction, erected in a secure and stable manner so that it is capable of withstanding the elements.
- b. Side panels are not permitted.

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- c. Star pickets are not to be used in the installation process
- d. Signs shall not be animated or illuminated in any way.
- e. It is the responsibility of the organiser to ensure that all signs are constructed in a way such that all fixtures and fittings are flush with the surface of the sign and that no sharp or jagged edges are exposed. Signs which do not conform to this safety standard represent a hazard to the public and may be impounded immediately.

4.3 Approved Sites

Currently there are sixteen approved sites for placement of community event signs within the Municipality. Each site can accommodate either one, two or three or three signs as per the following table and signs are to be placed at the spots indicated by permanent markings:

Suburb	Location	Maximum Signs
Burnside	Western Highway/Westwood Drive, North West	2
Caroline Springs	Caroline Springs Boulevard (corner Rockbank Middle Road)	2
Diggers Rest	Old Calder Highway	2
Exford	Exford Road island/naturestrip	1
Eynesbury	Eynesbury Road	1
Hillside	Melton Highway next to 9A Leslie Circuit	1
Hillside	Melton Highway entry to Hillside	2
Melton	Melton-Gisborne Road corner of Nuspan Court	1
Melton	Melton Highway adjacent to Ryans Lane	2
Melton	High Street opposite Melton Valley Drive	2
Melton	Melton Highway opposite Ryans Lane	2
Melton	Coburns Road, corner of access road to Woodgrove in front of 7/11	1
Melton South	Exford Road, corner of Brooklynn Road	1
Mount Cottrell	Mount Cottrell Road	1
Rockbank	Leakes Road before Ian Cowie Way	2
Toolern Vale	Diggers Rest - Coimadaí Road	1

5 Responsibility /Accountability

Responsible Individual / Group	Responsibility
Manager Compliance	Overall responsibility for ownership and implementation of the policy
City Amenity & Compliance Coordinator	Responsible for actioning and enforcing the policy
Melton City Council Policy Review Panel	Responsible for review and approval of policy

6 References and links to legislation and other documents

Name	Location
<i>Environment Protection Act 1970</i>	http://www.epa.vic.gov.au/about-us/legislation/acts-administered-by-epa/guide-to-the-environment-protection-act
<i>Local Government Act 1989</i>	http://www.legislation.vic.gov.au
Melton City Council Events Policy	\mel-fps\public\Policies and Procedures Intranet\Intranet Pages\Policies and Procedures.Policies_files\Events Policy.pdf
Melton City Council General Local Law 2015	http://www.melton.vic.gov.au/Regulations/Local-Laws/General-local-law
Melton Planning Scheme	http://www.melton.vic.gov.au/Services/Building-Planning-Transport/Strategic-Planning/Melton-Planning-Scheme/Current-Planning-Scheme-Amendments?BestBetMatch=planning%20schemeId13b95b2-5146-4b00-9e3e-a80c73739a64J4f05f368-ecaa-4a93-b749-7ad6c4867c1f1en-AU
<i>Planning and Environment Act 1987</i>	http://www.legislation.vic.gov.au/

	<h2>Political & Electoral Signage Policy</h2>
Version No.	Draft 0.3, 19 December 2017
Endorsement	Policy Review Panel – 18 April 2018
Authorisation	Council <insert date>
Review date	1 July 2020
Responsible officer	Manager Compliance
Policy owner	City Amenity & Compliance Coordinator

1 Purpose

During campaigns for State, Federal and Local elections, political candidates and their supporters may choose to publicize their campaigns by the construction or display of electoral signage on privately-owned land. The temporary placement of signage is permitted on private land, provided the sign conforms to the requirements of the Melton Planning Scheme and the Department of Environment, Land, Water and Planning regulations (DELWP). The placement of electoral signage on roads and Council-owned or managed land is not permitted under any circumstances.

The purpose of this policy is to ensure that political candidates and campaign organisers are aware of the time limits, size requirements and construction standards regarding the erection or display of electoral signage on private land. This policy will also clarify the enforcement options available to Council in the event that a regulatory breach occurs. These enforcement options include impoundment of the sign and the issuing of infringement notices.

2 Scope

This policy applies to the following groups:

- a. Candidates and organisers of political campaigns who are considering the use of electoral signage to publicize and promote candidates or political parties
- b. Authorised Council staff responsible for enforcing this policy, Council's General Local Law 2015 and Council's Planning Scheme
- c. Council staff or contractors responsible for the removal, impoundment and storage of political signs as a result of non-compliance

3 Definitions

Word/Term	Definition
DELWP	Department of Environment, Land, Water and Planning
Electoral Signage	A sign which contains information relating to a political candidate or political party, which is being displayed as part of a State, Federal or Local election campaign
Melton City Council General Local Law 2015	Melton City Council Local Law currently in place within Melton City and authorised under Section 111(1) of the <i>Local Government Act 1989</i>

4 Policy

This policy is created in alignment with Melton City Council's General Local Law 2015 and the Melton Planning Scheme. Additional information can be obtained from the DELWP website.

4.1 Electoral signage on private land

Under clause 52.05-4 of the Melton Planning Scheme, electoral signage is permitted on private land subject to the following restrictions:

- a. The advertising area of the sign shall not exceed 5 square metres
- b. Only one sign shall be displayed on each property
- c. The sign shall not be displayed longer than 14 days after the event is held or 3 months in total, whichever is sooner
- d. If an event is being advertised, there shall be no commercial aspect to the event

Providing the sign conforms to the above requirements, there is no application process, fee, or permit required. In the event of non-compliance, details of the potential penalties and the impoundment process can be found in Section 4.3 of this policy.

4.2 Recommended construction standards

Large signs are particularly susceptible to wind-damage and poorly-constructed signs represent a hazard to the public and road-users. Panels or entire signs can be dislodged and thrown considerable distances during storms and high winds. Therefore, it is recommended that a suitably-qualified tradesperson is commissioned to install the sign according to the following guidelines:

- a. The sign should be of a solid and sound construction, erected in a secure and stable manner so that it is capable of withstanding the elements.
- b. It is the responsibility of the private land-owner to ensure that any electoral sign on their property is constructed in a way such that all fixtures and fittings are flush with the surface of the sign and that no sharp or jagged edges are exposed.

Council is not legally responsible for any material damage or personal injury caused by electoral signage which is poorly-constructed or has become dislodged. Any sign which is deemed to be a potential risk to the wellbeing or property of others may be impounded without notice.

4.3 Penalties and impoundment

a. Penalties

Where breaches are identified or suspected, an authorised officer of Council is empowered to carry out the course of action appropriate to each situation by administering a combination of the following penalties and actions:

- i. Issue a formal notice to comply in accordance with Section 102 of the General Local Law 2015
- ii. Carry out an impoundment of the sign by an authorised officer or representative of Council in accordance with Section 109 of the General Local Law 2015 (see impoundment section below)
- iii. Issue an infringement notice and fine of \$500 in accordance with Section 28 of the General Local Law 2015. A person served with an infringement notice is required to pay the penalty specified in the infringement notice to Council within 28 days of service, failing which legal proceedings can be instituted against that Person.
- iv. In cases where a fine has not been paid in full by the specified date Council may commence legal proceedings to obtain the balance of the fine along with any other

applicable costs. These costs may include (but are not limited to) sign release fees, legal fees, sign disposal fees and costs associated with the impoundment of the sign.

Any expense incurred by Council in consequence of a breach of the Melton Planning Scheme or as a result of enforcing a Local Law must be paid by the person deemed by Council to have committed the breach. Such costs will be recoverable as a debt due and payable.

b. Impoundment

In cases where the requirements specified in sections 4.1 and 4.2 are deemed not to have been met, Council will usually arrange an impoundment of the sign within 24-48 hours of the breach being identified. This impoundment may be carried out in addition to any infringements, warnings, notices or other penalties. Once the sign has been impounded the following conditions will apply as per Clause 109 of the General Local Law 2015:

- i. As soon as it is reasonably practical to do so, an authorised officer will serve a notice of impoundment on the organiser of the electoral campaign. This notice will set out the release fee payable, methods of payment and the date by which the sign must be retrieved. The retrieval date will be specified as 6 weeks from the impoundment date.
- ii. Council may refuse to release the sign until the release fee of \$90 has been paid. The release fee can be paid to customer service staff either in person or over the telephone.
- iii. Once the release fee has been paid, the customer service unit will process the payment, schedule the collection and provide a receipt number to be quoted when collecting the sign from the impoundment facility at 90 High Street Melton.
- iv. Collection will be scheduled from Monday to Friday during the hours of 9:00 to 17:00 and is subject to the availability of an authorised officer to release the sign.
- v. If the sign is not retrieved within the timeframe specified in the notice of impoundment, an authorised officer will take steps to dispose of the sign in the most economical way.
- vi. In cases when the identity or whereabouts of the campaign organiser is unknown, Council will hold the sign for a period of 6 weeks and then dispose of the sign in the most economical way.

4.4 Electoral signage on roads, or Council owned and managed land

Council does not permit any type of electoral signage being erected or displayed on Council land, including on:

- Public open space reserves or parks, or;
- Road reserves, including nature or median strips, traffic islands, roundabouts, or attached to trees.

Any electoral signs placed on roads or Council land may be impounded without notice, with no prior warnings or infringements being issued. For more on the impoundment process refer to section 4.3b above.

5 Responsibility /Accountability

Responsible Individual / Group	Responsibility
Manager Compliance	Overall responsibility for ownership and implementation of the policy
City Amenity & Compliance Coordinator	Responsible for actioning and enforcing the policy
Melton City Council Policy Review Panel	Responsible for review and approval of policy

6 References and links to legislation and other documents

Name	Location
Melton City Council General Local Law 2015	http://www.melton.vic.gov.au/Regulations/Local-Laws/General-local-law
Melton Planning Scheme	http://www.melton.vic.gov.au/Services/Building-Planning-Transport/Strategic-Planning/Melton-Planning-Scheme/

	<h2>Dog Attack Policy</h2>
Version No.	Draft 0.13, 28 December 2017
Endorsement	Policy Review Panel – 18 April 2018
Authorisation	Council <insert date>
Review date	1 July 2019
Responsible officer	Manager Compliance
Policy owner	City Amenity & Compliance Coordinator

1 Purpose

Dog attacks include dogs biting, rushing at or chasing a person or animal. The number of dog attacks occurring in suburban areas of Melbourne have been growing in recent years, as people and animals come into closer proximity due to a rapid population growth and higher density housing. The physical and psychological impacts of dog attacks can be severe and Melton City Council takes its role in the enforcement of dog attack regulations very seriously.

This policy has been created to provide some context around the processes undertaken by Council when dealing with dog attacks and related offences such as dogs wandering at large. When read in conjunction with Council's *Dog Attack Work Instruction* it will also ensure openness, transparency and consistency regarding the way Council investigate and deal with dog attacks. The owner (or the person in apparent control of the dog at the time of the attack) will be held responsible for a dog attack. Penalties for dog attacks can include significant fines, criminal convictions, payment of council and victim costs, imprisonment and in some cases the dog being ordered to be destroyed.

2 Scope

This policy applies to the following groups:

- Council employees involved in the administration, investigation and prosecution of dog attacks
- Council employees involved in Melton Animal Pound duties
- All dog owners or persons responsible for a dog within the City of Melton. This includes visitors to the municipality as well as local residents
- Members of the public who have been rushed, chased, or have felt threatened by the actions of a dog or dog owner
- Members of the public who own animals that have been attacked or bitten by a dog

3 Definitions

Word/Term	Definition
Dog Attack	A dog attack is defined as an action of a dog that involves the dog rushing at, chasing or biting a person or another animal (other than vermin), whether or not any injury or damage occurs to the person or animal.
Dog Owner	The owner of the dog or the person in apparent control of the dog at the time of the attack
Dog Rush	When a dog approaches a person to a distance of less than 3 metres in a menacing manner, displaying aggressive tendencies that may include snarling, growling and raised hackles.
Melton City Council General Local Law 2015	Melton City Council Local Law currently in place within Melton City and authorised under Section 111(1) of the <i>Local Government Act 1989</i>
Restricted Breed	Means a dog that is any one of the following breeds; Japanese Tosa, Fila Brasileiro, Dogo Argentino, Presa Canario, American Pit Bull Terrier
The Act	<i>Domestic Animals Act 1994</i>

4 Policy

Council encourages that all dog attacks be reported and commits to investigating all reported attacks to a conclusion. Dog attack investigations are initiated with the mindset that they may all result in a court case. This policy provides some important definitions relating to dog attacks and outlines some of the consequences facing owners of dogs responsible for attacks within the City of Melton. The legislation which underpins this policy is the *Domestic Animals Act 1994*. *The Act* should be referred to whenever additional details or information regarding penalties is required.

4.1 Domestic Animals Act 1994

The Act gives Melton City Council and other Local Governments various discretions in respect of dogs that are found to have attacked persons and animals, or otherwise require specific controls. This includes (but is not limited to) the power to investigate and prosecute following dog attacks, and various discretions in respect of dogs that have been involved in attacks, or otherwise present a risk to public safety as follows:

- a. The discretion to *refuse to register* (or to refuse to renew registration) of dangerous dogs, or to impose conditions on the registration of dangerous dogs, in accordance with Section 17 of the Act.
- b. The discretion to declare a dog to be a *Menacing Dog* in prescribed circumstances in accordance with Section 41A of the Act.
- c. The discretion to declare a dog to be a *Dangerous Dog* in prescribed circumstances in accordance with Section 34 of the Act.
- d. The discretion to *search* for a dog in prescribed circumstances in accordance with Section 84E of the Act.
- e. The discretion to *seize* a dog in prescribed circumstances in accordance with Part 7A of the Act.
- f. The discretion to *destroy* a dog that has been involved in an attack or rush, or other non-compliance with the Act in accordance with Section 84P of the Act.

4.2 Wandering dogs

Dog attacks are often caused by dogs wandering in the street, rushing out from poorly fenced properties, or exercised off-leash by their owner. It is an offence under Section 24 of *the Act* to let a dog wander on its own outside a property and when this occurs Council may issue orders pursuant to Section 26(2) requiring that dogs must be under effective control in any public place.

Allowing a dog to wander can place it at risk of being lost, attacked or involved in an accident. It can also create problems for neighbours. They are entitled to enjoy their property without a dog entering it and possibly causing damage, creating a nuisance or chasing their animals. Furthermore, the owner of any animals or birds kept for farming purposes is legally entitled to destroy any dog found at large near their livestock.

There are designated areas within the City of Melton where dogs may be exercised off-lead. These areas are identified by signs and have conditions of use which must be observed and obeyed by dog owners. Any dog attack which occurs in these off-leash areas will be subject to the same investigation and prosecution process as dog attacks which occur elsewhere. For further details and locations of Council's off-leash areas, please refer to the City of Melton website.

4.3 Serious injury resulting from dog attack

Section 3(1) of *the Act* specifies a serious injury as '*an injury requiring medical or veterinary attention in the nature of a broken bone, a laceration, the total or partial loss of sensation or function in a part of the body, or an injury requiring cosmetic surgery*'. If serious injury occurs as the result of a dog attack, Council may destroy the dog pursuant to Section 84TA of *the Act*, or declare the dog dangerous and the owner will subsequently be bound by the requirements outlined by the state government. Serious injury sustained as the result of an attack will also increase the likelihood of a prosecution and the severity of the consequences for the owner.

4.4 Consequences of a dog attack

When a dog attack occurs, the City of Melton will take all steps necessary to enforce the discretions available to Council appropriate to the incident. For an investigation to commence, Council must receive a notification stating the nature of the incident or event. A City of Melton authorised officer will then contact the complainant to obtain further information and establish if an offence under *the Act* seems to have occurred, the severity of the offence and the appropriate course of action. The officer will explain the investigation process and other information relevant to the alleged offence. Enforcement options are limited if the complainant is not willing to provide an undertaking to give evidence in court.

If proven, the consequences of a dog attack will usually include a combination of the following penalties:

- a. The dog owner may be issued with an infringement notice and ordered to pay a fine.
- b. The dog involved in the attack may be declared menacing or dangerous by Council.
- c. The dog involved in the attack may be seized and held by Council pending the outcome of any legal action against the owner. Daily costs and release fees will be applicable as outlined in Section 4.7 of this document.
- d. If a dog attack is proven in a court this may result in a criminal conviction for the dog owner or person in charge of the dog at time of the offence or both.
- e. Council may pursue all costs associated with the case, and the victim of a proven attack can also claim costs. In some cases the victim may pursue civil action against the accused for additional damages.
- f. The owner of the dog may be subject to a banning order preventing dog ownership for up to ten years.

- g. A dog involved in an attack may be ordered by Council or a court to be destroyed.
- h. Serious dog attacks may result in imprisonment of the dog owner if the dog has previously been declared dangerous or is a restricted breed dog.
- i. There are also offences under the Crimes Act 1958, Division 9AA, Subdivision 1 with regard to dogs that have been declared dangerous, menacing or restricted and where the owner has failed to control a dog which has killed a person or had reckless control of a dog putting another person in danger of death.

4.5 Menacing dogs

Some offences are treated more seriously if a council has previously declared a dog as dangerous or menacing, or if the dog is a restricted breed. Under Section 41A of *the Act*, Council may declare a dog to be a menacing dog if:

- a. the dog has rushed at or chased a person; or
- b. the dog bites any person or animal causing injury to that person or animal that is not in the nature of a serious injury; or
- c. the dog has been declared a menacing dog under a law of another State or Territory.

Owners of dogs that have been declared menacing have a number of obligations. These include notifying the council within 24 hours in certain circumstances, such as if the dog has rushed at or chased someone, or if it goes missing.

4.6 Dangerous dogs

Under Section 34 of *the Act*, Council may declare a dog dangerous if it:

- a. has caused death or serious injury to a person or animal; or
- b. is a menacing dog and the owner has been fined twice before for failing to muzzle the dog and keep it on a leash; or
- c. has been declared a dangerous dog by another State or Territory; or
- d. has been served with two infringement notices for rushing, chasing or non-serious bites.

Any person who acquires a dog which has previously been declared dangerous by any State or Territory is required to notify Council immediately. This requirement also applies to owners of dangerous dogs which have been relocated between States or Territories.

4.7 Impoundment of a dog

If Council take the decision to, or are legally instructed to seize a dog as per section 4.1 (e) above, the dog will be impounded and daily impound and release fees will be applicable. In addition, Section 10C of the *Domestic Animals Act* 1994 requires cats and dogs to be micro chipped as a condition of registration (which is compulsory once the animal is 3 months of age). On impoundment, if a dog is found to be unregistered the owner will be instructed to register the animal. In cases where dogs are not micro chipped, micro chipping will be carried out at the owner's expense. In cases where dogs are to be declared dangerous any associated fees such as de-sexing will be carried out at the owner's expense. All fees are subject to annual revision and the latest fees are available for viewing on the City of Melton website.

Impounded dogs may only be visited during normal animal pound opening hours. Visitation rights for dogs impounded due to an attack are evaluated on a case-by-case basis and awarded at Council's discretion.

Any dog seized will remain in custody until the alleged incident has been fully investigated.. Where an order for destruction has been made by the court or pursuant to Section 84TA as per section 4.3 above, the dog will be euthanised, and where a dog is to be declared dangerous or menacing,

the owner of the dog must comply with relevant state government regulations before the dog is released.

4.8 Domestic Animals Act: Related offences

Whenever a dog attack occurs, City of Melton authorised officers will conduct a variety of background checks in relation to the animals and owners involved. As a result of these checks, a dog owner can often be charged with a variety of other domestic animal offences in addition to charges relating to the actual attack. The following table references the *Domestic Animals Act 1994* to provide details of some of the more common additional offences which may arise if a dog is involved in an attack:

Code	Domestic Animals Act Offence Description
10	Failure to apply to register a dog or cat
10(2)	Failure to renew the registration of a dog or cat
20(1)	Registered dog or cat not wearing Council identification marker outside premises
21	Unregistered dog or cat wearing Council identification marker
22	Person other than owner removing, altering or defacing identification marker
23(4)	Dog or cat on private property after notice served
24(1)	Dog at large or not securely confined to owners premises during day time
24(2)	Dog at large or not securely confined to owners premises during night time
26(1)	Contravening Council order relating to presence of dogs and cats in public places
29(7)	Allow dog to rush or chase a person
37(2)(b)	Failure to notify Council of missing dangerous dog
38(1)	Dangerous dog not confined to residential premises
38(2)	Dangerous dog not confined to non-residential premises
41E	Not muzzling or controlling menacing dog
41EA	Keeping a restricted breed dog
41G	Fail to confine restricted breed dog

4.9 Costs to victims of dog attacks

If a prosecution is successful, Council can ask the court for costs from the owner or the person in apparent control of the dog at the time of the attack. Typically these costs will be comprised of Council expenses and costs that may have been incurred by the victim of the dog attack such as veterinary or medical expenses. Complainants may also take civil action for damages, regardless of Council initiating a prosecution. However, it is *not the role of Council* to recover costs for damages alleged to have occurred in a dog attack and it is not a consideration to be taken into account when authorised officers decide on the appropriate enforcement option. Under no circumstances will City of Melton authorised officers' act as intermediaries in recovering costs, and prosecutions will not be initiated for the purposes of recovering costs. The decision to prosecute rests with Council, based primarily on the evidence and seriousness of the case.

4.10 Offences relating to authorised officers

Council is committed to ensuring the health, safety and wellbeing of its employees. Authorised officers responsible for enforcing animal management legislation have a right to do so without being subjected to harassment, obstructive behaviour or abuse.

As outlined in Section 4.1 of this policy, the *Domestic Animals Act 1994* gives authorised officers of Council the power to investigate and prosecute following dog attacks. Part 7 of the Act provides detailed information regarding the role of authorised officers and the enforcement options available to the officers whilst carrying out their lawful duty. In particular, this policy highlights the following sections of *the Act*:

Section 76: Offence to refuse to give information or documents

A person must not refuse to or fail, without reasonable excuse, to comply with a lawful direction, order or a requirement of an authorised officer; or

- refuse or fail without reasonable excuse, to give that person's name and place of residence; or
- a person must not, without reasonable excuse, obstruct or hinder or attempt to obstruct or hinder an authorised officer in the discharge of his or her powers, duties or functions under this Act; or
- a person must not, without reasonable excuse, refuse admission to an authorised officer exercising a power of entry under this Act or a person assisting an authorised officer in exercising a power of entry under this Act.

Section 74(2): Powers of authorised officers

An authorised officer who is exercising a power under subsection (1), (1A) or (1B) may at any reasonable time and by any reasonable means enter any building not occupied as a place of residence or any land or vehicle; or

- search the whole or any part of any building, land or vehicle; or
- inspect animals, enclosures or other goods; or
- ask questions; or
- seize, examine or take copies of, or extracts from documents; or
- seize and remove any animal in accordance with Division 2 of Part 7A (of the Act).

5 Responsibility /Accountability

Responsible Individual / Group	Responsibility
Manager Compliance	Overall responsibility for ownership and implementation of the policy
City Amenity & Compliance Coordinator	Responsible for actioning and enforcing the policy
City Amenity & Compliance Authorised Officers	Responsible for actioning and enforcing the policy
Melton City Council Policy Review Panel	Responsible for review and approval of policy

6 References and links to legislation and other documents

Name	Location
Domestic Animals Act 1994	http://www.legislation.vic.gov.au
Domestic Animal Regulations 2005	http://www.legislation.vic.gov.au
Local Government Act 1989	http://www.legislation.vic.gov.au
Melton City Council General Local Law 2015	http://www.melton.vic.gov.au/Regulations/Local-Laws/General-local-law