



MELTON CITY COUNCIL

Minutes of the Policy Review Panel Meeting of the Melton City Council

30 November 2021

MINUTES OF THE POLICY REVIEW PANEL**30 NOVEMBER 2021**

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MELTON CITY COUNCILMINUTES OF THE POLICY REVIEW PANEL MEETING OF THE
MELTON CITY COUNCIL HELD IN THE VIA A VIDEOCONFERENCE
ON 30 NOVEMBER 2021 AT 10:30AM

Present: Cr K Majdlik (Chair)
Cr Carli
Cr S Ramsey
Cr J Shannon

In Attendance: Mr B Dosser, Manager Legal, Governance & Risk
(entered meeting at 10.30am and remained for the entire duration)
Ms E Hayley, Coordinator Communications
Ms S Rumoro, Manager Finance
Ms E Rider, Manager Community Planning
Mr A Josifovski, Coordinator Community Activation & Learning

1. WELCOME

Cr Majdlik opened the meeting at 10.33am and welcomed the Panel Members.

Motion

Crs Carli/Shannon.

That Cr Majdlik continue to act as the Chair of the Policy Review Panel.

CARRIED

Cr Majdlik:

- Welcomed Cr Deeming to the Policy Review Panel for the first time;
- Formally extended the thanks of the Policy Review Panel to Cr Ramsey for her significant contribution to the work of the Panel and the many years of service dedicated by her to it.

2. APOLOGIES

Nil.

3. DECLARATION OF INTERESTS AND / OR CONFLICT OF INTEREST

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Nil.

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Panel agreed that going forward all staff entering the Policy Review Panel would be asked by the Manager Legal, Governance and Risk (or other representative of Governance in attendance) whether they had any conflict of interest in respect of the matters they were presenting on pursuant to Part 6, Division 2 of the Local Government Act 2020 and Council's Governance Rules.

Mr Dosser confirmed he had no General Conflict or Material Conflict in respect of any of the matters before the Panel today.

4. MINUTES OF PREVIOUS MEETINGS**RECOMMENDATION:**

That the Minutes of the Policy Review Panel held on 3 November 2021 be noted.

Motion

Crs Carli/Shannon.

That the Minutes of the Policy Review Panel held on 3 November 2021 be noted.

CARRIED

5. OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

Nil.

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6. PRESENTATION OF STAFF REPORTS**6.1 MEDIA POLICY**

Ms Haley entered the meeting at 10.40am and confirmed she had no General Conflict or Material Conflict in respect of any of the matters she was presenting on to the Panel today.

Responsible Officer: Laura-Jo Mellan - Acting General Manager Corporate Services

Document Author: Elissa Haley - Coordinator Communications

Date Prepared: 19 November 2021

1. Recommendation:

- a) To approve the revised Media Policy.

Motion

Crs Carli/Deeming.

That Council:

- a) approve the revised Media Policy at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED

2. Background**2.1 The Policy**

The Media Policy sets out Melton City Council's policy on protocols for councillors and staff when dealing with the media.

This policy provides clear processes for Council to manage, monitor and coordinate dealings with the media. It also ensures any potential risk to Council's reputation can be assessed and managed when responding to the media.

The policy has been updated with reference to the new Local Government Act 2020 to ensure it aligns with the overarching governance principles and the five supporting principles within the Act, in particular the following public transparency principles:

Council information must be publicly available unless:

- (b)
- (i) the information is confidential by virtue of this Act or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to all;

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- (d) public awareness of the availability of Council information must be facilitated.

The policy has also been assessed against the *Charter of Human Rights and Responsibilities Act*.

The policy remains largely the same, with minor tweaks including rewording of some sections, restructuring the order and outlining the process regarding interview requests.

2.2 Sources/benchmarking

The following sources were used to research and ensure alignment with other Council policies and strategies:

Existing Media Policy, Council Plan 2021 – 2025, Councillor Code of Conduct, Staff Code of Conduct, Online Engagement Policy.

The policy was also reviewed against the Darebin City Council Media and Social Media Policy, Hume City Council Media Policy and City of Casey Communication Policy.

2.3 Consultation

The following internal departments were consulted:

- Communications
- Community Planning
- Governance
- Executive

2.4 Communication and Implementation

The Media Policy will be uploaded on the policy intranet and internal teams notified via email. It will also be provided to new employees as part of the induction process.

2.5 Compliance

The policy is compliant with external legislation, including the *Local Government Act 2020 (Vic)* and the Corporate Policy Management Framework.

2.6 Measures of Success

The measures of success for this policy will be:

- No unauthorised spokespersons dealing with media.
- All media responses aligned with Council's agreed key messages.

These measures will be reported through to the Manager, Engagement and Advocacy.

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LIST OF APPENDICES

1. Media Policy - Track Changes

Ms Haley left the meeting at 11.11am.

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Item 6.1 Media Policy

Appendix 1 Media Policy - Track Changes

	Media Policy
Version No.	V3.0
Endorsement	Executive, Policy Review Panel, 30 November 2021
Authorisation	Council, 13 December 2021
Expiry date	12 December 2025
Responsible officer	Engagement and Advocacy Manager
Policy owner	Communications Coordinator

1. Purpose

This document sets out Melton City Council's policy on protocols for councillors and staff when dealing with the media.

Effective communication with the media is an important component of Melton City Council's ability to meet its strategic objectives, to promote effective engagement with residents and stakeholders and to advocate for and on behalf of the community.

2. Scope

This policy applies to all Melton City Council councillors, staff, contractors, sub-contractors and volunteers.

This policy applies to all interaction with external news media.

This policy should be read in conjunction with the Councillors Code of Conduct and the Employee Code of Conduct.

Please refer to the Online Engagement Policy regarding social media.

Please refer to the Melton Municipal Emergency Management Plan regarding media relations during an emergency.

3. Definitions

Word/Term	Definition
Media	For the purposes of this policy, the term media refers to all external news channels, including television, radio, newspapers, magazine, online news services, and industry news services. It also includes journalism students. It does not refer to social media such as Facebook, Instagram, Twitter, LinkedIn, SnapChat, TikTok, YouTube or online blogs. (Refer to the Online Engagement Policy).

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Item 6.1 Media Policy

Appendix 1 Media Policy - Track Changes

4. Policy

This policy provides guidance to ensure councillors and staff understand and respect the role of the media, and to ensure that timely, accurate and newsworthy information is provided to the media.

To communicate clear and consistent messages through the media, it is important to have a coordinated approach. The impacts of information repeated through the media are far reaching and it is necessary that we have a policy in place to effectively manage the information and comments provided to media sources.

This policy provides clearly defined processes for Melton City Council to manage, monitor and coordinate dealings with the media.

This policy aligns with the overarching governance principles and five supporting principles in the Local Government Act 2020, in particular, the following public transparency principles:

(b) Council information must be publicly available unless:

- (i) the information is confidential by virtue of this Act or any other Act; or
- (ii) public availability of the information would be contrary to the public interest;

(c) Council information must be understandable and accessible to all;

(d) public awareness of the availability of Council information must be facilitated.

4.1 Official spokespersons

The Mayor is Melton City Council's official spokesperson on community and political issues including Council and Wellbeing Plan, Budget and decisions of Council.

The Chief Executive Officer is the official spokesperson on operational issues and staffing matters. The CEO can delegate to the relevant General Manager or Manager.

Liaison between the Communications unit and the relevant manager may determine if an officer is to be quoted for a specific program or event.

4.2 Media enquiries

The Communications unit is the primary liaison point between the media and the organisation.

4.2.1 Councillors

As elected community representatives it is expected that the media will contact councillors directly at times to provide comment on issues and councillors as elected representatives are free to provide comment.

If comments to the media are contrary to a Council adopted position, on matters yet to be considered by Council or of a personal nature, it should be clearly stated as the personal views of that Councillor.

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Councillors can seek assistance from Council's Communications team in preparing a response to any media enquiry

If a councillor is contacted about an issue that is the subject of a pending Council decision or pending policy, the councillor must be careful not to state a definitive position prior to the Council meeting.

If a councillor or officer becomes aware of an issue that has the potential to develop into a media issue or when directly contacted by a journalist, **it must be** brought to the attention of the Mayor, Chief Executive Officer, relevant General Manager or Communications unit and that advice is sought on factual information and key messages prior to responding to media enquiries. This will ensure accurate information is provided, and that it is communicated in a way that minimises any risk to Council's reputation.

If a councillor is approached by the media for a photo opportunity or an interview request on behalf of Council, they must notify the Mayor immediately.

4.2.2 Staff

All media enquiries and requests for interviews must be referred to the Communications unit. If officers are contacted directly by a journalist, they must notify Communications immediately and politely direct the journalist to a Communications representative.

A response will be provided to the journalist in one of two formats:

- A written response attributed to the appropriate spokesperson; or,
- A verbal response by the appropriate spokesperson

For written responses, Communications will research the enquiry and a draft response will be formulated by the relevant Manager or General Manager in conjunction with Communications. This will then be discussed with the spokesperson for approval.

In the case of interview requests for operational matters, Communications will liaise with the CEO or relevant General Manager to determine the most appropriate spokesperson and will brief the spokesperson prior to the interview.

Communications will at times provide journalists with background information but are not spokespersons in the first instance.

However, if the very rare situation arises that an appropriate Council officer cannot be contacted before deadline, but the correct information is available, the Media and Communications Officer or Communications Coordinator will respond on behalf of the organisation. (Note: this does not apply to policy or political issues, only operational).

4.3 Approaching the media

The Communications unit is responsible for issuing media releases, organising photo opportunities, media briefings, pitching news and human-interest stories, letters to the editor and contacting journalists about potential issues.

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Item 6.1 Media Policy

Appendix 1 Media Policy - Track Changes

The Communications unit liaises with council staff on identifying media stories. Likewise, staff are encouraged to contact Communications to advise of any potential media stories.

4.4 Media monitoring

The Communications unit is responsible for monitoring media activity and identifying potential issues. Council undertakes a strategic approach to issues management and it is important that issues are brought to the attention of Communications.

If a Councillor becomes aware of an issue, incident or opportunity that is likely to attract media attention, the Mayor, the Chief Executive Officer, relevant General Manager or Manager and the Communications unit must be notified immediately. This includes issues, incidents or opportunities that occur outside normal business hours (i.e. weekends, public holidays etc...)

If an officer becomes aware of an issue, incident or opportunity that is likely to attract media attention, the Chief Executive Officer, relevant General Manager or Manager and the Communications unit must be notified immediately. This includes issues, incidents or opportunities that occur outside normal business hours (i.e. weekends, public holidays etc...)

Communications provides a weekly media monitoring report to Councillors and Executive. If the Communications unit becomes aware of a possible media issue, it will alert Councillors and Executive as required.

4.5 Charter of Human Rights and Responsibilities Act 2006

This policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 as being consistent with that Act and, in particular, as promoting the rights of members of the community to have access to Council and Council information.

5. Responsibility /Accountability**5.1 Councillors**

- Understand and comply with the provisions in this policy
- Seek advice from the Communications unit on media relations
- Seek training and development for media relations
- Seek advice from the CEO or the Communications unit if unsure about applying the provisions of this policy

5.2 Executive

- Understand and comply with the provisions in this policy
- Promotion of adherence of this policy to Management team and staff
- Seek advice from the Communications unit on media relations
- Seek training and development for media relations

5.3 Staff, contractors, sub-contractors and volunteers

- Understand and comply with the provisions of this policy

5.4 Business unit Managers

Media Policy

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	<ul style="list-style-type: none">• Ensure contractors and staff are aware of this policy and comply with its requirements• Approve media releases• Provide draft media responses in a timely manner in liaison with Communications
5.5	Communications unit <ul style="list-style-type: none">• Protect the reputation and image of Council• Provide advice on media relations and media training• Educate Councillors, staff, volunteers and contractors about this policy and their responsibilities in undertaking media relations• Undertake media monitoring• Establish and maintain effective relationships with the media• Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council

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Item 6.1 Media Policy

Appendix 1 Media Policy - Track Changes

6. References and links to legislation and other documents

Name	Location
Council and Wellbeing Plan 2021-25	www.melton.vic.gov.au
Code of Conduct (Councillors)	Policy and Procedures Intranet www.melton.vic.gov.au
Code of Conduct (Employee)	Policy and Procedures Intranet
Council Employment Contracts	
Council Online Engagement Policy	Policy and Procedures Intranet
Council Corporate Style Guide	Policy and Procedures Intranet
Enterprise Risk Management Policy	Policy and Procedures Intranet
Photography Policy	Policy and Procedures Intranet
Municipal Emergency Management Plan (MEMP)	www.melton.vic.gov.au
<i>Defamation Act 2005 (Vic)</i>	www.legislation.vic.gov.au
<i>Evidence Act 2008 (Vic)</i>	www.legislation.vic.gov.au
<i>Freedom of Information Act 1982 (Vic)</i>	www.legislation.vic.gov.au
<i>Information Privacy Act 2000 (Vic)</i>	www.legislation.vic.gov.au
<i>Local Government Act 2020 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy and Data Protection Act 2014 (Vic)</i>	www.legislation.vic.gov.au
<i>Privacy Act 1988 (Cth)</i>	www.austlii.edu.au
<i>Protected Disclosure Act 2012 (Vic)</i>	www.legislation.vic.gov.au
<i>Public Records Act 1973 (Vic)</i>	www.legislation.vic.gov.au

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6.2 FEES AND CHARGES POLICY

Mr Rumoro entered the meeting at 11.11am and confirmed he had no General Conflict or Material Conflict in respect of any of the matters he was presenting on to the Panel today.

Responsible Officer: Laura-Jo Mellan - Acting General Manager Corporate Services

Document Author: Sam Rumoro - Manager Finance

Date Prepared: 22 November 2021

1. Recommendation:

To approve the amended Fees and Charges Policy

Motion

Crs Shannon/Deeming.

That Council approve the revised Fees and Charges Policy at **Attachment 1**.

CARRIED

2. Background**2.1 The Policy**

The purpose of this policy is to provide advice on the principles that Council will follow in determining its fees and charges, under the Local Government Act 2020 (The Act) and other relevant legislation, (e.g. National Competition Policy and Competitive Neutrality Policy) to ensure a consistent application across all Council's Services.

2.2 Sources/benchmarking

Policies from various other Councils were considered in updated this policy.

2.3 Consultation

The policy was reviewed in consultation with Executive at its meeting held on 11/11/2021. Policy is in line with Revenue and Rating Strategy 21-22 to 25-26 adopted by Council in June 2021.

2.4 Communication and Implementation

No significant changes have been made.

2.5 Compliance

The policy is compliant with Local Government Act 2020 and other relevant legislation.

2.6 Measures of Success

The purpose of the Fees and Charges Policy is to put in place a framework to assist with determining the most appropriate and affordable fees and charges, to enable Council to

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adequately finance the objectives in the Council Plan.

LIST OF APPENDICES

1. Fees and Charges Policy

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Item 6.2 Fees and Charges Policy

Appendix 1 Fees and Charges Policy

	Fees & Charges – Policy
Version No	1.2 November, 2021
Endorsement	Executive
Authorisation	Policy Review Panel- 30 November 2021 Council- 13 December 2021
Expiry date	30 June 2024
Responsible officer	Manager Finance
Policy owner	Coordinator Accounting Services

1. Purpose

Is to provide advice on the principles that Council will follow in determining its fees and charges, under the Local Government Act 2020 (The Act) and other relevant legislation, (e.g. National Competition Policy and Competitive Neutrality Policy) to ensure a consistent application across all Council's Services.

2. Scope of Policy

The fees and charges policy identify two types of fees and charges i.e., Statutory and User:

2.1 Statutory Fees and Charges

Are those associated with infringements, permits and licences set by the State or Australian Governments by legislation or regulations: examples of statutory fees and charges include parking infringements, town planning fees, land information certificates, permits and property Information requests.

Council does not have the power to determine statutory fees & charges. Hence the Council's guiding principle with regard to statutory fees and charges shall be to align the relevant charges with the statute. These will be done at the time of adoption of annual budget and also as and when the fees and charges schedules are revised by statute.

2.2 User Fees and Charges

Are associated with Council activities provided to the community through the sale of goods and services, or rental of property or facilities. User fees and charges are not regulated by statute. Examples of user fees and charges include waste disposal, community and aged care, children services, land clearing fees, library service fees and community hall hire fees.

With regard to user fees and charges that are not regulated by statute, Council will consider the guiding principles which recognises that Council services are very diverse and there are widely differing levels of need and ability to pay among the various client groups. Hence, Council's methodology in pricing the different services will vary accordingly, taking into account the factors and principles such as statutory limitations, community services and social policy obligations, cost recovery, user capacity to pay and benchmarking of similar services provided by other Councils or service providers.

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Item 6.2 Fees and Charges Policy

Appendix 1 Fees and Charges Policy

This will enable the Council to meet its objectives for the services to the community according to the Council plan.

3. Definitions

Word/Term	Definition
Benchmarking	Benchmarking involves measuring the performance of your business against a competitor in the same market. Comparing your business to others is a valuable way of improving your understanding of your business performance and potential.
Service Performance Principles	The Service Performance Principles are series of standards; a local government entity should meet in relation to quality, cost, needs of the community etc as outlined in Section 106 of the Local Government Act 2020.
The Act	The <i>Local Government Act 2020</i>
National Competition Policy/Competitive Neutrality Policy	Refers to a set of federal government policies introduced in Australia with the aim of promoting economic reform to ensure that Government businesses do not enjoy any net competitive advantage simply as a result of their public sector ownership.
VAGO	Victorian Auditor General's Office.

4. Policy Statement

The policy statement includes the following guiding principles. These are described in detail in the Council's Fees and Charges Procedure & Guidelines.

- Cost reflective pricing and future considerations.
- Community expectations and equity values.
- Service Performance Principles.
- Compliance with the Competition and Consumer Act 2010 and the
- National Competition Policy requirements pricing.

Services are to be provided on the basis of one of the following pricing methodologies. These pricing methodologies are described in detail in the Melton City Council Revenue and Rating Plan 2021/22 to 2025/26.

- Market pricing
- Full costs recovery pricing
- Subsidised or accessible pricing.
- Disincentive pricing

To implement the policy each department within Council is required to review their individual fees and charges in accordance with fees and charges review procedure. In summary, this involves

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Item 6.2 Fees and Charges Policy

Appendix 1 Fees and Charges Policy

following the 5 step process outlined below which are described in detailed in the fees and charges review procedure and guidelines.

Every business unit within the Council that provide goods and services to the public for a fee will be required to:

1. Adopt the appropriate pricing regime for the goods and services provided and articulate the rationale for the basis adopted.
2. Choose the appropriate pricing methodology for the service.
3. Comply with Competition and Consumer Act and Competitive Neutrality Policy and Guidelines.
4. Establish prices for new services and/or review current price in the Fees and Charges Module which feeds into the fees and charges schedule to be included in the Annual Budget document.
5. Update the revised charges in the Fees and Charges Module which feeds into the fees and charges schedule to be included in the Annual Budget document.

5. Accountability

5.1	General Managers
	<ul style="list-style-type: none"> Ensure that all business units adopt the fees and charges policy in determining the fees and charges for goods and services supplied to their customers. Review the social, economic, political, financial and environmental impact of any increase in fees and charges.
5.2	Managers
	<ul style="list-style-type: none"> Undertaking an annual review of all fees and charges in accordance with the fees and charges policy and procedure and guidelines. Identifying any new fees and charges that should apply and seek approval from Executive to include in the fees and charges schedule. Updating and ratifying fees and charges in the Fees and Charges Module for inclusion in the Annual Budget document.
5.3	All council officers
	<ul style="list-style-type: none"> Providing accurate information to facilitate an annual review of all fees and charges in accordance with the fees and charges policy and procedure guidelines. Ensuring that the new fees are in place at the date the budget is formally adopted.

6. Responsibility for Administration of Policy

6.1	Manager Finance
	<ul style="list-style-type: none"> Responsible for administering this policy
6.2	Coordinator Accounting Services
	<ul style="list-style-type: none"> Responsible for providing professional advice and guidance to all staff regarding this procedure & guidelines.

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Item 6.2 Fees and Charges Policy
 Appendix 1 Fees and Charges Policy

7. References and links to legislation and other documents

Name	Location
<i>Local Government Act 2020 (Vic)</i>	www.legislation.vic.gov.au
<i>Gender Equality Act 2020 (Vic)</i>	www.legislation.vic.gov.au
Melton Council Fees and Charges Procedure & Guidelines	Policy & Procedures Intranet
Melton City Council Revenue and Rating Plan 2021/22 to 2025/26	Council website www.melton.vic.gov.au/Council/About-Council/Council-Plans-and-Budget
Financial Assistance (Rates & Charges) Policy	Policy & Procedures Intranet
Schedule of Fees and Charges adopted as part of the Council's Annual Budget.	PowerBudget – Link 8a
Training Notes for use of the Fees and Charges Module in PowerBudget	PowerBudget – Side tab under Training Notes, titled: 'Fees Charges – LG Solutions'

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6.3 FINANCIAL RESERVES POLICY**Responsible Officer:** Laura-Jo Mellan - Acting General Manager Corporate Services**Document Author:** Sam Rumoro - Manager Finance**Date Prepared:** 22 November 2021**1. Recommendation:**

To approve the amended Financial Reserves Policy

Motion

Crs Carli/Shannon.

That Council:

- a) approve the revised Financial Reserves Policy at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED**2. Background****2.1 The Policy**

The purpose of this policy is to ensure Council sets aside and maintains monies in specific general financial reserve funds to meet specific legal and non-legal liabilities.

2.2 Sources/benchmarking

Policies from various other Councils were considered in updated this policy.

2.3 Consultation

The policy was reviewed in consultation with Executive at its meeting held on 11/11/2021.

2.4 Communication and Implementation

No significant changes have been made.

2.5 Compliance

The policy is compliant with external legislation and the Local Government Act 2020.

2.6 Measures of Success

That financial reserves are created and administered in a transparent way with an appropriate framework in place.

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LIST OF APPENDICES

1. Financial Reserves Policy

Mr Rumoro left the meeting at 11.26am.

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Item 6.3 Financial Reserves Policy
Appendix 1 Financial Reserves Policy

	Financial Reserves Policy
Version No.	0.2 November 2021
Endorsement	Executive
Authorisation	Policy Review Panel- 30 November 2021 Council- 13 December 2021
Expiry date:	30 June 2024
Responsible officer:	Manager Finance
Policy owner	Coordinator Accounting Services

1. Purpose

To ensure Council sets aside and maintains monies in specific general financial reserve funds to meet specific legal and non-legal liabilities.

2. Scope

This policy is applicable to both Discretionary and Statutory Reserves for Council and includes creation of Reserves, transfers of funds to Reserves and subsequent use of funds from Reserves.

This policy excludes the Asset Revaluation Reserve that arises under the Australian Accounting Standards because it relates to the change in asset values rather than the collection of funds.

This policy applies to Councillors and Council Officers and staff

3. Definitions

Word/Term	Definition
Reserves	Are funds that have been set aside from operating and capital incomes for future funding of projects. From an accounting perspective the value of these funds are recorded in equity balance sheet ledger accounts.
Statutory Reserves	Statutory Reserves are those required by legislation to record Councils future expenditure commitments.
Discretionary Reserves	Discretionary Reserves are those developed by Council to record Councils future expenditure commitments.
Developer Contributions	Developer contributions are payments made by developers towards costs associated with essential infrastructure.

4. Policy

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Item 6.3 Financial Reserves Policy
Appendix 1 Financial Reserves Policy

This policy is required to ensure a consistent and formalised process around the creation of Reserves, transfer to Reserves and subsequent expenditure of funds from these Reserves.

Council will maintain both Statutory and Discretionary Reserves that acknowledge the receipt of funds from particular sources to be applied on programs that are consistent with the purposes of that Reserve Fund.

For the purposes of efficient financial management it is acknowledged that in lieu of borrowings, Reserves Funds may be used to assist funding specific projects and are not designed to assist in general operations of Council.

Reserves represent a record of future obligations, or aspirations of projects. To ensure prudent management of these funds expenditure from these Reserves should form part of the Annual Budget program as approved by Council.

As at 30 June each year the recorded cash balances will, as a minimum, be equivalent to the total of the Statutory and Discretionary Reserves balances. Appendix A is a listing of current Reserves.

5. STATUTORY RESERVES

The use of funds from Statutory Reserves is governed by legislation (or other legal requirements) and records Council's future expenditure commitments. Statutory Reserves are also funds collected from developers or funding bodies that represent future obligations. These are separately accounted for to ensure sound financial management of future operations.

Where statutory funds are collected to fund future infrastructure there are legal requirements that govern how the funds must be spent. This may include expending the funds in accordance with the terms and conditions of the funding or on projects in the vicinity of the developments that the funds were collected in respect of.

6. DISCRETIONARY RESERVES

Discretionary Reserves are funds held by Council and segregated from general revenues, based on Council directions, to finance future expenditures or to provide for a specific project so as to ensure funds are available as required. Discretionary Reserves may be varied from time to time where expenditure commitments may be created and retired.

Council may also create program specific Reserves where capital purchases occur across multiple financial years, funded by operational surpluses and/or borrowings.

6.1 Creation of Discretionary Reserves

As a general rule, income and expenditure should be budgeted in the financial year in which it occurs. However, Council does in some instances create Discretionary Reserves where:

- It is anticipated that extensive works will require funding over a period of time;
- Funds are collected specifically for funding of those works or other initiatives.

All new Discretionary Reserves must be established via a Council resolution or via the Council budget process.

6.2 Transfers of Funds to Reserves

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Item 6.3 Financial Reserves Policy
Appendix 1 Financial Reserves Policy

Amounts transferred to individual Discretionary and Statutory Reserves come from a variety of sources including:

- **Developer contributions**

100% of developer contributions will be transferred to Reserves in the financial year that funding is received.

- **Operational transfers;**

Equity - Plant Replacement Reserve; Funding derived from Motor Vehicle and Plant replacement will be transferred to the respective Reserves each year.
Carry Forward Reserve – Advance Income; Funding derived from income received in advance such as operating grants.

- **Budget transfers**

Transfers determined as part of the budget process.

- **Transfers of Funds to Statutory Reserves**

Transfers to Statutory Reserves are able to be made by Finance staff in accordance with the relevant legislative and legal requirements.

6.3 Transfers of Funds from Reserves

All transfers of funds from a reserve must be for the agreed purposes for which the Reserve was created.

6.4 Transfers Approved As Part of the Budget Process

In most cases the transfer of funds from Reserves will be approved as part of the Annual Budget process. For example, Capital Works Projects need to include details of project funding, including any planned use of Reserves. Projects are then evaluated and submitted to Council for approval.

6.5 Transfers of Funds In Excess of Approved Budget

In cases where a transfer of funds from a Reserve was approved in the budget but subsequently a higher level of funding is required from Reserves, approval must be sought before transfers are made. Any such transfer from a Discretionary Reserve for purposes outside of the budget must be approved by the CEO up to a limit of \$250,000 and reported to Council at its the next meeting. Statutory Reserves are to be dealt with in this regard pursuant to any applicable legislation.

6.6 Transfers of Funds not approved as Part of the Budget Process

From time to time there may be a requirement to transfer funds from a Reserve for purposes not foreseen when the budget was developed. Any such transfer from a Discretionary Reserve for purposes outside of the budget must be approved by the CEO up

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Item 6.3 Financial Reserves Policy
Appendix 1 Financial Reserves Policy

to a limit of \$250,000 and reported to Council at its the next meeting. Statutory Reserves are to be dealt with in this regard pursuant to any applicable legislation.

6.7 Transfers of Funds from Statutory Reserves

Transfers from Statutory Reserves are able to be made by Finance staff in accordance with the relevant legislative and legal requirements.

7. Responsibility /Accountability

7.1	Manager Finance
	<ul style="list-style-type: none"> Responsible for managing corporate Finance system is up to date. Responsible for reporting of Reserves in the financial statements.
7.2	Coordinator Accounting Services
	<ul style="list-style-type: none"> Responsible for the day to day management of the policy.

8. References and links to legislation and other documents

Name	Location
Local Government Act 2020	http://www.legislation.vic.gov.au
Australian Accounting Standards Board (AASB)	http://www.aasb.gov.au
<ul style="list-style-type: none"> AASB 101 Presentation of Financial Statements. - 	
Victorian Auditor-General's Office	https://www.audit.vic.gov.au

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Item 6.3 Financial Reserves Policy
Appendix 1 Financial Reserves Policy

Appendix A

List of Reserves

Plant Replacement Reserve
Street trees/drainage
Community infrastructure
Asset replacement
Perpetual maintenance
Public Art
Defined benefit call
Accommodation reserve
Infrastructure and strategic investment
Carry forward reserve – Advance Income

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6.4 COMMUNITY LEARNING ADVISORY COMMITTEE RENEWAL AND TERMS OF REFERENCE

Ms Rider and Mr Josifovski entered the meeting at 11.26am and each confirmed they had no General Conflict or Material Conflict in respect of any of the matters they were presenting on to the Panel today.

Responsible Officer: Troy Scoble - Acting General Manager Community Services

Document Author: Elyse Rider - Manager Community Planning

Date Prepared: 24 November 2021

1. Recommendation:

- a) To approve the title change from the Community Learning Board to the Community Learning Advisory Committee
- b) To approve the renewed Terms of Reference of the Community Learning Advisory Committee

Motion

Crs Carli/Shannon.

That Council:

- a) approve the title change from the Community Learning Board to the Community Learning Advisory Committee; and
- b) approve the revised Terms of Reference of the Community Learning Advisory Committee at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED

2. Background**2.1 The Policy**

The Melton City Community Learning Board was established in 2006 with the purpose of increasing community capacity through lifelong learning. The current Terms of Reference (TORs) were endorsed in 2017.

Over 2019-2020 the meeting cycle of the board was disrupted.

In 2021, Council led a participatory review of the Community Learning Board with members and Council Officers, which included:

- Reconvening the board
- Reviewing the Terms of Reference
- Holding a facilitated workshop with members on the purpose, benefits and role of the Board

The outcome of this review included the following recommended changes:

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- Change of title from Community Learning Board to Community Learning Advisory Committee to reflect the functional role of the group
- Update to meeting cycle to align with Advisory Committees of Council
- Terms and method of Nomination of members to align with governance practice for Advisory Committees
- Inclusion of a community representative member representing Indigenous education and learning in Melton City
- Inclusion of the Coordinator of Community Activation and Learning as an ex-officio staff member
- Update of Selection of Community Representatives to align with governance practice for Advisory Committees
- Increased Expectations/ Requirements of Members in line with workshop finding of the purpose and contribution of the committee
- Minor updates to the TORs reflecting desired governance processes and purpose

2.2 Sources/benchmarking

Terms of Reference from established Community Advisory Committees of Council informed the revised Terms of Reference for the Community Learning Advisory Committee.

The renewal of this committee is aligned with the development of the Community Learning Strategy for Melton City proposed for 2022, which will be guided by this committee.

The renewal of the committee and expanded membership, as reflected in the proposed TORs, will support Melton City to deliver community learning outcomes and commitments under the following strategic documents:

- Council Plan and Wellbeing Plan 2021 - 2025
- Melton City 2041—The City We Create
- Creative Melton 2030 - a Vision for Libraries and Arts
- UNESCO Framework of Key Features of Learning Cities (Melton City is a recognised UNESCO Lifelong Learning City)

2.3 Consultation

The current Community Learning Board met with facilitator Richard Baum from Ashton Forsyth on Wednesday 11 August 2021 to review the current structure and function of the Community Learning Board and discuss alternatives for new terms of reference. The topics included group discussions regarding:

- Size and composition
- Structural status
- Attendance
- Role clarity
- Working parties structure
- Alignment with organisational priorities

Based on the findings from the session held in August, Draft TORs were created and circulated to all existing members of the current Community Learning Board for review and

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comment on 14 September 2021 for further discussion at the Community Learning Board meeting held on Wednesday 22 September 2021. Quorum agreed to progress the process of changing from the Community Learning Board to the Community Learning Advisory Committee and to propose the Draft TORs to Council for review and endorsement.

Officers contacted all members listed on the Community Learning Board and sought to re-engage them in 2021. Seven community representative members of the Community Learning Board re-engaged and participated in meetings in 2021. It is proposed that these active members maintain their positions in the new term.

The membership renewal process is a result of the following vacancies:

- Two members – including the youth and disability sector representatives have not resumed active participation and did attend any meetings in 2021. It is proposed these roles are re-opened.
- The position of Independent Schools community representative was vacant in 2019-2021.
- The position of Early Childhood Education Sector community representative was temporarily filled by an Early Years Council staff member as a community representative was not recruited.

Community Membership Status

Adult Learning or Training Representative	Current member	Trish Heffernan - EO Djerriwarrh Community & Education Services
Neighbourhood Houses Network Representative	Current member	Pam Madej - EO Melton South Community Centre
Learning and Employment Networks Representative	Current member	Deirdre Hardy - EO Future Connect
Youth Sector Representative	Inactive member - Re-open position	Colleen Bergin – Youth Now
Business and Industry Representative	Current member	Mark Corrie – CEO Western BACE
Disability Sector Representative	Inactive member - Re-open position	Frances O'Reilly – Merrimu Services
Indigenous Sector Representative	Vacant (new role)	
Seniors Sector Representative	Current member	Jane Sultana – Secretary U3A
Early Childhood Education Sector	Vacant	
Government Schools Representative: Primary or Secondary	Current member	Dr Michael Gruis -Assistant Principal Lakeview Senior Secondary College and Melton City Resident
Independent Schools Representative: Primary or Secondary	Vacant	
CALD Community Representative	Current member	Heidi Zwick - Community Programs Manager VICSEG New Futures

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2.4 Communication and Implementation

There are 12 appointed community representative roles proposed on the Community Learning Advisory Committee, with the role of an Indigenous Sector Representative being added.

It is proposed that the seven current active members who have participated in the renewal process will be renewed against their appointed roles for the 3-year term.

It is proposed that new members are sought for the vacant five community representative positions.

Following Council endorsement of the revised TORs officers will deliver an EOI process for new members drawing on stakeholder networks of Council and current members, and through public advertising in February 2022.

An interview process for new members following the TORs process at 4.3. will then be conducted and recommended membership presented to Council for endorsement.

2.5 Compliance

The proposed Terms of Reference is compliant with external legislation and the Local Government Act 2020 (Vic) and the Corporate Policy Management Framework.

2.6 Measures of Success

- Establishment of new membership through a successful EOI process
- Improved meeting regularity and governance processes
- Participation and engagement of the renewed Community Learning Advisory Committee in the development of the Melton City Community Learning Strategy for Council's consideration.

LIST OF APPENDICES

1. Community Learning Advisory Committee Terms of Reference

Ms Rider and Mr Josifovski left the meeting at 11.55am.

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Item 6.4 Community Learning Advisory Committee Renewal and Terms of Reference

Appendix 1 Community Learning Advisory Committee Terms of Reference



Terms of Reference

Name	City of Melton Community Learning Advisory Committee
Endorsed by	Policy Review Panel – 30 November 2021
Approved by	Council – 13 December 2021
Next review	November 2024

1. PURPOSE

The purpose of this document is to set out the terms of reference, composition and operating arrangements of the City of Melton Community Learning Advisory Committee.

2. DEFINITIONS

Word/Term	Definition
Ex Officio	Ex officio members have a position on the Committee by virtue of their role within Council. As an advisory committee to Council there must be at least one Councillor represented and Council officer. leaders holding positions that can make resourcing decisions and provide strategic input into service delivery. The number of Council ex officio positions on the Committee must be less than the number of ordinary members

3. RESPONSIBILITY

The Community Learning Advisory Committee has been established as an advisory committee of Council. The Community Learning Advisory Committee consults with the community and provides advice and recommendations to Council on matters relating to community lifelong learning and its social and economic benefits.

3.1 The Advisory Committee has the responsibility to:

- 3.1.1 Promote Melton as a Learning City and as a member of UNESCO Global Network of Learning Cities (GNLC).
- 3.1.2 Respond to relevant documents including policies, reports, research documents and plans provided by Council officers for comment.
- 3.1.3 Facilitate the implementation of the Learning City Strategy by supporting the identified actions, strategies and frameworks.
- 3.1.4 Advocate for lifelong learning culture development in the City of Melton.
- 3.1.5 Be proactive in stimulating, activating and supporting initiatives, events and projects that facilitate lifelong learning, improve employability of individuals and increase the social resilience of residents.

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Item 6.4 Community Learning Advisory Committee Renewal and Terms of Reference

Appendix 1 Community Learning Advisory Committee Terms of Reference

- 3.1.6 Collect, collate and share information about lifelong learning opportunities available across the municipality.
- 3.1.7 Promote Council learning activities, events and projects that enhance community engagement and increase participation.
- 3.1.8 Broker strategic relationships and activities with organisations across sectors to implement the Learning City Strategy and other agreed upon goals.
- 3.1.9 Advise Council of best practise community learning tools, frameworks, strategies, emerging technologies and identified learning needs within the Melton community.

4. COMPOSITION**4.1 Membership**

Membership of the Community Learning Advisory Committee will, where possible, be balanced in regard to age, gender, ethnicity and people living with a disability.

Position	Type of Appointment	Term of Office
Councillor	Appointed	1 Year
CEO Melton City Council	Ex-officio	Ongoing
Manager Community Planning	Ex-officio	Ongoing
Manager Libraries and Arts	Ex-officio	Ongoing
Coordinator Community Activation and Learning	Ex-officio	Ongoing
Lifelong Learning Projects Officer	Ex-officio	Ongoing
Adult Learning or Training Representative	Appointed	3 Years
Neighbourhood Houses Network Representative	Appointed	3 Years
Learning and Employment Networks Representative	Appointed	3 Years
Youth Sector Representative	Appointed	3 Years
Business and Industry Representative	Appointed	3 Years
Disability Sector Representative	Appointed	3 Years
Indigenous Sector Representative	Appointed	3 Years
Seniors Sector Representative	Appointed	3 Years
Early Childhood Education Sector	Appointed	3 Years

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Item 6.4 Community Learning Advisory Committee Renewal and Terms of Reference

Appendix 1 Community Learning Advisory Committee Terms of Reference

Government Schools Representative: Primary or Secondary	Appointed	3 Years
Independent Schools Representative: Primary or Secondary	Appointed	3 Years
Independent Religious Schools Representative: Primary or Secondary	Appointed	3 Years
CALD Community Representative	Appointed	3 Years

4.2 Terms and method of Nomination

- 4.2.1** Nomination for applicants for appointment as members of the Community Learning Advisory Committee shall be called for in local media and by formal notification to local learning networks and agencies.
- 4.2.2** Representatives will be appointed for a period of three years. At the end of the three-year term expressions of interest will be sought through the process identified in 3.2.1. Existing members will be eligible to renominate.
- 4.2.3** A position will be deemed to be vacant if a representative fails to attend for three consecutive meetings. Leave may be negotiated and granted (a proxy can be nominated in order to maintain a group's representation if required) in the event that a member needs to arrange a temporary absence. A community representative's request for a temporary leave of absence will be presented to the Community Learning Advisory Committee for their consideration.
- 4.2.4** If a vacancy occurs during the three-year term, the Community Learning Advisory Committee will recommend whether it should be filled. Nominations will occur as per 3.2.1 with appointments made for the remainder of the three-year term.

4.3. Selection of Community Representatives

- 4.3.1** Community representatives should demonstrate capacity to represent the learning community through their affiliation with local networks and/or professional experience in the community learning sector.
- 4.3.2** Appointments will be made by Council based on the advice given from the interview panel representing the Community Learning Advisory Committee. The panel will be made up of Council Officers which will include a nominated chairperson, expert and independent.

4.4 Chair

- 4.4.1** The Chairperson is elected on an annual basis as part of the Councillors' representation on Committee election process with the elected Councillor being appointed to the role of Community Learning Advisory Committee

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Item 6.4 Community Learning Advisory Committee Renewal and Terms of Reference

Appendix 1 Community Learning Advisory Committee Terms of Reference

Chairperson: The Chairperson will be the Mayor of the City of Melton when the Mayor is a delegate appointed to this committee.

4.1.2 Duties

The duties of Chairperson are as follows:

- Representing the Committee to the community ensuring the values, purpose and activities of the committee are promoted.
- Conducting the business of the meeting in an orderly and efficient manner including opening and closing meetings and confirming the quorum, reviewing agendas, minutes and papers.
- Utilising the interests and skills of all members to develop a common view of the Committee's purpose and shared responsibility for leadership.

4.1.3 Method of Appointment

- The appointed Melton City Councillor will be selected as the Chairperson.
- Appointment of the Councillor to the City of Melton Community Learning Advisory Committee shall be conducted annually at the Statutory Meeting of Council, or as required if a vacancy occurs.

5. OPERATING PROCEDURES**5.1 Quorum**

The quorum for any ordinary meeting of the Community Learning Advisory Committee shall be not less than 50% of the current members.

5.2 Meetings

- The Committee will meet quarterly at a time to suit members.
- Where practicable, the agenda together with reports and documents that relate to the Committee will be forwarded to members in sufficient time to enable consideration 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 Committee.

5.3 Expectations/ Requirements of Members

Members are expected to:

- Declare any interest, pecuniary interest or conflict of interest.
- Facilitate the implementation of the Learning City Strategy by supporting the identified actions.
- Encourage and support lifelong learning activities across the municipality.
- Be able to influence the organisation and/or sector represented to commit resources and personnel as appropriate.
- Willingness to partner in projects and actively participate in and contribute to community learning strategies, initiatives, events, projects and working group activities.
- Keep informed of current developments, issues and concerns in the local

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Item 6.4 Community Learning Advisory Committee Renewal and Terms of Reference

Appendix 1 Community Learning Advisory Committee Terms of Reference

community.

- Have an understanding of and/or experience in the principles of community development.
- Expertly present the views of the organisation and sector represented.
- Prepare for and actively participate in meetings.
- 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.
- Treat information with sensitivity.

5.4 Working Groups

- The Committee may establish working groups as required to ensure the Committee itself remains focused on its responsibilities and functions effectively as a strategic advisory entity. These groups can either be ad-hoc and established for a specific short-term project or more permanent groups that deal with ongoing initiatives and issues.
- The role of these groups is to manage specific projects, initiatives and events on behalf of the Committee in their nominated focus areas. The groups will comprise a collection of individuals, with the relevant expertise and experience that are brought together to achieve the stated objectives.
- The lifespan of a working group last anywhere between a few months and or years as needs dictate. The Committee will review such groups annually to determine if the assigned tasks have been accomplished and if so disband the working group or modify it as needed to achieve the identified new goals.
- Working groups need clear goals and objectives in order to function efficiently, and the Committee will ensure that these are developed for each established working group. Committee members are able to nominate to chair a working group of interest.

5.5 Evaluation and Review

- The terms of reference will be reviewed by the Committee every three years.
- Endorsement of the final terms of reference will be provided by Council.
- The Community Learning Advisory Committee will evaluate its performance each year as measured by meeting attendance, engagement in, and contributions of members to strategies, events, projects and working party activities.

6. RELATED MATERIAL

Name	Location
Melton City Council: Council and Wellbeing Plan 2021-2025	Council Website

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6.5 COMPLAINTS POLICY AND PROCEDURE

Mr Dosser presented this report, having already confirmed he had no General Conflict or Material Conflict in respect of any of the matters before the Panel today.

Responsible Officer: Laura-Jo Mellan - Acting General Manager Corporate Services
Document Author: Laura-Jo Mellan - Acting General Manager Corporate Services
Date Prepared: 25 November 2021

1. Recommendation:

- a) To approved the updated Complaints Policy and Procedure as contained at **Appendix 1**.

Motion

Crs Shannon/Deeming.

That Council:

- a) approve the revised Complaints Policy and Procedure at **Attachment 1** noting the changes made by the Panel highlighted in yellow.

CARRIED

2. Background**2.1 The Policy**

The existing Complaints Policy required a review as it had expired but required a significant update to ensure compliance with s107 of the *Local Government Act 2020* (the Act). The Act states that Council must develop and approve a Complaints Policy by the 31 December 2021 and it must include the following:

107 Complaints policy

- (1) A Council must develop and maintain a complaints policy that includes—
- (a) a process for dealing with complaints made to the Council; and
 - (b) a process for reviewing any action, decision or service in respect of which the complaint is made; and
 - (c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
 - (d) the prescribed processes for dealing with complaints about the Council; and
 - (e) the prescribed processes for internal review of complaints made to a Council; and
 - (f) the prescribed processes for exercising the discretion referred to in paragraph (c); and

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(g) *any other matter prescribed by the regulations.*

(2) *A review process must provide for a review that is independent of—*

(a) the person who took the action; and

(b) the person who made the decision; and

(c) the person who provided the service.

Further, the Act defines what a complaint is:

(3) *For the purposes of the complaints policy, **complaint** includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with—*

(a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or

(b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or

(c) a policy or decision made by a Council or a member of Council staff or a contractor.

The Policy and Procedure addresses the requirements of the Act.

2.2 Sources/benchmarking

The review of the policy and procedure was undertaken by Russell Kennedy lawyers to ensure compliance with the *Local Government Act 2020* and the *Gender Equality Act 2020*

2.3 Consultation

This is an update to the existing complaints policy and the incorporation of procedures and was developed collaboratively by People & Culture and Legal, Governance and Risk and the A/GM Corporate Services. A/GM Corporate Service has discussed with the Manager Engagement and Advocacy who is responsible for the policy.

2.4 Communication and Implementation

If adopted, the Policy and Procedure socialised with all staff to ensure that they understand the procedures. It will also be placed on the intranet site and Councils website.

2.5 Compliance

The update Policy and Procedures has been developed in accordance with the requirements of the *Local Government Act 2020* and *Gender Equality Act 2020*.

2.6 Measures of Success

Details of complaints and responses will be recorded in Councils document management system in accordance with the policy and procedure

LIST OF APPENDICES

1. Complaints Policy and Procedure - November 2021

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Item 6.5 Complaints Policy and Procedure

Appendix 1 Complaints Policy and Procedure - November 2021

	Complaints Management Policy and Procedure
Version No.	3.0 November 2021
Endorsement	Executive, 25 November 2021 Policy Review Panel, 30 November 2021
Authorisation	Council, 13 December 2021
Expiry date	December 2025
Responsible officer	Manager Engagement and Advocacy
Policy owner	Coordinator Customer Service

1. Purpose

To govern the response and requirements of Council in managing complaints from businesses and members of the community.

2. Scope

This policy applies to all Melton City Council Councillors, staff, contractors, volunteers and customers.

3. Definitions

Word/Term	Definition
Complaint	An expression of dissatisfaction with; <ul style="list-style-type: none"> a) an decision by Council or a contractor; b) a policy implemented by Council or a contractor; c) the conduct of a member of Council staff; d) the quality of an action taken, decision made, or service provided by Council or a contractor; e) a delay or failure in providing a service, taking an action, or making a decision by Council or a contractor. <p>A complaint is not a request for information, or a request that Council provide a service.</p>
Complainant	Any person or entity who makes a complaint.
Contractor	Any contractor engaged by Council.
Frontline staff	Any Council staff member to first receive a complaint made under this Policy
Staff	All staff whether employed full time, part time, casual or as a volunteer.

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Item 6.5 Complaints Policy and Procedure

Appendix 1 Complaints Policy and Procedure - November 2021

Unreasonable Complainant Conduct	Any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the Council, employees, other service users and complainants or the complainant themselves.
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4. Policy

As part of a broader commitment to effective delivery of services to the community, Council is committed to managing complaints in a professional manner, according to legislation and procedural fairness, underpinned by the following principles;

1. Commitment

Council recognises people's right to complain and is committed to resolving them.

2. Accessibility

Making a complaint should be easy and Council staff motivated to assist complainants with the process.

3. Transparency

How to complain, where to complain and how a complaint will be dealt with should be clear and well communicated.

4. Objectivity and fairness

Complainants and staff are to be treated with courtesy and respect, and complaints are judged on merit and fact.

5. Confidentiality

Personal information is protected.

6. Accountability

Council is accountable, internally and externally, for decision-making and complaint-handling performance.

7. Continuous improvement

Complaints are recognised as opportunities to review and improve services, processes, systems and staff performance.

5. Method of Complaint

A person may lodge a complaint through any of the following channels.

Email: csu@melton.vic.gov.au

Mail: (Postal address): City of Melton PO Box 21, Melton Vic 3337

Telephone: 03 9747 7200

In person: Customer Service Counter, Melton Civic Centre, 232 High Street Melton

The complaint should detail the complainant's name, address and contact phone number together with a description of the issue which contains enough detail to allow Council to identify the specifics of the complaint (what happened, who was involved, when it happened, etc).

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Appendix 1 Complaints Policy and Procedure - November 2021

However, regardless of how the complaint is received, and the level of detail available, Council will apply the procedures in this Policy.

6. General Complaint Resolution Procedure

Council will follow a four-tiered approach to general complaint handling.

- (a) Frontline resolution – Frontline council staff and subject matter experts receive the complaint and resolve it within the scope of their authority. Frontline Council staff are empowered to resolve complaints wherever possible at first contact.
- (b) Investigation if required – If frontline staff cannot resolve the complaint, they will refer it to a more senior council officer responsible within the appropriate work area for investigation and response.
- (c) Internal review – If the complainant is not satisfied that the investigation process resolved the complaint or managed the matter correctly, they can request an internal review.
- (d) Access to external review – If the complainant is not satisfied that the internal review process resolved the complaint or manage the matter correctly, they will be informed of the external avenues through which they may pursue their complaint.

Tier 1: Frontline Resolution	<ul style="list-style-type: none"> • Frontline staff will receive complaints in a positive, receptive and professional manner. • Frontline staff will assess the complaint to determine: <ul style="list-style-type: none"> ○ How it should be dealt with; ○ Whether the complaint should more properly be dealt with through a statutory review process; ○ Whether Council is the appropriate organisation to respond; and, if so ○ Who is the appropriate Council officer to address the complaint. For example: <ul style="list-style-type: none"> ▪ If a complaint is a public interest disclosure, the complaint must be handled in accordance with the Melton City Council Public Interest Disclosure Procedure. ▪ If a complaint relates to an alleged breach of privacy, the complaint must be handled in accordance with the Melton City Council Privacy Policy. • Some Council decisions are subject to statutory review processes, which means that a person has the right to appeal the decision to the Victorian Civil & Administrative Tribunal or some other body. Examples of this include planning decisions, or infringement notices. Where the complaint relates to such a matter, the front line officer should refer the matter to their manager to consider in accordance with paragraph 8 below. • If there is sufficient information contained in the complaint to identify an issue which is capable of appropriate resolution by the frontline staff member, the frontline staff member or most appropriate Council officer will action the complaint within 10 business days and advise the complainant.
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Item 6.5 Complaints Policy and Procedure

Appendix 1 Complaints Policy and Procedure - November 2021

	<ul style="list-style-type: none"> In the event further information is required the frontline staff member or appropriate Council officer will contact the complainant as soon as practicable, but within 10 business days from receiving the complaint to: <ul style="list-style-type: none"> Acknowledge the complaint has been received; and Seek further information or clarification. <p>This may then allow the complaint to be addressed, or alternatively it may lead to an investigation.</p> In the event that it appears that investigation is required the frontline staff member or appropriate Council officer will contact the complainant as soon as practicable to: <ul style="list-style-type: none"> Acknowledge the complaint has been received (if applicable); Seek further information or clarification (if required); and Explain that the matter will now be investigated. If the Council is not the appropriate organisation to respond, the complainant will be advised and referred to the appropriate organisation that can assist with the complaint
Tier 2: Investigation	<ul style="list-style-type: none"> If frontline staff cannot resolve the complaint in the first instance, it will be assigned to a more senior Council Officer (this may be a coordinator or manager) for investigation (Investigating Officer). The Investigating Officer will contact the complainant within 5 days of being assigned the complaint, explain their role and the investigation process, and estimate the timeframe for the investigation. Council will aim to conclude all investigations within 28 days of the date that the matter is assigned to the Investigating Officer. In the event it is likely to take longer than 28 days to resolve a complaint, the Investigating Officer will contact the complainant as soon as practicable after the timeframe issue is identified and provide an updated timeline for response. Complaints that are not resolved within 28 days will be escalated to a general manager to ensure that a resolution is promptly achieved. At the conclusion of the investigation the Investigating Officer will write to the complainant to advise them of the outcome. The outcome correspondence will contain the reasons for the decision, and the contact information for the responsible Investigating Officer. The Senior Council Officer handling the complaint may contact the complainant by telephone to discuss the outcome of their complaint either prior to or after sending the outcome correspondence but is not under an obligation to do so.
Tier 3: Internal Review	<ul style="list-style-type: none"> If the complainant is not satisfied that the complaint has been resolved or correctly managed, they may request an internal review of their complaint within 28 days of the outcome notification. This request must be made in writing to the Investigating Officer, and it must explain why the complainant considers that a different outcome is appropriate. <p>On receiving a request for an internal review, the Investigating Officer must refer the</p>

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	<p>matter to a more senior person who has not had any previous involvement in the issue which is the subject matter of the complaint, or Council's response, to the complaint (Review Officer) within 1 business day. The Review Officer may be the Investigating Officer's manager or another relevant senior officer of Council</p> <ul style="list-style-type: none"> On receiving the request, the Review Officer must contact the complainant in writing within 5 business days: <ul style="list-style-type: none"> confirming their role and outlining the internal review process; requesting additional information from the complainant if applicable (for example, clarification of the reasons for the request for an internal review); setting out their expected timeframe for completing the internal review; and if they are in a position to do so based on the available information, resolving the complaint. The Review Officer must consider the request for an internal review, and the investigation outcome. The review should focus on: <ul style="list-style-type: none"> whether, based on the information available to the Investigating Officer, the Investigating Officer's decision was correct; any actions taken by Council to address the complaint; whether any new information has come to light which affects the decision; and, if relevant to the request for review whether the process followed by the Investigating Officer was fair, reasonable, and appropriate in all of the circumstances. Council will aim to complete all internal reviews within 28 days of the request and will notify the complainant as soon as practicable if it appears that that timeframe will not be met. The Review Officer will provide a written outcome letter to the complainant at the conclusion of an internal review.
Tier 4: External Review	<ul style="list-style-type: none"> If the complainant is not satisfied with the process or outcome of the internal review, they may have the right to take their complaint to an external agency, including the following. Local Government Investigations & Compliance Inspectorate – The Inspectorate accepts complaints about council operations and potential breaches of the Local Government Act, including: <ul style="list-style-type: none"> Misuse of position Conflict of interest Disclosure of confidential information Electoral Offences Councillor Conduct Victorian Ombudsman – The ombudsman can take complaints about the actions and decisions of councils including complaints about: <ul style="list-style-type: none"> Services Communication Complaint handling Compliance with policies, procedures or law Other actions or decisions which may be unreasonable The Independent Broad-based Anti-corruption Commission – IBAC accepts complaints about suspected corruption and misconduct in the public sector and

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	<p>Victoria Police, including:</p> <ul style="list-style-type: none"> ○ Taking and offering bribes ○ Using a position of influence dishonestly ○ Committing fraud or theft ○ Misusing information from the workplace.
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7. Other Types of Complaints

<p>(a) Complaints alleging:</p> <ul style="list-style-type: none"> • corrupt conduct, • conduct that constitutes: <ul style="list-style-type: none"> ○ a criminal offence; ○ serious professional misconduct; ○ dishonest performance of public functions; ○ an intentional or reckless breach of public trust; ○ an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; ○ a substantial mismanagement of public resources; ○ a substantial risk to the health or safety of one or more persons; or ○ a substantial risk to the environment; or • conduct that: <ul style="list-style-type: none"> ○ adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; ○ is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining: <ul style="list-style-type: none"> ○ a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; ○ an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; ○ a financial benefit or real or personal property; ○ any other direct or indirect monetary or proprietary gain; <p>that the person or associate would not have otherwise obtained; or</p> <ul style="list-style-type: none"> ○ conduct of any person that could constitute a conspiracy or attempt to engage in any of the above conduct. 	<p>All complaints of this nature must be directed to the Public Interest Disclosure Coordinator or Chief Executive Officer (CEO). If the allegation relates to the CEO, the matter must be reported to the Public Interest Disclosure Coordinator or Mayor.</p> <p>If another staff member receives the complaint, they must immediately provide it to the Public Interest Disclosure Coordinator, the CEO or the Mayor as applicable.</p> <p>Complaints of this nature will be dealt with in accordance with the Staff Code of Conduct, Protected Disclosure Act 2012, Local Government Act 2020, Council's Public Interest Disclosure Procedure and all other applicable legislation.</p>
<p>(b) Complaints about Councillors</p>	<p>A complaint regarding the conduct of a Councillor, assuming it does not fall into category (a), may be addressed to the Chief Executive Officer or the Mayor.</p> <p>Depending on the circumstances, the complaint may be dealt with in accordance with the Councillor Code of Conduct.</p> <p>A person may also make a complaint against a Councillor to the Local</p>

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	Government Inspectorate and/or Independent Broad-based Anti-corruption Commission.
(c) Complaints about Council Staff or Volunteers	Any complaints received about Council staff or volunteers will be handled according to this policy and in accordance with Council's Employee Code of Conduct.
(d) Complaints about Contractors	Any complaints received about Council contractors will be handled according to the above procedure and/or any relevant contractual procedure.

8. Complaints relating to matters which are the subject of statutory review

Some Council decisions are subject to statutory review processes, which means that a person has the right to appeal the decision to the Victorian Civil & Administrative Tribunal or some other body.

Where the complaint relates to such a matter, Council has discretion to decline to deal with the complaint through the complaints management process. The decision should be made by the officer who would have responsibility for responding to the statutory review process in relation to the matter.

In making this decision the officer should consider the following factors:

- (a) Has the complainant already commenced a statutory review process. If there is a process already underway, then it may not be appropriate to attempt to resolve the matter internally.
- (b) Does the issue which is the subject matter of the complaint appear to be easy to resolve? If so, then it may be more appropriate to resolve it internally rather than decline the complaint.
- (c) Is it reasonable in the circumstances to expect the complainant to use the review process? For example, a person who is economically disadvantaged may be less likely to commence a statutory review process, and it would be more appropriate to attempt to use Council's complaint resolution procedure.
- (d) Does the complaint relate to a specialised area which would require a decision from a Court or Tribunal to properly determine the matter?
- (e) Are the financial considerations of the complaint such that it would be more appropriate for a Court or Tribunal to properly determine the matter?
- (f) Has the complainant conducted themselves in a manner which would make the resolution of the matter through Council's processes seem unlikely. For example, if the complainant is engaging in unreasonable complainant conduct and there is a concern about the health and safety of the staff who are attempting to resolve the complaint, it may be appropriate to decline the complaint and allow a statutory review process to resolve it independently.
- (g) Any other relevant circumstances.

If the decision is made to decline the complaint, Council must advise the complainant in writing, and set out the reasons for the decision.

9. Accessibility and adjustments

If a complainant needs assistance or support, or adjustments to be made to facilitate their making a complaint or participating in a complaint process, Council will make reasonable adjustments to

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support or accommodate that complainant. For example, Council may need to adjust communications processes to accommodate a complainant's hearing or visual impairment, or adjust the timing of communications to accommodate parental or carer's responsibilities.

10. Responsiveness

Council is committed to resolving complaints in a timely and efficient manner. Complaints will be acknowledged within ten days of receipt, and Council will endeavour to resolve complaints within **24 hours** where practicable.

The length of time taken to deal with a complaint will depend on the circumstances of each complaint, such as the complexity of issues in the complaint, the time required to investigate or obtain necessary information, the degree of co-operation from the complainant, and the availability of parties.

A complainant should be advised of the expected timeframe for resolution. If a complaint cannot subsequently be resolved within this anticipated timeframe, the complainant will be informed of the circumstances and updated as to the expected timeframe for resolution.

11. Anonymous Complaints

Anonymous complaints will always be taken seriously and considered on their merits. In some cases, a complaint is capable of identifying areas for improvement even in the absence of an identifiable complainant. In other cases, it is not practicable to resolve a complaint if the identity of the complainant is not known.

The Internal Investigations Officer or relevant Manager will determine the process for dealing with an anonymous complaint dependent upon:

- the seriousness of the complaint, provided there is sufficient information in the complaint to enable an investigation to be conducted, and
- whether there is a statutory requirement for identification of the complainant.

12. Responsibility of Complainants

To ensure a high standard of service to complainants is achieved, it is the responsibility of the complainant to:

- clearly identify the issues which are the subject of the complaint, or ask for help to do so from frontline staff members;
- give all the information available about the complaint in an organised format at the time of making the complaint, or as soon as practicable afterwards;
- promptly respond to requests from Council for additional information or supporting documents;
- cooperate with any enquiries or investigations; and
- treat Council staff with courtesy and respect.

Abuse, harassment or threats to the safety or welfare of staff at Council may result in the immediate cessation of engagement, and/or Council action.

13. Rejection of complaints

The relevant officer may determine that a complaint will not be investigated where:

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- the officer has a sound basis to consider that the complaint is frivolous, vexatious or not made in good faith;
- the complaint involves a matter where an adequate remedy or right of appeal already exists (for example where the complaint relates to a decision for which there is a statutory review process as discussed in paragraph 8 above), whether or not the complainant uses that remedy or right of appeal;
- the complainant seeks to revisit an issue which has been the subject of a previous complaint after an initial investigation, but provides no new evidence or material;
- the complaint relates to a matter which is before a court, coroner or tribunal;
- the complaint relates to a matter under investigation by the Minister for Local Government or any other government department or regulator including the Victorian Police Service;
- the complaint relates to the appointment or dismissal of any employee or an industrial or disciplinary issue;
- the complaint relates to a matter awaiting determination by the Council;
- the complaint relates to the actions or conduct of an individual acting in their capacity as a private individual;
- there is insufficient information to clearly identify any issue or remedial action to be taken, and the complainant declines or refuses to provide further information.

Where the relevant officer determines that a complaint will not be investigated, the officer will advise the complainant in writing, if it is practicable to do so.

14. Remedies

Where an investigation shows that Council had made an error, Council will respond in an appropriate way. Possible responses include, but are not limited to:

- An explanation of why the error occurred and how it will be prevented in future
- A reversal of a decision
- A correction of Council records
- Providing a means of redress; and/or

15. An apology Unreasonable complainant conduct

Most complainants act reasonably and responsibly in their interactions, even when experiencing high levels of distress, frustration and anger about their complaint.

However in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable, able to be defined as unreasonable complainant conduct.

A complainant's behaviour will be considered 'unreasonable' when they;

- are aggressive and verbally abusive towards staff;
- threaten harm and violence;
- bombard the organisation with unnecessary and excessive or repetitive phone calls and emails;
- make unreasonable demands on Council's time and resources; or
- refuse to accept decisions and recommendations in relation to their complaint.

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Where behaviour of a complainant is deemed unreasonable conduct, the Council will deal with the unreasonable conduct as follows.

- (a) The first step will normally be to alert the complainant to the fact that their conduct is inappropriate. While this would normally occur in writing, there will be circumstances in which Council does not have a means to write to the complainant, and the communication can occur verbally. Council should:
 - i explain what it is about their behaviour which is inappropriate;
 - ii outline the expected standard of behaviour; and
 - iii advise that if the behaviour continues, Council will need to take action to manage the risk that the behaviour causes to Council staff.
- (b) If the unreasonable conduct continues, or if the risk to staff is so great that it is appropriate to bypass the first step, the next step is to communicate to the complainant and establish limitations on their interaction with Council staff. Those limitations may relate to:
 - i Whom they contact. It may be appropriate to restrict their access to a single staff member as their single contact point at the Council, who can case manage their complaint(s) and interactions with Council. This will ensure they are dealt with consistently and will minimise the chances of misunderstandings, contradictions and conflicts. It also ensures that the person handling the complainant has the necessary training and experience to deal with the unreasonable conduct.
 - ii What they can raise with us. It may be appropriate to restrict the subject matter of communications that Council will respond to.
 - iii How Council will respond to them. It may be appropriate to advise that all Council communications will be in writing through a single channel, or that Council will not respond further to complaints regarding matters which have already been addressed.
 - iv When, where and how they can have contact. If a complainant's manner of communication is causing a risk to health and safety, or an unreasonable demand on time or resources, Council may impose restrictions on the methods of communication, such as limited face to face meetings, modifying the way in which those meetings occur, restricting telephone communications.
 - v Restrictions on access/services. In certain circumstances, it may be appropriate to limit a complainant's access to Council premises, or terminate the provision of services to a complainant. This is a very serious measure and should be a last resort.

A decision to limit a complainant's interactions with Council must be made at a General Manager level or higher. The person making the decision must consider whether the proposed restriction may have an impact on the complainant's human rights, or their health and safety.

Any restriction or limitation should be communicated to the complainant in writing, and should set out the specifics of the restriction, the period for which the restriction will apply, and when the restriction will be reviewed. It should also set out the kinds of behaviours which may factor into a decision on the review of the restriction.

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16. Privacy and confidentiality

Information gathered when investigating a complaint will be used only to deal with the specific complaint or to address issues identified in the investigation. Information may be de-identified and will only be shared with relevant staff.

Any queries regarding privacy should be directed to the Manager Legal, Governance and Risk.

17. Recording and reporting

All complaints in the scope of this policy will generally be recorded in the Council's document management system, unless there is a requirement to protect the privacy of individuals that are involved in the complaint.

Council may record the following information for each complaint:

- The complainant's details
- How the complaint was received
- A description of the complaint
- The complainant's desired outcome (if known)
- The Council Officer responsible for handling the complaint
- Any action taken, including contact with the complainant, response times and outcomes and/or
- Any recommendations for improvement and who is responsible for implementing the recommendation.

Any staff queries regarding the recording of complaints should be directed to the Policy Owner.

Managers are responsible for monitoring complaints and ensuring timeframes are met.

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18. Responsibility /Accountability

5.1	Coordinator Customer Service
	<ul style="list-style-type: none"> The Coordinator Customer Service is the policy owner and is responsible for updating and amending this policy and related procedures.
5.2	Manager Engagement and Advocacy
	<ul style="list-style-type: none"> The Manager Engagement and Advocacy is responsible for providing professional advice and guidance to employees regarding this policy
5.3	All staff
	<ul style="list-style-type: none"> All staff are responsible for operating in accordance with this policy, and for providing feedback to the policy owner.

19. References and links to legislation and other documents

Name	Location
<i>Local Government Act 2020</i>	http://www.legislation.vic.gov.au/
<i>Protected Disclosure Act 2012</i>	http://www.legislation.vic.gov.au/
Employee Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Councillor Code of Conduct	Policy and Procedures Intranet www.melton.vic.gov.au
Victorian Ombudsman <i>Good Practice Guide - Victorian Ombudsman's Guide to complaint handling for Victorian Public Sector Agencies</i>	http://www.ombudsman.vic.gov.au/
Commonwealth Ombudsman <i>Better Practice Guide to Complaint Handling</i>	http://www.ombudsman.gov.au/

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7. GENERAL BUSINESS**7.1 DATES OF POLICY REVIEW PANEL MEETINGS IN 2022**

Schedule of 2022 Meetings of the Policy Review Panel to be prepared with meeting dates on Thursday wherever possible and with a starting time of 10.30am

7.2 SPECIAL MEETING OF POLICY REVIEW PANEL

A Special Meeting of the Policy Review Panel will be held at 10.30am on Thursday 16 December 2021 to review and approve the following policies:

1. The Councillors as Candidates in State and Federal Elections Policy; and
2. The updated Councillor Social Media Policy.

It is envisaged by the Panel Members that a Special Meeting of Council would also then be called on Monday 20 December 2021 at 7pm to endorse those policies approved by the Policy Review Panel.

7.3 POLICY REGARDING BIOLOGICAL SEX AND PRIORITISATION OF HUMAN RIGHTS

Cr Deeming questioned whether any policy existed which provided guidance how to ascertain the ascendancy of human rights related to biological sex with other human rights including in the context of the use of public toilets the rights of transgender peoples to use facilities of the sex that they identify as.

A list of any policies which might potentially address this issue which have been before the Panel in the past 12 months is to be prepared for consideration by Cr Deeming.

Mr Dosser indicated that he did not believe any such policy currently existed, or was planned to be prepared by Council at any time in the future due to the lack of legislative guidance in respect to how human rights are prioritised at an international, national, and state level and the approach taken by such regulators that no human right is ascendant to or has priority to another human right but all human rights are to be promoted and respected equally.

The Chair, Cr Majdlik, indicated this was not a matter for the Policy Review Panel to formulate a Policy but for Council and further discussion concerning it should be at future Council Meetings not future meetings of the Policy Review Panel.

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8. CONFIDENTIAL BUSINESS

Nil.

9. NEXT MEETING

16 December 2021, at 10.30am

10. CLOSE OF BUSINESS

The meeting closed at 12.47pm.

Confirmed

Dated this 7 December 2021

.....CHAIRPERSON