



MELTON CITY COUNCIL

**Minutes of the Policy Review Panel
Meeting of the Melton City Council
held via a videoconference**

2 March 2021

MINUTES OF THE POLICY REVIEW PANEL**2 MARCH 2021**

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MINUTES OF THE POLICY REVIEW PANEL

2 MARCH 2021

MELTON CITY COUNCIL

MINUTES OF THE POLICY REVIEW PANEL MEETING OF THE
MELTON CITY COUNCIL
HELD IN THE VIA A VIDEOCONFERENCE
ON 2 MARCH 2021 AT 10:00AM

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

Ms C Denyer, Manager Legal and Governance
Mr J Whitfield, Governance Coordinator
Ms D Mardesich, Coordinator Community Capacity

1. WELCOME

The Mayor, Cr Majdlik opened the meeting at 10:05am and welcomed the Panel members.

2. APOLOGIES

Nil.

3. DECLARATION OF INTERESTS AND / OR CONFLICT OF INTEREST

Nil.

4. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

1. That the Minutes of the Policy Review Panel held on 27 January 2021 and adopted by Council at the Meeting held on 8 February 2021 be noted.
2. That the Minutes of the Policy Review Panel held on 29 January 2021 and adopted by Council at the Meeting held on 8 February 2021 be noted

Motion

Crs Ramsey/Shannon.

That the recommendation be adopted.

CARRIED

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5. OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

Nil.

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6. PRESENTATION OF STAFF REPORTS**6.1 COMMUNITY GRANTS PROGRAMS ASSESSMENT PANELS - REVISED TERMS OF REFERENCE**

Responsible Officer: Dayane Mardesich - Coordinator Community Capacity

Document Author: Dayane Mardesich - Coordinator Community Capacity

Date Prepared: 25/02/2021

1. Recommendation:

That Council approve the revised Advisory Committee Terms of Reference for each grant program assessment panel for the following grant streams:

- Semi-Annual Grants at **Appendix 1**
- Bi-Monthly Grants at **Appendix 2**
- HRV-Tabcorp Park Grants at **Appendix 3**
- The Club Caroline Springs Grants at **Appendix 4**

Motion

Crs Ramsey/Shannon.

That Council approve the revised Advisory Committee Terms of Reference for each grant program assessment panel for the following grant streams:

- Semi-Annual Grants at **Appendix 1**
- Bi-Monthly Grants at **Appendix 2**
- HRV-Tabcorp Park Grants at **Appendix 3**
- The Club Caroline Springs Grants at **Appendix 4**

noting the reinstatement and update of the Confidentiality & Disclosure of Interests Agreements for each grant program assessment panel made by the Panel.

CARRIED

2. Background**2.1 The Policy**

The Community Grants Program (CGP) is governed by the Community Grants Policy. The CPG is currently subject to review and will address the resolution of Council at its 21 December 2020 meeting (refer Notice of Motion 733 (Cr Deeming)).

Notwithstanding this review, the CGP's Assessment Panels' Terms of Reference are due for renewal, with several CGP funding streams reopened to receive applications from 1 to 28 February 2021, and assessment processes scheduled to take place shortly thereafter.

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The four Assessment Panels' Terms of References that fall under the CPG have been reviewed together in this report for consistency. They are:

- Semi-Annual Grants Terms of Reference
- Bi-Monthly Grants Terms of Reference
- HRV-Tabcorp Park Grants Terms of Reference and
- The Club Caroline Springs Grants Terms of Reference.

Each Terms of Reference clearly outlines the assessment process that all eligible applications undergo, and the role requirements of grants assessment panel members in that process.

At the Policy Review Panel meeting held 29 January 2021, it was resolved on the motion of Crs Carli and Shannon.

That Council officers bring back a report to the next Policy Review Panel meeting on revised Terms of Reference for the four Community Grants Assessment Panels.

Recommended changes presented to the Policy Review Panel on 29 January 2021 were:

- Remove the requirement for signed confidentiality, privacy and conflict of interest declarations upon joining an assessment panel.
 - These requirements are inherent in all advisory committee roles, and declarations are collected for every application that a panel member assesses and conflict of interest is an agenda item at panel meetings.
- Improve administrative record-keeping, efficiency and accountability in relation to assessments, which are consistent with standard practice in grants administration. These included:
 - the use of the SmartyGrants platform to record all individual assessments
 - amending panel meeting processes to require panel meeting attendance (not just assessments) for quorum to be achieved; and
 - removing the capacity to change scores following panel discussion or requirement to fund an application above a certain scoring threshold. Instead, the provision recommended was for the rationale for panel recommendations to be documented.

At the meeting, the Policy Review Panel advised their preference for a hardcopy assessment process, and the capacity to record their assessment in panel meetings following discussion on the application. These preferences have been accommodated in sections 4.4.1 and 4.2.6 of each respective Terms of Reference, and references to the use of the SmartyGrants online platform for panel member assessments has been removed.

Another important change reflecting Local Government Inspectorate recommendations and Management Comments that have now been endorsed by Council are also recommended.

As part of a Councillor briefing on the Community Grants Review on 7 December 2020, Council officers advised Council of the Local Government Inspectorate's views (in relation to other Victorian Councils) that Councillors should not play an assessment role in community grants.

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Council officers note the subsequent receipt of the Local Government Inspectorate's (LGI) report titled *Protecting integrity: Melton City governance examination* which had a number of recommendations for the Council. These recommendations were presented to Council via the minutes of the Audit & Risk Committee meeting held 9 December 2020. The report recommendations each had a Management Comment attached to it.

It should be noted that the Audit & Risk Committee did not have a quorum on 9 December 2020 and the minutes adopted by Council were of the Informal Meeting of the Independent Members of the Audit & Risk Committee. The minutes relating to the Local Government Inspectorate – Governance Examination are shown on the next page.

Also on the next page are the minutes of the Council Meeting held on 21 December 2020 where the Informal Meeting of the Independent Members of the Audit & Risk Committee minutes were adopted by Council.

MINUTES OF THE INFORMAL MEETING OF THE INDEPENDENT MEMBERS OF THE AUDIT & RISK COMMITTEE MEETING → 9 DECEMBER 2020

6.14 → LOCAL GOVERNMENT INSPECTORATE -- GOVERNANCE EXAMINATION

Author: John Whitfield -- Governance Coordinator
Presenter: Christine Denyer -- Manager Legal and Governance

PURPOSE OF REPORT

To present to the Audit & Risk Committee a Governance Examination Report from the Local Government Inspectorate (LGI) which contains draft responses from Council management

RECOMMENDATION:

That Council:

1. → note that the Audit Committee reviewed the Governance Examination report (Appendix 1) from the Local Government Inspectorate and
2. → endorse the Management Comments in response to the Recommendations contained in the Governance Examination report (Appendix 1).

Recommendation 14 of the independent members

That Council:

1. → note that the independent members reviewed the Governance Examination report (Appendix 1) from the Local Government Inspectorate and
2. → acknowledge the Management Comments in response to the Recommendations contained in the Governance Examination report (Appendix 1).

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MINUTES OF THE MEETING OF COUNCIL

21 DECEMBER 2020

**12.2 MINUTES OF THE INFORMAL MEETING OF THE AUDIT AND RISK COMMITTEE
INDEPENDENT MEMBERS - 9 DECEMBER 2020**

Author: Cheryl Santoro - Senior Administration Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present to Council the minutes of the informal meeting of the Audit and Risk Committee independent members held on Wednesday 9 December 2020.

RECOMMENDATION:

That Council:

1. Note that the Audit and Risk Committee meeting scheduled for 9 December lapsed for lack of a quorum.
2. Note that the independent members of the Audit and Risk Committee nevertheless decided to meet informally and provide recommendations to Council.
3. Note the minutes of the informal meeting of the Audit and Risk Committee Independent Members held on Wednesday 9 December 2020 at **Appendix 1**.
4. Adopt the recommendations of the Independent Members as set out in the minutes.

Motion

Crs Abboushi/Ramsey

That the recommendation be adopted.

CARRIED

The section of the Local Government Inspectorate's Governance Examination Report relating to Community Grants is attached at **Appendix 5**. Panel members will note the LGI's Recommendation and Management Comment at the end of Section 1.3 and these are reproduced below:

Recommendations

- Consideration to be given to the removal of Councillors from the grant assessment process as they are effectively participating in both the assessment of individual grants, and in an approval capacity when the recommendations are made to council. *Also, acting in an evaluation capacity is an operational function of council, of which Councillors do not hold the authority to perform.*
- Documentation should provide the rationale for approved amounts, particularly where the full amount is not approved.
- The assessor's name and sign-off should be included on the individual assessment forms.
- Assessors' queries and the subsequent panel discussion and outcome should be documented.
- Sign off is required by all assessment panel members at the conclusion of the assessment to confirm acceptance of the outcome.

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Management Comment:

Whilst not considered best practice, Councillors cannot technically be prevented from acting in an advisory capacity in relation to grants. The very nature of advisory committees with Councillor members means that they act in an advisory (recommendation) capacity and approver capacity.

Officers will recommend that Councillors be removed from the assessment process however the decision is ultimately in the hands of the Council. Officers will bring a briefing and/or report to Councillors/Council with appropriate recommendation.

Action: General Manager Community Services – January 2021.

Insofar as the administrative improvements mentioned are concerned, these will be actioned by a review of the process, following the Council's decision.

Action: General Manager Community Services – February 2021.

Given the LGI's recommendation and the Management Comment that was endorsed by Council; that *"Officers will recommend that Councillors be removed from the assessment process"*, Council officers accordingly now recommend that Councillor delegates be removed from all four grants assessment panel's Terms of Reference being considered. However, it is also noted that this decision is ultimately in the hands of Council.

All other LGI Recommendations and Management Comments are being addressed administratively.

2.2 Sources/benchmarking

Proposed changes to the Terms of Reference are based on standard grants administration practices, recommendations from the *Local Government Inspectorate's (LGI) Melton City Governance Examination report* and direction received from the Policy Review Panel on 29 January 2021.

2.3 Consultation

Consultation is not required. The draft Terms of Reference attached have been amended in line with the discussion that took place at the Policy Review Panel meeting held 29 January 2021.

Separate to that, the adopted recommendations of Council regarding the Local Government Inspectorate's governance examination have also now been incorporated as outlined above.

2.4 Communication and Implementation

Immediately upon Council endorsement, the Community Grants and Awards Officer will create a briefing pack containing information on changes to assessment and meeting processes based on changes to the Terms of Reference. A brief induction articulating the changes to the assessment process will be overviewed at the beginning of the first panel meeting.

2.5 Compliance

The changes in the attached Terms of References are consistent with legislative requirements.

2.6 Measures of Success

The success of the Terms of Reference will be measured by Council's administrative and legislative compliance as assessed by internal and external audits.

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LIST OF APPENDICES

1. Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference
2. Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference
3. Community Grants Program - HRV-Tabcorp Park Grants Assessment Panel - revised Terms of Reference
4. Community Grants Program - The Club Caroline Springs Grants Assessment Panel - revised Terms of Reference
5. Excerpt from Local Government Inspectorate - governance examination report - Section 1.3 Community Grants

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 1 Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference



Terms of Reference

| | |
|--------------------|---|
| <u>Name</u> | <u>Community Grants Program Semi-Annual Grants Assessment Panel</u> |
| <u>Endorsed by</u> | <u>Policy Review Panel – 2 March 2021</u> |
| <u>Approved by</u> | <u>Council – 15 March 2021</u> |
| <u>Next review</u> | <u>31 January 2023</u> |

1. PURPOSE

The Semi-Annual Grants Assessment Panel will review applications and make recommendations to Council in relation to the distribution of funding provided from the SemiAnnual Grants budget.

2. RESPONSIBILITY

The Community Grants Program Semi-Annual Grants are designed to provide our community with financial support to meet identified community needs across the municipality.

It is the responsibility of the Semi-Annual Grants Assessment panel to:

- Review and assess applications and make funding recommendations to Council.
- Ensure adherence to the Community Grants Program ~~policy~~ Policy and ~~CommunitySemi-Annual~~ Grants guidelines and assessment criteria.

3. COMPOSITION

3.1 Membership

The committee will comprise a total of eleven representatives, consisting of ~~four Councillors~~, four officers of Council and three community representatives who have a significant role in supporting community development.

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| | Name | Type of Appointment | Voting Rights | Term of Office |
|----|---|------------------------|---------------|----------------|
| 1 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 2 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 3 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 4 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 5 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 6 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 7 | Community Representative (Coburns) | Appointed | Yes | 2 years |
| 8 | Community Representative (Watts) | Appointed | Yes | 2 years |
| 9 | Community Representative (Cambridge) | Appointed | Yes | 2 years |
| 10 | Melton City Council, Manager Community Planning (Chair) or nominee | Appointed | No | Ongoing |
| 11 | Melton City Council, Community Funding Grants and Awards Officer | Appointed | No | Ongoing |

The total number of voting members will be ~~nine~~five. The Manager Community Planning (or nominee) will act as the panel Chairperson.

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3.2 Terms and Method of Nomination

- 3.2.1 ~~Councillors shall be appointed annually at the Statutory Meeting of Council, or as required if a vacancy occurs.~~
- 3.2.2 Council Officer Positions will be considered and appointed by the General Manager of Community Services, based on roles within the organisation that would best support the assessment process.
- 3.2.3 Council Officers will be appointed for two years. At the end of the two year period, or if a vacancy occurs during that period, appointments will be determined based on the process identified in 3.2.2.
- 3.2.4 Nominations for Community Representatives will be called by advertisement in local media.
- 3.2.5 Nominees for Community Representatives must be a City of Melton resident.
- 3.2.6 Community Representative nominees must submit a completed Semi-Annual Grants Assessment Panel Expression of Interest form to be considered.
- 3.2.7 Community Representative appointments will be made based on the recommendation of a sub-committee made up of the Chairperson and Melton City Council's Community ~~Funding Grants and Awards~~ Officer.
- 3.2.8 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 through the process identified in 3.2.4. Existing members will be eligible to renominate.
- 3.2.9 A position will be deemed to be vacant if a panel member fails to attend two consecutive meetings. Leave may be negotiated and granted in the event that a member needs to arrange a temporary absence.
- 3.2.10 In the event that the number of community representatives nominating for the panel exceed the number of positions available, community representatives may be added to a reserve list that may be drawn upon by any of the Community Grants Assessment Panels for rotation of participation, if required.

3.3 Chair

- 3.3.1 ~~The Council's Manager Community Planning is the Chair of the Panel.~~
- 3.3.2 ~~In the absence of the Chair, the Panel is to select an Acting Chair from its Voting Members.~~

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4. OPERATING PROCEDURES

4.1 Quorum

- 4.1.1 Quorum will be reached when at least ~~five~~^{three} voting members ~~(including at least two Councillors)~~ are present.

4.2 Meetings

- 4.2.1 ~~The Panel will meet each- 6 -months.~~
- 4.2.2 Notice of Semi-Annual Grants Assessment Panel meetings shall be provided to members at least four weeks prior to each meeting.
- 4.2.3 The Community ~~Grants and Awards~~^{Funding} Officer must receive apologies for ~~all meeting~~ ^{absences as soon as is practicable, s no later than 5:00pm the day prior to each meeting.}
- 4.2.4 Meetings will commence and conclude on time.
- 4.2.5 ~~In addition to receiving assessment packs electronically, panel members can nominate to receive printed hardcopies of the assessment packs.~~
- 4.2.6 ~~Panel members must complete all their assessments by 5:00pm the day before the panel meeting. Panel members are encouraged to complete and submit their assessments and scoring to the Community Grants and Awards Officer prior to the panel meeting. Once submitted, individual assessments cannot be changed. Panel members who do not wish to do this, will be noted, and permitted in the meeting to complete their assessment following initial panel discussion on an application.~~
- 4.2.7 ~~In the event a panel member is unable to attend a meeting, the Chair will accept their prior written assessment with their comments and scores taken into account. Any recommendations from absent panel members regarding funding will be communicated via the Community Grants and Awards Officer to other members of the panel for consideration at the panel meeting.~~
- 4.2.8 ~~Prior written assessment will be accepted as participation in a panel meeting, and therefore will not affect meeting quorum.~~
- 4.2.9 ~~While able to submit their scores prior, an absent panel member forfeits their participation in the discussion of funding allocations. Any recommendations from absent panel members regarding funding will be communicated at the panel meeting for consideration.~~
- 4.2.10 ~~Before the overall pre-assessed scores are shown to the panel, the panel will have the opportunity to discuss any issues or red flags pertaining to particular applications and then change their scores if they wish based on new information. Once this portion of the meeting has concluded and final scores have been submitted, the panel will be~~

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Appendix 1 Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference

able to view the overall scores and begin to make funding allocations.
No scores are to be altered from then on.

- 4.2.87 Applicants are funded based on scoring and panel deliberations ranking of highest scoring to lowest scoring. Only those who score over 50% are eligible to receive funding, and the panel must fully or partially fund those who are eligible to receive funding and fall within the available funding threshold.

- 4.2.98 The panel's rationale for recommended and not recommended applications will be documented and detailed feedback will be provided to unsuccessful or partially successful applicants.

- 4.2.10 Panel members will receive minutes from the Semi-Annual Grants Assessment Panel meetings after each meeting.

4.3 Reports

- 4.3.1 Semi-Annual Grants Assessment Panel recommendations are reported to Council for endorsement.
- 4.3.2 In order to avoid canvassing, membership of the panel is to remain anonymous, with only the structure, (number of Councillors-Community members and Council Officers) to be made available to the general public.

4.4 Expectations and Requirements of Members

Members are required to:

- 4.4.1 Complete theirRead applications assessments prior to each meeting, which involves approximately 2-4 hours of reading and scoring (depending on number of applications). Completing individual assessments and scoring prior to each meeting is highly recommended, but not mandatory.

- 4.4.2 Understand and adhere to the principles of the Community Grants Program policy and Semi-Annual Grants guidelines and make written assessments with evaluation comments based on set assessment criteria.

- 4.4.3 Adhere to the Semi Annual Grants Assessment Panel Community Grants-Program Confidentiality and Disclosure Agreement, refer **Appendix 1**.

- 4.4.4 Treat information with sensitivity.

- 4.4.43 Not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

For clarity, information is 'confidential information' and includes matters relating to Panel Meeting information, including discussions held, individual's assessments and funding outcomes.

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Appendix 1 Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference

~~4.4.4~~ All funding outcomes will be communicated to the applicant via the Community Grants and Awards Officer or the Chairperson only and not by any other Panel member.

4.4.4 Keep informed of current developments, issues and concerns in the local community.

4.4.5 Prepare for and actively participate in meetings.

4.4.6 Comply with legislative and Council requirements in relation to conflict of interest. This includes Declaring in advance any ~~potential~~ conflict of interest ~~and in relation to an application and refraining from assessing it; and exiting the panel meeting before the exit the room before the~~ deliberation of any application in which they have an interest. Conflicts will be recorded in the minutes of the Semi-Annual Grants Assessment Panel meeting.

4.4.7 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.

4.5 Support Provided to Semi-Annual Grants Assessment Panel Members

4.5.1 All panel members will be briefed on their assessment role, and the context of respective grant applications they will be assessing.

4.5.2 The Community Grants and Awards Funding Officer will provide advice, support and background information on each of the applications to be reviewed by panel members.

4.6 Evaluation and Review

The Community Grants Program Semi-Annual Grants Assessment Panel Terms of Reference will be reviewed and evaluated every two years. Endorsement of the final terms of reference will be provided by Council.

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 Appendix 1 Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference

Appendix 1

Semi Annual Grants Assessment Panel Confidentiality & Disclosure of Interests Agreement

Confidential Information

A member of the Semi Annual Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to:

- The Semi Annual Grants application including; submitted application forms and accompanying documents, applicant names and contact details, funding requested, project scopes, application summaries provided by the Community Grants & Awards Officer, feedback on applications provided by Council Officers;
- The Semi Annual Grants Assessment Panel including; names and contact details of panel members; or
- The Semi Annual Grants Assessment Panel Meeting including; discussions held, individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Grants & Awards Officer or Chairperson.

Conflict of Interest

Under the Local Government Act 2020 (the 'Act') a member of the Semi Annual Grants Assessment Panel has a conflict of interest in respect to an application in the following circumstances:

- a **general conflict of interest**, because an impartial, fair-minded person would consider that my private interests could result in me acting in a manner that is contrary to my public duty [s127 LGA 2020]

OR

- a **material conflict of interest**, because one or more of the following affected people would gain a benefit or suffer a loss (either directly or indirectly and in a pecuniary or non-pecuniary form) depending on the outcome of the matter:
 - Me or a member of my family (broadly defined)
 - A body corporate, company or business of which me or my spouse or domestic partner is a director or member of the governing body
 - My employer (other than Council)
 - My business partner
 - Someone for who I am a consultant, contractor or agent

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- A beneficiary of a trust of which I am trustee
- Someone from whom I have received a disclosable gift (>\$500) in the five years preceding any decision of the matter. (

* Noting the exemptions in the Local Government Act 2020 and the Local Government (Governance & Integrity) Regulations 2020

Disclosure of Interest

If a member of the Semi Annual Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies.

- The member must disclose the conflict of interest and complete a Conflict of Interest Disclosure Form;
 - Before the meeting, if he or she does not intend to be present at the meeting, or
 - At the onset of the meeting as requested by the Chairperson.
- The member must exit the room in which the meeting is being held before any consideration or discussion of the application;
- The member cannot take part in the consideration or discussion of the application and cannot contribute to the adjudication process;
- If a panel member discloses a conflict of interest, the Community Grants & Awards Officer must record the declaration and the nature of the conflict of interest in the minutes of the meeting;
- Members who have genuine doubt as to whether a conflict of interest should be declared should seek advice from the Chairperson. Where genuine doubt continues to exist, members should err on the side of caution and declare a potential conflict of interest;
- The failure to notify an general or material conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and
- Councillors and Council Officers who fail to properly disclose a conflict of interest may face penalties and sanctions as outlined in the Local Government Act 2020.

Declaration

As a member of the Semi Annual Grants Assessment Panel, I hereby agree to adhere to the Confidentiality & Disclosure of Interests Agreement as outlined above.

Name: _____

Signature: _____

Date: _____

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Appendix 1 Community Grants Program Semi-Annual Grants Assessment Panel - revised Terms of Reference

Appendix 1

Community Grants Program Semi-Annual Grants Confidentiality & Disclosure of Interests Agreement



Confidential Information

A member of the Semi-Annual Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to;

- ~~_____~~ Semi-Annual Grants application including; submitted application forms and accompanying documents; applicant names and contact details; funding requested; project scopes; application summaries provided by the Community Funding Officer; feedback on applications provided by Council Officers;
- ~~_____~~ Semi-Annual Grants Assessment Panel including; names and contact details of panel members; or
- ~~_____~~ Semi-Annual Grants Assessment Panel Meeting including; discussions held; individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Funding Officer or Chairperson.

Conflict of Interest

A member of the Semi-Annual Grants Assessment Panel has a conflict of interest in respect to an application if the member;

- ~~_____~~ May benefit financially if an application was successful (direct pecuniary interest);
- ~~_____~~ Has a relationship with an applicant, such as a family member or a club/organisation, which may benefit financially if an application was successful (indirect pecuniary interest), or may be at a financial disadvantage if unsuccessful;
- ~~_____~~ Holds a position on a board, committee or other in relation to an applicant;
- ~~_____~~ Would receive a direct benefit (including non-financial) relating to the outcome of an application or
- ~~_____~~ Feels that his or her interest in the application may have the potential to interfere with the proper performance of his or her duties on the panel.

Disclosure of Interest

If a member of the Semi-Annual Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies:

- ~~_____~~ The member must disclose the conflict of interest; As soon as they become aware of it, and must not proceed with reviewing or assessing the relevant application. ~~_____~~
- ~~_____~~ At the onset of the meeting as requested by the Chairperson.
- ~~_____~~ The member must exit the room in which the meeting is being held before any consideration or discussion of the application;

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- The member cannot take part in the consideration or discussion of the application and cannot contribute to the adjudication process;
- If a panel member discloses a conflict of interest, the Community Funding Officer must record the declaration and the nature of the conflict of interest in the minutes of the meeting;
- Members who have genuine doubt as to whether a conflict of interest should be declared should seek advice from Governance Coordinator. Where genuine doubt continues to exist, members should err on the side of caution and declare a potential conflict of interest;
- The failure to notify an actual or perceived conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and
- Councillors and Council Officers who fail to properly disclose a conflict of interest may face penalties and sanctions as outlined in the Local Government Act.

Declaration

As a member of the Semi-Annual Grants Assessment Panel, I hereby agree to adhere to the Confidentiality & Disclosure of Interests Agreement as outlined above.

Name: _____

Signature: _____

Date: _____

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference



Terms of Reference

| | |
|--------------------|---|
| Name | Community Grants Program Bi-Monthly Grants Assessment Panel |
| Endorsed by | Policy Review Panel – 12 June 2019 <u>2 March 2021</u> |
| Approved by | Council - 24 June 2019 <u>15 March 2021</u> |
| Next review | 30 September 2020 <u>31 January 2023</u> |

1. PURPOSE

The Bi-Monthly Grants Assessment Panel will assess applications from the Bi-Monthly Responsive Grants, New Group Establishment Grants, and Resident Achievement Donations, and recommend Grants ~~to be approved by~~ the Chief Executive Officer.

~~2. DELEGATED AUTHORITY~~

The Melton City Council Chief Executive Officer has delegated authority to approve ~~implement~~ Assessment Panel recommendations to be implemented through provision of Funding Agreements ~~and funding~~.

~~3. RESPONSIBILITY~~

The Community Grants Program Bi-Monthly Grants are designed to provide our community with financial support to meet identified community needs across the municipality.

It is the responsibility of the Bi-Monthly Grants Assessment panel to:

- Review and assess applications and provide funding recommendations to the Chief Executive Officer for approval of funding and authorisation of Funding Agreements.
- Ensure adherence to the Community Grants Program ~~P~~policy and Community Grants ~~P~~rogram ~~G~~uidelines and assessment criteria.

MINUTES OF THE POLICY REVIEW PANEL

2 MARCH 2021

Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

3. COMPOSITION

3.1 Membership

The committee will comprise a total of ~~eight-five~~ representatives, consisting of ~~three-elected-Councillors-and~~ five officers of Council who have a significant role in supporting community development.

| | Name | Type of Appointment | Voting Rights | Term of Office |
|---|--|-----------------------------------|----------------|---------------------|
| 1 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 2 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 3 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 4 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 5 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 6 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 7 | Melton City Council, Coordinator Community Capacity (Chair) | Appointed | No | Ongoing |
| 8 | Melton City Council, Community Grants and Awards Funding Officer | Appointed | No | Ongoing |

The total number of voting members will be ~~sixthree~~. ~~The Coordinator of Community Capacity will act as the panel Chairperson.~~

MINUTES OF THE POLICY REVIEW PANEL

2 MARCH 2021

Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference
 Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

3.2 Terms and Method of Nomination

- 3.2.1 ~~Councillors shall be appointed annually at the a Statutory Meeting of Council, or as required if a vacancy occurs.~~
- 3.2.2 Council Officer Positions will be considered and appointed by the General Manager of Community Services, ~~with approval by an Executive team member,~~ based on roles within the organisation that would best support the assessment process.
- 3.2.3 Council Officers will be appointed for two years. At the end of the two year period, or if a vacancy occurs during that period, appointments will be determined based on the process identified in 3.2.2.
- 3.2.4 A position will be deemed to be vacant if a panel member fails to attend two consecutive meetings. Leave may be negotiated and granted in the event that a member needs to arrange a temporary absence.

3.3 Chair

- 3.3.1 The Council's Coordinator Community Capacity is the Chair of the Panel.
- 3.3.2 In the absence of the Chair, the Panel is to select an Acting Chair from its Voting Members.

4. OPERATING PROCEDURES**4.1 Quorum**

- 4.1.1 Quorum will be reached when at least ~~four two~~ voting members ~~(two of which must be Councillors)~~ are present.

4.2 Meetings

- 4.2.1 The Panel will meet each 2 months.
- 4.2.2 Notice of Assessment Panel meetings shall be provided to members at least four weeks prior to each meeting.
- 4.2.3 The Community ~~Funding Grants and Awards~~ Officer must receive apologies for ~~all meeting absences ass no later than 5:00pm the day prior to each meeting soon as is practicable.~~
- 4.2.4 In addition to receiving assessment packs electronically, panel members can nominate to receive printed hardcopies of the assessment packs.
- 4.2.5 Panel members are encouraged to complete and submit their assessments and scoring to the Community Grants and Awards Officer prior to the panel meeting. Once submitted, individual assessments cannot be changed. Panel members who do not complete their assessment prior to the meeting, will be noted and permitted in the meeting to complete their assessment following initial panel discussions on each application.

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4.2.5 In the event a panel member is unable to attend a meeting, the Chair will accept their prior written assessment with their comments and scores taken into account. ~~Any recommendations received by the Community Grants and Awards Officer from absent panel members regarding funding will be communicated by the officer to other members of the panel for consideration at the panel meeting.~~

~~4.2.6 If a panel member cannot attend the meeting, then prior written assessment that is forwarded to the Community Funding Grants and Awards Officer will be accepted for consideration by as participation in a panel meeting, and therefore will not affect meeting quorum.~~

~~4.2.6 While able to submit their scores prior, an absent panel member forfeits their participation in the discussion of funding allocations. Any recommendations from absent panel members regarding funding must be communicated panel meeting for consideration.~~

4.2.7 Meetings will commence and conclude on time.

4.2.8 The panel's rationale for recommended and not recommended applications will be documented and detailed feedback will be provided to unsuccessful or partially successful applicants.

~~Before the overall pre-assessed scores are shown to the panel, the panel will have the opportunity to discuss any issues or red flags pertaining to particular applications and then change their scores if they wish based on new information. Once this portion of the meeting has concluded and final scores have been submitted, the panel will be able to view the overall scores and begin to make funding allocations. No scores are to be altered from then on.~~

4.2.9 Applicants are funded based on a ranking of highest scoring to lowest scoring and panel deliberations. Only those who score over 50% are eligible to receive funding, ~~and the panel must fully or partially fund those who are eligible to receive funding and fall within the available funding threshold.~~

4.2.10 Panel members will receive minutes from Assessment Panel meetings after each meeting.

4.3 Reports

4.3.1 Bi-Monthly Grants are reported to Council bi-monthly via the Mayor and Chief Executive Officer Weekly Meeting minutes.

4.3.2 In order to avoid canvassing, membership of the panel is to remain anonymous, with only the structure, (number of Councillors and Council Officers) to be made available to the general public.

4.4 Expectations and Requirements of Members

Members are required to:

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

- 4.4.1 ~~Complete their~~Read applications ~~assessments~~ prior to each meeting, which involves approximately 2-4 hours of reading ~~and scoring~~ (depending on number of applications). ~~Completing individual assessments and scoring prior to each meeting is highly recommended, but not mandatory.~~
- 4.4.2 Understand and adhere to the principles of the Community Grants Program policy and Bi-Monthly Grants guidelines and ~~make written assessments with evaluation comments based on set~~ assessment criteria.
- 4.4.3 Adhere to the ~~Bi Monthly Grants Assessment Panel Community Grants Program~~ Confidentiality and Disclosure Agreement, refer **Appendix 1**.
- 4.4.4~~3~~ ~~Not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information. Treat information with sensitivity.~~
~~For clarity, information is 'confidential information' and includes matters relating to Panel Meeting information, including discussions held, individual's assessments and funding outcomes.~~
- ~~4.4.4—All funding outcomes will be communicated to the applicant via the Community Grants and Awards Officer or the Chairperson only and not by any other Panel member.~~
- 4.4.5~~4~~ Keep informed of current developments, issues and concerns in the local community.
- 4.4.6~~5~~ Prepare for and actively participate in meetings.
- 4.4.7~~6~~ ~~Comply with legislative and Council requirements in relation to conflict of interest. This includes D~~declaring in advance any ~~potential~~ conflict of interest ~~in relation to an application and refraining from assessing it; exiting the room-panel discussionmeeting~~ before the deliberation of any application in which they have an interest. Conflicts will be recorded in the minutes of the Bi-Monthly Grants Assessment Panel meeting.
- 4.4.8~~7~~ 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.

4.5 Support provided to Assessment Panel Members

- 4.5.1 All assessment panel members are briefed on their ~~assessment role, and the~~ context of respective grant applications they will be assessing.
- 4.5.2 The Community ~~Funding Grants and Awards~~ Officer will provide advice, support and background information on each of the applications to be reviewed by the Assessment Panel members.

MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

4.6 Evaluation and Review

The Community Grants Program Bi-Monthly Grants Assessment Panel Terms of Reference will be reviewed and evaluated every two years. Endorsement of the final terms of reference will be provided by Council.

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

Appendix 1
**Bi Monthly Grants Assessment Panel
Confidentiality & Disclosure of Interests
Agreement**
Confidential Information

A member of the Bi Monthly Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to:

- The Bi Monthly Grants application including; submitted application forms and accompanying documents, applicant names and contact details, funding requested, project scopes, application summaries provided by the Community Grants & Awards Officer, feedback on applications provided by Council Officers;
- The Bi Monthly Grants Assessment Panel including; names and contact details of panel members; or
- The Bi Monthly Grants Assessment Panel Meeting including; discussions held, individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Grants & Awards Officer or Chairperson.

Conflict of Interest

Under the Local Government Act 2020 (the 'Act') a member of the Bi Monthly Grants Assessment Panel has a conflict of interest in respect to an application in the following circumstances:

- a **general conflict of interest**, because an impartial, fair-minded person would consider that my private interests could result in me acting in a manner that is contrary to my public duty [s127 LGA 2020]
- OR
- a **material conflict of interest**, because one or more of the following affected people would gain a benefit or suffer a loss (either directly or indirectly and in a pecuniary or non-pecuniary form) depending on the outcome of the matter:
 - Me or a member of my family (broadly defined)
 - A body corporate, company or business of which me or my spouse or domestic partner is a director or member of the governing body
 - My employer (other than Council)
 - My business partner

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- Someone for who I am a consultant, contractor or agent
- A beneficiary of a trust of which I am trustee
- Someone from whom I have received a disclosable gift (>\$500) in the five years preceding any decision of the matter. (

* Noting the exemptions in the Local Government Act 2020 and the Local Government (Governance & Integrity) Regulations 2020

Disclosure of Interest

If a member of the Bi Monthly Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies.

- The member must disclose the conflict of interest and complete a Conflict of Interest Disclosure Form;
 - Before the meeting, if he or she does not intend to be present at the meeting, or
 - At the onset of the meeting as requested by the Chairperson.
- The member must exit the room in which the meeting is being held before any consideration or discussion of the application;
- The member cannot take part in the consideration or discussion of the application and cannot contribute to the adjudication process;
- If a panel member discloses a conflict of interest, the Community Grants & Awards Officer must record the declaration and the nature of the conflict of interest in the minutes of the meeting;
- Members who have genuine doubt as to whether a conflict of interest should be declared should seek advice from the Chairperson. Where genuine doubt continues to exist, members should err on the side of caution and declare a potential conflict of interest;
- The failure to notify an general or material conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and
- Councillors and Council Officers who fail to properly disclose a conflict of interest may face penalties and sanctions as outlined in the Local Government Act 2020.

Declaration

As a member of the Bi Monthly Grants Assessment Panel, I hereby agree to adhere to the Confidentiality & Disclosure of Interests Agreement as outlined above.

Name: _____

Signature: _____

Date: _____

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 2 Community Grants Program Bi-Monthly Grants Assessment Panel - revised Terms of Reference

Appendix 1

**Community Grants Program
Bi-Monthly Grants
Confidentiality & Disclosure of Interests
Agreement**

**Confidential Information**

A member of the Bi-Monthly Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to: Responsive Grants, Establishment Grants, or Resident Achievement Donations applications, including: submitted application forms and accompanying documents, applicant names and contact details, funding requested, project scopes, application summaries provided by the Community Funding Grants and Awards Officer, feedback on applications provided by Council Officers.

Bi-Monthly Grants Assessment Panel details, including: names and contact details of panel members.

Bi-Monthly Grants Assessment Panel Meeting information, including: discussions held, individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Funding Officer or Chairperson.

Conflict of Interest

A member of the Bi-Monthly Grants Assessment Panel has a conflict of interest in respect to an application if the member;

May benefit financially if an application was successful (direct pecuniary interest);

Has a relationship with an applicant, such as a family member or a club/

organisation, which may benefit financially if an application was successful

(indirect pecuniary interest), or may be at a financial disadvantage if unsuccessful;

Holds a position on a board, committee or other in relation to an applicant;

Would receive a direct benefit (including non-financial) relating to the outcome of an application; or

Feels that his or her interest in the application may have the potential to interfere with the proper performance of his or her duties on the panel.

Disclosure of Interest

If a member of the Bi-Monthly Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies.

The member must disclose the conflict of interest;

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o— Before the meeting, if he or she does not intend to be present at the meeting,
or

o— At the onset of the meeting as requested by the Chairperson.

The member must exit the room in which the meeting is being held before any
consideration or discussion of the application;

The member cannot take part in the consideration or discussion of the application
and cannot contribute to the adjudication process;

If a panel member discloses a conflict of interest, the Community Funding Officer
must record the declaration and the nature of the conflict of interest in the minutes of
the meeting;

Members who have genuine doubt as to whether a conflict of interest should be
declared should seek advice from the Chairperson. Where genuine doubt continues
to exist, members should err on the side of caution and declare a potential conflict of
interest;

The failure to notify an actual or perceived conflict of interest may result in the
review of a decision made and the possible withdrawal of a grant awarded; and
Councillors and Council Officers who fail to properly disclose a conflict of interest
may face penalties and sanctions as outlined in the Local Government Act.

Declaration

As a member of the Bi-Monthly Grants Assessment Panel, I hereby agree to adhere
to the Confidentiality & Disclosure of Interests Agreement as outlined above.

Name:

Signature:

Date:

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 3 Community Grants Program - HRV-Tabcorp Park Grants Assessment Panel - revised Terms of Reference



Terms of Reference

| | |
|--------------------|--|
| Name | Community Grants Program Grants Assessment Panel (Harness Racing Victoria/Tabcorp Park Grants) |
| Endorsed by | Policy Review Panel – 2 October-2019 <u>March 2021</u> |
| Approved by | Council – 14 October-2019 <u>15 March 2021</u> |
| Next review | <u>31 January 2023</u> 30-September-2020 |

1. PURPOSE

The Harness Racing Victoria/Tabcorp Park Grants is an agreement between Council, Harness Racing Victoria and Tabcorp Park. Council provides an administration and support role for the distribution of annual community grants as funded by Harness Racing Victoria and Tabcorp Park.

The Harness Racing Victoria/Tabcorp Park Grants Assessment Panel will review applications and determine distribution of funding against assessment criteria.

2. RESPONSIBILITY

The Harness Racing Victoria/Tabcorp Park Grants is designed to provide the community with financial support to meet identified needs.

It is the responsibility of the Harness Racing Victoria /Tabcorp Park Grants Assessment panel to:

- Review and assess applications and make funding recommendations to Council.
- Ensure adherence to the Community Grants Program Policy and Community Grants Guidelines and assessment criteria.

3. COMPOSITION**3.1 Membership**

The committee will comprise a total of twelve representatives, consisting of an appointed representative of Harness Racing Victoria/Tabcorp Park, ~~four Councillors~~, four officers of Council and three community representatives who have a significant role in supporting community development.

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| | Name | Type of Appointment | Voting Rights | Term of Office |
|----|---|------------------------|---------------|----------------|
| 1 | Harness Racing Victoria/Tabcorp Park Representative | Appointed | Yes | Ongoing |
| 2 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 3 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 4 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 5 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 6 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 7 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 8 | Community Representative (Coburns) | Appointed | Yes | 2 years |
| 9 | Community Representative (Watts) | Appointed | Yes | 2 years |
| 10 | Community Representative (Cambridge) | Appointed | Yes | 2 years |
| 11 | Melton City Council, Manager Community Planning (Chair) | Appointed | No | Ongoing |
| 12 | Melton City Council, Community Funding Grants and Awards Officer | Appointed | No | Ongoing |

The total number of voting members will be ~~sixteen~~. ~~The Manager Community Planning (or nominee) will act as the panel Chairperson.~~

Terms of Reference - Harness Racing Victoria/Tabcorp Park Grants Assessment Panel

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 3 Community Grants Program - HRV-Tabcorp Park Grants Assessment Panel - revised Terms of Reference

3.2 Terms and Method of Nomination

- 3.2.1 ~~Councillors shall be appointed annually at the Statutory Meeting of Council, or as required if a vacancy occurs.~~
- 3.2.2 Council Officer Positions will be considered and appointed on recommendation by line management and approval by General Manager Community Services ~~an Executive team member~~, based on roles within the organisation that would best support the assessment process.
- 3.2.3 Council Officers will be appointed for two years. At the end of the two year period, or if a vacancy occurs during that period, appointments will be determined based on the process identified in 3.2.2.
- 3.2.4 Nominations for Community Representatives will be called by advertisement in local media.
- 3.2.5 Nominees for Community Representatives must be a City of Melton ~~rate payer resident~~.
- 3.2.6 Community Representative nominees must submit a completed Harness Racing Victoria/Tabcorp Park Grants Assessment Panel Expression of Interest form to be considered.
- 3.2.7 Community Representative appointments will be made based on the recommendation of a sub-committee made up of the Chairperson, the Harness Racing Victoria/Tabcorp Park Representative or their nominated representative, and Melton City Council's Community ~~Funding & Project Grants and Awards~~ Officer.
- 3.2.8 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 through the process identified in 3.2.4. Existing members will be eligible to renominate.
- 3.2.9 Diversity in panel representation must be considered when appointing panel members.
- 3.2.10 A position will be deemed to be vacant if a panel member fails to attend two consecutive meetings. Leave may be negotiated and granted in the event that a member needs to arrange a temporary absence.
- 3.2.11 In the event that the number of community representatives nominating for the panel exceed the number of positions available, community representatives may be added to a reserve list that may be drawn upon by any of the Community Grants Assessment Panels for rotation of participation, if required.

3.3 Chair

- 3.3.1 The Council's Manager Community Planning is the Chair of the Panel.
- 3.3.2 In the absence of the Chair, the Panel is to select an Acting Chair from its Voting Members.

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Appendix 3 Community Grants Program - HRV-Tabcorp Park Grants Assessment Panel - revised Terms of Reference

4. OPERATING PROCEDURES

4.1 Quorum

- 4.1.1 Quorum will be reached when at least ~~five~~^{three} voting members are present. Of the ~~three~~^{five}, at least ~~two Councillors~~, one representative from Harness Racing Victoria/Tabcorp Park, and one Community Representative must be present.

4.2 Meetings

4.2.1 ~~The Panel will meet annually.~~

- 4.2.2 Notice of Harness Racing Victoria/Tabcorp Park Grants Assessment Panel meetings shall be provided to members at least four weeks prior to each meeting.

- 4.2.3 The Community ~~Funding & Project Grants and Awards~~ Officer must receive apologies for ~~all meeting absences as soon as practicable, no later than 5:00pm the day prior to each meeting.~~

- 4.2.4 Meetings will commence and conclude on time.

4.2.5 ~~In addition to receiving assessment packs electronically, panel members can nominate to receive printed hardcopies of the assessment packs.~~

- 4.2.6 ~~Panel members must complete all their assessments by 5:00pm the day before the panel meeting. Panel members are encouraged to complete and submit their assessments and scoring to the Community Grants and Awards Officer prior to the panel meeting. Once submitted, individual assessments cannot be changed. Panel members who do not complete their assessment prior to the meeting, will be noted and permitted in the meeting to complete their assessment following initial panel discussions on each application.~~

- 4.2.6 In the event a panel member is unable to attend a meeting, the Chair will accept their prior written assessment with their ~~comments and~~ scores taken into account. ~~Any recommendations received by the Community Grants and Awards Officer from absent panel members regarding funding will be communicated by the officer to other members of the panel for consideration at the panel meeting.~~

4.2.5 ~~Prior written assessment will be accepted as participation in a panel meeting, and therefore will not affect meeting quorum.~~

- 4.2.6 ~~While able to submit their scores prior, an absent panel member forfeits their participation in the discussion of funding allocations. Any recommendations from absent panel members regarding funding will be communicated at the panel meeting for consideration.~~

- 4.2.7 ~~Before the overall pre-assessed scores are shown to the panel, the panel will have the opportunity to discuss any issues or red flags pertaining to particular applications and then change their scores if they wish~~

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~~based on new information. Once this portion of the meeting has concluded and final scores have been submitted, the panel will be able to view the overall scores and begin to make funding allocations. No scores are to be altered from then on.~~

- 4.2.7 Applicants are funded based on scoring and panel deliberations ~~a ranking of highest scoring to lowest scoring~~. Only those who score over 50% are eligible to receive funding, ~~and the panel must fully or partially fund those who are eligible to receive funding and fall within the available funding threshold.~~

- 4.2.8 The rationale for recommended and not recommended applications will be documented and detailed feedback will be provided to unsuccessful or partially successful applicants.

- 4.2.9 Panel members will receive minutes from the Harness Racing Victoria/Tabcorp Park Grants Assessment Panel meetings after each meeting.

4.24.3 Reports

- 4.3.1 Harness Racing Victoria/Tabcorp Park Grants Assessment Panel outcomes are reported to Council for endorsement.
- 4.3.2 In order to avoid canvassing, membership of the panel is to remain anonymous, with only the structure, (number of Councillors Community members and Council Officers) to be made available to the general public.

4.34.4 Expectations and Requirements of Members

Members are required to:

- 4.4.1 ~~Complete their Read~~ applications ~~assessments~~ prior to each meeting, which involves approximately 2-4 hours of reading ~~and scoring~~ (depending on number of applications). Completing individual assessments and scoring prior to each meeting is highly recommended, but not mandatory.
- 4.4.2 Understand and adhere to the principles of the Community Grants Program policy and Community Grants Guidelines and make written assessment with evaluation comments based on set assessment criteria.
- 4.4.3 Adhere to the Harness Racing Victoria/Tabcorp Park Confidentiality and Disclosure Agreement, refer Appendix 1.
- 4.4.43 Not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information. For clarity, information is 'confidential information' and includes matters relating to Panel Meeting information, including discussions held, individual's assessments and funding outcomes. All funding outcomes will be communicated to the applicant via the Community Grants and

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Awards Officer or the Chairperson only and not by any other Panel member.

~~Adhere to the Harness Racing Victoria/Tabcorp Park Grants Confidentiality and Disclosure Agreement, refer Appendix 1.~~

~~4.4.4 Treat information with sensitivity.~~

4.4.54 Keep informed of current developments, issues and concerns in the local community.

4.4.65 Prepare for and actively participate in meetings.

4.4.76 Comply with legislative and Council requirements in relation to conflict of interest. This includes Declaring in advance any potential conflict of interest in relation to an application and refraining from assessing it; and exiting the panel meeting the room before the deliberation of any application in which they have an interest. Conflicts will be recorded in the minutes of the Harness Racing Victoria/Tabcorp Park Grants Assessment Panel Meeting.

4.4.87 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.

4.4.5 Support Provided to Harness Racing Victoria/Tabcorp Park Grants Assessment Panel Members

4.5.1 All panel members will be briefed on the context of respective grant applications they will be assessing.

4.5.2 The Community Grants and Awards~~Funding & Project~~ Officer will provide advice support and background information on each of the applications to be reviewed by panel members.

4.5.6 Evaluation and Review

The Harness Racing Victoria/Tabcorp Park Grants Assessment Panel Terms of Reference will be reviewed and evaluated every two years. Endorsement of the final terms of reference will be provided by Council.

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Harness Racing Victoria/Tabcorp Grants Assessment Panel Confidentiality & Disclosure of Interests Agreement

Confidential Information

A member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to:

- The Harness Racing Victoria/Tabcorp Grants application including; submitted application forms and accompanying documents, applicant names and contact details, funding requested, project scopes, application summaries provided by the Community Grants & Awards Officer, feedback on applications provided by Council Officers;
- The Harness Racing Victoria/Tabcorp Grants Assessment Panel including; names and contact details of panel members; or
- The Harness Racing Victoria/Tabcorp Grants Assessment Panel Meeting including; discussions held, individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Grants & Awards Officer or Chairperson.

Conflict of Interest

Under the Local Government Act 2020 (the 'Act') a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel has a conflict of interest in respect to an application in the following circumstances:

- a **general conflict of interest**, because an impartial, fair-minded person would consider that my private interests could result in me acting in a manner that is contrary to my public duty [s127 LGA 2020]
- OR
- a **material conflict of interest**, because one or more of the following affected people would gain a benefit or suffer a loss (either directly or indirectly and in a pecuniary or non-pecuniary form) depending on the outcome of the matter:
 - Me or a member of my family (broadly defined)
 - A body corporate, company or business of which me or my spouse or domestic partner is a director or member of the governing body
 - My employer (other than Council)
 - My business partner
 - Someone for who I am a consultant, contractor or agent
 - A beneficiary of a trust of which I am trustee

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- Someone from whom I have received a disclosable gift (>\$500) in the five years preceding any decision of the matter. (

* Noting the exemptions in the Local Government Act 2020 and the Local Government (Governance & Integrity) Regulations 2020

Disclosure of Interest

If a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies.

- The member must disclose the conflict of interest and complete a Conflict of Interest Disclosure Form;
 - Before the meeting, if he or she does not intend to be present at the meeting, or
 - At the onset of the meeting as requested by the Chairperson.
- The member must exit the room in which the meeting is being held before any consideration or discussion of the application;
- The member cannot take part in the consideration or discussion of the application and cannot contribute to the adjudication process;
- If a panel member discloses a conflict of interest, the Community Grants & Awards Officer must record the declaration and the nature of the conflict of interest in the minutes of the meeting;
- Members who have genuine doubt as to whether a conflict of interest should be declared should seek advice from the Chairperson. Where genuine doubt continues to exist, members should err on the side of caution and declare a potential conflict of interest;
- The failure to notify an general or material conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and
- Councillors and Council Officers who fail to properly disclose a conflict of interest may face penalties and sanctions as outlined in the Local Government Act 2020.

Declaration

As a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel, I hereby agree to adhere to the Confidentiality & Disclosure of Interests Agreement as outlined above.

Name: _____

Signature: _____

Date: _____

MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference
 Appendix 3 Community Grants Program - HRV-Tabcorp Park Grants Assessment Panel - revised Terms of Reference

Appendix 4



Harness Racing Victoria/Tabcorp Grants Assessment Panel Confidentiality & Disclosure of Interests Agreement

Confidential Information

A member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel must not release information that they know, or should reasonably know, is confidential information. For the purpose of this agreement, information is 'confidential information' if it relates to;

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- The Harness Racing Victoria/Tabcorp Grants Assessment Panel Meeting including; discussions held, individuals assessments and funding outcomes. All funding outcomes will only be communicated to the applicant via the Community Funding & Project Officer or Chairperson.

Conflict of Interest

Under the Local Government Act 1989 (the 'Act') a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel has a conflict of interest in respect to an application in the following circumstances:

Direct interests:

- A direct interest is a matter where there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of a person would be directly altered if a matter is decided in a particular way. (s.77B)

This includes a financial benefit or loss directly to the person. It also includes any company or body that has a direct interest in the matter, if that the person or member of the person's family has a controlling interest in the company.

Indirect interests:

- s.78 An indirect interest because of a close association with a family member, relative or household member who has a direct or indirect interest.
- s.78A An indirect financial interest, including holding shares above a certain value in a company with a direct interest.

Terms of Reference - Harness Racing Victoria/Tabcorp Park Grants Assessment Panel

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- ~~▪ s. 78B Having a **conflicting duty** when you or a member of your family has a duty (or previous duty) to another person or club, committee, organisation (for example as a committee member of a club with a direct interest).~~
- ~~▪ s. 78C Having received an **applicable gift** (a gift or gifts) received in the past five (5) years from a person or other, where the total value is at least \$500. (Refer the Council's Gifts (including Benefits & Hospitality) Procedure)~~
- ~~▪ s. 78D Being a **party to the matter** if you or a member of your family have been a party to a civil proceedings relating to a matter.~~
- ~~▪ s. 78E An indirect interest because of potential impact on your **residential amenity** or that of your family.~~

Disclosure of Interest

If a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel has a conflict of interest with any application being assessed, the following applies.

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- ~~☐ At the onset of the meeting as requested by the Chairperson.~~
- ~~▪ The member must exit the room in which the meeting is being held before any consideration or discussion of the application;~~
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- ~~▪ Members who have genuine doubt as to whether a conflict of interest should be declared should seek advice from the Chairperson. Where genuine doubt continues to exist, members should err on the side of caution and declare a potential conflict of interest;~~
- ~~▪ The failure to notify an actual or perceived conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and~~
- ~~▪ Councillors and Council Officers who fail to properly disclose a conflict of interest may face penalties and sanctions as outlined in the Local Government Act.~~

Declaration

As a member of the Harness Racing Victoria/Tabcorp Grants Assessment Panel, I hereby agree to adhere to the Confidentiality & Disclosure of Interests Agreement as outlined above. Name:

Signature:

Terms of Reference - Harness Racing Victoria/Tabcorp Park Grants Assessment Panel

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 4 Community Grants Program - The Club Caroline Springs Grants Assessment Panel - revised Terms of Reference



Terms of Reference

| | |
|--------------------|---|
| Name | Community Grants Program Grants Assessment Panel (The Club Caroline Springs) |
| Endorsed by | Policy Review Panel – 2-October-2019 <u>2 March 2021</u> |
| Approved by | Council - 8-February <u>15 March 2021</u> Council – 14-October-2019 |
| Next review | <u>31 January 2023</u> 30-September-2020 |

1. PURPOSE

The Club Caroline Springs Grants is an arrangement between Council, The Club Caroline Springs and Melbourne Racing Club. Council provides an administration and support role for the distribution of the annual The Club Caroline Springs Grants as funded by The Club Caroline Springs and Melbourne Racing Club.

The Club Caroline Springs Grants Assessment Panel will review applications and determine distribution of funding against assessment criteria.

2. RESPONSIBILITY

The Club Caroline Springs Grants are designed to provide the community with financial support to meet identified community needs across the municipality.

It is the responsibility of The Club Caroline Springs Grants Assessment Panel to:

- Review and assess applications and make funding recommendations to Council.
- Ensure adherence to the Community Grants Program Policy and Community Grants Guidelines and assessment criteria.

3. COMPOSITION**3.1 Membership**

The committee will comprise a total of twelve representatives, consisting of an appointed representative of the Melbourne Racing Club, ~~four Councillors~~, four officers of Council and three community representatives who have a significant role in supporting community development.

MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

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| | Name | Type of Appointment | Voting Rights | Term of Office |
|----|---|-----------------------------------|----------------|---------------------|
| 1 | Melbourne Racing Club Representative | Appointed | Yes | Ongoing |
| 2 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 3 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 4 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 5 | City of Melton, Councillor | Elected Representative | Yes | Annually |
| 6 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 7 | Melton City Council, Council Officer | Appointed | Yes | 2 years |
| 8 | Community Representative (Coburns) | Appointed | Yes | 2 years |
| 9 | Community Representative (Watts) | Appointed | Yes | 2 years |
| 10 | Community Representative (Cambridge) | Appointed | Yes | 2 years |
| 11 | Melton City Council, Manager of Community Planning (Chair) | Appointed | No | Ongoing |
| 12 | Melton City Council, Community Funding-Grants and Awards Officer | Appointed | No | Ongoing |

The total number of voting members will be ~~ten~~six. ~~The Manager Community Planning (or nominee) will act as the Panel Chairperson.~~

MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

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3.2 Terms and Method of Nomination

- 3.2.1 ~~Councillors shall be appointed annually at the Statutory Meeting of Council, or as required if a vacancy occurs.~~
- 3.2.2 Council Officer ~~positions~~Positions will be considered and appointed on recommendation by line management and approved by ~~an Executive team member~~General Manager Community Services, based on roles within the organisation that would best support the assessment process.
- 3.2.3 Council Officers will be appointed for two years. At the end of the two year period, or if a vacancy occurs during that period, appointments will be determined based on the process identified in 3.2.2.
- 3.2.4 Nominations for Community Representatives will be called by advertisement in local media.
- 3.2.5 Nominees for Community Representatives must be a City of Melton ~~rate-payer resident.~~
- 3.2.6 Community Representative nominees must submit a completed The Club Caroline Springs Grants Assessment Panel Expression of Interest form to be considered.
- 3.2.7 Community Representative appointments will be made based on the recommendation of a sub-committee made up of the Chairperson, a Melbourne Racing Club Representative or their nominated representative, and Melton City Council's Community ~~Funding & Project Grants and Awards~~ Officer.
- 3.2.8 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 through the process identified in 3.2.4. Existing members will be eligible to renominate.
- 3.2.9 Diversity in panel representation must be considered when appointing panel members.
- 3.2.10 A position will be deemed to be vacant if a panel member fails to attend two consecutive meetings. Leave may be negotiated and granted in the event that a member needs to arrange a temporary absence.
- 3.2.11 In the event that the number of community representatives nominating for the panel exceed the number of positions available, community representatives may be added to a reserve list that may be drawn upon by any of the Community Grants Assessment Panels for rotation of participation, if required.

3.3 Chair

- 3.3.1 The Council's Manager Community Planning will act as the Panel Chairperson.

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Appendix 4 Community Grants Program - The Club Caroline Springs Grants Assessment Panel -
revised Terms of Reference

3.3.2 In the absence of the Chair, the Panel is to select an Acting Chair from its Voting Members.

4. OPERATING PROCEDURES**4.1 Quorum**

- 4.1.1 Quorum will be reached when at least ~~five-three~~ voting members are present. Of the ~~five-three~~, at least ~~two-Councillors~~, one representative from Melbourne Racing Club, and one Community Representative must be present.

4.2 Meetings

- 4.2.1 The Panel will meet annually
- 4.2.2 Notice of The Club Caroline Springs Grants Assessment Panel meetings shall be provided to members at least four weeks prior to each meeting.
- 4.2.3 The Community ~~Funding & Project Grants and Awards~~ Officer must receive apologies for ~~all meeting absences no later than 5:00pm the day prior to each meeting as soon as practicable.~~
- 4.2.4 Meetings will commence and conclude on time.
- 4.2.5 In addition to receiving assessment packs electronically, panel members can nominate to receive printed hardcopies of the assessment packs.
- ~~4.2.6 Panel members must complete all their assessments by 5:00pm the day before the panel meeting. Panel members are encouraged to complete and submit their assessments and scoring to the Community Grants and Awards Officer prior to the panel meeting. Once submitted, individual assessments cannot be changed. Panel members who do not complete their assessment prior to the meeting, will be noted and permitted in the meeting to complete their assessment following initial panel discussions on each application.~~
- 4.2.6 In the event a panel member is unable to attend a meeting, the Chair will accept their prior written assessment with their comments and scores taken into account. Any recommendations received by the Community Grants and Awards Officer from absent panel members regarding funding will be communicated by the officer to other members of the panel for consideration at the panel meeting.
- ~~4.2.5 Prior written assessment will be accepted as participation in a panel meeting, and therefore will not affect meeting quorum.~~
- ~~4.2.6 While able to submit their scores prior, an absent panel member forfeits their participation in the discussion of funding allocations. Any recommendations from absent panel members regarding funding will be communicated at the panel meeting for consideration.~~

MINUTES OF THE POLICY REVIEW PANEL

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 Appendix 4 Community Grants Program - The Club Caroline Springs Grants Assessment Panel - revised Terms of Reference

~~4.2.7 Before the overall pre-assessed scores are shown to the panel, the panel will have the opportunity to discuss any issues or red flags pertaining to particular applications and then change their scores if they wish based on new information. Once this portion of the meeting has concluded and final scores have been submitted, the panel will be able to view the overall scores and begin to make funding allocations. No scores are to be altered from then on.~~

4.2.7 Applicants are funded based on ~~a ranking of highest scoring to lowest scoring~~ scoring and panel deliberations. Only those who score over 50% are eligible to receive funding, ~~and the panel must fully or partially fund those who are eligible to receive funding and fall within the available funding threshold.~~

4.2.8 The panel's rationale for recommended and not recommended applications will be documented and detailed feedback will be provided to unsuccessful or partially successful applicants.

4.2.9 Panel members will receive minutes from The Club Caroline Springs Grants Assessment Panel meetings after each meeting.

4.24.3 Reports

4.3.1 The Club Caroline Springs Grants Assessment Panel funding outcomes are reported to Council for endorsement.

4.3.2 In order to avoid canvassing, membership of the Panel is to remain anonymous, with only the structure, (number of Councillors Community members and Council Officers) to be made available to the general public.

4.34.4 Expectations and Requirements of Members

Members are required to:

4.4.1 ~~Complete their Read~~ applications ~~assessments~~ prior to each meeting, which involves approximately 2-4 hours of reading ~~and scoring~~ (depending on number of applications). Completing individual assessments and scoring prior to each meeting is highly recommended, but not mandatory.

4.4.2 Understand and adhere to the principles of the Community Grants Program policy and Community Grants Guidelines and make written assessment with evaluation comments based on set assessment criteria.

4.4.3 Adhere to The Club Caroline Springs Grants Assessment Panel Confidentiality and Disclosure Agreement, refer **Appendix 1**.

~~4.4.4 Treat information with sensitivity.~~

4.4.4.3 Not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 4 Community Grants Program - The Club Caroline Springs Grants Assessment Panel - revised Terms of Reference

For clarity, information is 'confidential information' and includes matters relating to Panel Meeting information, including discussions held, individual's assessments and funding outcomes.

All funding outcomes will be communicated to the applicant via the Community Grants and Awards Officer or the Chairperson only and not by any other Panel member.

4.4.54 Keep informed of current developments, issues and concerns in the local community.

4.4.65 Prepare for and actively participate in meetings.

4.4.76 Comply with legislative and Council requirements in relation to conflict of interest. This includes Declaring in advance any potential conflict of interest and refraining from assessing it, and exiting the room-panel meeting before the deliberation of any application in which they have an interest. Conflicts will be recorded in the minutes of The Club Caroline Springs Grants Assessment Panel Meeting.

4.4.8 Act in a courteous manner, respecting others views and opinions. All members should respect the decision of the consensus view as adjudicated by the Chairperson.

4.4.5 Support provided to Assessment Panel Members

4.5.1 All Panel members will be briefed on their assessment role, and the context of respective grant applications they will be assessing.

4.5.2 The Community Funding & Project Grants and Awards Officer will provide advice, support and background information on each of the applications to be reviewed by Panel members.

4.5.6 Evaluation and Review

The Club Caroline Springs Grants Assessment Panel Terms of Reference will be reviewed and evaluated every two years. Endorsement of the final Terms of Reference will be provided by Council.

MINUTES OF THE POLICY REVIEW PANEL

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Appendix 1

**The Club Caroline Springs Grants
 Assessment Panel Confidentiality &
 Disclosure of Interests Agreement**

Confidential Information

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- The Club Caroline Springs Grants application including: submitted application forms and accompanying documents, applicant names and contact details, funding requested, project scopes, application summaries provided by the Community Grants & Awards Officer, feedback on applications provided by Council Officers;
- The Club Caroline Springs Grants Assessment Panel including: names and contact details of panel members; or
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Conflict of Interest

Under the Local Government Act 2020 (the 'Act') a member of The Club Caroline Springs Grants Assessment Panel has a conflict of interest in respect to an application in the following circumstances:

- a **general conflict of interest**, because an impartial, fair-minded person would consider that my private interests could result in me acting in a manner that is contrary to my public duty [s127 LGA 2020]

OR

- a **material conflict of interest**, because one or more of the following affected people would gain a benefit or suffer a loss (either directly or indirectly and in a pecuniary or non-pecuniary form) depending on the outcome of the matter:
 - Me or a member of my family (broadly defined)
 - A body corporate, company or business of which me or my spouse or domestic partner is a director or member of the governing body
 - My employer (other than Council)
 - My business partner
 - Someone for whom I am a consultant, contractor or agent
 - A beneficiary of a trust of which I am trustee
 - Someone from whom I have received a disclosable gift (>\$500) in the five years preceding any decision of the matter. (

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* Noting the exemptions in the Local Government Act 2020 and the Local Government (Governance & Integrity) Regulations 2020

Disclosure of Interest

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Name: _____

Signature: _____

Date: _____

MINUTES OF THE POLICY REVIEW PANEL

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Appendix 4

**The Club Caroline Springs Grants
Assessment Panel
Confidentiality & Disclosure of Interests
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- **A direct interest** is a matter where there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of a person would be directly altered if a matter is decided in a particular way. (s.77B)

This includes a financial benefit or loss directly to the person. It also includes any company or body that has a direct interest in the matter, if that the person or member of the person's family has a controlling interest in the company.

Indirect interests:

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- s. 78B Having a **conflicting duty** when you or a member of your family has a duty (or previous duty) to another person or club, committee, organisation (for example as a committee member of a club with a direct interest).
- s. 78C Having received an **applicable gift** (a gift or gifts) received in the past five (5) years from a person or other, where the total value is at least \$500. (Refer the Council's Gifts (including Benefits & Hospitality) Procedure)
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- The failure to notify an actual or perceived conflict of interest may result in the review of a decision made and the possible withdrawal of a grant awarded; and
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Declaration

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Name: _____
Signature: _____
Date: _____

MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference

Appendix 5 Excerpt from Local Government Inspectorate - governance examination report - Section 1.3 Community Grants

Management Comment:

Council accepts the findings above. These reflect administrative practice shortfalls which will be addressed in 1.2 above (Develop a system of structured, routine reinforcement of and where necessary training in relation to the roles and responsibilities for tender evaluation panel members including in relation to conflicts of interest and the importance of correctly completed definitions.)

Action: Procurement Coordinator 30 June 2021

In addition the Procurement Coordinator (or delegate) will devise a system of checking the required forms to ensure that these are completed correctly for each tender.

Action Procurement Coordinator – 30 June 2021.

1.3 Community grants

Councils are required to ensure that robust processes are in place to facilitate the appropriate management of public money for the benefit of the community.

The council has six main Community Grants programs - Semi Annual Grants, Responsive Grants, Establishment Grants, Resident Achievement Contributions, The Club Caroline Springs Grants and the Tabcorp Park Grants. It also operates a Young Communities Grants program and a World Environment Day Grants program.

The Community Grants policy was most recently adopted on 14 October 2019 and is due for review in December 2022. The policy is sufficiently detailed, providing an overview of each grants program and the manner with which they are administered. Information relating to eligibility, types of funding, grant conditions, the application process, assessment, acquittals and timelines were captured in the grant's guidelines document. Information on the council website is current, providing adequate detail to prospective applicants.

It was identified that the recommendations for the Semi-Annual Grants program, the Tabcorp Park grants, and The Club grants were approved in the part of the meeting closed to the public. It was advised that this was to enable the council to formally advise the applicants of the outcome personally rather than in public, as the applicants would be aware of the recommendations when the agenda is published prior to the meeting.

Council advised that transparency is achieved through publication in an annual report, the most recent dated 19 August for the 2018/2019 financial year.

The council includes councillors and community members on grant panels to act in an assessment capacity.

A review of randomly selected successful applications was undertaken, with the following issues identified:

- Assessors names were not included on the assessment forms.
- Assessor was not required to sign off on recommendation.

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MINUTES OF THE POLICY REVIEW PANEL

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Item 6.1 Community Grants Programs Assessment Panels - Revised Terms of Reference
Appendix 5 Excerpt from Local Government Inspectorate - governance examination report - Section 1.3 Community Grants

- Assessor queries did not appear to have been formally addressed. It was advised that they were verbally discussed at panel meetings, but not formally noted/recorded.
- The rationale for recommendations for a lesser amount were not documented.
- There was no written rationale for approved grant amounts.
- It was advised that applications must be unanimously supported by the assessment panel prior to progressing to council. There was no documented evidence to confirm this.

Recommendations

- Consideration to be given to the removal of Councillors from the grant assessment process as they are effectively participating in both the assessment of individual grants, and in an approval capacity when the recommendations are made to council. *Also, acting in an evaluation capacity is an operational function of council, of which Councillors do not hold the authority to perform.*
- Documentation should provide the rationale for approved amounts, particularly where the full amount is not approved.
- The assessor's name and sign-off should be included on the individual assessment forms.
- Assessors' queries and the subsequent panel discussion and outcome should be documented.
- Sign off is required by all assessment panel members at the conclusion of the assessment to confirm acceptance of the outcome.

Management Comment:

Whilst not considered best practice, Councillors cannot technically be prevented from acting in an advisory capacity in relation to grants. The very nature of advisory committees with Councillor members means that they act in an advisory (recommendation) capacity and approver capacity.

Officers will recommend that Councillors be removed from the assessment process however the decision is ultimately in the hands of the Council. Officers will bring a briefing and/or report to Councillors/Council with appropriate recommendation

Action: General Manager Community Services – January 2021.

Insofar as the administrative improvements mentioned are concerned, these will be actioned by a review of the process, following the Council's decision.

Action: General Manager Community Services – February 2021.

2 Asset and resource management

A fundamental role of councils governing for the present day and the future is the responsible management of public assets. To ensure the best outcomes for the community,

MINUTES OF THE POLICY REVIEW PANEL

2 MARCH 2021

6.2 COUNCILLOR GIFT POLICY**Responsible Officer:** Christine Denyer – Manager Legal & Governance**Document Author:** Christine Denyer – Manager Legal & Governance**Date Prepared:** 22/02/2021**1. Recommendation:**

That Council approve the Councillor Gift Policy at **Appendix 1** pursuant to the *Local Government Act 2020* (2020 Act).

Motion

Crs Carli/Ramsey.

That the recommendation be adopted.

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

The 2020 Act creates a requirement for Councils to adopt a Councillor Gift Policy by **24 April 2021**. Whilst there was no such requirement in the 1989 Act, this Council does have an existing gift policy for staff and has had a practice of councillors completing gift declarations.

It is now an offence for a Councillor to receive an anonymous gift that has a value of more than the gift disclosure threshold, which remains at \$500/5 years preceding.

There is also now a requirement for a gift register. Separately you will recall that Council resolved, in its Public Transparency Policy (PTP), to make this register available on its website. Otherwise, relevant provisions (e.g. definition of gift) are unchanged from the 1989 Act.

It should be noted that it is proposed that there be no threshold for gifts to be declared. In other words, all gifts must be declared by Councillors, regardless of value. Where a gift or cumulative gifts are \$500/5 years this triggers a material conflict and a requirement to include same on the Personal Interest Return.

The effect of the register together with the provisions in the PTP to make it available on Council's website means that more information is available to the public, however this is in line with the public transparency principles contained within the Act and thus a shift by the sector more broadly.

2.2 Sources/benchmarking

The Policy has been drafted internally with consideration of the requirements outlined in the provisions of the 2020 Act and Council's endorsed PTP. The following were also considered:

MINUTES OF THE POLICY REVIEW PANEL

2 MARCH 2021

- Engage.vic.gov.au website <https://engage.vic.gov.au/local-government-act-2020/anonymousgifts-and-gift-policy> which had the policies of Banyule and Whittlesea.
- Policies of Brimbank City Council (incorporated into its Councillor Code of Conduct) and Wyndham.
- Victorian Public Sector Commission 'Gifts, Benefits and Hospitality Resources Suite'
- Internal privacy advice from paralegal Emma Perconte in relation to the register.

2.3 Consultation

The Policy was drafted in consultation with the Coordinator Governance and Paralegal Officer.

2.4 Communication and Implementation

If adopted, the Policy will be published on Council's website and placed in the Councillor portal.

The Policy also establishes the procedure for the maintenance of a Councillor Gift Register, which will be published on the Council website so as to be publicly accessible.

2.5 Compliance

The policy is compliant with external legislation including the *Local Government Act 1989 (Vic)* and the *Local Government Act 2020 (Vic)*, and the Corporate Policy Management Framework. This policy is also compliant with the Council's Instruments of Delegation.

2.6 Measures of Success

Council are required to adopt and adhere to this policy under the *Local Government Act 2020*. The Policy will be considered a success if Gifts received by Councillors are declared, managed and recorded on the Councillor Gift Register in accordance with the Policy. It will also be considered a success if the Councillor Gift Register is made readily available on the website in adherence with the Public Transparency Policy.

Reporting measures are not a relevant consideration for this policy.

LIST OF APPENDICES


1. Draft Councillor Gift Policy - dated 16 February 2021

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Item 6.2 Councillor Gift Policy

Appendix 1 Draft Councillor Gift Policy - dated 16 February 2021

| | |
|---|---|
|  | Councillor Gift Policy |
| Version No. | Draft 0.1, 16 February 2021 |
| Endorsement | Executive, 18 February 2021 Policy Review Panel, <INSERT DATE> |
| Authorisation | Council, <INSERT DATE> |
| Review date | 28 February 2025 |
| Responsible officer | Manager Legal and Governance |
| Policy owner | Governance Coordinator |

1. Purpose

The purpose of this policy is to set out both the law and Council's position in relation to the receipt (or otherwise) of gifts by Councillors of the Council.

This policy is made in recognition of the requirements of the Act including the requirement to have such a policy. But moreover it is made in recognition of the importance Council places on its Councillors acting ethically, transparently and consistently, particularly in relation to matters which could give rise to a perceived (general) or actual (material) conflict of interest.

This policy aligns with the Overarching Governance Principles contained in the Act.

2. Scope

This policy applies only to Councillors.

This policy relates to all gifts offered, declined and/or received by Councillors except gifts received by Councillors from Melton City Council, such as at the end of a Mayoral or Councillor term.

3. Definitions

| Word/Term | Definition |
|----------------------|---|
| Act | means the <i>Local Government Act 2020</i> (Vic). |
| Conflict of Interest | <p>is set out in Part 6, Division 2 of the Act. Regard should be had to the Act itself.</p> <p>In summary, a conflict of interest may be a:</p> <ul style="list-style-type: none"> • general conflict of interest– a reasonable fair minded observer would think that the Councillor's private interests could conflict with their public duty. This is a perceived conflict. ; • material conflict of interest– the Councillor or one of the persons/entities listed in the Act would receive a benefit or suffer a loss. This is an actual conflict. The benefit or loss may be direct or indirect, pecuniary (involve money) or non-pecuniary (not involve money). <p>A number of exemptions apply to circumstances which would otherwise be conflicts of interest. Again, regard must be had to the Act itself.</p> |

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| | |
|------------------------|--|
| Disclosable Gift | <p>is set out in section 128 of the Act and means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—</p> <p>(a) if the Councillor held the office of Councillor at the time the gift was received; or</p> <p>(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—</p> <p>but does not include the value of any reasonable hospitality received by the Councillor at an event or function that the Councillor attended in an official capacity as a Councillor.</p> <p>As at the date of this policy no other amount has been prescribed in regulations.</p> |
| Gift | <p>has the same meaning as set out in section 3 of the Act.</p> <p>A gift means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—</p> <p>(a) the provision of a service (other than volunteer labour); and</p> <p>(b) the payment of an amount in respect of a guarantee; and</p> <p>(c) the making of a payment or contribution at a fundraising function.</p> <p>The definition in the Act is inclusive and not exhaustive. This means that the definition should be interpreted as widely as possible.</p> <p>Examples of gifts include:</p> <ul style="list-style-type: none"> • alcohol – a bottle or case of wine, bottle of spirits, carton of beer; • tickets to a sporting event; • use of a holiday home; • free or discounted travel; • free training at an event which otherwise incurs a fee; • door prize at an event which has been paid for by Council; • discounts • Christmas hamper • House painting, electrical work, plumbing work and any other trade or service. • Hospitality (except reasonable hospitality – see Reasonable Hospitality below • Ceremonial gifts including from official delegates or representatives from other Councils or organisations. |
| Reasonable Hospitality | <p>Reasonable Hospitality is not a gift. Reasonable Hospitality means hospitality that:</p> <p>(a) an independent fair minded observer would consider is appropriate and proportionate and not excessive; <u>and</u></p> <p>(b) that is received by the Councillor at an event or function that the Councillor attended in an official capacity as a Councillor.</p> |

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Appendix 1 Draft Councillor Gift Policy - dated 16 February 2021

| | |
|--|--|
| | <p>It is noted that both elements must be present (reasonable and official capacity).</p> <p>Examples of reasonable hospitality which are appropriate/proportionate and received by a Councillor in an official capacity include:</p> <ul style="list-style-type: none"> • Sandwiches and pastries (or similar) over a lunchtime meeting or at a free seminar; • Coffee/tea and/or morning/afternoon tea at another organisation's premises before, after or during a meeting or seminar; • A cup of coffee or tea at a café (unless the other person is a supplier, applicant in a current or future statutory process, involved in a current or future tender or EOI or would otherwise create a perceived (general) or actual (material) conflict of interest) where Council business is discussed. <p>Examples of hospitality that are not reasonable/proportionate /appropriate and/or that are not received by a Councillor in an official capacity and therefore constitute a gift include:</p> <ul style="list-style-type: none"> • A 'fine dining and wines' working lunch at another organisation's premises • An offer to pay for a working lunch at a restaurant (with or without alcohol) • An offer of a free spot on an industry golf day |
|--|--|

4. Policy

A Councillor must not solicit a gift from any person or body for themselves or for any other person. To do so may constitute misuse of a Councillor's position, which is an offence under the Act.

A Councillor who is offered a gift will carefully consider, taking a reasonable yet conservative approach, the purpose of the gift, whether it relates to official Council business or the Councillor's role, the amount and proportionality of the gift and the likely public perception of the gift.

Finally, a Councillor must also consider the cumulative amount from one person or body over the preceding 5 years and whether or not the amount(s) make the gift a **Disclosable Gift**.

The Councillor will then decide, based on all the circumstances, whether or not the gift should be accepted.

Regardless of whether or not the gift is accepted, and regardless of the amount (or estimated amount) of the gift, the relevant declaration form must be completed, the details of which will be placed on a public register as soon as practicable after the end of the financial quarter. The gift declaration form must be completed within 7 business days of the date of the offer of the gift, non-acceptance of the gift, or receipt of the gift, whichever is the latter.

In addition, if the cumulative amount given by one person or body is \$500 in the preceding 5 years (excluding **Reasonable Hospitality** received in an official capacity as a Councillor), then the Councillor must declare this on his/her personal interests return and will result in a material conflict of interest in relation to any matter where that person or body has a direct or indirect interest in a matter, vis-à-vis the Councillor in receipt of the gift(s).

The policy sets out examples of Gifts that should be declined and examples of Gifts that may be accepted. These are examples only. Ultimately, it is up to the Councillor to make the final decision as to whether or not a gift should be declined, accepted or accepted and given to the organisation/Council.

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Appendix 1 Draft Councillor Gift Policy - dated 16 February 2021

Developed by the Victorian State Services Commission, the GIFT test is a good summary of Council's policy and the questions Councillors should ask themselves when deciding whether to accept or decline a gift (which includes a benefit or hospitality).

| | | |
|----------|------------------|--|
| G | Giver | Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make? |
| I | Influence | Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make? |
| F | Favour | Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour? |
| T | Trust | Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think? |

4.4. Examples of Gifts that should be declined

The following are examples of gifts that should be declined and actively avoided. These examples are not intended to be exhaustive

4.4.1. Gifts in any way connected to a statutory process

Any gift given where a statutory process or an administrative decision is on foot or planned or likely to be commenced in the next 6 months (e.g. planning permit application, infringement review application, permit application pursuant to the Local Law). This includes a review of a process/application/decision.

4.4.2. Gifts in any way connected to a tender or EOI process

Any gift given where an Expression of Interest (EOI) process or tender is on foot or planned or likely to be commenced in the next 6 months.

4.4.3. Money or equivalent

Any gift of money or which could be easily converted into or are the equivalent of money (this includes gift cards, shares, casino chips, winning betting slips).

Any offer of money which the Councillor reasonably believes has been offered by way of a bribe or inducement must immediately be reported to the Public Interest Disclosure Coordinator (currently the Manager Legal and Governance) or the CEO.

4.4.4. Fly buys, Frequent Flyer and other similar schemes

Any rewards points which will be for a Councillor's personal use or be collected in their personal name. This includes when taking airline travel or making purchases.

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Appendix 1 Draft Councillor Gift Policy - dated 16 February 2021

4.4.5. Anonymous Gifts

s137 Local Government Act 2020 - Anonymous gift not to be accepted

- (1) Subject to subsection (2), a Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor the amount or value of which is equal to or exceeds the gift disclosure threshold unless—
- (a) the name and address of the person making the gift are known to the Councillor; or
 - (b) at the time when the gift is made—
 - (i) the Councillor is given the name and address of the person making the gift; and
 - (ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

Penalty: 60 penalty units.

- (2) If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach of subsection (1) if the Councillor disposes of the gift to the Council within 30 days of the gift being received.
- (3) In addition to the penalty specified in subsection (1), a Councillor who is found guilty of a breach of that subsection must pay to the Council the amount or value of the gift accepted in contravention of that subsection.

If for any reason a Councillor finds themselves in possession of a gift when they do not know the name and address of the person who gave the gift, the Councillor can give the gift to the Council within 30 days to avoid committing an offence. The gift may be added to an end of year staff raffle, if perishable it may be used at a Council event or given to a local charity or foodbank. It may also be returned to the sender.

4.4.6. Gifts of a high value

Any gifts of a high value, including but not limited to, travel, accommodation, experiences or things that would be considered to be luxurious or exclusive.

4.4.7. Frequent gifts from the same source

Any gifts repeatedly given from the same source (including but not limited to free or discounted cups of coffee or other minor hospitality, free or discounted parking, sporting tickets or upgrades).

4.4.8. Alcohol

Alcohol should be declined unless to do so would embarrass the person giving the gift (e.g. on stage at a speaking event or given at Christmas or Easter) and provided that the total of the alcohol offered/received is not valued at more than \$50 (whether one or multiple bottles).

Any alcohol valued at more than \$50 should be declined, regardless of the circumstances. If a Councillor finds themselves in receipt of a gift of alcohol over \$50 that cannot be returned, then it should be donated to the organisation/Council.

4.4.9. Any other gift which the Councillor considers should be declined

Any other gift which the Councillor considers should be declined, taking a reasonable yet conservative approach, in consideration of the purpose of the gift, whether it relates to official Council business or the Councillor's role, the amount and proportionality of the gift and the likely public perception of the gift.

4.5. Examples of Gifts that may be accepted

The following are examples of gifts that may be accepted, taking into account all the circumstances. These examples are not intended to be exhaustive

4.5.1. Gifts of a low or token value

Small or token gifts, particularly if given in relation to Christmas, Easter or in respect of a speech given by a Councillor, including but not limited to a box of chocolates, flowers,

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alcohol with a total value of less than \$50, stationary, calendar or diary, tie pin, badge, small donation in the name of the Councillor to a charity.

4.5.2. Hospitality which is Reasonable Hospitality – see definitions

Hospitality which is Reasonable Hospitality may be accepted but should not be accepted if one of the categories above apply (connected to a statutory process, connected to an EOI or tender, of a high value etc.).

For the avoidance of doubt it is noted again that Reasonable Hospitality is not a gift and does not go towards the threshold of a Disclosable Gift.

4.5.3. Any other gift which the Councillor considers should be accepted.

Any other gift which the Councillor considers should be accepted, taking a reasonable yet conservative approach, in consideration of the purpose of the gift, whether it relates to official Council business or the Councillor's role, the amount and proportionality of the gift and the likely public perception of the gift.

4.6. Accepted gifts may be donated to Council

A Councillor who accepts a gift, or finds themselves in receipt of a gift may donate the gift to the organisation/Council. This should be noted on the gift declaration form. What Council does with the gift will vary depending upon the gift itself. The gift may be added to an end of year staff raffle, if perishable it may be used at a Council event or given to a local charity or foodbank. It may also be returned to the sender.

4.7. Gift Declaration Forms and Register

Regardless of whether or not the gift is accepted or declined and regardless of the amount or estimated amount of the gift, a gift declaration form must be completed. Information from completed declaration forms will be placed on the Gift Register on Council's website in accordance with Council's **Public Transparency Policy**.

4.7.1. Gift Declaration Form

The Gift Declaration Form is at **Appendix 1**. The form will be available from the Councillor portal. The form should be completed within 7 business days of the receipt or decline of the gift.

4.7.2. Gift Declaration Register

Information from completed forms will be up uploaded to the Councillor Gift Register on a quarterly basis, as soon as possible after the end of a quarter. The Councillor Gift Register will be available on Council's website in accordance with the Act, any prescribed regulations and Council's **Public Transparency Policy**.

At a minimum the register will include:

- the name of the Councillor
- a description of the gift
- the estimated monetary value of the gift
- the name of the person who gave the gift;
- if the gift was given on behalf of another person or body, the name of that person or body;
- the classification of the gift provider;
- whether the gift was accepted or declined or accepted and then donated to Council.

An example of the register is at **Appendix 2**.

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5. Responsibility /Accountability

| | |
|------------|--|
| 5.1 | Individual Councillors <ul style="list-style-type: none"> Responsible for complying with the Act and this policy and making a decision in accordance with both as to whether or not to accept or decline an offer of a gift. Responsible for completing a gift declaration regardless of whether or not the gift is declined or accepted. Responsible for reporting any suspected bribe or inducement to Council's Public Interest Disclosure Coordinator (currently the Manager Legal and Governance) or the CEO who will take action in accordance with Council's Public Interest Disclosure Procedure. |
| 5.2 | Manager Legal and Governance <ul style="list-style-type: none"> Responsible for keeping abreast of legislative updates relevant to this policy. |
| 5.3 | Governance Coordinator <ul style="list-style-type: none"> Responsible for uploading the gift declaration forms to the Councillor Portal and updating the gift register on Council's website on a quarterly basis. |

6. References and links to legislation and other documents

| Name | Location |
|--|---|
| Local Government Act 2020 | www.legislation.vic.gov.au |
| Public Transparency Policy | www.melton.vic.gov.au |
| Public Sector Commission 'Gifts, Benefits and Hospitality resource suite' (June 2018) | https://vpssc.vic.gov.au/resources/gifts-benefits-and-hospitality-resource-suite/?_ga=2.3353520.18856138.1613388524-1047080612.1595479743 accessed on 16 February 2021 |
| Local Government Victoria, via Engage.com 'In the Public Interest. A conflict of interest guide for councillors, delegated committee members and council staff' (October 2020) marked 'working draft'. | https://engage.vic.gov.au/local-government-act-2020/co-design-priorities-conflict-interest#:~:text=The%202020%20Act%20uses%20the,external%20members%20of%20delegated%20committees . Accessed on 16 February 2021. |

Above links are correct as at date of Policy.

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Appendix 1



Councillor Gift Declaration Form

| COUNCILLOR DETAILS | |
|--|----------------------|
| Name: | |
| Phone: | |
| GIFT DETAILS | |
| Full Name of Provider: | |
| Classification of Provider: (e.g. Resident, Business, Community Group, Developer) | |
| Description of Gift received: | |
| Reason for Gift <input type="checkbox"/> Service provision <input type="checkbox"/> Thank you gift – please state what prompted the 'thank you', if known. <input type="checkbox"/> Celebration gift (Birthday, Christmas etc.) <input type="checkbox"/> Unsolicited <input type="checkbox"/> Other (please state) | Supporting comments: |
| Date received: | |
| Estimated value (\$): | |
| Source of estimate (Please list the specific website and date of accessing): | |
| DETAILS OF WHETHER GIFT IS RETAINED BY COUNCILLOR OR DONATED | |
| Gift retained by Councillor (Y/N): | |
| Gift donated to: | |
| DECLARED BY COUNCILLOR | |
| Signature | |
| Dated | |
| REVIEWED BY CHIEF EXECUTIVE OFFICER | |
| Signature | |
| Dated | |
| Send completed forms to Governance | |
| Date received | |
| Input on Gift Register | |

PRIVACY NOTICE: Please note that your gift, benefit or hospitality declaration is recorded in the Councillor Gift Register. Please also note that the Councillor Gift Register is published on the Council website in accordance with Council's Public Transparency Policy

Councillor Gift Policy

Draft 0.1

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Item 6.2 Councillor Gift Policy

Appendix 1 Draft Councillor Gift Policy - dated 16 February 2021

Definitions

| Word/Term | Definition |
|------------------------|---|
| Gift | <p>has the same meaning as set out in section 3 of the Act.</p> <p>A gift means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—</p> <ul style="list-style-type: none"> (a) the provision of a service (other than volunteer labour); and (b) the payment of an amount in respect of a guarantee; and (c) the making of a payment or contribution at a fundraising function. <p>The definition in the Act is inclusive and not exhaustive. This means that the definition should be interpreted as widely as possible.</p> <p>Examples of gifts include:</p> <ul style="list-style-type: none"> • alcohol – a bottle or case of wine, bottle of spirits, carton of beer; • tickets to a sporting event; • use of a holiday home; • free or discounted travel; • free training at an event which otherwise incurs a fee; • door prize at an event which has been paid for by Council; • discounts • Christmas hamper • House painting, electrical work, plumbing work & any other trade or service. • Hospitality (except Reasonable Hospitality – see below) • Ceremonial gifts including from official delegates or representatives from other Councils or organisations. |
| Reasonable Hospitality | <p>Reasonable Hospitality is not a gift. Reasonable Hospitality means hospitality that:</p> <ul style="list-style-type: none"> (a) an independent fair minded observer would consider is appropriate and proportionate and not excessive; and (b) that is received by the Councillor at an event or function that the Councillor attended in an official capacity as a Councillor. <p>It is noted that both elements must be present (reasonable and official capacity).</p> <p>Examples of reasonable hospitality which are appropriate/proportionate and received by a Councillor in an official capacity include:</p> <ul style="list-style-type: none"> • Sandwiches and pastries (or similar) over a lunchtime meeting or at a free seminar; • Coffee/tea and/or morning/afternoon tea at another organisation's premises before, after or during a meeting or seminar; • A cup of coffee or tea at a café (unless the other person is a supplier, applicant in a current or future statutory process, involved in a current or future tender or EOI or would otherwise create a perceived (general) or actual (material) conflict of interest) where Council business is discussed. <p>Examples of hospitality that are not reasonable/proportionate /appropriate and/or that are not received by a Councillor in an official capacity and therefore constitute a gift include:</p> <ul style="list-style-type: none"> • A 'fine dining and wines' working lunch at another organisation's premises • An offer to pay for a working lunch at a restaurant (with or without alcohol) • An offer of a free spot on an industry golf day |

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Appendix 2

[illegible]

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7. GENERAL BUSINESS**7.1 COUNCILLOR AND DELEGATED COMMITTEE MEMBER RESOURCES, FACILITIES AND EXPENSES POLICY**

The Panel considered the matter of the Councillor And Delegated Committee Member Resources, Facilities And Expenses Policy that was presented and discussed at the Councillor Briefing held 1 March 2021.

Motion

Crs Ramsey/Carli.

That Council approve the Councillor And Delegated Committee Member Resources, Facilities And Expenses Policy as presented and amended at the Councillor Briefing held 1 March 2021 and attached at **Appendix 1** below.

CARRIED**LIST OF APPENDICES**

- 1 Councillor and Delegated Committee Member Resources, Facilities and Expenses Policy - dated March 2021

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Item 7.1 Councillors and Delegated Committee Members Resources, Facilities and Expenses Policy

Appendix 1 Councillor and Delegated Committee Member Resources, Facilities and Expenses Policy - dated March 2021

| | |
|---|--|
|  | Councillors and Delegated Committee Members Resources, Facilities and Expenses Policy |
| Version No. | V 7.0, March 2021 |
| Endorsement | Councillor briefing - 1 March 2021 |
| Authorisation | Policy Review Panel – 2 March 2021 |
| Review date | Council - <insert date> |
| Responsible officer | January 2023 |
| Policy owner | Chief Executive Officer |
| | Manager Legal and Governance |

1. Purpose

To outline the policy and procedures in relation to the provision of resources and facilities reasonably necessary to support to Mayor and Councillors, and reimbursement of out of pocket expenses of Councillors and members of Delegated Committees of Council provided such expenses meet the provisions of the Act as described in this Policy.

To satisfy section 41(1) of the *Local Government Act 2020* and taking into account the Overarching Governance Principles and those relevant supporting principles, specifically, public transparency and financial management.

2. Scope

This policy applies to the Mayor, Councillors and appointed members of Delegated Committees of Council.

3. Definitions

| Word/Term | Definition |
|---------------------|--|
| Act | means the <i>Local Government Act 2020</i> . |
| Carer | A carer is defined in section 4 of the <i>Carers Recognition Act 2012</i> and is set out further at 5.2 |
| Delegated Committee | is defined in section 3 of the Act and includes a Joint Delegated Committee but does not include a Community Asset Committee. |
| Hospitality | Provision of tea/coffee, drinks and/or a light meal. |
| Sitting Fee | A fixed amount paid to a member of a Delegated Committee Member for attending a meeting of the Committee. If a sitting fee is determined, it must be determined by a resolution of the Council. |
| Three Limb Test | Refers to the three limb test set out in section 40 of the Act. This section provides that Councillors or members of Delegated Committees must be reimbursed for out of pocket expenses provided the three limb test in section 40 is met: |
| | 1. bona fide expenses; and |
| | 2. have been reasonably incurred in the performance of the role of Councillor; and |

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Item 7.1 Councillors and Delegated Committee Members Resources, Facilities and Expenses Policy

Appendix 1 Councillor and Delegated Committee Member Resources, Facilities and Expenses Policy - dated March 2021

| | | |
|--|----|---|
| | 3. | are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role. |
|--|----|---|

4. Policy**4.1 Resources**

Council will provide the following resources and facilities as a minimum tool kit.

Council provided equipment is to be used for Council related business activities, however it is acknowledged that, on occasion, reasonable personal use may be made of communications equipment and other equipment.

4.1.1 Mayor

- Full private use of a fully maintained motor vehicle the cost of which is less than the amount which attracts the luxury vehicle tax, changed over on or after a two year period per vehicle (regardless of the Council or Mayoral term) provided that the Mayor is able to request that the vehicle be changed within the two year period if it is deemed not fit for purpose, and the CEO, acting reasonably may either agree to such request or seek a resolution of Council.
- An office at each of Melton Civic Centre and Caroline Springs Library appropriately fitted with to perform the role of Mayor including any resource or facility reasonably necessary to perform the role
- Council corporate purchase card for use in accordance with adopted policy and procedures
- An Executive Assistant and an Administrative Assistant to provide administrative and secretarial support to Mayor and Councillors
- Laptop or tablet computer with wireless internet service, or ability to connect to wireless internet, as required
- Printer at place of residence, if required
- Mobile Phone
- Business Cards, if required
- Letterhead for Mayoral correspondence
- Home office chair and/or workstation, if required.
- Any piece of equipment reasonably required in relation to a disability or injury or to avoid a workplace injury (letter from treating professional to accompany such request or as recommended after assessment by Council's Occupational Health and Safety Officer).

4.1.2 Councillors

- Administrative support through the Executive Assistant to the Mayor and Councillors, and Administrative Assistant
- Access to Council "Pool" vehicle for Council related business
- Shared office for Councillors fitted with at least one 'spare' computer (PC or laptop) and additional docking stations to dock individual laptops and printer/copier/scanner
- Reasonable refreshments to be provided
- Laptop or tablet computer or appropriate and reasonable IT equipment and connection to ensure that Councillors are able to undertake their duties, as required
- Printer at place of residence, if required

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Item 7.1 Councillors and Delegated Committee Members Resources, Facilities and Expenses Policy

Appendix 1 Councillor and Delegated Committee Member Resources, Facilities and Expenses Policy - dated March 2021

- Mobile Phone
- Business cards, if required
- Personalised letterhead for Councillor correspondence
- Office chair and/or workstation, if required.
- Any piece of equipment reasonably required in relation to a disability or injury or to avoid a workplace injury (letter from treating professional to accompany such request or as recommended after assessment by Council's occupational health and safety officer).

Note:

Mayor and Councillors must reimburse Council for personal call costs made on council provided mobile phone should the phone bill exceed the phone plan charges.

4.1.3 Councillor Uniform

- i) Each Councillor may be provided with the following as required, in any available colour:
 - one jacket
 - one winter jacket
 - one pair of pants or skirt
 - 2 shirts
 or reimbursed for these items up to the same value with Council's logo sewn on in any colour.
- ii) At the mid-point of each Council term, each Councillor is to be provided with or reimbursed for, a replacement jacket and pants or skirt, as required.
- iii) A further budget allocation of \$1,000 per Council term per Councillor is made for the purchase of additional or replacement items of Councillor uniform.

4.1.4 Postage

Postage requirements shall be processed by the Records Department via the Executive Assistant. Postage is restricted to responding to correspondence from the community, and Council will not reimburse the cost incurred in "bulk" mail outs.

5. Expenses

Councillors and members of Delegated Committees must be reimbursed for out-of-pocket expenses provided those expenses meet the Three Limb Test as set out in section 40 of the Act and as described in the definitions section of this policy.

5.1 Child care expenses

Child care expenses are deemed to meet limbs 1 and 2 and will therefore only require proof of the Third Limb, that is, their being reasonably required/necessary for a Councillor or member of a Delegated Committee to perform their role (s 41(2)(c)). This may include hourly fees, booking fees and may include cancellation fees, if an event/meeting/function/briefing etc is cancelled at short notice.

Council must reimburse child care expenses where sufficient evidence of the third limb is provided. Proof will include evidence of a meeting/event/function/briefing and, where relevant, evidence of its late cancellation such that fees could not be avoided.

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5.2 Carer related expenses

Council will reimburse Carer or care relationship related expenses where a Councillor can show evidence of a care relationship and evidence that the Three Limb Test is met.

A person is in a care relationship if he or she provides another person, or receives from another person, care because one of the persons in the relationship—

- (a) has a disability; or
- (b) is older; or
- (c) has a mental illness; or
- (d) has an ongoing medical condition (including a terminal or chronic illness or dementia).

A care relationship also includes a person caring for a child under a permanent care order, child care agreement or protection order, pursuant to the *Children, Youth and Families Act 2005*.

A person is not in a care relationship with another person merely because he or she—

- (a) is the spouse, or the domestic partner within the meaning of the *Children, Youth and Families Act 2005*, of the other person; or
- (b) is the parent, child or other relative of the other person; or
- (c) lives with the other person.

Further, a person is not in a care relationship if he or she provides care to another person—

- (a) under a contract of service or a contract for the provision of services; or
- (b) under an employment contract; or
- (c) in the course of doing voluntary work for a community organisation; or
- (d) as part of the requirements of an education course or training.

but can be in a care relationship even if the person receives funding from either the Commonwealth or State Government in relation to carrying out the role of a carer.

Evidence of a care relationship may include a letter confirming diagnosis and may include details of caring required, a statutory declaration as to the diagnosis and care required, a letter from the DHHS in relation to a child in care pursuant to the *Children, Youth and Families Act 2005*.

Carer expenses may include the travel expenses and accommodation of an accompanying person (to be cared for by the Councillor or member of Delegated Committee or to provide care to the Councillor or member of a Delegated Committee), the expenses of a professional carer to perform the caring responsibilities usually undertaken by the Councillor or member of a Delegated Committee or to provide care to that Councillor or Member of a Delegated Committee (eg sign language interpreter, attendant carer).

5.3 Travel Expenses

Councillors are entitled to be reimbursed for all travel expenses (including public transport costs) which meet the Three Limb Test, including but not limited to travel to:

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- a. A formal Council meeting
- b. Meetings and Civic or ceremonial functions held by the Council that a Councillor is reasonably required to attend
- c. Meetings of external agencies to which the Councillor has been appointed on behalf of Council
- d. Diarised meeting with a constituent or local community group
- e. Diarised meetings with Mayor/other Councillors/Council Officers held at Council offices

Private vehicle travel claims will be reimbursed at the rate applying to Council staff in accordance with Council's Enterprise Agreement (EA) as varied from time to time.

Public transport and carpooling should be utilised where possible, in line with Council's commitment to the mitigation of climate change and as described in the Overarching Governance Principles set out in the Act.

5.4 Conferences and Seminars

Where Council has approved attendance by the Mayor or a Councillor at an event (as distinct from Councillor Development opportunities defined in 5.4(a), all reasonable expenses incurred in attending the event and which meet the three limb test will be met including:

- Travel costs including flights*
- Registration Fee
- Meals and refreshments not provided within registration fee
- Accommodation
- Reasonable Mini-bar expenses
- In-house movies of a G, PG or M rating

* Where flights are required, the best value fare, flying economy should be booked. Council has no preference for any airline or type of flight (fully flexible, semi flexible), and flights should generally be booked well in advance to take advantage of discount fares in consultation with the Councillor and his/her needs. For flights of 5 hours or more, premium economy can be booked.

5.5 Councillor Development

Where Councillors wish to voluntarily register, enrol, participate or attend in activities, education, training or the like designed to improve the knowledge, skills, function and/or capacity of the Councillor in the discharge of their responsibilities to Council and service to the community more broadly, the following applies:

- i) Enrolment or attendance in a Councillor Development activity is subject to application and approval of the CEO.
- ii) Application by a Councillor to the CEO must be in the form of the defined application form attached (Form 2) supported by appropriate evidence to validate the proposal.
- iii) The CEO may only approve any application if satisfied that there is a genuine benefit in the development of skills, knowledge, expertise et cetera applicable to the role, duties and/or function of a Councillor.
- iv) Upon determination of any application by a Councillor to the CEO, the application must be reported to all Councillors via email or Council briefing as soon as practicable, inclusive of the outcome.
- v) The CEO may refer any application to a Council Meeting for consideration and determination at their sole discretion.

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- vi) Attendance at international/overseas development opportunities must come before a Council Meeting for consideration.
- vii) Development activity must be completed within the elected term of the Councillor, or where it extends beyond the elected term, the Councillor must give a written undertaking to the CEO that they will reimburse Council for any uncompleted component at the time of their ceasing to be a Councillor.
- viii) Expenses incurred in the participation or attendance of a Councillor Development activity will be recorded and reimbursed as per standard expense procedures and obligations.

5.6 Hospitality

Council will reimburse the Mayor and Councillors for reasonable costs incurred in extending hospitality to visiting dignitaries, Members of Parliament, and business leaders.

6. Professional Memberships and Subscriptions

Professional memberships that are reasonable bona fide out of pocket expenses which meet the three limb test include:

- Australian Institute of Company Directors
- Victorian Local Governance Association
- Australian Local Government Women's Association

Other individual memberships, professional associations or subscriptions which meet the three limb test may be approved by the CEO.

In circumstances where a membership extends beyond the current term of the Council, membership fees will only be funded in proportion to the remainder of the term.

7. Members of Delegated Committees

Where members of Delegated Committees are paid a "sitting fee", no travel reimbursement will be made for attendance at such meetings for which the sitting fee is paid.

In all other instances, members of Delegated Committees are entitled to reimbursement of out of pocket expenses as if they were a Councillor with reference to the Three Limb Test.

8. Procedure for Reimbursement of Out of Pocket Expenses

To claim reimbursement a written request (pro-forma attached as Form 1) detailing the nature of the expense, the amount claimed, and stating that the expenses claimed meet the Three Limb Test. Requests for reimbursement must be lodged within a 3 month period from when the expense has been incurred and must be signed by the Councillor, and approved by the Chief Executive Officer as complying with this policy.

In the event that a Councillor ceases to hold the office of Councillor including outgoing Councillors after an election, any eligible outstanding expense reimbursement should be submitted for consideration within 3 months from the date of them ceasing to hold the office of Councillor and must be signed by the individual and approved by the Chief Executive Officer or his nominee as complying with this policy.

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9. Responsibility/Accountability

| | |
|------------|---|
| 9.1 | Manager Legal and Governance |
| | <ul style="list-style-type: none"> Policy owner and is responsible for updating and amending this policy and related documents. Responsible for providing professional advice and guidance to Councillors regarding this policy. Responsible for providing details of all reimbursements under section 40(2) of the Act to the Audit and Risk Committee. |
| 9.2 | Councillors and Members of Delegated Committees |
| | <ul style="list-style-type: none"> Familiarise themselves with the policy and understand their obligations. |

10. References and links to legislation and other documents

| Name | Location |
|---|---|
| <i>Carers Recognition Act 2012</i> | http://www.legislation.vic.gov.au/ |
| <i>Local Government Act 2020</i> | http://www.legislation.vic.gov.au/ |
| Melton City Council Enterprise Agreement No. 9 2019 | Council intranet |

11. Attachments**Form 1** – Councillor Expense Reimbursement Requests:

- 1A Childcare and Carer Expense
- 1B Miscellaneous Expense
- 1C Car Parking Expense
- 1D Travel Expense

Form 2 – Councillor Development Application Form

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FORM 1A – Childcare and Carer

CHILDCARE AND CARER EXPENSE

REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

1. bona fide expenses; and
2. have been reasonably incurred in the performance of the role of councillor; and
3. are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role

| Date | Description of Council work undertaken and details of childcare/caring required | Amount |
|------|--|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*Receipts, tax invoices and Statement of Supplier form (if applicable) to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

MEETING OF COUNCIL

Item 12.1 Advisory Committees of Council - Aggregated Meeting Minutes
Appendix 5 Policy Review Panel Meeting Minutes - dated 2 March 2021

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FORM 1B – Miscellaneous

MISCELLANEOUS EXPENSE REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test
namely:

1. bona fide expenses; and
2. have been reasonably incurred in the performance of the role of councillor; and
3. are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role.

| Date | Type of Expense and Details (provide as much detail as possible) | Amount |
|------|--|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*Receipts and tax invoices to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

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FORM 1C – Car Parking

CAR PARKING EXPENSE
REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

1. bona fide expenses; and
2. have been reasonably incurred in the performance of the role of councillor; and
3. are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role

| Date | Details of meeting that was attended and topic of meeting (provide as much detail as possible) | Amount |
|------|--|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*Receipts and tax invoices to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

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FORM 1D – Travelling

TRAVELLING EXPENSE
REIMBURSEMENT REQUEST

I, Cr hereby request reimbursement of the following caring expenses which meet the Three Limb Test namely:

1. bona fide expenses; and
2. have been reasonably incurred in the performance of the role of councillor; and
3. are reasonably necessary for the Councillor and member of a Delegated Committee to perform this role

| Date | Description of Council work undertaken / meeting attended and odometer readings | Amount |
|------|---|--------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

*Receipts and tax invoices to be attached

Councillor Signature

Approved as complying with Council Policy

CEO

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FORM 2 – Councillor Development

Councillor Development Application Form

1. Your details

Name _____ Cr. _____

2. Development opportunity details

Event/Course name _____

Provider/Host etc. _____

Topic or theme _____

Date of training _____

Cost of training \$ _____

Additional estimated costs \$ _____

3. Links to professional development

How does the training link to your role and responsibilities as a Councillor? Attach any supporting evidence.

| |
|--|
| |
|--|

4. Travel details

Is interstate or overnight travel required? ☐ No ☐ Yes → If yes, complete details below

Destination _____

Travel cost \$ _____

Accommodation cost \$ _____

Estimated meal cost \$ _____

Estimated total cost \$ _____

5. Approval

CEO _____ Date _____

Office Use Only

Received by _____

Date received _____

Please return completed form to the CEO:

Mail:
PO Box 21,
Melton VIC 3337Email:
kelvint@melton.vic.gov.au
(max. file size: 10MB)In person:
232 High Street
Melton VIC 3337

MINUTES OF THE POLICY REVIEW PANEL

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8. CONFIDENTIAL BUSINESS

Nil.

9. NEXT MEETING

Wednesday 12 May 2021

10. CLOSE OF BUSINESS

The meeting closed at 12:21pm

Confirmed

Dated this

.....CHAIRPERSON