



STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that a Special Meeting of the Strathbogie Shire Council will be held on Thursday 3 October 2013 at the Euroa Community Conference Centre commencing at 5.00 p.m.

Councillors: Debra Swan (Chair)
Colleen Furlanetto
Malcolm Little
Alister Purbrick
Patrick Storer
Robin Weatherald
Graeme (Mick) Williams

Officers: Steve Crawcour - Chief Executive Officer
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community
Phil Howard – Director, Sustainable Development
Gary Abley – Manager, Organisational Development

BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners
'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.
3. Apologies
4. Disclosure of Interests

EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1

CONDUCT OF PUBLIC

52. VISITORS

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

53. CALL TO ORDER

Any person who has been called to order, including any Councillor who fails to comply with the Chairperson's direction, will be guilty of an offence.
Penalty: \$500

54. *REMOVAL FOR DISRUPTION*

The Chairperson has discretion to cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

- 5. Reports of Council Officers
 - 5.1 Climate Change
 - 5.2 Infrastructure
 - 5.3 Private Enterprise
 - 5.4 Public Institutions
 - 5.5 Housing and Recreation
 - 5.6 Tourism
 - 5.7 Organisation

Steve Crawcour
CHIEF EXECUTIVE OFFICER

27 September 2013

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5. **REPORTS**

5.7 **ORGANISATION**

5.7.1 **Regional Development Australia Funding - Euroa Saleyards and Nagambie Main Street Projects**

Author & Department

Chief Executive Officer / Executive Services Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

In relation to advice provided in this report, the author of this report declares an interest as per the Local Government Act 1989 due to being a member of the Hume Regional Development Australia Committee (Hume RDA).

Summary

The purpose of this report is to identify a suitable option to make up the shortfall of funding that was originally offered by the then Labour Government but not honoured by the new Coalition Government.

The Council (and all Councils) were offered Round 5 of the Regional Development Australia (RDA) fund on the 2nd July 2013 but unless a signed agreement with the Federal Government was in place, then the funding offered would not be honoured by the incoming Government. This Council was originally offered \$271,490.00. This funding was to be split with \$171,490 going to the Nagambie Main Street Project and \$100,000 going towards the Euroa Saleyards Project.

Council is now in a position to either scale down the projects in scope or find the shortfall.

RECOMMENDATION

For Decision.

Background

On the 2nd July 2013 Council was offered \$271,490 in Round 5 of the Regional Development Fund and was asked to submit shovel ready applications. Council then commenced completing the required paperwork. However in the lead up to the 7th September 2013 Federal Election all Councils were advised that the Coalition wouldn't honour anything that had not been signed off but would have a new program commencing in 2015.

5.7.1 Regional Development Australia Funding
- Euroa Saleyards and Nagambie Main Street Projects (cont.)

As the Round 5 RDA funding was announced during Council's budget process for 2013 /14 it gave Council the opportunity to adjust the draft budget to include the Euroa Saleyards and Nagambie Main Street Projects. Council's budget was subsequently adopted on the 23rd July 2013 with these projects included.

Council was not in a position to submit any applications until it had adopted its budget by which time the Federal Election process was in train. Like numerous Council's around the country the change in government has now meant that the funding is no longer available.

These projects not only relied on Federal funding but also State Government Funding with Council applying for \$500,000 from the State for the Nagambie Main Street and \$150,000 for the Euroa Saleyards. These applications will continue to the State Government through the Regional Growth Fund. Council is committed to delivering these projects on behalf of their communities and therefore will consider the following options.

The options open to Council to consider making up for the funding shortfall are:

1. **Nagambie Main Street Project**

a) *Option A.*

Total project cost \$871,490.00

- Council \$200,000 (already in Budget)
- State Government \$500,000
- Bridge Reserve Fund \$171,490

b) *Option B.*

Total project cost \$871,490.00

- Council \$200,000 (already in Budget)
- State Government \$500,000
- General Reserve Funds \$171,490*

**The General Reserve Fund is various trusts held by Council. Council is in the process of reviewing these trusts that have been held since 1994.*

c) *Option C.*

Total project cost \$700,000.00

- Council \$200,000 (already in Budget)
- State Government \$500,000

If Option C is adopted it will require the project to be re-scoped and reduced in size.

5.7.1 Regional Development Australia Funding
- Euroa Saleyards and Nagambie Main Street Projects (cont.)

2. Euroa Saleyards

a) *Option A.*

Total project cost \$450,000.00

- Council \$200,000 (Loan to be drawn per 2013 /14 Budget)
- State Government \$150,000
- Bridge Reserve Fund \$100,000

b) *Option B.*

Total project cost \$450,000.00

- Council \$200,000 (Loan to be drawn per 2013/14 Budget)
- State Government \$150,000
- Saleyards Income \$100,000 (repaid over 5 years)

c) *Option C.*

Total project cost \$350,000.00

- Council \$200,000 (Loan to be drawn per 2013/14 Budget)
- State Government \$150,000

If Option C is adopted it will require the project to be re scoped and reduced in size.

It should be noted that no funds / loans have been drawn for the Saleyards project at this stage until Council has made decision in relation to the options above. For more details about this project refer to the Council Meeting report of the 17th September 2013.

A meeting of the Saleyards Management Group was held on Monday 23rd September 2013 at which the Agents representing the Operational Group confirmed their support for the total \$450,000 project. They also confirmed that they supported the repayment of the loan and the \$100,000 shortfall through saleyards revenue thus not using ratepayer's funds.

Alternative Options

The processes undertaken in relation to advertising, consideration of submissions and adoption are legislated under the Local Government Act 1989 in relation to any loan / borrowings. The options for Council in relation to funding the projects are listed above.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation as loan borrowings and the committees are governed by the relevant Act and Legislation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies and key strategic documents. The Council Plan and SRP provide input into the preparation of the Budget and Council's long term financial planning.

5.7.1 Regional Development Australia Funding
- Euroa Saleyards and Nagambie Main Street Projects (cont.)

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no significant Financial / Budgetary implications for Council or the broader community as the loan is underwritten by the operations of the Euroa Saleyards.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council as it has been dealt with through the Budget process.

Consultation

The author of this report considers that the matters under consideration did not warrant a community consultation process apart from what was done as part of the Budget Process.

Attachments

Nil.

5.7.2 Council and Committee Meetings Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Council and Committee Meetings Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in September 2006.

RECOMMENDATION

That Policy C & E 2 'Council & Committee Meetings Policy' be revoked.

Background

Council currently has a Council and Committee Meetings Policy C & E 2. The policy has been in operation since 1997 and has been separate to any Local Laws that may also provide clauses regarding dates and times of meetings.

The policy is covered in Local Law 1 at clause 14 which at sub-clause 1 states "Council shall determine the date, time and place of all Council meetings". At the statutory meeting held 7 November 2012, Council resolved "That the Council Meetings and Planning Committee meetings timetable remain as they are". Council meetings are currently held on the third Tuesday of every month (except January) commencing 6.00pm in the Euroa Community Conference Centre. Planning Committee meetings are held every second and fourth Tuesday of every month (except January) commencing 4.00pm in the Euroa Community Conference Centre.

Council is currently reviewing Local Law 1 which currently refers to the setting of dates and times for meetings. Given that Local Law 1 already has sufficient provisions for dates and times for meetings, it is recommended that the Policy be revoked.

The policy has been reviewed in accordance with the provisions of the Local Government Act 1989.

Alternative Options

Council has the option to revoke the Policy or amend as it sees fit.

5.7.2 Council and Committee Meetings Policy (cont.)

Risk Management

The policy is already covered under Local Law 1. Therefore revoking this Policy presents no risk to Council.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

There are no financial budgetary implications.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community if Council revokes this policy.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nil.

5.7.3 Rural Land Management Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Rural Land Management Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in September 2006.

RECOMMENDATION

That Rural Land Management Policy C.C.S. 13, be revoked.

Background

Council adopted this policy originally in 2004 and reviewed the policy in 2006. The original policy was designed to achieve the declared Community Land Management Goals and to raise funds for local purposes by the equitable imposition of rates.

The policy was phased out as of 30 June 2011 when Council introduced a farm differential rate that formed part of the Rating Strategy 2010-2015. The strategy introduced a farm differential whereby (a) farm land greater than 40ha would receive the differential rate and (b) properties between 2ha and 40ha had to apply to receive the farm differential. The farm differential is a strategic part of the Council rating strategy and is applied in the adopted 2013/2014 budget. The farm differential is linked to Council's planning scheme in relation to the 40ha minimum area for farm differential.

Given that the Rural Land Management Policy is no longer applied, it is recommended that the policy be revoked.

The policy has been reviewed in accordance with the provisions of the Local Government Act 1989.

Alternative Options

The only option Council has, is to revoke the policy.

Risk Management

There are no significant Risk Management factors relating to the report and recommendation.

5.7.3 Rural Land Management Policy (cont.)

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

There are no financial or budgetary implications associated with this report.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nil.

5.7.4 Council Meeting Agenda Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Council Meeting Agenda Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in September 2006.

RECOMMENDATION

- 1. That Policy C & E 1 'Council Meeting Agenda Policy' be revoked.**
- 2. That Council Meeting Agenda Policy, as attached, be adopted.**

Background

Council currently has a Council Meeting Agenda Policy C & E 1. The policy has been in operation since 1997. There are no provisions in Local Law 1 that provides for the distribution of Council Meeting Agendas as there is with dates and times of Council meetings.

Council is currently reviewing Local Law 1 and could choose to include this as part of that review. To do so would require the policy to be revoked and the risk with revoking the policy before the review of Local Law 1 is completed, is that there would be no set times frames for delivering Council Meeting agendas until the review is completed.

The policy has been reviewed in accordance with the provisions of the Local Government Act 1989.

Alternative Options

Council has the option to revoke the Policy or amend as it sees fit.

Risk Management

The risk of revoking the policy if it is to be included in the review of Local Law, is that there would be no set times frames for delivering Council Meeting agendas until the review is completed.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

5.7.4 Council Meeting Agenda Policy (cont.)

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

There are no financial or budgetary implications that have not already been considered.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community if Council revokes this policy.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Council Meeting Agenda Policy.



COUNCIL MEETING AGENDA POLICY

COUNCIL POLICY	
Effective Date:	15/07/1997
Last Review:	21/02/2006
Current Review:	September 2013
Adopted by Council:
Next Review Date:	<i>Annually / Bi-Annually / As required</i>
Responsible Officer/s:	Director, Corporate and Community

1. POLICY STATEMENT

The purpose of this policy is to provide for the distribution of Council meeting agendas.

2. POLICY APPLICATION

2.1 Distribution to Councillors

To facilitate the opportunity for detailed examination and consideration of reports, Council meeting agendas will be distributed to Councillors not less than 4 working days before every Ordinary meeting.

2.1a Council considers email as an acceptable medium for distribution.

Agendas for Special meetings will also be distributed to Councillors not less than 2 working days before any such meeting.

2.2 Public Exhibition

Agendas for all Ordinary of Council will be made available for public inspection 4 working days prior to each meeting at the following locations:-

- Euroa Civic Centre

Agendas for all Special meetings of Council will be made available for public inspection at the earliest practicable time prior to the meeting.

2.3 Access By the Media

Agendas for all Ordinary meetings of Council will be distributed to the media 4 working days prior to each meeting.

Agendas for all Special Meetings of Council will be made available at the earliest practicable time.

5.7.5 Public Notices Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Public Notices Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in September 2006.

RECOMMENDATION

- 1. That Policy C & E 3 'Public Notices Policy' be revoked.**
- 2. That the Public Notices Policy, as attached, be adopted.**

Background

Council currently has a Public Notices Policy C & E 3. The policy has been in operation since 1997 and was last reviewed in 2006. The policy has been reviewed with only minor amendments being made to the procedures.

The Local Government Act 1989 requires that a newspaper generally circulating throughout the municipal district is nominated for the purpose of publication of public notices. The paper nominated is the "Euroa Gazette".

The policy has been reviewed in accordance with the provisions of the Local Government Act 1989.

Alternative Options

Council has the option to revoke the Policy or amend as it sees fit.

Risk Management

The Act requires a Council to nominate a newspaper generally circulating throughout the municipal district, for the purpose of publication of public notices. By not nominating a paper for this purpose would be in contravention of the Act.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

5.7.5 Public Notices Policy (cont.)

Financial / Budgetary Implications

There are no financial budgetary implications associated with this report that have not already been considered.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Public Notices Policy.



PUBLIC NOTICES POLICY

COUNCIL POLICY	
Effective Date:	15/07/1997
Last Review:	21/02/2006
Current Review:	September 2013
Adopted by Council:
Next Review Date:	<i>Annually / Bi-Annually / As required</i>
Responsible Officer/s:	Director, Corporate and Community

1. POLICY STATEMENT

The purpose of this policy is to nominate a newspaper for the purpose of publication of public notices.

2. POLICY APPLICATION

2.1 The "Euroa Gazette", being a newspaper generally circulating throughout the municipal district, is nominated for the purpose of publication of public notices in accordance with the Local Government Act 1989, and any other Act or regulation.

Advertisements will also be placed in additional newspapers where it is deemed appropriate to ensure the desired level of exposure. Newspapers generally to be used in this context include:-

- Shepparton News
- Seymour Telegraph
- Seymour Nagambie Advertiser
- Community Newsletters, e.g.
 - Violet Town Village Voice
 - Nagambie's Community Voice
 - Strathbogie Tablelands Talk
 - Ruffy Review

5.7.6 Councillors' Expense Entitlement Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Councillors' Expense Entitlement Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in March 2011.

RECOMMENDATION

- 1. That Policy C & E 5 'Councillors' Expense Entitlement Policy' be revoked.**
- 2. That Councillors' Expense Entitlement Policy, as attached, be adopted.**

Background

Council currently has a Councillors' Expense Entitlement Policy C & E 5. The policy has been in operation since 2001. The policy has now been reviewed in accordance with the provisions of the Local Government Act 1989.

The policy has been reviewed with minor amendments being made. The policy covers similar expense reimbursements and amounts, as do a number of policies from other small Councils. Section 75 of the Act requires Councils to have a policy that provides for the reimbursement of Councillor expenses.

Alternative Options

Council has the option to revoke the Policy or amend as it sees fit.

Risk Management

The policy has to be updated and adopted by Councillors if they wish to be reimbursed for out of pocket expenses.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

5.7.6 Councillors' Expense Entitlement Policy (cont.)

Financial / Budgetary Implications

There are no financial budgetary implications associated with the recommendation that have not already been identified in the current budget.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Councillors' Expense Entitlement Policy.



COUNCILLORS' EXPENSE ENTITLEMENT POLICY

COUNCIL POLICY	
Effective Date:	20/03/2001
Last Review:	15/03/2011
Current Review:	September 2013
Adopted by Council:
Next Review Date:	<i>Annually / Bi-Annually / As required</i>
Responsible Officer/s:	Director, Corporate and Community

INTRODUCTION

One of the roles of the Council organisation is to resource the Councillors in their day to day representation of the Shire of Strathbogie community. As such duties will necessarily incur additional expenditure above and beyond Councillors' normal expenses covered by their allowances, provision for financial support has been made and is outlined in this policy.

These guidelines give a broad overview of how the Council can provide assistance to the Councillors in carrying out their functions.

The Local Government Act 1989 (Section 75) provides for the reimbursement of "necessary out of pocket expenses" incurred while performing duties as a Councillor. The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is necessary because it is either supplemental to or incidental to or consequent on the exercise of Council functions. Where this criteria is satisfied, and a Councillor has incurred an out of pocket expenses, this expense may be reimbursed by Council.

POLICY POSITION

To establish the entitlements for a Councillor to have necessary out of pocket expenses incurred while performing their civic, statutory and policy making duties as a Councillor either reimbursed or paid by Council.

ALLOWANCES AND EXPENSES

1. Councillors' and Mayors' Allowances

Section 74 of the Local Government Act 1989 allows the Governor in Council to set allowances for Councillors and Mayors.

Section 74(A) provides that a Mayor is not entitled to receive an allowance as a Councillor if she or he is receiving an allowance as a Mayor.

Section 74(A) of the Local Government Act 1989 states that a Council does not have to pay an allowance under Section 74 to a Councillor who does not wish to receive it.

Councillors' and Mayors' allowances will be paid in 12 equal monthly payments by the 15th day of each month at the rate which will be determined at the Statutory Council Meeting.

There is no provision for a separate allowance for the position of Deputy Mayor.

Individual personal taxation implications are the responsibility of individual Councillors.

2. Reimbursement of Out of Pocket Expenses

Section 75 of the Act provides that 'A Council must reimburse Councillor' and Section 75A of the Act provides that 'A Council may reimburse members of Council Committees for necessary out of pocket expenses incurred while performing duties as a Councillor or Committee member.'

Payment of expenses to Councillors shall be limited to:

- (a) payment for travel expenses;
- (b) reimbursement of family carer costs where appropriate;
- (c) reimbursement of business or mobile phones; and
- (d) reimbursement of costs paid by Councillors.

insofar as these expenses are relative to the functions of civic office.

2(a) Travelling Expenses

Use of Private Vehicles

The allowance payable to Councillors for use of their own private vehicles shall be determined by reimbursement of cents per kilometre travelled using a rate that is the mid-point of the Australian Taxation Office and the Royal Automobile Club of Victoria rate.

Councillors shall be reimbursed under this provision for the use of a private vehicle for:

- (a) Attendance at meetings, conferences and seminars where such attendance by a Councillor has been approved by the Council or the Chief Executive Officer.
- (b) Attendance at inspections and meetings arising as a result of a Councillor being appointed by the Council to an external body.
- (c) Attendance at official Council functions (other meetings, events or occasions) as agreed by the Mayor or Chief Executive Officer from time to time, or by resolution of the Council.

Council Vehicles

Council supports where practicable, and by prior arrangement through the Chief Executive Officer, that a Council vehicle may be made available to Councillors for travel, in-lieu of using a Councillor's private vehicle.

Mayoral Vehicle

Where a Mayoral vehicle is provided, Council supports, where practicable and by prior arrangement through the Chief Executive Officer, that a Council Officer or Mayoral vehicle may be made available to Councillors for travel, in-lieu of using a Councillor's private vehicle.

Exemption from use of Council vehicle

A Councillor may be exempt from using a Council vehicle where:

- A genuine reason has been approved by the Chief Executive Officer, or
- A doctors letter / certificate has been provided.

Conferences and Seminars

Council will provide the following facilities to Councillors attending conferences or seminars which have been authorised by Council or as determined by the Chief Executive Officer and the Mayor:

(a) Registration Fees

The payment of registration fees for attendance at conference/seminar sessions.

(b) Conference Dinner/Meals

Payment for the main conference seminar dinner, if not covered by registration cost, together with all meals, within reasonable limits, for the duration of the conference or seminar.

(c) Accommodation

The payment of accommodation costs on the following basis:

- (i) Appropriate accommodation will be available for the day prior to registration day and each day on which official sessions of the conference seminar are held, provided that the conference takes place outside the Shire.
- (ii) Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.

(d) Transportation

Council will provide a Councillor with transportation to, from and during conferences and seminars. Transportation may be by:

- (i) Aircraft – Economy Class.
- (ii) Hire car up to standard 6-cylinder or taxi.
- (iii) Private/Council vehicle.
- (iv) Train/bus – Economy Class.
- (v) Taxi.

(e) Car Parking Fees

Council will meet the cost of the following car parking fees:

- (i) Hotel/motel parking – additional car parking fees not included in accommodation cost.

- (ii) Airport parking, costs included in the parking of a Councillor's private vehicle at an airport for the duration of the conference/seminar.
- (iii) Commercial car parking fees associated with attending meets or functions on behalf of Council.

2(b) Family Carer

This allowance recognises the diversity of modern family structures and responsibilities. This allowance will reimburse legitimate costs that are incurred for engaging carers to look after the children (up to and including the age of 14 years), elderly or infirm members of the councillor or mayors family, where this is done in connection with approved council activities. These costs are to be substantiated or certified in accordance with council policy and there shall be an upper limit on the amount that can be reimbursed, which is a maximum hourly rate of \$12.

Councillors incurring bona fide family care expenses paid to:

1. a recognised child care provider; or
2. to a person who does not:
 - (a) have a familial or like relationship with the Councillor; or
 - (b) reside either permanently or temporarily with the Councillor; or
 - (c) have a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider;

will be reimbursed such family care expenses when the care is necessary to allow the Councillor to attend:

- Council meetings and functions involving Council business;
- Council functions;
- meetings arising as a result of a Councillor being appointed by the Council to an external body.

Family Care expenses consist of:

- Hourly fees
- Agency booking fees
- Reasonable travelling expenses

Fees are payable per hour or part of an hour subject to any minimum period which is part of the provider's usual terms, to a maximum hourly rate of \$12. A receipt from the family care provider shall be required for the reimbursement of any expenses claimed.

2(c) Use of private / business or mobile phones

The Mayor and Councillors may be supplied with a mobile telephone and all associated costs for the purpose of Council business will be borne by Council.

A Councillor will be entitled to the reimbursement of the costs of any phone calls made on any private / business telephone equipment, including mobile telephones, whenever such calls are made for the purpose of Council business.

Reimbursement up to a maximum of \$100 per month shall be made via the Councillors' Expense Reimbursement form to which a photocopy of the phone bill shall be attached.

For this purpose, an itemised telephone bill will be required for call verification.

STUDY GRANTS

Council shall, subject to the resolution of the Council, provide study grants (as determined in the Council budget) to permit Councillors to attend relevant conferences, academic institutions, or visit other local government authorities for study visits or period of secondment. These periods of study may be undertaken in Victoria, interstate or overseas.

Such grants shall be awarded to Councillors submitting a report to Council detailing:

- proposed course of study or event or local government authorities to be visited
- full budget details for proposed study period
- aim of study program and anticipated outcomes
- benefits to the Council and the Shire of Strathbogie community

The study grant is to be used to cover costs relating to:

- travel costs
- registration or enrolment expenses
- accommodation costs
- meal allowances

Such items should be detailed in the proposed budget and may be paid in advance by Council (in the case of airfares, accommodation, etc.) or reimbursed by Council upon lodgement of all receipts or other proof of expenditure.

SUPPORT FACILITIES

Council will provide the following support facilities for Councillors. These facilities are provided for use by the Councillor in the conduct of his/her duties of office. All equipment provided shall remain the property of the Council and shall be returned within two weeks of retirement or termination of office.

(a) Typing/Secretarial Support

Assistance will be made available to Councillors for work directly related to the duties of the office. All such work will be co-ordinated through the office of the Mayor via the Chief Executive Officer's Personal Assistant.

(b) Apparel

The Council shall, upon request, lend Councillors protective clothing required to assist in carrying out the duties of office. This clothing is to be returned promptly upon the completion of the activity/duty for which the articles were required.

This clothing shall be limited to wet weather pants and pullover, gumboots, winter jacket and/or hat, as may be held in store to meet the organisation's requirements, unless otherwise resolved by Council for a specific item(s).

(c) Stationery

The Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements.

The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries, writing pad/books, computer discs and paper, envelopes and the like.

(d) Meal Refreshments

Where Council or Committee Meetings are held at times that extend through normal meal times, Council will provide suitable meals taking into account dietary requirements.

(e) Computer Equipment

Council will provide (if required) the Mayor and Councillors with access to an iPhone & cover and an iPad & cover. Access to other associated computer equipment to enable electronic communication, may be considered.

A security card for access to the Councillor meeting room and the Council offices, is also provided to all Councillors.

(f) Credit Cards

The Mayor may request to be issued with a credit card for use for items of a legitimate Council nature.

All taxation invoices and purchase dockets should be retained and forwarded to Council for the purpose of GST compliance and reconciling the monthly statements.

(g) Other Expenditure

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where the Mayor and Chief Executive Officer agree otherwise.

INSURANCE

Councillors are covered by the following Council insurance policies on a 24-hour basis whilst discharging the duties of civic office:

- (a) Personal Accident Insurance
- (b) Public Liability Insurance
- (c) Professional Indemnity Insurance
- (d) Councillors and Officers Liability Insurance

The cover available under the policies is:

- (a) **Personal Accident Insurance** (accompanying partners also covered)
Accidental bodily injury – range of benefits in accordance with insurance schedule.
- (b) **Public Liability Insurance** (excess \$5,000)
Indemnity for Council against claims by Third Parties arising from injury or damage to property.
- (c) **Professional Indemnity** (excess \$5,000)
Indemnity for Council against claims by Third Parties arising out of negligence in performance of professional activities causing financial loss. The types of claims covered extend to civil liability, including slander and libel.
- (d) **Councillors and Officers Liability** (excess - Nil)
An insurance protection for wrongful acts committed by Councillors or officers who may be held personally liable, provided it can be established that acts were in good faith. Generally, claims would arise from breach of statute, e.g. unfair dismissal, breaches of Occupational Health and Safety Act, Equal Opportunity Act, harassment.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

GENERAL PROVISIONS

The following general provision apply to this policy, where appropriate, to determine the amount of out of pocket expenses that will be reimbursed to Councillors:

- (1) that travel must be undertaken as quickly as possible and by the shortest route possible;
- (2) that any time occupied in other than authorised Council business is not to be included in the calculation of any expenses to be paid;
- (3) where travel is by air, the standard form of travel will be economy class;
- (4) claims will only be paid on the basis of the actual form of transport used, and in the form of reasonable allowances towards or reimbursement of necessary out of pocket expenses.

REIMBURSEMENT OF COSTS PAID BY A COUNCILLOR FOR WHICH COUNCIL IS LIABLE

A Councillor will be entitled to reimbursement of any other expenses which the Council has agreed to and provided that they are covered under the guidelines set out in this policy. Councillors are to provide receipts for any expenses incurred. The expenses will, unless authorised by the Chief Executive Officer or Mayor, be paid in arrears.

PROCEDURES FOR REIMBURSEMENT OF COUNCILLORS' EXPENSES

Reimbursement of Expenses

When a Councillor requires reimbursement of monies expended whilst conducting Council business, provided such expenditure is deemed acceptable under the provisions of this policy, he/she should follow the procedure below.

- Obtain a receipt / tax invoice for any expenditure.
- Complete a Councillors Expenses Reimbursement Form.
- Attach the relevant receipt to the form and forward it to the Chief Executive Officers Personal Assistant.
- The claim will be authorised by the Chief Executive Officer.
- If the claim is under \$50, it will be paid in cash following authorisation by the Chief Executive Officer.
- Arrangements should be made to collect and sign for the cash from the Customer Services Co-Ordinator.

If the claim exceeds \$50, it will be processed through the Accounts Payable system and will be posted to the Councillor. Processing could take up to two weeks.

If a Councillor requires goods or services to be ordered for Council business, he/she should request the Executive Officer to prepare an order requisition which will need to be authorised by an appropriate officer, and an order will be placed to obtain the goods/services as soon as possible.

EXCLUSIONS

Any expenses arising from a breach of road, traffic parking or other regulations or laws, will not be reimbursed or funded in any way by Council.

If a Councillor does not claim a particular expense, this cannot be offset against a claim for any additional amount of some other expense.

Claims for expenses, other than those included in the policy, will not be reimbursed, except when they are subject to a Council resolution.

REPORTING

Under the Local Government Regulation 1998, Council is required to make available for public inspection a range of material. With regard to Councillors, these include:

- (a) details of current allowances fixed for the Mayor and Councillors under Section 74 of the Act;
- (b) details of overseas or interstate travel, with the exception of interstate travel to a neighbouring municipality, undertaken in an official capacity by Councillors or any member of Council staff in the previous twelve months.

Creditor No _____

STRATHBOGIE SHIRE COUNCIL
Councillors Expense Reimbursement form

Name: _____

Date	Travel Expenditure: For Travel to meetings, events or occasions as adopted by council or approved by the Chief Executive Officer and /or the Mayor	Km Travelled	@.97c per Km	Amount
			@.97c	\$
			@.97c	\$
			@.97c	\$
			@.97c	\$
			@.97c	\$
	Ledger # 1000005 FRE	Total Travel Exp		\$
Date	Other expenses: Please attach receipts and any other supporting documentation Telephone Expenses as per attached (ledger # 1000010) FRE			
				\$
				\$
				\$
				\$
	Total Other Expenses			\$
Claim Total				\$

Cr Signature: _____

Date: _____

Authorised by CEO: _____

Date: _____

5.7.7 Nagambie Elderly Persons Units Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Nagambie Elderly Persons Units Policy has been reviewed in accordance with the Local Government Act 1979 (The Act). The document was last formally reviewed in June 2004.

RECOMMENDATION

- 1. That Policy C.C.S. 11 'Nagambie Elderly Persons Units Policy' be revoked.**
- 2. That the Nagambie Elderly Persons Units Policy, as attached, be adopted.**

Background

Council currently has a Nagambie Elderly Persons Units Policy. The policy has been in operation since 2004 and was last reviewed in 2004. The policy has been reviewed with only minor amendments being made.

The policy has been reviewed in accordance with the provisions of the Local Government Act 1989.

Alternative Options

Council has the option to revoke the Policy or amend as it sees fit.

Risk Management

The recommendation addresses the need for a policy review.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

There are no financial budgetary implications associated with this report.

5.7.7 Nagambie Elderly Persons Units Policy (cont.)

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Nagambie Elderly Persons Units Policy.



NAGAMBIE ELDERLY PERSONS UNITS POLICY

COUNCIL POLICY	
Effective Date:	15/06/2004
Last Review:	October 2011
Current Review:	September 2013
Adopted by Council:
Next Review Date:	<i>Annually / Bi-Annually / As required</i>
Responsible Officer/s:	Director, Corporate and Community

POLICY STATEMENT

The policy defines the principles for the provision of accommodation to older people and people with a disability who are not able to access the private rental or public housing market.

These applicants may have sufficient assets to disqualify them from public housing access but may have insufficient income to compete in the private market; alternatively they may have low levels of assets but are not deemed a priority for public housing.

POLICY APPLICATION

The purpose of this policy is to define the eligibility and access processes.

Eligibility Criteria

- Eligibility criteria are determined by Council through the Manager Community Development in line with the Ministry of Housing determinations.
- Applications for residency must be made on Council's pro-forma application through the Manager Community Development.
- The rental and ingoing fee charges are determined by Council based on income and assets and assessed need.
- A non-refundable ingoing fee is charged where an applicant has assets of not less than \$25,000. Applicants not paying the fee will be required to pay a rental surcharge.
- A pro-rata refund of the ingoing fee may be paid at the discretion of Council subject to the condition of the unit being satisfactory at the conclusion of the tenancy.

Application Approval

Before commencing occupation of the unit every resident will enter into an Accommodation Agreement.

Roles and Responsibilities

The roles and responsibilities are provided in the Accommodation Agreement.

Unit Acces

As units become vacant, Council will not re-let.

5.7.8 Protected Disclosure Policy

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989 (LG Act).

Summary

The Protected Disclosure Policy is a new policy as a result of changes to legislation.

RECOMMENDATION

That the Protected Disclosure Policy, as attached, be adopted.

Background

The Protected Disclosure Policy was originally referred to in the Whistleblowers Act and required Councils to have procedures for members of the public to use the Whistleblowers Act to report unethical behaviors of Councillors and staff. There has been a change to the legislation that refers to all disclosures being managed under the Protected Disclosure Act which commenced operation on 10 February 2013.

The purpose of Council's Protected Disclosure Policy is to support the ethical behaviours and values expected from Councillors and Council officers and employees as detailed in the Councillor and Staff Codes of Conduct.

The policy now requires there to be protected a Protected Disclosure Co-ordinator and Protected Disclosure Officer. It also provides for the establishment of procedures for the management of disclosures.

This is a new policy and is a requirement under law.

Alternative Options

This is the only option available to Council

Risk Management

The risk of not adopting a Protected Disclosure Policy is that Council will not be meeting its statutory obligations.

Strategic Links – policy implications and relevance to Council Plan

The report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

5.7.8 Protected Disclosure Policy (cont.)

Financial / Budgetary Implications

There are no financial or budgetary implications that have not already been considered.

Economic Implications

The recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

There are no significant community or social implications for Council or the broader community if Council revokes this policy.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The recommendation has no further legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

Protected Disclosure Policy.



PROTECTED DISCLOSURE POLICY

COUNCIL POLICY

Effective Date:	
Last Review:	
Current Review:	
Adopted By Council:	
Next Review Date:	Annually/Bi-Annually/As required
Responsible Officer/s:	Director Corporate & Community

1. PURPOSE

The purpose of Council's Protected Disclosure Policy is to support the ethical behaviours and values expected from Councillors and Council officers and employees as detailed in the Councillor and Staff Codes of Conduct.

Council's Protected Disclosure Policy enables Strathbogie Shire Council to encourage and facilitate disclosures of improper conduct or detrimental action. The Protected Disclosure Policy provides for the receipt and effective management of information relating to a Councillor or a Council officer or employee engaging in improper conduct or detrimental action and ensures effective processes are in place to support people who have made protected disclosures, those who maybe the subject of a protected disclosure and those who may be witness to an investigation.

2. OBJECTIVE

The objectives of the Protected Disclosure Policy are:

1. To encourage and facilitate the disclosure of improper conduct or detrimental action by Councillors or Council officers or employees;
2. To protect Council against improper conduct or detrimental action by Councillors or Council officers or employees;
3. To ensure proper protection of the person making the complaint from retribution for making the disclosure;
4. To provide for confidentiality for the content of the disclosure and the identity of the complainant; and
5. To establish a process for the making of disclosures of improper conduct by Councillors and Council officers or employees and to provide a system of investigation of such disclosures.

3. SCOPE

The *Protected Disclosure Act 2012 (the Act)* requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protection for looking after all parties who may be involved. The Act, which commenced operation on 10 February 2013, replaces the former *Whistleblowers Protection Act 2001* and amends the *Ombudsman Act 1973*.

Under the Act, Council may receive disclosures regarding the improper conduct of Council or its officers or employees. Disclosures regarding Councillors must be made directly to the Independent Broad-based Anti-Corruption Commission (**IBAC**) or the Victorian Ombudsman.

This Policy will apply to Councillors, Council officers or employees and they are accountable for complying with all relevant legislative and policy requirements.

4. DEFINITIONS

Reference term	Definition
Act	<i>Protected Disclosure Act 2012.</i>
Corrupt conduct	Refer "improper conduct" below.
Council	"Council" has the same meaning as it has in section 3(1) of the <i>Local Government Act 1989</i> . "Council means a municipal council (including the Council of the City of Melbourne and the Council of the City of Geelong) whether constituted before or after the commencement of this section."
Councillor	"Councillor" has the same meaning as it has in section 3(1) of the <i>Local Government Act 1989</i> . "Councillor means a person who holds the office of member of a Council."
Detrimental action	"detrimental action" includes— (a) action causing injury, loss or damage; (b) intimidation or harassment; (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
IBAC	"IBAC" means the Independent Broad-based Anti-corruption Commission established under section 12 of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> ;
Improper conduct	"improper conduct" means— (a) corrupt conduct; or (b) conduct specified in Section 4 subsection (2) of the Act that is not corrupt conduct but that, if proved, would constitute— (i) a criminal offence; or (ii) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the officer who was, or is, engaged in that conduct.
Ombudsman	"Ombudsman" means the person appointed as the Ombudsman under section 3 of the <i>Ombudsman Act 1973</i> .
Protected disclosure	"protected disclosure" means— (a) a disclosure made in accordance with Part 2; or (b) a complaint made in accordance with section 86L(2A) of the <i>Police Regulation Act 1958</i> .

Protected Disclosure Co-Ordinator	Gary Abley Manager Organisational Development Disclosure Co-Ordinator means the person(s) appointed by Council to impartially assess each disclosure to determine whether it appears to be a protected disclosure. Also to receive a complaint of the nature described in this Policy.
Protected Disclosure Officer	David Woodhams Director Corporate & Community. Disclosure Officer means the person(s) appointed by Council to receive a complaint of the nature described in this Policy.

5. POLICY

5.1 Policy Statement

Strathbogie Shire Council is committed to the aims and objectives of the *Protected Disclosure Act 2012*. The Council does not tolerate improper conduct, nor the taking of reprisals against those who come forward to disclose such conduct.

Council recognises and values transparency in its administrative and management practices and supports the making of disclosures that may reveal improper conduct.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action from reprisal for making the disclosure. It will afford natural justice to the person who is the subject of the disclosure.

5.2 Policy Principles and Application

Council will apply the following fundamental principles in facilitating the appropriate reporting of, and supporting the people involved and managing the process of, disclosure of improper conduct and detrimental action by Councillors or Council officers or employees;

- Council is committed to the aims and objectives of the *Protected Disclosure Act 2012*.
- Council officers and employees may report to the Protected Disclosure Co-Ordinator or an appropriate Protected Disclosure Officer or external authority any behaviour that violates any law, rule or regulation or represents corrupt or improper conduct (including bribery), mismanagement of resources, or is a danger to public health or safety.
- Council will not tolerate improper conduct by Councillors or Council officers or employees, nor the taking of reprisals against those who come forward to disclose such conduct.
- Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt or improper conduct (including bribery), conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.
- Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It

will afford natural justice to all parties including the person who is the subject of the disclosure.

- All disclosures will be treated confidentially.
- The only method of making a protected disclosure relating to a Councillor is to the Ombudsman or IBAC.
- Council will establish a procedure in relation to the management and handling of protected disclosures in accordance with this Policy.

5.3 What is a protected disclosure?

Where a person believes there are reasonable grounds to support that a Councillor or Council officer or employee is engaging in improper action or detrimental action, that person may report the conduct (protected disclosure) to the appropriate person or entity and be assured of confidentiality and protection from reprisal as a result of making the protected disclosure.

5.4 Who can make a protected disclosure?

A protected disclosure can be made where a person who has reasonable grounds for believing that improper or corrupt conduct or detrimental action has occurred.

5.5 How to make a disclosure

A protected disclosure may be made even if the person making the disclosure cannot identify the person or the body about whom they are making the disclosure. A protected disclosure can be made:

- In writing (using council's complaints form or by post);
- In person;
- By telephone; or
- By email.

Disclosures may be made anonymously.

5.6 False disclosures

A person must not knowingly make a false disclosure or provide false information. It is an offence under the protected disclosure Act and penalties may be applied.

5.7 Roles & Responsibilities

It is the responsibility of the Director Corporate & Community to maintain the Protected Disclosure Policy and to establish a procedure for the management of disclosures which are covered by this Policy.

In the event that a disclosure is received, the Council will acknowledge receipt of the disclosure, initially review the matter and may make a determination as to whether the disclosure is covered by the provisions of the Act. If required, the disclosure will also be referred to IBAC for consideration and investigation.

The person who made the disclosure will be advised if the information received is not deemed to be a protected disclosure under the Act.

It is also the responsibility of the nominated Protected Disclosure Co-Ordinator or Protected Disclosure Officer to ensure the effective handling of information and people involved in a protected disclosure. These actions will include taking all reasonable steps to ensure that the identity of the person making a protected disclosure and the person who is subject to the protected disclosure are kept confidential.

Where a complaint in the nature of a protected disclosure is made against a Councillor, the notification must be made to the Ombudsman or IBAC, and not to the Council.

6. MONITORING, REVIEW AND EVALUATION

The Corporate & Community Directorate is responsible for implementing, monitoring, evaluating and reviewing the Protected Disclosure Policy as required from time to time.

7. RELATED DOCUMENTS

7.1 Policies

- Councillor Code of Conduct
- Staff Code of Conduct
- Risk Management Policy
- Procurement Policy
- Fraud Control Policy
- Gifts and Benefits Policy

7.2 Strategies

- Council Plan

7.3 Legislation

- *Protected Disclosure Act 2012*
- *Protected Disclosure Regulations 2013*

8. ATTACHMENTS

Nil

5.7.9 Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

Author & Department

Manager Statutory Services / Sustainable Development Directorate

File Reference

L25/015/01

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

Under the *Domestic Animals Act 1994* (the Act) all Victorian Councils must, in consultation with the Secretary of the Department of Environment and Primary Industries, prepare a Domestic Animal Management (DAM) Plan. Council has a legal obligation under the Act to produce the DAM Plan every four years. The contents required in the Plan are prescribed in the legislation and each section of the report has reference to the parts of legislation are being addressed.

The purpose of the Act is to promote animal welfare, responsible pet ownership and to protect the environment. Council's first plan was adopted by the Council in 2008.

The DAM Plan is complemented by, and will be used in conjunction with, Council's Community Local Law Number 6, the Planning Scheme and relevant Acts, Regulations and Codes of Practice.

Council resolved to at its Council Meeting held 20 August 2013 to seek public comments on the draft plan. The public exhibition period closed 25 September 2013.

Submissions/Comments Received

No submissions or comments were received from the public.

It is now recommended that the draft Domestic Animal Management Plan 2012 – 2016 be adopted by Council as attached to this report.

RECOMMENDATION

That Council:

- 1. Adopt the draft Domestic Animal Management Plan 2012-2016 as attached to this report.**
- 2. Send a copy of the adopted plan to the Secretary of the Department of Environment and Primary Industries.**

Background

The State Government has recently made amendments to the *Domestic Animal Act 1994* which requires the Shire of Strathbogie to develop a Domestic Animal

Management Plan (DAM) for the period 2012 to 2016. The purpose of the Act is *“to promote animal welfare, the responsible ownership of cats and dogs and the protection of the environment.”*

The Domestic Animal Management Plan provides Council with a strategic framework that identifies policy direction and an action plan for animal management in the municipality, and residents with guidelines for the keeping and management of domestic animals.

In accordance with the Act, the objective of the Domestic Animal Management Plan 2012-2016 is to facilitate actions within the community that promote the values of responsible pet ownership and high standards of animal welfare.

Pet ownership is a part of everyday Australian life, with 64% of Australia's 6.6 million households having a pet. In terms of dog ownership, Australia leads developed nations with 40% of households owning one or more dogs. Council's profile reflects this trend with 2011/12 statistics showing 41% dog ownership.

Council currently has 2199 dogs and 449 cats registered, however it is believed that there may be considerably more animals in the community than are currently registered. Experience throughout Victoria has shown that higher levels of registration generally lead to higher levels of responsible pet ownership. Councils with higher registration rates generally experience lower levels of complaint about animals.

In addition to the intent of the DAM to promote responsible pet ownership and respond to both community and legislative expectations is the inclusion of activities relating to domestic animal businesses.

The goal of the plan is to balance the needs of pet owners and the needs of others in the community by providing sound animal management practices based on education, service delivery the enforcement of legislative requirements, local laws and planning controls.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations. Where required the budget implications relating to the implementation of actions from the plan will be included in future Council budget initiatives.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

In accordance with the purpose of the *Domestic Animals Act 1994*, the Plan promotes the protection of the environment and seeks to increase the amenity of the Shire.

Community Implications

The community will have an expectation that Council will monitor, manage and control the activities relating to domestic animals. This Plan will provide Council with the framework to manage this expectation.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The *Domestic Animals Act 1994* requires all Victorian Councils to prepare a Domestic Animal Management Plan. Council has a legal obligation under the Act to produce the DAM Plan every four years. The contents required in the Plan are prescribed in the legislation and each section of the report has reference to the parts of legislation are being addressed.

Consultation

As the implications of the Plan will impact community members it is important that residents have an opportunity to view the draft Plan. As indicated in the recommendation it is the intent of the author to make the Plan available for public comment. Following an assessment and consideration of comments received which a final report will be provided to Council for endorsement for adoption and a copy of the plan provided to the Secretary in accordance with Section 68A (3) of the *Domestic Animals Act 1994*.

It must be noted that there is no formal requirement for a Section 223 submission process under the *Local Government Act 1989*. It is the author's recommendation that, in the interests of community, that the plan be made publicly available for comment.

The Domestic Animal Management Plan 2012-2016 must be developed in consultation with the Secretary in accordance with Section 68A (1) of the *Domestic Animals Act 1994*. The requirement is met in that Council officers completed the relevant training and based the plan format on the pro-forma provided by the Bureau of Animal Welfare and requirements set out in Section 68A(2) of the Act.

Attachments

Draft Domestic Animal Management Plan 2012-2016.

Strathbogie Shire Council
Domestic Animal Management Plan
2012-2016



Adopted by Council:

Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

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Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

DEFINITIONS

Definitions in this plan seek to accord with the meaning provided under the *Domestic Animal Act 1994*.

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Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

INTRODUCTION

The State Government has recently made amendments to the *Domestic Animal Act 1994* which requires the Shire of Strathbogie to develop a Domestic Animal Management Plan (DAM) for the period 2012 to 2016. The purpose of the Act is "to promote animal welfare, the responsible ownership of cats and dogs and the protection of the environment." This plan will provide residents with guidelines for the keeping and management of domestic dogs and cats within the Shire of Strathbogie.

Section 68A of the Domestic Animals Act, (the Act) states:

- (1) *Every Council must, in consultation with the Secretary (of the Department of Primary Industries), prepare at 4 year intervals a domestic animal management plan.*
- (2) *A domestic animal management plan prepared by a Council must—*
- (a) *set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and*
 - (b) *outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and*
 - (c) *outline programs, services and strategies which the Council intends to pursue in its municipal district—*
 - (i) *to promote and encourage the responsible ownership of dogs and cats; and*
 - (ii) *to ensure that people comply with this Act, the regulations and any related legislation; and*
 - (iii) *to minimise the risk of attacks by dogs on people and animals; and*
 - (iv) *to address any over-population and high euthanasia rates for dogs and cats; and*
 - (v) *to encourage the registration and identification of dogs and cats; and*
 - (vi) *to minimise the potential for dogs and cats to create a nuisance; and*
 - (vii) *to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and*
 - (d) *provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and*
 - (e) *provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and*
 - (f) *provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.*
- (3) *Every Council must—*
- (a) *review its domestic animal management plan annually and, if appropriate, amend the plan; and*
 - (b) *provide the Secretary with a copy of the plan and any amendments to the plan; and*
 - (c) *publish an evaluation of its implementation of the plan in its annual report."*

Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

BACKGROUND

Council developed the DAM 2008 which was adopted at the Council meeting on 21 October 2008. The core purposes of the 2008 plan were to:

- Recognise that pets are integral to the lives of many people and recognise the health and social benefits associated with pet ownership
- Inform and educate the community about the needs of companion animals and promote responsible pet ownership
- Ensure that the sentiment of the wider community was reflected in Council's DAM
- Secure the safety and wellbeing of members of the community including animals.

The objectives of the 2008 plan were to improve animal management in general by promoting responsible pet ownership throughout the shire through the following initiatives:

- Responsible pet ownership requiring microchipping and registration of all domestic pets
- De-sexing dogs and cats
- Microchipping dogs and cats
- Dog attacks (including livestock & mauling) seeking a reduction in the number of attacks
- Prevention of dogs and cats wandering at large requiring owners to confine animals to their property
- The welfare of dogs and cats
- Community Safety provided for by sections 31 and 32 of Local Law No 6 regarding dogs on leads and in public places.
- Barking dogs - education
- Promote socialisation and dog training by encouraging owners to train their pets in dog obedience.
- Registration and identification
- Conduct Animal Management Training requiring officers to hold Certificate IV Animal Management
- Monitor performance and evaluate the effectiveness of services

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SHIRE OF STRATHBOGIE – DEMOGRAPHIC AND COUNCIL PROFILE

Strathbogie Shire is a vibrant and progressive rural municipality located approximately two hours north of the Melbourne CBD along the Hume Freeway. Strathbogie Shire has diverse and picturesque communities served by townships such as Euroa, Nagambie, Violet Town, Avenel, Longwood, Ruffy and Strathbogie with a population of approximately 10,000.

Strathbogie Shire has a rural economic base of wool, grain and cattle production, extensive vineyards, intensive agriculture and a range of intensive cool climate horticultural enterprises. The region is also known as Victoria's Thoroughbred Homeland due to its ever expanding horse industry.

Pet ownership is a part of everyday Australian life, with 64% of Australia's 6.6 million households having a pet. In terms of dog ownership, Australia leads developed nations with 40% of households owning one or more dogs. Strathbogie's profile reflects this trend with 2011/12 statistics showing 41% dog ownership.

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Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

STRATEGIC OBJECTIVE

In looking to actions over the life of this plan it is important to acknowledge the intent of the DAM 2008 in promoting responsible pet ownership and respond to both community and legislative expectations. An important addition to this plan is the inclusion of activity relating to domestic animal businesses.

The objective of the Domestic Animal Management Plan 2012-2016 is to facilitate actions within the community that promote the values of responsible pet ownership and high standards of animal welfare. This objective is underwritten by Council's vision and mission as articulated in the Council Plan 2013-2017 as:

"A shire that drives and supports investment for population growth, shared wealth and wellbeing"

"To actively consult with community, investors and industry through advocacy and collaboration; delivering quality infrastructure, lifestyle and sustainable economic and community development."

Goal 1 of the Council Plan is for:

A community that has equitable access to a range of quality services which respond to its diverse needs and supports the wellbeing of our communities.

The objective of this goal being to:

Plan, support and / or deliver a broad range of responsive and accessible services to our diverse community.

The purposes of Council's DAM will support this goal by:

- Setting out policy, processes and practices in regard to Council's animal management responsibilities
- Improving compliance with the Act
- Increasing and improving pet owners knowledge of the principles of responsible pet ownership whilst at the same time enhancing community safety and awareness
- Using a mix of educational and regulatory approaches which facilitate responsible pet ownership
- Achieving a balance between meeting the needs of pet owners and others in the community
- Assisting the Bureau of Animal Welfare (BAW) to achieve its stated objectives of reducing the number of dogs and cats euthanized
- Ensuring that all cats and dogs in the municipality are appropriately registered and identifiable
- Minimising the harmful effects of domestic pets on the population of native birds, mammals, reptiles and livestock
- Taking into account community views on animal management matters
- Complying with the provisions of the *Domestic Animals Act 1994* (the Act)
- Ensuring Domestic Animal Business (DAB) identification, registration and compliance
- Establishing the extent of DAB's operating in the shire outside Council's jurisdiction to allow reporting to responsible organisations.

Strathbogie Shire Council Domestic Animal Management Plan 2012-2016

STRATHBOGIE SHIRE COUNCIL DOMESTIC ANIMAL STATISTICS

	2005/06	2008/09	2009/10	2010/11	2011/12	2012/13
*Population	9629		9647	9642	9622	9622
*Area	3302 km2	3302 km2	3302 km2	3302 km2	3302 km2	3302 km2
*No. of households	4835				5048	
No. of EFT Authorised Officers (Animal Control)	2	3	3	1	1	0
No contracted Animal Control Officers/Rangers	0	0	0	2	2	2.5
Does Council operate its own pound?	Yes	Yes	Yes	Yes	Yes	Yes
Training for staff in animal management	Certificate IV Animal Control & Regulation	Certificate IV Animal Control & Regulation	Certificate IV Animal Control & Regulation	Provided under contract	Provided under contract	Provided under contract
No. of Registered Dogs	1992	N/A	2218	2325	2072	2199
Estimated Dog (owned) per Population	21%	N/A	23%	24%	21.5%	23%
No dogs registered as desexed	639	N/A	971	903	835	884
% of registered dogs that are desexed	32%	N/A	44%	39%	40%	40%
No. of Registered Cats	558	N/A	534	536	431	449
Estimated Cat (owned) per Population**	6%		5.5%	5.5%	5%	5%
% of registered cats that are desexed	89%	N/A	79%	78.5%	98%	76%
No. of Registered Restricted Animal Breed Dogs	0		0	0	1	1
No. of registered guard dogs	0		0	0	0	0
No. of Registered Declared Dangerous Dogs (due to attack)	N/A	N/A	2	2	2	1
No. of Registered Declared Menacing Dogs	0	N/A	1	1	1	0
No. of Impoundments (dogs), including dogs surrendered by public	N/A	N/A	81	100	98	41
Number of dogs registered when seized			11	26	33	22**
No. of dogs returned to owner	N/A	N/A	56	74	50	31
No. of dogs rehoused	N/A	N/A	6	16 (inc 6 stolen from pound)	10	3
No. of dogs euthanased	N/A	N/A	19	10	38	7
No. of Impoundments (cats), including cats surrendered by public	30	N/A	26	11	54	40
No of cats registered when seized			0	1	1	5
No. of cats returned to owner	N/A	N/A	4	3	7	1
No. of cats rehoused	N/A	N/A	0	1	1	16
No. of cats euthanased	N/A	N/A	22	6	46	23
No. of registered Domestic Animal Businesses Breeding & rearing Pet shops	N/A	N/A	N/A	N/A	2	2

*Based on ABS Statistics

**More effective identification of animals has led to a number of animals being directly returned home and not impounded

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From the statistical table above, it is noted that there has been an increase in the numbers of permanently identified animals, through micro-chipping initiatives. The ability for rangers to quickly and efficiently identify animals over the last two years has led to the percentage of registered dogs at large being returned to their owners without the need for impounding increasing from 51% to 75%.

AUTHORISED OFFICERS

With the aim to achieve effective service delivery, in line with Council Plan objectives, Council undertook a review of the ranger and local law services in 2010. This review resulted in the contract for the provision of ranger and local law services which commenced in December 2010. Under this contract arrangement Council has access to seven Authorised Officers all of whom have a minimum of six years' experience with animal control and enforcement issues. The senior ranger has a Certificate IV in Animal Control and Regulation with other officers currently undertaking study in this qualification. Further training provided to these officers includes traffic management, Workcover, OHS Induction Training (white card) and induction by 4SITE and Council in regard to specific tasks and risks of animal control.

Our Plans

Objective 1:

Contractor to ensure Authorised Officers maintain currency of skills and knowledge.

Activity	When	Evaluation
The Provision of Ranger and Local Law Services contract requires and will continue to require all authorised officers to maintain minimum qualifications.	Annually	Copies of certificates and completed training to be provided to Council.

REGISTRATION AND IDENTIFICATION

New registrations

All dogs and cats over 3 months of age must be registered with Council and must be micro-chipped prior to a new registration. Council will ~~accept~~ registration of animals under 3 months of age.

New animal registrations for cats and dogs can be made in person at the Shire Offices, 109A Binney Street, Euroa between 9am and 5pm Monday to Friday or contact the customer service team on 1800 065 993.

Changes to the *Domestic Animals Act 1994* provides for the removal of the reduced fee category for micro-chipped dogs and cats for new registrations.

A new fee schedule for pet registration (under the Act) was introduced on 11 April 2013 whereby dogs and cats registered after this date can no longer attract a reduced registration fee for microchipping alone. However there are other options that will attract a reduced fee such as if the animal is:

- desexed,
- over 10 years of age, or
- part of a domestic animal business or applicable organisation, or
- a dog that has undergone training, or
- a working dog.

This change does not affect pets with current registrations prior to 11 April 2013.

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Orders, Local Laws, Council Policies and Procedures

The provisions of the Act and Regulations are seen as very comprehensive and effective tools for managing animal registrations. Because of the effectiveness of the tools described above, Council does not have any orders in place in relation to registration and identification. However Community Local Law No 6 has provisions which include:

- Enabling Council to place restrictions or prohibit animals, or a class of animal, from any public place during events or any other appropriate time
- Controlling the number of domestic pets on any property
- Keeping of animals/birds
- Requirement to immediately collect and dispose of animal excrement

Policy Statement

Refunds for animal registrations where animals have become deceased between the registration renewal period and June 30 of that year will be considered if requests are provided in writing to Council and received prior to July 1.

Education/Promotion Activities

Registration

- Use media releases and/or paid advertising to advise residents of registration requirements, including renewal date and animals to which a reduced fee applies, in local paper, Council newsletters, on local radio, prior to start of renewal period (e.g. in March and April)
- Use Council's website to provide information to residents on when registration is due, how and where to register, fee structure, registration form, what information they need to provide (e.g. microchipping, de-sexing certificates, pension card, applicable organisation membership), letting Council know they are no longer the owner, have changed address or the pet is deceased. Highlight renewal period on website in March and April
- Include registration, identification and renewal information in rates notices, Council newsletters, in Council displays, as part of Council telephone 'on-hold' message
- Include registration forms, registration and identification requirements, brochures and factsheets and list of vets and registration agents in kits for new residents
- Promote the benefits of registration and identification
 - in local paper articles
 - in Council newsletters
 - on Council website
 - in kits for new residents
 - on web-based Council lost animal register
 - in Council's emergency management plan

Incentives

- Where an animal is rehomed through Council's service, the Lost Dogs Home, RSPCA or other service provider the new owner will not be charged for that year of registration.

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Promotions/Media/Education

- Promote the difference between registration and microchipping, to avoid owners thinking that by microchipping alone they have complied with Council registration requirements
- Distribute registration and identification brochures, factsheets and other material developed by the Bureau of Animal Welfare (BAW) and/or Council:
 - Copies available at counter
 - Electronic copies available on website
 - Distribution through current mail-outs to residents
 - Inserts in local paper
 - Available to vets, pet shops, breeders, shelters, etc, to display and/or hand out.
- Display signage in public places to advertise registration renewal date
- Seek to provide for online registration/renewal
- Officers able to provide on the spot training to owners as required.

Our Compliance Activities

- Issue registration renewal notices annually
- Follow-up non-renewals – additional letter, call owner, visit property (targeted door knocking)
- Conduct random door knocking of the municipality each year and/or target 'hotspots' (areas of low registrations) to check for unregistered and unidentified cats and dogs – e.g. annual door knocks for the months of May and June each year
- Leave 'Sorry we missed you' type cards detailing nature of call and contact name and number
- Patrol problem/known issues areas
- Ensure that animal complaints are checked for registration and identification compliance as part of the process of dealing with the complaint.
- Ensure all authorised officers have microchip scanners
- Ensure all authorised officers have handheld computer/other device that can provide owner details from Council's database by entering microchip number.
- Keep records of animals found deceased and notify owners of identifiable animals to enable them to help achieve 'closure'.
- Automatic registration for animals notified as rehomed by a shelter to ensure these animals are included in following year's notifications for re-registration.
- Check that all microchipped animals in the municipality are registered by cross-referencing registration database with information from microchip registries.
- Ensure registration database triggers a report (e.g. email report to officer) when there is a failure to renew the registration of an animal
- Regularly update/audit registration database to ensure information is current (e.g. amend data to reflect notifications of deceased animals, change of address, change of owner)
- Monitor that advertisements of dogs and cats for sale (e.g. local paper) contain the microchip number of the animal being sold.

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- Ensure all seized and impounded animals are identified as required by Council and registered to their owner prior to their release.
- Return lost/wandering registered pets to owners free of charge on the first occasion during each registration year. This "get out of jail free" initiative seeks to encourage and increase pet registrations.
- Encourage owners to microchip currently registered dogs/cats at time of renewal of registration.

Summary, major issues

Over the previous two years there has been a 30% reduction in the number of registered animals being impounded. This leads to an assumption that Council's responsible pet ownership initiatives in promoting permanent identification through microchipping are gaining ground through an increase in the number of identifiable animals which can be returned home without the need to impound. Despite these encouraging trends the goal remains to strive to continue to keep the number of animals needing to be impounded to a minimum.

Our Plans

Objective 1: Strive to increase the number of identifiable animals.

Activity	When	Evaluation
Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release.	Ensure that all seized dogs and cats are registered and/or identifiable at the point of return or rehousing.
Targeted door knocking in areas believed to have a high number of unregistered animals to check for unregistered and unidentified dogs and cats. Audit to be widely advertised prior to commencement.	Annual door knocks for the months of May and June each year to pick up missed registrations	Review annual increase in registration numbers. Review number of dogs and cats being seized and impounded who are not registered to their owner. Records of number of unregistered and unidentified animals picked up during door knocks.

NUISANCE

Current Situation

Our data

	2010	2011	2012
No of barking dog complaints received	7	10	7
No of dogs at large complaints received	19	135	54
No of cats at large or not securely confined complaints		16	14
Breakdown of dogs at large for 2011/12			
• Large dogs eg Rottweiler/Labrador		25	
• Medium dogs eg Staffordshire		21	
• Medium dogs eg Working Kelpie/Border Collie		27	
• Small dogs eg Jack Russell		24	

Animal related complaints in general constitute a major component of the total complaints received by Council. Due to legislative requirements regards evidential proof, barking dog complaints remain the most resource intensive exercise.

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Orders, Local Laws, Council Policies and Procedures

Community Local Law No 6:

- Prohibiting exercising of dogs off leash, other than in designated places
- Requirement to ensure adequate fencing for animals

Our Education/Promotion Activities

All Nuisance

- Provide information about cat enclosures and cat nuisance issues to cat owners via Council's website
- Provide information about dog confinement, barking, dogs at large, etc, to dog owners via Council's website
- Provide information on Council website, in Council newsletter, in Council phone 'on-hold' message, local paper and radio about types of nuisance, relevant Local Laws and Orders, how to report nuisance and how to record ongoing nuisance (e.g. barking dog diary, cat trespass) to support complaint
- Distribute relevant brochures, factsheets and other material developed by the Bureau of Animal Welfare and/or Council via website or Council outlets.

At large and trespass (see 'All nuisance' and the following)

- Promote effective confinement of dogs and cats to properties, etc, via Council website, and available BAW publications
- Investigate access to clearly identifiable specific off-leash areas to meet the 'free-running' and playing needs of dogs
- Identify clearly those public places that are off-leash areas, areas in which dogs are required to be effectively controlled/on-leash, and areas in which dogs are prohibited at all times/certain times – by signage, in brochures, pocket maps

Barking dogs (see 'All nuisance' and the following)

- Make available Dog Barking factsheet and other BAW information.
- Encourage owners of barking dogs to seek control methods to reduce their dog's barking such as socialisation, effective confinement and dog collars.

Our Compliance Activities

All nuisance

- Record all nuisance complaints on a database to track resolutions, repeat offenders
- Investigate nuisance complaints within 24 hours for:
 - dogs and cats at large/not securely confined to premises
 - animals at large
 - in public areas where they are prohibited by Council Order
 - noise nuisance (barking, caterwauling, etc)
- Ensure nuisance investigation timeframes provide timely resolution of issues

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At large and trespass (see 'All nuisance' and the following)

- Provide Prevention Of Cruelty To Animals (POCTA) compliant cat cages to local residents for trapping cats trespassing on their property (deposit required which is refunded on return of cage)
- Investigate designated off-leash dog exercise areas
- Encourage non-compliant owners to undertake a responsible dog ownership course and/or owner and dog to undertake basic dog training course
- Impound all cats and dogs at large that are unidentifiable
- Return wandering registered pets to owners free of charge on the first occasion during each registration year, then impound/enforce for repeat offences

Barking dogs (see 'All nuisance' and the following)

- Use BAW barking dog kit to assist in investigations of complaints
- Encourage complainant to contact owner of barking dog and advise them of their concerns as first step to resolving issue
- If not resolved, call at house of owner of barking dog to attempt rapid resolution/contact owner of barking dog and provide them with information and ideas to reduce barking
- Provide barking dog log sheet to complainant
- Encourage parties to seek mediation where possible
- Carry out investigation via protocol to establish nuisance or otherwise
- Encourage the use of anti-bark collars and direct owners to appropriate information regarding their use under POCTA Regulation 19.

Summary, major issues

Whilst statistical analysis indicates a decline in animal related complaints these continue to be a major component of the complaints received by Council. The number of stray and unidentifiable cats continues to remain an issue. In order to continue to reduce animal nuisance problems in the community, Council will promote compliance via education provided by our Authorised Officers.

Our Plans

Objective 1: Manage the incidents of wandering or feral cats.

Activity	When	Evaluation
Provide POCTA compliant cat cages to local residents for trapping cats trespassing on their property	Ongoing	Commitment by Council to only purchase POCTA compliant cages for loan to residents.

Policy Statement

In supporting the above activity it is Council's policy to provide a refundable deposit system for the use of the cages with ongoing costs borne by Council.

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Objective 2: Manage dog nuisance complaints.

Activity	When	Evaluation
Encourage responsible pet ownership including socialisation, effective confinement and the appropriate use of anti-bark collars	Ongoing	Manage the number of complaints recorded by Council.

Objective 3: Dogs at large complaint resolution

Activity	When	Evaluation
Provide education on responsible pet ownership to ensure animals are securely contained.	Ongoing	Assess trends in animals at large data to evaluate effectiveness of controls

Policy Statements

Council will return wandering registered pets to owners free of charge on the first occasion during each registration year however if found wandering again the animal will be impounded and penalties will apply.

If the dog is not considered a risk and cannot be contained Council will ascertain risk potential, if no perceived risk Council will not respond. Where the dog can be contained Council will respond.

Objective 3: Provision of dog friendly open space

Activity	When	Evaluation
Investigate access to specific off-leash areas, that are clearly identifiable to all of the community, to meet the 'free-running' and playing needs of dogs that are	Promotion through development of this plan	Seek public comment and assess submissions as to perceived need and support in locations across shire

DANGEROUS AND MENACING DOGS

Current Situation

Authorised officers investigate all dog attacks and reports of threatening behaviour. Evidence is collated to form a brief and includes statements from all parties involved.

Council currently has one declared dangerous dog that was involved in an attack.

Council must register all dangerous/menacing dogs with the Victorian Declared Dog Register (VDDR).

Our Orders, Local Laws, Council Policies and Procedures

Dangerous and menacing dogs are strictly regulated under the provisions of the Act and Regulations. Because of the effectiveness of this legislation Council does not have any Orders or Local Laws in place in relation these animals.

Our Education/Promotion Activities

- Provide BAW information to residents on:
 - the types of declared dogs and how they are to be identified and kept in compliance with the Act and Regulations, including prescribed collars, signage at premises, housing requirements, muzzling, etc

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- how to report menacing dogs and dog bites
(see Registration and Identification Education/Promotion Activities section for methods of providing information to residents – Council website, mailouts, media articles, signage at parks, etc)
- Ensure all owners of declared dogs are aware of their obligations under the Act regarding identification and keeping these dogs by providing them with relevant information
- Patrol industrial sites or building sites to check regulated use of guard dogs

Our Compliance Activities

- Ensure all declared dogs are accurately registered on the VDDR
- Conduct annual inspections of declared dogs to ensure they are identified and being kept in compliance with the Act and Regulations
- Investigate the collection and registration of DNA samples for all declared dogs
- Monitor registrations on Council database to identify and follow-up on suspected (non-declared) restricted breed dogs

Our Plans

Objective 1: Community awareness of dangerous and menacing dogs.

Activity	When	Evaluation
Educate the community about what constitutes a declared dog	Ongoing	Monitor website activity

Objective 2: Effectively inspect and audit all declared dog premises annually to ensure they are complaint.

Activity	When	Evaluation
Inspect and audit all declared dog premises annually to ensure they are complaint.	Ongoing	Review and monitor number of breaches annually

Objective 3: Guard dog audits.

Activity	When	Evaluation
Inspect industrial areas in the municipality for dogs housed or kept for guarding purposes	Ongoing	Monitor compliance

RESTRICTED BREEDS

The Act currently defines restricted breeds as any of the following:

- Japanese Tosa
- Fila Brasileiro
- Dogo Argentino
- Perro de Prasa Canario (or Presa Canario)
- American Pit Bull Terrier (or Pit Bull Terrier)

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Domestic Animals Act 1994 - SECT 41EA (extract)

(1) A person must not keep a restricted breed dog.

(2) Subsection (1) does not apply to a person who keeps a restricted breed dog-

(a) that was in Victoria immediately before the commencement of the Domestic Animals Amendment (Dangerous Dogs) Act 2010; and

(b) that was registered as a restricted breed dog or another breed of dog in Victoria immediately before the commencement of the Domestic Animals Amendment (Restricted Breeds) Act 2011.

Domestic Animals Act 1994 - SECT 17 (extract)

17. Registration of dangerous and restricted breed dogs

(1AA) Subject to subsection (1A), a Council must not register a restricted breed dog.

(1A) A Council may register a dog as a restricted breed dog if-

(a) the dog was in Victoria immediately before the commencement of Domestic Animals Amendment (Dangerous Dogs) Act 2010; and

(b) the dog was registered in Victoria immediately before the commencement of the Domestic Animals Amendment (Restricted Breeds) Act 2011. Note Under sections 10A(4) and 10C(6), a Council cannot register a restricted breed dog unless the dog is desexed (subject to the exception under section 10B(1)(e)) and the dog has been implanted with a prescribed permanent identification device.

Subject to the Act, Council must register all restricted breed dogs with the Victorian Declared Dog Register (VDDR). Restricted breeds registered into the VDDR are declared for the life of the animal and cannot be revoked by Council.

Policy Statement

Council aligns with legislation that considers restricted breed dogs to present an unacceptable risk to the community. Council will not accept the registration of a restricted breed dog within its municipality.

Our Compliance Activities

- Monitor all animal complaints for potential restricted breed dogs.
- Seize dogs suspected of being restricted breeds.

DOG ATTACKS

Current Situation

Our data

Recent events demonstrate that dog attacks are generally a consequence of dogs being at large in the community and / or not effectively controlled by their owners in public places.

Our Orders, Local Laws, Council Policies and Procedures

The Act and Regulations provide Council with the power to manage and control dog attacks and as such Council does not have separate orders or local laws for this provision.

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Our Education/Promotion Activities

- Raise awareness of the risk of dog attacks in the home, in the street and in public places and on farms by actively promoting the BAW Responsible Pet Ownership Programs which address living with dogs and minimising risk of dog attacks
- Promote BAW Responsible Pet Ownership Programs 'We Are Family', particularly in maternal health centres, pre-schools and primary schools.
- Provide residents with information on how to report dog attacks – if bitten or witness to an attack on a person or animal. Promote and encourage the reporting of dog attacks whether on public or private property
- Promote responsible pet ownership including effective confinement and control of dogs
- Registration discount initiatives currently include de-sexing of dogs which tends to reduce aggressive tendencies and wandering

Our Compliance Activities

- Respond to/attend dog attack reports as the top priority for animal management officers
- Provide an after-hours number to report dog attacks
- Patrol/provide surveillance in problem areas
- Conduct annual audits of declared, dangerous and menacing dogs to ensure compliance with orders
- Ensure unclaimed dogs at the pound are temperament tested to determine whether they are suitable for rehoming

Our Plans

Objective 1: Raise community awareness of the implications of dog attacks.

Activity	When	Evaluation
Assist in the promotion of awareness of BAW programs via Council's website.	Ongoing	Monitor and compare number of reported dog attack incidents.

Objective 2: Education of dog attacks on stock

Activity	When	Evaluation
Educate landowners as to DPI guidelines on trespassing dog attacks on stock.	Ongoing	Assess number of reported dog attack on stock incidents annually.
Make available BAW booklet "Responsible ownership of working dogs" and as needs education in line with DPI guidelines.	Ongoing	Assess number of reported dog attack on stock incidents annually.

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OVERPOPULATION AND HIGH EUTHANASIA

Current Situation

Despite the fact that the number of animals euthanased annually has decreased, the activity remains a method of last resort from an animal welfare perspective and presents an unnecessary cost burden on Council.

Our Orders, Local Laws, Council Policies and Procedures

The Act and Regulations provide Council with the power to manage and control over population and euthanasia therefore Council does not have separate orders or local laws for this provision.

Our Education/Promotion Activities

- Raise awareness about the detrimental contribution of well-meaning residents to the semi-owned cat population through BAW promotions.
- Make available de-sexing, overpopulation and high euthanasia rate brochures, factsheets and other material developed by the BAW and/or Council
- Develop a lost animal register on Council's website
- Advertise found animals on Council's website
- Proactively seek to enter S84Y agreements with not-for-profit agencies/shelters rehoming programs to increase options for rehoming of animals and reduce need to euthanize.
- Provide and promote first registration free of charge (i.e. registration fee refunded) if animal adopted from pound or shelter.
- Promote mutual benefits of adopting animals from the pound or shelter
- Encourage owners to have all animals de-sexed prior to reclaim from Council's pound

Our Compliance Activities

- Investigate reports of unauthorised breeding establishments to ascertain whether they should be registered as a domestic animal business or regulated through other controls
- Monitor Council's registration data for unauthorised breeding establishments to ascertain whether they should be registered as a domestic animal business or regulated through other controls

Summary, major issues

There are concerns over the number of stray cats many of which have been unidentifiable and therefore euthanized.

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Our Plans

Objective 1: Promote the reduction of the number of unwanted animals.

Activity	When	Evaluation
Encourage de-sexing for pets	Ongoing	Changes in the longer term in regard to the proportion of de-sexed animals on pet registration database, proportion of impounded pets that are de-sexed etc
Proactively seek to enter S84Y agreements.	Ongoing	Review of data recording number of animals rehoused.

Objective 2: Encourage the reduction of the number of unwanted litters of cats

Activity	When	Evaluation
Provide a link to promotions such as "Who's for cats?" educational program on Council's website and make educational materials available in Council outlets.	Ongoing	Monitor website activity Record number of semi owned cats handed in to the pound

DOMESTIC ANIMAL BUSINESSES (DAB) AND THE KEEPING OF EXCESS ANIMALS

Current Situation

Strathbogie Shire Council currently has two domestic animal businesses registered in the municipality however there is sufficient evidence to suggest there may be a number of enterprises that would meet the criteria for a DAB.

Domestic Animal Businesses (DAB) are defined under the Act as:

- (a) an animal shelter, Council pound or pet shop; or*
- (b) an enterprise which carries out the breeding of dogs or cats to sell, where—*
 - (i) in the case of an enterprise whose proprietor is a member of an applicable organisation, the enterprise has 10 or more fertile female dogs or 10 or more fertile female cats; or*
 - (ii) in the case of an enterprise whose proprietor is not a member of an applicable organisation, the enterprise has 3 or more fertile female dogs or 3 or more fertile female cats; or*
- (c) an enterprise that is run for profit which carries out the rearing, training or boarding of dogs or cats;*

Whether it is the intent of the Act or not, the above definition places the burden of proof on Council to monitor the activity of the enterprise as to selling or running for profit before it can determine whether the enterprise is a domestic animal business.

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Policy Statement

Approvals

The keeping of excess animals in Strathbogie Shire, will require owners to comply with one or more of the following as applicable:

- (1) The Strathbogie Shire Planning Scheme regarding land use, *Animal Keeping*, for the purposes of breeding or boarding domestic pets, or keeping, breeding or boarding racing dogs.
- (2) Community Local Law No 6 in regard to the keeping of animals, and/or;
- (3) *Domestic Animals Act 1994* in regard to domestic animal businesses.

Regardless of permissions granted under a Planning Permit, Local Laws Permit or a Domestic Animal Business all will be subject to annual inspections to ensure compliance.

Local Laws Permits will require annual renewal and the payment of an annual fee.

Registration of Domestic Animal Businesses

- (1) If a person has applied to have a premises registered with the Council as a premises on which a domestic animal business may be conducted, the Council may register that premises for that purpose.
- (2) Before a Council registers premises under subsection (1), an authorised officer appointed by Council will enter and inspect the premises to determine whether the premises complies with a relevant Code of Practice made under section 59 of the Act.
- (3) The Council may impose any terms, conditions, limitations or restrictions on that registration.
- (4) If a premises has been registered for the purposes of a domestic animal business, the person who conducts the business must comply with the terms, conditions, limitations or restrictions, if any, on that registration.

Term and renewal of registration of DAB

- (1) Registration will be reviewed annually and continues in force until 10 April in the year following the registration or renewal or until a change in ownership of the business.
- (2) Prior to re-registration of the premises an authorised officer appointed by Council will arrange to enter and inspect the premises to determine whether it complies with the relevant Code of Practice made under section 59 of the Act.
- (3) The proprietor of a domestic animal business must renew the registration of the premises on which that business is conducted by applying to the Council in writing in the form approved by the Council no less than 30 days before the registration is due to expire.

Proprietors of such establishments must operate in accordance with the mandatory Code of Practice established by the State Government for the purpose of providing minimum standards of accommodation, management and care which are considered appropriate to the welfare, physical and behavioural needs of the animals housed at these establishments. In the case of a breeding establishment the mandatory Code is known as the 'Code of Practice for the Operation of Breeding and Rearing Establishments'.

A person who is a member of an Applicable Organisation (including Dogs Victoria, Cat Authority of Victoria, Feline Control Council, Governing Council of the Cat Fancy and

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Waratah National Cat Alliance) who registers their puppies and/or kittens with that Organisation and has less than 10 fertile females of either species is not required to be registered as a breeding establishment with their Council. These businesses under the auspices of an Applicable Organisation are required to operate in accord with a Code of Ethics established by that Organisation as approved by the Minister.

Because these arrangements can provide for the operation of DAB's within the municipality but outside Council's jurisdiction, Council would like to establish an understanding with Applicable Organisations that their members are both current in their registration and compliant with the relevant code of ethics. To that effect Council will seek to gain a statement from the applicable organisation that substantiates their members operation.

Our Orders and Council Policies and Procedures

DAB's are strictly regulated under the provisions of the Domestic Animals Act and Regulations, as well as specific Codes of Practice created by that legislation. The relevant Codes of Practice are enforceable under the legislation and are seen as very comprehensive and effective tools for managing such businesses.

Because of the effectiveness of the tools described above, Council does not have any Orders or Local Laws in place in relation to DABs.

During the life of this plan Council will be identifying, seeking registration/recording, and annually auditing every excess animal premises in the municipality to ensure compliance with the relevant codes and regulations. Council will also undertake steps to identify and manage businesses conducted outside the jurisdiction of applicable organisations.

Our Education/Promotion Activities

- Make available the Code of Practice to proprietors/staff of existing and proposed domestic animal businesses
- Make available the relevant Code of Practice to owners of existing and proposed domestic animal businesses
- Make available the Code of Practice for The Private Keeping of Dogs, and/or the Code of Practice for The Private Keeping of Cats.

Our Compliance Activities

- Council will investigate and act upon complaints about domestic animal businesses and or the keeping of excess animals
- Liaise within Council to ensure appropriate controls are placed on development and on-going operation of premises with excess animals
- In accordance with the Act, identify and audit all unregistered domestic animal businesses within the municipality
- Reserve the right to conduct, as required, 'unscheduled' inspections/audits of each domestic animal business premises in relation to conditions of registration to determine compliance with the *Domestic Animal Act 1994*, relevant mandatory Code of Practice, and any terms, conditions, limitations or restrictions on that registration
- Investigate reports of excess animals/unauthorised breeding establishments to ascertain whether they should be registered as a domestic animal business or regulated through other controls

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- Monitor Council's registration data relating to excess animals/unauthorised breeding establishments to ascertain whether they should be registered as a domestic animal business or regulated through other controls
- Forward welfare complaints received about members operations to the relevant applicable organisation with a copy to the BAW and RSPCA.
- Establish procedures for domestic animal businesses to notify Council of any animals sold or given away, as required under S13 of the Act- which states:

Notification of sale by domestic animal business

13. Notification of sale by domestic animal business

If the proprietor of a domestic animal business sells, or gives away, a dog or cat which is not registered, he or she must notify the Council with which the animal should be registered, within 7 days after the sale or the giving away of the animal, of-

- (a) the sale, or the giving away of the animal; and*
- (b) description of the animal; and*
- (c) the name and address of the new owner of the animal; and*
- (d) the unique number of the microchip contained in the prescribed permanent identification device implanted in the animal.*

- Investigate an effective method of monitoring compliance with the Act

Summary major issues

Strathbogie Shire Council currently has two domestic animal businesses registered in the municipality however there is sufficient evidence to suggest there may be a number of other enterprises in operation that may meet the criteria for a DAB.

Council needs to coordinate and apply the appropriate controls to the keeping of excess animals, including DAB's.

The majority of complaints received relate to animal welfare issues at premises where owners are members and / or have registered animals with applicable organisations. These premises are not required by legislation to be registered as a DAB or to comply with the relevant code of practice.

Our Plans

Objective 1... Identify and manage all potential excess animal/DAB's in the municipality.

Activity	When	Evaluation
Proactively identify excess animals/unregistered DAB's using animal register and door knocking	Ongoing	Compare number of registered DAB's before and after each activity.
Council to investigate the ability for applicable organisations to provide Council with Statement of Compliance for their members who are operating within the municipality	Ongoing	Annual requirement

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Objective 2: Annual audit of registered domestic animal businesses.

Activity	When	Evaluation
Council will undertake annually to conduct inspections, set fees and audit DAB's.	Annually	Relevant action taken.
Ensure compliance with all relevant sections of the Act.	Annually or as required	Relevant action taken.

Objective 3: Effectively resource door knocking activity

Activity	When	Evaluation
Resource post animal registration process to include annual door knocking to audit potential owners of excess animals	Annually	Compliance with local laws and relevant legislation.

Objective 4: Effectively ensure compliance of applicable organisation members operating within municipality

Activity	When	Evaluation
Forward welfare complaints received about members operations to the relevant applicable organisation	As required	Monitor currency of membership at animal registration renewal and follow up if required

OTHER MATTERS

Support the development and implementation of an Animal and Stock Emergency Welfare Plan, in line with National and State plans, to compliment the Municipal Emergency Response Plan.

The *Australian Animal Welfare Strategy* (revised edition June 2008) states that; *State/Territory and Australian Governments have a responsibility to;*

- *Develop and enhance a nationally coordinated approach to emergency animal welfare planning, preparedness and response.*

The *Victorian Emergency Animal Welfare Plan, Part 7.8*, outlines the role and responsibility Local Government in the following areas;

- *Prevention/ Mitigation/Risk Reduction*
- *Response*
- *Relief*

The plan further outlines the responsibilities of government departments and other agencies, with the custodians of the plan being the Department of Environment and Primary Industries.

The plan states that; *emergencies are likely to pose risks to animal welfare. The primary responsibility and duty of care remains with the person in charge of an animal.*

Council Policies and Procedures

- Municipal Emergency Response Plan

Education/Promotion Activities

- Promote Council's inclusion of domestic animals consideration in the Municipal Emergency Response Plan

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- Promote available information for owners on what to consider for pets to be prepared for an emergency – include their needs as part of your emergency planning, e.g. food, water, bowls, bedding, cage, medication
- Promote available information for owners on what to consider for pets in being prepared for an emergency in the case of evacuation.
- Promote the importance of registration and microchipping to help reunite pets with their owners after emergencies.

Compliance Activities

- Seek cooperative assistance from DEPI, RSPCA and other authorised POCTA Act officers in operations implementing and enforcing the POCTA Act, Regulations and Codes of Practice during times of emergency.

Our Plans

Objective 1: Inclusion of Animal & Stock Emergency Welfare Plan in Municipal Emergency Response Planning

Activity	When	Evaluation
Promote Council's inclusion of Animal & Stock Emergency Welfare Plan in the Municipal Emergency Response Plan	Ongoing	Included in plan

ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

Under Section 68A(3) of the Act;

Every Council must—

- a) review its domestic animal management plan annually and, if appropriate, amend the plan
- b) provide the Department of Primary Industries' Secretary with a copy of the plan and any amendments to the plan
- c) publish an evaluation of its implementation of the plan in its annual report.

As per Section 68A(3) of the Act, Council will review its DAM Plan annually to assess whether any amendments are necessary in order to ensure the plan is relevant and can be completed within the required timeframes.

In the final year of the plan, Council will undertake a major review and commence drafting the next DAM for 2016 to 2020.