

Background

The *Freedom of Information Act 1982* ('the Act') provides the community with a right to access information, unless categorised as exempt, in the possession of the Government of Victoria and other bodies constituted under the law of Victoria. Part II of the Act requires all agencies to annually publish a statement setting out the particulars of the agency and listing all documents that are either produced by or in possession of the agency.

The purpose of this Part II Statement is to:

- make the community aware of the existence of documents held by Mitchell Shire Council
- provide the community with the information needed to identify specific documents of interest
- provide details of how to apply for access to said documents

Documents listed in this Part II Statement are available for inspection and/or purchase by contacting:

Freedom of Information Officer
Mitchell Shire Council
113 High Street, BROADFORD VIC 3658
Ph: 5784 6200 mitchell@mitchellshire.vic.gov.au

Requests to access documents not available through the relevant department can be made under the *Freedom of Information Act 1982*. Charges will apply for copies requested and supplied.

There are five statements that together will constitute publication under Part II:

Statement 1: Organisation and Functions

The agency must summarise its structures and function. In addition, it must list what powers it has to make decisions directly affecting the public and what mechanisms it has for advice and consultation with the public in developing agency policy and practice.

Statement 2: Categories of Documents

The agency must summarise its record-keeping system. It should include a description of the key record series found within that system and where possible it should relate the component parts of the system to the agency's structure and functions.

Statement 3: Freedom of Information Arrangements

A summary must be made of the way in which agencies will handle FOI requests. In particular, agencies must provide a statement of the materials published under Part II, a statement of the procedures to be followed in making a request for access to documents and the names of the officers responsible for acting on requests.

Statement 4: List of Documents Produced for Publication and Public Inspection

All publicity material and documents that are open for inspection must be listed.

Statement 5: Rules, Policies and Procedures

As far as possible, the "hidden law" of an agency must be made explicit. Thus, manuals of procedure, interpretations of governing statutes, statements of policy and documents concerning methods of enforcing acts or schemes must be made available for inspection or purchase. However, the "hidden law" need only be available to the extent that it bears directly on the public. An indexed list of relevant documents must therefore be prepared and published.

Exemption

In preparing statements, agencies are not required to make available documents containing exempt matters or to list such documents where listing itself cannot be done without disclosing what is exempt or if these documents can be made available in a comprehensive form with exempt matters having been excluded, then this must be done.

Not Listing Documents

No person shall suffer a detriment by virtue of not having complied with any rules, policies, guidelines or practice if those rules were not listed or made available and the person did not know of them.

Statement 1: Organisation and Functions

Mitchell Shire Council has 9 Councillors elected by residents to govern the Shire. A Mayor is elected by their colleagues on an annual basis. Councillors work together to set Council's strategic direction and to make important decisions regarding the whole municipality. In making these decisions, Councillors consider the views of, and consult with, the community. They also work closely with the Chief Executive Officer (CEO) and Council administration.

Council is the governing body that appoints a CEO. The CEO has responsibility for the day to day management of operations in accordance with the strategic directions of the Council Plan. Details of the CEO and senior officers reporting directly to the CEO are set out below.

Chief Executive Officer	David Turnbull
Director Advocacy and Community	Mary Agostino
Director Development and Infrastructure	Mike McIntosh
Director Governance and Corporate Performance	Laurie Ellis

Department profiles are contained in the Annual Report which can be accessed on Council's website www.mitchellshire.vic.gov.au/council/your-council/council-documents/annual_report..

Council functions

Council's activities are diverse and extensive. Significant infrastructure is maintained, a range of services are provided, and various laws are enforced for the community.

The functions of a Council as prescribed by the *Local Government Act 1989* are as follows:

- Advocating and promoting proposals which are in the best interests of the local community
- Planning for and providing services and facilities for the local community
- Providing and maintaining community infrastructure in the municipal district
- Undertaking strategic and land use planning for the municipal district
- Raising revenue to enable the Council to perform its functions
- Making and enforcing local laws
- Exercising, performing and discharging the duties, functions and powers of Councils under this Act and other Acts
- Any other function relating to the peace, order and good government of the municipal district.

Council performs its functions through the enforcement and administration of a large number of Victorian Acts and Regulations and Council Local Laws.

The following list indicates as far as practicable the Acts, Regulations and Local Laws that apply to Council:

Australian Citizenship Act 2007	Freedom of Information Act 1982
Aboriginal Heritage Act 2006	Gambling Regulation Act 2003
Associations Incorporations Reform Act 2012	Graffiti Prevention Act 2007
Australian Consumer Law	Geothermal Energy Resources Regulations 2006
Building (Interim) Regulations 2017	Health (Immunisation) Regulations 1999
Building Act 1993	Health (Prescribed Accommodation) Regulations 2001
Catchment and Land Protection Act 1994	Health Act 1958
Community Services Act 1970	Health Records Act 2001
Children, Youth and Families Act 2005	Health Services Act 1988
Children's Services Act 1996	Heritage Act 1995
Children's Services Regulations 2009	Heavy Vehicle National Law 2012
Climate Change Act 2010	Housing Act 1983
Conservation, Forests and Land Act 1987	Impounding of Livestock Act 1994
Constitution Act 1975	Independent Broad-Based Anti- Corruption Commission Act 2011
Country Fire Authority Act 1958	Infringements Act 2006
Country Fire Authority Regulations 2004	Infringements (General) Regulations 2006
Crown Land (Reserves) Act 1978	Land Acquisition and Compensation Act 1986
Cultural and Recreational Lands Act 1963	Land Acquisition and Compensation Regulations 2010
Dangerous Goods Act 1985	Land Act 1958
Drugs, Poisons and Controlled Substances Regulations 2011	Landlord and Tenant Act 1958
Domestic Animals Act 1994	Liquor Control Reform Act 1998
Disability Act 2006	Local Government (Electoral) Regulations 2016
Education and Care Services National Law Act 2010	Local Government (Planning and Reporting) Regulations 2014
Education and Care Services National Regulations 2011	Local Government (General) Regulations 2015
Education and Training Reform Act 2006	Local Government (Long Service Leave) Regulations 2012
Electrical Safety Act 1998	Local Government Act 1989
Emergency Management Act 2013	Local Law No. 1 Community and Environment (2013)
Environment Protection Act 1970	Local Law No 1. Meeting Procedure (2014)
Equal Opportunity Act 2010	Magistrates' Court Act 1989
Estate Agents Act 1980	Major Transport Projects Facilitation Act 2009
Evidence Act 2008	Metropolitan Fire Brigades Act 1958
Fences Act 1968	Mineral Resources (Sustainable Development) Act 1990
Fences Amendment Act 2014	
Filming Approval Act 2014	
Fines Reform Act 2014	
Fire Services Property Levy Act 2012	
Financial Institutions Duty Act 1982	
Flora and Fauna Guarantee Act 1988	
Food Act 1984	
Food Standards Code 2016	

National Parks Act 1975
Occupational Health and Safety Act 2004
Occupational Health and Safety
Regulations 2007
Pipelines Act 2005
Planning and Environment (Fees)
Regulations 2016
Planning and Environment Act 1987
Planning and Environment (Planning
Schemes) Act 1996
Planning and Environment Regulations
2015
Prevention of Cruelty to Animals Act 1986
Property Law Act 1958
Privacy and Data Protection Act 2014
Protected Disclosure Act 2012
Public Health and Wellbeing Act 2008
Public Health and Wellbeing Regulations
2009
Public Records Act 1973
Rail Safety (Local Operations) Act 2006
Residential Tenancies (Caravan Parks and
Movable Dwellings Registration and
Standards) Regulations 2010
Residential Tenancies Act 1997
Road Management (General) Regulations
2016
Road Management Act 2004
Road Management (Works and
Infrastructure) Regulations 2015
Road Safety (Road Rules) 2009
Road Safety (Vehicles) Regulations 2009
Road Safety (Traffic Management)
Regulations 2009
Road Safety Act 1986
Sale of Land Act 1962
Second Hand Dealers and Pawnbrokers
Act 1989
Sex Work Act 1994
Sherriff Act 2009
Shop Trading Reform Act 1996
Sport and Recreation Act 1972
Subdivision (Fees) Regulations 2016
Subdivision (Procedures) Regulations 2011
Subdivisions Act 1988
Subordinate Legislation Act 1994
Summary Offences Act 1966
Tobacco Act 1987
Transfer of Land Act 1958
Transport Integration Act 2010
Transport (Safety Schemes Compliance
and Enforcement) Act 2014
Urban Renewal Authority Victoria Act 2003
Valuation of Land Act 1960
Victoria Grants Commission Act 1976
Victorian Civil and Administrative Tribunal
Act 1998
Victorian Grants Commission Act 1976
Victorian State Emergency Act 2005
Victorian Urban Development Authority
Amendment (Urban Renewal Authority
Victoria) Act 2011
Water Act 1989
Working with Children Act 2005

Decision-making powers

Council exercises powers that affect members of the public both at Council Meetings and by Council employees with delegated authority.

Council exercises its decision-making powers through Council meetings. All Council meetings are held in the Council Chamber and are open to the public. Further details of specific decision-making powers held by Council and Council officers in relation to the above legislation can be found in Council's Instrument of Delegation, which are available for public inspection.

Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

Council's Local Laws are available on Council's website at [Local Law No. 1 Community and Environment \(2013\)](#) and [Local Law No 1. Meeting Procedure \(2014\)](#)

External policy consultation

Community consultation is any process that Mitchell Shire Council undertakes to involve the public in decision making by communicating with them by email, post, phone or in person to find out their views about a particular issue, service or other Council matter prior to making decisions.

Mitchell Shire Council's Community Engagement Framework and Engaging Mitchell Website allow people to become involved in Council's decision-making processes, so they can help shape decisions that affect them and the rest of the community.

Engaging Mitchell is Mitchell Shire Council's online community engagement hub, is a one-stop-shop for the people who live and work in Mitchell Shire to provide input on a broad range of plans, policies and projects.

Mitchell Shire Council uses a range of other consultation and engagement approaches including:

- Surveys and questionnaires
- Community information sessions and Vox pops
- Workshops
- Online forums
- Advisory Committees

Access the www.engagingmitchellshire.com website to read our Community Engagement Framework.

Council libraries and meeting rooms

Council will make available space for inspecting Council documents. Rooms can be used to view Council documents upon request and are located at Mitchell Shire Council Customer and Library Services, 113 High Street, Broadford 3658.

Statement 2: Categories of Documents

Council maintains a variety of documents, ranging from general correspondence with members of the public to Council adopted policies and resolutions. The categories of documents in Council's possession are:

- Agendas and minutes/notes of meetings
- Annual and financial reports
- Building and planning permits and associated documents including plans
- Building enforcement documents
- Cat and dog registration application and registrations issued
- Correspondence (general and Councillor)
- Council resolutions
- Departmental publications, including newsletters
- Disclosures of conflict of interests
- Documents submitted by third parties
- Internal administration documents relating to staff management and the operation of Council, organisational and staffing records, financial and resource management records, audit records and internal operating procedures
- Legal documents including Local Laws, contracts, leases, agreements, licenses, instruments of Delegation, instruments of appointment and authorisations, legal advices, and court documents
- Local Laws permit application and permits issued
- Mailing lists
- Maternal and child health records, including immunisation records
- Media releases and general advertising
- Memorandums of Understanding and Service Agreements
- Officer recommendations
- Policies, guidelines, strategies and plans, including their development and implementation
- Public and stakeholder consultation processes and outcomes
- Records of the administration and enforcement of legislation and Local Laws
- Reports prepared by external consultants
- Requests for information under the *Freedom of Information Act 1982* and files and papers relevant to the consideration of those requests
- Residential parking permit application and permits issued
- Risk management assessments
- Standard operating procedures
- Surveys, statistics and data
- Tender evaluations
- Training material
- Written and verbal complaints received and records of any subsequent investigations

Files within these categories are held and maintained in accord with best practice records management principles. This includes regular archiving and disposal of records undertaken in accordance with approved schedules.

Council adopted policies, strategies and plans are available on the website.

Statement 3: Freedom of Information Arrangements

Access to documents in the possession of the Council can be obtained by:

- direct access to published documents on the internet;
- inspection either in accordance with voluntary disclosure policies or in legislation;
- request to the relevant Council Division; and
- Freedom of Information (FOI) in accordance with the *Freedom of Information Act 1982*.

Requests to access documents should be directed first to the Council department primarily responsible for maintaining the information you require. Requests to access documents not available through the relevant department can be made under the Act, formally in writing, addressed to:

Freedom of Information Officer
Mitchell Shire Council
113 High Street
BROADFORD VIC 3658

Applications must be accompanied by an application fee of \$28.90; unless a waiver or reduced fee is sought in which supporting documentation must be provided. If payment is by cheque or money order it should be made out to Mitchell Shire Council.

Requests may be lodged in person at Council Offices, by post or electronically via email to mitchell@mitchellshire.vic.gov.au. A request for access must provide such information as is reasonable necessary to enable an Officer to identify the documents sought. Applicants will be notified of Council's decision and their review rights within 30 days of Council receiving the request.

It should be noted that a charge of \$21.70 per hour or part of an hour will apply to recover the cost of the time taken to find and identify the documents, and a cost of 20 cents per A4 page will be charged for copies.

For further information and advice on making a request or about the Freedom of Information process, please call a member of the Governance and Corporate Accountability team on 5734 6200 or access the website www.mitchellshire.vic.gov.au/council/your-council/freedom-of-information.

Statement 4: List of Documents Produced for Publication and Public Inspection

Council maintains a range of documents and registers which are available for public inspection. Inspections can be arranged by contacting the department primarily responsible for managing the information.

In accordance with *Part 12 of the Local Government (General) Regulations 2015* the following documents are available for inspection or copies of the documents can be obtained for the purposes of section 222 of the *Local Government Act 1989*:

- details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months
- Agendas and Minutes of Ordinary and Special Meetings held in the previous 12 months
- a register of delegations kept under sections 87(1) and 98(4) of the Act, including the date on which the last review took place under sections 86(6) and 98(6), respectively, of the Act
- a list of all leases involving land which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease
- a register maintained under section 224(1A) of the Act of authorised officers appointed under that section
- A list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.

Council's Governance and Corporate Accountability Team is primarily responsible for maintaining this information.

In addition to this, the *Local Government Act 1989* and other Acts under which local government operates, stipulate the following information is available for public inspection:

- Register of Interests (Section 81(10))
- Election campaign donation returns (Section 62A)
- Councillor Reimbursement Policy (Section 75B)
- Councillor Code of Conduct (Section 76C)
- If Council passes a resolution to reappoint a [person](#) as its Chief Executive Officer without advertising the position, the [Council](#) must make details of the [person's](#) proposed total remuneration under the new contract (Section 94)
- A copy of and Council proposed local law and explanatory document setting out prescribed details in relation to the local law (Section 119)
- Copies of Local Laws operative within the municipality (Section 120)
- Accounts and records of Council transactions (Section 140)
- Annual Report (Section 133)
- Annual Budget (Section 127)
- Council Plan and Strategic Resource Plan (Section 125 & 126)
- Details of Differential Rates (Section 161)
- Where Council has given public notice of an intention to declare a special rate, a special charge, or a combination of both, copies of the proposed declaration will be available for at least 28 days after the publication of the notice (Section 163)

- Best Value – Quality and cost standards (Section 208)
- Copies of the preliminary and final reports for the last Electoral Representation Review (Section 219F)
- Procurement Policy (Section 186A)
- Register of all building permits issued (Building Act 1993, Section 31)
- A register of occupancy permits, certificates of final inspection, temporary approvals and amendments (Section 74)
- A register of emergency orders, building notices and building orders (Section 126)
- Certificates of final inspection, building and occupancy permits issued in the preceding 10 years, any current statement under Building Regulation 502 or 503, current building notices and building orders (Building Regulations 2006 r326[1])
- Information on the likelihood that a given property is susceptible to flood, termites, bushfire and/or snowfalls, and that a given property is within the area of designated land or works as prescribed by regulation 806 (r326[2])
- Approval dates of the mandatory notification stages for building works (r326[3])
- Register of all registered dogs and cats in the Municipal District (Domestic Animals Act 1994, Section 18)
- A copy of the Victorian Planning Provisions and any amendments (Planning & Environment Act 1987, Section 42)
- A copy of amendments and submissions to the Minister for Planning requesting amendments and exemption to a planning scheme (Section 18, 21)
- A copy of panel hearing reports and submissions to amend a planning scheme (Section 26)
- A copy of an amended planning scheme (Section 42)
- A register of planning permit applications, decisions and determinations (Planning & Environment Act 1983, Section 49)
- A copy of objections to permit applications and applications for amendment of permits during the period which an application may be made for review of a decision on the application (Section 57)
- Copies of Council issued permits (Section 70)
- A copy of agreements Council has entered into with an owner of land in the area covered by a planning scheme for which it is a responsible authority (Section 179[2])
- A register of Section 173 Agreements entered into by the Municipality (Planning and Environment Act 1987, Section 179)
- A copy of the Municipal Public Health and Wellbeing Plan (Public Health and Wellbeing Act 2008, Section 26(7))
- Details of Food Premise Registrations, renewals and transfers in relation to particular food premises, including details of orders to suspend or revoke registration of food premises (Food Act 1984, Section 43)
- Councils Public Road Register
- Protected Disclosures Procedures

Council also produces a range of documents for publication that provide information on specific aspects of the municipality. These include, but are not limited to:

- Mitchell Shire eNews
- Seniors' Newsletter
- Early Years Newsletter

Council also provides information via online tools including

- Facebook [Facebook.com/MitchellShire](https://www.facebook.com/MitchellShire)
- Twitter [Twitter.com/MitchellShire](https://twitter.com/MitchellShire)
- LinkedIn [Linkedin.com/company/mitchell-shire-council](https://www.linkedin.com/company/mitchell-shire-council)
- YouTube [Youtube.com/user/MitchellShireCouncil](https://www.youtube.com/user/MitchellShireCouncil)
- Vimeo [Vimeo.com/mitchellshirecouncil](https://vimeo.com/mitchellshirecouncil)

Information about the range of services Council provides can be found on Council's website at www.mitchellshire.vic.gov.au.

Statement 5: Rules, Policies and Procedures

Council's decision-making process is governed by a number of policies, strategies and plans.

Strategies and Plans

Kilmore Structure Plan	Mitchell Shire Health Profile (2017-2021)
Wallan Structure Plan	Heatwave Plan (2015)
Wandong/Heathcote Junction Structure Plan	Integrated Community Services and Infrastructure Plan (2013)
Access and Inclusion disAbility Plan (2013-2017)	Kings Park Master Plan (2014)
Aquatic Strategy (2014-2024)	Learning and Libraries Strategy (2014-2024)
Arts, Culture and Events Strategy (2014-2019)	Living Well for Life Positive Ageing Strategy (2014-2018)
Asset Management Plan – Bridges (2013)	Monument Hill Management Plan (2014)
Asset Management Plan – Buildings (2013)	Municipal Emergency Management Plan (2015)
Asset Management Plan – Parks and Open Spaces (2012)	Municipal Fire Management Plan (2012) - Updated 2016
Asset Management Plan - Roads (2013)	Municipal Public Health and Wellbeing Plan (2017-2021)
Asset Management Plan – Storm water Drainage (2012)	Neighbourhood Safer Places Plan (2016)
Asset Management Strategy (2015)	Open Space Strategy (2013-2023)
Community Event Waste Management Plan (2016)	Pandemic Plan (2009)
Community Plan 2020	Play Space Strategy (2015)
Council Plan 2017/21	Rating Strategy (2016-2017)
Cultural Diversity Plan (2014-2017)	Road Management Plan (adopted 2017)
Domestic Animal Management Plan (2013-2017)	Social Justice Framework 2017-2021
Early Years Plan (2012-2016)	Sports Field Feasibility Study (2014)
Economic Development Strategy (2016-2021)	Storm water Management Plan (2008)
Environment Strategy (2014-2024)	Sustainable Resource Management Strategy (2011)
Goulburn Park Master Plan (2014)	Tourism Strategy (2011)
Hadfield Park Development Plan (2010)	Waste Management Strategy (2016-2021)
	Youth Strategy (2014-2017)

Policies and Procedures

Anaphylaxis Policy
Asset Recognition and Measurement Policy
Asset Management Policy
Audio Recordings of Meetings Policy 2016
Building Control and Function Policy
Building Control Intervention Criteria Policy
Business Assistance Policy
CCTV in Public Places Policy 2015
Councillor Code of Conduct 2017
Communications Policy
Community Centres Policy
Community Engagement Framework Policy
Election Period Policy
Electronic Gaming Machine Policy
Enterprise Bargaining Agreement 6 2014
Essential Safety Measures Policy
Fees and Charges Policy
Film Policy
Financial Reserves Policy
Financing of Mortgage Security Policy
Food Policy
Fraud and Corruption Policy and Procedure 2017
Funds from the Sale of Council Property Policy
Graffiti Policy
Guidelines Policy Public Toilets
Heritage Policy
Kindergarten Services Policy
Litter Bin Collection Review
Loan Borrowing Policy
Mid-Year Budget Review Policy
Occupational Health and Safety Policy
Contract Management Policy
Corporate Performance Reporting policy 2015
Councillor Expense and Support Policy
Councillor Meeting Security Procedure 2017
Debt Recovery Policy
Developer Contributions Community Infrastructure Expenditure Policy
Developer Contributions Open Space Expenditure Policy
Election Signage Policy
Places of Public Entertainment (POPE) Policy
Policy Roadside Memorials
Privacy Policy
Procurement Policy
Protected Disclosure Policy
Rates and Charges Hardship Policy
Records Policy
Recruitment Retention Policy
Risk Management Policy and Procedure
Rural Roadside Code of Practice
Social Media Policy
Special Charge Scheme Policy
Sponsorship by Private Companies on Council Property and Public Events Policy
Sports field Surface Management Policy
Street and Park Tree Policy
Swimming Pool Policy
Treasury and Investment Policy
Volunteer Policy
Ward Consultation Forum Policy 2017