

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	Mary Agostino (Acting)
Director Advocacy and Community	Jo Wilson (Acting)
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 2020* 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:

Aboriginal Heritage Act 2006
Aboriginal Heritage Regulations 2018
Associations Incorporations Reform Act 2012
Australian Citizenship Act 2007
Australian Consumer Law
Building Act 1993
Building Regulations 2018
Catchment and Land Protection Act 1994
Community Services Act 1970
Child Wellbeing and Safety Act 2005
Children, Youth and Families Act 2005
Children's Services Act 1996
Children's Services Regulations 2009
Climate Change Act 2017
Conservation, Forests and Land Act 1987
Constitution Act 1975
Country Fire Authority Act 1958
Country Fire Authority Regulations 2014
Crown Land (Reserves) Act 1978
Cultural and Recreational Lands Act 1963
Dangerous Goods Act 1985
Development Victoria Act 2003
Disability Act 2006
Domestic Animals Act 1994
Domestic Building Contracts Act 1995
Drugs, Poisons and Controlled Substances Regulations 2017
Education and Care Services National Law Act 2010
Dwellings Registration and Standards Regulations 2010
Education and care services National Law Act 2010
Education and Care Services National Regulations 2011
Education and Training Reform Act 2006
Electrical Safety Act 1998
Emergency Management Act 1986
Emergency Management Act 2013
Environment Protection Act 1970
Equal Opportunity Act 2010
Estate Agents Act 1980
Evidence Act 2008
Family Violence and Protection Act 2008
Family Violence Protection (Information and Risk Management) Regulations 2016
Fences Act 1968
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
Freedom of Information Act 1982
Gambling Regulation Act 2003
Graffiti Prevention Act 2007
Gender Equality Act 2020
Geothermal Energy Resources Regulations 2006
Health (Immunisation) Regulations 1999
Health (Prescribed Accommodation) Regulations 2001
Health Act 1958
Health Records Act 2001
Health Services Act 1988
Heavy Vehicle National Law 2012
Housing Act 1983
Heritage Act 1995
Impounding of Livestock Act 1994
Independent Broad-Based Anti-Corruption Commission Act 2011
Infringements Act 2006
Infringements (General) Regulations 2006
Land Acquisition and Compensation Act 1986
Land Acquisition and Compensation Regulations 2010
Land Act 1958
Landlord and Tenant Act 1958
Liquor Control Reform Act 1998
Livestock Disease Control Act 1994
Local Government (Electoral) Regulations 2016
Local Government (Planning and Reporting) Regulations 2014

Local Government (General) Regulations 2015
Local Government (Long Service Leave) Regulations 2012
Local Government Act 1989
Local Government Act 2020
Local Law No. 1 Community and Environment (2013)
Local Law No 1. Meeting Procedure (2014)
Magistrates' Court Act 1989
Major Transport Projects Facilitation Act 2009
Metropolitan Fire Brigades Act 1958
Mineral Resources (Sustainable Development) Act 1990
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 (General) Regulations 2009
Road Safety (Vehicles) Regulations 2009
Road Safety (Traffic Management) Regulations 2009
Road Safety Act 1986
Rooming House Operators Act 2016
Sale of Land Act 1962
Second Hand Dealers and Pawnbrokers Act 1989
Service Victoria Act 2018
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
Subdivision (Registrar's Requirements) Regulations 2011
Subordinate Legislation Act 1994
Summary Offences Act 1966
Taxation Administration act 1997
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
Victorian Civil and Administrative Tribunal Act 1998
Victorian Data Sharing Act 2011
Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017
Victorian Environmental Assessment Council Act 2001
Victorian Grants Commission Act 1976
Victorian Inspectorate Act 2011
Victorian Planning Authority Act 2017
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 \$29.60; 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, or via the [online form](#) on the Council's website. 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 \$22.20 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

In the interest of transparency, 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 *Local Government Act 2020*, in particular sections 57 and 58 relating to Public Transparency, and other Acts under which local government operates, *the following information is available for public inspection*. The following documents are available for inspection or copies of the documents can be obtained.

- 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
- 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 the *Local Government Act 2020*, of authorised officers.
- 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.
- *Register of Interests*
- *Summary of personal interest*
- *Election campaign donation returns*
- *Councillor Reimbursement Policy*
- *Code of Conduct of Council Staff*
- *Councillor Code of Conduct*
- *Disclosed Gift Register*
- *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*
- A copy of and Council proposed local law and explanatory document setting out prescribed details in relation to the local law
- Copies of Local Laws operative within the municipality
- Accounts and records of Council transactions
- Annual Report
- Annual Budget
- Council Plan and Strategic Resource Plan
- Details of Differential Rates
- 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
- Best Value – Quality and cost standards
- Copies of the preliminary and final reports for the last Electoral Representation Review
- Procurement Policy
- Register of all building permits issued (Building Act 1993)
- A register of occupancy permits, certificates of final inspection, temporary approvals and

amendments

- A register of emergency orders, building notices and building orders
- 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)
- 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
- Approval dates of the mandatory notification stages for building works
- Register of all registered dogs and cats in the Municipal District (Domestic Animals Act 1994)
- A copy of the Victorian Planning Provisions and any amendments (Planning & Environment Act 1987)
- A copy of amendments and submissions to the Minister for Planning requesting amendments and exemption to a planning scheme
- A copy of panel hearing reports and submissions to amend a planning scheme
- A copy of an amended planning scheme
- A register of planning permit applications, decisions and determinations (Planning & Environment Act 1987)
- 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
- Copies of Council issued permits
- 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
- A register of Section 173 Agreements entered into by the Municipality (Planning and Environment Act 1987)
- A copy of the Municipal Public Health and Wellbeing Plan (Public Health and Wellbeing Act 2008)
- 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)
- Councils Public Road Register
- Public Interest Disclosures Procedures (formerly Protected Disclosures Procedures)
- Community Engagement Policy
- Public Transparency Policy

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

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

Aquatic Strategy	Municipal Emergency Management Plan 2018-2021
Arts, Culture and Events Strategy	Municipal Fire Management Plan
Beveridge Recreation Reserve Vegetation Management Plan	Municipal Public Health and Wellbeing Plan 2017-2021
Bridges Asset Management Plan	Municipal Flood Emergency Plan
Building Assets Management Plan	Open Space Maintenance Service Standards
Chittick Park Seymour Masterplan	Open Space Strategy
Community Plan and Vision 2020	Open Space Strategy Action Plan 2016-2017
Community Event Waste Management Plan	Parks and Open Spaces Asset Management Plan
Council Plan 2017-2021	Play Space Strategy
Customer Service Charter	Road Asset Management Plan
Domestic Animal management Plan 2017-2021	Rural Roadside Environmental Management Plan 2016-2026
Early Years Plan 2012 - 2016	Seymour Structure Plan
Economic Development Strategy	Seymour Township and Goulburn River Environs Flood Sub Plan
Electric Line Clearance Management Plan	Single Incident Emergency Assistance Brochure
Environment Strategy 2014-2024	Social Justice Framework 2017-2021
Goulburn Park Master Plan	Southern Goulburn Valley Regional Waste Resource Recovery Education Strategy
Hadfield Park Development Plan	Sports Development Plan
Heatwave Plan	Sports Field Feasibility Study
Integrated Community Services and Infrastructure Plan	Stormwater Asset Management Plan
Infrastructure Assets Management Strategy	Sustainable Resource Management Strategy
Kilmore Hospital Reservoir Environs Management Plan	Tourism Strategy
Kilmore Structure Plan	Wallan Structure Plan
Kings Park Seymour Master Plan	Wandong/Heathcote Junction adopted Structure Plan
Learning and Library Strategy	Waste Management Strategy 2016-2021
Mitchell Shire Neighbourhood Safer Places Plan	Youth Strategy
Mitchell Shire Council Influenza Pandemic Plan	
MSC Acknowledging our Traditional Owners Guide 2019	

Policies and Procedures

Anaphylaxis Policy
Building Control and Function Policy
Building Control Intervention Criteria Policy
Business Assistance Policy
CCTV in Public Places Policy
Communications Policy
Community Centres Policy
Community Engagement Framework Policy
Community Facilities Fees and Charges Policy
Community Leasing and Licensing Policy
Contract Management Policy
Councillor Code of Conduct
Councillor Expense and Support Policy
Councillor Meeting Security Procedure
Debt Recovery Policy
Election Period Caretaker Policy
Election signage Policy
Electronic Gaming Machine Policy
Essential Safety Measures Policy
Film Policy (Filming in Mitchell)
Financial Reserves Policy
Fraud and Corruption Policy and Procedure
Freedom of Information Policy
Graffiti Policy
Heritage Policy
Information Privacy Policy
Infrastructure Asset Management Policy
Infrastructure Special Charge Scheme
Interstate and Overseas Travel and Accommodation Policy
Kindergarten Services Policy
Litter Bin Collection Review
Loan Borrowing Policy
Mayoral Election Procedure
Mitchell Food Policy
Occupational Health and Safety Policy
Places of Public Entertainment (POPE) Policy
Public Toilets Guideline Policy
Place Naming Policy
Procurement Policy
Public Interest Disclosures Policy
Property Holding Acquisition and Disposal Policy
Rates and Charges Hardship Policy
Recovery Policy
Recruitment Retention Policy
Roadside Memorial Policy
Social Media Policy
Sponsorship by Private Companies on Council Property and Public Events Policy
Sportsfield Surface Management Policy
Street and Park Tree Policy
Swimming Pool Policy
Volunteer Policy
Watch Around Water Policy
Ward Consultation Forum Policy

Statement 6: Report Literature

Mitchell Shire Council publishes an annual report each year. These reports can be viewed and downloaded at

<https://www.mitchellshire.vic.gov.au/about-council/council-documents/annual-report>