

# Freedom of Information Part II Statements

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# Introduction

## Purpose

The purpose of Part II of the *Freedom of Information Act 1982* (sections 7 to 12) is to ensure that individuals and organisations can effectively exercise their right to obtain access to government information which may affect them. To this end they must be aware of what government does, how it acts and what information it holds.

Section 7 of the *Freedom of Information Act 1982* requires all agencies to publish a set of statements that describe their powers and functions, the documents and information they keep and the ways people can view or get copies of them.

In the interests of transparency, the Hindmarsh Shire Council has compiled a Part II Freedom of Information Statement where you will find information about—

- Statement 1—Organisation and Functions of Council  
*Freedom of Information Act 1982*—section 7(1)(a)(i), (vii) and (viii)
- Statement 2— Categories of Documents  
*Freedom of Information Act 1982*—section 7(1)(a)(ii)
- Statement 3—Freedom of Information Arrangements  
*Freedom of Information Act 1982*—section 7(1)(a)(iii),(v),(vi)
- Statement 4—Publications  
*Freedom of Information Act 1982*—section 7(1)(a)(iv)
- Statement 5—Policies and Procedures  
*Freedom of Information Act 1982*—section 8

Much of the information included in these information statements can be found in the [Council's Annual Report](#) and on the [Hindmarsh Shire Council website](#).

# Statement 1: Operation and Functions

*Freedom of Information Act 1982—section 7(1)(a)(i), section 7(1)(a)(vii) and section 7(1)(a)(viii)*

## Establishment

The Hindmarsh Shire Council was established by an Order in Council on XXXXXX /formed in XXX with the merger of..... The shire is divided into 3 wards, each represented by councilors— north ward, east ward, and west ward.

## Organisational Structure

Council is the governing body that appoints a Chief Executive Officer (CEO). The CEO has responsibility for the day to day management of operations in accordance with the strategic directions of the Council Plan. Two Directors and the CEO form the Senior Management Team and lead the organization. Details of the Senior Management Team are set out below.

### Chief Executive Officer

#### Areas of Responsibility:

Overall Responsibility for Council’s operations

### Senior Officers reporting directly to the CEO:

#### Director Corporate & Community Services

#### Director Infrastructure Services

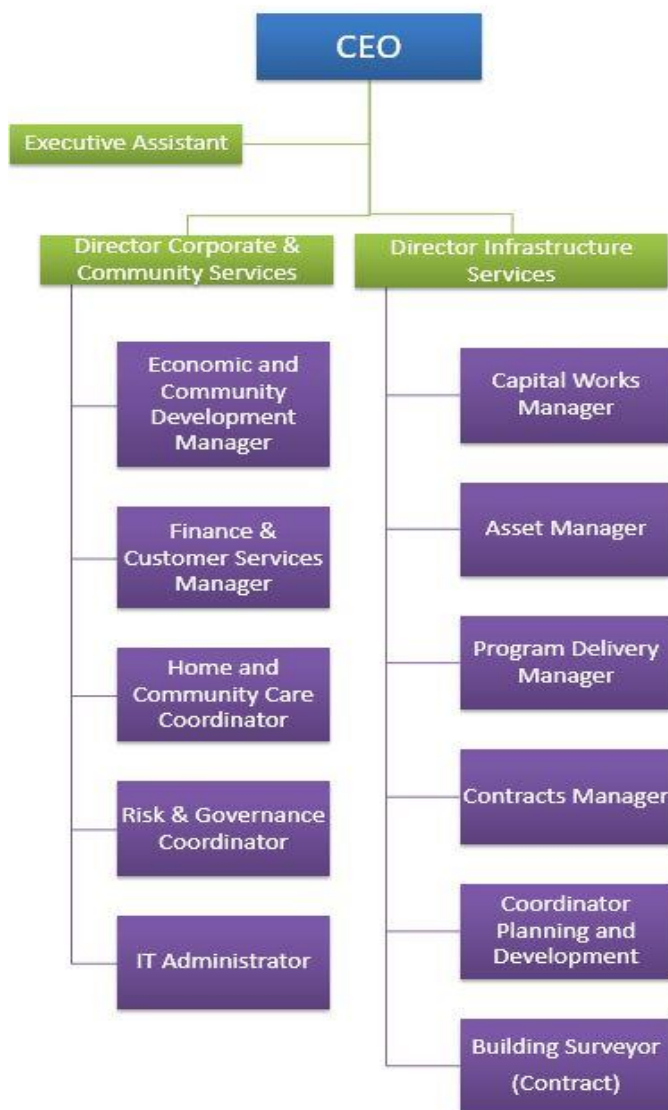
##### Areas of responsibility:

- Business development
- Finance
- Information technology
- Family, youth and leisure
- Aged and disability
- Governance
- Economic development
- Local laws

##### Areas of responsibility:

- Asset planning
- Engineering and traffic
- Environment and sustainability
- Infrastructure
- Parks and gardens
- Building
- Planning and development

A chart setting out the organisational structure of the Council is shown below:



## Council Offices

### Nhill Office

92 Nelson Street  
NHILL VIC 3418  
Phone: 03 5391 4444  
Fax: 03 5391 1376

### Jeparit Office

10 Roy Street  
JEPARIT VIC 3423  
Phone: 03 5391 445  
Fax: 03 5397 2263

Postal address:

PO Box 250

NHILL VIC 3418

Email: [info@hindmarsh.vic.gov.au](mailto:info@hindmarsh.vic.gov.au)

### Dimboola Office

101 Lloyd Street  
DIMBOOLA VIC 3414  
Phone: 03 5361 4452  
Fax: 03 5389 1734

### Rainbow Office

15 Federal Street  
RAINBOW VIC 3424  
Phone: 03 5391 4451  
Fax: 03 5395 1436

Website: [www.hindmarsh.vic.gov.au](http://www.hindmarsh.vic.gov.au)

Facebook:

<http://www.facebook.com/hindmarshshirecouncil>

## Functions

### *Legislative Functions*

Section 3E of the *Local Government Act 1989 (Act)* prescribes the functions of a Council which include:

- advocating and promoting proposals which are in the best interests of the local community
- planning 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 Council under the Local Government Act 1989 and other Acts
- any other function relating to the peace, order and good government of the municipal district.

## *Local Government Functions and Activities*

The Council has responsibility for managing a broad range of functions, activities and services. These include:

- Aged and disability services
- Animal management
- Assets and civic facilities management
- Building services
- Community development
- Economic development
- Environmental management
- Heritage
- Leisure and recreation services
- Library and learning services
- Open space planning
- Parking management
- Public health and safety
- Roads, footpaths and drainage
- Traffic safety
- Transport planning
- Strategic and statutory planning

## *Common Administrative Functions*

- Committees
- Community Relations
- Contracting-Out
- Financial Management
- Fleet Management
- Government Relations
- Industrial Relations
- Information Management
- Occupational Health & Safety
- Personnel Management
- Policy
- Property Management
- Reporting
- Staff Development
- Strategic Management
- Technology and Telecommunication

## **Acts administered**

- Audit Act 1994
- Aboriginal Heritage Act 2006
- Building Act 1993
- Children Youth and Families Act 2005
- Climate Change Act 2010
- Landlord and Tenant Act 1958
- Libraries Act 1988
- Liquor Control Reform Act 1998
- Local Government Act 1989
- Magistrates Court Act 1989

- Conservation, Forests and Land Act 1987
- Crown Land (Reserves) Act 1978
- Cultural and Recreational Lands Act 1963
- Dangerous Goods Act 1985
- Domestic Animals Act 1994
- Education and Care Services National Law 2010
- Educational Training Reform Act 2006
- Electricity Safety Act 1998
- Emergency Management Act 1986
- Environment Protection Act 1970
- Estate Agent Act 1980
- Equal Opportunity Act 2010
- Fences Act 1968
- Flora, Fauna Guarantee Act 1988
- Food Act 1984
- Freedom of Information Act 1982
- Gambling Regulation Act 2003
- Graffiti Prevention Act 2007
- Health Records Act 2001
- Heritage Act 1995
- Housing Act 1983
- Impounding of Livestock Act 1994
- Infringements Act 2006
- Land Act 1958
- Land Acquisition and Compensation Act 1986
- Major Transport Projects Facilitation Act 2009
- Metropolitan Fire Brigade Act 1958
- Mineral Resources (Sustainable Development) Act 1990
- Planning and Environment Act 1987
- Pipelines Act 2005
- Privacy and Data Protection Act 2014
- Protected Disclosures Act 2012
- Public Health and Wellbeing Act 2008
- Public Records Act 1973
- Road Management Act 2004
- Road Safety Act 2004
- Second Hand Dealers and Pawnbrokers Act 1989
- Sex Work Act 1994
- Sheriff Act 2009
- Sport and Recreation Act 1992
- Subdivision Act 1988
- Summary Offences Act 1966
- Tobacco Act 1987
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Valuation Land Act 1960
- Victorian Grants Commission Act 1976
- Victoria State Emergency Service Act 2005
- Victorian Urban Development Authority Act 2003
- Water Act 1989

## Decision Making Powers

Council is a statutory entity and is able to do only those things which it is authorized by legislation, primarily the *Local Government Act 1989*. It can act in only one of two ways: by resolution or through others acting on its behalf.

### By resolution

Council exercises its decision making powers at Ordinary and Special Meetings of Council.

The Ordinary Meeting of Council is held on the first and third Monday of each month (unless otherwise advertised). Special Meetings are held when required.

Agendas and Minutes of all meetings in the past year are available on Council's website.

Council's Hindmarsh Meeting Procedures and Common Seal Local Laws document the manner of voting and making resolutions of Council.

### Through others acting on Council's behalf

The Local Government Act 1989 provides for the appointment of delegates to act on behalf of Council. Most Council decision-making power is allocated by formal Instruments of Delegation: delegations to the CEO, to Council staff and to special committees. The decision of a delegate of Council is 'deemed' to be a decision of Council.

The Instrument of Delegation to the CEO empowers the CEO to exercise various powers of the Council, including the power to sub-delegate powers to Council staff.

Further details of specific decision-making powers held by Council and Council officers can be found in Council's Instruments of Delegation, which are available for public inspection at Council Offices.

## List of special committees whose meetings are open to the public or minutes publicly available

Special Committees:

- Nhill Town Committee
- Dimboola Town Committee
- Jeparit Town Committee
- Rainbow Town Committee
- Wimmera Mallee Pioneer Museum Committee



- Yurunga Homestead Committee
- Antwerp Hall Committee
- Diapur Hall Committee
- Gerang Hall Committee
- Jeparit Memorial Hall Committee
- Lorquon Memorial Hall Committee
- Yanac Hall and Recreation Reserve Committee
- Rainbow Civic Centre Committee
- Rainbow Recreation Reserve Committee
- Nhill Sun Moth Reserve Committee of Management

## Libraries

### **Dimboola**

101 Lloyd St, Dimboola 3414  
 03 5389 1734  
[dimboola.library@wrlc.org.au](mailto:dimboola.library@wrlc.org.au)

#### Opening Hours

Tuesday 1.30 pm - 5.30 pm  
 Wednesday 3.30 pm - 5.30 pm  
 Thursday 10.00 am - 12.30 pm & 1.30 pm - 5.30 pm  
 Friday 10.00 am - 12.30 pm & 1.30 pm - 6.00 pm  
 Saturday 9.30 am - 12.00 noon

### **Nhill**

Clarence Street, Nhill  
 03 5391 1684  
[nhill.library@wrlc.org.au](mailto:nhill.library@wrlc.org.au)

#### Opening Hours

Tuesday 2.00 pm - 5.30 pm  
 Wednesday 2.00 pm - 5.30 pm  
 Thursday 9.00 am - 12.30 pm  
 Friday 2.00 pm - 6.30 pm  
 Saturday 10.00 am - 12.00 noon

## Mobile Library

The mobile library visits Rainbow and Jeparit every second Tuesday. The mobile library timetable can be downloaded by visiting the [Wimmera Regional Library Corporation website](#)

## External policy consultation

Council is required to consult with other persons and bodies in relation to its activities, in developing its policies and practices, and in assessing the impact on internal and external stakeholders. This is done in a number of ways including public meetings, public question time at Ordinary Council Meetings, consultative committees (as required), the giving of public notice, and via feedback on the Council's webpage.

## Statement 2: Categories of Documents

*Freedom of Information Act 1982—section 7(1)(a)(ii)*

### Information management systems

Hindmarsh Shire Council operates a centralized records management system. The current records management software package in use for recording and tracking of files and documents is InfoExpert. 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 include—

Subject Files

Property Files

Contract Management Files

Vital Records Holdings

User Specific File Series

### Archives files

Archival records are stored at Council's secondary storage facility.

### Public Materials

In accordance with Regulation 12 of the *Local Government (General) Regulations 2015*, the following documents are available for inspection:

- a document containing 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, including—
  - the name of the Councillor or member of Council staff; and
  - the dates on which the travel began and ended; and
  - the destination of the travel; and
  - the purpose of the travel; and
  - the total cost to the Council of the travel, including accommodation costs;
- the agendas for, and minutes of, ordinary and special meetings held in the previous 12 months which are kept under section 93 of the *Local Government Act 1989* (the LGA), other than those agendas and minutes relating to a part of a meeting which was closed

to members of the public under section 89 of the LGA and are confidential information within the meaning of section 77(2) of the LGA;

- the minutes of meetings of special committees established under section 86 of the LGA and held in the previous 12 months, other than those minutes relating to a part of a meeting which was closed to members of the public under section 89 of the LGA and are confidential information within the meaning of section 77(2) of the LGA;
- a register of delegations kept under sections 87(1) and 98(4) of the LGA, including the date on which the last review took place under sections 86(6) and 98(6), respectively, of the LGA;
- a document containing details 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 LGA of authorised officers appointed under that section;
- a list of donations and grants made by the Council in the previous 12 months, including the names of persons who, or bodies which, have received a donation or grant and the amount of each donation or grant.

In accordance with the *Building Act 1993*, the following documents are available for inspection:

- a register of building permits (s31)
- a register of occupancy permits, certificates of final inspection, temporary approvals, and amendments (s74)
- a register of emergency orders, building notices, and building orders (s126)

In accordance with *Building Regulations 2006*, the following information is available upon request:

- 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 current building orders (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 an 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])

In accordance with the *Planning and Environment Act 1987*, the following documents are available for inspection:

- a copy of Victorian Planning Provisions and any amendments to Victorian Planning Provisions (s4H; I)
- a copy of amendments and submissions to Minister for Planning requesting amendments and exemptions to a planning scheme (s18; 21)
- a copy of panel hearing reports on submissions to amend a planning scheme (s26)
- a copy of an amended planning scheme (s42)
- a register containing applications for permits and application for amendment of permits and all decisions and determinations relating to permits and amendment of permits(s49)
- a copy of objections to permit applications and application for amendment of permit during the period which an application may be made for review of a decision on the application (s57)
- copies of Council issued permits (s70)
- 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 (s179[2]).

In accordance with the *Food Act 1984*, the following documents are available for inspection:

- records of registrations, renewals and transfers in relation to a particular food premises, including details of orders to suspend or revoke registration of food premises under Part III of the Act (s43)

In accordance with the *Public Health and Wellbeing Act 2008*, the following document is available for inspection:

- Health and Wellbeing Strategy (incorporated into the Council Plan)

In accordance with the *Road Management Act 2004*, the following documents are available for inspection:

- Council's Public Road Register

In accordance with the *Protected Disclosure Act 2012*, the following documents are available for inspection:

- Protected Disclosure Policy

The Council also has the following Facebook accounts:

- Hindmarsh Shire Council
- Hindmarsh Shire Youth Council



# Statement 3: Freedom of Information Arrangements

*Freedom of Information Act 1982*—section 7(1)(a)(iii), section 7(1)(a)(v) and section 7(1)(a)(vi)

## What is Freedom of Information?

The *Freedom of Information Act 1982* has applied to local government since 1 January 1994. Freedom of Information gives members of the public:

- a right to information held by Ministers, state government departments, agencies, statutory authorities and local government authorities
- a legal right to apply for incorrect, out of date or misleading information about them to be amended or removed from their personal files.

People have the right to seek access to documents that were created or received by the Hindmarsh Shire Council after 1 January 1989. Documents may take the form of:

- written documentation
- books
- maps
- films
- photographs
- microfiche
- computer printouts
- computer discs
- electronic mail
- soundtracks
- tape recordings
- video tapes

In some instances, the right of access to some documents may be refused or limited by specific exemptions of the *Freedom of Information Act 1982*. These exemptions are applied where it is deemed necessary for the protection of the public's interest, privacy or commercial reasons. Documents may be exempted in full or in part, in which case the exempted information will be redacted from the document prior to its release. Exempt documents fall into the following categories:

- internal working documents
- law enforcement documents
- documents containing material obtained in confidence
- documents relating to trade secrets
- documents relating to legal professional privilege
- documents affecting personal privacy
- documents relating to IBAC investigations
- Council documents subject to section 89(3) of the *Local Government Act 1989*
- Any document where disclosure is contrary to public interest

## Requests – Access to documents

Freedom of Information requests for access to documents must be made in writing, addressed to the Freedom of Information Officer, and accompanied by an application fee of 2 fee units<sup>1</sup> unless a waiver or reduced fee is approved. If payment is by cheque it should be made out to Hindmarsh Shire Council.

If payment is deemed to cause financial hardship it may be waived or reduced. If applicants are seeking a fee waiver or reductions the request must include written evidence supporting the claim, as well as documentary evidence such as a copy of a concession card.

Requests may be lodged:

- In person main Council Office in Nhill
- By post, addressed to— Freedom of Information Officer, Hindmarsh Shire Council, PO Box 250, Nhill, Victoria, 3418

A request for access must provide such information as is reasonably necessary to enable the Freedom of Information Officer to identify the documents sought.

If you want someone to make the request on your behalf, that request may not be processed until a written authorization is received. If the documents are about your personal affairs, please provide Council with evidence of your identity.

If a request is deemed invalid for not meeting the requirements of a request, the Freedom of Information Officer will contact you to seek further information. The 30 days within which a decision must be made does not commence until a valid request is received.

The Freedom of Information Officer will send applicants an acknowledgment letter and process the request within the required 30 days, subject to any applicable extensions to the time.

Where practicable (subject to any exemptions in full or part), Council will release the requested documents in full or part. However, if a document to be released in part would be subsequently meaningless, misleading or unintelligible the document will be denied in full.

Applicants will be notified of Council's decision (including the release of documents as applicable) and their review rights within 30 days of Council receiving the request.

## Requests – Correction to Personal Information

Requests for correction or amendment of information about a person which is contained in a document held by the agency may be made in writing, addressed to the Freedom of Information Officer and should specify-

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<sup>1</sup> For the current value of a fee unit please refer to the Department of Treasury and Finance website.



- an address to where notices may be sent to the person making the request; and
- particulars of why the person making the request believes the information to be incomplete, incorrect, out of date or misleading and specifying the amendments he or she wishes made.

Requests may be lodged:

- In person at Council Offices (see page 5)
- By post, addressed to— Freedom of Information Officer, Hindmarsh Shire Council, PO Box 250, Nhill, Victoria, 3418

## Right of Appeal

If an applicant is dissatisfied with Council's decision to refuse access to a document, defer access to a document, not waive or reduce a fee or not amend a document, they have the right to appeal that decision to the Victorian Information Commissioner. Further details about how to apply for a review are available on the Information Commissioner's website: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

## Charges

Applicants will be supplied, as soon as possible, with a statement of further charges if appropriate.

Charges will be in accordance with the Freedom of Information (Access Charges) Regulations 2004 which are currently set at:

- A charge for search time will be equal to 1.5 fee units per hour or part of an hour
- A charge for supervision will be equal to 1.5 fee units per hour (to be calculated per quarter hour or part of a quarter hour)
- A charge for the costs of a suitably qualified health service provider providing an explanation of health information will be equal to 1.9 fee units per quarter hour or part of a quarter hour; or 6 fee units, whichever is the lesser.
- A charge for providing a summary of health information will be equal to 1.9 fee units per quarter hour or part of a quarter hour, or 6 fee units, whichever is the lesser.
- A charge for providing black and white photocopy – 20 cents per A4 page
- A charge for providing copy of a document other than black and white photocopy – The reasonable costs incurred by the agency in providing the copy.
- A charge for arrangements to hear or view sound or visual image – The reasonable costs incurred by the agency in making the arrangements.
- A charge for providing a written transcript - The reasonable costs incurred by the agency in providing the written transcript.
- A charge for providing written document - The reasonable costs incurred by the agency in providing the written document.

## Officers responsible for Freedom of Information requests

Principal Officer—Chief Executive Officer

Freedom of Information Officer – Governance and Risk Coordinator

## Statement 4: Publicity Materials

*Freedom of Information Act 1982—section 7(1)(a)(iv)*

Council does not produce any literature which is available to the public by subscription or under a free mailing list arrangement.

## Statement 5: Policies and Procedures

*Freedom of Information Act 1982—section 8*

This statement applies to documents that are provided by Council for the use or guidance of Council or its officers.

This list is not an exhaustive list of documents used by Council or its officers; it is an example of documents which are frequently referred to.

- Privacy Policy
- Protected Disclosure Policy
- Gifts and Hospitality Policy (Councillors)
- Gifts and Hospitality Policy (Council Employees)
- Councillor Reimbursement Policy
- Media Policy
- Social Media Policy
- Procurement Policy
- Councillor Code of Conduct
- Employee Code of Conduct
- Motor Vehicle Use
- Child Safe Standards
- Home and Community Care
- Occupational Health and Safety
- Plant and Equipment Risk Management
- Tendering