

**Murrindindi**  
Shire Council

Freedom of Information (FOI)  
Part II Statement

# Contents

INTRODUCTION.....	3
1. COUNCIL FUNCTIONS AND AUTHORITY FOR DECISION-MAKING .....	4
1.1 Acts and regulations: .....	4
1.2 Local Laws.....	6
1.3 Authority for decision-making.....	6
1.4 Organisational Structure .....	7
2. PUBLIC CONSULTATION.....	8
3. EXEMPT DOCUMENTS.....	8
4. DOCUMENTS AVAILABLE FOR PUBLIC INSPECTION.....	8
4.1 Regulation 12 of the Local Government (General) Regulations 2015.....	9
4.2 Local Government Act 1989 (Vic) .....	9
4.3 Building Act 1993 (Vic).....	10
4.4 Building Regulations 2018 (Vic) .....	10
4.5 Domestic Animals Act 1994 .....	11
4.6 Livestock Act 1994.....	11
4.7 Food Act 1984 .....	11
4.8 Planning and Environment Act 1987.....	11
4.9 Public Health and Wellbeing Act 2008 .....	12
4.10 Road Management Act 2004 .....	12
4.11 Public Interest Disclosure Act 2012 (Whistleblowers).....	12
5. COUNCIL PUBLICATIONS .....	13
5.1 Newsletters and media releases .....	13
5.2 Subscription services and free mailing lists:.....	13
5.3 Online publications.....	13
6. BOARDS, COMMITTEES, COUNCILS AND OTHER BODIES .....	14
6.1 Special Committees .....	14
6.2 Section 86 Committees of Management .....	14
6.3 Trusts.....	14
7. LIBRARIES AND READING ROOMS.....	15
8. FREEDOM OF INFORMATION (FOI) APPLICATION PROCEDURE.....	15
9. REVIEW & UPDATE .....	16

## INTRODUCTION

Part II of the [Freedom of Information Act 1982 \(Vic\)](#) (Act) requires all agencies, other than councils, to publish a set of statements describing 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, Murrindindi Shire Council has compiled a Part II Statement where you will find information about:

- the functions and decision-making powers of Murrindindi Shire Council
- how we consult with the public
- the types of documents we have available
- the information and documents which have been prepared for publication or inspection and notice of where they can be inspected or obtained
- the literature available by subscription or on free mailing lists
- who you can apply to for documents and how an application can be made
- the boards and committees which have been established to advise the Council and whose minutes are available to the public
- the libraries we manage

If you have any questions about this document you can contact:

The Freedom of Information Officer  
Murrindindi Shire Council  
PO Box 138  
Alexandra VIC 3714  
Email: [Governance@Murrindindi.vic.gov.au](mailto:Governance@Murrindindi.vic.gov.au)  
T: 03 5772 0333

## 1. COUNCIL FUNCTIONS AND AUTHORITY FOR DECISION-MAKING

Murrindindi Shire Council consists of seven single-councillor wards. Our elected council consists of a mayor, a deputy mayor and five councillors. The administration is made up of a chief executive, three directors and approximately 200 staff.

Our functions are prescribed by the *Local Government Act 1989*. We must:

- plan and provide services, facilities and infrastructure for the local community
- strategically plan and regulate land use in the municipality
- raise revenue so that we can perform our functions
- make and enforce local laws
- discharge duties we have under other acts as outlined in the next section.

Many of Council's powers and functions are assigned to us by other acts of parliament. 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 Murrindindi Shire Council:

### 1.1 Acts and regulations:

- *Aboriginal Heritage Act 2006*
- *Associations Incorporation Reform Act 2012*
- *Australian Consumer Law*
- *Australian Copyright Act 1968 and any amendments*
- *Building Act 1993*
- *Building Regulations 2018*
- *Catchment and Land Protection Act 1994*
- *Charter of Human Rights and Responsibilities Act 2006*
- *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*
- *Commonwealth of Australia Constitution Act*
- *Conservation, Forests and Land Act 1987*
- *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*
- *Dangerous Goods (Explosives) Regulations 2011*
- *Development Victoria Act 2003*
- *Disability Act 2006*
- *Domestic Animals Act 1994*
- *Domestic Building Contracts Act 1995*
- *Drugs, Poisons and Controlled Substances Regulations 2006*
- *Education and Care Services National Law Act 2010*
- *Education and Training Reform Act 2006*
- *Electricity Safety Act 1998*
- *Emergency Management Act 1986 and 2013*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Estate Agents Act 1980*

- *Fences Act 1968*
- *Filming Approval Act 2014*
- *Fire Services Property Levy Act 2012*
- *Fines Reform Act 2014*
- *Flora and Fauna Guarantee Act 1988*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Gambling Regulation Act 2003*
- *Gambling Prevention Act 2007*
- *Geothermal Energy Resources Regulations 2006*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Heavy Vehicle National Law 2012*
- *Heavy Vehicle National Law Application Act 2013*
- *Heritage Act 2017*
- *Housing Act 1983*
- *Impounding of Livestock Act 1994*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Infringements Act 2006*
- *Infringements Regulations 2016*
- *Land Act 1958*
- *Land Acquisition and Compensation Act 1986*
- *Land Acquisition and Compensation Regulations 2010*
- *Livestock Disease Control Act 1994*
- *Liquor Control Reform Act 1998*
- *Local Government Act 1989*
- *Local Government (General) Regulations 2015*
- *Local Government (Long Service Leave) Regulations 2012*
- *Local Government (Electoral) Regulations 2016*
- *Local Government (Planning and Reporting) Regulations 2014*
- *Magistrates' Court Act 1989*
- *Major Transport Projects Facilitation Act 2009*
- *Mineral Resources (Sustainable Development) Act 1990*
- *National Parks Act 1975*
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*
- *Pipelines Act 2005*
- *Planning and Environment Act 1987*
- *Planning and Environment (Fees) Regulations 2016*
- *Planning and Environment Regulations 2015*
- *Prevention of Cruelty to Animals Act 1986*
- *Prevention of Cruelty to Animals Regulations 1997*
- *Prevention of Cruelty to Animals Regulations 2008*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- *Public Health and Wellbeing Regulations 2009*
- *Public Records Act 1973*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Road Management (General) Regulations 2016*
- *Road Management (Works and Infrastructure) Regulations 2015*
- *Road Safety Act 1986*
- *Road Safety Road Rules 2017*
- *Road Safety (General) Regulations 2009*
- *Road Safety (Traffic Management) Regulations 2009*

- *Road Safety (Vehicles) Regulations 2009*
- *Rooming House Operators Act 2016*
- *Second Hand Dealers and Pawnbrokers Act 1989*
- *Service Victoria Act 2018*
- *Sex workers Act 1994*
- *Sheriff Act 2009*
- *Shop Trading Reform Act 1996*
- *Sport and Recreation Act 1972*
- *Subdivision Act 1988*
- *Subdivision (Fees) Regulations 2016*
- *Subdivision (Procedures) Regulations 2011*
- *Subdivision (Registrar's Requirements) Regulations 2011*
- *Summary Offences Act 1966*
- *Taxation Administration Act 1997*
- *Tobacco Act 1987*
- *Transfer of Land Act 1958*
- *Transport (Safety Schemes Compliance and Enforcement) Act 2014*
- *Transport Integration Act 2010*
- *Valuation of Land Act 1960*
- *Victorian Environmental Assessment Council Act 2001*
- *Victorian Data Sharing Act 2017*
- *Victorian Energy Efficiency Target (Project-based Activities) Regulations 2017*
- *Victoria Grants Commissions Act 1976*
- *Victorian Inspectorate Act 2011*
- *Victorian Planning Authority Act 2017*
- *Victoria State Emergency Service Act 2005*
- *Victorian Civil and Administrative Tribunal Act 1998*
- *Water Act 1989*
- *Working with Children Act 2005*

## 1.2 **Local Laws**

- *Governance Local Law 2, 2014*
- *Community Local Law 1, 2012*

## 1.3 **Authority for decision-making**

Council exercises its decision-making powers in two ways:

- By resolution at Council meetings and Special Council meetings; and
- Through others under the instrument of Delegation.

Meetings are held in either the Alexandra Council Chamber or the Yea Council Chamber and are open to the public.

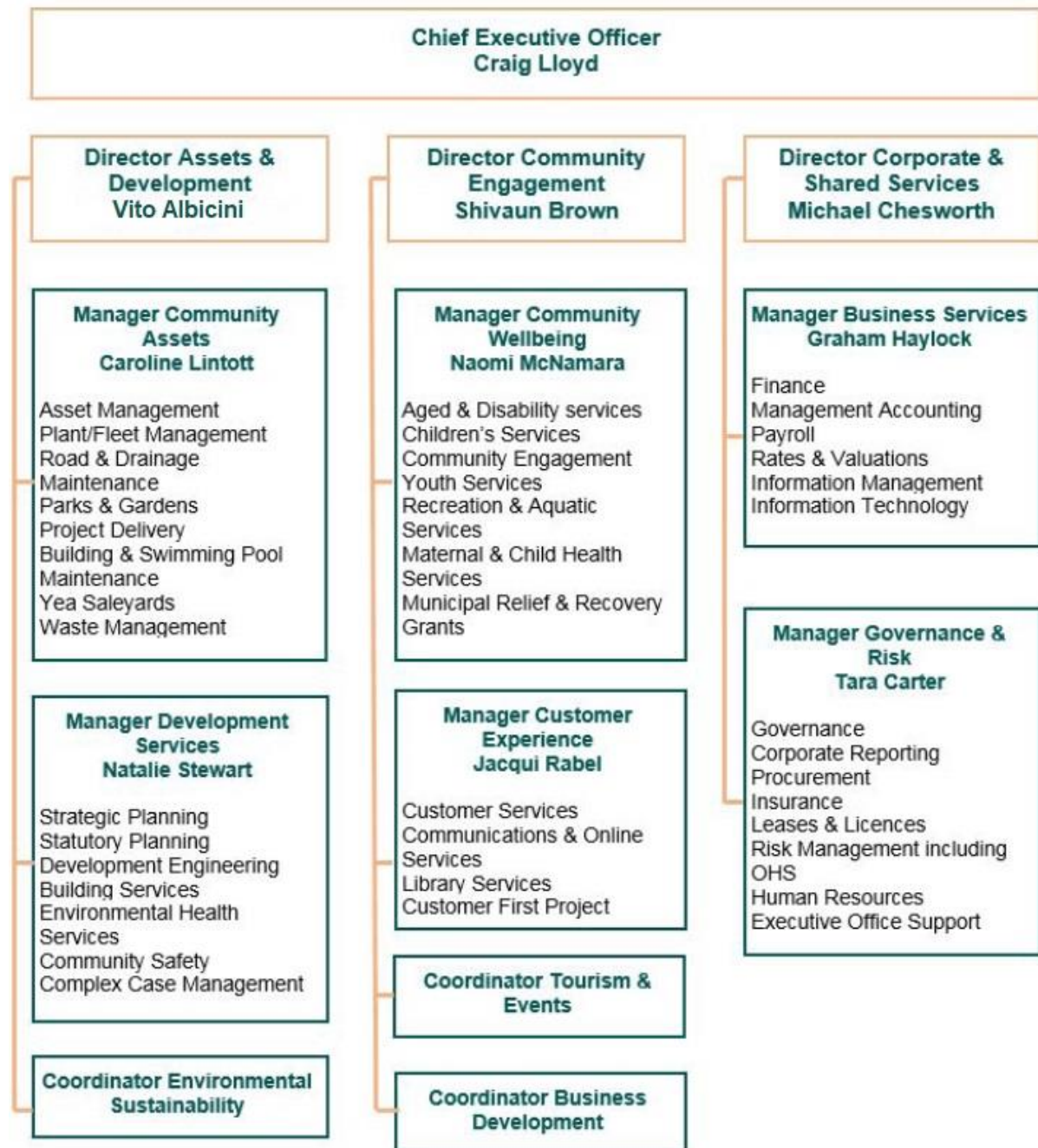
Further details of specific decision-making powers held by Council and Council officers in relation to the above legislation can be found in Council's instruments of Delegation, which are available for public inspection. Council's Local Laws are available on Council's website at <https://www.murrindindi.vic.gov.au/Your-Council/Local-Laws-and-Permits>



Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at <http://www.legislation.vic.gov.au/>

### 1.4 Organisational Structure

In order to manage and deliver services under these Acts, Regulations and Local Laws, Murrindindi Shire Council is internally structured as follows:



## 2. PUBLIC CONSULTATION

Council has adopted a Community Engagement Policy and Guidelines which aims to establish a clear statement about the role of community engagement activities in Council decision-making processes at all levels, including: major projects, strategic plans, Council policy development, service delivery programs, neighbourhood and local or site specific programs.

The Community Engagement Policy and Guidelines recognises our engagement should be appropriate to a particular issue. The Policy advises that in relation to consultation, community engagement can be sought through a number of channels ranging from newspaper advertisements, surveys, public meetings and advisory committees.

The Community Engagement Policy and Guidelines is available on Council's website at: [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au) as well as available for inspection at Council's offices upon request.

## 3. EXEMPT DOCUMENTS

In the interest of protecting privacy, certain commercial information and general public interest, the *Act* has in place a number of restrictions to access certain of documents in the following categories:

- Internal working documents;
- Law enforcement documents;
- Documents that contain information obtained in confidence;
- Documents classified as trade secrets;
- Documents containing legal professional privilege information;
- Documents relating to personal privacy;
- Documents subject to S.89(3) of the *Local Government Act 1989*; and
- Documents where disclosure of its content would be contrary to public interest.

## 4. DOCUMENTS AVAILABLE FOR PUBLIC INSPECTION

The documents listed in this section are either available for public inspection or access can be requested under the *Act*. Inspections can be arranged by contacting the department primarily responsible for maintaining the information on 03 5772 0333 and will occur at Council's Alexandra office at 28 Perkins Street or at an alternative Council office upon request.

It is important to note that a number of the documents listed are considered "personal information". Council is committed to protecting the privacy of individuals managing personal information lawfully in accordance to current legislation. Personal information is governed by the [Privacy and Data Protection Act 2014 \(Vic\)](#) and the [Health Records Act 2001 \(Vic\)](#).



#### **4.1 Regulation 12 of the Local Government (General) Regulations 2015**

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

- Details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel.
- public agendas and minutes of ordinary and special Council meetings and minutes of special committee meetings held in the previous 12 months
- A list of all special committees established by the Council which were abolished or ceased to function during the financial year.
- a register of delegations kept under sections 87 and 98 of the Local Government Act 1989 including the date on which the last review took place under sections 86 and 98, respectively, of the Act
- a list of leases involving land entered into by Council as the lessor, including the name of the other party to the lease and the terms and the value of the lease
- a register of authorised officers appointed under 224 of the Local Government Act 1989
- a list of donations and grants made by the Council in the previous 12 months

#### **4.2 Local Government Act 1989 (Vic)**

In accordance with the [Local Government Act 1989 \(Vic\)](#), the following documents are available for inspection:

- the certified voters' roll for a Council election for the period beginning on the certification date and ending 30 days after election day (s24B)
- copies of election campaign donation returns (s62A)
- a copy of Council's policy in relation to the reimbursement of expenses for Councillors and members of Council committees (s75B)
- a copy of the current Councillor Code of Conduct (s76C)
- a copy of any Council proposed local laws and explanatory documents setting out prescribed details in relation to the local laws (s119)
- copies of Local Laws operative within Murrindindi Shire Council (s120)
- a copy of the current Council Plan (s125)
- a copy of the current Strategic Resource Plan (s126), summarised in Council Plan and also incorporated in Budget
- a copy of the Budget or Revised Budget (s130)
- a copy of the Annual Report and the associated Auditors Report on the Financial Statements (s131)
- details regarding differential rates declared by Council (s161)

- 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 (s163). Information regarding existing or proposed Special Rate Schemes is available by contacting the Manager Business Services on (03) 5772 0333
- a copy of the current Procurement Policy (s186A)
- copies of any quality or cost standards that have been adopted by Council (s208F)
- copies of the Preliminary and Final Reports from the last Electoral Representation Review (s219F)
- register of interest returns (s81) – An application to inspect the register can be made in writing to the CEO using the [prescribed form](#).

The Governance & Risk Department is primarily responsible for maintaining the above information.

#### **4.3 *Building Act 1993 (Vic)***

In accordance with the [Building Act 1993 \(Vic\)](#), 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)

#### **4.4 *Building Regulations 2018 (Vic)***

In accordance with the [Building Regulations 2018 \(Vic\)](#), the following information is available upon request:

- certificates of final inspection, building and occupancy permits issued in the preceding 10 years, details of any current determination made under r64(1) or exemption granted under r231(2), current building notices, and current building orders issued by the relevant building surveyor under the *Building Act 1993* (r51[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 (r51[2])
- approval dates of the inspections carried out of the mandatory notification stages for building works (r51[3])

The Development Services Department is primarily responsible for maintaining the above information.

#### **4.5 Domestic Animals Act 1994**

In accordance with the [Domestic Animals Act 1994](#), the following documents are available for inspection:

- a register of all registered dogs and cats (s18)

#### **4.6 Livestock Act 1994**

In accordance with the [Impounding of Livestock Act 1994](#), the following information is available for inspection:

- a record of all impounded livestock that are delivered to any pound which the council operates

The Community Safety team is primarily responsible for maintaining the above information.

#### **4.7 Food Act 1984**

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)

The Environmental Health team is primarily responsible for maintaining this information.

#### **4.8 Planning and Environment Act 1987**

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])

The Development Services Department is primarily responsible for maintaining information in relation to planning applications and amendments to the planning scheme.

#### **4.9 Public Health and Wellbeing Act 2008**

In accordance with the [Public Health and Wellbeing Act 2008](#), the Municipal Health and Wellbeing Plan update is available for inspection and available on Council's website at:

<https://www.murrindindi.vic.gov.au/files/assets/public/documents/publications/strategies/murrindindi-health-and-wellbeing-plan-2017-2021-year-2-progress-report-2018-19.pdf>

The Community Wellbeing Department is primarily responsible for maintaining this information.

#### **4.10 Road Management Act 2004**

In accordance with the [Road Management Act 2004](#), the following documents are available for inspection and available on Council's website:

- Council's *Register of Public Roads and Road Management Plan*:  
<https://www.murrindindi.vic.gov.au/Our-Services/Roads-Streets-and-Bridges/Road-Maintenance-and-Management>

The Community Assets Department is primarily responsible for maintaining this information.

#### **4.11 Public Interest Disclosure Act 2012 (Whistleblowers)**

In accordance with the [Public Interest Disclosure Act 2012](#), the following documents are available for inspection:

- Public Interest Disclosures (Whistleblowers) Procedures; which establishes a system for reporting disclosures of improper conduct or detrimental action by the Council and its employees.

The Governance & Risk Department is primarily responsible for maintaining this information.

## 5. COUNCIL PUBLICATIONS

The following Murrindindi Shire Council publications are available for inspection and available to download from Council's website at: <https://www.murrindindi.vic.gov.au/Your-Council/Publications>

- Annual Reports
- Budgets
- Councillor Expenses
- Council Plans
- Council Policies
- Council Strategies

### 5.1 Newsletters and media releases

- [www.murrindindi.vic.gov.au/News-Media](http://www.murrindindi.vic.gov.au/News-Media)
- Murrindindi Shire Council Quarterly Newsletter (print)

### 5.2 Subscription services and free mailing lists:

- Murrindindi Business Monthly
- What's On Murrindindi
- Murrindindi Shire Community Directory
- Grants:
  - Health and Wellbeing
  - Business
  - Arts and Culture
  - Youth
  - Early Years and Education
  - Environment and Sustainability
  - Events and Tourism
  - Community Events, Projects and Training
  - Indigenous and Cultural
  - History, Heritage and Museum
  - Sports and Recreation

### 5.3 Online publications

- **Facebook:**
  - [www.facebook.com/murrindindishirecouncil/](http://www.facebook.com/murrindindishirecouncil/)
  - [www.facebook.com/murrindindilibraryservice/](http://www.facebook.com/murrindindilibraryservice/)
  - [www.facebook.com/murrindindiyoung/](http://www.facebook.com/murrindindiyoung/)
  - [www.facebook.com/discoverdindi](http://www.facebook.com/discoverdindi)
  - [www.facebook.com/murrindindichildrensnetwork](http://www.facebook.com/murrindindichildrensnetwork)
- **Instagram:**
  - [www.instagram.com/discoverdindi/](http://www.instagram.com/discoverdindi/)
  - [www.instagram.com/dindiyoutheye/](http://www.instagram.com/dindiyoutheye/)

- **LinkedIn:**
  - <https://au.linkedin.com/company/murrindindi-shire-council>
- **Wiki:**
  - [https://en.wikipedia.org/wiki/Shire\\_of\\_Murrindindi](https://en.wikipedia.org/wiki/Shire_of_Murrindindi)
- **Websites:**
  - [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au)
  - <http://knowyourcouncil.vic.gov.au/councils/murrindindi>
- **YouTube:**
  - <https://www.youtube.com/channel/UC4PpdBN8TKb-Jy8QbI9PvTQ>

For more information how to access documents available for public inspection visit: <https://www.murrindindi.vic.gov.au/Your-Council/Governance/Documents-for-Public-Inspection> or contact the Governance and Risk department on 03 5772 0333

## **6. BOARDS, COMMITTEES, COUNCILS AND OTHER BODIES**

Council is required to make available the minutes of the following boards, committees, councils and other bodies that have been established to advise Council on various matters.

### **6.1 Special Committees**

- Audit & Risk Advisory Committee
- Chief Executive Officer Performance Review Sub-Committee
- Municipal Emergency Management Planning Committee

### **6.2 Section 86 Committees of Management**

- Buxton Recreation Reserve Committee of Management
- Eildon Alliance Boat Ramp Committee of Management
- Eildon Community Resource Centre Committee of Management
- Gallipoli Park Precinct Committee of Management
- Glenburn Community Centre Committee of Management
- Strath Creek Reserves & Hall Committee of Management
- Yea Pioneer Reserve Committee of Management
- Yea Saleyards Committee of Management
- Yea Showgrounds & Recreation Reserve Committee of Management
- Yea Wetlands Committee of Management

### **6.3 Trusts**

- Yea Cemetery Trust



## 7. LIBRARIES AND READING ROOMS

### Alexandra Library

49 Grant Street, Alexandra  
T: 03 5772 0382

### Kinglake Library

19 Whittlesea-Kinglake  
Road, Kinglake  
T: 03 5786 1522

### Yea Library

15 The Semi Circle, Yea  
T: 03 5736 0036

### Mobile Library & Customer Service

- Buxton - Buxton Memorial Hall
- Eildon - Eildon Community Centre
- Flowerdale - Corner of Whittlesea-Yea Road and Hazeldene Road
- Glenburn - old Glenburn School, 3879 Melba Highway
- Highlands - Highlands Hall
- Marysville - adjacent Marysville Lake Mountain Visitor Information Centre
- Strath Creek - opposite Strath Creek Hotel and Post Office
- Toolangi - CJ Dennis Hall

More information about Council's library service, including opening hours, timetables, resources, events, community groups and membership can be accessed at: <https://www.murrindindi.vic.gov.au/Our-Community/Libraries>

## 8. FREEDOM OF INFORMATION (FOI) APPLICATION PROCEDURE

Requests to access documents not listed in [Section 3 Exempt Documents](#) of this Part II Statement can be made under the *Freedom of Information Act 1982*.

Under the *Act* valid requests are to be made in writing, addressed to the Freedom of Information Officer, and 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 Murrindindi Shire Council.

Requests may be lodged:

- in person at Council Offices
- by email at [Governance@Murrindindi.vic.gov.au](mailto:Governance@Murrindindi.vic.gov.au)
- by post, addressed to:  
The Freedom of Information Officer  
Murrindindi Shire Council  
PO Box 138  
Alexandra VIC 3714

A valid request for access must provide such information as is reasonably 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 the charge of 1.5 fee units per 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 printed copies (1.5 fee units currently equates to \$21.70 and will equate to \$22.20 from 1 July 2019).

Further information and advice on making a request is available on Council's website at: <https://www.murrindindi.vic.gov.au/Your-Council/Governance/Freedom-of-Information>

Officers responsible for processing Freedom of Information requests are:

**Michael Chesworth**  
Director Corporate &  
Shared Services  
P: 03 5772 0333

**Tara Carter**  
Manager  
Governance & Risk  
P: 03 5772 0333

**David Echeverry**  
Integrity & Governance  
Coordinator  
P: 03 5772 0333

## 9. REVIEW & UPDATE

Section 7 (1)(b) of the *Act* requires agencies to review and update all sections outlined above in this document on an annual basis.

The Governance & Risk Department will ensure the contents of this document are kept up to date.

**Current version:** 13/12/2019  
**Review due:** 31/12/2020