



## **GLENELG SHIRE COUNCIL**

# **FREEDOM OF INFORMATION PART II STATEMENT *FREEDOM OF INFORMATION ACT 1982***

**Last Updated  
June 2021**

## **PURPOSE:**

The purpose of Part II of the *Freedom of Information Act 1982* (the Act) (sections 7 – 12) is to ensure that individuals and organisations can efficiently exercise their rights to access information held by Council.

A large amount of Council held information is accessible to the public via the Glenelg Shire Council website, social media accounts, printed publications and customer service centres.

Making Council information accessible reduces the need for individuals and organisations to submit requests under the Act.

## **Access to documents and information about how we exercise our powers and perform our functions**

Section 7 of the *Freedom of Information Act 1982* 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, the Glenelg Shire Council has compiled a Section 7 Freedom of Information Statement where you will find information about:**

1. the functions and decision-making powers of the Glenelg Shire Council;
2. how we consult with the public and how the public can have input;
3. the types of documents we have;
4. the information and documents prepared for publication or inspection and notice of where they can be inspected or obtained;
5. who you can apply to for documents and how an application can be made;
6. the boards and committees which have been established to advise the Council and whose minutes are available to the public; and
7. the libraries we manage.

If you have any questions about this document you can contact one of Council's three Customer Service Centres and our customer service staff will assist you.

**Contact 1300GLENELG (1300 453 635)**

**Casterton:** 03 5554 2444 **Heywood:** 03 5527 0666 **Portland:** 03 5522 2200

## 1. Our functions and decision-making powers

The Glenelg Shire Council governs the municipality of Glenelg. Our elected Council consists of a Mayor and six Councillors. The administration is made up of a Chief Executive Officer, three Directors and as at 30 June 2021 the staffing composition stands at 250 effective full-time staff EFT.

Our functions are prescribed by the *Local Government Act 2020*. 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; and
- discharge duties we have under other acts, such as the *Food Act 1984*, the *Building Act 1993* and the *Public Health and Wellbeing Act 2008*.

Many of our powers and functions are assigned to us by other Acts of parliament. We also enforce local laws which affect our residents, businesses and visitors to the Shire.

The major Acts that we operate in accordance with are:

- *Aboriginal & Torres Strait Islander Heritage Protection Act 1984*
- *Aged Care Act 2017*
- *Building Act 1993*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Coastal Management Act 1995*
- *Country Fire Authority Act 1958*
- *Crown Land (Reserves) Act 1978*
- *Cultural and Recreational Lands Act 1963*
- *Disability Services Act 1986*
- *Domestic Animals Act 1994*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Law Amendment Act 2017*

- *Emergency Management Act 1986*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Fair Work Act 2009*
- *Fines Reform Act 2014*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Fringe Benefits Tax Act 1986*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Impounding of Livestock Act 1994*
- *Income Tax Assessment Act 1997*
- *Infringements Act 2006*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Marine Safety Act 2010*
- *Occupational Health and Safety Act 2004*
- *Planning and Environment Act 1987*
- *Port Management Act 1995*
- *Prevention of Cruelty to Animals Act 1986*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- *Public Records Act 1973*
- *Racial and Religious Tolerance Act 2001*
- *Road Management Act 2004*

- *Road Safety Act 1986*
- *Sex Work Act 1994*
- *Shrine of Remembrance Act 1978*
- *Subdivision Act 1988*
- *Summary Offences Act 1966*
- *Taxation Administration Act 1953*
- *Tobacco Act 1987*
- *Valuation of Land Act 1960*

### **Local Laws**

- *Glenelg Shire Council General Local Law 2018, available on Council's [Local Laws Documents & Forms](#) webpage.*
- *Casterton Livestock Saleyards Local Law 2013, available on Council's [Casterton Livestock Saleyards](#) webpage.*

To exercise these powers we have organised the administration of the organisation into these functional groups:

- Animal management;
- Arts and cultural programs;
- Business and trade development;
- Capital works and maintenance of parks and gardens, roads, pedestrian ways, and public spaces of the city;
- Community health services;
- Environment and water management;
- Financial planning, budgets, valuations, rates and credit control;
- Food safety and regulation of food premises;
- International relations;
- Information Technology infrastructure;

- Land transfers and subdivisions;
- Libraries;
- Marketing of the Shire and coordination of events;
- Maintenance of council-owned facilities, property and other assets;
- Management of parks, gardens and sporting facilities and services;
- Public safety;
- Recycling and waste management;
- Regulation of parking and traffic;
- Regulation of trading and other activities in the streets;
- Services for children, youth, aged people and people with disabilities;
- Social planning and housing;
- Tourism; and
- Urban planning and building regulation.

Each Department and Unit is responsible for planning and implementing services for the municipality.

## **2. Consultation with the public**

Council has a Community Engagement Policy, a legislative requirement which outlines Council's commitment to support the principles that drive quality community engagement. Council considers community engagement and public participation an essential component of good governance and leadership.

Our plans, services and policies serve you, so we need to consult with you about the best ways to do that in line with Council's Community Engagement Framework. We run public consultations on any major strategy or plan which affects the public spaces of the municipality or the wellbeing of residents, businesses or visitors.

We advertise a period of consultation in newspapers, local community publications and on our website. We explain in the advertisement how you can get a copy of the document and how you can respond to it. We also provide details about any public meeting held to discuss it.

### **3. Committees of Council**

The current Internal Committees of the Council are:

- Audit and Risk Committee; and
- Glenelg Mara Quorin Aboriginal Advisory Committee

The current external with Council Representation are:

- Alliance of Councils for Rail Freight Development;
- Barwon South West Waste and Resource Recovery Group;
- Committee for Portland;
- Green Triangle Freight Action Plan;
- Great South Group;
- Municipal Association of Victoria;
- National Timber Councils Taskforce Inc;
- Rural Councils Victoria;
- Timber Towns Victoria; and
- GORRT Great Ocean Road Tourism.

### **4. The types of documents Council has**

The Departments and Units of Council that provide services and perform functions keep documents associated with their work.

The documents fall into these categories:

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Records associated with capital works, engineering and the road network;
- Grant applications, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;

- Records of work associated with public events and cultural programs;
- Records of maintenance of parks and gardens, public facilities, street features and amenities;
- Records of the administration and enforcement of local laws and acts;
- Council Leases, permits and notices of building and occupancy; and
- Records of land transfers, subdivisions and the history of use of land, roads and lanes; and
- Relevant technical reports and/or research that informs decision making.

## **5. Information available for public inspection**

Council has a Public Transparency Policy, a legislative requirement supporting open and accountable conduct of how Council information is made publicly available. The *Local Government Act 2020* requires us to collect certain kinds of information relevant to our responsibilities as a local government and a public sector organisation.

Documents to be made available for public inspection are outlined below and available on a quarterly basis on Council's [www.glenelg.vic.gov.au/Information available for public inspection](http://www.glenelg.vic.gov.au/Information%20available%20for%20public%20inspection) website:

1. Reporting to Council from Delegated or Community Assets Committee. (Council currently do not have either of these committees established);
2. Agendas for, and minutes of, Council meetings held in the previous 12 months;
3. Reporting from Committees to Council;
4. Audit and Risk Committee Performance Reporting (included in Council meeting agendas/minutes);
5. Terms of Reference for Committees;
6. Register of Election Campaign Donations;
7. Register of Gifts, Benefits and Hospitality offered to Councillors or Council staff;
8. Register of Conflict of Interest disclosure by Councillors or Council staff;
9. Summary of Personal Interests by Councillors and Nominated Staff;
10. Submissions made by Council;
11. Submissions received by Council;
12. Travel undertaken by Councillors or Council staff;
13. Register of Delegations;
14. Register of Authorised Officers;
15. Details of all leases involving Land and Buildings which was entered into by Council as lessor:
  - a. Property Related Leases – LAND
  - b. Property Related Leases – BUILDINGS; and
16. Donations and Grants made by Council.



## 6. Literature available by subscription or on free mailing list

We publish a number of newsletters, reports and handbooks for residents, businesses and visitors to the city. A number of them can be downloaded from Council's website as a pdf document, or you can call one of our Customer Service Centres for a copy. In some cases these publications are also kept at our public libraries. Details of the documents and the availability means are provided as directed in the paragraphs below or at our Customer Services Centres:

**Telephone:** 1300GLENELG (1300 453 635)

**Postal Address:** PO Box 152, Portland 3305

**Email:** [enquiry@glenelg.vic.gov.au](mailto:enquiry@glenelg.vic.gov.au)

**Portland Customer Service Centre** 71 Cliff St, Portland

**Office Hours:** 8.30am to 5.00pm – Monday to Friday

**Telephone:** 03 5522 2200 for enquires directly to the Portland Office

**Casterton Customer Service Centre** 67 Henty St, Casterton

**Office Hours:** 9.00am to 5.00pm – Monday to Friday

**Telephone:** 03 5554 2444 for enquires directly to the Casterton Office

**Heywood Customer Service Centre** 77 Edgar St, Heywood

**Office Hours:** 9.00am to 5.00pm – Monday to Friday

**Telephone:** 03 5527 0666 for enquires directly to the Heywood Office

This information is also available via Council's website on the [www.glenelg.vic.gov.au/Customer Service Centres](http://www.glenelg.vic.gov.au/Customer_Service_Centres) webpage:

- 6.1 The *Council Plan* sets our strategic direction and vision for the next four years. Available via the [www.glenelg.vic.gov.au/CouncilPlan](http://www.glenelg.vic.gov.au/CouncilPlan) webpage.
- 6.2 *Annual Report* – this contains a report on the operations of the Council and the audited financial statements and performance statements. It is available via the [www.glenelg.vic.gov.au/annual\\_reports](http://www.glenelg.vic.gov.au/annual_reports) webpage.
- 6.3 *Glenelg Shire Council Adopted Budget and Strategic Resource Plan* – Council generally adopts the upcoming financial year's Budget and Strategic Resource Plan in June each year. The budget will focus on delivering financial stability and sustainability for Shire residents. It continues Council's commitment to responsible financial management principles, taking into account existing and future community needs. Both documents are available via Council's website on the [www.glenelg.vic.gov.au/Budgets](http://www.glenelg.vic.gov.au/Budgets) webpage
- 6.4 *Fees and Charges* – Council generally adopts the fees and charges schedule at the March or April Ordinary Council Meetings for the upcoming financial year. This document is available via website on the [www.glenelg.vic.gov.au/Budgets](http://www.glenelg.vic.gov.au/Budgets) webpage.
- 6.5 *Strategic Financial Plan* – Strategic financial planning provides a decision-making framework that ensures the long term sustainability of the Council. This high level plan establishes the strategic level of Council's financial capacity to meet current and future challenges. It is available via Council's website on the [www.glenelg.vic.gov.au/Budgets](http://www.glenelg.vic.gov.au/Budgets) webpage.

- 6.6** *Local Port of Portland Bay Newsletter* – an update on activities and events being undertaken within the Local Port. Distributed quarterly via email to all Local Port users. This information is soon to be available via Council’s [www.glenelg.vic.gov.au/Local Port of Portland Bay](http://www.glenelg.vic.gov.au/Local_Port_of_Portland_Bay) webpage..
- 6.7** *Local Port of Portland Bay Annual Report* – an overview of activities, usage statistics and financials for the Local Port over the financial year. This is available via Council’s [www.glenelg.vic.gov.au/Local Port of Portland Bay](http://www.glenelg.vic.gov.au/Local_Port_of_Portland_Bay) webpage.
- 6.8** *Local Port of Portland Bay Safety and Environmental Plan (SEMP)* – plan developed to identify and control safety risks within the Local Port. This is available via Council’s [www.glenelg.vic.gov.au/Local Port of Portland Bay](http://www.glenelg.vic.gov.au/Local_Port_of_Portland_Bay) webpage.
- 6.9** *Customer Service Charter* is produced to provide information about Council commitments to customer service delivery. The document is available via Council’s [www.glenelg.vic.gov.au/customercharter](http://www.glenelg.vic.gov.au/customercharter) webpage.
- 6.10** The *Glenelg Shire Council Arts Program* brochure provides details of Touring Performances, Exhibitions and Community Arts activities during the program period. The Program is available on Council’s [www.glenelg.vic.gov.au/Arts Program](http://www.glenelg.vic.gov.au/Arts_Program) webpage, as well as being available for download; hard copies are mailed to all patrons in the Arts & Culture database and hard copies are also available in several locations around the Shire – including the Portland Arts Centre, the Library and Julia Street Creative Space. Information regarding the Arts Program is also made available via Facebook.
- 6.11** The *School Holiday Program* is published every quarter and provides details of a range of free activities for children that are presented across the Shire during each School Holiday period. The program is available on Council’s <http://www.glenelg.vic.gov.au/HolidayProgram>. Information regarding the program is also available via Facebook.
- 6.12** A *Community Directory* is available via the [www.connectglenelg.com.au](http://www.connectglenelg.com.au) website. CONNECT is a meeting place for the whole community – a virtual noticeboard for us all to use. Connect Glenelg makes it easy to find local groups, clubs and organisations, to get involved, find out what's on, ask questions & share ideas.
- 6.13** The *Volunteer Interpreter Service Directory* provides help to residents with limited command of English. It is available via download from Council’s [www.glenelg.vic.gov.au/Interpreter Services](http://www.glenelg.vic.gov.au/Interpreter_Services) webpage.
- 6.14** *Dealing with Barking Dogs*. This information pack is available via Council’s [www.glenelg.vic.gov.au/Local Laws Documents and Forms](http://www.glenelg.vic.gov.au/Local_Laws_Documents_and_Forms) webpage. It outlines the process Council Officers will undertake in dealing with nuisance barking dog complaints and the requirements of the complainant in the process.

- 6.15** *Why Dogs Bark*. This information flyer is available via Council's [www.glenelg.vic.gov.au/Local Laws Documents and Forms](http://www.glenelg.vic.gov.au/Local_Laws_Documents_and_Forms). It is aimed at owners of barking dogs and offers reasons for nuisance barking as well as providing suggestions for remedying the behaviour.
- 6.16** *Foreshore Dog Control Zones*. This informative map of Portland's foreshore assists in identifying the 'dog on lead' areas and 'no dogs allowed' control zones within the foreshore area. It can be viewed on Council's [www.glenelg.vic.gov.au/animals](http://www.glenelg.vic.gov.au/animals) webpage.
- 6.17** *Kerbside Collection Calendar*. The calendar is mailed out to residents and is also available via the Collection Service section of Council's [www.glenelg.vic.gov.au/Waste and Recyclables Kerbside Collection](http://www.glenelg.vic.gov.au/Waste_and_Recyclables_Kerbside_Collection) webpage. It informs residents about what day and dates their kerbside collection takes place.
- 6.18** *Glenelg Shire Council Waste Management Strategy 2019-2024*. This strategy is available on Council's [www.glenelg.vic.gov.au/Waste Management Strategy](http://www.glenelg.vic.gov.au/Waste_Management_Strategy) webpage.
- 6.19** *Glenelg Shire Council Waste and Litter Education Action Plan 2007-2008* is listed on Council's [www.glenelg.vic.gov.au/Educating about Waste and Recycling](http://www.glenelg.vic.gov.au/Educating_about_Waste_and_Recycling) webpage
- 6.20** *Waste Reduction Group Barwon South West Waste and Resource Recovery Group* works with its five member Councils, including the Glenelg Shire Council, to implement State Government programs whilst also planning for the future waste requirements in the South Western Region. More information is listed on Council's [www.glenelg.vic.gov.au/Educating about Waste and Recycling](http://www.glenelg.vic.gov.au/Educating_about_Waste_and_Recycling) webpage.
- 6.21** *TAC L2P Learner Driver Mentor Program* information brochures. One version provides information relevant to those interested in joining the program in a volunteer mentor capacity. A second version contains information relevant to potential learner drivers who will benefit from joining the program. The TAC L2P Learner Driver Mentor Program currently runs in Portland, Heywood and surrounds and information is available from Council's [www.glenelg.vic.gov.au/l2p](http://www.glenelg.vic.gov.au/l2p) webpage, youth support agencies, program sponsors, Secondary Colleges or through contacting the L2P Coordinator.
- 6.22** *Library Services* - The Glenelg Shire has three main public libraries, located in the townships of Portland, Casterton and Heywood.  
The libraries offer a wide range of facilities, services and resources, including books, CDs, DVDs, magazines, journals and newspapers in a range of languages as well as electronic publications. Library membership is free and open to anyone.

The Library provides the following information to members of the general public to keep them informed of specific programs offered by Glenelg Libraries. These include:

- Library Membership Brochure detailing branch contact details, what is offered by the library and membership terms and conditions;

- Library2Go brochure outlining the libraries outreach service to small outlying towns;
- Book a Librarian brochure outlining our one on one computer help sessions and schedules;
- Home Library Service outlining the volunteer service bringing books to those who are unable to make it into our library branches;
- Library bookmarks outlining branch opening times and SWIFT branches across Victoria;
- Monthly What's On brochure outlining all upcoming events and programs for each month at Glenelg Libraries;
- Book Chat brochure a list of reader recommendations generated by the monthly Book Chat meetings held at the Portland Library;
- Monthly E-newsletter emailed to a subscription list of all the upcoming events and programs at Glenelg Libraries;
- Guidance on accessing and downloading e-books from the Glenelg Libraries e-book collection;
- Information on accessing the Libraries Victoria catalogue to access titles across the Libraries Victoria library services; and
- Other general assistance with Library and computer matters.

These are all available in hard copy from any of Council's Public Libraries.

For further details visit the Glenelg Libraries website [www.glenelglibraries.vic.gov.au](http://www.glenelglibraries.vic.gov.au).

**6.23** The following information is produced within our Community Services Department and made available on Council's website [www.glenelg.vic.gov.au/Aged and Disability](http://www.glenelg.vic.gov.au/Aged_and_Disability):

- Aged and Disability Services Client Handbook
- Planned Activity Group Client Handbook
- Aged and Disability Services Newsletter
- Children's Services Newsletter

Glenelg Shire Council also has a number of eNewsletters that can be subscribed to:

- *Glenelg Libraries eNewsletter* - keep up to date with events, programs and top reads through subscription. You can register via the Glenelg Libraries website [www.glenelglibraries.vic.gov.au](http://www.glenelglibraries.vic.gov.au)
- *Whale Mail* – This email alert is sent to all persons who have registered via [www.whalemail.com.au](http://www.whalemail.com.au) to receive notifications about whale sightings.

*Your Say Glenelg* is the Glenelg Shire Council's online community engagement hub where you can provide input and direction into the projects and initiatives affecting the future of the Glenelg Shire Council. To register go to [yoursay.glenelg.vic.gov.au](http://yoursay.glenelg.vic.gov.au).

## **7. Freedom of information applications**

If the information and documents you want cannot be accessed by any of these means, then the *Freedom of Information Act 1982* gives you a right of access to documents that we hold.

You can make a request or you can authorise another person to make a request on your behalf (for example, a solicitor).

Similarly, if the documents are about your personal affairs, please provide us with evidence of your identity (for example, a copy of your driver's licence). If you want someone to make the request on your behalf, we will not process the request unless we receive your written authorisation.

The term 'document' is broad and covers written documents, whether printed or in electronic form, the contents of files, maps, film, microfiche, photographs and audio and video recordings.

To make an application visit [www.glenelg.vic.gov.au/FOI](http://www.glenelg.vic.gov.au/FOI) to access an FOI Request Form, or email or write to us with a description of the documents you are seeking. Your description gives us the only means to identify documents, so there is a need to be very specific. You are welcome to call us for help with your description.

Just to give you an idea of what we mean, try to give us a time limitation and state the type of document you want; for example 'correspondence between X and Y from January to March 2005'. Avoid phrases such as 'all documents in relation to ....'.

To help you with your description we have listed some of the types of documents in Council's possession. Please note that some of them are available to the public and can be provided on request. See the table at the end of this document which lists 'Information available for public inspection'. In these instances you won't need to apply under the *Freedom of Information Act 1982*:

- Policies, guidelines, manuals and research;
- Project and service plans;

- Records associated with capital works, engineering and the road network;
- Grant applications, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Records of work associated with public events and cultural programs;
- Records of maintenance of parks and gardens, public facilities, street features and amenities;
- Records of the administration and enforcement of local laws and acts;
- Permits;
- Leases, permits and notices of building and occupancy; and
- Records of land transfers, subdivisions and the history of use of land, roads and lanes.

## **Fees Payable**

In accordance with the *Monetary Units Act 2004* fee units are set by the Victorian Department of Treasury and Finance. For the year 1 July 2021 to 30 June 2022 one fee unit is set at \$15.03 (cf. <https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>). In accordance with the *Freedom of Information Act 1982*, a Freedom of Information Access Request application fee has been set at 2 fee units, calculated to be \$30.10. For a copy of the Act go to [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) and refer to Part III Clause 17.2b. All fees and charges are exempt from GST. The fee amount needs to have been paid, or a fee waiver offered, for a request to be valid and for the processing of the request to commence.

Fees can be paid by:

- using a credit card by contacting one of our [Customer Services Centres](#), quoting that it is for a Freedom of Information Access Request fee. Our customer service centres also accept cash or cheque.
- an invoice can be raised for your attention in due course which includes EFT instructions, or a BPAY option after receipt of your statement. The request will only become valid on receipt of the invoice payment
- an EFT can be made to Glenelg Shire Council account BSB: 083-841 (NAB) Account: 943 800 521 with an email remittance advice including the reference for your request to [accreceivable@glenelg.vic.gov.au](mailto:accreceivable@glenelg.vic.gov.au). The reference involves the date on your access request form and is formatted using 'FOI YYYY-MM-DD – Applicant Name'. Please note that owing to the amount of transfers to the account, the reference needs to be correctly included. A receipt for this transaction can be provided on request.

If you are suffering from hardship, you may qualify for an application fee waiver. Please state in your application if you would like us to consider your claim for hardship and provide any evidence in support of your claim (eg a copy of your Healthcare or Pension card).

Finally, make sure you include your own address and other contact details in your written application. Providing an email address or contact telephone number will make the process faster if we need to consult with you.

Access charges relate to the costs incurred in granting access to documents that you have requested. These costs may or may not apply depending on the nature of your request. The following list outlines these costs. Charges include:

- Search charges – 1.5 fee units = \$22.50 per hour or part of an hour;
- Supervision charges - 1.5 units per hour = \$22.50 calculated per quarter hour
- Photocopying charges - 20c per black and white A4 copy;
- Charge for listening to or viewing a tape - the reasonable costs incurred by us in making arrangements to listen or view (supervision charges of 1.5 units per hour = \$22.50 calculated per quarter hour may also apply); and
- Charge for providing a written transcript - the reasonable costs incurred by us in providing the written transcript.

We will respond in writing as soon as possible but no later than 30 days after the day a valid request was received and will advise you of any additional charges.

To be a valid FOI access request application:

- 1) the statutory request application fee must have been paid as stipulated in the *Freedom of Information Act 1982* unless the application fee is waived in accordance with the Act, and
- 2) the request must include a clear description of the documents requested.

If you have any questions about the process, direct them to the Freedom of Information Officer on 03 5522 2257 or email: [enquiry@glenelg.vic.gov.au](mailto:enquiry@glenelg.vic.gov.au).