



BULOKE
SHIRE COUNCIL

Freedom of Information Part II Statement

Developed: July 2019
Next Review Date: July 2020

Purpose

The *Freedom of Information Act 1982* (**'the Act'**) provides the public with a legally enforceable right to access information held by the Buloke Shire Council (**'Council'**), unless exemptions under the Act apply. Part II of the Act requires all agencies to publish a statement setting out its powers and functions, and the types of documents produced by or held by the agency and how they can be accessed.

The purpose of this Part II Statement is to:

- make the public aware of the types of documents held by Council;
- provide the public with information to assist with identification of specific documents of interest; and
- provide details of how to access documents held by Council.

A summary of the application and operation of the Act is published separately within the Buloke Shire Council Annual Report. Information may also be found on Council's website www.buloke.vic.gov.au

STATEMENT 1 – ORGANISATION AND FUNCTIONS OF COUNCIL

About Council

Buloke Shire Council was created in 1995 following a restructure of Victorian Local Government boundaries. It comprises of the former Shires of Wycheproof, Charlton, Donald and Birchip. The Buloke Shire covers an area of approximately 8000m² and is located in the north west of Victorian between 210 and 360 kilometres from Melbourne.

The Buloke Shire is divided into 3 wards represented by seven councillors:

- Avoca – Charlton and Wycheproof, – two Councillors
- Jeffcott – Donald, Birchip and Watchem – three Councillors
- Mallee – Sea Lake, Nandaly, Berriwillock, Nullawil and Culgoa – two Councillors

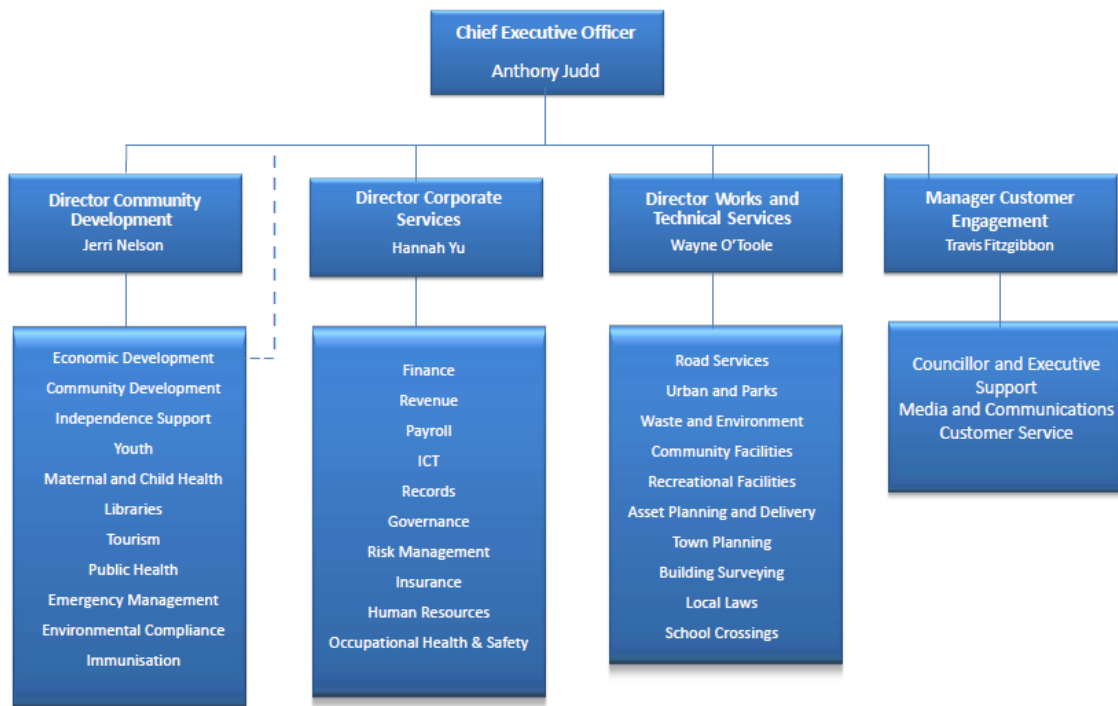
As at July 2019, the electrical structure of Buloke Shire Council is currently under review.

The administration is accountable to Council through the Chief Executive Officer.

Organisational Structure

Council is the governing body that appoints the Chief Executive Officer. The Chief Executive Officer is supported by the Director Community Development, the Director Corporate Services and the Director Works and Technical Services.

Details of the way Council is set up is outlined in the organisation chart below:



Council Functions

Section 3E of the *Local Government Act 1989* sets out the functions of a council which include:

- 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 the *Local Government Act 1989* and other Acts
- any other function relating to the peace, order and good government of the municipal district

Council Services and Activities

Council's services and activities include but are not limited to:

- Aged and Disability Services
- Animal Management and Fire Prevention
- Assets and Facilities Management
- Planning and Building Services

- Community Development and Support
- Economic Development and Tourism
- Emergency Planning and Management
- Environmental and Waste Management
- Library Services
- Public Health and Safety
- Roads, footpaths and drainage
- Saleyards
- Urban and Parks
- Services for Children and Youth

Acts Administered

Many of Council's functions and powers are provided by or regulated by other acts and regulations and also by Council's local laws. These include but are not limited to those listed below:

- *Aboriginal Heritage Act 2006*
- *Australian Consumer Law*
- *Building Act 1993*
- *Cemeteries and Crematoria Act 2003*
- *Children Youth and Families Act 2005*
- *Children's Services Act 1996*
- *Conservation, Forests and Land Act 1987*
- *Crown Land (Reserves) Act 1978*
- *Cultural and Recreational Lands Act 1963*
- *Development Victoria Act 2003*
- *Domestic Animals Act 1994*
- *Education and Training Reform Act 2006*
- *Emergency Management Act 1986 and 2013*
- *Equal Opportunity Act 2010*
- *Estate Agents Act 1980*
- *Financial Institutions Duty Act 1982*
- *Fines Reform Act 2014*
- *Food Act 1984*
- *Fines Reform Act 2014*
- *Gambling Regulation Act 2003*
- *Health Records Act 2001*
- *Heavy Vehicle National Law 2012*
- *Heritage Act 2017*
- *Impounding of Livestock Act 1994*
- *Land Act 1958*
- *Livestock Disease Control Act 1994*
- *Associations Incorporation Reform Act 2012*
- *Audit Act 1994*
- *Catchment and Land Protection Act 1994*
- *Child Wellbeing and Safety Act 2005*
- *Climate Change Act 2017*
- *Commonwealth of Australia Constitution Act*
- *Country Fire Authority Act 1958*
- *Disability Act 2006*
- *Dangerous Goods Act 1985*
- *Domestic Building Contracts Act 1995*
- *Education and Care Services National Law Act 2010*
- *Electricity Safety Act 1998*
- *Environment Protection Act 1970*
- *Fair Trading Act 1999*
- *Fences Act 1968*
- *Filming Approval Act 2014*
- *Fire Services Property Levy Act 2012*
- *Flora and Fauna Guarantee Act 1988*
- *Freedom of Information Act 1982*
- *Graffiti Prevention Act 2007*
- *Heavy Vehicle National Law Application Act 2013*
- *Housing Act 1983*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Infringements Act 2006*
- *Land Acquisition and Compensation Act 1986*
- *Landlord Tenant Act 1958*

- *Liquor Control Reform Act 1998*
- *Magistrates' Court Act 1989*
- *Marine Act 1988*
- *Mineral Resources (Sustainable Development) Act 1990*
- *Pipelines Act 2005*
- *Planning and Environment Act 1987*
- *Prevention of Cruelty to Animals Act 1986*
- *Public Health and Wellbeing Act 2008*
- *Road Management Act 2004*
- *Rail Safety (Local Operations) Act 2006*
- *Rooming House Operators Act 2016*
- *Second Hand Dealers and Pawnbrokers Act 1989*
- *Sheriff Act 2009*
- *Subdivision Act 1988*
- *Tobacco Act 1987*
- *Taxation Administration Act 1997*
- *Transfer of Land Act 1958*
- *Urban Renewal Authority Victoria Act 2003*
- *Victoria Grants Commission Act 1976*
- *Victorian Civil Administrative Tribunal Act 1998*
- *Victorian Inspectorate Act 2011*
- *Water Act 1989*
- *Local Government Act 1989*
- *Major Transport Projects Facilitation Act 2009*
- *Public Health and Wellbeing Act 2008*
- *National Parks Act 1975*
- *Occupational Health & Safety Act 2004*
- *Protected Disclosure Act 2012*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- *Road Safety Act 1986*
- *Residential Tenancies Act 1997*
- *Sex Work Act 1994*
- *Sport and Recreation Act 1972*
- *Summary Offences Act 1966*
- *Victorian Planning Authority Act 2017*
- *Shop Trading Reform Act 1996*
- *Transport Integration Act 2010*
- *Transport (Safety Schemes Compliance & Enforcement) Act 2014*
- *Victorian Environmental Assessment Council Act 2001*
- *Valuation of Land Act 1960*
- *Victoria State Emergency Service Act 2005*
- *Victorian Urban Development Authority Act 2003*
- *Working With Children Act 2005*

Local Laws

- Meetings Procedure and Common Seal Local Law 2019
- Community Local Law 2019
- Saleyards Precinct Local Law 2013

Decision Making Powers

Council exercises its decision making powers by resolution of Council at Council meetings, or via others who are acting under delegation on behalf of Council.

By resolution:

Council exercises its decision-making powers at Ordinary Council Meetings and Special Meetings of Council which are called from time to time to deal with any specific and/or urgent matters that may arise.

These meetings are generally held in the Wycheproof Hall Supper Room, 367 Broadway Wycheproof on the second Wednesday of each month commencing at 7:00pm.

A small number of meetings may be held at other venues through the year. All meetings are open to the public however meetings, or parts of meetings, may be closed to the public when confidential items are being considered.

The dates, times and locations of all meetings are published in local newspapers and on Council's website.

Agendas for all meetings are made available on the Buloke Shire Council website and in hard copy upon request, generally on the Monday prior to the meeting. Minutes are available to the public within one week after the meeting.

Council's Meetings Procedure and Common Seal Local Law 2019 documents the manner of voting and making of resolutions of Council.

Through others acting on its 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 including delegations to the Chief Executive Officer, 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 Chief Executive Officer empowers the Chief Executive Officer 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 Councils Instruments of Delegation, which are available on Council's website, or can be inspected at Council's Wycheproof Office (located at 367 Broadway, Wycheproof, 3527).

Strategies, Policies and Guidelines

A number of policies, strategies, plans and guidelines have been adopted by Council. Some of the major policies, strategies, plans and guidelines which help guide decision making are listed below:

- Buloke Integrated Community Plan – Building Buloke 2030
- District Community Plans
- Community Engagement Strategy
- Positive Ageing Strategy 2013-2019
- Economic Development and Tourism Strategy 2018-21
- Volunteer Strategy
- Children and Youth Strategy 2015-19
- Aged and Disability Services Policy
- Community Support Policy and Guidelines
- Buloke Inclusiveness Plan
- Road Management Plan

- Waste Management Strategy 2012-2022
- Municipal Emergency Management Plan
- Fire Management Plan
- Heat Health Plan
- Flood Emergency Management Plan
- Domestic Animal Management Plan 2018-2021
- Rural Advocacy Strategy
- Aquatic Strategy
- Customer Service Strategy 2018-21
- Terms of Reference for Committees
- Organisational Development Strategy
- Asset Feasibility Reports
- Rates and Charges Financial Hardship Policy
- Election Caretaker Policy
- Social Media Policy
- Information Privacy Policy

Consultative Arrangements

Council consults with its residents and special interest groups on a number of issues using varying methods, including surveys, focus groups, online communications and public meetings.

From time to time, various Council plans, strategies, local laws and other publications are made available for public comment and are advertised in local newspapers, on Council's website and social media platforms. Communications from Council will advise how to provide feedback to Council.

Where written submissions are sought from the public, the submissions must be received within the advertised timeframes. They are treated as public documents.

Council Ordinary meetings include Question Time providing an opportunity for members of the public to ask up to two questions. Questions must be submitted in writing to the Chief Executive Officer prior to 1:00pm on the day of the ordinary meeting, in accordance with Council's Meetings Procedure and Common Seal Local Law 2019.

Buloke Shire Council participates in an annual Local Government Community Satisfaction Survey and actively promotes the survey and its benefits to the community in the lead up to the conduct of the survey.

STATEMENT 2 – CATEGORIES AND TYPES OF DOCUMENTS

Council creates, maintains, collects and stores a variety of documents in both electronic and hard copy form. The general types of documents can be categorised as follows:

- Policies, procedures, standards, plans, strategies, manuals, registers
- Council meeting records including agendas, reports, minutes, public notices
- Records relating to capital works, public facilities, parks and urban areas, the road network
- Records relating to the administration and enforcement of local laws and other legislation (such as planning, building, environmental and public health)
- Records relating to land and use including planning permits, building permits, subdivisions, land acquisition
- Records relating to public activities, events and programs
- Records relating to maternal and child health
- Grants
- Financial records
- Records relating to Tenders, Contracts, tender evaluations, leases, licences, service agreements
- Personnel records
- Media releases

STATEMENT 3 – DOCUMENTS PRODUCED FOR PUBLICATION AND PUBLIC INSPECTION

Council maintains a range of documents and registers which are available for public inspection. The following are available for inspection:

- a document containing details of overseas or interstate travel undertaken by Councillors/Council staff
- public Agendas and Minutes of Ordinary and Special Meetings held in the previous 12 months
- a register of delegations kept under the Act
- a list of all leases involving land which were entered into by Council as lessor
- a register of authorised officers appointed by Council
- a list of donations and grants made by Council in the previous 12 months
- a Register of Interests

- Election campaign donation returns
- Councillor Reimbursement Policy
- Councillor Code of Conduct
- 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
- 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
- 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
- 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
- Approval dates of the mandatory notification stages for building works
- Register of all registered dogs and cats in the Municipal District
- A copy of the Victorian Planning Provisions and any amendments
- 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
- 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
- A copy of the Municipal Public Health and Wellbeing Plan
- 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
- Councils Public Road Register
- Protected Disclosures Procedures

Some of these documents and registers are available on Council's website www.buloke.vic.gov.au or are otherwise available for inspection in person at Council's Wycheproof office. Inspections can be arranged by contacting Council on 1300 520 520.

STATEMENT 4 – LITERATURE AVAILABLE BY SUBSCRIPTION OR FREE MAILING LISTS

Council does not have literature that is available by way of subscription service or via free mailing lists however Council does have literature such as its Annual Report and media releases available on its website and on social media.

Council maintains the following social media accounts on Facebook, Twitter and YouTube.

Council's Facebook and Twitter accounts are used to provide updates on Council's latest news, events and for advertising matters where Council is seeking public feedback.

STATEMENT 5 – FREEDOM OF INFORMATION ARRANGEMENTS

The Act establishes, as far as possible, the right of the community to access information in Council's possession. Access to documents may be obtained through written request to the Freedom of Information Officer, as detailed in Section 17 of the FOI Act and in summary as follows:

- It should be in writing;
- It should identify as clearly as possible which documents are being requested.
- It should be accompanied by the appropriate application fee of \$29.60¹ (the fee may be waived in certain circumstances). If payment is made by cheque or money order it should be made out to Buloke Shire Council

¹ This application fee is subject to change but is current as at 1 July 2019

Requests for documents in the possession of Council should be addressed to:

Freedom of Information Officer
Buloke Shire Council
PO Box 1
WYCHEPROOF VIC 3527

Requests can be lodged in person at Council's Wycheproof office, by post or by email at buloke@buloke.vic.gov.au

If the documents requested are about your personal affairs, you should provide evidence of your identity. For example, a photocopy or electronic copy of your current Drivers Licence.

Applicants will be notified of Council's decision and their review rights within 30 days of Council receiving a valid request and the appropriate application fee.

If you wish to apply for your application fee to be waived by Council, your application should include evidence that payment of the fee would cause you financial hardship. For example, a photocopy or electronic copy of your current healthcare card or pension card.

Access charges may also apply once documents have been processed and a decision on access is made (e.g. photocopying and search and retrieval charges). Access charges are set by government regulations. If access charges or a deposit for access charges apply to your request you will be informed. Access to documents will not be given until the charges are paid. Further information about fees and charges can be found on the Office of the Victorian Information Commissioner's website at www.ovic.vic.gov.au.

Further information regarding Freedom of Information can be found at www.foi.vic.gov.au or on Council's website.

STATEMENT 6 – COUNCIL COMMITTEES

Council has established a number of Special and Advisory Committees whose meetings are open to the public or whose meeting minutes are publically available.

Special Committees

The following Special Committees have been appointed to manage Council Assets with delegated powers:

- Charlton Park Committee of Management
- Wycheproof Recreation Reserve Committee of Management
- Birchip Housing Group Committee

Advisory Committees

The following Advisory Committees have been appointed by Council with Terms of Reference to advise Council:

- Audit Committee
- Library Advisory Committee
- Economic Development and Tourism Advisory Committee

External Committees (not established by Council)

Each Year Council also appoints representatives to external committees /working groups to provide Council with the opportunity to advocate for the community and to also provide information to Council to assist with informed decision making relating to Council activities and policies. These committees /working groups include:

Australian Livestock Saleyards Association Inc
Buloke and Northern Grampians Landcare Network
Calder Highway Improvement Committee
Central Murray Regional Transport Forum
Central Vic Greenhouse Alliance
Charlton Community Theatre Pty Ltd Board
Charlton Stadium Committee
CFA – Municipal Fire Management Planning Committee
Donald 2000 Inc
Loddon Mallee Waste and Resource Recovery Group
Municipal Association of Victoria
Municipal Emergency Management Planning Committee
Municipal Flood Management Committee
North Central Local Learning Employment Network
North West Municipalities Association
Rail Freight Alliance
Recreational Water Users Alliance
Rural Councils Victoria
Sunraysia Highway Improvement Committee
Watchem Progress Association
Wimmera Mallee Tourism Association

Wimmera Southern Mallee Transport Group

Workspace Australia

STATEMENT 7 – LIBRARIES

Council operates a library service online and from various locations each week. The Buloke Library Schedule is available from www.buloke.vic.gov.au/libraries or contact Council on 1300 520 520 for a copy of the schedule.

The current services are detailed below (but are subject to change):

Library Opening Hours

Birchip P-12 School Community Library

45 Campbell St Birchip

Public welcome during school hours, plus

Tue & Thu 4:30pm-7:30pm

Sat 9am - 11am

Charlton

Charlton Hall Supper Room

Armstrong St Charlton

Tue 10am-5pm

Donald

Donald Community House

70 Woods St Donald

Fri 10am-5pm

Sea Lake

Tyrell College

10 Sutcliff St Sea Lake

Wed 10am-5pm

Wycheproof

Wycheproof Community Resource Centre

280 Broadway Wycheproof

Mon & Thu 10am-2pm

Buloke Library Van

Monday -

10am-11am

Culgoa General Store

Main St Culgoa

1pm-2pm
Berriwillock Community Centre
69 Taverner St Berriwillock

Thursday –

10am-11am
Nullawil Maternal Child Health Building
Calder Hwy Nullawil

2pm-4pm
Watchem Community Hall
12 Hoban St Watchem