

# FREEDOM OF INFORMATION PART II STATEMENT

## ACCESS TO COUNCIL DOCUMENTS AND INFORMATION

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## 1. PURPOSE

The purpose of Part II of the *Freedom of Information Act 1982* (sections 7-10) 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 Hepburn Shire Council's 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 *Freedom of Information Act 1982* (FOI Act).

Under the FOI Act Council is required to annually publish six major statements and ensure these statements are published and made available to the public.

## STATEMENT 1 - ORGANISATION AND FUNCTIONS

A statement that describes the particulars of the organisation and functions of Council, including the decision-making powers and other powers affecting members of the public that are involved in those functions and particulars of any arrangement that exists for consultation with, or representation by, bodies and persons outside the government administration in relation to the formulation of policy in, or the administration of, the agency. (S7(1)(a)(i))

A statement listing all boards, councils, committees, and other bodies constituted by two or more persons, that are a part of, or that have been established for the purpose of advising, the agency, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection. (S7(1)(a)(vii))

If the agency maintains a library or reading room that is available for public use – a statement of fact including details of the address and hours of opening of the library and meeting room. S7(1)(a)(viii))

### Establishment

Hepburn Shire Council was created in January 1995 by the amalgamation of the former Shires of Creswick, Daylesford and Glenlyon, the Clunes portion of the Shire of Talbot and Clunes and the Trentham portion of the Shire of Kyneton.

### Principal Officer

Mr Bradley Thomas  
Chief Executive Officer

### Administration Centre:

76 Vincent Street, Daylesford Victoria 3460

### Service Centre:

1 Duke Street, Daylesford Victoria 3460

### Postal Address:

PO Box 21, Daylesford Victoria 3460

### Telephone:

03 5348 2306

### Email:

[bthomas@hepburn.vic.gov.au](mailto:bthomas@hepburn.vic.gov.au)

### Website:

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

## Location

Hepburn Shire is in the Central Highlands region of Victoria, about 110 kilometers north-west of Melbourne. Its boundaries are Central Goldfields and Mount Alexander Shires to the north, Macedon Ranges Shire in the east, Moorabool Shire in the south, and the City of Ballarat and Pyrenees Shire in the west.

Hepburn Shire is a predominantly rural area, with many townships, villages and rural-residential areas. The main townships are Daylesford, Clunes, Hepburn, Springs, Creswick, Trentham and Glenlyon.

## Role of Council

Part 2 of the *Local Government Act 2020* sets out the role of Council.

### Section 8 Role of a Council

- (1) The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.
- (2) A Council provides good governance if—
  - (a) it performs its role in accordance with section 9;
  - (b) the Councillors of the Council perform their roles in accordance with section 28.
- (3) In performing its role, a Council may—
  - (a) perform any duties or functions or exercise any powers conferred on a Council by or under this Act or any other Act; and
  - (b) perform any other functions that the Council determines are necessary to enable the Council to perform its role.
- (4) If it is necessary to do so for the purpose of performing its role, a Council may perform a function outside its municipal district.

### Section 9 Overarching governance principles and supporting principles

- (1) A Council must, in the performance of its role, give effect to the overarching governance principles.
- (2) The following are the overarching governance principles—
  - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
  - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
  - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
  - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
  - (e) innovation and continuous improvement is to be pursued;
  - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
  - (g) the ongoing financial viability of the Council is to be ensured;
  - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
  - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
  - (a) the community engagement principles;

- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

## Public Transparency Principles

Council commits to the following principles for public transparency as detailed within the *Local Government Act 2020*:

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- (b) Council information must be publicly available unless—
  - i. the information is confidential by virtue of this Act or any other Act; or
  - ii. public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to members of the municipal community;
- (d) Public awareness of the availability of Council information must be facilitated.

## Council

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (Local Government Act 2020).

Hepburn Shire Council ('Council') is responsible for planning and delivery of a range of services to the townships of Daylesford, Clunes, Hepburn Springs, Creswick, Trentham, Glenlyon and surrounds.

The Council administration's role is to advise the elected Council (Councillors) how to implement decisions of Council and deliver services. The administration is accountable to Council through the Chief Executive Officer (CEO).

## Mayor and Councillors

Hepburn Shire Council consists of five wards (Birch, Cameron, Coliban, Creswick, Holcombe).

There are a total of seven Councillors including the Mayor and Deputy Mayor. The Mayor and Deputy Mayor are elected by the body of the elected Councillors. Councillor profiles, ward and contact details are available on Council's website at:

<https://www.hepburn.vic.gov.au/Council/About-Council/Councillors>

The role of a Councillor includes the following duties and functions:

- Achieving a balance in diversity of community views to develop an overall strategy for the future of the municipal district;
- setting the objectives and determining strategies to achieve the council's corporate objective identified in the Council Plan;
- determining policy direction;
- achieving sound financial management and accountability in relation to the council's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- promoting economic and social development in the best interests of the municipal district;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;

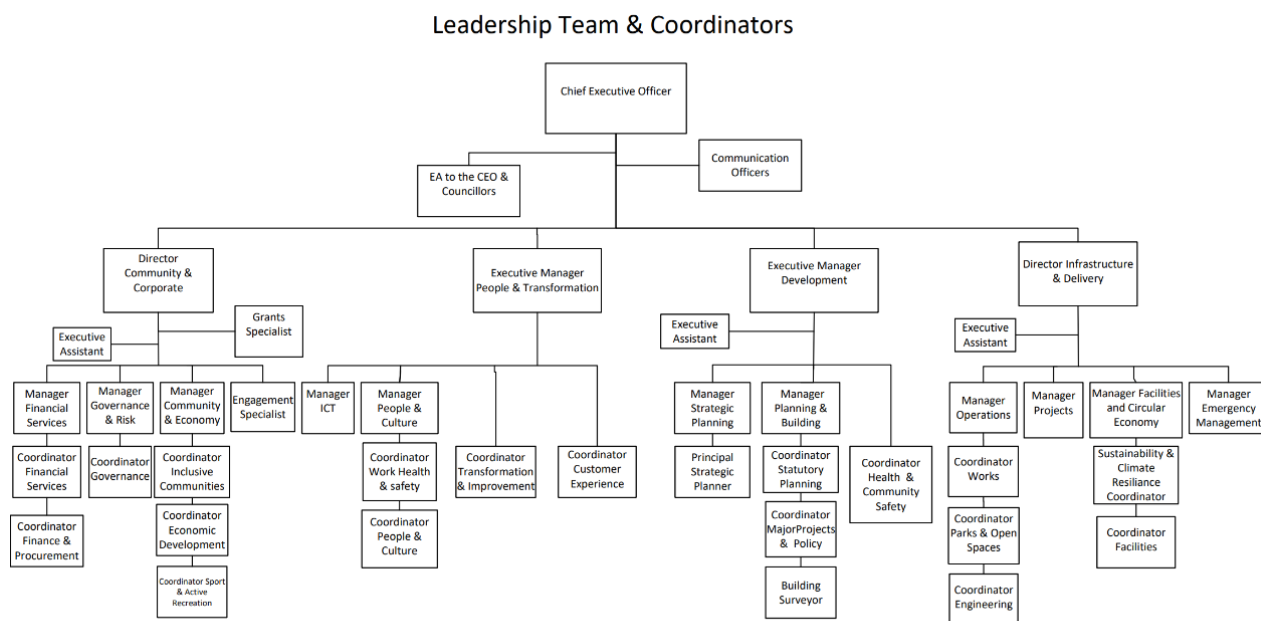
- monitoring the performance of the Council Plan and that of the Council's Chief Executive Officer; and
- having awareness of the statutory obligations imposed on Councillors and on the Council.

Councillors are also involved in:

- Civic leadership;
- supporting the community including advocating on behalf of community programs, needs and wellbeing;
- external relations – other governments, peak local government organisations, peak organisations from other interests, community groups and businesses;
- policy and planning; and
- accountability and performance measurement.

## Organisation

The Chief Executive Officer is supported by two Directors and two Executive Managers (Executive Team), who are in turn supported by eleven managers (Senior Leadership Team).





## Local Government Functions and Activities

### Animal Management

- Domestic Animal Registration
- Domestic Animal Business Registration
- Enforcement

### Building

- Building and Permit Management
- Municipal Building Surveyor Services

### Community and Economic Development

- Community and Economic Development Support
- Competitions and Awards
- Tourism

### Community Services

- Aged and Disability Services
- Accreditation and registration
- Immunisation
- Individual support services management
- Program management
- Maternal and Child Health Service Provision
- Youth services

### Emergency Management

- Community preparedness
- Emergency response
- Community recovery

### Environmental Health

- Premises or Business Registration
- Compliance Management
- Infectious Disease
- Consumer Safety Management

### Environmental Management

- Waste Management
- Illegal Dumping and Litter Management
- Effluent and Wastewater

- Sustainability Initiatives

### Governance

- Planning, Preparation and Conduct of Local Government
- Elections and Polls of Voters
- Electoral Boundaries and Electoral Structures - Review

### Land Use Planning

- Planning Scheme Management
- Planning Scheme Management Amendments
- Permits
- Subdivision
- Enforcement

### Rates and Valuations

- Property Valuation
- Rates Management

### Recreation and Cultural Services

- Community Events
- Facilities and Programs
- Cultural and Community Heritage
- Artistic and Cultural Heritage Management
- Library Services Collection Management
- Library User Management

### Service Infrastructure Management

- Service Infrastructure Development and Redevelopment
- Service Infrastructure Maintenance
- Service Infrastructure Enforcement

### Council administrative functions

- Committees
- Communications
- Community Relations
- Equipment and Stores
- Financial Management

- Fleet Management
- Government Relations
- Industrial Relations
- Legal Services
- Occupational Health /Workplace Safety
- Personnel Management
- Policy
- Property Management
- Publications
- Reporting
- Risk Management
- Staff Development
- Strategic Management
- Technology and Telecommunications

## Decision making powers

Council is a statutory entity and is able to do only those things which it is authorised by statute to do. 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 Council Meetings and Special Meetings of Council which are called on occasions between Ordinary Council Meetings to deal with any urgent matters that may arise.

All Ordinary Council Meetings are open to the public. On occasion, Ordinary Council Meetings may be closed to the public to consider confidential items, for example where matters of commercial-in-confidence are discussed such as tenders which contain trade secrets or where Council determines that confidential matters as defined by Section 3 of the *Local Government Act 2020* need to be dealt with in a closed Council meeting. Council is able to close a Council meeting pursuant to section 66(2) of the *Local Government Act 2020*.

Council meetings are usually held on the third Tuesday of the month in the Daylesford Town Hall at 5.30pm. Due to the COVID-19 outbreak in 2020, Council has taken a hybrid approach where necessary, to keep the community safe by allowing virtual meetings and or virtual participation. Council meetings are livestreamed to Council's Facebook page and archived on Council's website where practicable. Where Council changes the location of the meeting venue, Council will advise of the change as soon as practicable in line with Council's adopted Governance Rules.

Where provided for in legislation, Council may be able to hold meetings virtually in line with Ministerial Good Guidelines that are issued by the Minister for Local Government under section 87 of the *Local Government Act 2020*.

Agendas for all meetings are published on Council's website (<https://www.hepburn.vic.gov.au/Council/Council-meetings/Agendas-and-minutes>) approximately five days prior to the meeting. The meeting minutes are available on Council's website approximately one week after the meeting.

### **Others acting on its behalf**

The *Local Government Act 2020* makes provision for Council to establish a delegated Committee.

Where Council has established a delegated committee, the respective agendas and minutes for these meetings will be published on Council's website as per the timelines for Ordinary and Special Council meetings. The decision of a delegated committee meeting is deemed to be a decision by Council and their powers are outlined in an Instrument of Delegation from the Council.

**Consultative arrangements**

Council is required to consult with other persons and bodies in relation to its activities, in developing policy and practice and the impact on material and external stakeholders. This is done in a number of ways, including:

- On-site signs
- Online communication and engagement methods (Participate Hepburn), social media channels)
- Working, preference, project or advisory groups
- Deliberative engagement workshops
- Opinion polls
- Workshops
- Public participation time at Ordinary Council Meetings
- Invitation to make submissions
- Advertisement in print media encouraging participation or consultation on specific areas of focus

Copies of all documents (including policies, plans, setting of fees and charges) for which community comment is sought, and information on how to provide that comment, is made available on Council's website.

For further information refer to Council's [Community Engagement Policy](#).

## Committees of Council

The following Community Asset Committees of Council have been established for the purpose of managing Council's assets:

- Creswick Museum Community Asset Committee
- Dean Recreation Reserve and Tennis Courts Community Asset Committee
- Drummond Hall Community Asset Committee
- Glenlyon Recreation Reserve Community Asset Committee
- Lee Medlyn Home of Bottles Community Asset Committee
- Lyonville Hall Community Asset Committee

The Community Asset Committees have been established under section 65 of the *Local Government Act 2020* for the sole purpose of managing a community asset in the Community.

The following Advisory Committees have been established for the purpose of providing advice to Council:

- Disability Advisory Committee
- LGBTIQ+ Advisory Committee
- Mineral Springs Reserves Advisory Committee
- Reconciliation Advisory Committee
- Gender Equity Advisory Committee
- Heather Mutimer International Women's Day Advisory Committee
- Sustainable Hepburn Advisory Committee

## Library and Reading Rooms

Council does not maintain a dedicated reading room for the inspection of Council documents. However, Council operates and maintains four public libraries within the municipality:

### **Clunes Library**

The Warehouse  
36 Fraser Street  
Clunes VIC 3370

Ph: 5345 3359

Opening hours:  
Monday, Wednesday, Thursday & Friday:  
10:00am to 5:00pm (Closed on Tuesdays)  
Saturday: 10:00am to 1:00pm

### **Creswick Library**

Creswick Hub  
68 Albert Street  
Creswick VIC 3363

Ph: 5345 2145

Opening hours:  
Monday to Friday: 8:30am to 5:00pm  
Saturday: 9:00am to 12:00pm

### **Daylesford Library**

33 Albert Street  
Daylesford VIC 3460

Ph: 5348 2800

Opening hours:  
Monday to Friday: 9:30am to 5:30pm  
Saturday: 10:00am to 1:00pm

### **Trentham Library**

Mechanics at Trentham  
66 High Street  
Trentham VIC 3458  
Ph: 5424 1326

Opening hours:  
Tuesday, Wednesday & Friday: 10:00am to  
5:00pm  
Saturday: 10:00am to 1:00pm

## Legislation administered

Council performs its functions through the enforcement and administration of a large number of Acts and corresponding Regulations and Council Local Laws.

### State and Federal Government

The following list indicates as far as practicable the Commonwealth and State Government Acts, and Regulations that apply to Council:

<i>Aboriginal Heritage Act 2006</i>	<i>Electoral Act 2002</i>
<i>Aged Care Act 1997</i>	<i>Emergency Management Act 1986</i>
<i>Associations Incorporation Reform Act 2012</i>	<i>Emergency Management Act 2013</i>
<i>Building Act 1993</i>	<i>Environment Protection Act 2017</i>
<i>Building Regulations 2018</i>	<i>Equal Opportunity Act 2010</i>
<i>Carers Recognition Act 2010</i>	<i>Estate Agents Act 1980</i>
<i>Carers Recognition Act 2012 (Vic)</i>	<i>Family Violence Protection Act 2008</i>
<i>Catchment and Land Protection Act 1994</i>	<i>Fences Act 1968</i>
<i>Cemeteries and Crematoria Act 2003</i>	<i>Filming Approval Act 2014</i>
<i>Cemeteries and Crematoria Regulations 2015</i>	<i>Fines Reform Act 2014</i>
<i>Child Wellbeing and Safety Act 2005</i>	<i>Fire Services Property Levy Act 2012</i>
<i>Children Youth and Families Act 2005</i>	<i>Flora and Fauna Guarantee Act 1988</i>
<i>Children's Services Act 1996</i>	<i>Food Act 1984</i>
<i>Children's Services Regulations 2009</i>	<i>Freedom of Information Act</i>
<i>Climate Change Act 2017</i>	<i>Gambling Regulation Act 2003</i>
<i>Commonwealth of Australia Constitution Act</i>	<i>Gambling Prevention Act 2007</i>
<i>Conservation, Forests and Land Act 1987</i>	<i>Geothermal Energy Resources Regulations 2006</i>
<i>Copyright Act 1968</i>	<i>Graffiti Prevention Act 2007</i>
<i>Copyright Amendment Act 2006</i>	<i>Health Records Act 2001</i>
<i>Country Fire Authority Act 1958</i>	<i>Heavy Vehicle National Law 2012</i>
<i>Country Fire Authority Regulations 2014</i>	<i>Heavy Vehicle National Law Application Act 2012</i>
<i>Cultural and Recreational Lands Act 1963</i>	<i>Heritage Act 2017</i>
<i>Dangerous Goods Act 1985</i>	<i>Housing Act 1983</i>
<i>Dangerous Goods (Explosives) Regulations 2011</i>	<i>Impounding of Livestock Act 1994</i>
<i>Dangerous Goods (Storage and Handling) Regulations 2012</i>	<i>Independent Broad-Based Anti-Corruption Commission Act 2011</i>
<i>Development Victoria Act 2003</i>	<i>Infringements Act 2006</i>
<i>Disability Act 2006</i>	<i>Infringements Regulations 2016</i>
<i>Domestic Animals Act 1994</i>	<i>Land Acquisition and Compensation Act 1986</i>
<i>Domestic Animals Regulations 2015</i>	<i>Land Acquisition and Compensation Regulations 2010</i>
<i>Domestic Building Contracts Act 1995</i>	<i>Land Act 1958</i>
<i>Drugs, Poisons and Controlled Substances Regulations 2017</i>	<i>Liquor Control Reform Act 1998</i>
<i>Education and Care Services National Law Act 2010</i>	<i>Livestock Disease Control Act 1994</i>
<i>Education and Care Services National Regulations 2011</i>	<i>Local Government (General) Regulations 2015</i>
<i>Education and Training Reform Act 2006</i>	<i>Local Government (Governance and Integrity) Regulations 2020</i>
<i>Electricity Safety Act 1998</i>	<i>Local Government (Electoral) Regulations 2020</i>
	<i>Local Government (Land Information) Regulations 2021</i>
	<i>Local Government (Long Service Leave) Regulations 2021</i>

*Local Government (Planning and Reporting) Regulations 2020*  
*Local Government Act 1989*  
*Local Government Act 2020*  
*Long Service Victoria Act 2018*  
*Magistrates' Court Act 1989*  
*Marine and Coastal Act 2018*  
*Major Transport Projects Facilitation Act 2009*  
*National Parks Act 1975*  
*Occupational Health and Safety Act 2004*  
*Occupational Health and Safety Regulations 2017*  
*Pipelines Act 2005*  
*Planning and Environment (Fees) Regulations 2016*  
*Planning and Environment Act 1987*  
*Planning and Environment Regulations 2015*  
*Privacy and Data Protection Act 2014*  
*Public Interest Disclosures Act 2012*  
*Protected Disclosure Act 2012*  
*Public Health and Wellbeing Act 2008*  
*Public Records Act 1973*  
*Public Health and Wellbeing Regulations 2009*  
*Road Management (General) Regulations 2016*  
*Residential Tenancies Act 1997*  
*Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*  
*Road Management (Works and Infrastructure) Regulations 2015*  
*Road Management Act 2004*  
*Road Safety (General) Regulations 2009*  
*Road Safety (Traffic Management) Road Safety Road Rules 2017 Regulations 2009*  
*Road Safety (Vehicles) Regulations 2009*  
*Road Safety Act 1986*  
*Road Safety Road Rules 2017*  
*Rooming House Operators Act 2016*  
*Second-hand Dealers and Pawnbrokers Act 1989*  
*Sex Work Act 1994*  
*Sheriff Act 2009*  
*Shop Trading Reform Act 1996*  
*Sport and Recreation Act 1972*  
*Subdivision (Fees) Regulations 2016*  
*Subdivision (Procedures) Regulations 202*  
*Subdivision (Registrar's Requirements) Regulations 2011*  
*Subdivision Act 1988*  
*Summary Offences Act 1966*  
*Taxation Administration Act 1997*  
*Tobacco Act 1987*  
*Transfer of Land Act 1958*  
*Transport Integration Act 2010*  
*Transport (Safety Schemes Compliance and Enforcement) Act 2014*  
*Valuation of Land Act 1960*  
*Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017*  
*Victoria Grants Commission Act 1976*  
*Victorian Environmental Assessment Council Act 2001*  
*Victorian Data Sharing Act 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*  
*Workplace Injury Rehabilitation and Compensation Act 2013*



Copies of Commonwealth and Victorian legislation are available <http://www.austlii.edu.au/>. Alternatively, current legislation may be purchased in hard copy form by using the 'buy printed copy' button that appears on an Act currently in force on <https://www.legislation.vic.gov.au/> or by contacting LitSupport on (03) 8621 6767.

## Local Laws

Council is empowered under the *Local Government Act 2020* to introduce Local Laws which help maintain good governance, good order and public safety.

<i>General Local Law No. 2 of 2019 - Community Amenity and Municipal Places</i>	Covers areas such as public street and road usage, alcohol consumption, burning of offensive materials, and keeping of animals.
<i>Local Law No 3 – Operation and Maintenance of Onsite Wastewater Treatment Systems</i>	Provides the mechanisms to allow for enforcement to ensure the maintenance of Onsite Wastewater Treatment System

Council's Local Laws are available on Council's website at: <https://www.hepburn.vic.gov.au/Planning-building/Local-laws>

## Instruments of Delegation

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, available on Council's website at <https://www.hepburn.vic.gov.au/Council/Governance/Public-information>.

- Instrument of Delegation from Council to the CEO
- Instrument of Delegation from Council to Members of Council Staff
- Instrument of Sub-Delegation from the CEO to Members of Council Staff
- Instrument of Delegation - Purchasing
- Instrument of Delegation of CEO Powers, Duties and Functions
- Instrument of Delegation by CEO for VicSmart Applications
- Instrument of Delegation by CEO for Bushfire Reconstruction
- Instrument of Sub-delegation under the EPA 2017

## 2. STATEMENT 2 - CATEGORIES OF DOCUMENTS

A statement of the categories of documents that are in the possession of the agency in accordance with the *Freedom of Information Act 1982* – section 7(1)(a)(ii).

Council creates a large number of documents and records in the course of its work. There are four main types of files maintained by Council in its central filing system.

### General Files

General files contain information of a subjective nature which is not related to a property file. The list of file titles is wide and varied and includes:

- Contract management files
- Committee files
- Correspondence files
- Leases and agreements

### Client files

These files contain information related to the assessment and provision of services to clients of Council's maternal and child health services.

### Property Files

Property files contain information on the technical aspects of the property, including:

- Building
- Engineering
- Environmental Health
- Local Laws
- Planning
- Rates and ownership

### Personnel Files

These files contain information on individual employees, including personal CVs, conditions of employment, performance reviews, salaries etc. Such material is confidential and cannot be accessed without appropriate authority.

### Other Documents

Other types of documents that Council maintains include:

- policy, procedures and guidelines;
- briefings and reports, both internal and external;
- applications for permits or services;
- registers;
- permits and licences;
- meeting records, and
- financial records.

## Secondary storage and archived files

Secondary and archival records may be stored off-site, at commercial storage facilities, as well as at the Public Records Office Victoria or Places of Deposit such as historical societies. Archival records which have been transferred to the Public Records Office Victoria are deemed as 'permanent retention' records and have been transferred under PROS 09/05 Retention and Disposal Authority of Records of Local Government Function and PROS 07/01 Retention and Disposal Authority for Common Administrative Functions. These records can be accessed by Council staff with sufficient notice.

Council's primary, secondary and archival records are maintained in Council's document management system HPE Content Manager.

## Non (hard copy) file type records

Large quantities of information are also stored and accessed using non-file media such as in electronic databases, and audio-visual material including plans, drawings and maps.

### 3. STATEMENT 3 - FREEDOM OF INFORMATION

A statement of the procedure to be followed by a person in which a request for access to a document is made to the agency. Section 7(1)(a)(v)

A statement designating by name the officer or officers responsible within each agency for the initial receipt of, and action upon, request for access to a document. Section 7(1)(a)(vi)

#### Freedom of Information Applications (FOI)

Individuals can make a FOI request, or they can authorise another person to make a request on their behalf. A request made on behalf of a person seeking their personal information must have written authorisation to act on their behalf.

Applications under FOI must be in writing and state clearly the specific information (type of documents or recorded information) they seek and include the application fee or evidence that you qualify to have the application fee waived or reduced. A FOI Request form is available to download from <https://www.hepburn.vic.gov.au/Council/Governance/FOI>.

A 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 a valid request.

Where a request seeks personal affairs, business or commercial information, or information provided to Council in confidence, third party consultation is required to be undertaken. In such cases an additional processing time of 15 days is allowed under the *Freedom of Information Act 1982* (FOI Act).

Documents required for a court hearing or litigation require a subpoena. This should be arranged by your lawyer.

#### Unavailable Information

Not all information is automatically available in response to a request for it.

The FOI Act sets out a number of situations in which a Council may refuse a person access to the documents he or she has requested. The main situations are requests for documents which affect the personal affairs of another person, which are commercially confidential, which would undermine law enforcement, or which contain information supplied in confidence.

'Personal Affairs' also includes the name and/or address of somebody who is not the applicant. For example, where an applicant may wish to know the name and address of a complainant, this would be considered to be exempt material under Section 33 of the FOI Act.

These documents are referred to as 'exempt' documents. In some circumstances you may be refused access to an entire document. Alternatively, you may be given access to a document with exempt information deleted.

A FOI request may also be refused if it is considered 'voluminous in nature', in that "it would interfere unreasonably with the operations or performance of the Council."

## Costs Associated with Making a Request

The FOI application fee for the 2023/2024 financial year is \$31.80\*. This is a fixed cost which is non-refundable. The only exception is for people suffering financial hardship, who can provide evidence of that hardship in order to qualify to have the application fee waived or reduced.

The following access charges relate to the costs incurred in granting access to request documents:

Search charges	Online documentation, search time at the pay rate of the Council officer searching for documentation. Hard copies \$23.85* per hour (or part of an hour, rounded to the nearest 10 cents).
Supervision charges	\$23.85* per hour (calculated per quarter hour or part of a quarter hour, rounded to the nearest 10 cents).
Photocopying charges	20c* per black and white A4 page. Other charges will apply for documents larger than A4 or which are reproduced in colour.
Providing access in a form other than photocopying	Reasonable costs incurred by Council in providing the copy.
Charge for making a written transcript out of a recording	Reasonable costs incurred by Council in providing the written transcript.

\*Fees are updated annually and published on Council's website at <https://www.hepburn.vic.gov.au/Council/Governance/FOI>.

Please note, all fees and charges are exempt from GST.

## Lodgement

FOI Requests may be lodged:

- In person at Daylesford, Trentham, Creswick or Clunes customer service sites with payment by credit card, money order or cash.
- Emailed to [foi@hepburn.vic.gov.au](mailto:foi@hepburn.vic.gov.au) with credit card details.
- By post paying by credit card, cheque or money order, addressed to Freedom of Information Officer, P.O. Box 1 Daylesford Vic 3460.

## Further Information or Enquiries

For queries relating to Freedom of Information, please contact.

Ms Rebecca Smith  
Freedom of Information Officer  
Manager Governance and Risk  
Telephone: 03 5321 6434  
Email: [rsmith@hepburn.vic.gov.au](mailto:rsmith@hepburn.vic.gov.au) or  
[governance@hepburn.vic.gov.au](mailto:governance@hepburn.vic.gov.au)

Dr Karina Lamb  
Director Community and Corporate  
Telephone: 03 53216486  
Email: [klamb@hepburn.vic.gov.au](mailto:klamb@hepburn.vic.gov.au)

## Right of Appeal

If an applicant is dissatisfied with the Freedom of Information Officer's decision to refuse access to a document; defer access to a document; not waive or reduce an application fee (whether or not the fee has already been paid by the applicant) or not amend a document (in accordance with section 39), the applicant may appeal the decision to the Office of the Victorian Information Commissioner (OVIC) for review:

Office of the Victorian Information Commissioner  
PO Box 24274  
Melbourne VIC 3001  
Telephone: 1300 00 6842  
Email: [enquiries@foicommissioner.vic.gov.au](mailto:enquiries@foicommissioner.vic.gov.au)  
Web: [www.foicommissioner.vic.gov.au](http://www.foicommissioner.vic.gov.au)

Further information and advice on making a request is available on Council's website at.  
<https://www.hepburn.vic.gov.au/Council/Governance/FOI>

## 4. STATEMENT 4 – INFORMATION AVAILABLE TO THE PUBLIC

A statement of material that has been prepared by the agency under Part II of the FOI Act for publication or for inspection by members of the public, and the places at which a person may inspect or obtain that material. Section 7(1)(a)(iii)

A statement listing the literature available by way of subscription services or free mailing lists Section 7(1)(a)(iv)

Council maintains a range of documents and registers which are available for public inspection. Inspections can be arranged by contacting the department primarily responsible for maintaining the information and will occur at Council's Daylesford Customer Service Centre at 1 Duke Street Daylesford.

For further information or to book an inspection call 5348 2306 and ask to be put through to the relevant department.

Council's **Governance and Risk Department** is responsible for maintaining the following information:

- The [74 \(C\) Public Interest Disclosure Policy](#) which establishes a system for reporting disclosures of improper conduct or detrimental action by the City of Hepburn Shire or its employees in accordance with the *Protected Disclosure Act 2012*. (A copy of the policy is available from Council's website).
- The 30(C) Privacy Policy which sets out how Council manages personal and health information within Council. (A copy of the policy is available from Council's website).
- Details of current allowances fixed for the Mayor and Councillors under section 74 or 74A of the LGA 1989 or section 39 of the LGA 2020.
- Details of overseas or interstate travel (with the exception of interstate travel by land for less than three 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.
- Submissions received from the public in accordance with s223 of the *Local Government Act 1989* or s75 of the *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008* during the previous 12 months.
- A Register of Authorised Officers.
- 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 list of donations and grants made by the Council during the financial year, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.
- A list of the names of the organisations of which the Council was a member during the financial year and details of all membership fees and other amounts and services provided during that year to each organisation by the Council.
- Campaign Donation Returns received from candidates in the last Hepburn Shire Council election
- Agendas and Minutes of Ordinary and Special Council Meetings
- Minutes of Meetings of Community Asset Committees
- Delegations made to Community Asset Committees
- Councillor Code of Conduct



- Council's Expense and Resources policy sets out Councillor allowances, allowed expenses, resources provided, reporting requirements and monitoring processes.
- Complaints Policy

Council's **Director Community and Corporate** is responsible for maintaining the following information available on Council's website:

- Council Plan
- Community Vision

Council's **Healthy Communities Team** is responsible for preparing Council's Municipal Public Health and Wellbeing Plan (MPHWP) in accordance with the *Public Health and Wellbeing Act 2008*. The MPHWP sets the Council's broad mission, goals and priorities of Council to enable people living in the Hepburn Shire to achieve maximum health and wellbeing.

A copy of the plan can be downloaded from Council's website and hard copies are available for inspection at Council offices.

Council's **Financial Services Department** is responsible for maintaining the following information in accordance with the *Local Government Act 2020* and associated regulations.

- Hepburn Shire Council Annual Budget
- Hepburn Shire Council Strategic Resource Plan
- Long Term Financial Plan
- Procurement Policy

Copies of these documents can be downloaded from Council's website. Hard copies are available for inspection at Council offices.

Council's **Health and Community Safety Team** is responsible for maintaining:

- a register of all registered dogs and cats in the municipality in accordance with the *Domestic Animals Act 1994* (s18). The register can be available for inspection at Council offices by appointment.
- 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 in accordance with Part III of the *Food Act 1984*. This information is available for inspection at Council offices by appointment.

Council's **Asset Management Team** is responsible for maintaining:

- *Public Road Register*
- *Road Management Plan* in accordance with the *Road Management Act 2004*.

Both documents can be found on Council's website or are available from Council offices upon request.

Council's **Statutory Planning Team** is responsible for maintaining information in relation to planning applications. Council's **Strategic Planning Team** is responsible for maintaining information with respect to amendments to the planning scheme.

In accordance with the *Planning and Environment Act 1987*, the following documents are available for inspection from Council offices by appointment:

- a copy of Victorian Planning Provisions and any amendments to Victorian Planning Provisions (s4H; I)
- a copy of Amendments and Submissions to the 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). The register is also available on Council's website.
- 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]).

Council's **Building Department** provides advice, permits and enforces regulations under the *Building Act 1993* and *Building Regulations 2018*.

You can contact Council to discuss your proposal and determine whether you need a building permit. For further information or to determine the fees required for your building permit, please contact the Building Department on phone 5348 2306. Alternatively you can contact the Building Department via email at [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au)

#### Building Permit Registers

The registers contain information regarding the building permit applications that have been applied for through Council.

*Please note, the registers do not contain any information regarding permits through Private Building Surveyors.*

- Building Permits Register 2015 – 2018
- Building Permits Register 01 July 2018 to 31 December 2018
- Building Forms available via Council's website:
- Request Under Section 29A for Report and Consent on Proposed Demolition Form A
- Building Services Request for Building Particulars Archival Search Form
- Apply for Building Regulation Certificate
- Apply for an Extension of Time
- Building Permit Relocated Dwellings Checklist
- Building Permit Outbuildings Checklist
- Apply for a Building Permit Application Form
- Building Permit Application Checklist Dwellings Alterations and Additions
- Apply for an Occupancy Permit
- Siting Concession Dispensation Application Form

## Literature by subscriptions or free mailing lists.

Council produce and distribute a variety of literature which is available free of charge from Council's website including:

- Hepburn Life
- Annual Report
- Council Plan
- Annual Plan and Budget
- 10 Year Financial Plan

## Online Communication

Council uses a range of communication channels to keep our residents informed on the latest news. Some of the ways in which we do this are through the council websites, social media and newsletters. Council also uses local media to inform the community about local projects. Some of the channels that are used are:

### Council Website

Council maintains a public website with a large amount of important and useful information. This website is updated regularly. [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)

### Social Media

Council uses a number of social media channels to stay connected with the community and special interest groups. <https://www.hepburn.vic.gov.au/Council/News/Social-media>

#### Facebook

- Corporate Facebook
- Hepburn Hot Trash
- Arts, Culture & Reconciliation
- Hepburn Teen Squad
- Hepburn Libraries
- Emergency Management

#### Instagram

- Visit Hepburn Shire
- Octave Hepburn Youth Events

#### YouTube

- YouTube Channel
- Library YouTube

#### LinkedIn

- Corporate LinkedIn

## 5. STATEMENT 5 – RULES, POLICIES, PROCEDURES, GUIDELINES

Documents that are provided by the agency for the use or guidance of, or are used or may be used by, the agency or its officers. Section 8(1) –

- a) In making decisions or recommendations, or in providing advice to persons outside of the agency, with respect to rights, privileges or benefits, or to obligations, penalties or other detriments, to or for, which persons are or may be eligible or subject, being-
  - i) Documents containing interpretations or particulars of Acts or schemes administered by the agency, not being particulars contained in the Act: or
  - ii) Manuals, rules of procedures, statements of policy, records of decisions, letters of advice to persons outside of the agency, or similar documents containing rules, policies, guides, practices or precedents.
- b) In enforcing Acts or schemes administered by the agency where a member of the public might be directly affected by the enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the Acts or Schemes.

Council's decision-making process is governed by a number of policies, strategies and plans. The major policies, strategies and plans are listed below and are available for inspection at Council offices and on Council's website <https://www.hepburn.vic.gov.au/Council/Plans-and-publications/Plans-strategies-and-studies>.

### Council's Governance Rules

Provides a mechanism to facilitate the good governance of council through its formal meeting procedures to ensure open, efficient and effective council decisions are made in a manner which acknowledges the role of local government within the Australian system of government.

### Strategies

- Active Women and Girls Strategy
- Aquatics Strategy 2022
- Biodiversity Strategy 2018-2021
- Community Planning Strategy 2016
- Economic Development Strategy 2016-2021
- Events Strategy 2020-2025
- Gender Equality Action Plan 2021-2025
- Heritage Strategy 2020
- Playspace Strategy 2020-2030
- Positive Aging Strategy 2022-2030
- Recreation and Open Space Strategy 2016-2021
- Sustainable Hepburn 2022-2026
- Walking and Cycling Strategy 2011 Part 1
- Walking and Cycling Strategy 2011 Part 2
- Walking and Cycling Strategy Priority Projects Revised 2017
- Youth ACE Strategy 2022-2030

## Plans

- Asset Plan 2022-2032
- Clunes Masterplans Report – Queens Park and Pioneer Park 2024
- Daylesford Revitalisation Strategy - Masterplan
- Disability Access and Inclusion Plan 2023-2026
- Domestic Animal Management Plan 2021-2025
- Domestic Wastewater Plan 2014
- Doug Lindsay Recreation Reserve Masterplan 2020
- Glenlyon Recreation Reserve Masterplan 2024
- Municipal Emergency Management Plan
- Reconciliation Action Plan 2018
- Revenue and Rating Plan 2021-2025
- Road Management Plan 2021
- Streetscape Stage -1 – Situation Analysis Small
- Streetscape Stage -2 – Concept-Design-and-Consultation-Report
- Streetscape Stage -3 and 4 – Streetscape Designs
- Tree Management Plan 2022
- Trentham Sports Ground Masterplan 2020
- Toward Zero Emissions Road Map Hepburn Shire – 2017
- Walks and Rides – Clunes Creswick Daylesford Trentham
- Wombat Hill Botanic Gardens Masterplan 2017
- Wombat Hill Botanic Gardens Masterplan – Conservation Management Plan

## Studies

- Hepburn Shire Local Transport Benchmarking Study
- Neighbourhood Character Study Daylesford Hepburn Shire Council 2002

## Heritage Studies

- Cultural landscapes study of Creswick Goldfields
- Cultural landscapes study of Creswick Goldfields – Report for the Australian Heritage Commission - 1989
- Heritage Study – Creswick Shire – Appendix A – vol 1 - 1991
- Heritage Study – Creswick Shire – Appendix A – vol 2 - 1991
- Creswick Shire Heritage Study – 1990
- Talbot and Clunes Conservation Study Part A – 1988
- Talbot and Clunes Conservation Study Part B - 1988
- Daylesford and Glenlyon Conservation Study Part 2 Volume 1 Environmental History (1995)
- Daylesford and Glenlyon Conservation Study Part 2 Volume 2 Planning Recommendations (2000)
- Daylesford and Glenlyon Conservation Study Part 2 Volume 3 Individual Citation Sheets of Significant Places (2000)
- Daylesford Neighbourhood Character Study Hepburn Shire Council, October 2002
- Vol 1 - Heritage Study Daylesford - Glenlyon
- Vol 2 - Heritage Study Daylesford - Glenlyon -Vol 2
- Vol 3 - Heritage Study Daylesford - Glenlyon - Vol 3
- Daylesford and Hepburn Springs Conservation Study 1985 - Perrot Lyon Mathieson 1 - Introduction
- Daylesford and Hepburn Springs Conservation Study 1985 - Perrot Lyon Mathieson 2 - Background

- Daylesford and Hepburn Springs Conservation Study - 1985 - Perrot Lyon Mathieson 3 - Inventory of individual sites
- Daylesford and Hepburn Springs Conservation Study 1985 - Perrot Lyon Mathieson 4 - Precincts
- Daylesford and Hepburn Springs Conservation Study 1985 - Perrot Lyon Mathieson 5 - Recommendations and references
- Daylesford-Hepburn-Springs-Conservation-Study (1985)
- Hepburn Shire Council Heritage 16 (C) Date adopted: 17 November 2015
- Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report, with Planning Scheme Amendment, November 2015
- Shire of Kyneton Conservation (Heritage) Study, Volume One, Volume Two, Volume Three, Part C (authors) David Bick, Phyllis Murphy and John Patrick, and background history by Susan Priestley (1990) pp. 117-1066
- The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, 2013 [the Burra Charter]

## Registers

- Hepburn Significant Tree Register – Nominations

## Governing Policies

<https://www.hepburn.vic.gov.au/Council/Plans-and-publications/Policies>

- Governing Policy 1 – Core Values
- Governing Policy 2 – Culture and Behaviour
- Governing Policy 3 – Community Engagement
- Governing Policy 4 – Risk Management

## Council Policies

<https://www.hepburn.vic.gov.au/Council/Plans-and-publications/Policies>

- |  |   |
|--|---|
| • Access and Inclusion Policy                    | • Naming of Council Properties                              |
| • Affordable Access to Council Facilities Policy | • Our Commitment to the Human Rights Charter                |
| • Affordable Housing Policy                      | • Plaques and Memorials on Public Land and Buildings Policy |
| • Asset Management Policy                        | • Privacy Policy  |
| • CEO Employment and Remuneration Policy         | • Procurement Policy  |
| • Child Safe Policy                              |   |
| • Community Engagement Policy                    |   |
| • Community Facility Hire Fee Waiver Policy      |   |
| • Community Planning Policy                      |   |
| • Complaints Policy                              |   |
| • Councillor Code of Conduct                     |   |
| • Council Expenses and Resources Policy          |   |
| • Fraud Prevention Policy                        |   |
| • Governance Rules and Election Period Policy    |   |
| • Heritage Policy                                |   |

- Council Owned and Controlled Property
- Councillor Gifts Benefits and Hospitality Policy
- Councillor / Staff Interaction Policy
- Events Policy
- Film Policy
- Flags and Displays on Council Property Policy
- Outdoor Dining and Trading Policy
- Public Interest Disclosure Policy
- Public Art Policy
- Public Buildings Maintenance Policy
- Public Transparency Policy
- Recreation Policy
- Respectful Behaviours Policy
- Revenue Collection and Financial Hardship Policy
- Risk Management Policy
- Road Upgrade Policy
- Special Rates and Charges
- Tourism Policy
- Transparency Policy
- Treasury Management Policy
- Vegetation Exemptions Protection
- Youth Policy

## Operational policy, procedures, guidelines.

Operational policies and procedures are internal documents that apply to Council operations. These documents are generally approved by the CEO, Executive Team members, senior management or the Audit Committee. The following operational documents are available for inspection at Council offices via Customer Experience by request.

- Acceptance of Gifts, Hospitality and Other Gratuities by Employees
- Cash Handling and Petty Cash
- CCTV in Public Places Policy
- Communication and Social Media Policy
- Corporate Credit Card Policy
- Consolidation of Section 86 Committees of Management Financials into Council's Annual Accounts
- Employee Code of Conduct
- Employee Discipline and Underperformance Policy
- Fixed Assets Policy and Procedures
- Health and Wellbeing Policy
- Higher Duties
- ICT Acceptable Use Policy
- Managing Leave Policy
- Motor Vehicle Policy
- Occupational Health and Safety Policy
- Outdoor Employees Uniform and Dress Policy
- Policy Framework
- Records Management Policy
- Secondary Employment Policy
- Sexual Harassment Policy
- Staff Induction and Departure Policy
- Staff Performance Excellence Program (PEP)
- Staff Recognition and Reward Policy
- Staff Recruitment and Selection Policy
- Staff Training and Development Policy
- Volunteers Policy



## 6. STATEMENT 6: REPORT LITERATURE

Statement of certain documents in possession of agencies to be published. Section 11(1)

Council publishes a wide range of final reports and records of decisions relating to policy and administration of policy of interest to the public available for inspection or purchase.

Council publishes progress reports, final reports and records of decisions relation to policy within Council meeting minutes on our website for 12 months. Minutes of meetings earlier than those on the website can be accessed by request via the Governance and Risk Team by telephoning 5348 2306 or [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au).