



PYRENEES SHIRE COUNCIL

Part II Statement – Publication of certain documents and information as required by the Freedom of Information (FOI) Act 1982

INTRODUCTION

The objects of the *Freedom of Information Act* are:

- To make available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices; and
- To create a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

Not all documents are eligible for release. The FOI Act allows an agency to refuse access to certain documents, under prescribed exemptions. Examples include, but are not limited to:

- Some internal working documents
- Documents covered by legal professional privilege (e.g. legal advice)
- Documents affecting personal privacy
- Documents containing “commercial in confidence” or trade secrets
- Information obtained in confidence
- Matters considered by the Pyrenees Shire Council at a closed meeting

PART II OF THE FOI ACT

Part II of the FOI Act (Section 7) 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 Pyrenees Shire Council has compiled a Part II Freedom of Information Statement where you will find information about:

[Statement 1 – Organisation and functions](#)

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STATEMENT 1 – ORGANISATION AND FUNCTIONS

The Pyrenees Shire Council governs the Pyrenees Shire municipality. Our elected council consists of five councillors from which a Mayor is appointed annually. Details of the Council are available [on our website](#).

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

- Plan and provide services, facilities and infrastructure for the local community
- Strategically plan and regulate land use in the municipality
- Raise revenue so that we can perform our functions
- Make and enforce local laws
- Discharge duties we have under other acts, such as the *Planning & Environment Act 1987*; *Building Act 1993*; *Food Act 1984*; *Domestic Animals Act 1994*; and the *Public Health and Wellbeing Act 2008*.

Functions of Council

The Pyrenees Shire Council manages a wide range of services and functions. These include:

- Animal management
- Assets and civic facilities management
- Building services
- Community development and wellbeing
- Community resource centres and libraries
- Economic development and tourism
- Emergency mitigation, response, relief and recovery
- Environmental management
- Home-based community care
- Maternal and child health
- Roads, bridges, footpaths and drainage management
- Parks and reserves
- Positive ageing and social interaction programs
- Rates collections and administration
- Strategic and statutory planning
- Waste management

Further information is available on the website relating to [What we Do](#).

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Legislation, Regulation and Local Laws

Many of our powers and functions are assigned to us by many legislative Acts and Regulations. We also enforce local laws which affect our residents, businesses and visitors to the Shire. The following summarises, as far as practicable, those Acts, Regulations and Local Laws:

Council's Local Laws:

- Local Law No.1 – Meeting Procedures
 - Local Law No.2 – Environment
 - Local Law No.3 – Streets and Roads
 - Local Law No.4 – Use of Agricultural Scareguns
- *Aboriginal Heritage Act 2006*
 - *Audit Act 1994*
 - *Australian Consumer Law and Fair Trading Act 2012*
 - *Building Act 1993*
 - *Building Regulations 2006*
 - *Charter of Human Rights & Responsibilities Act 2006*
 - *Children Youth and Families Act 2005*
 - *Climate Change Act 2010*
 - *Conservation, Forests and Land Act 1987*
 - *Constitution Act 1975*
 - *Country Fire Authority Act 1958*
 - *Country Fire Authority Regulations 2004*
 - *Crown Land (Reserves) Act 1978*
 - *Cultural and Recreational Lands Act 1963*
 - *Dangerous Goods Act 1985*
 - *Disability Act 2006*
 - *Domestic Animals Act 1994*
 - *Drugs, Poisons and Controlled Substances Regulations 2006*
 - *Electoral Act 2002*
 - *Electoral Regulations 2012*
 - *Electricity Safety act 1998*
 - *Emergency Management Act 1986*
 - *Environment Protection Act 1970*
 - *Equal Opportunity act 2010*
 - *Fences Act 1984*
 - *Food Act 1984*
 - *Freedom of Information Act 1982*
 - *Gambling Regulation Act 2003*
 - *Geothermal Energy Resources Regulations 2010*
 - *Graffiti Prevention Act 2003*
 - *Health Records Act 2001*
 - *Heritage Act 1995*
 - *Impounding of Livestock Act 1994*
 - *Independent Broad-Based Anti-Corruption Commission Act 2011*
 - *Infringements Act 2006*
 - *Privacy and Data Protection Act 2014*
 - *Land Acquisition and Compensation Act 1986*
 - *Land Act 1958*
 - *Landlord and Tenant Act 1958*
 - *Liquor Control Reform Act 1998*
 - *Local Government Act 1989*
 - *Occupational Health and Safety Act 2004*
 - *Occupational Health and Safety Regulations 2017*
 - *Planning and Environment Act 1987*
 - *Prevention of Cruelty to Animals Act 1986*
 - *Protected Disclosures Act 20123*
 - *Public Administration Act 2004*
 - *Public Health and Wellbeing Act 2008*
 - *Public Records Act 1973*
 - *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*
 - *Residential Tenancies act 1997*
 - *Road Management Act 2004*
 - *Road Safety Act 1986*
 - *Second Hand Dealers and Pawnbrokers Act 1989*
 - *Sex Work Act 1994*
 - *Sport and Recreation Act 1972*
 - *Subdivision Act 1988*
 - *Summary Offences Act 1966*
 - *Tobacco Act 1987*
 - *Transfer of Land Act 1958*
 - *Valuation of Land Act 1960*
 - *Victorian Civil and Administrative Tribunal Act 1998*
 - *Victorian Inspectorate Act 2011*
 - *Water Act 1989*

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STATEMENT 2 – CATEGORIES OF DOCUMENTS

The departments that provide services and perform functions keep documents associated with their work. The documents fall into these broad categories:

- Statutory and financial reports
- Agendas and minutes
- Council resolutions
- General correspondence and documents submitted by third parties
- Policies, procedures, and guidelines
- Records associated with capital works, engineering and the road network
- Building and planning applications and associated documents
- 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
- Leases, permits and notices of building and occupancy
- Records of land transfers, subdivisions and the history of use of land and roads
- Animal registration applications and associated documents
- Contract management records and documentation
- Disclosures of conflicts of interest
- Legal documents: local laws, contracts, leases, agreements, licences, instruments of appointment and authorisation, instruments of delegation, legal advice, court documents
- Surveys and statistical data
- Media releases, general advertising, newsletters
- Risk management and OHS assessments and associated documentation
- Internal working documents: staff personnel files, administration and organisational documentation, financial documentation (including debtors and creditors documents), audit records, asset and resource management records and documents, road and property files, plans, maps, drawings
- Databases: rates, customer service requests, mailing lists; contracts; Carelink; Maternal & Child Health

STATEMENT 3 – PUBLICATIONS AND PUBLIC REGISTERS

Documents available for publication or public inspection

We compile registers of information that is particularly relevant to our responsibilities as a local government and public sector organisation. Some documents are available for public inspection (subject to legal restrictions) upon request (at a mutually convenient time within normal office hours) which include:

- Register of overseas or interstate travel
- Agendas and minutes of Council and Council's Special Committees (e.g. Audit & Risk Committee)
- Minutes of S.86 Committees of Management
- Instruments of Delegation

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- Leases Register
- Authorised Officers Register
- Donations and Grants Register
- Register of interests
- Planning Permit Register
- Building Permit Register

If you wish to make a mutually convenient appointment to view any of these registers, please contact Council's Manager Governance, Risk & Compliance via pyrenees@pyrenees.vic.gov.au or telephone 9349 1100.

STATEMENT 4 – SUBSCRIPTIONS AND MAILING LISTS

Publications and literature available online, by subscription or via free mailing lists

We publish a number of documents, newsletters, reports and handbooks for residents, businesses and visitors to the region, which can be located on Councils [publications webpage](#):

- Council services directory
- Weeds of the Pyrenees region
- Managing sports surfaces in a drier climate
- Community Satisfaction Survey

We also publish on our website some documents which are required to be publicly available:

- Procurement Policy
- Privacy Policy
- Child Safe Policy & Strategy
- Complaints Handling Policy
- [Election campaign donation returns](#)
- [Council meeting agendas and minutes](#)

All policies / procedures that are publicly available can be accessed on our website on [corporate policies](#) webpage.

Other information available online includes:

- Strategic Plans
- Annual Reports
- Corporate Policies
- Public notices
- Council services
- Weeds of the Pyrenees Region
- Managing Sports surfaces in a drier climate
- Strategic planning and major projects
- Planning applications on exhibition
- Events list
- Information relating to the Council Budget
- Community and Business Directories
- Information on managing emergencies and fire prevention
- Community satisfaction survey'
- Current roadworks
- Heritage information
- Restructure overlays
- Flood plan overlay

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STATEMENT 5 – FREEDOM OF INFORMATION ARRANGEMENTS

If the documents you want cannot be accessed by publicly available means, then the *Freedom of Information Act 1982* gives you a right of access to seek access to documents that we hold.

You can [make a request](#) or you can authorise another person to make a request on your behalf (e.g. a solicitor). If you want someone to make a request on your behalf, we will not process the request unless we receive your written consent.

Similarly, if the documents are about your personal affairs, you will need to provide evidence of your identity (e.g. copy of your driver's licence).

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

To make an application, you must provide a written application together with the appropriate application fee. Full details on how to make an application is available on our [FOI webpage](#). The FOI application fee is set by the FOI Act and is increased annually in accordance with the *Monetary Units Act 2004*. You will need to provide the application fee before we can commence processing your application.

Please make cheques or money orders payable to the Pyrenees Shire Council. Alternatively, you can pay the application fee at a customer service desk at the Beaufort Council Offices (5 Lawrence Street, Beaufort) or at either of our resource centres in Beaufort or Avoca.

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

When making an application, your description of the documents requested is the only means for us to identify relevant documents, so try to be as specific as you can. You are very welcome to call us for help with your description and, if we feel the description is difficult to determine, we will attempt to assist you in clarifying your request.

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 the documents that you have requested. These costs may or may not apply depending on the nature of your request. FOI access charges are exempt from GST. Charges are calculated in accordance with the *Freedom of Information (Access Charges) Regulations 2014*. Access charges may include, but not be limited to, the cost for searching for documents, providing photocopies or inspection supervision.

If you have any questions about the process, please call a member of the FOI Team on 03 5349 1100 or email to pyrenees@pyrenees.vic.gov.au.

Please address your request to:

FOI Officer – Manager Governance, Risk & Compliance
Pyrenees Shire Council

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5 Lawrence Street
Beaufort VIC 3373

Not all documents are eligible for release and may be subject to statutory exemptions. If you are refused access to documents, or are not satisfied with the decision taken by Council's FOI Officer, you have the right to apply for a review of your original request to the Office of the Victorian Information Commission (OVIC). More information is available on the [OVIC Website](#).

STATEMENT 6 – FOI OFFICER

The Pyrenees Shire Council's FOI Officer is currently:

Kathy Bramwell
Manager Governance, Risk & Compliance
Pyrenees Shire Council
5 Lawrence Street
Beaufort VIC 3373

Tel: 03 5349 1100
Fax: 03 5349 2068
Email: pyrenees@pyrenees.vic.gov.au
Email: Kathy.bramwell@pyrenees.vic.gov.au

STATEMENT 7 – ADVISORY COMMITTEES, BOARDS AND OTHER BODIES

We currently have no advisory committees or other bodies, established for the purpose of advising Council, where those meetings are open to the public or the minutes of whose meetings are available for public inspection.

We have set up the following advisory committees to advise the Council or its Senior Leadership Team, but access to minutes would be subject to an application under the FOI Act:

- [Audit & Risk Committee](#)
- Risk Management Committee
- OH&S Committee

The following committees have been appointed to manage facilities / assets on behalf of the Council under Section 86 of the *Local Government Act 1989*:

- Beaufort Community Bank Complex
- Brewster Hall
- Landsborough Community Precinct
- Snake Valley Hall
- Waubra Community Hub

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STATEMENT 8 - PUBLIC LIBRARIES AND RESOURCE CENTRES

The Pyrenees Shire Council operates library services from two resource centres in Beaufort and Avoca. In addition, outreach library services are provided in a number of locations including Landsborough and Snake Valley.

The libraries offer a wide range of facilities, services and resources; including books, CDs, DVDs, magazines, journals and newspapers as well as electronic publications. They also provide a recreational space for adults, young people and children. Library membership is free and open to anyone.

1 DOCUMENT HISTORY

Version Number	Issue date	Description of change	Responsible Officer
1.0	May 2018	Initial release	Manager Governance, Risk & Compliance

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