
CITY OF PORT PHILLIP
FREEDOM OF INFORMATION STATEMENT AND PROTOCOL
2010

Introduction

This Freedom of Information Statement is a requirement of section 7 of the *Freedom of Information Act 1982* ('the Act').

The Act embodies four basic requirements:

- that government agencies must publish a list of their documents that are available to the public for inspection or purchase;
- that every person has a legally enforceable right to obtain access to documents of a government agency, subject to the exemptions provided for in the Act;
- that a person has the legal right to request that inaccurate, incomplete, misleading or out of date information held by a government agency about them in their personal record be amended; and
- that a person has the right to appeal against a decision not to provide access to a document or not to amend a personal record.

Council vigorously supports these basic requirements of the Act with respect to freedom of information. The City of Port Phillip also actively promotes accountable and responsive government on behalf of the Port Phillip community and to this end has developed a Governance Statement that

contains 16 principles of democratic and corporate governance. The Governance Statement is available on Council's website at:

http://www.portphillip.vic.gov.au/community_governance_statement.htm

The principles of governance:

- guide the quality of decision making by Council and its organisation;
- determine the systems and structures of authority, accountability, control and reporting practices through which Council ensures proper pursuit of its mission;
- encompass the means of direction and control; and
- ensure good performance and transparent decision-making.

Enquiries regarding access to Council information should in the first instance be directed to Council's ASSIST Centre on 9209 6777. Enquiries regarding freedom of information applications can be directed to the Freedom of Information Officer.

1. Particulars, functions and decision-making powers of the organisation and community consultation

Council is required to set out particulars of the organisation and functions of the Council, indicating, as far as practicable, its decision-making powers and any arrangement that exist for consultation with, or representation by, bodies and persons outside the Council.

Particulars

The City of Port Phillip is located on the northern shore of Port Phillip Bay, south of the Melbourne Central Business District and covers an area of 20.62 square kilometres. The City was established on 22 June 1994, following a state government review of Victorian local government boundaries. Port Phillip is well served by a number of varied and substantial retail, entertainment and leisure precincts, as well as, significant office and industrial, and warehousing and manufacturing districts. The City has seven wards and each ward is represented by one councillor.

Functions

The following functions of the Council are prescribed by the *Local Government Act 1989*:

- (a) advocating and promoting proposals which are in the best interests of the local community;
- (b) planning for and providing services and facilities for the local community;

- (c) providing and maintaining community infrastructure in the municipal district;
- (d) undertaking strategic and land use planning for the municipal district;
- (e) raising revenue to enable the Council to perform its functions;
- (f) making and enforcing local laws;
- (g) exercising, performing and discharging the duties, functions and powers of Councils under the *Local Government Act 1989* and other Acts;
- (h) any other function relating to the peace, order and good government of the municipal district.

Council is empowered by other Acts of Parliament and also enforces its own local laws. These include, but are not limited to:

Acts

- *Building Act 1993*
- *Crown Land (Reserves) Act 1978*
- *Cultural and Recreational Lands Act 1963*
- *Domestic (Feral and Nuisance) Animals Act 1994*
- *Emergency Management Act 1986*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Information Privacy Act 2000*
- *Infringements Act 2006*
- *Liquor Control Reform Act 1998*
- *Planning and Environment Act 1987*

- *Prostitution Control Act 1994*
- *Public Health and Wellbeing Act 2008*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Road Safety Act 1986*
- *Subdivision Act 1988*
- *Summary Offences Act 1966*
- *Tobacco Act 1987*
- *Valuation of Land Act 1960*

Local Laws

- Meeting Procedure Local Law No. 2
- Community Amenity Local Law No. 3
- Footpath Activities Local Law No. 7

Decision-making and community consultation

Primary responsibility for making decisions rests with the elected members as a group – the Council. The Council has also delegated some decision-making responsibilities to committees and staff. The Council as the decision-making body meets on the second and fourth Mondays of each month.

Whilst Councillors have a democratically elected and statutory mandate to govern, this does not override the importance of continuous involvement by, and accountability to, the community.

The *Local Government Act 1989* and other pieces of legislation stipulate when councils must undertake a consultation process. Port Phillip actively supports compliance with its legislative requirements and also conducts broad consultation on all important projects where it is thought that the community has the capacity to influence the outcome of a project. The home page on Council's website contains a "Have Your Say" section (interactive web portal) which advises the community of current consultations and facilitates on-line discussion and feedback. From time to time, members of the community are able to apply for membership to reference groups, panels and committees established to provide specific advice to Council.

2. Categories of documents that are maintained in the possession of the agency

The following documents are maintained by the Council:

- policies, procedures and guidelines;
- service agreements, contracts, leases and licences;
- tender material;
- records of administration;
- applications for permits and permits issued;
- grant applications; and
- agendas and minutes of Council/committee meetings.

3. Information available for public inspection

The following information is available for inspection at the St Kilda Town Hall:

- details of current allowances fixed for the Mayor and Councillors;
- details of senior officers' total salary packages for the current financial year and the previous year including the gross salary, the amount of the Council or employer contribution to superannuation, the value of any motor vehicle provided by the Council and the total value of any other benefits and allowances provided by the Council;
- details of overseas or interstate travel (with the exception of interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff and the date, destination, purpose and total cost of the overseas or interstate travel;
- names of Council officers who were required to submit a return of interest during the financial year and the dates the returns were submitted;
- names of Councillors who submitted returns of interest during the financial year and the dates the returns were submitted;
- agendas for, and minutes of, ordinary and special meetings held in the previous 12 months except if the minutes relate to parts of meetings which have been closed to members of the public;
- a list of all special committees established by Council and the purpose for which each committee was established;

- a list of all special committees established by the Council which were abolished or ceased to function during the financial year;
- minutes of meetings of special committees held in the previous 12 months except if the minutes relate to parts of meetings which have been closed to members of the public;
- a register of delegations including the date on which the last review took place;
- submissions received in accordance with section 223 of the *Local Government Act 1989* during the previous 12 months;
- agreements to establish regional libraries;
- details of all property, finance and operating leases involving land, buildings, plant, computer equipment or vehicles entered into by the Council as lessor or lessee, including the name of the other party to the lease and the terms and the value of the lease;
- a register of authorised officers;
- 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;
- a list of contracts valued at \$150,000 or more which the Council entered into during the financial year without first engaging in a competitive

process and which are not contracts referred to in section 186(5) of the *Local Government Act 1989*.

4. List of Council policies and strategies (some of these are available in publication format)

The following policies and strategies, some in publication format, are available from Council's website or from the St Kilda Town Hall:

- Active and Creative City Framework
- Annual Budget
- Climate Change Commitment
- Community Plan 2007-2017
- Council Plan 2009-2013
- Disability Action Plan
- Domestic Animal Management Plan
- Festivals Framework
- Heritage Recognition Program Policy and Strategy
- Inner Melbourne Action Plan
- Memorials and Monuments Policy Procedures and Practice Notes
- Municipal Emergency Management Plan
- Municipal Strategic Statement
- Playground Strategy
- Port Phillip City Collection Management Policy
- Port Phillip Open Space Strategy
- Port Phillip Planning Scheme

- Procurement Policy
- St Kilda Botanical Gardens Future Directions Plan
- Sustainable Design Policy
- Water Wise Strategy
- Youth Framework

5. Making a Freedom of Information application

Council is required in this statement to outline the procedure to be followed by a person when a request for access to a document is made to the Council.

If a Freedom of Information request is necessary an application should be made in writing on the appropriate form and be accompanied by a \$23.40 application fee. You can authorise another person in writing to make a request on your behalf.

In your application you should clearly identify the document/s which you are seeking. If you require documents containing your personal information you will be required to provide Council with evidence of your identity.

You can post your application to:

The FOI Officer
City of Port Phillip
Private Bag No. 3
Post Office St Kilda, 3182

Or

Hand deliver your application to the St Kilda Town Hall.

6. Officers responsible within Council for the initial receipt of, and action upon, requests for access to a document

The City of Port Phillip Freedom of Information Officer.

7. Boards, 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 Council, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection

The Council has set up the following special committees to advise Council or to make decisions (*):

- Statutory Planning Committee*
- Inner Melbourne Action Plan Committee
- Neighbourhood Programs Committee*
- Port Melbourne Family and Children's Hub Committee*
- South Melbourne Market Management Committee*

8. Public libraries

Council is required to list the address and hours of opening of reading rooms or libraries within the municipality that are available for public use.

The City of Port Phillip has five public libraries:

Albert Park Library – corner Montague Street and Dundas Place, Albert Park

3206. Telephone 9209 6622. Operating hours are:

Monday 10.00am to 8.00pm

Tuesday 10.00am to 6.00pm

Wednesday 10.00am to 8.00pm

Thursday 10.00am to 6.00pm

Friday 10.00am to 6.00pm

Saturday 10.00am to 5.00pm

Sunday 2.00pm to 5.00pm

Emerald Hill Library – corner Bank and Perrins Streets, South Melbourne

3205. Telephone 9209 6611. Operating hours are:

Monday 10.00am to 6.00pm

Tuesday 2.00pm to 6.00pm

Wednesday 2.00pm to 6.00pm

Thursday 2.00pm to 6.00pm

Friday 10.00am to 6.00pm

Saturday 10.00am to 2.00pm

Sunday Closed

Middle Park Library – corner Nimmo and Richardson Streets, Middle Park

3206. Telephone 9209 6633. Operating hours are:

Monday 2.00pm to 6.00pm

Tuesday 10.00pm to 2.00pm

Wednesday 10.00am to 2.00pm

Thursday 10.00am to 2.00pm

Friday 2.00pm to 6.00pm

Saturday 10.00am to 2.00pm

Sunday Closed

Port Melbourne Library – 333 Bay Street, Port Melbourne, 3207. Telephone

9209 6644. Operating hours are:

Monday 10.00am to 8.00pm

Tuesday 10.00am to 8.00pm

Wednesday 10.00am to 6.00pm

Thursday 10.00am to 6.00pm

Friday 10.00am to 6.00pm

Saturday 10.00am to 2.00pm

Sunday Closed

St Kilda Library – 150 Carlisle Street, St Kilda, 3182. Telephone 9209 6655.

Operating hours are:

Monday 10.00am to 8.00pm

Tuesday 10.00am to 8.00pm

Wednesday 10.00am to 6.00pm

Thursday 10.00am to 8.00pm

Friday 10.00am to 6.00pm

Saturday 10.00am to 5.00pm

Sunday 10.00am to 5.00pm