Freedom of Information Statement 2025

Introduction

City of Port Phillip (the Council) adheres to the requirements of the *Freedom of Information Act 1982* (the FOI Act). While councils, unlike other agencies, are not required to publish a statement in accordance with section 7 of the FOI Act, this document functions as a section 7 statement by providing the community with information concerning the Council's operations, functions and documents. This statement:

- describes the functions of the Council,
- lists the legislation that Council works to,
- describes how the Council makes decisions,
- lists categories of documents that the Council maintains,
- lists information that is available for public inspection,
- lists the Council's policies and strategies,
- explains how to make an application under the FOI Act,
- explains who within Council has responsibility for FOI requests,
- provides information concerning advisory (and other) committees, and
- lists Port Phillip's public libraries, their locations and opening hours.

What the FOI Act requires of Council

The Freedom of Information (FOI) Act, which prompted the creation of this document, essentially requires the following of Council:

- to provide for people's right to access Council's documents, as far as is allowed by the Act,
- to publicise certain information concerning the operations of the Council,
- to provide for people to request to amend inaccurate, incomplete, misleading or out of date information held by Council that relates to them,
- to provide people with the right to appeal against a decision made under the Act.
 Council vigorously supports the requirements of the FOI Act. Council actively
 promotes accountable and responsive government on behalf of the Port Phillip
 community.

Contact details for requesting information

Enquiries regarding access to Council information should in the first instance be directed to Council's ASSIST Centre on 9209 6777. If you are deaf or have a hearing or speech impairment, contact Council via <u>National Relay Service</u> in two steps:

- 1. Click to choose your preferred NRS access point and
- 2. Ask for ASSIST Port Phillip at 03 9209 6777

Enquiries regarding Freedom of Information applications can be directed to Council's Freedom of Information Officer via email at <u>helpfoi@portphillip.vic.gov.au</u>.

Particulars and functions of the Council

Particulars

The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.

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 20.7 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, cultural, entertainment and leisure precincts, as well as significant office, industrial, warehousing and manufacturing districts.

Nine councillors represent three wards across the City to make up the Port Phillip Council.

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.

Relevant legislation, decisionmaking and community consultation

Legislation that relates to Council

Acts

- Aboriginal Heritage Act 2006
- Associations Incorporation Reform Act 2012
- Building Act 1993
- Building and Construction Industry Security of Payment Act 2002
- Bus Safety Act 2009
- Carers Recognition Act 2012
- Catchment and Land Protection Act 1994
- Charter of Human Rights and Responsibilities Act 2006
- Child Wellbeing & Safety Act 2005
- Children, Youth and Families Act 2005

- Climate Change Act 2017
- Coastal Management Act 1995
- Conservation, Forests and Land Act 1987
- Country Fire Authority Act 1958
- Crimes Act 1958
- Crown Land (Reserves) Act 1978
- Cultural and Recreational Lands Act 1963
- Dangerous Goods Act 1985
- Development Victoria Act 2003
- Disability Act 2006
- Domestic (Feral and Nuisance) Animals Act 1994
- Education and Training Reform Act 2006
- Electricity Safety Act 1998
- Emergency Management Act 1986
- Emergency Management Act 2013
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Estate Agents Act 1980
- Fair Work Act 2009
- Fences Act 1968
- Filming Approval Act 2014
- Fines Reform Act 2014
- Fire Services Property Levy Act 2012
- Flora and Fauna Guarantee Act 1988
- Food Act 1984

- Freedom of Information Act 1982
- Gambling Regulation Act 2003
- Gender Equality Act 2020
- Geographic Place Names Act 1998
- Graffiti Prevention Act 2007
- Health Records Act 2001
- Heavy Vehicle National Law Application Act 2013
- Heritage Act 2017
- Housing Act 1983
- Impounding of Livestock Act 1994
- Independent Broad-based Anti-Corruption Commission Act 2011
- Infringements Act 2006
- Land Act 1958
- Land Acquisition and Compensation Act 1986
- Liquor Control Reform Act 1998
- Livestock Disease Control Act 1994
- Local Government Act 1989
- Local Government Act 2020
- Magistrates Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Metropolitan Fire Brigades Act 1958
- Mineral Resources (Sustainable Development) Act 1990
- National Parks Act 1975
- Occupational Health and Safety Act 2004
- Pipelines Act 2005

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- Planning and Environment Act 1987
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Public Health and Wellbeing Act 2008
- Public Interest Disclosures Act 2012
- Public Records Act 1973
- Residential Tenancies Act 1997
- Retail Leases Act 2003
- Road Management Act 2004
- Road Safety Act 1986
- Second Hand Dealer and Pawnbrokers Act 1989
- Sex Work Act 1994
- Sheriff Act 2009
- Sport and Recreation Act 1972
- Subdivision Act 1988
- Summary Offences Act 1966
- Taxation Administration Act 1997
- Tobacco Act 1987
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Valuation of Land Act 1960
- Victoria Grants Commission Act 1976
- Victoria State Emergency Services Act 2005
- Victorian Data Sharing Act 2017
- Victorian Environmental Assessment Council Act 2001

- Victorian Planning Authority Act 2017
- Water Act 1989
- Workplace Injury Rehabilitation and Compensation Act 2013

Regulations

- Building Regulations 2018
- Children's Services Regulations 2020
- Children, Youth and Family Regulations 2017
- Dangerous Goods (Explosives) Regulations 2011
- Domestic Animals Regulations 2015
- Drugs, Poisons and Controlled Substances Regulations 2017
- Electricity Safety (Electric Line Clearance) Regulations 2020
- Freedom of Information (Access Charges) Regulations 2014
- Geothermal Energy Resources Regulations 2016
- Infringements Regulations 2016
- Land Acquisition and Compensation Regulations 2021
- Local Government (Long Service Leave) Regulations 2021
- Local Government (Electoral) Regulations 2020
- Local Government (General) Regulations 2015
- Local Government (Long Service Leave) Regulations 2012
- Local Government (Planning and Reporting) Regulations 2020
- Occupational Health and Safety Regulations 2017
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Public Health and Wellbeing Regulations 2019

- Residential Tenancies (Caravan Parks and Movable Dwelling Registration and Standards) Regulations 2020
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015
- Road Safety (General) Regulations 2019
- Road Safety (Traffic Management) Regulations 2019
- Road Safety (Vehicles) Regulations 2021
- Road Safety Road Rules 2017
- Subdivision (Fees) Regulations 2016
- Subdivision (Procedures) Regulations 2021
- Subdivision (Registrar's Requirements) Regulations 2011
- Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017

Local Laws

Local Law No. 1 (Community Amenity)

Local Law No 2 (Meeting Procedure) Local Law No. 2

Decision-making and community consultation

Decision-making

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 in the evening of the first and third

Wednesday of each month at an Ordinary Meeting of Council. The Council Meeting

venues alternate between the St Kilda Town Hall and the Port Melbourne Town Hall . Locations and times of Ordinary Meetings of Council can be found on Council's website.

In addition to the Ordinary Meeting of Council in the evening of the first and third Wednesday of each month, the Council holds a Planning Committee Meeting. The Planning Committee Meeting is held in the St Kilda Town Hall, generally on the evening of the last Wednesday of the month. Agendas for the Meetings can be found on Council's <u>website</u>.

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

Community consultation

The Local Government Act 2020 and other 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 <u>Have Your Say</u> section. Have Your Say is an interactive web portal that 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.

Categories of documents that are maintained by the Council

The following documents are maintained by the Council:

- policies, procedures, strategies, plans, manuals and guidelines;
- service agreements, contracts, bank guarantees, Certificates of Title, leases and licences;
- registers required by the Local Government Act 1989;
- tender material;
- records of administration such as correspondence and working documents;
- statistics and data relating to Council's activities;
- applications for permits and permits issued;
- cultural and heritage records;
- documents created for the provision of community programs and services;
- audio-visual recordings of Ordinary Meetings of Council;
- annual and financial reports;
- enforcement documents;
- animal registration documents;
- health premises registration documents,
- maternal and child health records;
- records of community consultation and feedback;
- training material;
- records of the internal operations of the organisation, such as in human resources files;

- mailing lists;
- grant applications; and
- agendas and minutes of Council/committee meetings.

Information available for public inspection

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

 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.

This information is also available online;

- Registers of Conflicts of interest disclosed by Councillors or Council staff;
 Councillors or Council Staff This information is also available <u>online</u>;
- Summary of Personal Interests of Councillors or Council staff; This information is also available <u>online</u>;
- 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 under Section 89 of the Local Government Act. This information is also available <u>online;</u>
- Minutes of meetings of Special Committees established under Section 86 of the Local Government Act and held in the previous 12 months, except if the minutes

relate to parts of meetings which have been closed to members of the public under Section 89 of the Act;

- a Register of delegations kept under Sections 87, 88 and 98 of the Local Government Act, including the date on which the last review under Section 98(6) of the Act took place; This information is also available <u>online;</u>
- Registers of gifts, benefits and hospitality offered to Council Staff; This information is also available <u>online;</u>
- details of all leases involving land which were entered into by the Council as lessor, including the name of the lessee and the terms and the value of the lease; This information is also available <u>online;</u>
- a register of authorised officers appointed under Section 224 of the Local Government Act; This information is also available <u>online;</u>
- a list of donations and grants made by the Council during the previous 12 months, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant; This information is also available <u>online;</u>
- Election Period Policy and Election campaign donations; This information is also available <u>online;</u>
- Councillor Code of Conduct; This information is also available online;
- Councillor Expense Reimbursement Policy; This information is also available <u>online;</u>
- Local Laws; This information is also available <u>online;</u>
- Council Plan and Budget; This information is also available online;
- Council Strategic Resource Plan; This information is also available online;
- Council Annual Report; This information is also available online;

- Plans and Reports, Policies and Strategies adopted by Council; This information is also available <u>online;</u>
- Project and service plans, This information is also available online;
- Grant application, tenders and tender evaluation material (excluding confidential information). This information is also available <u>online;</u>
- Service agreements, contracts, leases and licences online;
- Terms of reference or charters for Advisory Committees; This information is also available <u>online;</u>
- CEO Reports; This information is also available online;
- High-level Organisation Structure; This information is also available online;
- Complaints handling processes; This information is also available online;
- Submissions made by Council; This information is also available online;

List of Council policies and strategies

The following policies and strategies, some in publication format, are available from Council's <u>website</u>, or from the St Kilda Town Hall.

These strategies and policies have been developed in consultation with the community.

Aboriginal and Torres Strait Islander Arts Strategy 2014-17

Aboriginal and Torres Strait Islander Statement of Commitment

Accessibility Action Plan 2023-2025

Act and Adapt Sustainable Environment Strategy 2018-2028

Activating Laneways Strategy

Art and Soul Strategy 2018-2022

Asset Management Policy 2021

Business Parklet Program Guidelines

Car Share Policy 2023-28

Car Share Guidelines 2023-28

Catering Policy 2020

CCTV in Council Buildings Policy 2022

Child Safe Policy

Children's Services Integrated Registration and Enrolment (CSIRE) for Childcare

and Integrated Kindergarten Procedure 2024

Children's Services Policy - Every Child, our Future 2020

Climate Change Commitment

Climate Action Update

Code of Conduct for Contractors Consultants and Suppliers 2021

Commercial Recreation Policy 2022

Community Access and Allocation Policy 2023

Community Engagement Policy 2020

Community Funding Policy 2018

Complaints Handling Policy

Council Plan 2021-2031 and Budget 2022/2023

Councillor Code of Conduct 2021 Update

Councillor Expenses and Support Policy 2021

Councillor Gift and Hospitality Policy 2021

Creative and Prosperous City Strategy 2023-2026

Cultural Heritage Reference Committee

Discontinuance and Sale of Roads Policy 2022

Domestic Animal Management Plan 2022 - 2025

Election Period Policy 2020

Elster Creek Flood Management Plan

Elwood Foreshore & Recreation Reserves Management Plan 2005

Emergency Relief Implemetation Policy and Procedures 2020

Enterprise Asset Management Plan 2022-2032

Events Strategy 2023-2026

Family Youth and Children Strategy 2014-2019

Fishermans Bend Planning & Economic Development Strategy

Footpath Trading Fees 2019/20 and Policy

Footpath Trading Guidelines 2017

Foreshore and Hinterland Vegetation Management Plan

Foreshore Management Plan 2012

Friends of Suai Strategic Plan 2020-25

Gender Equality Action Plan

Graffiti Management Plan 2019 - 2024

Greening Port Phillip

Greeing Port Phillip - an Urban Forest Approach

Greening Port Phillip Street Tree Planting Guide 2017-2022

Heritage Recognition Program Guidelines 2016

Homelessness Action Strategy 2015-2020

Housing Strategy 2007-2017

In Our Backyard – Growing Affordable Housing in Port Phillip 2015-2025

Interim Childcare Policy 2018-2019

LGBTIQA+ Action Plan 2023-26

Library Action Plan 2021-26

Live Music Action Plan 2021-2024

Local Law Protocol and Procedures Manual 2023

Middle Years Commitment Action Plan 2014-2019

Monuments and Memorials Guidelines 2017

Move, Connect, Live Strategy 2018-2028

Municipal Emergency Management Plan (MEMP) 2022

Municipal Public Health and Wellbeing Plan

Nature Strip Guidelines 2022

Open Space Strategy

Open Space Water Management Plan

Outdoor Events Policy 2023-26

Outdoor Trading (Dining) Policy 2022

Parking Management Policy

Payment Card Policy 2019-2023

Placemaking Action Plan

Playspace Strategy

Port Phillip City Collection Policy 2019

Port Phillip Heritage Review

Port Phillip Local Law No.1 (Community Amenity) 2018

Port Phillip Planning Scheme

Port Phillip Public Space Strategy

Positive Ageing Policy 2023-2027

Privacy Policy

Property Policy 2019

Protocol For Assisting People Who Sleep Rough 2018

Public Art Guidelines 2017

Public Lighting Policy

Public Place Closed Circuit Television (CCTV) Policy 2023

Public Toilet Plan 2013 - 2023

Rating Strategy 2022-2025

Reconciliation Action Plan 2017-19

Risk Management Policy 2023

Road and Lane Naming Guidelines 2005

Road Management Plan 2021

South Melbourne Market Licence Renewal Policy 2019

South Melbourne Market Sale of Liquor for Consumption Policy

South Melbourne Market Strategic Plan 2021-25

Sport and Recreation Strategy 2015-2024

St Kilda Botanical Gardens Directions Plan

St Kilda Festival Operational Plan 2019-2021

St Kilda Festival Sponsorship Policy 2018

Sustainability Plans and Strategies

Sustainable Design Strategy

Town Hall Hire Policy 2004-2007

Tree Protection Guidelines

Waste Management Strategy 2022-25

Water Sensitive Urban Design Guidelines

Youth Commitment 2014-2019

Making a Freedom of Information application

Following is an outline of the procedure to follow to make a request for access to a document via the FOI Act.

FOI applications must be in writing

An FOI application must be made in writing.

Council has an FOI application FOI Request For Information Form which you may

find helpful to use. It is not a requirement under the FOI Act that the form be used

but it is a requirement that the application be in writing.

You can authorise another person in writing to make a request on your behalf.

If you are unable to submit your FOI application in writing, please call ASSIST on 03 9209 6777 or if you are deaf or have a hearing or speech impairment, contact us via National Relay Service in two steps:

- 3. Click to choose your preferred NRS access point and
- 4. Ask for ASSIST Port Phillip at 03 9209 6777

FOI applications must be clear

In your application you should clearly identify which document/s you are seeking. Please keep in mind that Council's FOI Officer is not required to be a subject matter expert in the material you seek and so the document/s need to be described in plain language.

If Council's FOI Officer cannot clearly identify the document/s you are seeking, they will contact you to request clarification of your request. You are then required to

provide clarification to enable the FOI Officer to search for and locate the document/s you are seeking. Your FOI application cannot be processed unless it is clear.

If you are seeking documents spanning a certain period you will be required to specify a start and end date for the creation of the documents to enable the FOI Officer to tailor their document search to the relevant period.

If you require documents containing your personal information you will be required to provide Council with evidence of your identity.

Where to send an FOI application

You can mail your application to:

The FOI Officer City of Port Phillip 99A Carlisle Street St Kilda, VIC. 3182

Or

Hand deliver your application to Reception at the St Kilda Town Hall.

Or

Email your application, attention to "the Freedom of Information Officer" to:

helpfoi@portphillip.vic.gov.au

An application fee is required

The FOI Act requires that a request for access to documents made under the Act be

accompanied by an application fee.

From 1 July 2025 – 30 June 2026, the application fee is \$33.60. Please note that fees and charges are set by legislation and tend to increase in the new Financial Year.

If payment of an application fee would cause you financial hardship, you may request the application fee to be reduced or waived. If you apply for the application fee to be reduced or waived you will need to supply evidence that payment would cause you hardship. Evidence such as a copy of a Pension Concession or Health Care Card is acceptable.

Access charges in accordance with the *Freedom of Information (Access Charges) Regulations 2004* apply to FOI applications. Access charges are in addition to the application fee.

You will be supplied with a statement of any applicable charges as your request progresses. The amount varies between FOI requests because the scale of requests, and therefore the resources required, varies.

A summary of rates for the 2025/2026 Financial Year is as follows:

Search fees —	\$25.20 per hour or part thereof
Copying Fees —	20 cents per black and white A4 page; \$1.00 per colour
	A4 page
Other charges —	including transcription and colour copying -Reasonable
-	costs incurred by the agency

If it is estimated that the access charges may exceed the sum of \$50, a deposit payment will be required. The FOI Act requires Council to seek the applicable deposit of the total estimated costs from the applicant prior to processing a request. If a deposit is paid, Council has a fresh 30 days from receipt of payment to make its decision on the request for access.

How long does an FOI application take to process?

Council processes FOI applications as quickly as possible. Council is required to provide a decision in response to an application within 30 days after the application becomes valid. This timeframe can extend to 45 days if consultation with third parties is required before a decision in regard to access can be made.

Who is responsible within Council for the initial receipt of, and action upon, FOI requests?

Council has staff fulfilling the role of Freedom of Information (FOI) Officer. These staff process FOI applications, under designation, on behalf of the Chief Executive Officer.

Council staff who have initial receipt of an FOI application are likely to be a Freedom of Information Officer (where applications are emailed to Helpdesk-FOI), ASSIST staff (in instances where applications are hand-delivered), or Information staff (in instances where applications are posted).

An FOI application can be received by any member of Council staff. If the request is made in hardcopy format they must then ensure the application is forwarded to Information staff for registration into Council's document management system. Information staff then forward applications to an Freedom Of Information Officer for processing. If the application is made by email, the Coucil staff officer must ensure that the application is forwarded to Helpdesk-FOI so that a Freedom Of Information Officer can register it into Council's document management system.

FOI applicants are then advised the file number that relates to their application.

Advisory committees

The Council has set up the following advisory committees to advise Council:

- Art Acquisition Reference Committee
 - o Councillor Committee Representative: Cr Serge Thomann
- Audit & Risk Committee
 - Councillor Committee Representatives: Cr Louise Crawford, Cr Bryan Mears
- Business Advisory Group
 - o Councillor Committee Representatives: Cr Serge Thomann, Cr Beti Jay
- CEO Employment Matters Committee
 - \circ Councillor Committee Representatives: Cr Louise Crawford, Cr Bryan

Mears, Cr Alex Making, Cr Justin Halliday

- Community Grants Assessment Panel
 - Councillor Committee Representatives: Cr Bryan Mears, Cr Libby Buckingham
- Cultural Development Fund Reference Committee
 - Councillor Committee Representative: Cr Heather Cunsolo
- Cultural Heritage Reference Committee
 - o Councillor Committee Representative: Cr Libby Buckingham

- Esplanade Market Reference Committee
 - o Councillor Committee Representatives: Cr Bryan Mears, Cr Beti Jay
- Friends of Suai Covalima Community Reference Committee
 - Councillor Committee Representative: Cr Serge Thomann
- LGBTQIA+ Advisory Committee
 - Councillor Committee Representative: Cr Serge Thomann
- Multicultural Advisory Committee
 - Councillor Committee Representative: Cr Libby Buckingham
- Older Persons Advisory Committee
 - Councillor Committee Representatives: Cr Louise Crawford, Cr Libby Buckingham (shared appointment)
- *Prosperous Port Phillip Business Advisory Group
 - Councillor Committee Representatives: Cr Rhonda Clark, Cr Christina Sirakoff
- Quick Response Grant Program Assessment Panel
 - o Councillor Committee Representatives: Cr Lousie Crawford, Cr Alex Makin
- Rupert Bunny Foundation Visual Arts Fellowship Reference Committee
 - o Councillor Committee Representative: Cr Heather Cunsolo
- South Melbourne Market Advisory Committee
 - o Councillor Committee Representatives: Cr Alex Makin, Cr Beti Jay
- Youth Advisory Committee
 - Councillor Committee Representative: Cr Rod Hardy

Special committees

Council has the following special committees established under section 86 of the

Local Government Act 2020 :

• Planning Committee

Public libraries

The City of Port Phillip has five public libraries. Information regarding them can be

found on Council's website.