

# Freedom of Information Statement 2018

## 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- to provide for people to request to amend inaccurate, incomplete, misleading or out of date information held by Council that relates to them,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 [National Relay Service](#) 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 [helpfoi@portphillip.vic.gov.au](mailto:helpfoi@portphillip.vic.gov.au).

# Particulars and functions of the Council

## Particulars

The City of Port Phillip respectfully acknowledges the Yalukit Wilam Clan of the Boon Wurrung. We pay our respect to their Elders, both 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 20.62 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, 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, decision-making 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*

*Children, Youth and Families Act 2005*

*Child Safety & Wellbeing Act 2005*

*Climate Change Act 2010*

*Coastal Management Act 1995*

*Conservation, Forests and Land Act 1987*

*Crimes Act 1958*

*Crown Land (Reserves) Act 1978*

*Cultural and Recreational Lands Act 1963*

*Dangerous Goods Act 1985*

*Disability Act 2006*

*Domestic (Feral and Nuisance) Animals Act 1994*

*Education and Training Reform Act 2006*

*Electricity Safety Act 1998*

*Emergency Management Act 1986*

*Environment Protection Act 1970*

*Equal Opportunity Act 2010*

*Estate Agents Act 1980*

*Fair Work Act 2009*

*Fences Act 1968*

*Filming Approval 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*

*Geographic Place Names Act 1998*

*Graffiti Prevention Act 2007*

*Health Records Act 2001*

*Heavy Vehicle National Law Application Act 2013*

*Heritage Act 1995*

*Housing Act 1983*

*Impounding of Livestock Act 1994*

*Infringements Act 2006*

*Land Act 1958*

*Land Acquisition and Compensation Act 1986*

*Liquor Control Reform Act 1998*

*Local Government Act 1989*

*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*

*Planning and Environment Act 1987*

*Privacy and Data Protection Act 2014*

*Protected Disclosure Act 2012*

*Public Health and Wellbeing Act 2008*

*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*

*Tobacco Act 1987*

*Transfer of Land Act 1958*

*Transport Integration Act 2010*

*Urban Renewal Authority Victoria Act 2003*

*Valuation of Land Act 1960*

*Victoria Grants Commission Act 1976*

*Victoria State Emergency Services Act 2005*

*Water Act 1989*

*Workplace Injury Rehabilitation and Compensation Act 2013*

## **Regulations**

*Building Regulations 2006*

*Children's Services Regulations 2009*

*Children, Youth and Family Regulations 2007*

*Dangerous Goods (Explosives) Regulations 2011*

*Domestic Animals Regulations 2005*

*Drugs, Poisons and Controlled Substances Regulations 2006*

*Electricity Safety (Electric Line Clearance) Regulations 2010*

*Freedom of Information (Access Charges) Regulations 2014*

*Geothermal Energy Resources Regulations 2006*

*Infringements Regulations 2006*

*Land Acquisition and Compensation Regulations 2010*

*Local Government (Electoral) Regulations 2016*

*Local Government (General) Regulations 2015*



*Local Government (Long Service Leave) Regulations 2012*

*Local Government (Planning and Reporting) Regulations 2014*

*Occupational Health and Safety Regulations 2007*

*Planning and Environment Regulations 2015*

*Planning and Environment (Fees) Regulations 2016*

*Public Health and Wellbeing Regulations 2009*

*Residential Tenancies (Caravan Parks and Movable Dwelling Registration and Standards) Regulations 2010*

*Road Management (General) Regulations 2016*

*Road Safety (General) Regulations 2009*

*Road Safety (Traffic Management) Regulations 2009*

*Road Safety (Vehicles) Regulations 2009*

*Road Safety Road Rules 2009*

*Subdivision (Fees) Regulations 2016*

*Subdivision (Procedures) Regulations 2011*

## **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

## 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 (generally every second meeting) and the Port Melbourne Town Hall (generally every fourth meeting) and the South Melbourne Town Hall (generally every fourth meeting). 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, in the morning of the Ordinary Meeting day, the Council holds a Planning Forum as a form of further community consultation in regard to Planning matters on the evening's meeting agenda. The Planning Forum is held in the St Kilda Town Hall, generally every second Wednesday morning. Agendas for the Forums can be found on Council's [website](#).

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 1989* 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 [Have Your Say](#) 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;
- 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 under Section 89 of the Local Government Act. This information is also available [online](#);
- 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 [online](#).
- 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 [online](#)
- a register of authorised officers appointed under Section 224 of the Local Government Act;
- 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;
- Election Period Policy and Election campaign donations; This information is also available [online](#).
- Councillor Code of Conduct; This information is also available [online](#).

- Councillor Expense Reimbursement Policy; This information is also available [online](#).
- Local Laws; This information is also available [online](#).
- Council Plan and Strategic Resource Plan; This information is also available [online](#).
- Council Budget; This information is also available [online](#).
- Council Annual Report; 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 [website](#), 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 - 2017](#)

[Access Plan 2013 - 2018](#)

[Arts & Culture Policy](#)

[Child Safe Standards](#)

[Climate Change Commitment](#)

[Cultural Heritage Reference Committee](#)

[Council Plan 2017-2027 and Budget 2017/18](#)

[Discontinuance and Sale of Roads Policy 2011](#)

[Domestic Animal Management Plan 2017 - 2021](#)

[Economic Development Strategy 2012–16](#)

[Election Period Policy 2016](#)

[Family Youth and Children Policies and Plans](#)

[Fishermans Bend Planning & Economic Development Strategy](#)

[Graffiti Management Plan 2013 - 2018](#)

[Greening Port Phillip](#)

[Heritage Recognition Program Guidelines 2016](#)

[Housing Strategies](#)

[Homelessness Action Strategy 2015-2020](#)

[Industry & Business Strategy](#)

[Information Privacy Policy](#)

[Inner Melbourne Action Plan](#)

[Municipal Public Health and Wellbeing Plan](#)

[Open Space Water Management Plan](#)

[Ormond Road Urban Design Guidelines](#)

[Play Space Strategy](#)

[Port Phillip City Collection Policy](#)

[Port Phillip Open Space Strategy](#)

[Public Toilet Plan 2013 - 2023](#)

[Reconciliation Action Plan](#)

[Social Justice Charter](#)

[Sustainability Plans and Strategies](#)

[Sustainable Design Strategy](#)

[Waste Wise Strategy](#)

[Youth and Middle Years Commitments](#)

## 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 [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](mailto: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 2017 – 30 June 2018, the application fee is \$28.40. 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 2017/2018 Financial Year is as follows:

Search fees —	\$21.30 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 ASSIST staff (in instances where applications are hand-delivered, or emailed), or Records staff (in instances where applications are posted).

An FOI application can be received by any member of Council staff, who must then ensure the application is forwarded to Records staff for registration into Council's

records management system. Records staff forward applications to an FOI Officer for processing.

Where an FOI Officer receives an application directly, the FOI Officer forwards the application to the Records team for registration into Council's records management system. The application is then returned to the FOI Officer for processing.

FOI applicants are advised of the Records Management 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
  - Councillor Committee Representative Cr David Brand
- Audit & Risk Committee
  - Councillor Committee Representatives: Mayor Cr Bernadene Voss, Cr Dick Gross
- Community Grants Assessment Panel
  - Councillor Committee Representatives: Cr Louise Crawford, Cr Marcus Pearl
- Cultural Development Fund Reference Committee
  - Councillor Committee Representative: Cr Katherine Copsey
- Cultural Heritage Reference Committee
  - Councillor Committee Representative: Mayor Cr Bernadene Voss
- Esplanade Market Reference Committee
  - Councillor Committee Representatives: Cr Andrew Bond, Cr David Brand

- Fishermans Bend Community Forum
  - Councillor Committee Representatives: Mayor Cr Bernadene Voss, Cr David Brand, Cr Ogy Simic
- Friends of Suai Community Taskforce
  - Councillor Committee Representative: Cr Tim Baxter
- Gasworks Arts Park Reference Committee
  - Councillor Committee Representative: Cr Louise Crawford
- Multicultural Forum
  - Councillor Committee Representative: Cr Ogy Simic
- Older Persons Consultative Committee
  - Councillor Committee Representative: Cr Dick Gross
- Rupert Bunny Foundation Visual Arts Fellowship Reference Committee
  - Councillor Committee Representative: Cr David Brand

## Special committees

Council has the following [special committees](#) established under section 86 of the Local Government Act 1989 :

- Inner Melbourne Action Plan Implementation Committee
  - Councillor Committee Representative: Cr Bernadene Voss
- Council Neighbourhood Programs Committee
  - Councillor Committee Representatives: Cr Bernadene Voss, Cr Louise Crawford

- South Melbourne Market Management Committee
  - Councillor Committee Representatives: Cr Bernadene Voss, Cr Ogy Simic, Cr Andrew Bond
- Statutory Planning Committee
  - Councillor Committee Representatives: All Councillors in rotation

## Public libraries

The City of Port Phillip has five public libraries:

### Albert Park Library

#### Location and phone number

319 Montague Street, Albert Park, 3206

Telephone 03 9209 6622

#### Opening hours

Monday 10 am – 8 pm

Tuesday 10 am – 8 pm

Wednesday 10 am – 8 pm

Thursday 10 am – 6 pm

Friday 10 am – 6 pm

Saturday 10 am – 5 pm

Sunday 2 pm – 5 pm

## **Emerald Hill Library**

### **Location and phone number**

195 Bank Street, South Melbourne, 3205

Telephone 03 9209 6611

### **Opening hours**

Monday 10 am – 6 pm

Tuesday 12 noon – 8 pm

Wednesday 12 noon – 6 pm

Thursday 12 noon – 6 pm

Friday 10 am – 6 pm

Saturday 10 am – 2 pm

Sunday Closed

## **Middle Park Library**

### **Location and phone number**

254 - 256 Richardson Street, Middle Park, 3206

Telephone 03 9209 6633

### **Opening hours**

Monday 2 pm – 6 pm

Tuesday 10 am – 2 pm

Wednesday 10 am – 2 pm

Thursday 10 am – 2 pm

Friday 2 pm – 6 pm

Saturday 10 am – 2 pm

Sunday      Closed

## **Port Melbourne Library**

### **Location and phone number**

333 Bay Street, Port Melbourne, 3207

Telephone 03 9209 6644

### **Opening hours**

Monday      10 am – 6 pm

Tuesday     10 am – 8 pm

Wednesday 10 am – 6 pm

Thursday    10 am – 8 pm

Friday       10 am – 6 pm

Saturday    10 am – 2 pm

Sunday      Closed

## **St Kilda Library**

### **Location and phone number**

150 Carlisle Street, St Kilda, 3182

Telephone 03 9209 6655

### **Opening hours**

Monday      10 am – 8 pm

Tuesday     10 am – 8 pm

Wednesday 10 am – 8 pm

Thursday    10 am – 8 pm



Friday 10 am – 6 pm

Saturday 10 am – 5 pm

Sunday 10 am – 5 pm