

OFFICIAL

Mansfield Shire Council

# Freedom of Information

# Part II Statement



Mansfield Shire

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## **Purpose**

The *Freedom of Information Act 1982* ('the Act') provides the public with a legally enforceable right to access information held by the Mansfield Shire Council ('Council'), unless exemptions under the Act apply.

Part II of the Act requires all agencies to publish a statement setting out its powers and functions, and the types of documents produced by or held by the agency and how they can be accessed.

The purpose of this Part II Statement is to:

- ▶ make the public aware of the types of documents held by Council;
- ▶ provide the public with information to assist with identification of specific documents of interest; and
- ▶ provide details of how to access documents held by Council.

A summary of the application and operation of the Act is published separately within the Mansfield Shire Council Annual Report.

## **STATEMENT 1 – Organisation and Functions of Council**

### **About Council**

Mansfield Shire Council was proclaimed in 2002 following the deamalgamation of Delatite Shire Council.

Mansfield Shire covers an area of approximately 3,843m<sup>2</sup> and is located in the North East of Victoria, approximately 200kms from Melbourne.

Mansfield Shire is an un-subdivided ward represented by five Councillors.

The administration is accountable to Council through the Chief Executive Officer.

### **Organisational Structure**

Council is the governing body that appoints the Chief Executive Officer. The Chief Executive Officer is supported by the Executive Management Team, comprising:

- ▶ General Manager Investment and Planning
- ▶ Executive Manager Community Health and Wellbeing
- ▶ Executive Manager People, Communications and Governance
- ▶ Executive Manager Operations and Capital Works

Council consists of the following directorates and departments:

#### **Executive Services**

- ▶ Financial and Corporate Planning
- ▶ Procurement

#### **Investment and Planning**

- ▶ Economic Development
- ▶ Youth Services
- ▶ Events
- ▶ Statutory and Strategic Planning
- ▶ Waste and Recycling
- ▶ Information Technology
- ▶ Engineering Services
- ▶ Community Safety
- ▶ Property

#### **Community Health and Wellbeing**

- ▶ Community Strengthening
- ▶ Family Health Support Services
- ▶ Maternal and Child Health
- ▶ Libraries

**People, Communications and Governance**

- ▶ People and Culture
- ▶ Occupational Health and Safety
- ▶ Communications
- ▶ Governance and Risk
- ▶ Customer Service and Records

**Operations and Capital Works**

- ▶ Field Services
- ▶ Property Maintenance
- ▶ Capital Works Delivery
- ▶ Parks and Gardens

## **Role of Council**

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community (Section 8.1 of the *Local Government Act 2020*).

The following are the overarching governance principles:

- ▶ Council decisions are to be made and actions taken in accordance with the relevant law;
- ▶ priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- ▶ the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- ▶ the municipal community is to be engaged in strategic planning and strategic decision making;
- ▶ innovation and continuous improvement is to be pursued;
- ▶ collaboration with other Councils and Governments and statutory bodies is to be sought;
- ▶ the ongoing financial viability of the Council is to be ensured;
- ▶ regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- ▶ the transparency of Council decisions, actions and information is to be ensured.

## **Council Services and Activities**

Council's services and activities include but are not limited to:

- ▶ Aged and Disability Services
- ▶ Animal Management and Fire Prevention
- ▶ Assets and Facilities Management
- ▶ Planning and Building Services
- ▶ Community Development and Support
- ▶ Economic Development
- ▶ Emergency Planning and Management
- ▶ Environmental and Waste Management
- ▶ Library Services
- ▶ Public Health and Safety
- ▶ Roads, footpaths and drainage
- ▶ Urban and Parks
- ▶ Services for Families, Children and Youth

### Acts Administered

Many of Council's functions and powers are provided by or regulated by other acts and regulations and also by Council's local laws. These include but are not limited to those listed below:

- ▶ Aboriginal Heritage Act 2006
- ▶ Associations Incorporation Reform Act 2012
- ▶ Australian Consumer Law
- ▶ Audit Act 1994
- ▶ Building Act 1993
- ▶ Catchment and Land Protection Act 1994
- ▶ Cemeteries and Crematoria Act 2003
- ▶ Child Wellbeing and Safety Act 2005
- ▶ Children Youth and Families Act 2005
- ▶ Climate Change Act 2017
- ▶ Children's Services Act 1996
- ▶ Commonwealth of Australia Constitution Act
- ▶ Conservation, Forests and Land Act 1987
- ▶ Country Fire Authority Act 1958
- ▶ Crown Land (Reserves) Act 1978
- ▶ Disability Act 2006
- ▶ Cultural and Recreational Lands Act 1963
- ▶ Dangerous Goods Act 1985
- ▶ Development Victoria Act 2003
- ▶ Domestic Building Contracts Act 1995
- ▶ Domestic Animals Act 1994
- ▶ Education and Care Services National Law Act 2010
- ▶ Education and Training Reform Act 2006
- ▶ Electricity Safety Act 1998
- ▶ Emergency Management Act 1986 and 2013
- ▶ Environment Protection Act 1970
- ▶ Equal Opportunity Act 2010
- ▶ Fair Trading Act 1999
- ▶ Estate Agents Act 1980
- ▶ Fences Act 1968
- ▶ Financial Institutions Duty Act 1982
- ▶ Filming Approval Act 2014
- ▶ Fines Reform Act 2014
- ▶ Fire Services Property Levy Act 2012
- ▶ Food Act 1984
- ▶ Flora and Fauna Guarantee Act 1988
- ▶ Gambling Regulation Act 2003
- ▶ Freedom of Information Act 1982
- ▶ Health Records Act 2001
- ▶ Graffiti Prevention Act 2007
- ▶ 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
- ▶ Land Act 1958
- ▶ Infringements Act 2006
- ▶ Local Government Act 1989
- ▶ Local Government Act 2020
- ▶ Livestock Disease Control Act 1994
- ▶ Land Acquisition and Compensation Act 1986
- ▶ Liquor Control Reform Act 1998
- ▶ Landlord Tenant Act 1958
- ▶ Magistrates' Court Act 1989
- ▶ Local Government Act 1989
- ▶ Marine Act 1988
- ▶ Major Transport Projects Facilitation Act 2009
- ▶ Mineral Resources (Sustainable Development) Act 1990
- ▶ Public Health and Wellbeing Act 2008
- ▶ Pipelines Act 2005
- ▶ National Parks Act 1975
- ▶ Planning and Environment Act 1987

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## Mansfield Shire Council **Freedom of Information – Part II Statement**

- ▶ Occupational Health & Safety Act 2004
- ▶ Prevention of Cruelty to Animals Act 1986
- ▶ Protected Disclosure Act 2012
- ▶ Public Health and Wellbeing Act 2008
- ▶ Privacy and Data Protection Act 2014
- ▶ Road Management Act 2004
- ▶ Public Records Act 1973
- ▶ Rail Safety (Local Operations) Act 2006
- ▶ Road Safety Act 1986
- ▶ Rooming House Operators Act 2016
- ▶ Residential Tenancies Act 1997
- ▶ Second Hand Dealers and Pawnbrokers Act
- ▶ 1989 Sex Work Act 1994
- ▶ Sport and Recreation Act 1972
- ▶ Sheriff Act 2009
- ▶ Summary Offences Act 1966
- ▶ Subdivision Act 1988
- ▶ Victorian Planning Authority Act 2017
- ▶ Tobacco Act 1987
- ▶ Shop Trading Reform Act 1996
- ▶ Taxation Administration Act 1997
- ▶ Transport Integration Act 2010
- ▶ Transfer of Land Act 1958
- ▶ Transport (Safety Schemes Compliance & Enforcement) Act 2014
- ▶ Urban Renewal Authority Victoria Act 2003
- ▶ Victorian Environmental Assessment Council Act 2001
- ▶ Victoria Grants Commission Act 1976
- ▶ Valuation of Land Act 1960
- ▶ Victorian Civil Administrative Tribunal Act 1998
- ▶ Victoria State Emergency Service Act 2005
- ▶ Victorian Inspectorate Act 2011
- ▶ Victorian Urban Development Authority Act 2003
- ▶ Water Act 1989
- ▶ Working With Children Act 2005

### **Local Laws**

- ▶ Governance Rules
- ▶ Community Local Law 2018

Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) and current Mansfield Shire Council Local Laws can be found on Council's website.

### **Decision Making Powers**

Council exercises its decision making powers by resolution of Council at Council meetings, or via others who are acting under delegation on behalf of Council.

#### **By resolution:**

Council exercises its decision-making powers at Council Meetings and Delegated Committee Meetings.

These meetings are held in the Council Chamber at the Mansfield Municipal Office, 33 Highett Street, Mansfield. Council Meetings are held on second Tuesday of each month commencing at 5.00pm.

All meetings are open to the public however meetings, or parts of meetings, may be closed to the public when confidential items are being considered.

The dates, times and locations of all meetings are published in the local newspaper and on



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## Mansfield Shire Council **Freedom of Information – Part II Statement**

Council's website.

Agendas for all meetings are made available on the Mansfield Shire Council website, and in hard copy upon request, on the Friday before the scheduled meeting by 5.00pm. Minutes are available to the public by 5.00pm on the Monday following the meeting.

Council's Governance Rules documents the manner of voting and making of resolutions of Council.

Currently, we do not have any delegated committees.

### **Through others acting on its behalf:**

The *Local Government Act 2020* provides for the appointment of delegates to act on behalf of Council. Most Council decision making power is allocated by formal Instruments of Delegation including delegations to the Chief Executive Officer, to Council staff, and to special committees. The decision of a delegate of Council is deemed to be a decision of Council.

The Instrument of delegation to the Chief Executive Officer empowers the Chief Executive Officer to exercise various powers of the Council, including the power to sub-delegate powers to Council staff. Further details of specific decision-making powers held by Council and Council Officers can be found in Councils Instruments of Delegation, which are available on Council's website, or can be inspected at Council's municipal office (located at 33 Highett Street, Mansfield).

### **Strategies, Policies and Guidelines**

A number of policies, strategies, plans and guidelines have been adopted by Council. Some of the major policies, strategies, plans and guidelines which help guide decision making are listed below:

- ▶ Council Plan
- ▶ Municipal Health and Wellbeing Plan
- ▶ Community and Town Plans
- ▶ Road Management Plan
- ▶ Asset Plan
- ▶ Financial Plan
- ▶ Community Vision
- ▶ Municipal Emergency Management Plan
- ▶ Fire Management Plan
- ▶ Domestic Animal Management Plan
- ▶ Animal and Stock Emergency Welfare Plan
- ▶ Customer Service Charter
- ▶ Advisory Committee Charters
- ▶ Rates and Charges Financial Hardship Policy
- ▶ Election Period (Caretaker) Policy
- ▶ Communications and Media Policy

- ▶ Community Engagement Policy

### **Consultative Arrangements**

Council consults with its residents and special interest groups on a number of issues using varying methods, including surveys, focus groups, online communications and public meetings.

From time to time, various Council plans, strategies, local laws and other publications are made available for public comment and are advertised in local newspapers, on Council's website and social media platforms. Communications from Council will advise how to provide feedback to Council.

Where written submissions are sought from the public, the submissions must be received within the advertised timeframes. They are treated as public documents.

Council meetings include Public Question Time providing an opportunity for members of the public to ask questions.

Mansfield Shire Council participates in an annual Local Government Community Satisfaction Survey and actively promotes the survey and its benefits to the community in the lead up to the conduct of the survey.

### **Contacting Council**

Mansfield Shire Council is here to help.

Use the links on our website to report an issue, submit an enquiry, feedback or complaint, make online payments, or access commonly requested services.

Other ways to contact Mansfield Shire Council are:

#### **Call us:**

Phone: 03 5775 8555

National Relay Service: 133 677 then ask for 03 5775 8555

Speak and Listen (speech-to-speech) users can phone 1300 555 727 then ask for 03 5775 8555

#### **Visit us:**

Municipal Office

33 Highett Street, Mansfield VIC 3722

8.30am to 4.30pm, Monday to Friday (public holidays excluded)

#### **Write to us:**

Chief Executive Officer

Private Bag 1000

Mansfield VIC 3724

## **STATEMENT 2 – Categories and Types of Documents**

Council creates, maintains, collects and stores a variety of documents in both electronic and hard copy form.

The general types of documents can be categorised as follows:

- ▶ Policies, procedures, standards, plans, strategies, manuals, registers
- ▶ Council meeting records including agendas, reports, minutes, public notices
- ▶ Records relating to capital works, public facilities, parks and urban areas, the road network
- ▶ Records relating to the administration and enforcement of local laws and other legislation (such as planning, building, environmental and public health)
- ▶ Records relating to land and use including planning permits, building permits, subdivisions, land acquisition
- ▶ Records relating to public activities, events and programs
- ▶ Records relating to maternal and child health
- ▶ Grants
- ▶ Financial records
- ▶ Records relating to Tenders, Contracts, tender evaluations, leases, licences, service agreements
- ▶ Personnel records
- ▶ Media releases

## **STATEMENT 3 – Documents Produced for Publication and Public Inspection**

Council maintains a range of documents and registers which are available for public inspection. The following are available for inspection:

- ▶ a document containing details of overseas or interstate travel undertaken by Councillors/Council staff
- ▶ public Agendas and Minutes of Council Meetings held in the previous 12 months
- ▶ a register of delegations kept under the Act
- ▶ a list of all leases involving land which were entered into by Council as lessor
- ▶ a register of authorised officers appointed by Council
- ▶ a list of donations and grants made by Council in the previous 12 months
- ▶ a Register of Interests
- ▶ Election campaign donation returns
- ▶ Council Expense Policy
- ▶ Councillors' Code of Conduct
- ▶ If Council passes a resolution to reappoint a person as its Chief Executive Officer without advertising the position, the Council must make details of the person's proposed total remuneration under the new contract
- ▶ A copy of and Council proposed local law and explanatory document setting out prescribed details in relation to the local law
- ▶ Copies of Local Laws operative within the municipality
- ▶ Annual Report
- ▶ Annual Budget
- ▶ Revenue & Rating Plan
- ▶ Council Plan
- ▶ Asset Plan
- ▶ Financial Plan
- ▶ Community Vision
- ▶ Procurement Policy
- ▶ Municipal Public Health and Wellbeing Plan
- ▶ Public Interest Disclosures Policy and Procedure

Some of these documents and registers are available on Council's website [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au) or are otherwise available for inspection in person at Council's municipal office. Inspections can be arranged by contacting Council on 5775 8555.

## **STATEMENT 4 – Literature Available by Subscription or Free Mailing Lists**

Council does not have literature that is available by way of subscription service or via free mailing lists, however Council does have literature such as its Annual Report and media releases available on its website and on social media.

Council maintains social media accounts on Facebook, Instagram and YouTube.

Council's Facebook and Instagram accounts are used to provide updates on Council's latest news, events and for advertising matters where Council is seeking public feedback.

## **STATEMENT 5 – Freedom of Information Arrangements**

The Act establishes, as far as possible, the right of the community to access information in Council's possession. Access to documents may be obtained through written request to the Freedom of Information Officer, as detailed in Section 17 of the FOI Act and in summary as follows:

- ▶ It should be in writing;
- ▶ It should identify as clearly as possible which documents are being requested.
- ▶ It should be accompanied by the appropriate application fee as listed on the application form (the fee may be waived in certain circumstances). If payment is made by cheque or money order it should be made out to Mansfield Shire Council

Requests for documents in the possession of Council should be addressed to:

**Freedom of Information Officer**  
**Mansfield Shire Council**  
**Private Bag 1000**  
**MANSFIELD VIC 3722**

Requests can be lodged in person at Council's municipal office, by post or by email at [council@mansfield.vic.gov.au](mailto:council@mansfield.vic.gov.au)

If the documents requested are about your personal affairs, you should provide evidence of your identity. For example, a photocopy or electronic copy of your current Drivers License.

Applicants will be notified of Council's decision and their review rights within 30 days of Council receiving a valid request and the appropriate application fee.

If you wish to apply for your application fee to be reduced or waived by Council, your application should include evidence that payment of the fee would cause you hardship as provided by the FOI Act.

Access charges may also apply once documents have been processed and a decision on access is made (e.g. photocopying and search and retrieval charges). Access charges are set by government regulations. If access charges or a deposit for access charges apply to your request you will be informed. Access to documents will not be given until the charges are paid. Further information about fees and charges can be found on the Office of the Victorian Information Commissioner's website at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

Further information regarding Freedom of Information can be found at [www.ovic.vic.gov.au/freedom-of-information](http://www.ovic.vic.gov.au/freedom-of-information) or on Council's website.

## **STATEMENT 6 – Council Committees**

Council has established a number of Advisory Committees whose meetings are open to the public or whose meeting minutes are publicly available.

### **Advisory Committees**

The following Advisory Committees have been appointed by Council with Terms of Reference to advise Council:

- ▶ Audit & Risk Committee is a requirement by the Act
- ▶ CEO Employment Matters Committee

### **Delegated Committees**

Council has no Delegated Committees

### **External Committees (not established by Council)**

Each Year Council also appoints representatives to external committees /working groups to provide Council with the opportunity to advocate for the community and to also provide information to Council to assist with informed decision making relating to Council activities and policies. These committees /working groups include:

- ▶ Australia Day Awards Committee
- ▶ Goulburn Murray Climate Alliance (GMCA)
- ▶ Hume Regional Local Government Network (HRLGN)
- ▶ Municipal Association of Victoria (MAV)
- ▶ Rural Councils Victoria (RCV)

## **STATEMENT 7 – Libraries**

Council operates a library service at 2 Collopy Street, Mansfield, and provides the following facilities and services:

- ▶ Free Wi-Fi.
- ▶ Free public internet and computers.
- ▶ Print documents from you own device or from your home.
- ▶ Photocopy, fax and scan documents.
- ▶ Hire meeting rooms.
- ▶ The library runs a monthly service to Woods Point and Gaffney's Creek.
- ▶ Books on Wheels is a home library service for people who are unable to visit the library.

### **Library Opening Hours**

- ▶ Monday: Closed
- ▶ Tuesday: 9.30am – 5.00pm
- ▶ Wednesday: 9.30am – 5.00pm
- ▶ Thursday: 9.30am – 5.00pm
- ▶ Friday: 9.30am – 5.00pm
- ▶ Saturday: 10.00am – 1.00pm
- ▶ Sunday: Closed