



**Merri-bek**  
City Council

# **Freedom of Information Part II Statement**

## Purpose

This document provides an overview of the type of information available from Merri-bek City Council, and how to access it, in accordance with Part II of the *Freedom of Information Act 1982*.

Documents listed in the Part II Statement are available for inspection and/or purchase either on Merri-bek City Council's website or by contacting the relevant department in Council.

Request for documents not available through the relevant department can be made under the *Freedom of Information Act 1982*.

There are eight statements that together constitute publication under Part II:

- Statement 1 – Organisation and functions of Council
- Statement 2 – Document categories
- Statement 3 – Documents available for inspection
- Statement 4 – Literature and mailing lists
- Statement 5 – Freedom of information arrangements
- Statement 6 – Responsible Freedom of Information Officers
- Statement 7 – List of committees whose meetings are open to the public or minutes publicly available
- Statement 8 – Locations and hours of operation of libraries or reading rooms available for public use

The statements outline the functions of Merri-bek City Council and provide a non-exhaustive list of the types of information and documents we hold in relation to our functions.

The Part II Statement gives effect to the public transparency principles contained in section 58 of the *Local Government Act 2020* and it operates in conjunction with Merri-bek Public Transparency Policy.

### **Freedom of Information Act 1982**

The *Freedom of Information Act 1982* (Act) has applied to local government since 1 January 1994. It provides the public with a legal right to access information in the possession of the Victorian Government.

The key objectives of the Act are:

- Members of the public have a legally enforceable right of access to government information.
- Government departments and agencies are required to publish information concerning the documents they hold.
- People may ask for inaccurate, incomplete, out of date or misleading information to their personal records to be amended.
- People may appeal against a decision by a government body not to give access to the information, or not to amend a personal record.

People have a right to seek access to documents that were created or received by Merri-bek Council after 1 January 1989. Documents, or the copies of, may take the form of:

- written documentation, whether registered on file or not
- books
- photographs
- maps
- electronic mail
- films
- computer printouts
- tape and video recordings
- sound recordings
- anything marked with words, letters or symbols that is capable of carrying meaning.

## **Act exemptions**

There may be instances where the protection of the public interest and private and business affairs may cause some documents to be exempt from access. Exempt documents fall into the following categories:

- cabinet documents - section 28
- documents containing matter communicated by any other state (Commonwealth/State relations) - section 29
- documents affecting national security, defence or international relations—section 29A
- documents of Court Services Victoria – section 29B
- internal working documents—section 30
- law enforcement documents—section 31
- documents relating to the Independent Broad-based Anti-corruption Commission (IBAC)—section 31A
- documents affecting legal proceedings - section 32
- documents affecting personal privacy - section 33
- notice requirement where person is a child—document affecting personal privacy or information communicated in confidence – section 33A
- documents relating to trade secrets or business, commercial or financial information or agencies or business undertakings - section 34
- documents containing material obtained in confidence—section 35
- disclosure is contrary to public interest—section 36
- certain documents arising out of companies and securities legislation—section 37
- documents to which secrecy provisions of other enactments apply—section 38

## **Statement 1: Organisation and Functions of Council**

### **Local Government background**

In Australia, the three levels of government are local, state and federal. Local government, including the Merri-bek City Council, is responsible for matters closest to local communities, such as libraries, aquatic centres and waste collection services.

Victorian councils are established under the provisions of the *Local Government Act 2020*. They provide a framework for the establishment and operation of councils. Each local council consists of the elected members (councillors) who form the council and council officers (the administration) who are paid employees. Councillors' authority can only be exercised when they meet as a council at a properly constituted meeting.

The Chief Executive Officer is directly accountable to council and is responsible for managing the day-to-day operations. The administration is formally accountable to the Chief Executive Officer and provides advice, usually as written reports, to council to assist decision making. It is also responsible for implementing council decisions and provision of services.

Merri-bek City Council delivers its services to the community through 4 departments which are led by the following 4 Directors:

- Director Business Transformation
- Director Place and Environment
- Director City Infrastructure
- Director Community

Department profiles can be viewed [online](#) and in the [Annual Report](#).

Merri-bek's community includes residents, ratepayers, organisations that conduct activities locally, and people who come to the municipality for a range of other activities, such as work, tourism or leisure.

### **Council functions**

The role of a Council as prescribed by the *Local Government Act 2020* is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. To perform its role, the following principles apply:

- 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 performs the following major functions, activities and services:

- aged and disability services
- animal management
- arts and cultural services
- assets and civic facilities management
- building and planning services
- children and family services
- community development
- economic development
- environmental management
- heritage
- leisure and recreation services
- library and learning services
- maternal child health care
- open space planning
- parking management
- public health and safety
- roads, footpaths and drainage
- traffic safety
- transport management and planning
- strategic and statutory planning
- waste management and recycling
- youth services

## Contacting Council

You can contact Merri-bek City Council by:

- calling us on 9240 1111
- TTY on 133 677
- emailing us at [info@merri-bek.vic.gov.au](mailto:info@merri-bek.vic.gov.au)
- Voice Relay on 1300 555 727 and ask for (03) 9240 1111
- Sending us a direct message on Facebook @merri-bekcitycouncil
- writing to us at Locked Bag 10, Brunswick, Victoria 3056.

Our customer service centres are open from 8.30am to 5pm, Monday to Friday.

- Coburg Civic Centre, 90 Bell Street, Coburg
- Brunswick Customer Service Centre, 233 Sydney Road, Brunswick
- Glenroy Community Hub, 50 Wheatsheaf Road, Glenroy

## Relevant Legislation

Council derives its powers and operates pursuant to many Acts, Regulations and Council Local Laws: -

- Aboriginal Heritage Act 2006
- Associations Incorporation Reform Act 2012
- Audit Act 1994
- Building Act 1993
- Building Regulations 2018
- Catchment and Land Protection Act 1994
- Child Wellbeing and Safety Act 2005
- Children Youth and Families Act 2005
- Children's Services Act 1996
- Climate Change Act 2017
- Conservation, Forests and Land Act 1987
- Country Fire Authority Act 1958
- Country Fire Authority Regulations 2014
- Cultural and Recreational Lands Act 1963
- Dangerous goods (Explosives) Regulations 2022
- Dangerous Goods Act 1985
- Development Victoria Act 2003
- Disability Act 2006
- Domestic Animals Act 1994
- Domestic Building Contracts Act 1995
- Drugs, Poisons and Controlled Substances Regulations 2017
- Education and Care Services National Law Act 2010
- Education and Training Reform Act 2006
- Electricity Safety Act 1998
- Electoral Act 2002
- Emergency Management Act 2013
- Environment Protection Act 2017
- Estate Agents Act 1980
- Magistrates Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Mineral Resources (Sustainable Development) Act 1990
- National Parks Act 1975
- Occupational Health and Safety Regulations 2017
- Pipelines Act 2005
- Planning and Environment Act 1987
- Planning and Environment Regulations 2015
- Planning and Environment (Fees) Regulations 2016
- Privacy and Data Protection Act 2014
- Professional Engineers Registration Act 2019
- Public Health and Wellbeing Act 2008
- Public Health and Wellbeing Regulations 2019
- Public Interest Disclosure Act 2012
- Public Records Act 1973
- Residential Tenancies Act 1997
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020
- Road Management Act 2004
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

- Family Violence Protection Act 2008
- Fences Act 1968
- Filming Approval Act 2014
- Fines Reform Act 2014
- Fire Rescue Victoria Act 1958
- 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
- Graffiti Prevention Act 2007
- Health Records Act 2001
- Heavy Vehicle National Law 2012
- 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
- Infringements Regulations 2016
- Land Acquisition and Compensation Act 1986
- Land Acquisition and Compensation Regulations 2021
- Land Act 1958
- Liquor Control Reform Act 1998
- Livestock Disease Control Act 1994
- Local Government Act 1989
- Local Government Act 2020
- Local Government (Electoral) Regulations 2020
- Local Government (Governance and Integrity) Regulations 2020
- Local Government (General) Regulations 2015
- Local Government (Land Information) Regulations 2021
- Local Government (Long Service Leave) Regulations 2021
- Local Government (Planning and Reporting) Regulations 2020
- Road Safety (Traffic Management) Regulations 2019
- Road Safety (Vehicles) Regulations 2021
- Road Safety Act 1986
- Road Safety Road Rules 2017
- Rooming House Operators Act 2016
- Second Hand Dealers and Pawnbrokers Act 1989
- Service Victoria Act 2018
- Sex Work Act 1994
- Sheriff Act 2009
- Sport and Recreation Act 1972
- Subdivision (Fees) Regulations 2016
- Subdivision (Procedures) Regulations 2021
- Subdivision (Registrar's Requirements) Regulations 2016
- Subdivision Act 1988
- Summary Offences Act 1966
- Taxation Administration Act 1997
- Transfer of Land Act 1958
- Transport (Safety Schemes Compliance and Enforcement) Act 2014
- Transport Integration Act 2010
- Valuation of Land Act 1960
- Victoria State Emergency Service Act 2005
- Victorian Data Sharing Act 2017
- Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017
- Victorian Environmental Assessment Council Act 2001
- Victorian Inspectorate Act 2011
- Victorian Local Government Grants Commission Act 1976
- Victorian Planning Authority Act 2017
- Water Act 1989

## Local Laws and Governance Rules

Council has two local laws.

- Meeting Procedure Local Law 2018
- General Local Law 2018.

Council adopted the Governance Rules in accordance with section 60 of the *Local Government Act 2020* on 12 August 2020, coming into force on 1 September 2020, and most recently updated on 10 August 2022. The Governance Rules determine the way in which Council:

- Makes decisions
- Elects the Mayor and Deputy Mayor
- Conducts meetings of Council and delegated Committees
- Gives notice of meetings and records and makes available meeting records
- Will be informed in its decision-making
- Require the disclosure and management of conflicts of interest.

The Governance Rules also include the Election Period Policy.

The local laws and the Governance Rules are available on Council's [website](#).

## Decision making power

Council derives its decision-making powers from the *Local Government Act 2020*. Council decisions are made at Council meetings and meetings designated to consider Planning and Related Matters.

Further decision-making aspects that deal with the day to day running of Council and its services are allocated by formal delegation through an instrument of delegation or sub-delegation.

Council maintains registers of the following Instruments of Delegation/Sub Delegation:

- Instrument of Delegation - Council to Chief Executive Officer
- Instrument of Delegation - Council to various Council staff
- Instrument of delegation of the Chief Executive Officer powers, duties and functions
- Instrument of delegation by the Chief Executive Officer for VicSmart applications under the *Planning and Environment Act 1987*
- Instrument of Delegation by Municipal Building Surveyor to Building Staff
- Instrument of Sub-Delegation – Chief Executive Officer to Council staff
- *Instrument of Sub-Delegation – Council to Council staff for the Environment Protection Act 2017.*

## Statement 2: Document categories

### Records management

Council maintains an electronic records management system to store all documents, which includes information on properties, streets, reserves, planning, buildings, subdivisions, personal and financial information. Council also has hard copy files, which are in the process of being digitised, and are stored both on and offsite.

The *Public Records Act 1973* governs the disposal of Council records. Section 13 of requires councils to undertake programs of records management in accordance with standards established by the Keeper of Public Record. No public records are destroyed or otherwise disposed of except in accordance with these standards.

Council also maintains policy and guidance, together with provision of training and support to staff in the maintenance of records.

Council maintains:

1. **Subject files** - covering policy, instructions, case material, etc, dealing with the operations of the Council. For example:
  - administration
  - finance
  - rates
  - engineering
  - human resources
  - land reserves
  - contract document
2. **Property files** - covering matters relating to that property. For example:
  - rates
  - health
  - local laws
  - planning applications
3. **Street files** - covering matters common to that street.
4. **Planning files** - property files covering property related documents as well as the following planning documents:
  - Town planning applications relating to the use and development of land or buildings.
  - Enquiries and due process relating to appropriate use and development of land in compliance with planning controls and/or planning approvals.
5. **Building files** - covering all documents relating to:
  - Building permit applications
  - plans
  - specifications
  - approvals/non-approvals
  - all documents relating to inspections.
6. **Subdivision files** - all documents relating to applications, approvals, etc.
7. **Staff personnel files** – individual files for each staff member containing documents, such as:
  - position advertisement
  - job description
  - letter of appointment
  - leave forms
  - payroll deductions
  - disciplinary procedures
  - WorkCover (kept as a separate file).
8. **Social development files** - maintained by Community Wellbeing branch and are not registered as part of the corporate record series. For example:
  - youth services client files
  - leisure centres memberships.



9. **Miscellaneous records** - covering the functional activities of each department, normally stored in electronic containers. For example:

- registers
- emails
- accounts/invoices
- stores documentation
- plans and drawings
- maps
- charts
- reports
- closed circuit television footage
- microfilm.

### Statement 3: Documents available for inspection

In the interest of transparency, Council maintains a range of documents and registers which are available for public inspection. Inspections can be arranged by contacting the department primarily responsible for managing the information.

In accordance with the *Local Government Act 2020*, in particular sections 57 and 58 relating to Public Transparency, and other Acts under which local government operates, Council makes the following information available for public inspection. The following documents are available for inspection or copies of the documents can be obtained.

(Those marked \* are available on our [website](#).)

- Registers of travel undertaken by Councillors or Council staff\*
- Agendas and Minutes of Meetings\*
- A register of delegations\*
- Registers of leases entered into by Council, as a lessor and lessee\*
- A register maintained under the *Local Government Act 1989*, of authorised officers\*
- Registers of donations and grants made by Council\*
- Summary of initial personal interests returns and biannual personal interests returns\*
- Election campaign donation returns\*
- Council support expenses and resources policy\*
- Employee Code of Conduct
- Councillor Code of Conduct\*
- A register of conflicts of interest disclosed by Councillors\*
- A register of conflicts of interest disclosed by Council staff
- A register of gifts, benefits and hospitality offered to Councillors and Council Staff\*
- Details of any current Memorandums of Understanding entered into by Council that are not subject to confidentiality\*
- Copies of Local Laws\*
- Annual Report\*
- Annual Budget\*
- Council Plan and Strategic Resource Plan\*
- Details of Differential Rates\*
- Where Council has given public notice of an intention to declare a special rate, a special charge, or a combination of both, copies of the proposed declaration will be available for at least 28 days after the publication of the notice\*

- Copies of the preliminary and final reports for the last Electoral Representation Review ([VEC website](#))
- Procurement Policy\*
- Register of all building permits issued (*Building Act 1993*)
- A register of occupancy permits, certificates of final inspection, temporary approvals and amendments
- A register of emergency orders, building notices and building orders
- Certificates of final inspection, building and occupancy permits issued in the preceding 10 years, any current statement under Building Regulation 502 or 503, current building notices and building orders (*Building Regulations 2006*)
- Information on the likelihood that a given property is susceptible to flood, termites, bushfire and/or snowfalls, and that a given property is within the area of designated land or works as prescribed by regulation
- Approval dates of the mandatory notification stages for building works
- Register of all registered dogs and cats in the Municipal District (*Domestic Animals Act 1994*)
- A copy of the Victorian Planning Provisions and any amendments (*Planning and Environment Act 1987*)
- A copy of amendments and submissions to the Minister for Planning requesting amendments and exemption to a planning scheme
- A copy of panel hearing reports and submissions to amend a planning scheme
- A copy of an amended planning scheme
- A register of planning permit applications, decisions and determinations (*Planning and Environment Act 1987*)
- Objections and submissions to planning scheme amendments up until the time of Amendment is finalised
- A copy of objections to permit applications and applications for amendment of permits during the period which an application may be made for review of a decision on the application
- Copies of Council issued permits
- A copy of agreements Council has entered into with an owner of land in the area covered by a planning scheme for which it is a responsible authority
- A register of Section 173 Agreements entered into by the Municipality (*Planning and Environment Act 1987*)
- A copy of the Municipal Public Health and Wellbeing Plan (*Public Health and Wellbeing Act 2008*). This document is incorporated into the Council plan\*
- Details of Food Premise Registrations, renewals and transfers in relation to particular food premises, including details of orders to suspend or revoke registration of food premises (*Food Act 1984*)
- Council's Public Road Register\*
- Community Engagement and Public Participation Policy, and written submissions to Council when invited through an engagement process in accordance with this policy
- A summary of submissions received under Section 223 of the *Local Government Act 1989*, until its repeal

In addition to the above information, a full list of strategic policies and strategies is available on Council's [website](#).

## Privacy

When a document contains personal information, the personal information will be redacted prior to being made available on Council's website, unless it is required to be made public in accordance with relevant legislation or the principles of natural justice. In the case that personal information is to be disclosed, the person will be advised, usually via a privacy collection notice, before it is published.

## Statement 4: Literature and mailing lists

Council produces a range of newsletters, reports and handbooks for residents, businesses and visitors to Merri-bek that include but is not limited to:

- Inside Merri-bek – newsletter to households and businesses
- Social media
- Annual Report
- Council Plan
- Rates notice and information booklet – distributed to all ratepayers
- Resident, business and community newsletters
- Merri-bek websites, including sub-sites

The above publications are available on Council's [website](#). Some of the publications are available at Council's libraries.

Council also publishes information on its services and administration activities on its website or will make this available upon request. These include documents such as:

- Council adopted plans and reports
- service agreements, contracts and licences (subject to commercial in confidence /confidential provisions)
- relevant technical reports that inform Council's decision making
- Practice notes and operating procedures
- Decision making process
- Guidelines and manuals
- Complaint handling processes

## Statement 5: Freedom of Information arrangements

Any person wanting to make a freedom of information request must:

- make a request in writing
- describe the documents you want to access (provide sufficient detail to allow Council to identify and locate relevant documents)
- pay the prescribed FOI application fee or provide proof of financial hardship.

Once a document is released to you under FOI and it contains information relating to your personal affairs, you are entitled to request a correction or amendment to that document if you believe the information in the document is inaccurate, incomplete, out of date or would give a misleading impression.

Council's Governance and Freedom of Information Advisor will initially receive and act on a request.

## Decision

On receipt of a request for access, a decision is made within 30 calendar days. This time maybe extended if there is a requirement to consult with third parties, or by agreement with the applicant. Where a decision is made to refuse or defer access, the applicant will be notified in writing of the reasons for denial/deferral.

If the applicant is not satisfied with the reasons, they can appeal to the Office of the Victorian Information Commissioner ([www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)).

## Access charges

There may be access charges associated search time, inspection and copying fees. These charges are in accordance with the Freedom of Information (Access Charges) Regulations and the *Freedom of Information Act 1982*. In most cases, applicants are given an estimate of the additional fees.

An explanation of the Freedom of Information process and request form can be found on Council's [website](#).

## Statement 6 – Responsible Freedom of Information Officers

Freedom of Information questions and requests can be directed to:

Governance and Freedom of Information Advisor

Merri-bek City Council

Locked Bay 10, Merri-bek VIC 3056

Ph: (03) 9240 1290

Email: [foi@merri-bek.vic.gov.au](mailto:foi@merri-bek.vic.gov.au)

## Statement 7 – List of boards and Council Committees whose meetings are open to the Public or minutes publicly available

Councillors attend monthly Council meetings and Council meetings for Planning and Related Matters. The attendance register is available on Council's [website](#).

Councillors are appointed as representatives to advisory committees. Summaries of the minutes of these meetings are reported to the next practicable Council meeting.

### Advisory Committees

- Audit and Risk Committee
- Friends of Aileu Community Committee
- First Nations Advisory Committee
- Human Rights and Inclusion Advisory Committee
- Merri-bek Arts Advisory Committee
- Sustainable Transport Advisory Committee
- Environmental Sustainability Advisory Committee

## Statement 8 – Locations and operating hours of libraries or reading rooms available for public use

Merri-bek City Council operates 5 libraries; Coburg Library; Brunswick Library; Campbell Turnbull Library, Fawkner Library; and Glenroy Library. The libraries offer a wide range of facilities, services and resources including books, CDs, DVDs, magazines, journals and newspapers in a range of languages as well as electronic publications. Library membership is free and open to anyone.

<p><b>Coburg Library</b>            Corner Victoria Street and Louisa Street,            Coburg 3058            Telephone: 9353 4000            Email: <a href="mailto:coburglibrary@merri-bek.vic.gov.au">coburglibrary@merri-bek.vic.gov.au</a>  <u>Opening hours</u>            Monday to Friday 9 am - 8 pm            Saturday 9 am - 4 pm            Sunday 1 - 5 pm</p>	<p><b>Brunswick Library</b>            Corner Sydney Road and Dawson Street            (enter from Dawson Street),            Telephone: 9389 8600            Email: <a href="mailto:brunswicklibrary@merri-bek.vic.gov.au">brunswicklibrary@merri-bek.vic.gov.au</a>  <u>Opening hours</u>            Monday to Thursday 9 am - 8 pm            Friday 9 am - 6 pm            Saturday 9 am - 4 pm            Sunday 1 - 5 pm</p>
<p><b>Campbell Turnbull Library</b>            220 Melville Road, West Brunswick 3055            Telephone: 9384 9200            Email: <a href="mailto:ctlibrary@merri-bek.vic.gov.au">ctlibrary@merri-bek.vic.gov.au</a>  <u>Opening hours</u>            Monday 1 pm - 5 pm            Tuesday 10 am - 8 pm            Wednesday 10 am - 5 pm            Thursday 10 am - 5 pm            Friday 10 am - 5 pm            Saturday 10 am - 1 pm            Sunday closed</p>	<p><b>Fawkner Library</b>            77 Jukes Road, Fawkner 3060            Telephone: 9355 4200            Email: <a href="mailto:fawknerlibrary@merri-bek.vic.gov.au">fawknerlibrary@merri-bek.vic.gov.au</a>  <u>Opening hours</u>            Monday 10 am – 5 pm            Tuesday 10 am – 8 pm            Wednesday 10 am – 5 pm            Thursday 10 am – 5 pm            Friday 10 am - 5 pm            Saturday 10 am - 1 pm            Sunday closed</p>
<p><b>Glenroy Library</b>            50 Wheatsheaf Road, Glenroy 3046            Telephone: 8311 4100            Email: <a href="mailto:glenroylibrary@merri-bek.vic.gov.au">glenroylibrary@merri-bek.vic.gov.au</a>  <u>Opening hours</u>            Monday to Wednesday 9 am - 8 pm            Thursday 9 am - 10 pm            Friday 9 am - 6 pm            Saturday 9 am - 4 pm            Sunday 1 - 5 pm</p>	

Please check the [libraries webpage](#) for changes to opening hours.