

Part II Statement

Publication of Certain Documents & Information

Freedom of Information Act 1982

January 2012

Organisational structure

The City of Boroondara ('Council') consists of ten single-member wards. Comprising ten Councillors, the Council body elects one Councillor as Mayor.

The Administration's role is to advise Council, implement decisions of Council, and deliver services. The Administration is accountable to Council through the Chief Executive Officer.

Council's departments are as follows:

- Chief Executive Officer (Dr Catherine Dale until 3/2/2012; Phillip Storer as of 4/2/2012)
 - Governance (Manager - David Thompson)
 - Communications and Engagement (Executive Manager - Deb Ganderton)
- City Development and Amenity (Director - Vacant)
 - Economic Development (Manager - Fiona Banks)
 - Statutory Planning (Manager - Simon Mitchell)
 - Building Services (Manager - Asanka Kodikara)
 - Local Laws (Manager - Michael Somerville)
- Environment and Infrastructure (Director - David Powell)
 - Engineering and Traffic (Manager - Evan Boloutis)
 - Infrastructure Services (Manager - David Crowe)
 - Parks and Gardens (Manager - Mark Dornau)
 - Projects and Strategy (Manager - Steven White)
 - Asset Management (Manager Asset Planning - David Elson)
 - Environment and Sustainable Living (Manager - Adam Hall)
- Community Development (Director - Vacant)
 - Family Services (Manager - Kylie Mussared)
 - Health, Ageing, and Disability Services (Manager - Lisa Foord)
 - Leisure and Sport (Manager - Liz Beardall)
 - Arts and Culture (Manager - Judy Spokes)
 - Library Services and Volunteer Development (Manager - Anne Holmes)
- Corporate Services (Director - Bruce Dobson)
 - Financial Services (Manager - Chris Hurley)
 - Business Development (Manager - Greg Hall)
 - People, Culture, and Development (Manager - Lucia Giagnorio)
 - Information Technology (Manager - Lesley Milburn)
 - Legal Services (Corporate Solicitor - Annabel Haslam)

- Strategic Development (Director - June Dugina)
 - Community Planning (Manager - Helen Molnar)
 - Strategic Planning (Manager - Johann Rajaratnam)
 - Major Projects

Department profiles are contained in the Council Plan which can be accessed on Council's website at <http://www.boroondara.vic.gov.au>.

Council functions

As prescribed under section 3E of the *Local Government Act 1989*, the functions of Council, which may be performed both inside and outside the municipality, include:

- Advocating and promoting proposals which are in the best interests of the local community
- Planning for and providing services and facilities for the local community
- Providing and maintaining community infrastructure in the municipal district
- Undertaking strategic and land use planning for the municipal district
- Raising revenue to enable the Council to perform its functions
- Making and enforcing local laws
- Exercising, performing, and discharging the duties, functions, and powers of Councils under this Act and other Acts
- Any other function relating to the peace, order, and good government of the municipal district

Council performs its functions through the enforcement and administration of a large number of Victorian Acts and Regulations and Council Local Laws. The following list indicates as far as practicable the Acts, Regulations and Local Laws that apply to Council.

- *Aboriginal Heritage Act 2006*
- *Building Act 1993*
- *Building Regulations 2006*
- *Children Youth and Families Act 2005*
- *Conservation, Forests and Land Act 1987*
- *Cultural and Recreational Lands Act 1963*
- *Dangerous Goods Act 1985*
- *Domestic Animals Act 1994*
- *Drugs, Poisons and Controlled Substances Regulations 2006*
- *Education and Training Reform Act 2006*
- *Electricity Safety Act 1998*

- *Emergency Management Act 1986*
- *Environment Protection Act 1970*
- *Estate Agents Act 1980*
- *Fences Act 1968*
- *Financial Institutions Duty Act 1982*
- *Flora and Fauna Guarantee Act 1988*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Gambling Regulation Act 2003*
- *Geothermal Energy Resources Regulations 2006*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Heritage Act 1995*
- *Housing Act 1983*
- *Impounding of Livestock Act 1994*
- *Information Privacy Act 2000*
- *Infringements Act 2006*
- *Infringements (General) Regulations 2006*
- *Land Act 1958*
- *Land Acquisition and Compensation Act 1986*
- *Land Acquisition and Compensation Regulations 2010*
- *Landlord and Tenant Act 1958*
- *Liquor Control Reform Act 1998*
- *Local Government Act 1989*
- *Local Government (Finance and Reporting) Regulations 2004*
- *Local Government (General) Regulations 2004*
- *Local Government (Long Service Leave) Regulations 2002*
- *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 Regulations 2007*
- *Pipelines Act 2005*
- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2005*
- *Planning and Environment (Fees) Regulations 2000*
- *Prevention of Cruelty to Animals Act 1986*
- *Public Health and Wellbeing Act 2008*
- *Public Records Act 1973*
- *Rail Safety Act 2006*

- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Road Management (General) Regulations 2005*
- *Road Management (Works and Infrastructure) Regulations 2005*
- *Road Safety Act 1986*
- *Road Safety Road Rules Regulations 2009*
- *Road Safety (General) Regulations 2009*
- *Road Safety (Traffic Management) Regulations 2009*
- *Road Safety (Vehicles) Regulations 2009*
- *Second Hand Dealers and Pawnbrokers Act 1989*
- *Sex Work Act 1994*
- *Sheriff Act 2009*
- *Shop Trading Reform Act 1996*
- *Sport and Recreation Act 1972*
- *Subdivision Act 1988*
- *Subdivision (Permit and Certification Fees) Regulations 2000*
- *Subdivision (Procedures) Regulations 2000*
- *Summary Offences Act 1966*
- *Tobacco Act 1987*
- *Transfer of Land Act 1958*
- *Transport Integration Act 2010*
- *Valuation of Land Act 1960*
- *Victoria Grants Commissions Act 1976*
- *Victorian Civil and Administrative Tribunal Act 1998*
- *Victoria State Emergency Service Act 2005*
- *Victorian Urban Development Authority Act 2003*
- *Water Act 1989*
- *Whistleblowers Protection Act 2001*

- *Amenity Local Law*
- *Meeting Procedure Local Law*
- *Protection of Council Assets and Control of Building Sites Local Law*
- *Street Numbering Local Law*
- *Tree Protection Local Law*

Decision-making powers

Council exercises its decision-making powers in three formal forums: Council meetings, Services Special Committee meetings, and Urban Planning Special Committee meetings. All meetings are held in the Council Chamber, 8 Inglesby Road, Camberwell, and are open to the public.

Further details of specific decision-making powers held by Council and Council officers in relation to the above legislation can be found in Council's Instruments of Delegation, which are available for public inspection.

Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at <http://www.legislation.vic.gov.au/>. Alternatively, current legislation may be purchased in hard copy form by contacting Information Victoria on 1300 366 356 or Anstat on (03) 9278 1133.

Council's Local Laws are available on Council's website - <http://www.boroondara.vic.gov.au>.

External policy consultation

Council has adopted a *Community Engagement Policy* which aims to establish a clear statement about the role of community engagement activities in Council decision-making processes including, but not limited to: strategic projects, policy, plan and strategy development, service delivery programs, major projects, and capital works.

While the *Community Engagement Policy* recognises that appropriate forms of community engagement and consultation will differ and that there is no 'one size fits all' process, the *Policy* advises that in relation to policy consultation, Council should inform the community through means such as articles in Council publications and local newspapers and consult through the use of surveys and focus groups.

Other forms of community engagement and consultation techniques outlined in the *Policy* include:

- On-site signs
- Online communication
- Working or Advisory groups
- Deliberative workshops
- Opinion polls

The *Community Engagement Policy* is available on Council's website - <http://www.boroondara.vic.gov.au>.

Documents maintained by Council

Council maintains a variety of documents, ranging from general correspondence with members of the public to Council adopted policies and resolutions. The categories of documents in Council's possession are:

- Agendas and Minutes/Notes of meetings
- Officer recommendations
- Council resolutions
- Correspondence (General and Councillor)
- Public and stakeholder consultation processes and outcomes
- Building and Planning permits and associated documents, including plans
- Local Laws permit applications and permits issued
- Residential Parking Permit applications and permits issued
- Cat & Dog Registration applications and registrations issued
- Internal administration documents relating to staff management and the operation of Council, including personnel records, organisational and staffing records, financial and resource management records, audit records, and internal operating procedures
- Tender evaluations
- Policies, guidelines, strategies and plans, including their development and implementation
- Legal documents, including Local Laws, contracts, leases, agreements, licences, instruments of delegation, instruments of appointment and authorisation, legal advices, and court documents
- Disclosures of conflicts of interest
- Requests for information under the *Freedom of Information Act 1982* and files and papers relevant to the consideration of those requests
- Standard Operating Procedures
- Annual and Financial reports
- Records of the administration and enforcement of legislation and Local Laws
- Reports prepared by external consultants
- Documents submitted by third parties
- Surveys, statistics, and data
- Departmental publications, including newsletters
- Training material
- Media releases and general advertising
- Mailing lists
- Written and verbal complaints received, and records of any subsequent investigations
- Risk Management assessments
- Maternal and Child Health Records, including immunisation records

Documents prepared by Council for publication or public inspection

Council maintains a range of documents and registers for public inspection.

In accordance with Regulation 11 of the **Local Government (General) Regulations 2004**, the following documents are available for inspection:

- Details of current allowances fixed for the Mayor and Councillors
- A register of senior officers' total salary packages for the current and previous financial year, including a list setting out ranges of remuneration and the number of senior officers whose remuneration falls within those ranges
- Details of overseas or interstate travel undertaken in an official capacity by Councillors or Council staff in the previous 12 months
- 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
- Public agendas and minutes of ordinary and special Council meetings and minutes of special committee meetings held in the previous 12 months, available on Council's website at <http://www.boroondara.vic.gov.au>
- A list of all special committees established by Council and the purpose of their establishment, including details of any which were abolished or ceased to function during the financial year
- A register of delegations kept under sections 87, 88, and 98 of the *Local Government Act 1989*
- Submissions received in accordance with section 223 of the *Local Government Act 1989* during the previous 12 months
- Agreements to establish regional libraries under section 196 of the *Local Government Act 1989*
- A list of property, finance, and operating leases involving land, buildings, plant, computer equipment or vehicles
- A register of authorised officers appointed under section 224 of the *Local Government Act 1989*
- A list of donations and grants made by the Council during the financial year
- Names of the organisations of which the Council was a member during the financial year
- A list of contracts for services valued at \$150,000 or more and contracts for works valued at \$200,000 or more, entered into without first engaging in a competitive process during the financial year

In accordance with the **Local Government Act 1989**, the following documents are available for inspection:

- The exhibition voters' roll for a Council election for a period of 5 working days ending at 4pm on the entitlement date (s23A)
- The certified voters' roll for a Council election for the period beginning on the certification date and ending 30 days after election day (s24B)
- Copies of election campaign donation returns (s62A)
- A copy of Council's policy in relation to the reimbursement of expenses for Councillors and members of Council committees (s75B), available on Council's website at <http://www.boroondara.vic.gov.au>
- A copy of the current Councillor Code of Conduct (s76C), available on Council's website at <http://www.boroondara.vic.gov.au>
- If Council reappoints the Chief Executive Officer without first advertising the position, details of the proposed total remuneration under the new contract (s94)
- A copy of any Council proposed local laws and explanatory documents setting out prescribed details in relation to the local laws (s119)
- Copies of Local Laws operative within Boroondara (s120), available on Council's website at <http://www.boroondara.vic.gov.au>
- A copy of the current Council Plan (s125), available on Council's website at <http://www.boroondara.vic.gov.au>
- A copy of the current Strategic Resource Plan (s126), summarised in Council Plan and also incorporated in Budget
- A copy of the Budget or Revised Budget (s130), available on Council's website at <http://www.boroondara.vic.gov.au>
- A copy of the Annual Report and the associated Auditors Report on the Financial Statements (s131), available on Council's website at <http://www.boroondara.vic.gov.au>
- Details regarding differential rates declared by Council (s161)
- 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 (s163). Information regarding existing or proposed Special Rate Schemes is available by contacting Council's Economic Development Department on (03) 9278 4444
- A copy of the current Procurement Policy (s186A)
- Copies of any quality or cost standards that have been adopted by Council (s208F), available on Council's website at <http://www.boroondara.vic.gov.au>
- Copies of the Preliminary and Final Reports from the last Electoral Representation Review (s219F), available on Council's website at <http://www.boroondara.vic.gov.au>

In accordance with the **Building Act 1993**, the following documents are available for inspection:

- A register of building permits (s31)
- A register of occupancy permits, temporary approvals, and amendments (s74)
- A register of emergency orders, building notices, and building orders (s126)

Council's Building Services Department is primarily responsible for maintaining this information.

In accordance with **Building Regulations 2006**, the following information is available upon request:

- Building and occupancy permits, certificates of final inspection, any current statement under Building Regulation 502 or 503, building notices, and building orders (r326[1])
- Information on the likelihood that a given property is susceptible to flood, termites, bushfire, and/or snowfalls, and that a given property is within an area of designated land or works as prescribed by regulation 806 (r326[2])
- Approval dates of the mandatory notification stages for building works (r326[3])

Council's Building Services Department is primarily responsible for maintaining this information.

In accordance with the **Domestic Animals Act 1994**, the following documents are available for inspection:

- A register of all registered dogs and cats (s18)

Council's Local Laws Department is primarily responsible for maintaining this information.

In accordance with the **Food Act 1984**, the following documents are available for inspection:

- Records of registrations, renewals and transfers in relation to a particular food premises, including details of orders to suspend or revoke registration of food premises under Part III of the Act (s43)

In accordance with Section 49 of the **Planning and Environment Act 1987**, the following documents are available for inspection:

- A copy of *Victorian Planning Provisions* and any amendments to *Victorian Planning Provisions* (s4H; I)
- A copy of amendments and submissions to Minister for Planning requesting amendments and exemptions to a planning scheme (s18; 21)
- A copy of panel hearing reports on submissions to amend a planning scheme (s26)
- A copy of an amended planning scheme (s42)
- A register containing applications for permits and application for amendment of permits and all decisions and determinations relating to permits and amendment of permits(s49)
- A copy of objections to permit applications and application for amendment of permit during the period which an application may be made for review of a decision on the application (s57)
- Copies of Council issued permits (s70)
- 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 (s179[2])

Council's Statutory Planning Department is primarily responsible for maintaining information in relation to planning applications.

Council's Strategic Planning Department is primarily responsible for maintaining information with respect to amendments to the planning scheme.

In accordance with the **Public Health and Wellbeing Act 2008**, the following documents are available for inspection:

- *Boroondara Public Health and Wellbeing Plan 2009–13*

Council's Community Planning Department is primarily responsible for maintaining this information. The *Plan* is available on Council's website at <http://www.boroondara.vic.gov.au>.

In accordance with the **Road Management Act 2004**, the following documents are available for inspection:

- Council's *Public Road Register* is available for inspection at Council offices and libraries (s19)

Council's Asset Management Department is primarily responsible for maintaining this information.

In accordance with the ***Whistleblowers Act 2001***, the following documents are available for inspection:

- *Whistleblowers Protection Act 2001—Guidelines for the City of Boroondara 2011*, which outlines Council's procedures on the making of disclosures, investigation of disclosed matters, and protection of persons from reprisals (s70)

Council's Governance Department is primarily responsible for maintaining this information.

Documents are available for inspection at Council's Camberwell office, 8 Inglesby Road, Camberwell, VIC, 3124, and inspections can be arranged by contacting the department primarily responsible for maintain the information.

Subscriptions and mailing lists

Newsletters:

- *Ward Updates* - Council provides Councillors the opportunity to produce three *Ward Updates* per year (usually March, August, and November). Updates are distributed to residents within each Councillor's ward. The newsletters are ward specific and inform residents of upcoming events or issues within their ward.
- *Boroondara Bulletin* - Council produces a monthly publication to promote Council's services, activities and decisions to the community. The publication is distributed to all residential properties within the Boroondara municipality.

Mailing lists and subscriptions:

- *Youth Services Mailing List* - to receive Council's *Youth Services Newsletter*
- *Arts and Cultural Events Mailing List* - to receive information on Council's upcoming events. Information is provided by either post or email
- *Business Boroondara Network* - free membership subscription to access information, training, and mentoring concerning the growth, development, and success of small and micro businesses
- Community Planning's monthly e-newsletter *The Fuse* distributed to approximately 700 community organisations and individuals. This provides a forum for Council, and community organisations to exchange information about events, conferences and funding opportunities
- In addition to *The Fuse* mailing list, Community Planning maintains a Master Mailing List that includes street and Post Office mailing addresses for 878 contacts. This list facilitates hard copy correspondence for the Community the Development Grants Program and Community OnBoard as required

- Community Planning maintains a small email network for correspondence between members of the Drug Issues Network
- Community Planning maintains a small email network for correspondence between members of the Preventing Violence Against Women network
- Boroondara Interfaith Network mailing list - to receive information on events and activities in Boroondara's faith and cultural communities, and to collaborate on and attend the program of four annual events
- Community Planning produces biannual newsletters *Know Your Community* (for staff) and *Your Community* (public version) with statistics and information about the Boroondara community.

Facebook pages and Blogs:

- City of Boroondara
- Town Hall Gallery
- Community OnBoard
- Boroondara Volunteer Resource Centre
- Boroondara Farmers Market
- Waffle On
- Boroondara Skate & BMX Parks
- Boroondara Access 4 All Network (BA4A)
- City of Boroondara Library Service
- Kew Courthouse
- Boroondara Interfaith Network Blog

Twitter pages:

- City of Boroondara
- Boroondara Library
- Town Hall Gallery
- Boroondara Farmers Market
- Boroondara Business Network
- Kew Courthouse

Procedure for requests to access documents

Requests to access documents should be directed first to the Council department primarily responsible for maintaining the information.

Requests to access documents not available through the relevant department can be made under the *Freedom of Information Act 1982* and must be made in writing (application form available on Council's website at <http://www.boroondara.vic.gov.au>) and accompanied with the prescribed fee of \$24.40, unless a waiver or reduced fee is sought, in which case supporting documentation must be provided.

Requests may be lodged:

- In person at Council Offices
- By post, addressed to - Freedom of Information Officer, City of Boroondara, Private Bag 1, Camberwell, Victoria, 3124

Applicants will be notified of Council's decision and their review rights within 45 days of Council receiving the request. Further information and advice on making a request is available on Council's website at <http://www.boroondara.vic.gov.au>.

Officers responsible for requests to access documents

Governance Projects Officer - Elisha Marriott
Governance Department
Ph: 9278 4473

Coordinator Governance - Andrew Dowling
Governance Department
Ph: 9278 4471

Manager Governance - David Thompson
Governance Department
Ph: 9278 4470

Advisory boards and committees whose meetings are open to the public or minutes publicly available

Council meetings, Service Special Committee meetings, and Urban Planning meetings are held in the Council Chamber, 8 Inglesby Road, Camberwell, and are open to the public. Minutes of these meetings are publicly available and can be accessed on Council's website at <http://www.boroondara.vic.gov.au>.

The minutes of the Boroondara Bicycle Advisory Committee are publicly available and can be accessed on Council's website at <http://www.boroondara.vic.gov.au>.

Council libraries

Council operates and maintains five public libraries within the Boroondara municipality:

Ashburton Library

154 High Street
Ashburton 3147

Monday	10am-9pm
Tuesday	10am-6pm
Wednesday	10am-6pm
Thursday	10am-6pm
Friday	10am-6pm
Saturday	10am-5pm
Sunday	2pm-5pm

Hawthorn Library

584 Glenferrie Road
Hawthorn 3122

Monday	10am-6pm
Tuesday	10am-9pm
Wednesday	10am-9pm
Thursday	10am-9pm
Friday	10am-6pm
Saturday	10am-5pm
Sunday	1.30pm-5pm

Balwyn Library

336 Whitehorse Road
Balwyn 3103

Monday	10am-6pm
Tuesday	10am-6pm
Wednesday	10am-9pm
Thursday	10am-6pm
Friday	10am-6pm
Saturday	10am-5pm
Sunday	2pm-5pm

Kew Library

Corner Cotham Road and Civic Drive
Kew 3101

Monday	10am-6pm
Tuesday	10am-9pm
Wednesday	10am-6pm
Thursday	10am-9pm
Friday	10am-6pm
Saturday	10am-5pm
Sunday	2pm-5pm

Camberwell Library

25 Inglesby Road
Camberwell 3124

Monday	9am-6pm
Tuesday	9am-6pm
Wednesday	closed
Thursday	9am-6pm
Friday	9am-6pm
Saturday	1.30pm-5pm
Sunday	2pm-5pm