

FREEDOM OF INFORMATION ACT 1982

PART II STATEMENT

Introduction

This information has been produced by Hume City Council in accordance with Part II of the *Freedom of Information Act 1982* and outlines the role of Council, its key functions, procedures, reports and how a member of the public can access the information that it keeps.

This information is set out in the statements below. Information about Council and its functions and activities can be found on Council's website.

To locate the specific information that you require please refer to the A-Z reference or the search function provided on the top page of this website. You may also email Council at contactus@hume.vic.gov.au or phone on 9205 2200 to seek direct assistance.

Detailed statements required under Part II of the Freedom of Information Act are as follows:

Statement 1 – Organisation and Functions

About Council:

Hume City Council is one of Australia's fastest growing and culturally diverse communities and is home to just over 250,000 residents. Spanning a total area of 504 square kilometres, the City is located in Melbourne's northern fringe, just 15 kilometres from the centre of Melbourne. Further details of Hume City Council's profile can be obtained on [Council's website](#).

Council's organisation structure is based on six Divisions that collectively manage and coordinate the full range of activities and services to the Hume community. Each division is headed by a Director who reports directly to the Chief Executive Officer:

Director City Services & Living

- City Life
- City Safety
- Community Health & Wellbeing
- Family, Youth & Children

Director Finance & Governance

- Finance
- Governance, Risk & Property

Director Infrastructure & Assets

- Assets
- City Parks & Open Spaces
- Infrastructure Delivery
- Sustainability & Climate Change
- Waste & Sustainability

Director City Planning & Places

- City Design
- Economic Development
- Major Projects
- Planning & Development
- Strategic Planning

Director People & Culture

- People & Culture

Director Customer & Strategy

- Customer Experience
- Information Technology
- Organisational Performance & Strategy
- Project Management Office
- Strategic Communications & Advocacy

Role and Powers:

The role and Powers of Council are prescribed under Section 8 of the *Local Government Act 2020* as follows:

- 1) The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.
- 2) A Council provides good governance if—
 - a) it performs its role in accordance with section 9;
 - b) the Councillors of the Council perform their roles in accordance with section 28.
- 3) In performing its role, a Council may—
 - a) perform any duties or functions or exercise
 - b) any powers conferred on a Council by or
 - c) under this Act or any other Act; and
 - d) perform any other functions that the Council
 - e) determines are necessary to enable the
 - f) Council to perform its role.
- 4) If it is necessary to do so for the purpose of performing its role, a Council may perform a function outside its municipal district.

Legislation and Decision-making powers:

Council derives its decision-making powers primarily from the Local Government Act. Decisions are made at Council meetings, by the Chief Executive Officer and other officers with delegated powers.

A register of delegations kept under sections 11(8) and 47(7) of the Act is available for inspection by appointment at the Customer Service Centre, 1079 Pascoe Vale Road, Broadmeadows. For any enquiries, please contact the Coordinator Governance and Corporate Support on **9205 2200**.

Other key legislation from which Council derives its powers and performs its functions includes:

- *Aboriginal Heritage Act 2006*
- *Associations Incorporation Reform Act 2012*
- *Building Act 1993*
- *Catchment and Land Protection Act 1994*
- *Child Wellbeing and Safety Act 2005*
- *Children Youth and Families Act 2005*
- *Climate Change Act 2017*
- *Conservation, Forests and Land Act 1987*
- *Country Fire Authority Act 1958*
- *Disability Act 2006*
- *Domestic Animals Act 1994*
- *Duties Act 2000*
- *Education and Care Services National Law Act 2010*
- *Education and Training Reform Act 2006*
- *Emergency Management Act 1986*
- *Environment Protection Act 1970*
- *Fences Act 1968*
- *Filming Approval Act 2014*
- *Fines Reform Act 2014*
- *Fire Services Property Levy Act 2012*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Gambling Regulation Act 2003*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Heavy Vehicle National Law Application Act 2013*
- *Heritage Act 2017*
- *Housing Act 1983*
- *Impounding Of Livestock Act 1994*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Infringements Act 2006*
- *Land Act 1958*
- *Land Acquisition and Compensation Act 1986*
- *Liquor Control Reform Act 1998*
- *Local Government Act 1989*
- *Magistrates Court Act 1989*
- *Major Transport Projects Facilitation Act 2009*
- *Mineral Resources (Sustainable Development) Act 1990*
- *National Parks Act 1975*
- *Pipelines Act 2005*
- *Privacy and Data Protection Act 2014*
- *Protected Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- *Road Management Act 2004*
- *Road Safety Act 1986*
- *Sale of Land Act 2000*
- *Sport and Recreation Act 1972*
- *Subdivision Act 1988*
- *Summary Offences Act 1966*
- *Transfer of Land Act 1958*
- *Transport Integration Act 2010*
- *Transport (Safety Schemes Compliance and Enforcement) Act 2014*
- *Valuation of Land Act 1960*
- *Victoria Grants Commission Act 1976*
- *Victoria State Emergency Service Act 2005*
- *Victorian Inspectorate Act 2011*
- *Water Act 1989*
- *Building Interim Regulations 2017*
- *Drugs, Poisons and Controlled Substances Regulations 2006*
- *Infringements Regulations 2016*
- *Local Government (General) Regulations 2015*
- *Local Government (Long Service Leave) Regulations 2012*
- *Public Health and Wellbeing Regulations 2009*
- *Road Safety (General) Regulations 2009*
- *Road Safety (Traffic Management) Regulations 2009*
- *Road Safety (Vehicles) Regulations 2009*
- *Subdivision (Fees) Regulations 2016*

Annual Report:

Council publishes its [Annual Report](#) every financial year and makes it available on its website.

Council Plan and Strategies:

Council has published a number of [strategy documents](#) with the key plans being the Council Plan 2021-2025 and Hume Horizons 2040. The following commentary has been extracted from the Council Plan 2021-2025:

We have specified a range of strategic objectives under each of these themes that will help us work towards achieving the community's vision and aspiration. We have also outlined the strategic indicators used to help monitor and evaluate the success of Council in achieving its objectives. Under this plan, Council aims to provide a balance to ensure we deliver the services, facilities and infrastructure that families and businesses need today, while planning for future generations.

Local Laws:

The purpose of the Council's General Local Law No.1 - 2013 is to provide:

- Peace, order and good government of the municipality;
- Safety and health of the municipality so that the community can enjoy a quality of life that meets its expectations;
- Safe and fair use and enjoyment of municipal places;
- Protection and enhancement of the amenity and environment of the municipality;
- Fair and reasonable use and enjoyment of private land; and
- Uniform and fair administration of this Local Law.

The purpose of the Governance Local Law - 2013 is to:

- Regulate and prohibit unauthorised use of the Common Seal;
- Provide for the administration of Council powers and functions. Further details and information can be found on [Council's website](#).

Council meetings are open to the public and generally operate every second week of the month. Agendas and minutes of open Council meetings are available on Council's website.

Recordings of Council meetings are published as per the Audio Recordings of Council Meetings Policy, which was adopted by Hume City Council on 24 July 2017.

Recordings from the Council meeting of 28 August 2017 onwards will be published on Council's website.

Council Committees:

Council has a range of committees that assist Council in its decision-making process and its consultation and liaison with the local community. We are committed to working in partnership with the community and local businesses and organisations in our activities and decision making. We recognise the knowledge and skills that these groups have to contribute to achieving Council's vision of building a progressive and prosperous city. Further details on these committees are available on Council's website.

External Policy Consultation:

Each year Council undertakes a range of community consultation and engagement activities to inform the setting of Council priorities and updating of the Council Plan 2021-2025 and Annual Budget. Community consultation and engagement activities are conducted in accordance with the Community Engagement Principles in the Local Governance Act 2020 and Council's Community Engagement Policy. More information on community consultation and engagement activities are available from participate.hume.vic.gov.au

Public Question Time:

The Council has made provision in the business of the Ordinary Meetings of the Council, being the first meeting of each month, for the holding of public question time. There is no provision for public questions in the business of Ordinary (Town Planning) Meetings, which is the second meeting held each month. Council Meeting Dates can be found at the Calendar of Meeting Dates.

Further details on the public question time process and forms are available on [Council's website](#).

Libraries Available for Public Use:

Council's public library service has five branches, a mobile library and a home library service. Our libraries are for the enjoyment of the entire community and membership is free.

Details of library locations and times of operation are available on [Council's website](#).

Statement 2: Document categories

Records management

Council's documents are organised under the following categories within Council's electronic documents management system TRIM:

Commercial Activities	Legal Services
Community Relations	Parks and Reserves
Community Services	Personnel
Corporate Management	Personnel Files
Council Properties	Plant Equipment and Stores
Customer Service	Property & Development
Development and Building Controls	Public Health
Economic Development	Rates and Valuations
Emergency Services	Recreation and Cultural Services
Energy Supply and Telecommunications	Risk Management
Environmental Management	Roads
Financial Management	Sewerage and Drainage
Governance	Traffic and Transport
Government Relations	Waste Management
Grants and Subsidies	Water Supply
Information Management	Sewerage and Drainage
Information Technology	Traffic and Transport
Land Use and Planning	Water Supply
Laws and Enforcement	
Learning Community	

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 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 maintains files under the following broad categories.

Subject files broadly cover policy, instructions, case material, and the like, dealing with the operations of the Council. Council maintains subject files based on the following top-level Thesaurus word:

Property files cover matters relating to that property such as:

- rates
- health
- services

Street files include matters common to that street.

Planning Permit files such as:

- 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.

Building Permit files include documents relating to:

- Building permit applications
- plans
- specifications
- approvals/non-approvals
- all documents relating to inspections.

Subdivision files include all documents relating to applications and approvals.

Staff personnel files are individual files for each staff member containing documents like:

- position advertisement
- job description
- letter of appointment
- leave forms
- payroll deductions
- disciplinary procedures
- WorkCover (kept as a separate file).

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

- registers
- emails
- accounts/invoices
- plans and drawings
- maps
- charts
- reports

Statement 3 – Freedom of information arrangements

Since its introduction in 1982, the Freedom of Information Act has given people the right to obtain information held by State Ministers, State Government departments and statutory authorities. From 1994 this legislation also applied to local councils.

The Act gives people the right to request documents relating to their personal affairs and any activities of a government agency or council. A person may request documents created or received by an agency.

Making an application

Please complete the [Freedom of Information application form](#) to make a request.

A Freedom of Information application must be made in writing and accompanied by a \$30.60 fee (which is not refundable) to:

*Freedom of Information Officer
Hume City Council
PO Box 119
DALLAS VIC 3047*

Alternatively, your application may be emailed to contactus@hume.vic.gov.au.

Arrangements can also be made to pay the application fee online. If you wish to use this method of payment you must first contact Council by phone or email to arrange for a Council invoice to be raised, which will detail the online payment reference number.

The \$30.60 application fee is a statutory fee and is current as of 1 July 2021. This fee is amended annually and applies from 1 July each year.

It is in the applicant's best interests to ensure that the request is clear in the following manner:

- the nature of the request, i.e. that the request is being made under the Freedom of Information Act
- the nature of the document requested - the more precise the request, the easier it will be for Council to assess it. This will avoid any possible misunderstanding and save time for both the applicant and Council.

The Council's Freedom of Information Officer can assist you with your request if you are unsure about the information you need to provide. A written response will be provided in accordance with the timeframes specified in the Freedom of Information Act.

Access Costs

Where an application for access is granted, costs will be incurred by the applicant (in addition to the application fee). These costs will relate to items such as:

- search fees
- photocopying charges
- providing access in a form other than a photocopy.

Where it is anticipated that costs will exceed \$50, the applicant will be advised and requested to submit a deposit. The applicant will also be asked if they wish to continue with the request. At this point, the applicant also has the right to request a review of the charges.

Access Exemptions

Not all information is automatically made available in response to a request. The Act sets out a number of reasons for an agency to exempt access to a document, including:

- it affects the personal affairs of another person
- it is commercially confidential
- it would undermine law enforcement
- the information was obtained in confidence
- it contains information of a commercial or financial nature.

If the applicant is not satisfied with Council's decision, the applicant may appeal the decision to the Victorian Information Commissioner:

*Information Commissioner
Office of the Victorian Information Commissioner
PO Box 24274
Melbourne Vic 3001
Ph 1300 842 364 (1300 VICFOI)
enquiries@ovic.vic.gov.au*

To find out more about Freedom of Information contact Council on **9205 2200** or [email](#).

For additional information, visit the [Victorian Information Commissioner's website](#).

Statement 4 – Publications

Section 57 of the Local Government Act 2020 requires Council to adopt and maintain a Public Transparency Policy. The Public Transparency Policy formalises Council's support for transparency in its decision-making processes; it facilitates public awareness of Council information and provides community confidence and trust in its decision making.

A list of the categories of Council Information which will generally, subject to the Public Transparency Policy, be made available either on the Council Website, at the Council Offices or on request by a member of the community is set out below.

Where a request is made for access to Council information that is not on the Council website or otherwise available at the Council Offices, the Chief Executive Officer will review the request, assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest.

1. The following Council Information will be available on Council's website:

- Council Plan;
- Annual Budget;
- Annual Report;
- Municipal Health and Wellbeing Plan;
- Local Laws;
- Procurement Policy;
- Plan, policies and strategies adopted by Council;
- Meeting Agendas;
- Minutes of Meetings;
- Audit and Risk Committee Charter and membership;
- Terms of Reference for Delegated Committees;
- FOI Part II Statement;
- Councillor Code of Conduct;
- Councillor Expenses Policy and reports;
- Public Interest Disclosure Procedures;
- Community Asset Committees – Instruments of Delegation and membership
- Gift Registers for Councillors and Council Staff;
- Travel Registers for Councillors and Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors and Council Staff;
- Registers of Leases entered into by Council;
- Register of Delegations;
- Register of Election Campaign Donations;
- Summary of Personal Interests; and
- any other Registers or Records required by the Act or any other Act.

2. Process information such as:

- application processes for approvals, permits, grants, access to Council services;
- decision-making processes;
- Guidelines and Manuals;
- Community Engagement Processes, and
- Complaints Handling Processes.

3. The following information will be available for inspection if not available on Council's website

- Register of Authorised Officers;

4. PUBLICATIONS

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to the Municipal District. These publications are available on the Council Website, at the Council Offices or on request to Council.

Statement 5 – Policies and Strategies

Council has prepared a number of Council policies and strategies that are available to the public on [Council's website](#).

Statement 6 – Report literature

Officer reports are presented to Council at each Council meeting to assist in the decision-making process. These reports are included in the [Agenda papers](#) and available to the public on Council's website:

A number of other reports are available to the public on the [Council website](#). These can be located by using the Search function, both of which are in the top page on Council's website.