



Freedom of Information – Part II Statement

Purpose

The Part II Statement of the *Freedom of Information Act (FOI Act) 1982* is to make individuals and organisations aware of how they can effectively exercise their right to access and obtain information that the government holds which may affect them.

Baw Baw Shire Council releases information online, via print publishing as well as through person-to-person service provision. The purpose of this document is to demonstrate that Council is making information readily available to the public.

Document access and how we perform our functions

Section 7 of the FOI Act requires all agencies, to publish a set of statements that describe their powers and functions, the documents and information they keep, and the ways people can view or get copies of them.

For the sake of transparency, Baw Baw Shire has compiled these statements which will provide you information of the following:

- Statement 1 – Organisation and Functions of Council
- Statement 2 – Consultation with the Public
- Statement 3 – Categories of Documents
- Statement 4 – Policies and Procedures
- Statement 5 – Procedure for Accessing Documents
- Statement 6 – Freedom of Information Arrangements

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

Statement 1 – Organisation and Functions of Council

Baw Baw Shire is approximately 100 kilometres east of Melbourne, it has an area of 4,034 square kilometres and was formed in 1994 from the amalgamation of the former Buln Buln and Narracan Shires, the Rural City of Warragul (previously the Shire of Warragul), and some parts of the Shire of Upper Yarra.

Through the Community Vision, Mission and Cultural Values Council commits to working towards the best possible outcomes for the Baw Baw community. Council's aspiration for the long-term future of the Shire is to be sustainable, healthy and thriving:

- Sustainable towns and villages that continue to benefit from our beautiful rural and natural environment
- Healthy people, living in connected communities and healthy environments
- Thriving, diverse and resilient communities

Council's mission is to be leaders in delivering quality, innovative and community focused services today that make a difference for tomorrow.

Councillors

Baw Baw Shire is divided into three wards including the West Ward, Central Ward, and East Ward. There are three Councillors elected in each ward, making a total of nine Councillors.

For further details of on the current Baw Baw Shire Councillor's please refer to our website [Our Councillors \(bawbawshire.vic.gov.au\)](http://bawbawshire.vic.gov.au).

Councillors are elected to lead and represent the whole community. As your local elected representative, they advocate on behalf of residents and work to assist them. As members of Council, individual Councillors have responsibilities to other Councillors and the community.

Councillor's responsibilities include approving the Council Plan and Council Budget. They have a responsibility, as stewards of community resources, to manage the Council's assets, provide a wide range of services and facilities,

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

and ensure finances are allocated in the best interests of the whole community.

Organisation Structure

The implementation of Council policies, services and operations is managed through five directorates.

The five directorates are:

- Community Infrastructure
- Governance and Information Services
- Planning and Development
- Strategy and Organisational Performance
- Economic Development, Arts and Advocacy

The Chief Executive Officer is responsible for managing interactions between Council staff and Councillors including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

Members of the Executive team work closely with Council, attend all Council meetings, and present reports and recommendations to the Council.

Contact Us

Phone: 03)5624 2411 or 1300 229 229

Email: bawbaw@bawbawshire.vic.gov.au

Website: www.bawbawshire.vic.gov.au

Post: PO Box 304, Warragul, VIC, 3820

Customer Service Centre: 33 Young Street, Drouin, VIC, 3818

To Communicate with Council in a language other than English, call our telephone interpreter service ATIS on 131 450. Provide the operator with the language you require, then provide the ATIS Account number 658953 and the ATIS Access number 3818.

Functions of Council

Under Section 8 of the *Local Government Act 2020*, the functions of a Council are prescribed. They may be performed both inside and outside the municipality. These functions include:

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- 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 regarding peace, order and good government of the municipality

The core functions of the Baw Baw Shire Council are outlined below:

- Animal Management
- Arts and Cultural Services
- Assets and Civic Facilities Management
- Building Services
- Children and Family Services
- Community Development
- Environmental Management
- Heritage
- Leisure and Recreation Services
- Maternal Child and Health Care
- Open Space Planning and Management
- Parking Management
- Public Health and Safety
- Roads, Footpaths and Drainage
- Traffic Safety
- Transport Planning
- Strategic and Statutory Planning
- Waste Management and Recycling
- Youth Services

Legislation

Council derives its decision-making powers primarily from the *Local Government Act 2020*. Decisions are made at Council meetings, by the Chief Executive Officer and other officers with delegated powers.

Key legislation from which Council derives its powers and performs its functions include:

- Aboriginal Heritage Act 2006
- Associations Incorporation Reform Act 2012
- Audit Act 1994
- Australian Copyright Act 1968
- Building Act 1993
- Catchment & Land Protection Act 1994
- Cemeteries & Crematoria Act 2003
- Child Wellbeing & Safety Act 2005
- Children Youth & Families Act 2005
- Children's Services Act 1996
- Climate Change Act 2017
- Conservation Forests & Lands Act 1987
- Country Fire Authority Act 1958
- Crown Land (Reserves) Act 1978
- Cultural & Recreational Lands Act 1963
- Dangerous Goods Act 1985
- Development Victoria Act 2003
- Disability Act 2006
- Domestic Animals Act 1994
- Domestic Building Contracts Act 1995
- Education & Care Services National Law Act 2010
- Electricity Safety Act 1998
- Electoral Act 2002
- Emergency Management Act 2013
- Environment Protection Act 1970
- Equal Opportunity Act 2010
- Fences Act 1968
- Fines Reform Act 2014
- Filming Approval Act 2014
- Fire Rescue Victoria Act 1958 Formerly Known as The Metropolitan Fire Brigades Act 1958

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Fire Services Property Levy Act 2012
- Flora and Fauna Guarantee Act 1988
- Food Act 1984
- Freedom of Information Act 1982
- 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
- Land Acquisition & Compensation Act 1986
- Land Act 1958
- Local Government Act 2020
- Local Government Act 1989
- Magistrates' Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Mineral Resources (Sustainable Development) Act 1990
- National Parks Act 1975
- Occupational Health and Safety Act 2004
- Pipelines Act 2005
- Planning & Environment Act 1987
- Privacy & Data Protection Act 2014
- Professional Engineers Registration Act 2019
- Public Health & Wellbeing Act 2008
- Public Interest Disclosures Act 2012
- Public Records Act 1973
- Residential Tenancies Act 1997
- Road Management Act 2004
- Road Safety Act 1986
- Rooming House Operators Act 2016
- Second Hand Dealers & Pawnbrokers Act 1989
- Service Victoria Act 2018
- Sex Work Act 1994
- Sport & Recreation Act 1972

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Subdivision Act 1988
- Summary Offences Act 1966
- Taxation Administration Act 1997
- Tobacco Act 1987
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Valuation of Land Act 1960
- Victorian Local Government Grants Commission Act 1976
- Victoria State Emergency Service Act 2005
- Victorian Data Sharing Act 2017
- Victorian Inspectorate Act 2011
- Victorian Planning Authority Act 2017
- Water Act 1989

Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at <http://www.legislation.vic.gov.au/>. Council's Local Laws are available on Council's website.

Statement 2 – Consultation with the Public

Council is committed to actively encouraging individuals, groups and communities to be involved in local government through community engagement.

Deliberative engagement and community consultation include asking the community for feedback on Council policies, strategies, performance on service delivery or involving the community in the development or review of specific projects or developments. This includes our 'Your say, your way' on Council's website which is an online portal called Baw Baw Connect which is for the community to voice their views on local issues and projects.

Council conducts public consultation through direct mail, feedback and customer surveys, focus groups, public forums and information sessions, council 'pop ups' at local events and advisory committees.

Council also engages with the community via social media:

- Facebook – <https://www.facebook.com/bawbawshirecouncil>
- Twitter – <https://twitter.com/BawBawCouncil>
- Youtube – <https://www.youtube.com/@BawBawShireCouncilAU>

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Instagram – <https://www.instagram.com/bawbawshire>
- LinkedIn – <https://au.linkedin.com/company/baw-baw-shire-council>

To support quality and consultative decision-making, Council maintains a range of committees with community representation that enables access to independent expertise and advice from within the community.

Council recognises that if the community is going to be affected by a decision, it needs to be engaged in the decision-making process. Community engagement does not replace but enhances the formal decision-making functions and responsibilities of Council.

Council Meetings

Council meetings are generally held on the fourth Wednesday of each month at the West Gippsland Arts Centre (Fountain Room) and are an open forum to which the public are welcome to attend. All Council meetings will be live-streamed, and archived recordings will be available on the Council website for viewing.

Under section 66 of the *Local Government Act 2020*, Council Meetings must remain open to the public unless the Council considers it necessary to close the meeting to the public because of a specified circumstance such as:

- The meeting is to consider confidential information
- Security reasons
- It is necessary to do so to enable the meeting to proceed in an orderly manner

Advisory Committees

Council currently operates advisory committees in various areas of its business, which are formally established through Council resolution, with a policy, terms of reference and formal appointments of members.

Advisory Committees will have a minimum of five members, consisting of a minimum of two Councillors, with a maximum of three; and a minimum of three external independent members, and a maximum of eight, with a view to maximising diversity and inclusion.

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

Council Advisory Committees:

- Arts and Culture Advisory Committee
- Early Years Advisory Committee
- Environmental Voice Advisory Committee
- Place Names Advisory Committee

Statement 3 – Categories of Documents

Records or documents are any material that contain recorded information and are not limited to written information or paper material. Examples of documents include information in databases, books, maps, plans, drawings, photographs, electronic storage devices such as discs, memory sticks and USBs, audio-visual material, emails, faxes, text messages, film, CCTV footage and notes. As well as documents created by the Council, these must also be kept and maintained as a Council record.

Councils are required to undertake programs of record management as governed in the *Public Records Act 1973*. No public records are destroyed or otherwise disposed of except in accordance with these standards.

Our documents are stored electronically and physically. Most of our physical records are stored offsite with a storage provider.

Council maintains files and records under the following broad categories:

- Agendas and Minutes
- Annual and financial reports
- Building and planning permits and associated documents, including plans
- Animal registration applications received and issued
- Council resolutions
- Correspondence
- Departmental publications, including newsletters
- Disclosures of conflicts of interest
- Documents submitted by third parties
- Fleet Management
- Governance
- Incidents and Complaint Management

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Internal administration documents relating to staff management and the operation of Council, including personnel records, audit records and internal operating procedures
- Land Use Planning
- Legal documents, including local laws, contracts, leases, agreements, licences, instruments of delegation, instruments of appointment and authorisation, legal advice and court documents
- Mailing lists
- Maternal and child health records, including immunisation records
- Media releases and general advertising
- Occupational Health and Safety
- Officer reports and briefs
- Permit applications and permits issued under Council's local laws
- Policies, guidelines, strategies and plans, including their development and implementation
- Programs, Research and Grant Allocations
- Property Management
- Publications
- Public and stakeholder consultation processes and outcomes
- Records of administration and enforcement of legislation and local laws
- Reports prepared by external consultants
- Requests for information under the Freedom of Information Act 1982 and files and papers relevant to the consideration of those requests
- Risk management assessments
- Standard operating procedures
- Surveys, statistics and data
- Tenders and evaluations
- Technology and Telecommunications
- Training material
- Written and verbal complaints received, and records of any subsequent investigation.

Documents Available for Inspection or Purchase

Council publishes a number of documents, reports, articles, policies, plans, registers, permits etc.

This information includes but is not limited to documents such as:

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Plans and Reports adopted by Council
- Policies adopted by Council
- Project and service plans adopted by Council
- Grant applications and tenders open for application

Council records will, at a minimum, be made available on Council's website:

- Council meeting agendas
- Minutes of Council meetings
- Reporting to Council
- Reporting from Advisory Committees to Council through reporting to Council
- Audit and Risk Committee Performance Reporting
- Terms of reference or charters for Advisory Committees.

Council records will, at a minimum, be made available for inspection by request:

- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff
- Registers of travel undertaken by Councillors or Council Staff
- Registers of Conflicts of Interest disclosed by Councillors or Council Staff
- Submissions made by Council
- Registers of donations and grants made by Council
- Registers of leases entered into by Council, as lessor and lessee
- Register of Delegations
- Register of Authorised officers
- Register of Election campaign donations
- Summary of Personal Interests
- Submissions received under section 223 of the Local Government Act 1989 until its repeal or received through a community engagement process undertaken by Council
- Any other Registers or Records required by legislation or determined to be in the public interest.

Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from the website or call Council for a copy.

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

Access to Information

- Information will be made available on the Council website, at Council offices, or by request
- Members of the public can make different kinds of information requests to the Council by formal or informal means
- Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006
- Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and the Council's Public Transparency Policy
- Council will respond to requests for information in accordance with the FOI Act 1982

Information not Available

Some Council information may not be made publicly available. This will only occur if the information is considered as confidential information under the *Local Government Act 2020* or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.

The *Local Government Act 2020* defines two general types of information as "confidential information":

- Information that involves risk of harm to the council or a person
- Information linked to processes.

Further definitions for "Confidential information" as defined in section 3 of the *Local Government Act 2020* are provided below:

- Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
- Security information, being information that if released is likely to endanger the security of Council property or the safety of any person
- Land use planning information, being information that if prematurely released is likely to encourage speculation in land values

- Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person
- Legal privileged information, being information to which legal professional privilege or client legal privilege applies
- Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs
- Private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage
- Confidential meeting information, being the records of meetings closed to the public
- Internal arbitration information
- Councillor Conduct Panel confidential information
- Information prescribed by the regulations to be confidential information for the purposes of this definition
- Information that was confidential information for the purposes of section 77 of the Local Government Act 1989

The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under *the Local Government Act 2020*. However, this will not happen if release is contrary to law, in breach of contractual requirements or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

Statement 4 – Policies and Procedures

Council's decision-making process is governed by a number of policies, strategies and plans. This is not an exhaustive list of documents used by Council or its officers, it is an example of documents which are frequently referred to and are available on Council's website.

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Annual Reports
- Advisory Committee Policy and Terms of Reference
- Alex Goudie Park Mater Plan
- ANZAC Day and Remembrance Day Ceremonies Policy
- Asset Plan
- Asset Management Policy
- Asset Management Strategy
- Audit and Risk Committee Charter
- Baw Baw Equestrian Facilities Plan
- Baw Baw Planning Scheme
- Budget
- Capital Evaluation Policy
- CCTV Code of Practice
- CCTV Policy
- CCTV Defect Guidelines for Concrete Pipes
- Child Safety Policy
- Child Safety Reporting Procedure
- Child Focused Complaints Handling Process
- Civic Park Drouin Master Plan
- Civic Park Warragul Master Plan
- Community Engagement Policy
- Community Engagement Policy Summary Fact Sheet
- Community Financial Assistance Program
- Community Grants Policy
- Community Local Law 2024
- Community Vision
- Complaints Handling Policy
- Councillors and Staff Interaction Policy
- Model Councillor Code of Conduct
- Council Support and Expense Policy
- Councillor Gift Policy
- Council Plan 2025–2029
- Creative Communities Strategy 2023–2029
- Customer Excellence Strategy
- Customer Service Charter
- Cycling and Walking Trail Maps
- Dates and Occasions of Celebration and Significance Policy

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Dates and Occasions of Celebration and Significance Policy – Assessment Framework
- Developer Contribution Plan – Implementation Policy
- Delegated Committee Policy
- Digital Roadmap 2018-2021
- Disability Action Plan 2018-2022
- Domestic Animal Management Plan 2021-2025
- Domestic Animal Management Plan 2026-2029
- Domestic Waste Water Management Plan – Operational
- Downton Park Master Plan Review 2019
- Drouin Parking Study
- Desktop Environmental , Hydrogeological and Geotechnical Study: Warragul and Drouin Precinct Structure Plan Areas Growth Areas Authority
- Drouin Recreation Plan Review 2019
- Early Years Infrastructure Plan 2025-2041
- Economic Development Strategy 2022-2025
- Economic Land Use Strategy 2023
- Electric Line Clearance Management Plan
- Emergency Relief and Recovery Plan
- Employee Code of Conduct Policy
- Environmental Sustainability Strategy 2022-2030
- Environmental Sustainability Policy
- Fixed Assets Policy
- Financial Plan
- Flags and Banners Policy 2021
- Food Safety and Enforcement Policy
- Footpath Register
- Fraud and Corruption Control Policy
- Freedom of Information Part II Policy
- Gender Equality Action Plan
- Gender Equality Progress Report
- Governance Rules (2023 Update)
- Half Cost Fencing Policy – Property Abutting Council Land
- Hardship Policy (2019/20 Rates and Revaluations)
- Hardship Policy (COVID-19 Addendum)
- Indoor Stadium Feasibility Study (2018)
- Information Privacy Policy

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Infrastructure Asset Management Strategy 2022-26
- Integrated Water Management Plan
- Integrated Water Management Plan – Summary Document
- Internal Resolution Procedure
- Investment Policy
- Kindergarten Central Registration and Enrolment Policy 2023
- Kindergarten Services Policy
- Lardner/Baw Baw Equestrian Centre Masterplan Review 2019
- Long Term Infrastructure Plan 2025-2035
- Media Policy
- Memorials on Council Land Policy
- Municipal Early Years Plan 2024-2027
- Municipal Emergency Management Plan
- Municipal Fire Management Plan
- Municipal Health and Wellbeing Plan 2025-2029
- Municipal Neighbourhood Safer Place – Place of Last Resort
- Nature Strip Guidelines
- Nature Strip Approved Plantings List
- Open Space Strategy
- Paths and Trails Strategy 2019
- Pest Plant and Animal Chemical Policy
- Place and Feature Naming Policy
- Positive Aging Strategy
- Pricing Policy
- Pricing Schedule of Fees
- Pricing Strategy
- Procurement Policy
- Property Policy
- Public Art Policy 2019
- Public Interest Disclosure Policy
- Public Transparency Policy
- Quarterly Performance Reports
- Rating and Revenue Plan
- Recreation Strategy 2017-2027
- Recruitment and Selection Policy
- Register of Public Roads
- Responsible Gaming Policy
- Risk Management Framework

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Risk Management Policy
- Road Safety Strategy 2023-2027
- Roadside and Footpath Trading Policy
- Roadside Conservation Management Plan
- 3-5 Rollo Street (formerly Yarragon Primary School Site) Masterplan
- 3-5 Rollo Street Master Plan Report
- Rural Recreation Reserve Master Plans – Review 2019
- Rural Recreation Reserve Master Plans (Crown Reserves)
- Social Media Policy
- Skate and BMX Strategy
- Sporting Reserve Concept Masterplans within PSP Areas
- Tennis Strategy
- Timber Encouragement Policy
- Trafalgar Flood Modelling and Drainage Strategy
- Trafalgar Parking Study Final Report
- Trafalgar Recreation Precinct Master Plan Review 2019
- Tree Management Plan
- Tree Management Policy
- Walking and Cycling Trail Maps
- Warragul Flood Study and Modelling Project Report
- Warragul Outdoor Recreation Plan – Review 2019
- Waste Management Plan
- Weed Management Strategy
- West Gippsland Floodplain Management Strategy Fact Sheet
- Workforce Plan 2021-2026
- Yarragon Flood Modelling and Drainage Strategy
- Yarragon Parking Study
- Yarragon Urban Design Framework
- Youth Strategy 2024-2028

Statement 5 – Procedure for Accessing Documents

Access to documents in the possession of Council can be obtained by:

- Direct access to published documents on the Council's website
- Inspection either in accordance with voluntary disclosure policies or in legislation
- Request to the relevant Council Division/Department
- Freedom of Information (FOI) in accordance with the *Freedom of Information Act 1982*.

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

Many documents are publicly available on the Council's website www.bawbawshire.vic.gov.au and can be found through the search function.

Documents not available on Council's website may be available for inspection at Council's office, 33 Young Street, Drouin, VIC, 3818. Inspection of documents is via appointment. To arrange an inspection please contact our customer service team who will forward your request to the relevant department.

In some cases, certain documents may be able to be provided electronically (email) and the relevant Council department will assist you if this is the case.

Statement 6 – Freedom of Information Arrangements

The *Freedom of Information Act 1982* (FOI Act) since its introduction has given people the 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 FOI Act gives people the right to request documents relating to any activities of a government agency or Council. A person may request documents created or received by an agency. In essence, the general principle of the FOI Act is that all documents are available, however there are several important restrictions on the type of documents available as they are considered exempt under the FOI Act.

Documents that may not be available include:

- Confidential matters considered by Council
- Law enforcement documents
- Documents containing personal affairs information where redaction of information is not sufficient to de-identify the document
- Some internal working documents
- Documents covered by legal professional privilege, such as legal advice
- Documents obtained in confidence or containing personal information about other people

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Documents containing "commercial in-confidence" information or trade secrets
- Documents to which secrecy provisions of enactments apply
- Documents where disclosure would be contrary to the public interest
- Documents that are an official record of deliberation or decision of a closed meeting or documents and/or ancillary documents that are likely to be used in a closed meeting of council.
- Documents available for purchase
- Documents created prior to 1 January 1989

How to make an FOI Application

Individuals wanting to make a freedom of information request must:

- Make a request in writing
- Describe the documents you require access to (provide sufficient detail to allow Council to identify and locate relevant documents)
- Specify whether you want to inspect an original document or receive a copy of the original document
- Pay the prescribed FOI application fee
- Send the request and application fee made payable to Baw Baw Shire Council (an application form is available on Council's website)

Application Duration

The FOI Act gives Council up to 30 days to provide access to the documents you request or advise you why access will not be provided. We will try to process your application quickly but cannot guarantee a specific response time. In some instances, older files may be required to be retrieved off-site from archives or the Public Records Office. Documents cannot be released until we have assessed them in accordance with the FOI Act. Any request from Council for an extension beyond the 30 day processing time will be confirmed with the applicant in writing.

Requesting Documents

When requesting documents, make your FOI application as specific or detailed as possible. If you seek a particular document, tell us. This will help us search for the document and respond promptly to your request. For example, if you seek a copy of a specific report, try to tell us the date of the report, the title or subject of the report, the specific address or street the report relates to, or the time period it relates to. The more specific your

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

request, the less chance of any possible misunderstanding and the easier it will be to locate the documents you require in a timely manner.

Processing your FOI Request

Once Council receives your request; the Freedom of Information Officer will:

- Determine if it is a valid request
- Write to you and acknowledge receipt of your request
- Conduct a search of Council's Electronic Document Management System and any other electronic or hard copy records held by Council
- Remove irrelevant documents or sections of documents in accordance with the Act
- Consider whether any exemptions under the Act could prevent the disclosure of documents or parts of documents
- Consult with external organisations where required
- Notify any individuals about the potential release of their personal information where required and seek their views
- Collate the documents and make any redactions that may be required
- Prepare a decision which explains the documents to be released in full or in part, documents that could not be located and any exemptions that have been applied

Access Costs

Where an application for access is granted, costs will be incurred by the applicant (in addition to the application fee). These costs change annually and can be viewed on our website [Freedom of Information \(bawbawshire.vic.gov.au\)](http://bawbawshire.vic.gov.au).

Where it is anticipated that costs will exceed \$70, 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.

The application fee and charges may be waived in some circumstances, generally in relation to instances of demonstrated personal hardship. If you believe you qualify to have the fees waived, please advise on what grounds

on your application form and provide evidence to support your claim (ie. A copy of your Healthcare or Pension card).

Right of Appeal

If an applicant is dissatisfied with the Freedom of Information Officer's decision to refuse access to a document; defer access to a document; not waive or reduce an application fee (whether or not the fee has already been paid by the applicant) or not amend a document (in accordance with section 39 of the FOI Act) the applicant may appeal the decision to the FOI Commissioner for review:

Victorian Information Commissioner
PO Box 24274
Melbourne. VIC, 3001

Phone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

Website: www.ovic.vic.gov.au

Correction of Personal Information

An individual has the right to request that incorrect or misleading information held by an agency about themselves, or another person be amended.

Under Section 39 of the FOI Act, if a document is released to you 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
- Would give a misleading impression

No correction or amendment can have the effect of deleting or expunging the information.

An application to correct your personal information must:

- Be in writing
- Provide an address

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.

- Specify how the information is inaccurate, incomplete, out of date or would give a misleading impression
- Specify the amendment or correction sought

An agency has 30 days to process your request once it has been received and there are no charges associated with this request.

Please note the content presented within the overall Part II Statement provides only a snapshot of the information that is available and is by no means an exhaustive representation. If searching for a specific topic, more thorough results may be obtained by conducting a full search of Council's website or by contacting the Freedom of Information Officer directly.

The printed document is an uncontrolled document. To ensure you have the latest policy visit Council's website at www.bawbawshire.vic.gov.au or contact the Governance team on 03 5624 2411.