

Civic Centre

Manningham Council Freedom of Information (FOI) Part II statement

Documents and information available to the public



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MANNINGHAM

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INTRODUCTION

1 Introduction

1.1 Part II Statement

The *Freedom of Information Act 1982* ('**FOI Act**') outlines the general right of access to information in the possession of the Government of Victoria and other bodies, including local councils, constituted under the laws of Victoria, unless exemptions defined by the FOI Act apply.

Under Part 2 of the FOI Act, all relevant agencies and bodies are required to annually publish a series of statements setting out the particulars of the agency and list all documents that are either produced by or in the possession of the agency.

The purpose of the Part II Statement is to:

- Provide an overview of how Manningham Council operates;
- Help the community to identify potential documents of interest; and,
- Outline the different options to access information.

This document was last updated on 23 January 2023. Section 8 for a more detailed document version table.

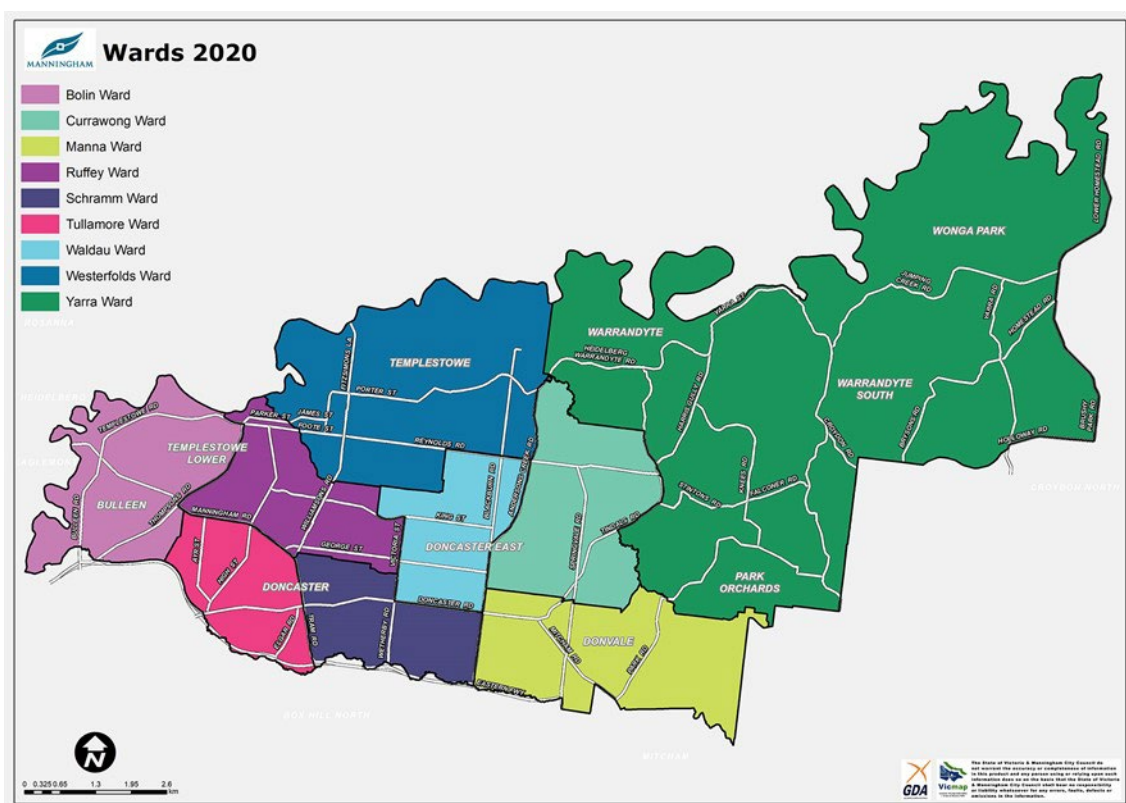
OUR ORGANISATION AND FUNCTIONS

2 Our organisation and functions

2.1 Our history

The City of Manningham was formed on 15 December 1994 through the amalgamation of the former City of Doncaster and Templestowe and parts of the former Shire of Lilydale. Three State Government appointed commissioners managed the City of Manningham until 24 March 1997, when eight Councillors were sworn into office.

The City of Manningham is currently comprised of nine Council single-member Wards – Bolin, Currawong, Manna, Ruffey, Schramm, Tullamore, Waldau, Westerfolds and Yarra Wards.



Each Ward is represented by a single Councillor. In total, our elected Council consists of a Mayor, Deputy Mayor and seven other Councillors. The elected Council is the formal decision-making body. Details about our current Councillors for each Ward can be found at: [LINK](#)

2.2 Our structure

The Council's administration is led by the Chief Executive Officer ('CEO'), who operates under the guidance of the elected Council. The CEO is supported by the Executive Management Team. The Executive Management Team oversees and manages the day-to-day operations of the Council, supported by over 600 employees who have responsibility of implementing the policies and directions set by Council with regards to its functions and services.

Further information about our organisational structure and Executive Management Team can be found at: [LINK](#)

2.3 Our Role

Section 8 of the *Local Government Act 2020* outlines the role of Council, which is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

A Council is providing good governance when:

- It performs its role in accordance with section 9 of the *Local Government Act 2020*
- The Councillors are performing their roles in accordance with section 28 of the *Local Government Act 2020*

To perform its role, Council may:

- Perform any duties or functions or exercise any powers conferred on a Council by or under the *Local Government Act 2020* or any other Act; and,
- Perform any other functions that the Council determines are necessary for the purpose of performing its role.

Council may perform any function outside its municipal district if it is necessary for the purpose of performing its role.

Section 10 of the *Local Government Act 2020* grants the general power of Council stating that “*Subject to any limitations or restrictions imposed by or under this Act or any other Act, a Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.*”

The generality of this section is not limited by the conferring of specific powers by or under this Act or any other Act.

Further information about Council’s guiding legislation (the *Local Government Act 2020* and our Local Law), can be found at: [LINK](#)

2.3.1 List of laws, regulations, rules and local laws

The principal legislation governing the establishment and operation of Manningham Council is the *Local Government Act 2020* and *Local Government Act 1989*, along with various Regulations made under the Acts, which include:

- *Local Government (Electoral) Regulations 2020*
- *Local Government (Planning and Reporting) Regulations 2020*
- *Local Government (General) Regulations 2015*
- *Local Government (Long Service Leave) Regulations 2021*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Local Government (Land Information) Regulations 2021*

Manningham Council has also issued various Local Laws and rules relating to the operation and powers of Council, including:

- *Manningham City Council Governance Rules (14 September 2022)*
- *Manningham Community Local Laws 2013*

As well as the general powers and responsibilities given under the above Acts, Regulations, Rules and Local Laws, Manningham Council are responsible for a variety of services and functions outlined in other Acts, Regulations and Rules. The following non-exhaustive list indicates, as far as practicable, those other Acts, Regulations and Rules that apply to, and/or are enforced by Council:

- *Aboriginal Heritage Act 2006*
- *Building Act 1993*
- *Building Regulations 2018*
- *Children Youth and Families Act 2005*
- *Conservation, Forests and Lands Act 1987*
- *Country Fire Authority Act 1958*
- *Cultural and Recreational Land Act 1963*
- *Dangerous Goods Act 1985*
- *Domestic Animals Act 1994*
- *Education and Care Services National Law Act 2010*
- *Educational and Training Reform Act 2006*
- *Electrical Safety Act 1998*
- *Emergency Management Act 1986*
- *Emergency Management Act 2013*
- *Environment Protection Act 2017*
- *Estate Agents Act 1980*
- *Fences Act 1968*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Gambling Regulation Act 2003*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Housing Act 1983*
- *Impounding of Livestock Act 1994*
- *Infringements Act 2006*
- *Land Acquisition and Compensation Act 1986*
- *Land Act 1958*
- *Liquor Control Reform Act 1998*
- *Major Transport Projects Facilitation Act 2009*
- *Mineral Resources (Sustainable Development) Act 1990*
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*
- *Planning and Environment Act 1987*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosures Act 2012*
- *Public Health and Wellbeing Act 2008*
- *Public Records Act 1973*
- *Road Management Act 2004*
- *Road Management (General) Regulations 2016*
- *Road Safety Act 1986*
- *Road Safety (General) Regulations 2019*
- *Road Safety (Traffic Management) Regulations 2019*
- *Road Safety (Vehicles) Regulations 2021*
- *Road Safety Road Rule 2017*
- *Second-Hand Dealers and Pawnbrokers Act 1989*
- *Sex Work Act 1994*
- *Sports and Recreation Act 1972*
- *Subdivision Act 1988*
- *Subdivision (Fees) Regulations 2016*
- *Subdivision (Procedures) Regulations 2021*
- *Summary Offences Act 1996*
- *Tobacco Act 1987*
- *Transfer of Land Act 1958*
- *Transport Integration Act 2010*
- *Valuation of Land Act 1960*
- *Victoria Emergency Service Act 2005*
- *Victorian Local Government Grants Commission Act 1976*
- *Magistrates Court Act 1989*
- *Water Act 1989*

Copies of Victorian legislation and regulation are available on the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au

2.4 Decision making powers

2.4.1 Decisions by Council

Council exercises its decision-making powers through Council meetings.

Decisions are made at Ordinary Meetings, and for urgent matters, Special Meetings. These meetings are held at the Council Chamber and are open to the public, unless specified circumstances apply for the meeting to be closed to the public as outlined under section 66(2) of the *Local Government Act 2020*.

For example, where a matter relates to a confidential and sensitive nature, these matters may be considered by Council in a closed session.

Council operates several Council committees and is a member of or associated with several external bodies.

Council's Governance Rules outline the meeting procedures for Council meetings and Committees.

Further information about Council meetings and committees can be found at:

- <https://www.manningham.vic.gov.au/about-council/how-council-works/council-meetings>
- <https://www.manningham.vic.gov.au/about-council/how-council-works/committees-and-working-groups>

2.4.2 Decisions made under Delegation

Council is responsible for administering various Acts and Regulations.

Most of these Acts and Regulations state the Council is responsible for administering the relevant power, duty, or function. As it is not practicable for Council to administer a broad range of provisions, the Council delegates various powers, duties, and functions to the CEO and to other positions within the organisation.

Under legislation, including the *Local Government Act 2020*, the CEO can delegate certain decision-making powers to other members of Council staff as it is not possible for the CEO to make every decision.

This is done through an "Instrument of Delegation", which is a legal document that formally delegates power to a specific position within Council.

Section 11(7) and 11(8) of the *Local Government Act 2020*, in addition to Council's Public Transparency Policy, requires Council to make available a register of delegations, including the date on which the last review was undertaken

Our register of delegations can be found at: <https://www.manningham.vic.gov.au/about-council/governance-public-registers-and-your-rights/view-public-documents-and-registers>

A copy of Council's public transparency policy can be found at:

<https://www.manningham.vic.gov.au/about-council/strategies-plans-and-policies>

2.5 Community Consultation

We are committed to the Community Engagement principles contained in section 56 of the *Local Government Act 2020*, which aim to ensure that members of the community have timely access to relevant information they need to participate in the Council decision-making process.

We regularly engage with the community as part of the decision-making process.

This done through various informal and formal processes including, but not limited to:

- Direct mailouts
- Feedback forms & customer surveys
- Focus Groups
- Public forums and information sessions
- Social media
- Consultation process in relation to specific legislation (e.g. Planning permit applications)
- Advisory Committees
- Public questions at Council meetings

We also use our “Your Say” website (www.yoursaymanningham.com.au) as an online consultation portal to give the community the opportunity to voice their views on various local issues and projects.

2.5.1 Community Engagement Policy

Council has adopted a *Community Engagement Policy* which aims to provide a clear statement about the role of community engagement activities in Council decision-making processes.

The policy outlines our commitment to the Community Engagement Principles and details our approach to community engagement practice.

A copy of this policy is available on Council website to download: [LINK](#)

DOCUMENTS HELD BY US

3 Documents held by us

3.1 Document categories

We create and maintain a broad range of documents and records in the course of Council's functions and services. These include documents generated by Council and those received from various third-parties.

The following is a non-exhaustive list and demonstrates a representative sample of the categories of documents held by Council.

- Animal management and pet registration records
- Building and Planning Permit applications and permits, including supporting documentation (e.g. plans)
- Contract Management records and documentation
- Council and committee agendas and minutes
- Council publications, newsletters and mailing lists
- Customer Relation Management cases (customer service requests)
- Databases (e.g. customer service requests, rates, Carelink, Maternal & Child health, Asset Management, etc)
- Disclosures and declarations of conflicts of interest, gifts and public interest disclosures
- Documents relating to public consultation processes and outcomes (feedback forms, surveys, objections, data/statistics, etc.)
- Documents submitted by third-parties (e.g. plans, photos, reports, submissions, correspondence, applications, etc.)
- Emergency management records
- Enforcement documents (e.g. local laws, building and planning enforcement)
- Grant applications, tenders, and tender evaluation material
- Internal administrative records relating to staff management and operation of Council (e.g. personnel records, organisation and staffing, financial and resource management, audits, and internal operating procedures)
- Internal working documents (e.g. correspondence, discussion/meeting records, notes, drafts, etc)
- Legal documents (e.g. local laws, contracts, leases, licences, instruments of delegation, instruments of appointment and authorisation, legal advice, and court documents)
- Maintenance record for Council assets (e.g. parks, facilities, street features, and amenities)
- Maternal and child health records, including immunisation records
- Media releases and general advertising
- Officer reports, recommendations, and briefs
- Permit applications and permits issued under Council's Local Laws
- Photos, videos, CCTV, and geo-spatial imagery data
- Plans, maps and drawings relating to properties, roads, Council assets, etc
- Policies, guidelines, strategies, and plans
- Records associated with capital works, engineering, and road network
- Records associated with public events and cultural programs
- Records of complaints, investigations, fines, and prosecutions

- Records of land transfers, subdivisions, and the history of use of land and roads
- Reports prepared by external consultants
- Requests under the Freedom of Information Act 1982 and documents relating to those requests
- Risk Management and OHS assessments and associated documentation
- Standard Operating Procedures
- Surveys and statistics
- Training material

3.1.1 Information management

Our information, documents and records are maintained in accordance with best practice information management practices and the *Public Records Act 1973*. Council maintains its records in both electronic and hardcopy formats across a variety of systems and databases, including off-site locations.

Furthermore, various historical or permanent records relating to Council are held at the State Archives – Public Records Office Victoria ('PROV'). Further information about PROV can be found at their website: <https://prov.vic.gov.au/>

OUR POLICIES AND PROCEDURES

4 Policies and Procedures

4.1 Policies and Procedures

Council has a range of strategies, action plans, policies and procedures that govern its daily operations and support its administrative and statutory functions. These can also include manuals of procedure, interpretations of governing statutes and other statements of policies and documents concerning the method of enforcing acts or schemes.

This list is a non-exhaustive list of strategies, action plans, policies and procedures used by Council:

- Advisory Committee Policy 2019-23
- Art Grant Program Guidelines
- Building over Easements Policy
- Bushland Management Strategy
- Community Engagement Policy
- Community Development Grant Guidelines
- Complaints Policy
- Development Guides covering:
 - Single dwellings, dwelling extensions, and outbuildings
 - Residential developments and subdivision
 - Vegetation management
- Disability Access and Inclusion Plan
- Domestic Animal Management Plan 2022-25
- Election Period Policy
- Electric Line Clearance Management Plan
- Festival and Events Grant Program Guidelines
- Fraud and Corruption Policy
- Gambling Policy
- Gender Equality Action Plan
- Information Privacy Policy
- Health Records Policy
- Leasing of Council-Owned and Managed Property Policy
- Manningham City Council Standard Drawings
- Manningham Heritage Garden and Significant Tree Study 2006
- Manningham Heritage Studies and Reference Documents (various)
- Manningham Parking Permit Policy
- Manningham Planning Scheme
- Nature Strips Policy
- Outdoor Sports Infrastructure Policy
- Open Space Strategy
- Procurement Policy
- Rate Debtor Management Policy
- Residential Parking Permit – Conditions of Use
- Risk Management Policy
- Road Management Plan
- Small Grants Program Guidelines
- Social Media Guidelines
- Trader Parking Permit – Conditions of Use
- Tree Amenity Value Policy
- Walk Manningham Plan
- Warrandyte Township Heritage Guidelines

These documents are available on our website either at <https://www.manningham.vic.gov.au/about-council/strategies-plans-and-policies> or in other parts of website in relation to the relevant specific Council function or service.

Alternatively, you can request a copy by either contacting Customer Service at (03) 9840 9333 or email us at manningham@manningham.vic.gov.au

PUBLICATIONS AND DOCUMENTS AVAILABLE FOR INSPECTION

5 Publications and documents available for inspection

5.1 Publications, websites, social media, and mailing lists

We provide community information through a variety of publications, websites and through social media channels.

5.1.1 Publications

- [Manningham Matters](#) – our community magazine

Council also publishes information sheets, guides, and resources covering various topics including:

- New residents' information
- Community health
- Local activities and events
- Community groups
- Family services
- Business development
- Building and Planning guides
- Animal registration
- Emergency preparation
- Waste and Recycling
- Parks, reserves and walking trails.

Information sheets, guides, and other resources can be obtained via our website or by contacting Customer Service at (03) 9840 9333 or email manningham@manningham.vic.gov.au

5.1.2 Mailing Lists

Council operates several mailing lists on its websites to allow the public to receive news and updates about various Council functions, events, and activities. These include:

- [Manningham Business E-News](#)
- [Manningham Art Gallery](#)
- [Manningham Council monthly e-newsletter](#)
- [Manningham Inclusive](#)

5.1.3 Council websites

Council operates several websites including:

- [Manningham Council](#) – our main website
- [Your Say Manningham](#) – our public consultation and engagement website
- [Manningham Business](#) – our online local business directory and resources website

5.1.4 Social Media

Council operates several social media accounts on various platforms, including:

Table 1: List of Council's social media accounts

Social Media platform	Account Link
Twitter	https://twitter.com/ManninghamCC
YouTube	https://www.youtube.com/user/ManninghamCouncil
Instagram	https://www.instagram.com/manninghamcouncil/
LinkedIn	https://au.linkedin.com/company/manningham-council
Facebook	https://www.facebook.com/ManninghamCouncil
	https://www.facebook.com/manninghambusiness/
	https://www.facebook.com/ArtsManningham/
	https://www.facebook.com/DoncasterRail/ (NOTE: Has not been updated since 2019)

5.2 Documents available for public inspection

In accordance with statutory requirements, Council maintains various documents and registers which are available for public inspection. The following is a non-exhaustive list of those documents and registers:

Table 2: List of Acts and Regulations outlining access to various information and registers through Council

Act or Regulation	Section	Description	Access
Building Act 1993	31	Register of building permits	Inspection by the public at Council office
	74	Register of occupancy permits and temporary approvals/amendments	Inspection by the public at Council office
	126	Register of emergency orders, building notices, or building orders	Inspection by the public at Council office
	192A(8)	Copy of the most recent map of designated bushfire prone areas within a municipality given to Council under subsection (7)	Available online <ul style="list-style-type: none"> LINK
	216D	Register of swimming pools	Only those persons listed in subsection (7) for specified purposes
Building Regulations 2018	50	Copy of any documents submitted with a building permit application in relation to a building or land	The owner or mortgagee of the building or land, or a

			<p>person authorised in writing by said owner or mortgagee.</p> <ul style="list-style-type: none"> Request here
	51	<p>Request for a prescribed information statement. Three types available.</p> <ol style="list-style-type: none"> Historical details of building permits, occupancy permits, certificate of final inspections, any current Building Notices or Orders and details of statements issued under Reg 64 or 153 Details about whether a property is an area that is liable to flooding, termite infestation, prone to bushfire, liable to significant snowfalls, or liable to overland flooding. Contains all information in Option 1, and provides details of inspection approval dates of the mandatory notification stages for building works carried out. 	<p>Copy on request and payment of 3.19 fee units per statement by any person.</p> <ul style="list-style-type: none"> Request here
	149(4)	Copy of each designated special area map applicable to the municipality prepared under regulations 148 or 149(1)	Where such maps exist, there are to be available for public inspection at the Council office
Country Fire Authority Act 1958	50F(4)	Copy of the Municipal Council Neighbourhood Safer Places Plan	<p>Online publication and inspection by the public at Council office</p> <ul style="list-style-type: none"> LINK
Emergency Management Act 2013	60AI(ab)	Copy of municipal emergency management plan	<p>Online publication</p> <ul style="list-style-type: none"> LINK
Filming Approval Act 2014	Sch1 Principle 7	Information on how to application for film permits and other relevant information	<p>Online publication</p> <ul style="list-style-type: none"> LINK
Food Act 1984	19(4)	Orders made relating to food premises	<p>Onsite at food premise and:</p> <ul style="list-style-type: none"> Newspaper notice; or, By other means of public notification
	43	Records of registrations, renewals and transfers in relation to a particular food premises, including details of any relevant orders.	Copy on request by any person.

Gender Equality Act 2020	12(3)(a)	Copy of completed Gender Equality Action Plan	Online publication • LINK
Infringements Act 2006	9	Enforcement agency guidelines and policies in respect of the use of official warnings for infringement offences	Online publication • LINK
Local Government Act 2020	11(8)	Public Register of delegations	Online publication • LINK
	41	Council expenses policy	Online publication • LINK
	45	Chief Executive Officer Employment and Remuneration Policy	Online publication • LINK
	48(2)	Recruitment policy for members of Council staff	Unspecified (available on request?)
	49	Code of Conduct for members of Council staff	Unspecified (available on request?)
	55	Community engagement policy	Online publication • LINK
	57	Public transparency policy	Online publication • LINK
	60	Governance Rules	Online publication • LINK
	73	Copy of any proposed local law	Published on Council website and available for inspection at Council's office
	75	Copy of Council's local law	Online publication • LINK
	90	Council Plan (outlines Council's strategic direction for at least next 4 financial years after a general election)	Online publication • LINK
	91	Council's Financial Plan	Online publication • LINK
	92	Council's Asset Plan	Online publication • LINK
	93	Council's Revenue and Rating Plan	Online publication • LINK
Local Government Act 2020	94 & 95	Council Budget	Online publication

			<ul style="list-style-type: none"> • LINK
	98	Council Annual Report	Online publication <ul style="list-style-type: none"> • LINK
	107	Complaints policy	Online publication <ul style="list-style-type: none"> • LINK
	108	Procurement policy	Online publication <ul style="list-style-type: none"> • LINK
	135	Summary of personal interests	Published on Council website and available for inspection at Council's office <ul style="list-style-type: none"> • LINK
	138	Councillor gift policy	Online publication <ul style="list-style-type: none"> • LINK
	139	Councillor Code of Conduct	Online publication <ul style="list-style-type: none"> • LINK
	307	Summary of election campaign donation returns	Published on Council's website <ul style="list-style-type: none"> • LINK
	308	Copy of election campaign donation return	Available for inspection at Council's offices for 4 years after election day.
Local Government Act 1989	161(3)	Copy of prescribed information regarding a declared differential rate	Published on Council website and available for inspection at Council's office
	163(1B)	Copy of public notice and other information with regards to a proposed special rate and special charge	Available for public inspection at the Council office for at least 28 days after the publication of the notice
	224	A register of authorised officers	Online publication <ul style="list-style-type: none"> • LINK
Planning and Environment Act 1987	Part 9, Division 6A (ss 197A to 197H)	<p>Public Availability Requirements – Outlines requirements to make various documents and registers outlined in this Act t publicly available through one or more of the following options:</p> <ul style="list-style-type: none"> • In Person inspection (197B); or: • Both of the following: <ul style="list-style-type: none"> ○ Electronic publication on Councils' website (197C & 197E) ○ On request inspection (197D) <p>The requirements also outline certain information may not be available without consent, as well as other exceptions to the public availability requirements.</p>	

Planning and Environment Act 1987	4H & 4I	Victorian Planning Provisions and any approved amendments to those provisions (including any documents lodged with an amendment)	<p>Victoria Planning Provisions – in accordance with public availability requirements</p> <p>Amendments – During inspection period (2 months from day on which approved amendment comes into operation)– available in accordance with public availability requirements</p> <p>After inspection period ends – access in accordance with section 197B and prescribed fee.</p>
	18 & 21	Submissions to Minister for Planning requesting amendments and exemptions to a planning scheme	<p>Proposed amendments – access in accordance with public availability requirements until proposed amendment is approved or lapses.</p> <p>Public submissions for proposed amendments = access in accordance with public availability requirements until the end of 2 months after amendment comes into operation or lapses.</p>
Planning and Environment Act 1987	26	Panel hearing reports on submissions to amend a planning scheme	Access in accordance with public availability requirement during the inspection period (period defined under section 26(3) of this Act)
	42	Planning scheme (including any amendments, and documents lodged in accordance with section 40)	<p>Access in accordance with public availability requirements</p> <ul style="list-style-type: none"> • LINK to Manningham Planning Scheme
	49	Register of planning permit applications and all decisions and determinations relating to permits.	<p>Access in accordance with public availability requirements</p> <ul style="list-style-type: none"> • LINK to planning application portal

<i>Planning and Environment Act 1987</i>	57	Copy of every objection to granting of a planning permit.	Access in accordance with public availability requirements until the end of the period during which an application may be made for review of a decision on the application.
	70	Copy of Council issued planning permits (includes endorsed documents)	Access in accordance with public availability requirements
	179	Copy of agreements entered with a landowner in the area, covered by a planning scheme for which Council is the responsible authority	Access in accordance with public availability requirements
<i>Public Health and Wellbeing Act 2008</i>	26 & 27	Municipal public health and wellbeing plan (may be included within Council Plan or Strategic Plan)	Published on Council website and available for inspection at Council's office <ul style="list-style-type: none"> • LINK
<i>Public Interest Disclosures Act 2012</i>	59	Public interest disclosure procedures	Online publication <ul style="list-style-type: none"> • LINK
<i>Road Management Act 2004</i>	19	Register of public roads	Published on Council website and available for inspection at Council's office <ul style="list-style-type: none"> • LINK

LIBRARIES AND READING ROOMS

6 Libraries and Reading Rooms

6.1 Libraries

Library services in the City of Manningham are provided by the Whitehorse Manningham Regional Library Corporation (<https://www.wml.vic.gov.au>)

The following libraries are located within the municipality.

Table 3: Address, contact details and opening hours of libraries within Manningham.

Library	Address & contact details	Opening Hours*
Bulleen Library	Address: Bulleen Plaza Manningham Road, Bulleen 3105 Email: bul@wml.vic.gov.au Phone: (03) 9896 8450	<ul style="list-style-type: none">Monday to Friday: 10am-6pmSaturday: 9am-5pmSunday: Closed
Doncaster Library	Address: MC Square 687 Doncaster Road, Doncaster 3108 Email: don@wml.vic.gov.au Phone: (03) 9877 8500	<ul style="list-style-type: none">Monday, Tuesday & Friday: 10am-6pmWednesday & Thursday: 10am-8pmSaturday: 9am-5pmSunday: 1pm-4pm
The Pines Library	Address: Cnr Reynolds & Blackburn Roads, Doncaster East 3109 Email: pin@wml.vic.gov.au Phone: (03) 9877 8550	<ul style="list-style-type: none">Monday to Thursday: 10am-8pmFriday: 10am-6pmSaturday: 9am-5pmSunday: Closed
Warrandyte Library	Address: The Warrandyte Community Centre 168 Yarra Street, Warrandyte 3113 Email: war@wml.vic.gov.au Phone: (03) 9895 4250	<ul style="list-style-type: none">Monday & Sunday: ClosedTuesday & Wednesday: 10am-5:30pmThursday & Friday: 1pm-5:30pmSaturday: 9am-1pm

Source: <https://www.wml.vic.gov.au/Libraries-Hours>

* = Please check with the libraries for opening hours during public holidays and other notable events.

6.2 Reading Rooms

Reading rooms at Council's civic offices can be arranged with reasonable notice, for the purposes of inspecting documents and publications.

To make arrangements, please contact Council's customer service at (03) 9840 9333 or email manningham@manningham.vic.gov.au

FREEDOM OF INFORMATION (FOI) ARRANGEMENTS

7 Freedom of Information arrangements

Section 7 of the FOI Act requires the following statement outlining the process involved with making requests for access to a document made under the *Freedom of Information Act 1982 (Vic.)*

The following information assumes that access to the information being sought cannot be obtained by other available means (e.g. through other legislations, public register, open data or administrative access).

The FOI Act establishes a general right of access to any documents held by Council, where access is limited only where exceptions or exemptions of the Act are applicable, such as to protect essential public interests, as well as protecting the privacy and business affairs of third-party individuals in respect to their information collected and held by Council.

7.1 Submitting a request to access documents

In order to submit a valid request under the FOI Act, it must:

- Be in writing;
- Have a sufficiently clear description to enable us to identify what documents are being sought;
- Be accompanied with an application fee of 2 fee units
 - A waiver or reduction of this fee on the basis of hardship can be requested
 - Evidence of hardship is required
 - The fee is set at 2 fee units and updates every financial year.

If your request does not comply with the above requirements, we will notify you of that your request is not yet valid and advise how to make your request valid. Reasonable opportunity will be provided to you to comply with the validity requirements.

Until your application is made in a manner required by section 17 of the FOI Act, it cannot be processed, and the relevant statutory decision timeframes have not yet commenced

In addition to the above, the following information may be requested to assist in processing the request:

- If applying on behalf of someone else, a written authority from that person as evidence of you acting on their behalf.
- If seeking your own personal affairs information, or your child's personal affairs information, we may ask for proof of identity.

While the above information is not mandatory, failure to provide this information if requested may impact the access decision on documents processed for your request.

7.1.1 Submitting a written request

A request can be submitted by the following means:

Contact options	Contact details
E-mail	To: manningham@manningham.vic.gov.au

	Please ensure you state in the subject header and/or in the contents of the email that this is a “Freedom of Information request”.
Post	Address it as follows: Att: Freedom of Information Officer Manningham City Council PO Box 01 Doncaster, VIC, 3108
In person	You can submit a written request at Council’s customer service centre, located at: <ul style="list-style-type: none"> • Manningham Civic Centre, 699 Doncaster Road, Doncaster, VIC, 3108.

While not mandatory to use, we have a FOI application form you can use to complete and submit. A copy of Council’s FOI application form can be downloaded via: [LINK](#)

7.1.2 Payment of application fee and hardship waivers

Application fee payment options

If you submit the FOI request in person, payment can be made at the front counter

If you submit the FOI request by post, you can choose to submit a cheque along with the request.

Alternatively for request submitted by post or email, Council will generate an invoice that will have several payment options (online, electronic, cheque or in person).

Hardship Waivers

Section 17(2B) of the FOI Act allows Council to either waive or reduce an application fee, whether or not the fee has already been paid, if the payment of the fee would cause hardship to the applicant.

If you believe the application fee would cause hardship fee, you can apply for a waiver of the fee on the basis of hardship.

Any request for a waiver will require evidence of hardship to be provided to Council. Examples of potential evidence include ncome-tested concessions (e.g. pension, Jobseeker, etc.), evidence of unemployment or other information detailing hardship.

Council will consider any evidence/information provided in support of a request for a waiver on a case-by-case basis.

Council will notify you of the outcome of any waiver requests.

If Council accepts that hardship waiver request, one of the following outcomes may be applied:

- For personal request (where you are seeking access to record about your own personal affairs), we will waive the fee in full.
- For non-personal requests (where you are seeking access to records not about your own personal affairs), we may instead reduce the application fee.

NOTE: The hardship waive request only applies to the application fee. Access charges may still be applicable in accordance with section 22 of the FOI Act.

7.1.3 Section 17(2) – a sufficiently clear description of the documents you are seeking to access

When submitting a FOI request, section 17(2) requires that a request provide information concerning the document as is reasonably necessary to enable an officer of the agency to identify the document.

That is, the description must be sufficiently clear to enable a Council officer to identify the documents that you are seeking to access.

If a request is ambiguous, unclear, or otherwise ill-defined, it may not comply with the FOI Act as a valid request and therefore may not be processed.

Section 17(4) outlines Council's obligation to assist and consult with you in order to make the terms of your request comply with section 17(2) of the FOI Act.

It is not expected for you to know what specific documents we may hold but, however providing a sufficiently clear description and relevant contextual information will help us to identify the documents being sought, or to assist you in clarifying the terms of your request.

The following tips may assist you writing your request:

- Ask for specific documents or document types
 - Examples of document types = correspondence (letters, emails), memos, reports, plans
 - If you know the name/title of a specific document, advise us of that fact)
- Try to identify:
 - The relevant dates, date range or timeframe
 - Relevant parties involved (e.g. names of individuals, organisations, etc.)
 - Relevant incident/event details, locations, reference numbers, etc.
- Avoid using phrases like “*all documents in relation to*” and “*including but not limited to*”
 - These types of phrases are often too open-ended and require Council to interpret what is considered related or may be included in the request's terms.
 - If the terms of your request are overly broad, you could also end up receiving and being charged for, a large volume of document which you did not really require.
- If you do not require certain documents or information, please advise us of that fact, for example:
 - If you do not require the personal information of some or all third-party individuals
 - If you do not require documents sent between yourself and Council (as you may have a copy of these documents already)

If clarification is required, we will make comments and ask questions designed to help clarify the terms of your request.

We may also advise you in our clarification with you that some information or documents may be accessible outside the FOI Act, for example through existing administrative processes or via other legislation.

We may also advise you that the documents/information you seek may be held by another agency and that you may need to approach them to seek access to those documents/information.

7.2 Processing requests

Once we have received a valid request, we will process your request and seek to notify you of an access decision within the statutory timeframes of the FOI Act – 30 days after the day on which a valid request is received by Council.

Please note that the above 30 day timeframe may be extended for one or more reasons including:

- Extended by up to 15 days if mandatory third-party consultation is required (NOTE: This is once-off extension);
- Up to 30 days extension with your agreement (NOTE: this extension can occur multiple times with your agreement).

The initial 30 day timeframe may also reset if it is determined that an access charges deposit is required. This occurs if we are of the view that the access charges estimate for your request will exceed \$50. The initial timeframe resets to start from the day payment of the deposit is received.

- If the 30 day timeframe is reset, the previously noted time extensions may still be applied as well.

If the any of the above were to occur, you will be notified of that fact and the reasons for it.

Once we have processed your request and assessed any located documents, we will make a decision to either refuse, defer or grant access (in full or in part) to the documents. You will be notified of the access decision and the reasons for any decision applied.

7.2.1 Section 18 – Transfer of requests

In some cases, we may determine that the entire request relates to the documents held by another agency or seeks documents about a subject matter more closely connected with the functions of another agency, we may transfer your request to that other agency.

If this occurs, we will notify you of the transfer, including the provision of the other agency's contact details.

7.3 Exemptions & Exceptions

Part IV of the FOI Act outlines various exemptions that may apply to documents held by Council. Exemptions refer to material that cannot be released so as to protect essential public interests, as well as protecting the privacy and business affairs of third-party individuals in respect to their information collected and held by Council.

The following are examples of the commonly cited exemptions that may apply to documents held by Council:

- Section 30 – Internal working documents
 - E.g. Opinions, advice or deliberations of a Council officer (or between Council officers) where its release would be contrary to the public interest to disclose.
- Section 31 – law enforcement documents
 - There are several different exemptions including but not limited to:
 - Where disclosure would prejudice an ongoing investigation of a potential criminal offence, enforcement or proper administration of a law
 - Disclose the identity of a confidential source in relation to the administration of a law

- Prejudice the fair trial of a person or the impartial adjudication of a case
- Section 32 – legal privilege
 - E.g. Legal advice and confidential communications between a client and their lawyer
- Section 33 – Personal affairs information
 - Involves the unreasonable disclosure of personal affairs information of any third-party individual
- Section 34 – Commercial information and trade secrets
 - Involve business, commercial or financial information obtained by Council from a third-party, where its disclosure would expose the third-party unreasonably to disadvantage
- Section 35 – Material obtained in confidence
 - Information provided to Council by a third-party in confidence and its disclosure is contrary to the public interest as it would impair Council's ability to obtain similar information in the future
- Section 38 – secrecy provisions
 - Where information is prohibited to be disclosed by another law

Several exemptions also require Council to consult with third-parties whose information is contained in the document to seek their views regarding the potential release of that information. While any objection received from a third-party is not an automatic veto to the release of the document, it is considered along with any other relevant factors to determine if an exemption applies.

7.4 Access Charges

In providing access to documents under the FOI Act, access charges may apply.

Any charges are calculated in accordance with section 22 of the FOI Act and the *Freedom of Information (Access Charges) Regulations 2014*. The following are an example of access charges that may be applied:

Service charged for	Charge
Charge for search time	1.5 fee units per hour or part of an hour. For FY22/23 = \$22.935 per hour or part of an hour (can be rounded to nearest 10 cents)
Charge for supervision of inspection	1.5 fee units per hour (to be calculated per quarter hour or part of a quarter hour). For FY22/23 = \$22.935 per hour to be calculated per quarter hour or part of a quarter hour
Charge for providing black and white photocopy	20 cents per A4 page
Charge for providing copy of document other than black & white photocopy	Reasonable costs incurred by agency in providing the copy.

Charge for arrangements to hear or view sound or visual image	Reasonable costs incurred by agency in providing the copy.
Charge for providing written transcript	Reasonable costs incurred by agency in providing the copy.
Charge for providing a written document in accordance with section 19 of the FOI Act	Reasonable costs incurred by agency in providing the copy.

7.5 Further information

Any questions or queries about Council's FOI process can be submitted to Council's FOI officer, who can be contacted by the following means:

Post: Freedom of Information Officer
Manningham Council
PO Box 1
Doncaster VIC 3108

Email: FOI@manningham.vic.gov.au

Phone: (03) 9840 9333

Additional information about the FOI Act can be found on the Office of the Victorian Information Commissioner's (OVIC) website: <https://ovic.vic.gov.au/>

The OVIC is the primary regulator and oversight body of the Victorian public sector with regards to the FOI Act.

8 Part II Statement – Document revision history

8.1 Document revision table

Document Version	Date	Changes
Original version 1.0	04 June 2019	Publication of this document
Update 1.1	12 January 2023	<p>Contents</p> <ul style="list-style-type: none"> Updated based on changes to other sections. <p>Section 1 - Introduction</p> <ul style="list-style-type: none"> Revision date updated <p>Section 2</p> <ul style="list-style-type: none"> Updates to 2.1, 2.2, 2.3 & 2.4 Added 2.4.1, 2.4.2, & 2.5 <p>Section 3</p> <ul style="list-style-type: none"> Updates to 3.1 Added 3.1.1 <p>Section 4</p> <ul style="list-style-type: none"> Update to 4.1 <p>Section 5</p> <ul style="list-style-type: none"> Update to 5.1 & 5.2 <ul style="list-style-type: none"> Re-ordered subsections of 5.1 <p>Section 6</p> <ul style="list-style-type: none"> Reordered sections Updated library table <p>Section 7</p> <ul style="list-style-type: none"> Update to 7.1, 7.2, 7.3, 7.4 & 7.5 Added 7.1.1, 7.1.2, 7.1.3 & 7.2.1 <p>Section 8</p> <ul style="list-style-type: none"> Updated document revision table

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