

**Cardinia Shire Council**

**Part II Statement**

*In accordance with the Freedom of Information Act 1982*

**Documents & other information available to the Public**

*Freedom of Information Act 1982*

*November 2018*

# Organisational Structure

Cardinia Shire Council consists of 9 Councillors elected for a four year term. The next election will be held in 2020. The organisation is accountable to Council through the Chief Executive Officer.

The Chief Executive Officer is appointed by the Council and he is responsible for establishing and maintaining an appropriate organisational structure, the day to day management of the Council's operations in accordance with the Council Plan, providing timely advice to Council and appointing, directing and managing staff.

The Organisational Structure is as below:

**Chief Executive Officer**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| General Manager Community Wellbeing | General Manager Corporate Services | General Manager Planning & Development | General Manager Assets & Services | General Manager People and Culture |
| * Community and Family Services * Community Strengthening * Active Communities | * Performance and Innovation * Finance * Governance * Information Services * Customer Communications * Property and Revenue | * Development and Compliance Services * Policy, Design and Growth Area Planning * Economic Development, Tourism and Major Projects | * Environment * Buildings and Facilities * Operations * Infrastructure Services | * Human Resources * Payroll Services * Learning and Development |

# Council Functions

Council’s activities are diverse and extensive. Significant infrastructure is maintained, a range of services are provided and various laws are enforced for the community.

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

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

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

**ACTS**

* Australian Citizenship Act (Cth) 2007
* Aboriginal Heritage Act 2006
* Associations Incorporations Reform Act 2012
* Australian Consumer Law
* Building (Interim) Regulations 2005
  + Building Act 1993
  + Catchment and Land Protection Act 1994
  + Community Services Act 1970
  + Children, Youth and Families Act 2005
  + Children’s Services Act 1996
  + Children’s Services Regulations 2009
  + Climate Change Act 2010
  + Conservation, Forests and Land Act 1987
  + Constitution Act 1975
  + Country Fire Authority Act 1958
  + Country Fire Authority Regulations 2004
  + Crown Land (Reserves) Act 1978
  + Cultural and Recreational Lands Act 1963
  + Dangerous Goods Act 1985
  + Drugs, Poisons and Controlled Substances Regulations 2011
  + Domestic Animals Act 1994
  + Disability Act 2006
  + Education and Care Services National Law Act 2010
  + Education and Care Services National Regulations 2011
  + Education and Training Reform Act 2006
  + Electrical Safety Act 1998
  + Emergency Management Act 2013
  + Environment Protection Act 1970
  + Equal Opportunity Act 2010
  + Estate Agents Act 1980
  + Evidence Act 2008
  + Fences Act 1968
  + Fences Amendment Act 2014
  + Filming Approval Act 2014
  + Fines Reform Act 2014
  + Fire Services Property Levy Act 2012
  + Financial Institutions Duty Act 1982
  + Flora and Fauna Guarantee Act 1988
  + Food Act 1984
  + Food Standards Code 2016
  + Freedom of Information Act 1982
  + Gambling Regulation Act 2003
  + Graffiti Prevention Act 2007
  + Geothermal Energy Resources Regulations 2006
  + Health (Immunisation) Regulations 1999
  + Health (Prescribed Accommodation) Regulations 2001
  + Health Act 1958
  + Health Records Act 2001
  + Health Services Act 1988
  + Heritage Act 1995
  + Heavy Vehicle National Law 2012
  + Housing Act 1983
  + Impounding of Livestock Act 1994
  + Independent Broad-Based Anti-Corruption Commission Act 2011
  + Infringements Act 2006
  + Infringements (General) Regulations 2006
  + Land Acquisition and Compensation Act 1986
  + Land Acquisition and Compensation Regulations 2010
  + Land Act 1958
  + Landlord and Tenant Act 1958
  + Liquor Control Reform Act 1998
  + Local Government (Electoral) Regulations 2016
  + Local Government (Planning and Reporting) Regulations 2014
  + Local Government (General) Regulations 2015
  + Local Government (Long Service Leave) Regulations 2012
  + Local Government Act 1989
  + Magistrates' Court Act 1989
  + Major Transport Projects Facilitation Act 2009
  + Metropolitan Fire Brigades Act 1958
  + Mineral Resources (Sustainable Development) Act 1990
  + National Parks Act 1975
  + Occupational Health and Safety Act 2004
  + Occupational Health and Safety Regulations 2007
  + Pipelines Act 2005
  + Planning and Environment (Fees) Regulations 2016
  + Planning and Environment Act 1987
* Planning and Environment (Planning Schemes) Act 1996
* Planning And Environment Regulations 2015
* Prevention of Cruelty to Animals Act 1986
* Property Law Act 1958
* Privacy and Data Protection Act 2014
* Protected Disclosure Act 2012
* Public Health and Wellbeing Act 2008
* Public Health and Wellbeing Regulations 2009
* Public Records Act 1973
* Rail Safety (Local Operations) Act 2006
* Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
* Residential Tenancies Act 1997
* Road Management (General) Regulations 2016
* Road Management Act 2004
* Road Management (Works and Infrastructure) Regulations 2015
* Road Safety (Road Rules) 2009
* Road Safety (Vehicles) Regulations 2009
* Road Safety (Traffic Management) Regulations 2009
* Road Safety Act 1986
* Sale of Land Act 1962
* Second Hand Dealers and Pawnbrokers Act 1989
* Sex Work Act 1994
* Sherriff Act 2009
* Shop Trading Reform Act 1996
* Sport and Recreation Act 1972
* Subdivision (Fees) Regulations 2016
* Subdivision (Procedures) Regulations 2011
* Subdivisions Act 1988
* Subordinate Legislation Act 1994
* Summary Offences Act 1966
* Tobacco Act 1987
* Transfer of Land Act 1958
* Transport Integration Act 2010
* Transport (Safety Schemes Compliance and Enforcement) Act 2014
* Urban Renewal Authority Victoria Act 2003
* Valuation of Land Act 1960
* Victoria Grants Commission Act 1976
* Victorian Civil and Administrative Tribunal Act 1998
* Victorian Grants Commission Act 1976
* Victorian State Emergency Act 2005
* Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011
* Water Act 1989
* Working with Children Act 2005

**Local Laws:**

* Local Law 16, Meeting Procedure Local Law
* Local Law 17, Environment, Amenity and Asset Protection Local Law
* Local Law 18, Open Air Fire Local Law

# Decision making powers

Council exercises powers that affect members of the public both at Council Meetings and by Council employees with delegated authority.

Meetings are held in the Council Chambers, 20 Siding Avenue, Officer.

A schedule of Council meetings can be located on Council’s website <https://www.cardinia.vic.gov.au/>

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

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

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

**Consultation**

Community consultation is any process that the Council undertakes to involve the public in decision-making by communicating with them by email, post, and phone or in person to find out their views about a particular issue, service or other Council matter prior to making decisions.

The Council has a Community Consultation Policy which allows people to become involved in Council’s decision-making processes so they can help shape decisions that affect them and the rest of the community.

Examples of community consultation include asking the community for feedback on Council policies, performance on service delivery or involving the community in the development or review of specific projects or developments.

The Community Consultation Policyis available on Council's website – <https://www.cardinia.vic.gov.au/>

# Documents held by Council

Council maintains a range of documents from general correspondence to Council adopted policies and procedures. Access to this information is either through the website, inspection or the Freedom of Information process. The categories of documents in Council's possession are:

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

# Documents available for publication or inspection

Council maintains a range of documents and registers for public inspection that is required by various Acts that Council must adhere to. Inspection of the documents can be done between the hours of 8.30am-5pm by appointment. Please note that the Council cannot guarantee inspection without an appointment.

In accordance with Regulation 12 of the *Local Government (General) Regulations 2015*, the following documents are available for inspection:

* Public agendas and minutes of ordinary and special Council meetings and minutes of special committee meetings held in the previous 12 months, available on Council's website at
* A register of delegations kept under sections 87, 88, and 98 of the Local Government Act 1989
* A list of property leases
* A register of authorised officers appointed under section 224 of the Local Government Act 1989
* A list of donations and grants made by the Council during the financial year
* A document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months

In accordance with the *Local Government Act 1*989, the following documents are available for inspection:

* Register of Interests (Section 81(10))
* Election campaign donation returns (Section 62A)
* Councillor Reimbursement Policy (Section 75B)
* Councillor Code of Conduct (Section 76C)
* If Council passes a resolution to reappoint a person as its Chief Executive Officer without advertising the position, the Council must make details of the person's proposed total remuneration under the new contract (Section 94)
* A copy of and Council proposed local law and explanatory document setting out prescribed details in relation to the local law (Section 119)
* Copies of Local Laws operative within the municipality (Section 120)
* Accounts and records of Council transactions (Section 140)
* Annual Report (Section 133)
* Annual Budget (Section 127)
* Council Plan and Strategic Resource Plan (Section 125 & 126)
* Details of Differential Rates (Section 161)
* Where Council has given public notice of an intention to declare a special rate. a special charge, or a combination of both, copies of the proposed declaration will be available for at least 28 days after the publication of the notice (Section 163)
* Best Value – Quality and cost standards (Section 208)
* Copies of the preliminary and final reports for the last Electoral Representation Review(Section 219F)
* Procurement Policy (Section 186A)
* Register of all building permits issued (Building Act 1993, Section 31)
* A register of occupancy permits, certificates of final inspection, temporary approvals and amendments (Section 74)
* A register of emergency orders, building notices and building orders (Section 126)
* Certificates of final inspection, building and occupancy permits issued in the preceding 10 years, any current statement under Building Regulation 502 or 503, current building notices and building orders (Building Regulations 2006 r326[1])
* Information on the likelihood that a given property is susceptible to flood, termites, bushfire and/or snowfalls, and that a given property is within the area of designated land or works as prescribed by regulation 806 (r326[2])
* Approval dates of the mandatory notification stages for building works (r326[3])
* Register of all registered dogs and cats in the Municipal District (Domestic Animals Act 1994, Section 18)
* A copy of the *Victorian Planning Provisions* and any amendments (Planning & Environment Act 1987, Section 42)
* A copy of amendments and submissions to the Minister for Planning requesting amendments and exemption to a planning scheme (Section 18, 21)
* A copy of panel hearing reports and submissions to amend a planning scheme (Section 26)
* A copy of an amended planning scheme (Section 42)
* A register of planning permit applications, decisions and determinations (Planning & Environment Act 1983, Section 49)
* A copy of objections to permit applications and applications for amendment of permits during the period which an application may be made for review of a decision on the application (Section 57)
* Copies of Council issued permits (Section 70)
* A copy of agreements Council has entered into with an owner of land in the area covered by a planning scheme for which it is a responsible authority (Section 179[2])
* A register of Section 173 Agreements entered into by the Municipality (Planning and Environment Act 1987, Section 179)
* A copy of the Municipal Public Health and Wellbeing Plan (Public Health and Wellbeing Act 2008, Section 26(7))
* Details of Food Premise Registrations, renewals and transfers in relation to particular food premises, including details of orders to suspend or revoke registration of food premises (Food Act 1984, Section 43)
* Councils Public Road Register
* Protected Disclosures Procedures

Council's Governance Unit is primarily responsible for maintaining this information. Documents are available for inspection at the Council Offices, and the Council’s website <https://www.cardinia.vic.gov.au/>

# Newsletters, websites and social media

Council also produces a number of regular publications and newsletters to provide information to the community and these are available from Council’s website, the publications include:

* Annual Report
* Connect Cardinia Magazine
* Business Connections
* Bounce Back
* Down to earth
* A safer community
* Ageing Well
* [Facebook](https://www.facebook.com/CardiniaShireCouncil/)
* [Twitter](https://twitter.com/CardiniaShire)
* [CardiniaTV](https://www.youtube.com/user/CardiniaTV)

Information about the range of services Council provides can be found on Council’s website at <https://www.cardinia.vic.gov.au/>

# Statement 5: Rules, Policies and Procedures

# Council's decision making process is governed by a number of policies, strategies and plans. The major ones are listed below:

* Emergency Management Plan
* Cardinia Neighbourhood Safer Places Plan
* Positive Ageing Plan
* Cardinia Heritage Places Study
* Art Collection Policy
* Youth Strategy
* Graffiti Management Strategy
* Cardinia Shire Council Plan 2017-2021
* Biodiversity Plan
* Weed Management Strategy
* Water Sustainability Plan
* Environmental Management System
* Waste Management Plan
* Cardinia Planning Scheme
* Municipal Strategic Statement
* Local Area Traffic Management Strategy
* Drainage Policy
* Road Safety Strategy
* Asset Management Strategy
* Urban Design Guidelines, Frameworks and Concept Plans
* Activity Centre Structure Plans
* Streetscape plans
* Economic Development Plan
* Community Grants Policy
* Rating Strategy
* Debt Management Strategic Plan
* Outdoor Advertising Policy
* Safer Design Policy and Guidelines
* Place Policy and Strategy
* Participation Policy and Strategy
* People Policy and Strategy
* Community Plan
* Annual Report
* Economic Development Strategy
* Procurement Policy
* Road Safety Plan
* Road Management Plan
* Complaints Handling Policy & Guidelines
* Footpath Trading Policy
* Public Art Strategy
* Annual Budget
* Audit Committee Charter
* Rates Hardship Assistance Policy
* Environment Policy
* Heritage Precinct Guidelines
* Community Garden Policy
* Domestic Animal Plan
* Cardinia Shire Council Naturestrip Policy
* Cardinia Shire Council Fishing Policy
* Recreation Reserve Management and Usage Policy
* Cardinia Shire Council Public Art Policy
* Cardinia Shire Council Developer Landscape Guidelines
* Environmentally Sustainable Design and Operation Policy
* Buildings and Facility Maintenance Policy
* CCTV Policy
* Kindergarten Central Enrolment Registration Policy
* Major Equipment Grants Policy
* Cardinia Access & Inclusion Plan
* Open Air Burning Policy
* Community Engagement Policy
* Open Air Burning Policy
* Draft Festivals and Community Arts Events Funding Policy
* Community Wellbeing and Support Grants Program Guidelines
* Neighbourhood House Policy
* Cardinia Access & Inclusion Plan
* Sustainable Environment Policy
* Community Capital Works Grants Policy
* Investment Policy
* Procurement Policy
* Occupational Health and Safety Policy
* Risk Management Policy
* Business Continuity Planning Policy
* Protected disclosure procedure
* Fraud Control and Prevention Policy
* Information Privacy Policy
* Election Period Policy
* Councillor and Staff Relationships Policy
* Councillor Expenses and Entitlements Policy
* Cardinia Shire Council Records Management Policy
* Special Charge Scheme Policy
* Asset Management Policy
* Cardinia Shire Waste Guidelines for New Residential and Mixed Use Developments
* Building Over Easement Policy
* Cardinia Shire Gaming Policy

# Procedure for accessing documents

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

* + by direct access to published documents on the Internet;
  + by inspection either in accordance with voluntary disclosure policies or in legislation;
  + by request to the relevant Council Division; and
  + through freedom of information (FOI) in accordance with the FOI Act.

Requests to access documents not available through the relevant department or that are available publicly can be made under the *Freedom of Information Act 1982*.

If you have any questions about the process please call the Freedom of Information Officer on 1300 787 624 or email [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au) or refer to Council’s website page at [www.cardinia.vic.gov.au](https://www.cardinia.vic.gov.au/)

FOI requests must be in writing and accompanied by an application fee which is currently $28.90. If payment of the application fee will cause you hardship, you may apply for it to be waived. Generally evidence of a low income such as a Centrelink Pension or Healthcare Card is required for the fee to be waived. There may be additional charges and the Council will notify you of any potential charges before they are imposed. Please address requests to:

Freedom of Information Officer

Cardinia Shire Council

PO Box 7

PAKENHAM VIC 3810

The designated officer for receiving and processing FOI requests for the Cardinia Shire Council is*:* Manager Governance,

**Doug Evans**

The Principal Officer is:

Chief Executive Officer,

**Carol Jeffs**

# Council committees and other groups

|  |
| --- |
| Audit Committee |
| Australia Day Reference Group |
| Arts and Culture Reference Group |
| CALD Advisory Group |
| Cardinia Access & Inclusion Advisory Committee |
| Casey Cardinia Foundation |
| Casey Cardinia Library Corporation |
| Casey Cardinia Local History Reference Group |
| Chief Executive Appraisal Committee |
| Communities That Care |
| Emerald Lake Park Advisory Committee |
| Grants Evaluation Committee |
| Herb Thomas Memorial Trust |
| Interface Councils |
| International Safer Cities Steering Committee |
| Metropolitan Local Government Waste Forum |
| Municipal Association of Victoria |
| Mt Shamrock Quarry Extension Environmental Review Committee |
| National Growth Area Alliance |
| PB Ronald Trust |
| South East Metropolitan Mayors and CEO’s Group |
| Tourism Board |
| Town Planning Committee |
| Victorian Local Governance Association |
| Westernport Catchment Implementation Committee |
| Yallock Drainage Advisory Committee to Melbourne Water |
| Youth Strategy Reference Group |
| Western Port Biosphere Councillor liaison committee |
| Audit Committee |
| Australia Day Reference Group |