

# Publication of Documents and Information

## Freedom of Information Part II Statement

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*Freedom of Information Act 1982*



**MORNINGTON  
PENINSULA**  
*Shire*

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## Introduction

The Mornington Peninsula Shire (MPS) makes information available to the public on its website and in print materials.

Providing information in this way reduces the need for members of the public to submit FOI requests.

These statements are a statutory requirement under the *Freedom of Information Act 1982 Section 7*, which requires all agencies to publish a set of statements describing their powers and functions, the documents and information they keep, and the way they can be accessed.

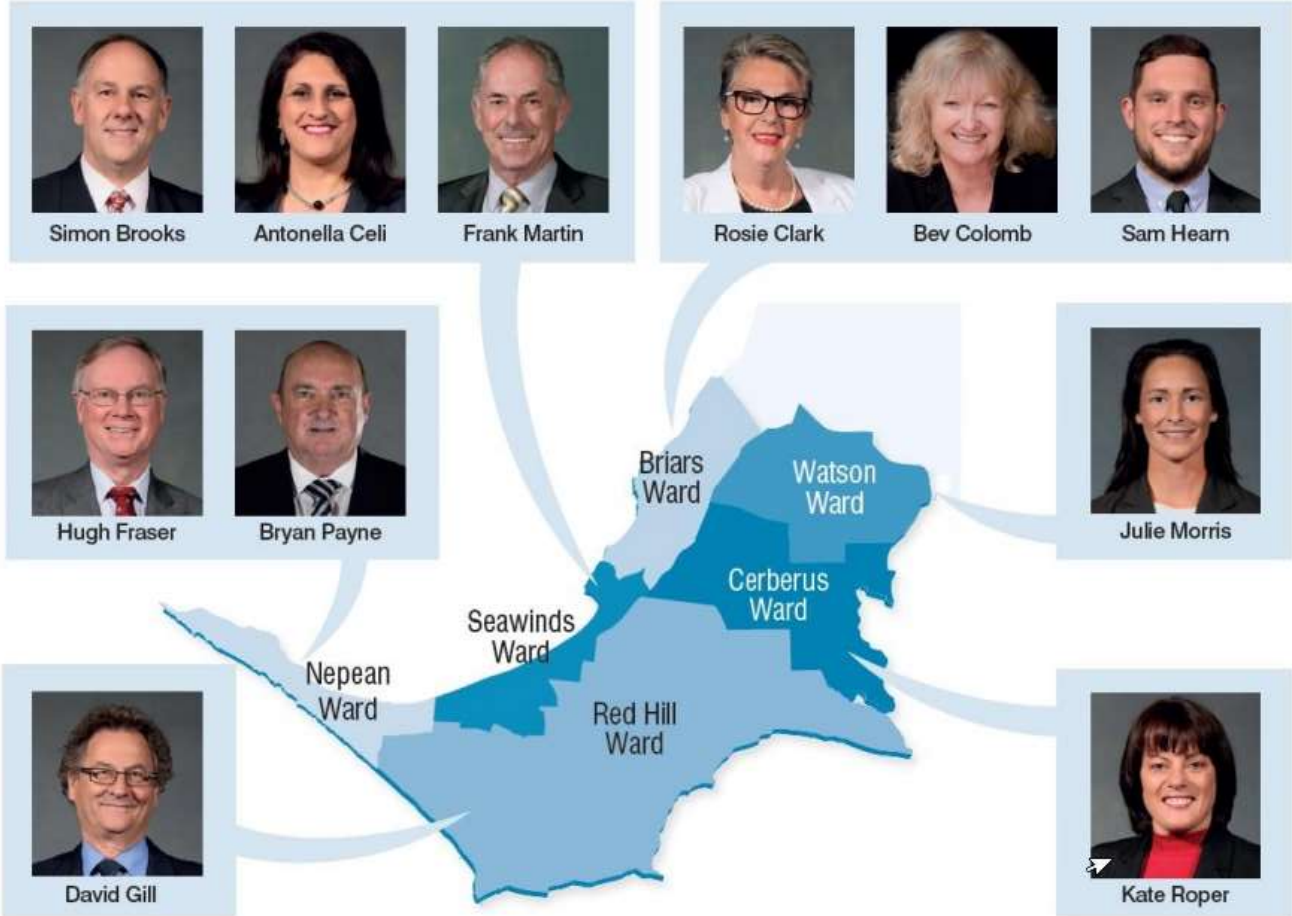
These statements outline the role of the MPS in providing services, functions, reports and outputs and demonstrates how MPS provides this information.

Please note the content presented within the Part II Statement is not an exhaustive representation of the information MPS makes publicly available. Additional information may be accessed by conducting searches on the MPS website or by contacting the Freedom of Information Officer on 1300 850 600.

# Statement 1 – Organisation and Functions

## 1.1 Establishment

MPS was established on 15 December 1994 when the state government amalgamated the previous Shires of Flinders, Hastings and Mornington. MPS consists of 11 councillors elected from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards.



## 1.2 Functions, Activities and Services

The MPS has responsibility for managing a broad range of functions, activities and services. These include:

- aged and disability services;
- animal management;
- arts and cultural services;
- assets and civic facilities;
- building services;
- children and family services;
- community development;
- economic development;
- environmental management;
- heritage preservation and collections;
- leisure and recreation services;
- maternal and child health care;
- open space planning;
- parking management;
- public health and safety;
- infrastructure management;
- traffic safety;
- transport planning;
- strategic and statutory planning;
- waste management and recycling;
- youth services.

## 1.3 Principal Officer

John Baker, Chief Executive Officer

## 1.4 Address

90 Besgrove Street Rosebud VIC 3939  
Private Bag 1000 Rosebud Vic 3939

## 1.5 Organisation Chart



## 1.6 Acts Administered

MPS derives its powers from and operates in accordance with a number of Acts, Regulations and Local Laws. The following lists some of the more frequently administered Acts, Regulations and Local Laws that apply to MPS.

- *Australian Citizenship Act 2007*
- *Aboriginal Heritage Act 2006*
- *Building Act 1993*
- *Building (Interim) Regulations 2017*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Children Youth and Families Act 2005*
- *Crown Land (Reserves) Act 1978*
- *Cultural and Recreational Lands Act 1963*
- *Domestic Animals Act 1994*
- *Emergency Management Act 1986*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Fences Act 1968*
- *Fire Services Property Levy Act 2012*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Heritage Act 1995*
- *Housing Act 1983*
- *Impounding of Livestock Act 1994*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Infringements Act 2006*
- *Land Act 1958*
- *Local Government Act 1989*
- *Privacy and Data Protection Act 2014*
- *Planning and Environment Act 1987*
- *Protected Disclosure Act 2012*
- *Public Health and Wellbeing Act 2008*
- *Public Records Act 1973*
- *Residential Tenancies (Caravan Parks and Movable Dwellings) Registration and Standards) Regulations 2010*
- *Road Management Act 2004*
- *Road Safety Act 1986*
- *Subdivision Act 1988*
- *Summary Offences Act 1966*
- *Tobacco Act 1987*
- *Valuation of Land Act 1960*
- *Victorian Grants Commission Act 1976*
- *Victorian Civil and Administrative Tribunal Act 1998*
- *Water Act 1989*
- *Working with Children Act 2005*

Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Information on local laws and regulations applicable to MPS is online at <https://www.mornpen.vic.gov.au/About-Us/Laws-Regulations/Local-law-detail>.

## Statement 2 – Categories of Documents

MPS maintains a range of documents, from general correspondence with members of the public to Council adopted policies and resolutions.

The categories of documents in MPS' possession include:

- Agendas and minutes of meetings;
- Annual and financial reports;
- Building and planning permits and associated documents including plans;
- Building regulations enforcement documents;
- Cat and dog registration applications and registrations issued;
- Correspondence (general and Councillor);
- Council resolutions;
- Departmental publications, including newsletters;
- Disclosures of conflict of interests;
- Documents submitted by third parties;
- Employee Records
- Internal administration documents relating to staff management and the operation of MPS;
- Organisational and staffing records, financial and resource management records, audit records and internal operating procedures;
- Legal documents including Local Laws, contracts, leases, agreements, licences, instruments of delegation, instruments of appointment and authorisations, legal advice and court documents;
- Local Laws permit applications and permits issued;
- Mailing lists;
- Maternal and child health records, including immunisation records;
- Media releases and general advertising;
- Memorandums of Understanding and Service Agreements;
- Officer recommendations;
- Policies, guidelines, strategies and plans, including their development and implementation;
- Public and stakeholder consultation processes and outcomes;
- Records of the 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;
- Residential parking permit applications and permits issued;
- Risk management assessments;
- Standard operating procedures;
- Surveys, statistics and data;
- Tender evaluations;
- Training material; and
- Written and verbal complaints received and records of any subsequent investigations.

Files within these categories are held and maintained in accordance with best practice records management principles. This includes regular archiving and disposal of records undertaken in accordance with approved schedules.

The MPS website can also be searched for a wide range of information. The MPS website is at <https://www.mornpen.vic.gov.au/>.

## Statement 3 – FOI Arrangements

Under the *Freedom of Information Act 1982*, members of the public have the right to request information and access documents held by MPS. The object of the Act is to extend as far as possible the right of the community to access information in possession of the MPS:

- about their personal affairs, regardless of the age of the documents and
- other documents held by MPS, not older than 1 January 1989.

You are encouraged to check if the information or document you are seeking is already publicly available such as in our annual report, policies and procedures, resources, or via <https://www.mornpen.vic.gov.au/>.

If you cannot find the information or document you are seeking, we advise you to contact us and ask if the information or document is available or can be provided to you. In many instances, we will be able to provide you with the information you are seeking without requiring you to make a formal request for access.

All FOI requests must be made in writing, and clearly describe the information or document you are seeking access to. If we cannot clearly identify the information or documents you are requesting, we will contact you to clarify your request.

The FOI Officer can assist you with your request if you are unsure about the information you need to provide.

The FOI Officer can be contacted on 1300 850 600 or [customerservice@mornpen.vic.gov.au](mailto:customerservice@mornpen.vic.gov.au).

Application forms and additional information is available online at <https://www.mornpen.vic.gov.au/About-Us/Publications-Plans-Policies/Acts/Freedom-of-information>.

Once it's confirmed what information or document you are seeking, your request will be processed and a decision provided as soon as possible but no later than 30 days after the date of your request. Note that the 30 day period may be extended by up to an additional 15 days if consultation with third parties is required.



## Statement 4 – Published Documents

### 4.1 List of Documents for Inspection

MPS is required under certain Acts to make some documents and registers available to the public either via our website at [www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au) or for inspection at MPS offices.

In addition, the Councillor and Shire Officer Gifts, Benefits and Hospitality registers are available for inspection by members of the public, Councillors and Shire officers upon written application to the Governance unit. Further information is available here <https://www.mornpen.vic.gov.au/About-Us/About-Our-Council/Documents-for-Inspection>.

The table on the following pages lists documents and registers that are available to the public in accordance with the relevant Acts.

## 4.2 Table: Documents for Inspection

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Travel	Register	Details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by Councillors or any member of Council staff in the previous 12 months, including the names of the Councillors or members of Council staff, the date the travel began and ended, destination, purpose and total cost (including accommodation).	r12(a)	Local Government Regulations 2015	Public	MPS Website	None
Agendas and Minutes	Agendas and Minutes	Agendas and Minutes of ordinary and special meetings held in the previous 12 months kept under section 93 of the Act except if the Minutes relate to parts of meetings which have been closed to members of the public under section 89 of the Act and are confidential information within the meaning of section 77(2) of the Act.	r12(b)	Local Government Regulations 2015	Public	MPS Website / Office	None
Minutes of Section 86 Committees	Register	Minutes of meetings of special committees established under section 86 of the Act and held in the previous 12 months except where such minutes relate to parts of meetings which have been closed to members of the public under section 89 of the Act and are confidential information within the meaning of section 77(2) of the Act.	r12(c)	Local Government Regulations 2015	Public	MPS Website / Office	None
Delegations	Register	Register of delegations kept under sections 87(1) and 98(4) of the Act, including the date on which the last review under sections 86(6) and 98(6) of the Act took place.	r12(d)	Local Government Regulations 2015	Public	MPS Website / Office	None
Leases/ Agreements	Specific Register	Document containing details of all leases involving land which were entered into by Council as the lessor, including the lessee and the terms and the value of the lease.	r12(e)	Local Government Regulations 2015	Public	MPS Website / Office	None
Authorised Officers	Specific Register	Register of authorised officers appointed under s224(1A) of the Act.	r12(f)	Local Government Regulations 2015	Public	MPS Website / Office	None
Donations and Grants	List	A list of donations and grants made by the Council in the previous 12 months, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.	r12(g)	Local Government Regulations 2015	Public	MPS Office	None

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Provision of the Voters' Roll	Voters' Roll	<p>On the request of any person or organisation, the CEO may only provide a copy of the voters' roll to the person or organisation for a permitted purpose;</p> <p>(a) in a form determined by the CEO; and</p> <p>(b) subject to any conditions determined by the CEO; and</p> <p>(c) upon payment of the fee determined by the CEO.</p> <p>A permitted purpose for the purposes of sub-section (4) is</p> <p>(a) any purpose connected with an election</p> <p>(b) any purpose connected with communicating with or surveying constituents in relation to council functions</p> <p>(c) the conduct of a poll of voters</p> <p>(d) subject to the approval of the Commissioner for Privacy and Data Protection, and any other public interest purpose.</p>	s24C (4) and (5)	Local Government Act 1989	Restricted	Access based on meeting criteria for a permitted purpose upon written request to the CEO.	Determined by CEO
Campaign Donation Returns	Register	<p>The CEO must ensure that, within 14 days after the period specified in section 62(1) (ie 40 days after an election day) a summary of each election campaign donation return given to the CEO under section 62 is made available on the Internet website of the Council until the entitlement date for the next general election.</p> <p>The CEO must ensure that a copy of an election campaign donation return is available for inspection at the office of the Council during normal office hours for a period of 4 years from the date that it is given under section 62.</p>	s62A(2) (2C) and (3)	Local Government Act 1989	Public	MPS Website / Office	None
Councillor Expenses Reimbursement, Resources and Facilities Policy	Document	A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.	s75B	Local Government Act 1989	Public	MPS Website / Office	None
Councillor Code of Conduct	Document	A Councillor Code of Conduct must be available for inspection by the public at the Council offices and any district offices and published on the Council's internet website.	S76C(6)	Local Government Act 1989	Public	MPS Website / Office	None
Primary and Ordinary Returns	Register	The CEO must allow a person to inspect the register if that person has previously made written application to the CEO to do so and the application meets the requirements of the regulations.	s81(10)	Local Government Act 1989	Public	MPS Website / Office	None

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Internet Website	Web content	<p>(2) The Council must ensure that –</p> <p>(a) any public notice required to be given by the council is published on the Internet website;</p> <p>(ab) the following documents are published on the Internet website-</p> <p>(iaa) the election period policy prepared under section 93B of the Act</p> <p>(i) the current Council Plan approved under section 125 – as soon as practicable after being approved</p> <p>(ii) the current Strategic Resource Plan adopted under section 126 – as soon as practicable after being adopted</p> <p>(iii) the current budget or revised budget adopted under section 130 – as soon as practicable after being adopted</p> <p>(iv) the current annual report prepared under sections 131, 132 and 133 – as soon as practicable after being submitted to the Minister under section 133(1)</p> <p>(v) the current Councillor Code of Conduct – as soon as practicable after being approved under section 76C</p> <p>(b) A copy of each local law made by the Council and in force is available on the internet website</p> <p>(i) from the date the local law comes into operation; and</p> <p>(ii) in a consolidated and up to date form;</p> <p>(c) a list of documents of the Council that the Council is required to make available for public inspection under this Act, and how a member of the public can examine each document on the list is published on the Internet website.</p>	S82A(2)	Local Government Act 1989	Public	MPS Website	None
Local Law	Document	<p>A Council must ensure that a copy of every local law-</p> <p>(a) is available for inspection at the Council offices during the Council's office's office hours; and</p> <p>(b) can be purchased on demand at the Council office during the Council office's office hours.</p> <p>A copy of every document incorporated by a local law under s112 is to be available for inspection at the Council office during office hours.</p>	S120(2) and (3)	Local Government Act 1989	Public	MPS Website	None
Council Plan	Document	<p>A copy of the current Council Plan must be available for inspection by the public at –</p> <p>(a) the Council office and any district offices; and</p> <p>(b) any other place required by the regulations.</p>	S125 (11)	Local Government Act 1989	Public	MPS Website	None
Strategic Resource Plan	Document	<p>A copy of the current Strategic Resource Plan must be available for inspection by the public at</p> <p>(a) the Council office and any district offices; and</p> <p>(b) any other place required by the regulations.</p>	S126(4)	Local Government Act 1989	Public	MPS Website	None

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Budget	Document	A copy of the budget or revised budget must be displayed at the Council office and any district offices and any other place required by the regulations; and published on the Council's Internet website for at least 28 days after giving public notice the Council has prepared a proposed or revised budget.	s129(4)	Local Government Act 1989	Public	MPS Website / Office	None
Annual Report	Document	The Council must ensure that a copy of the annual report is available for inspection by the public at – (a) the Council office and any district offices; and (b) any other place required by the regulations.	s133(3)	Local Government Act 1989	Public	MPS Website / Office	None
Differential Rates	Document	A Council must ensure copies of the following information are available on its internet website and for public inspection at the Council office – (a) the definition of the types or classes of land which are subject to the rate; (b) the objectives of the differential rates; (c) the rate and amount of rates payable in relation to each type or class of land and what proportion of the total rates and charges this represents	S(161)	Local Government Act 1989	Public	MPS Website / Office	None
Procurement Policy	Document	A Council must within 12 months after the commencement of section 67 of the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 prepare and approve a procurement policy. A copy of the current procurement policy must be available for inspection by the public – (a) at the Council office; and (b) on the Council's internet website.	S186A (2) and (8)	Local Government Act 1989	Public	MPS Website / Office	None
Register of Building Permits	Register	Council is required to keep a register of all building permits issued, and make the register available during office hours for any person to inspect free of charge.	s31	Building Act 1993	Public	MPS Office	None
Register of Occupancy Permits and Temporary Approvals	Register	Council is required to keep a register of all occupancy permits and temporary approvals given to it and make the register available during office hours for any person to inspect free of charge.	s74	Building Act 1993	Public	MPS Office	None
Register of Orders	Register	Council is required to keep a register of all emergency orders, building notices, or building orders given to Council, and make the register available during office hours for any person to inspect free of charge.	s126	Building Act 1993	Public	MPS Office	None
Roadside Weed and Pest Control Plan	Document	A Council must ensure that copies of the approved roadside weed and pest animal management plan is available for inspection during normal office hours.	s221(2)	Catchment & Land Protection Act 1994	Public	MPS Office	None

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Dog and Cat Register	Register	Council is required to keep a register of all registered dogs and cats, and make the register available during office hours for any person to inspect, upon payment of a fee fixed by Council. A person, upon payment of a fee fixed by Council, can make a record of the information contained in the registration of a dog or cat, or obtain a certificate from Council setting out all or any requested particulars in relation to the registration of a dog or cat.	s18	Domestic Animals Act 1994	Public	MPS Office	Fixed Fee
Food Premises Register	Register	Council must supply free of charge a certified copy of any entry in the Register to any person on request.	s43(5)	Food Act 1984	Public	MPS Office	None
Protected Disclosure Procedure	Procedure	Council has a duty to make procedures established under section 58 available to the public and to staff and Councillors.	s59(4)	Protected Disclosure Act 2012	Public	MPS Website	None
Registered Premises Book	Register	Council must supply a certified copy of any entry in the Register to any person on request. Premises must include accommodation houses, hairdressers, beauty therapists and skin penetration businesses.	s371(4)	Public Health and Wellbeing Act 2008	Public	MPS Office	None
Planning Scheme Amendments	Register	A planning authority preparing an amendment must make the amendment, explanatory report, any document applied, adopted or incorporated in the amendment and any accompanying agreement available at their offices during office hours for any person to inspect free of charge until the amendment is approved or lapses.	Part 3, Division 1, s18	Planning & Environment Act 1987	Public	MPS Office	None
Planning Scheme Amendment Submissions	Register	A planning authority may make the panel's report available at its office during office hours for any person to inspect free of charge at any time after the planning authority receives the report and must make it so available forthwith if it has decided whether or not to adopt the amendment or 28 days have elapsed since it received the panel's report. A report make available for inspection must be kept available for inspection until the end of two months after the amendment comes into operation or lapses.	Division 2, s26	Planning & Environment Act 1987	Public	MPS Office	None
Planning Scheme Amendments and schemes (approved)	Register	The planning authority must make the copy of an approved amendment and any documents lodged with it available at their respective offices during office hours for any person to inspect free of charge for two months after the amendment comes into operation and after that period on payment of the prescribed fee.	Division 4, s41	Planning & Environment Act 1987	Public	MPS Office	Prescribed Fee

Record	Type	Compliance	Sec	Act	Access	Location of Access	Charge
Planning Scheme Amendments and schemes (approved)	Register	The responsible authority must keep a copy of the planning scheme incorporating all amendments to it and of all documents lodged with those amendments under section 40 available at their respective offices for any person to inspect during office hours free of charge.	Division 4, s42	Planning & Environment Act 1987	Public	MPS Office	None
Planning Permit Applications	Register	Council is required to make a copy of every application and the prescribed information supplied in respect of it available at its office for any person to inspect during office hours free of charge until the end of the latest period during which an application for review may be made under section 77, 79, 80 and 82 in relation to the application or the permit, or if an application for review is made to the Tribunal within that period, until the application is determined by the Tribunal or withdrawn.	Part 4, Division 1, s51	Planning & Environment Act 1987	Public	MPS Office	None
Municipal Public Health and Wellbeing Plan	Document	A copy of the current municipal public health and wellbeing plan must be available for inspection by members of the public	S26 (7)	Public Health and Wellbeing Act 2008	Public	MPS Website	None
Register of Public Roads	Register	A road authority must ensure that the register of public roads is available for inspection by members of the public free of charge, during normal business hours, at the place or places determined by the road authority.	s19	Road Management Act 2004	Public	MPS Office	None

### 4.3 Publicity Material

MPS media releases and magazines are accessible on our website at <https://www.mornpen.vic.gov.au/About-Us/News-Media-Publications>;

- Media Releases
- Peninsula Wide
- Summer Guide
- Newsletters

### 4.4 Social Media

Links to MPS social media pages are accessible on our website at <https://www.mornpen.vic.gov.au/Contact-Us/Social-Media?BestBetMatch=social%20media|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

## Statement 5 – Policies, Strategies and Plans

The MPS decision-making processes are informed by a number of policies, strategies and plans. The major policies, strategies and plans are available for inspection at MPS offices and online at:

Policies:

<https://www.mornpen.vic.gov.au/About-Us/Strategies-Plans-Policies/Policy-Listing?BestBetMatch=policy|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

Strategies and Plans:

<https://www.mornpen.vic.gov.au/About-Us/Strategies-Plans-Policies/Strategy-Plan-Listing?BestBetMatch=strategy|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

## Statement 6 – Report Literature

MPS must make a wide range of final reports and records of decisions relating to policy and the administration of policy of interest to the public available for inspection or purchase.

MPS publishes its reports and records of decisions relating to policy within Council meeting minutes which are available for download from the MPS website at this link <https://www.mornpen.vic.gov.au/About-Us/About-Our-Council/Council-Meetings/CouncilCommittee-Meeting-Agendas-and-Minutes>.