

Freedom of Information – Part II Statement

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The *Freedom of Information Act 1982 (the Act)* provides individuals with a right to access information in documentary form, unless categorised as exempt, in the possession of the Government of Victoria and other bodies constituted under the law of Victoria.

Section 7 of the Act requires all agencies to publish a set of statements describing their powers and functions, the documents and information they keep, and the way people can access them.

Documents listed in this Part II Statement are available for inspection and/or purchase either on the City of Ballarat website or by contacting customer service.

City of Ballarat
The Phoenix Building
25 Armstrong St South
Ballarat VIC 3350

Phone: 5320 5500

Email: info@ballarat.vic.gov.au

Website: ballarat.vic.gov.au

Requests to access documents not available through the relevant department can be made under the Freedom of Information Act 1982. Application charges will apply, and further charges may be applicable for searching and supply of documents.

Information Statements:

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Principal Officer and address

The principal officer is Mr Evan King, Chief Executive Officer.

Postal Address: PO Box 655, Ballarat Vic 3353
Customer Service: The Phoenix Building,
 25 Armstrong Street South, Ballarat Vic 3350
Phone: 03 5320 5500
Email: info@ballarat.vic.gov.au
Website: ballarat.vic.gov.au

Establishment

City of Ballarat is created from the former City of Ballaarat, Shire of Ballarat and Borough of Sebastopol, and parts of Shires of Bungaree, Buninyong, Grenville and Ripon.

Council

Council's elected officials consist of 9 Councillors, including a Mayor and a Deputy Mayor. The Mayor is elected by their colleagues on an annual basis. City of Ballarat is currently divided into 9 wards – Alfredton Ward, Brown Hill Ward, Buninyong Ward, Central Ward, Golden Point Ward, North Ward, Sebastopol Ward and Wendouree Ward.



Administration

The administration at City of Ballarat is made up of a Chief Executive Officer, 5 Directors, and more than 1,000 staff.

It is the role of City of Ballarat's administration to advise Councillors, implement decisions made at Council meetings, and deliver services. The administration is accountable to Council through the Chief Executive Officer.

The role of a Council as prescribed by the Local Government Act 2020 is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

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 many of the Acts, Regulations and Local Laws that apply to Council:

<i>Associations Incorporation Reform Act 2021</i>	<i>Livestock Disease Control Act 1994</i>
<i>Audit Act 1994</i>	<i>Local Government (Electoral) Regulations 2020</i>
<i>Building Act 1993</i>	<i>Local Government (Governance and Integrity) Regulations 2020</i>
<i>Building Regulations 2018</i>	<i>Local Government (Land Information) Regulations 2021</i>
<i>Catchment and Land Protection Act 1994</i>	<i>Local Government (Long Service Leave) Regulations 2021</i>
<i>Cemeteries and Crematoria Act 2003</i>	<i>Local Government (Planning and Reporting) Regulations 2020</i>
<i>Cemeteries and Crematoria Regulations 2015</i>	<i>Local Government Act 1989</i>
<i>Child Wellbeing and Safety Act 2005</i>	<i>Local Government Act 2020</i>
<i>Children Services Act 1996</i>	<i>Magistrates Court Act 1989</i>
<i>Children Youth and Families Act 2005</i>	<i>Major Transport Projects Facilitation Act 2009</i>
<i>Circular Economy (Waste Reduction and Recycling) Act 2021</i>	<i>Occupational Health and Safety Regulations 2017</i>
<i>Climate Change Act 2017</i>	<i>Pipelines Act 2005</i>
<i>Conservation, Forests and Land Act 1987</i>	<i>Planning and Environment (Fees) Regulations 2016</i>
<i>Country Fire Authority Act 1958</i>	<i>Planning and Environment Act 1987</i>
<i>Country Fire Authority Regulations 2014</i>	<i>Planning and Environment Regulations 2015</i>
<i>Cultural and Recreational Lands Act 1963</i>	<i>Privacy and Data Protection Act 2014</i>
<i>Dangerous Goods Act 1985</i>	<i>Professional Engineers Registration Act 209</i>
<i>Development Victoria Act 2003</i>	<i>Public Health and Wellbeing Act 2008</i>
<i>Disability Act 2006</i>	<i>Public Health and Wellbeing Regulations 2019</i>
<i>Domestic Animals Act 1994</i>	<i>Public Interest Disclosures Act 2012</i>
<i>Domestic Building Contracts Act 1995</i>	<i>Public Records Act 1973</i>
<i>Drugs, Poisons and Controlled Substances Regulations 2017</i>	<i>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</i>
<i>Education and Care Services National Law Act 2010</i>	<i>Residential Tenancies Act 1997</i>

<i>Education and Training Reform Act 2006</i>	<i>Residential Tenancies Regulations 2021</i>
<i>Electoral Act 2002</i>	<i>Road Management (General) Regulations 2016</i>
<i>Electricity Safety (Electric Line Clearance) Regulations 2020</i>	<i>Road Management (Works and Infrastructure) Regulations 2015</i>
<i>Electricity Safety Act 1998</i>	<i>Road Management Act 2004</i>
<i>Emergency Management Act 1986</i>	<i>Road Safety (General) Regulations 2019</i>
<i>Emergency Management Act 2013</i>	<i>Road Safety (Traffic Management) Regulations 2019</i>
<i>Environment Protection Act 2017</i>	<i>Road Safety (Vehicles) Regulations 2021</i>
<i>Environment Protection Regulations 2021</i>	<i>Road Safety Act 1986</i>
<i>Estate Agents Act 1980</i>	<i>Road Safety Road Rules 2017</i>
<i>Family Violence Protection Act 2008</i>	<i>Rooming House Operators Act 2016</i>
<i>Fences Act 1968</i>	<i>Rooming House Operators Act 2016</i>
<i>Filming Approval Act 2014</i>	<i>Service Victoria Act 2018</i>
<i>Fines Reform Act 2014</i>	<i>Sex Work Decriminalisation Act 2022</i>
<i>Fire Rescue Victoria Act 1958</i>	<i>Sport and Recreation Act 1972</i>
<i>Fire Services Property Levy Act 2012</i>	<i>Subdivision (Fees) Regulations 2016</i>
<i>Flora and Fauna Guarantee Act 1988</i>	<i>Subdivision (Procedures) Regulations 2021</i>
<i>Food Act 1984</i>	<i>Subdivision (Registrar's Requirements) Regulations 2021</i>
<i>Freedom of Information Act 1982</i>	<i>Subdivision Act 1988</i>
<i>Gambling Regulation Act 2003</i>	<i>Summary Offences Act 1966</i>
<i>Gender Equality Act 2020</i>	<i>Taxation Administration Act 1997</i>
<i>Graffiti Prevention Act 2007</i>	<i>Tobacco Act 1987</i>
<i>Health Records Act 2001</i>	<i>Transfer of Land Act 1958</i>
<i>Heavy Vehicle National Law</i>	<i>Transport (Safety Schemes Compliance and Enforcement) Act 2014</i>
<i>Heavy Vehicle National Law Application Act 2013</i>	<i>Transport Integration Act 2010</i>
<i>Heritage Act 2017</i>	<i>Unclaimed Money Act 2008</i>
<i>Housing Act 1983</i>	<i>Valuation of Land Act 1960</i>
<i>Impounding of Livestock Act 1994</i>	<i>Victoria State Emergency Service Act 2005</i>
<i>Independent Broad-based Anti-corruption Commission Act 2011</i>	<i>Victorian Data Sharing Act 2017</i>
<i>Infringements Act 2006</i>	<i>Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017</i>
<i>Infringements Regulations 2016</i>	<i>Victorian Environmental Assessment Council Act 2001</i>
<i>Land Acquisition and Compensation Act 1986</i>	<i>Victorian Inspectorate Act 2011</i>
<i>Land Acquisition and Compensation Regulations 2021</i>	<i>Victorian Local Government Grants Commission Act 1976</i>
<i>Land Act 1958</i>	<i>Victorian Planning Authority Act 2017</i>
<i>Liquor Control Reform Act 1998</i>	<i>Water Act 1989</i>

Copies of Victorian legislation are available on the Victorian legislation and Parliamentary documents website at legislation.vic.gov.au.

Decision-making powers

Council exercises its decision-making powers at Council meetings.

Council meetings are typically held on the fourth Wednesday of each month at the Ballarat Town Hall, in the Council Chamber, commencing at 6:30pm. Council meetings are open to the public and live broadcasted on the City of Ballarat website. A copy of the recording is published on the City of Ballarat website following the meeting. Some matters are considered confidential in accordance with section 3(1) of the *Local Government Act 2020* and not open to the public.

Further details of specific decision-making powers held by Council and delegated to Committees or to City of Ballarat officers in relation to the above legislation can be found in City of Ballarat's Instruments of Delegation, which are available on City of Ballarat's website.

External consultation

Council has adopted a Community Engagement Policy and a Community Engagement Framework which both aim to establish the role of community engagement activities in Council's decision-making processes. This includes strategic projects, policy, plan and strategy development, service delivery programs, major projects, and capital works.

City of Ballarat uses a range of consultation and engagement approaches, including:

- Surveys and questionnaires;
- Community information sessions;
- Workshops;
- Online forums; and
- Advisory committees.

The Community Engagement Policy and Community Engagement Framework is available on the City of Ballarat website.

STATEMENT 2: Categories of documents

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

City of Ballarat maintains a variety of documents, ranging from general correspondence with members of the public to Council adopted policies and resolutions.

A list of the categories of Council Information available to the community, as set out in the Public Transparency Policy are:

Documents such as:

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

Procedural information such as:

- Practice notes and operating procedures;
- Application processes for approvals, permits, grants and access to Council services;
- Decision making processes;
- Guidelines and manuals;
- Community engagement processes; and
- Complaints handling processes.

Council records including, but not limited to, the details below will be made available, where possible, on City of Ballarat's website:

- Council and Delegated Committee meeting agendas and minutes;
- Reporting from Committees in accordance with the Governance Rules;
- Details of Delegated Committees, Community Asset Committees, Advisory Committees and Stakeholder Reference Groups;
- Registers of gifts, benefits and hospitality offered to Councillors or City of Ballarat staff;
- Registers of interstate or international travel undertaken by Councillors or City of Ballarat staff;
- Submissions made by Council to State or Federal processes;
- Details of any Memorandums of Understanding entered into by Council that are not subject to confidentiality clauses;
- Registers of donations and grants made by City of Ballarat;
- Register of Delegations;
- Register of SIIA Authorised Officers approved by Council;
- Register of Election campaign donations;
- Summary of Personal Interest Returns; and
- Any other Registers or Records required by legislation or determined to be in the public interest.

City of Ballarat will make available the following records for inspection.
Examples include but are not limited to:

- Summary of Personal Interests;
- Summary of submissions received under Section 223 of the *Local Government Act 1989* until its repeal; and

The information made available is subject to the provisions of:

- the *Privacy and Data Protection Act 2014*;
- the *Freedom of Information Act 1982*;
- the *Health Records Act 2001*;
- City of Ballarat's Privacy Policy; and
- City of Ballarat's Public Transparency Policy.

Files within these categories are held and maintained in accordance with legislative requirements. This includes regular archiving and disposal of records undertaken in accordance with approved schedules.

The City of Ballarat website can be searched using the search function for a wide range of information about the City of Ballarat.

City of Ballarat maintains a website where a range of open data is published. This website can be accessed at **data.ballarat.vic.gov.au/pages/home**

STATEMENT 3: Publications

City of Ballarat compiles registers of information which are particularly relevant to our responsibilities as a local government.

In accordance with the City of Ballarat Public Transparency Policy, the following documents are available on the City of Ballarat website, available for inspection or copies of the documents can be obtained.

Type of Document	Description	Access
Local Government Act 1989		
Differential Rates	<p>A Council which declares a differential rate must ensure that copies of the following information are available on its Internet website and for public inspection at the Council office (s161) –</p> <p>(a) the definition of the types or classes of land which are subject to the rate;</p> <p>(b) the objectives of the differential rate;</p> <p>(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;</p> <p>(d) any other information which the Council considers it necessary to make available</p>	Online – City of Ballarat website
Authorisations	A public register of all authorised officers appointed (s224(1A))	Online – City of Ballarat website
Local Government Act 2020		
Annual Report	A copy of the Annual Report including the operations of the Council, audited performance and financial statements and reports (s98)	Online – City of Ballarat website
Asset Plan	A copy of the Asset Plan (s92)	Online – City of Ballarat website
Budget	A copy of the Budget (s94) and Quarterly Budget Report (s97)	Online – City of Ballarat website
Community Engagement Policy	A copy of the Community Engagement Policy (s55)	Online – City of Ballarat website
Community Vision	A copy of the Community Vision (s88)	Online – City of Ballarat website
Council Plan	A copy of the Council Plan (s90)	Online – City of Ballarat website

Council Meeting Agenda and Minutes	Includes all resolutions of Council (s59) held in the previous 12 months except if the minutes relate to parts of meetings which have been closed to the public, in which Council is required to record in the minutes the ground or the grounds for determining to close the meeting to the public by reference to confidential information as defined in s3(1) of the Local Government Act 2020, and an explanation of why the specified ground or grounds applied (s66)	Online – City of Ballarat website
Councillor Code of Conduct	A copy of the current Councillor Code of Conduct (s139)	Online – City of Ballarat website
Delegations	A public register of delegations (s11(8) and s47(7))	Online – City of Ballarat website
Delegated Committees Meeting Minutes	Copies of meeting minutes of Delegated Committees held in the previous 12 months, except if the minutes relate to parts of meetings which have been closed to members of the public (s63)	Online – City of Ballarat website
Election Campaign Donation Returns	Copies of Election Campaign returns (s307 and s308)	Online – City of Ballarat website
Expenses Policy	A copy of the Expenses Policy in relation to the reimbursement of expenses for Councillors and members of Council Committees (s41)	Online – City of Ballarat website
Financial Plan	A copy of the long term Financial Plan (s91)	Online – City of Ballarat website
Governance Rules	A copy of the Governance Rules (s60)	Online – City of Ballarat website
Operating Local Laws	Copies of Local Laws in operation with the City of Ballarat (s74, s75 and s76)	Online – City of Ballarat website
Procurement Policy	A copy of the Procurement Policy (s108)	Online – City of Ballarat website
Proposed Local Laws	A copy of any Council proposed Local Law and explanatory documents setting out prescribed details in relation to the Local Law (s73)	Online – City of Ballarat website (when relevant)
Public Transparency Policy	A copy of the Public Transparency Policy (s57)	Online – City of Ballarat website
Revenue and Rating Plan	A copy of the Revenue and Rating Plan (s93)	Online – City of Ballarat website
Summary of Personal Interest Returns	A Summary of Personal Interest Returns (s135)	Online – City of Ballarat website

Information available under other legislation

Type of Document	Description	Access
Building Act 1993		
Building Permits	A register of all building permits (s31)	In person
Occupancy Permits and Temporary Approvals	A register of all occupancy permits and temporary approvals and amendments (s74)	In person
Register of Orders	A register of emergency orders, building notices and building orders (s126)	In person
Designated Bushfire Prone Area	A copy of the designated bushfire prone areas map, as provided by the Minister (s192A)	In person
Building Regulations 2018		
Building Permits	On the request of an owner or mortgagee of the building or land, or a person authorised in writing by an owner or mortgagee of a building or land a copy of any documents submitted with an application for a building permit in relation to the building or land (r50 and r51).	By request via City of Ballarat website
Catchment and Land Protection Act 1994		
Roadside weed management and pest animal management plan	A copy of the approved roadside weed and pest animal management plan (s22M)	In person and Online – City of Ballarat website
Country Fire Authority Act 1958		
Neighbourhood Safe Places Plan	A copy of the Municipal Council Neighbourhood Safer Places Plan (s50F(4))	In person and Online – City of Ballarat website
Domestic Animal Act 1994		
Dog and Cat Register	A register of all registered dogs and cats (s 18)	In person
Domestic Animal Management Plan	A copy of the Domestic Animal Management Plan (s68A)	Online- City of Ballarat website
Food Act 1984		
Records of Registration	Records of registrations, renewals, and transfers in relation to a particular food premises, including details of orders to suspend or revoke registration of food premises under Part III of the Act (s43)	In person
Freedom of Information Act 1982		
Part II Statement	An information statement providing an overview of the types of documents held by Council and how to access the information (Part II – s7)	Online- City of Ballarat website
Public Health and Wellbeing Act 2008		
Health and Wellbeing Plan	A copy of the current municipal health and wellbeing plan (s26(7))	Online- City of Ballarat website

Planning and Environment Act 1987		
Planning Scheme	<p>A copy of Victorian Planning provisions and any amendments to Victorian Planning Provisions (s4H).</p> <p>A copy of amendments and submissions to Minister for Planning requesting amendments and exemptions to a planning scheme (s18)</p> <p>A copy of panel hearing reports on submissions to amend a planning scheme (s26)</p> <p>A copy of an amended planning scheme (s42)</p>	In person and Online – City of Ballarat website
Planning Permits	<p>A register containing applications for permits and application for amendment of permits and all decisions and determinations relating to permits and amendments of permits (s49)</p> <p>A copy of objections to permit applications and application for amendment of permit during the period which an application may be made for review of a decision on the application (s57)</p> <p>Copies of Council issued permits (s70)</p> <p>A copy of agreements Council has entered into with an owner of land in the area covered by a planning scheme for which is a responsible authority (s179(2)).</p>	In person and Online – City of Ballarat website
Public Interest Disclosure Act 2012		
Public Interest Disclosure Procedure	A copy of Council's procedure for handling disclosures made under the Public Interest Disclosure Act 2012, including the making of disclosures, investigations of disclosed matters, and protections of persons from reprisals (s58 and s59)	Online – City of Ballarat website
Road Management Act 2004		
Municipal Road Register	A register of public roads (s19(5))	Online – City of Ballarat website
Road Management (General) Regulations 2016		
Road Management Plan	A copy of the current Road Management Plan (r9(b))	Online – City of Ballarat website
Subdivision (Procedures) Regulations 2011		
Subdivision Permits	A register of applications made under the Act (r33)	In person and Online – City of Ballarat website
Water Act 1989		
Management Plan	A copy of an approved management plan (s32H)	In person

STATEMENT 4:

Literature available by subscription or on free mailing list

The City of Ballarat produces a range of documents for publication that provide information to residents about City of Ballarat services, projects and events. Most are available to view and to download at **ballarat.vic.gov.au**. These include:

- City of Ballarat ourBallarat magazine – produced four times per year
- City of Ballarat weekly news update email
- City of Ballarat Facebook page
- City of Ballarat X (Twitter) page
- City of Ballarat Instagram
- City of Ballarat YouTube
- Ballarat City Council LinkedIn page
- Ballarat Content Hub
- Made of: Ballarat publication
- Visit Ballarat email
- Visit Ballarat Facebook page
- Visit Ballarat Instagram
- Visit Ballarat YouTube
- Visit Ballarat TikTok
- Visit Ballarat Pinterest
- We Are Ballarat Instagram
- We Are Ballarat Facebook
- Visitor Economy Facebook group (Industry Group)
- Visitor Economy industry email

STATEMENT 5: Freedom of information arrangement

Requests to access documents should be directed first to the City of Ballarat department primarily responsible for maintaining the information you require.

Requests to access documents not available through the relevant department can be made under the Act.

It is recommended that prior to submitting a request that applicants contact the Freedom of Information Officer to discuss their application.

All Freedom of Information requests must be accompanied by an application fee or evidence of qualifying for a fee waiver due to financial hardship. The application fee amount changes each financial year. Please refer to City of Ballarat's website for the current fee. If payment is by cheque or money order, it should be made out to City of Ballarat.

Applicants will be notified of the decision and their review rights within 30 days of City of Ballarat receiving a valid request. However, this time may be extended by up to 15 days if needed to consult with third parties whose information may be contained in the requested documents. City of Ballarat may also extend this time by up to 30 days with the applicant's agreement.

For further information and advice on making a request or the Freedom of Information process, please refer to the Freedom of Information page on City of Ballarat's website at ballarat.vic.gov.au/freedom-information

STATEMENT 6: **Freedom of information responsible officer**

Requests under the Act must be made in writing stating as clearly and precisely as possible what information is required, and addressed to:

Freedom of Information Officer

City of Ballarat
PO Box 655
Ballarat VIC 3353
Telephone (03) 5320 5500
Email: foi@ballarat.vic.gov.au

STATEMENT 7: **Committees established by Council**

Council has set up various committees and groups to provide advice on a wide range of issues and to manage various functions of Council: –

Delegated Committees

Community Impact Grant Allocations Delegated Committee
Tourism Events Grant Allocations Delegated Committee
Contracts Approval Delegated Committee
Her Majesty's Theatre Board Delegated Committee
Planning Delegated Committee
City Partnerships Delegated Committee

Community Asset Committees

Ascot Hall Community Asset Committee
Brown Hill Hall Community Asset Committee
Buninyong Hall Community Asset Committee
Burrumbeet Soldiers Memorial Hall Community Asset Committee
Cardigan Village Centre Community Asset Committee
Invermay Recreation Reserve Community Asset Committee
Miners Rest Mechanics Institute Hall Community Asset Committee
Scotsburn Hall Community Asset Committee
Sebastopol RSL Hall Community Asset Committee
Warrenheip Hall Community Asset Committee

Advisory Committees

Ballarat Friends of Ainaro Community Advisory Committee
Ballarat Heritage Advisory Committee
Ballarat Regional Soccer Facility Advisory Committee
Disability Advisory Committee
Intercultural Advisory Committee
Koorie Engagement Action Group Advisory Committee
LGBTIQA+ Advisory Committee

Stakeholder Reference Groups

Arch of Victory/Avenue of Honour Stakeholder Reference Group
Ballarat Airport Stakeholder Reference Group
Ballarat Major Events Precinct Stakeholder Reference Group
Ballarat West Precinct Structure Plan and Development Contributions Plan Stakeholder Reference Group
Lake Learmonth Stakeholder Reference Group
Lake Wendouree and Gardens Stakeholder Reference Group

Other Committees

Audit and Risk Committee
Cemetery Trust