



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Part II Information Statement

A **Part II Statement** is a requirement under Section 7 of the *Freedom of Information Act 1982*.

The 'Act' specifies a set of statements which Wellington Shire Council must publish describing its powers and functions, the documents and information maintained and the ways in which people can view or access copies.

Council maintains a variety of documents, ranging from general correspondence with members of the public to Council adopted policies and resolutions. Council also maintains a range of documents and registers for public inspection in accordance with the *Local Government Act 2020*.

Making information easily accessible reduces the need (in certain circumstances) for members of the public to submit requests under the *Freedom of Information Act 1982*.

Section 57 of the *Local Government Act 2020* required Council to establish a Public Transparency Policy. The policy includes the forms of Council information and how it will be made available to the public and is an integral part of Council's good governance framework.

The Public Transparency Policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information.

This Freedom of Information Part II Information Statement outlines the role of the Council and assists the public to find the information they need regarding key services, functions, reports and outputs.

Responsibility

Agencies (including Councils) must prepare six major statements under Part II of the Freedom of Information Act and ensure that these statements are published, updated annually and made available to the public.

Statement 1: Organisation and Functions

Wellington Shire was formed on 2 December 1994 after the amalgamation of the Shire of Alberton, the Shire of Avon, the Shire of Maffra, the City of Sale and parts of the Shire of Rosedale.

Our Location

Wellington Shire Council is located in the Gippsland region of the state of Victoria, Australia and is approximately two hours east of Melbourne by road or rail.

It is Victoria's third largest municipality, covering an area of 10,924 square kilometres and had an estimated resident population of 45,639 for 2021 spread across more than 30 different communities.

Wellington has a strong and diverse local economy boasting oil and gas production industries, manufacturing, government, defence, primary industries, forestry, construction and retail industries.

Contact Us

Council has two Customer Service Centres which both accept payments and general enquiries.

Sale Service Centre – (Council Headquarters)

18 Desailly Street (PO BOX 506), Sale VIC 3850
Operating Hours: Monday to Friday 8.30am - 5.00pm

Telephone: 1300 366 244 Fax: (03) 5142 3501
Email: enquiries@wellington.vic.gov.au

Yarram Service Centre

156 Grant Street, Yarram VIC 3971
Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am - 2.00pm (Closed Wednesday)

Telephone: (03) 5182 5100 Fax: (03) 5182 6264

After Hours Emergency

Telephone: 1300 366 244

Media and Public Relations

Wellington Shire Council use the following social media channels for communication:



Website

www.wellington.vic.gov.au

National Relay Service

Those who are deaf, or have a hearing impairment or speech impairment, may contact us through the [National Relay Service](#)

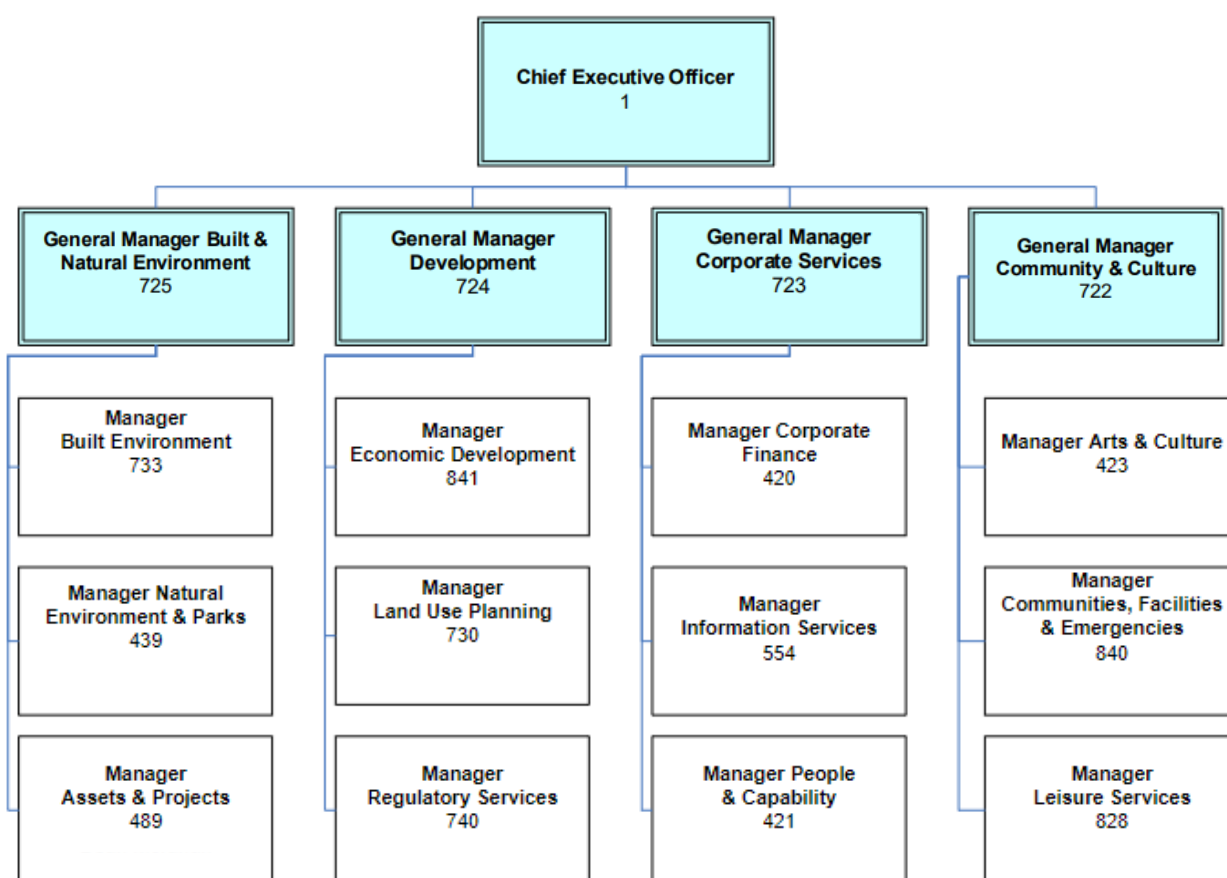
- TTY users phone 133 677 then ask for 1300 366 244
- Internet relay users Connect to the NRS then ask for 1300 366 244

Organisation Structure

The Wellington Shire comprises of a three-ward structure (Northern, Central and Coastal), which is represented by 9 councillors (3 representing each ward). Wellington Shire has a full-time equivalent workforce of 316.39 EFT (as at 30 June 2020) comprising full time, part time, casual and trainee/apprentice staff.

Council is the governing body that appoints a Chief Executive Officer (CEO). The CEO has responsibility for the day-to-day management of operations in accordance with the strategic directions of the Council Plan.

The CEO, General Manager Corporate Services, General Manager Built and Natural Environment, General Manager Community and Culture and General Manager Development form the Executive Team and lead the organisation.



Role and Powers of a Council

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

Functions of Council

Section 9 of the *Local Government Act 2020* provides for the overarching governance principles and supporting principles which include:

- (1) A Council must in the performance of its role give effect to the overarching governance principles.
- (2) The following are the overarching governance principles—
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;
 - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
 - (a) the community engagement principles;
 - (b) the public transparency principles;
 - (c) the strategic planning principles;
 - (d) the financial management principles;
 - (e) the service performance principles.

Powers of Council

Section 10 of the *Local Government Act 2020* prescribes the powers of a Council.

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.

Wellington Shire Council exercises its decision-making powers in a number of forums. Decisions are made at Ordinary Meetings of Council with Unscheduled Meetings of Council called to deal with any urgent matters that may arise. Councillors make decisions, state opinions, approve proposals, fulfil the statutory requirements of the Council, approve its budget and expenditure and plan for the future.

Council Meetings are held at 3pm on the first Tuesday of each month and 6pm on the third Tuesday of each month in the Wellington Room at the Port of Sale (Wellington Centre), 70 Foster Street, Sale.

Council Meetings are live streamed for convenience and can be viewed by following the links in the Watch Live: Meeting Broadcast section on our website.

For current Information regarding Council Meetings and rate payers participation, please refer to the Council Meetings page on our website or call Council on 1300 366 244.

Council employs specialist officers to administer its affairs and provide its services. The Council's administration is headed by its Chief Executive Officer.

Further details of specific decision-making powers held by Council and Council officers in relation to the *Local Government Act 2020* are documented in Council's Instruments of Delegations which are available for public inspection at the Sale Service Centre.

Wellington Shire Council's policies are endorsed by Council and their administrative policies enable the effective and efficient management of council resources and assist staff and Council achieve an equitable decision-making process and enables the community to be aware of the reasoning behind administrative and council decisions.

Current Councillors

Wellington Shire Council has nine Councillors in a three-ward structure who are elected to represent the residents and ratepayers of the Shire.

A map detailing the ward boundaries is available on the [VEC website](#).

The positions of Mayor and Deputy Mayor are elected by the council at a meeting held after the fourth Saturday in October, but not later than 30 November in each year. The Mayor is the elected leader and is the key formal representative of Council.

Wellington Shire Council's general election was held on October 2020.

The current Councillors were elected for a four year term with the Mayor being elected leader. He is the key formal representative of Council.

Northern Ward



Cr Carolyn Crossley

Mobile: 0409 495 833

Email:

carolyn.crossley@wellington.vic.gov.au



Cr Carmel Ripper

Mobile: 0457 056 436

Email:

carmelr@wellington.vic.gov.au



Cr John Tatterson

Mobile: 0448 433 036

Email: johnnta@wellington.vic.gov.au

Central Ward

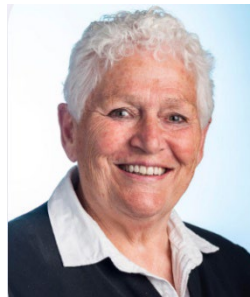


Cr Ian Bye

(Mayor)

Mobile: 0476 000 146

Email: ian.bye@wellington.vic.gov.au



Cr Jill Wood

Mobile: 0448 573 297

Email: jillw@wellington.vic.gov.au



Cr Scott Rossetti

Mobile: 0419 366 686

Email:

scott.rossetti@wellington.vic.gov.au

Coastal Ward



Cr Marcus McKenzie
(Deputy Mayor)

Mobile: 0448 482 509

Email:

marcusm@wellington.vic.gov.au



Cr Gayle Maher

Mobile: 0476 000 162

Email:

gayle.maher@wellington.vic.gov.au



Cr Garry Stephens

Mobile: 0476 000 157

Email:

garry.stephens@wellington.vic.gov.au

Community Engagement and Consultation

Wellington Shire Council's Community Engagement Strategy 2021 ensures all staff have an understanding and are aware of the commitment by Council to involve the public in the decision making process about issues that affect them.

It also ensures all Wellington Shire Council staff operate under the same code of conduct and set of guiding principles thereby bringing consistency and understanding to any community engagement process. It also provides and embed a consistent approach to community engagement across the organisation by providing guides.

A revised strategy was adopted by Council on 2 March 2021 and aims to increase community ownership and understanding of project, policy and strategy decisions which can support the long-term sustainability of those initiatives and generate a sense of belonging and pride in our achievements.

Council's decision-making must take into consideration the diverse views of the community, laws and regulations, finances, human resources and social impact.

Acts, Regulations and Local Laws Administered

Council performs its functions through the enforcement and administration of a large number of principal Acts, Regulations and Council Local Laws. Some of the pieces of legislation are as follows:

Acts:

Aboriginal Heritage Act 2006	Land Acquisition and Compensation Act 1986
Associations Incorporation Reform Act 2012	Land Act 1958
Audit Act 1994	Liquor Control Reform Act 1998
Building Act 1993	Livestock Disease Control Act 1994
Care Services National Law	Local Government Act 1989
Catchment & Land Protection Act 1994	Local Government Act 2020
Child Wellbeing and Safety Act 2005	Magistrates' Court Act 1989
Children Youth and Families Act 2005	Major Transport Projects Facilitation Act 2009
Children's Services Act 1996	Mineral Resources (Sustainable Development) Act 1990
Climate Change Act 2017	National Parks Act 1975
Conservation, Forests and Land Act 1987	Occupational Health & Safety Act 2004
Country Fire Authority Act 1958	Pipelines Act 2005
Cultural & Recreational Lands Act 1963	Planning & Environment Act 1987
Dangerous Goods Act 1985	Privacy & Data Protection Act 2014
Development Victoria Act 2003	Professional Engineers Registration Act 2019
Disability Act 2006	Public Health & Wellbeing Act 2008

Domestic Animals Act 1994	Public Interest Disclosures Act 2012
Domestic Building Contracts Act 1995	Public Records Act 1973
Education and Care Services National Law Act 2010	Rail Safety Act 2006
Education and Training Reform Act 2006	Residential Tenancies Act 1997
Electoral Act 2002	Road Management Act 2004
Electricity Safety Act 1998	Road Safety Act 1986
Emergency Management Act 2013	Rooming House Operators Act 2016
Environmental Protection Act 1970	Service Victoria Act 2018
Equal Opportunity Act 2010	Sex Work Act 1994
Estate Agents Act 1980	Sheriff Act 2009
Evidence Act 2008	Sport & Recreation Act 1972
Fences Act 1986	Subdivision Act 1988
Filming Approval Act 2014	Summary Offences Act 1966
Fines Reform Act 2014	Taxation Administration Act 1997
Fire Services Property Levy Act 2012	Transfer of Land Act 1958
Flora and Fauna Guarantee Act 1988	Transport (Safety Schemes Compliance & Enforcement) Act 2014
Food Act 1984	Transport Integration Act 2010
Freedom of Information Act 1982	Urban Renewal Authority Victoria Act 2003
Gambling Regulation Act 2003	Valuation of Land Act 1960
Graffiti Prevention Act 2007	Victorian Environmental Assessment Council Act 2001
Health Records Act 2001	Victorian Grants Commission Act 1976
Heavy Vehicle National Law 2012	Victorian Data Sharing Act 2017
Heavy Vehicle National Law Application Act 2013	Victorian Inspectorate Act 2011
Heritage Act 2017	Victorian Planning Authority Act 2017
Housing Act 1983	Victorian State Emergency Service Act 2005

Impounding of Livestock Act 1994

Water Act 1989

Independent Broad-Based Anti-Corruption
Commission Act 2011

Regulations:

Building Regulations 2018

Road Safety Road Rules 2017

Country Fire Authority Regulations 2014

Road Safety (Traffic Management) Regulations
2019

Dangerous Goods (Explosives) Regulations
2011

Road Safety (Vehicles) Regulations 2009

Drugs Poisons and Controlled Substances
Regulations 2017

Planning & Environment Regulations 2015

Electrical Safety (Electric Line Clearance)
Regulations 2015

Planning & Environment (Fees) Regulations
2016

Infringements Regulations 2016

Residential Tenancies Caravan Parks and
Moveable Dwellings Registration and
Standards) Regulations 2010

Infringements (General) Regulations 2006

Road Management (Works and Infrastructure)
Regulations 2015

Land Acquisition and Compensation
Regulations 2010

Subdivision (Fees) Regulations 2016

Local Government (General) Regulations 2015

Subdivision (Procedures) Regulations 2011

Local Government (Governance and Integrity)
Regulations 2020

Subdivision (Registrars Requirements)
Regulations 2011

Local Government (Long Service Leave)
Regulations 2012

Victorian Energy Efficiency Target (Project
Based Activities) Regulations 2017

Local Government (Planning and Reporting)
Regulations 2020

Occupational Health & Safety Regulations 2017

Public Health and Wellbeing Regulations 2019

Road Safety (General) Regulations 2019

Statement 2: Categories of Documents

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

Wellington Shire Council has an Electronic Document Records Management System (EDRMS) for managing records relating to Council business. A number of information systems are used to capture and manage documents and information.

Many permanent records, inherited from previous Councils due to amalgamation, have been transferred to the Public Record Office Victoria to ensure their preservation and to meet the requirements of the *Public Records Act 1973*.

Sentenced and archived physical temporary records are archived offsite with an approved storage provider specialising in records and information management services. Council also maintains some categories of documents in their local archive facility.

The categories of documents in Councils possession are:

- administration and enforcement of legislation and local laws
- agenda and minutes
- annual and financial reports
- audit documents
- building and planning permits and associated documents
- consultation processes and outcomes
- correspondence and complaints
- enforcement documents
- legal documents (i.e. contracts, leases, agreements, legal advice)
- local laws permit applications and animal registrations
- immunisation documents
- memorandum of understanding and service agreements
- policies, guidelines, procedures, strategies and plans
- publications
- requests for documents/ information
- risk management assessments
- Community Asset Committee documents
- staff management and OHS documents.

Statement 3: Freedom of Information Arrangements

The Victorian *Freedom of Information Act 1982* (Vic) was created to promote openness, accountability and transparency in the Victorian public service by giving the public the right to access government information.

The object of the FOI Act is to 'extend as far as possible the right of the community to access documents in the possession of the Government of Victoria'.

All members of the public have the right to apply for access to documents held by Ministers and agencies in Victoria including departments, statutory agencies, hospitals, schools, TAFE's and universities. Wellington Shire Council, being a Local Government organisation, is therefore covered by the *Freedom of Information Act*.

It is not only documents in paper form that are accessible. The word 'document' covers a broad range of media including maps, films, microfiche, photographs, computer printouts, emails, faxes, computer discs, tape records and videotapes.

Before lodging a request, Council encourages applicants to contact Wellington Shire's Freedom of Information Officer who is available to assist potential applicants. Documents for which access is sought, may be available outside of the FOI Act due to being publicly available, available for purchase, or available via direct release in cases where the applicant has been in possession of the documents previously.

Telephone enquiries can be made directly to the Wellington Shire Council's Freedom of Information Officer on (03) 5142 3112, or via email foi@wellington.vic.gov.au to enquire about the documents to which access is sought.

Requests for documents in the possession of the Wellington Shire Council should be addressed to:

Freedom of Information Officer
Wellington Shire Council , PO Box 506 , Sale Vic 3850

Applications must:

1. Be in writing (either by writing a letter or email or by completing a Request for Access to Documents Form available on our website www.wellington.vic.gov.au);
2. Clearly describe the documents to which access is sought;
3. Include the application fee or evidence that the applicant qualifies to have the application fee waived;
4. Be made to the agency that holds the documents.

To obtain more detailed information on the *Freedom of Information Act 1982*, please refer to the Office of the Victorian Information Commissioner website <https://ovic.vic.gov.au/>

Wellington Shire Council (the agency) has 30 days to respond to a valid request. A valid request is an application which is clear in its terms, is made to the appropriate agency who is in possession of the documents requested and is accompanied with payment of the application fee (unless evidence of hardship is provided).

An agency may extend the 30 day period by up to 15 days if it is required to undertake consultation with third parties. The agency may also seek an applicant's consent to extend the 30 day period by up to an additional 30 days.

Fees and Charges – 2022/2023

There are two costs associated with making a Freedom of Information request;

1. The application fee
2. The access charges

The application fee is a fixed cost which is non-refundable. The only exception is for people suffering hardship who can ask the agency to waive the application fee.

Access charges relate to the costs incurred in granting access to the documents that have requested. These costs may or may not apply depending on the nature of the request.

The following outlines the costs associated with a Freedom of Information request. All fees and charges are exempt from GST.

Application Fee

The *Freedom of Information Act* states that an application fee will be two fee units. The Treasurer advises the value of fee units under the *Monetary Units Act 2004* and application fee changes are effective from 1 July each year. The Victorian Treasurer amends the value of a fee unit (on which FOI application fees are based). Changes to the value of the application fee for a request for access to documents under s 17 of the *Freedom of Information Act 1982* (Vic) takes effect on the 1 July each year.

Application Fee	\$30.60 (Non-refundable unless fee is waived)
Access Charges <i>The fees charged for access to the documents identified as relevant to your request.</i>	
Search Charges	\$22.935 per hour or part of an hour (rounded to the nearest 10c)
Supervision Charges	\$22.935 per hour to be calculated per quarter hour or part of a quarter hour (rounded to the nearest 10c)
Photocopying Charges	20c per black and white A4 page
Providing access in a form other than photocopying	The reasonable costs incurred by the agency in providing the copy
Charges for listening to/ viewing a tape	The reasonable costs incurred by the agency in making arrangement to listen to or view (Supervision charges also apply)
Charge for making a written transcript out of a tape	The reasonable costs incurred by the agency in providing the written transcript. <i>Note: These charges are set by Government regulations (Freedom of Information (Access Charges) Regulations 2014). You can see a copy of these regulations at the Victorian Legislation and Parliamentary Documents</i>

Right of Appeal

The Information Commissioner can review decisions of an agency. Applications for review of a Freedom of Information decision must be made to the Office of the Victorian Information Commissioner within 28 days of receiving the decision from Council.

The Information Commissioner can also investigate the following types of complaints, where they relate to a request made under the *Freedom of Information Act 1982*:

- an agency's decision that a requested document does not exist or cannot be located;
- a delay by the agency in processing an FOI request;
- any other action taken or failed to be taken by an agency in performing its functions and obligations under the FOI Act; and
- an action taken or failed to be taken by a principal officer (Chief Executive Officer) in the performance of his or her functions or obligations under Part IB (professional standards) or Part II (publication of certain documents and information) of the FOI Act.

A complaint to the Information Commissioner must be made in writing, within 60 days after the date of the action or conduct complained of.

Statement 4: Publications

Council maintains a range of documents and registers for public inspection in accordance with the *Local Government Act 2020*.

Prescribed documents that are available are listed under Council's Public Transparency Policy. Council maintains a range of documents and registers for public inspection in accordance with the *Local Government Act 2020* and Council's Public Transparency Policy.

Refer to the Council tab, Publications, *Documents Available for Public Inspection* on the Wellington Shire Council website.

The following documents can be viewed online or at our Sale or Yarram Service Centres:

- Annual Report
- Auditors Report (Incorporated within the Annual Report)
- Council Budget
- Council Plan
- Council Policies
- Councillor Code of Conduct
- Governance Rules - Processes of Municipal Government (from 1 September 2020)
- Local Law No. 1 – Processes of Municipal Government
- Community Local Law 2021
- Procurement Policy
- Strategic Resource Plan.

In addition, the following documents are also available for public inspection at the Sale Service Centre:

1. Authorised Officers
2. Council Meeting Agendas and Minutes
3. Councillor Code of Conduct
4. Councillor Reimbursement Policy
5. Instruments of Delegation
6. Election Campaign Donation Returns Register
7. List of all Leases
8. List of Donations and Grants
9. Procurement Policy
10. Record of Assembly of Councillors
11. Register of Interests
12. Travel Register
13. Details of reappointment Chief Executive Officer total remuneration.

To arrange an inspection, please contact Council by phoning 1300 366 244.

Statement 5: Rules, Policies and Procedures

This section highlights a few of the many instances in which Council publishes internal rules, policies and procedures online.

Council's decision-making process is governed by a number of policies, strategies and plans. They help guide decisions and achieve outcomes and goals.

Refer to the following sections on the [Wellington Shire Council](#) website.

- Community Local Law 2021
- Council Strategies & Plans
- Council Policies - Documents Available for Public Inspection
- Governance Rules

Statement 6: Report Literature

This section illustrates examples of where the Shire publishes reports for public access. Refer to the Publications section on the [Wellington Shire Council](#) website.

- Council Committees
- Council Elections
- Council Meetings Schedule
- Live Council Meetings
- Meeting Minutes and Agendas
- Organisation Structure
- Youth Council

Please note the content presented within the overall Part II Statement provides only a snapshot of the information that is available and is by no means an exhaustive representation.

Council's Public Transparency Policy includes the forms of Council information and how it will be made available to the public and is an integral part of Council's good governance framework.

If searching for specific information, more comprehensive information may be obtained by conducting full searches on Council's website or by contacting the Coordinator Governance and Council Business on 1300 366 244.