Colac Otway
SHIRE

PART II STATEMENT

Freedom of Information Act 1982

October 26

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About this Statement

Part II of the *Freedom of Information Act 1982* requires agencies to publish a statement setting out the particulars of the agency and listing all documents that are either produced by or in possession of the agency. This document must be updated annually.

The purpose of this Part II Statement is to advise the public of the existence of documents held by Colac Otway Shire Council, provide the information needed to identify specific documents and provide details on how to apply for access to requested documents.

Documents listed in this Part II Statement are available for inspection and/or purchase either on Council's website or by contacting Council.

If you require this document in an alternative format or need assistance accessing its contents, please contact Colac Otway Shire Council on 03 5232 9400 or email inq@colacotway.vic.gov.au.

Organisation and functions of Colac Otway Shire Council

Colac Otway Shire Council was created as a new municipality on 23 September 1994 as part of Local Government amalgamations. The new municipality incorporated the former shires of Otway and Colac, along with the former City of Colac.

Colac Otway Shire is unsubdivided and has seven Councillors.

Colac Otway Shire has an estimated population of 22,000 people, with two main townships (Colac and Apollo Bay) and many smaller townships. Further details about the Shire can be found in the latest Annual Report.

Map of Colac Otway Shire:

Contact details for Colac Otway Shire Council:

Postal address: PO Box 283, Colac, VIC 3250

Email: inq@colacotway.vic.gov.au Website: http://www.colacotway.vic.gov.au

Phone number: 5232 9400

Colac Otway Shire Council
2-6 Rae Street
Colac, VIC 3250
Hours: 8.30am to 5pm, Monday to Friday

Great Ocean Road Visitor Information Centre
100 Great Ocean Road
Apollo Bay, VIC, 3233
Hours: 9am to 5pm, seven days

Organisational Structure

The primary role of Councillors is to set the vision and future direction of Colac Otway Shire Council and to advocate on behalf of the community.

Every year or two years, Council elects one Councillor as Mayor and one Councillor as Deputy Mayor (if a decision is made to appoint a Deputy Mayor). The election of Mayor is held in November.

The Mayor is the chairperson for Council meetings, provides leadership and is the spokesperson for Council. The Deputy Mayor supports the role of Mayor and represents Council when the Mayor is absent.

Colac Otway Shire Council operates under a corporate management model, headed by the Chief Executive Officer, Andrew Tenni.

The main responsibilities of the Chief Executive Officer include establishing and maintaining an appropriate organisational structure for the Council, ensuring that Council decisions are implemented promptly, overseeing the daily management of Council operations following the Council plan, developing a code of conduct for Council staff and providing timely advice to the Council. The Chief Executive Officer reports directly to Council and is supported by the administration (staff members of Council).

The primary role of the administration is to support the Council. This includes implementing Council's goals and strategies, managing the delivery of municipal services, and providing advice and support. The administration is accountable to Council through the Chief Executive Officer.

Details of the Executive Management Team can be found on Council's website.

The role of Council is detailed at section 8 of the *Local Government Act 2020* (*LGA 2020)*. To achieve the function of Council as set out in the *LGA 2020*, Council consists of the following departments:

- Office of the CEO
- Governance
    - Risk and Insurance
    - Council Business
- Customer and Communications
    - Customer Experience
    - Grants and Development

- Corporate Services
    - People and Culture
        - Human Resources
        - Health and Safety
        - Training and Development
        - Payroll Services
    - Property, Procurement and Contracts

        - Property Management
        - Procurement
        - Contracts
    - Information and Technology Services
        - Information Technology
        - Information Management
        - Geographical Information System
    - Financial Services
        - Accounts Payable
        - Financial Management Reporting
        - Rates and Revenue
        - Strategic Financial Planning
        - Aged Care Financial Support
        - Fleet Financial Support

- Infrastructure and Environment
    - Assets and Engineering
        - Assets Management
        - Engineering Design and Technical Services
        - Infrastructure Development
    - Healthy Communities
        - Emergency Management
        - Environmental Health and Immunisation
        - Local Laws
    - Sustainable Environments
        - Environment and Sustainability
        - Waste and Resource Recovery Services
        - Landfill Management
    - Services and Operations
        - Bridge Maintenance
        - Parks and Gardens
        - Plant, Fleet and Workshop
        - Road Construction and Maintenance
        - Drainage Infrastructure Management
        - Saleyards and Airfields
    - Program Delivery
        - Program Development, Management and Reporting
        - Project Management Governance
        - Project Delivery Services

- Community and Economy
    - Planning and Building
        - Statutory Planning
        - Strategic Planning

        - Planning Compliance
        - Building Services
        - Planning and Building Administration
    - Community Places
        - Bluewater Leisure Centre
        - Building Maintenance
        - Halls and Toilets
        - Recreation and Open Space
        - Community Asset Committees
    - Economy and Creative Industries
        - Colac Otway Performing Arts and Culture Centre
        - Economic Development and Business Support
        - External Events
        - Caravan Parks
        - Visitor Economy
    - Community Services
        - Aged Care Services
        - Maternal and Child Health
        - Early Years Services
        - Youth Engagement

Decision Making Powers

Council derives its decision making powers primarily from the *Local Government Act 2020* and the partially repealed *Local Government Act 1989*.

Council decisions are made in one of two ways:

1. By resolution at Council meetings and Delegated Committees of Council.
2. By Council officers under delegated authority.

Council Meetings

Council exercises its decision-making powers at Council meetings and unscheduled Council meetings which are called from time to time to deal with urgent matters that may arise. Council meetings are generally held on the fourth Tuesday of each month and are primarily held in the Council Chambers in Colac. All meetings are open to the public, however meetings may be closed to the public to consider confidential items.

The dates of all meetings are published in the local newspaper, Council website and on the Council's Facebook page. Agendas for meetings are made available on the Council website and unconfirmed resolutions are made available to the public within one week of the meeting on Council's website. Confirmed minutes from the previous meeting are available the day following their confirmation.

Council's Governance Rules document the manner of voting and making of resolutions of Council.

Question time at Council meetings

At each Council meeting there is a public question time to enable members of the public to ask two questions of Council.

Any questions posed at an Unscheduled Council meeting must relate only to items in the agenda of that meeting.

The guidelines for question time at Council meetings are set down in the Governance Rules.

Planning Committee of Council

The Planning Committee of Council is a Special Committee of Council comprised of all Councillors.

The Committee meets on the second Tuesday of the month if there is a planning item for consideration. Agendas for each Planning Committee meeting are available to the public on Council's website.

Minutes of these meetings are published on the Council's website after their confirmation at the following Planning Committee meeting.

Delegated Authority

Through others acting on its behalf the *LGA 2020* makes express provision for the appointment of delegates to act on behalf of Council. Most Council decision-making power is allocated by formal delegations; delegation to special committees and delegation to members of staff. The decision of a delegate of Council is 'deemed' to be a decision by Council.

Consultative Arrangements

Council is required to consult with other persons and bodies in relation to its activities, in developing its policy and practice and the impact on internal and external stakeholders. This is done in a number of ways including workshops, face-to-face meetings, public question time at Council meetings, consultative committees and processed, online surveys, the giving of public notice and compliance with legislative requirements.

Council also holds a monthly Submission Committee (the Committee is comprised of all Councillors) meetings to allow people to speak in person to their submission.

Acts Administered

Council performs its functions through enforcement and administration of applicable Federal, State Acts and Regulations and Council Local Laws.

The following provides a non-exhaustive list of legislation applicable to Colac Otway Shire Council:

- Aboriginal Heritage Act 2006
- Associations Incorporation Reform Act 2012
- Audit Act 1994
- Building Act 1993

- Building Regulations 2018
- Catchment and Land Protection Act 1994
- Child Wellbeing and Safety Act 2005
- Children Youth and Families Act 2005
- Children's Services Act 1996
- Circular Economy (Waste Reduction and Recycling) Act 2021
- Climate Action Act 2017
- Conservation, Forests and Land Act 1987
- Country Fire Authority Act 1958
- Country Fire Authority Regulations 2014
- Cultural and Recreational Lands Act 1963
- Dangerous Goods (Explosives) Regulations 2022
- Dangerous Goods Act 1985
- Development Victoria Act 2003
- Disability Act 2006
- Domestic Animals Act 1994
- Domestic Building Contracts Act 1995
- Drugs, Poisons and Controlled Substances Regulations 2017
- Education and Care Services National Law Act 2010
- Education and Training Reform Act 2006
- Electoral Act 2002
- Electricity Safety (Electric Line Clearance) Interim Regulations 2025
- Electricity Safety Act 1998
- Emergency Management Act 2013
- Emergency Services and Volunteers Fund Act 2012
- Environment Protection Act 2017
- Environment Protection Regulations 2021
- Estate Agents Act 1980
- Family Violence Protection Act 2008
- Fences Act 1968
- Filming Approval Act 2014
- Fines Reform Act 2014
- Fire Rescue Victoria Act 1958
- Fire Services Property Levy Act 2012
- Flora and Fauna Guarantee Act 1988
- Food Act 1984
- Freedom of Information Act 1982
- Gambling Regulation Act 2003
- Gender Equality Act 2020
- Graffiti Prevention Act 2007
- Great Ocean Road and Environs Protection Act 2020
- Health Records Act 2001
- Heavy Vehicle National Law 2012
- Heavy Vehicle National Law Application Act 2013
- Heritage Act 2017
- Housing Act 1983
- Impounding of Livestock Act 1994
- Independent Broad-Based Anti-Corruption Commission Act 2011
- Infringements Act 2006

- Infringements Regulations 2016
- Land Acquisition and Compensation Act 1986
- Land Acquisition and Compensation Regulations 2021
- Land Act 1958
- Liquor Control Reform Act 1998
- Livestock Disease Control Act 1994
- Local Government (Electoral) Regulations 2020
- Local Government (General) Regulations 2015
- Local Government (Governance and Integrity) Regulations 2020
- Local Government (Land Information) Regulations 2021
- Local Government (Long Service Leave) Regulations 2021
- Local Government (Planning and Reporting) Regulations 2020
- Local Government Act 1989
- Local Government Act 2020
- Magistrates' Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Marine and Coastal Act 2018
- Mineral Resources and Extraction Act 1990
- Miscellaneous and Administrative Powers
- National Parks Act 1975
- Occupational Health and Safety Regulations 2017
- Pipelines Act 2005
- Planning and Environment (Fees) Regulations 2016
- Planning and Environment Act 1987
- Planning and Environment Regulations 2015
- Privacy and Data Protection Act 2014
- Professional Engineers Registration Act 2019
- Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020
- Public Health and Wellbeing Act 2008
- Public Health and Wellbeing Regulations 2019
- Public Interest Disclosures Act 2012
- Public Records Act 1973
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024
- Residential Tenancies Act 1997
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015
- Road Management Act 2004
- Road Safety (General) Regulations 2019
- Road Safety (Traffic Management) Regulations 2019
- Road Safety (Vehicles) Regulations 2021
- Road Safety Act 1986
- Road Safety Road Rules 2017
- Rooming House Operators Act 2016
- Second Hand Dealers and Pawnbrokers Act 1989
- Service Victoria Act 2018
- Sheriff Act 2009
- Sport and Recreation Act 1972
- Subdivision (Fees) Regulations 2016

- Subdivision (Procedures) Regulations 2021
- Subdivision Act 1988
- Suburban Rail Loop Act 2021
- Summary Offences Act 1966
- Taxation Administration Act 1997
- Tobacco Act 1987
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Unclaimed Money Act 2008
- Valuation of Land Act 1960
- Victoria State Emergency Service Act 2005
- Victorian Data Sharing Act 2017
- Victorian Environmental Assessment Council Act 2001
- Victorian Inspectorate Act 2011
- Victorian Local Government Grants Commission Act 1976
- Victorian Planning Authority Act 2017
- Water Act 1989

Local Laws

Council has adopted the following local laws, which can be found on Council's website.

- Colac Otway Shire Local Law No 1 General Local Law
- Governance Local Law No 4 2020

Boards, Committees and other Bodies

The *LGA 2020* acknowledges the need for Committees of Council. These committees may include Councillors, council staff and other persons deemed necessary. *LGA 2020* also allows for Council and/or the Chief Executive Officer, by Instrument of Delegation, to delegate any of its functions, duties or powers to a committee. The current Committees of Council are as follows:

- Audit and Risk Committee
- Planning Committee of Council
- Submissions Committee of Council
- Chief Executive Officer Employment Matters Advisory Committee

Confirmed minutes of meeting of the Audit and Risk Committee are reported to Council meetings.

Each year Council appoints its representatives/delegates to the following sub-committees, memberships and supported groups which provide a two-way information stream and assist in the formulation of policy and the administration of the Council.

- Australian Local Government Association
- Colac Municipal Aerodrome Advisory Committee
- Colac Regional Saleyards Advisory Committee
- Geelong Regional Library Corporation

- Great Ocean Road Regional Tourism
- G21 Geelong Regional Alliance (Board)
- Lake Colac Advisory Committee
- Local Housing Taskforce in Apollo Bay
- Mooleric Road Quarry Consultative Committee
- Municipal Association of Victoria
- Ondit Road Quarry Consultative Committee
- Otway Road Safety Group
- Rural Councils Victoria
- Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)
- Timber Town Victoria Committee

Library Services

Council is a member of the Geelong Regional Library Corporation which has public libraries in Colac and Apollo Bay.

Colac Community Library and Learning Centre
173 Queen Street, Colac, VIC 3250
P:5231 4613
Open: Monday to Saturday

Apollo Bay Library (Marrar Woorn Neighbourhood House)
6 Pengilley Avenue, Apollo Bay, VIC 3233
P: 5237 1013
Open: Wednesday to Saturday

Categories of Documents held by Colac Otway Shire Council

Colac Otway Shire Council creates a large number of documents and records in the course of its activities. Council uses an electronic document and records management system to classify, store, access and manage a broad range of electronic and hard copy documents.

The categories of documents that Council maintains are:

- Animal Management
- Asset Management
- Building
- Children's Services
- Committees and Meetings
- Community Development
- Community Relations
- Contracts and Procurement
- Economic Development
- Emergency Management
- Environmental Management
- Financial Management
- Infrastructure Services
- Legacy Records
- Legislation Regulation and Policy
- Library
- Maternal and Child Health
- Merit Requests
- Occupational Health and Safety
- Ageing Well or OPASS
- Planning and Land Use
- Project Management
- Rates and Valuations
- Recreation and Cultural Services

- Governance
- Health
- Human Resource Management
- Information Communications Technology
- Information Management
- Saleyards
- Strategic Management
- Transport and Capital Works
- Youth Services

Freedom of Information Arrangements

The following Council information will generally be made available either on the Council website or on request. Some documents will require payment of a fee.

• Annual Report	• Annual Plan
• Building Permits	• Roadside Weed and Pest Animal Management Plan
• Campaign Donation Returns	• Local Laws
• Community Engagement Process	• Register of Authorised Officers
• Complaints Handling Process	• Register of Election Campaign Donations
• Council Plan	• Register of Delegations
• Council Policies	• Council Meeting Minutes
• Differential Rates	• Governance Rules
• Food and Safety Audits	• Food Premises Register
• Guidelines and Manuals	• Registers of Conflicts of Interest
• Leases and Licences	• Gift Registers for Councillors and Council Staff
• Licensing of Premises/Works Approval Referral	• Amendment of Licence
• Municipal Health and Wellbeing Plan	• Instruments of Delegation
• Neighbourhood Safer Places Plan	• Dog and Cat Register
• Part II Statement	• Registered Premises Book
• Planning Permit Applications	• Register of Public Roads
• Planning Scheme Amendments	• Planning Scheme Amendments Submissions
• Plans and reports adopted by Council	• Council Meeting Agendas
• Projects and Service Plans	• Audit and Risk Committee Charter
• Register of Donations and Grants	• Summary of Personal Interest Returns
• Register of Occupancy Permits and Temporary Approvals	• Register of Orders
• Relevant technical reports and/or research that inform Council's decision-making	• Travel Registers for Councillors and Council Staff
• Road Management Plan Review	• Subdivision Permits
• Septic System Records	•
• Service agreements and Contracts	• Terms of Reference for Delegated Committees
• Special Rates and Charges	• Public Interest Disclosure

• Swimming Pool Information	• Land Information Certificates

Any of the above documents can be accessed either at the Colac or Apollo Bay Customer Service Centres. Documents can also be provided via email if required.

Freedom of Information Process

Freedom of Information requests are processed by the Freedom of Information Officer at Council. Requests for access to documents of other agencies should be sent directly to those agencies. Where such requests are received directly by Council the requests will normally be transferred to the agency concerned in accordance with *the Freedom of Information Act 1982*.

Freedom of Information (FOI) requests must be made in writing and accompanied by an application fee; this fee is increased annually in accordance with the *Monetary Units Act 2004*.

Each person has a legally enforceable right to access information, limited only by exceptions necessary for the protection of the public interest and the private and business affairs of persons from whom information is collected by Council.

The *Freedom of Information Act* gives you:

- The right to access documents about your personal affairs and the activities of government agencies; and
- The right to request that incorrect or misleading information held by an agency about you to be amended or removed.

A person can make a request themselves, or they can authorise another person (for example, a solicitor) to make a request on their behalf. If they want someone to make a request on their behalf for their personal information, they must give them written authorisation.

To lodge a FOI request, email a completed form to: foi@colacotway.vic.gov.au

Further information and access to the FOI application form can be found on Council's website.

Identification of Documents

FOI requests must clearly describe the documents being requested and provide as much detail to allow the FOI Officer to reasonably identify the documents. This should include information about the approximate date of the documents.

Where a request fails to provide the necessary information to sufficiently identify the documents requested, the FOI Officer will contact the applicant seeking clarification.

Charges

There is a fee that must accompany every FOI application.

The Act also provides that Council may charge a fee per hour of 'search time' taken to locate the documents.

If it is estimated that the search time will exceed a certain threshold, you will be contacted, and a deposit may be required. Once payment of the deposit is received, the application will be processed.

Photocopying of documents costs 20 cents per A4 copy in black and white. Other documents (such as large maps, photographs, etc) will be charged at cost. Copies of plans may not be able to be provided due to copyright restrictions. Other charges may occur in accordance with Council's fees and charges.

Some documents might only be available to be viewed, there will be a fee charged for the time to inspect.

Right of Review

Applicants may appeal the decision made about their FOI request or the cost charged for access to documents, or may appeal against a decision not to give access to information or not to amend a personal record.

Steps to lodge an appeal can be found on the Office of the Victorian Information Commissioner – OVIC website.

Responsible Officers

Chief Executive Officer, Andrew Tenni is the Principal Officer.

Coordinator Information Management, Samara Spokes is responsible for the initial receipt of all requests to Council

Freedom of Information Officer, Belinda Rocka is responsible for processing the FOI application.

List of documents produced for public inspection and publication

Council provides a newsletter to all residents of Council.

Publications available on Council's website include:

- Annual Report
- Council Plan
- Councillor Model Code of Conduct
- Annual Budget
- Local Laws
- Governance Rules
- Council Meeting Agendas and Minutes
- Policies, Plans and Strategies

Rules, policies and procedures

Council is governed by many rules, policies and procedures. All policies are available on the Council website.