

# Freedom of Information Part II Statement

*Freedom of Information Act 1982*



## ACKNOWLEDGEMENT OF COUNTRY

West Wimmera Shire Council respectfully acknowledges the Traditional Custodians of the land, and pays respects to their elders, past, present and emerging.



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## PURPOSE

Part II of the Freedom of Information Act 1982 (FOI Act) requires government agencies to publish statements to assist the public to access information it holds.

It is important to read the Part II Statement as Council may be able to provide you with the information you are seeking without going through a formal Freedom of Information process, which comes at a cost.

The Part II Statement supports:

- the Public Transparency Principles (section 58 of the Local Government Act 2020)
- West Wimmera Shire Council's Public Transparency Policy
- Section 12 of the Freedom of Information Act 1982

West Wimmera Shire Council is committed to public transparency, to ensure members of the public have access to the information Council holds, and that the Council's decision-making and operational processes are transparent. We aim to make our documents and information easily accessible to the public by making them available on our website and at our Customer Hubs.

Council's Part II Statement provides a non-exhaustive list of the types of documents held by Council, the functions it performs and how members of the public may access the information it holds. It also details how information can be accessed if it is unable to be shared on Council's website. If you cannot locate the information you are seeking after reviewing these statements and conducting a search on our website, we encourage you to contact Council on 139972 or email [council@westwimmera.vic.gov.au](mailto:council@westwimmera.vic.gov.au).

# STATEMENT 1: ORGANISATION AND FUNCTION OF COUNCIL

## About West Wimmera Shire Council

Nestled along the border between Victoria and South Australia, West Wimmera Shire spans an impressive 9,200 square kilometres of primarily agricultural land, encompassing the charming towns of Apsley, Edenhope, Harrow, Goroke, Kaniva, and Serviceton. This unique region is a vibrant tapestry of community and nature, boasting fertile plains that support flourishing crops and livestock, as well as breathtaking desert parks and wetlands.

The area's natural beauty is further enriched by its wildlife, with iconic species like the mallee fowl, brolga, and red-tailed black cockatoo gracing the landscape. Colourful wildflowers add to its picturesque charm, making West Wimmera not only a haven for visitors but also a source of pride for its 4,000-strong community. It's truly a region where the wonders of the land and the spirit of its people shine brightly.

## Council Role and Principles to Perform its Role

Council's activities are diverse and extensive. Significant infrastructure is maintained, a range of services are provided, and various laws are enforced to protect the amenity of the community.

As prescribed in section 8 of the *Local Government Act 2020*, the role of Council, and the principles to perform its role, include:

- Prioritise achieving the best outcomes for the community, including future generations.
- Promote the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- Engage the community in strategic planning and strategic decision making.
- Pursue innovation and continuous improvement.
- Collaborate with other Councils, other levels of Government, and statutory bodies.
- Ensure the ongoing financial viability of Council.
- Take into account regional, state, and national plans and policies in strategic planning and decision making.
- Ensure the transparency of Council decisions, actions, and information.
- Perform any duties or functions or exercise any powers conferred on a Council by or under this Act and any other Act.
- Perform any other functions relating to the peace, order, and good governance of the municipal district.

## Acts and Regulations and Local Laws that apply to Council

Council performs its functions through the enforcement and administration of many Victorian Acts and Regulations and Council Local Laws. The list below is an indication as far as practicable, and is not limited to, the Laws and Regulations that apply to the Council.

Aboriginal Heritage Act 2006	Livestock Disease Control Act 1994
	Local Government Act 2020 (the Act)
	Local Government (Governance and Integrity) Regulations 2020

Associations Incorporation Reform Act 2012	Local Government (Electoral) Regulations 2016
Building Act 1993	Local Government (General) Regulations 2015
Building Regulations 2018	Local Government (Long Service Leave) Regulations 2012
Catchment and Land Protection Act 1994	Local Government (Planning and Reporting) Regulations 2014
Child Wellbeing and Safety Act 2005	National Parks Act 1975
Children Youth and Families Act 2005	Occupational Health and Safety Regulations 2017
Climate Change Act 2017	Pipelines Act 2005
Conservation, Forests and Land Act 1987	Planning and Environment (Fees) Regulations 2016
Country Fire Authority Act 1958	Planning and Environment Act 1987
Country Fire Authority Regulations 2014	Planning and Environment Regulations 2015
Cultural and Recreational Lands Act 1963	Privacy and Data Protection Act 2014
Dangerous Goods (Explosives) Regulations 2011	Protected Disclosure Act 2012
Dangerous Goods Act 1985	Public Health and Wellbeing Act 2008
Development Victoria Act 2003	Public Health and Wellbeing Regulations 2009
Disability Act 2006	Public Records Act 1973
Domestic Animals Act 1994	Rail Safety (Local Operations) Act 2006
Domestic Building Contracts Act 1995	Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
Drugs, Poisons and Controlled Substances Regulations 2017	Residential Tenancies Act 1997
Education and Care Services National Law Act 2010	Road Management (General) Regulations 2016
Education and Training Reform Act 2006	Road Management (Works and Infrastructure) Regulations 2015
Electoral Act 2002	Road Management Act 2004
Electricity Safety Act 1998	Road Safety (General) Regulations 2009
Emergency Management Act 1986	Road Safety (Traffic Management) Regulations 2009
Emergency Management Act 2013	Road Safety (Vehicles) Regulations 2009
Environment Protection Act 2017	Road Safety Act 1986
Estate Agents Act 1980	Road Safety Road Rules 2017
Family Violence Protection Act 2008	Rooming House Operators Act 2016

Fences Act 1968	Secondhand Dealers and Pawnbrokers Act 1989
Filming Approval Act 2014	Service Victoria Act 2018
Fines Reform Act 2014	Sex Work Act 1994
Fire Services Property Levy Act 2012	Sheriff Act 2009
Flora and Fauna Guarantee Act 1988	Sport and Recreation Act 1972
Food Act 1984	Subdivision (Fees) Regulations 2016
Freedom of Information Act 1982	Subdivision (Procedures) Regulations 2011
Gambling Regulation Act 2003	Subdivision (Registrar's Requirements) Regulations 2011
Gender Equality Act 2020	Subdivision Act 1988
Graffiti Prevention Act 2007	Summary Offences Act 1966
Health Records Act 2001	Taxation Administration Act 1997
Heavy Vehicle National Law 2012	Transfer of Land Act 1958
Heavy Vehicle National Law Application Act 2013	Transport (Safety Schemes Compliance and Enforcement) Act 2014
Heritage Act 2017	Transport Integration Act 2010
Housing Act 1983	Valuation of Land Act 1960
Impounding of Livestock Act 1994	Victoria Grants Commission Act 1976
Independent Broad-Based Anti-Corruption Commission Act 2011	Victoria State Emergency Service Act 2005
Infringements Act 2006	Victorian Data Sharing Act 2017
Infringements Regulations 2016	Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017
Land Acquisition and Compensation Act 1986	Victorian Environmental Assessment Council Act 2001
Land Acquisition and Compensation Regulations 2010	Victorian Inspectorate Act 2011
Land Act 1958	Victorian Planning Authority Act 2017
Liquor Control Reform Act 1998	Water Act 1989

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

### Local Laws

Council has the following Local Laws in place:

- Local Law No. 8 Use of the Common Seal
- Local Law No.9 Community

Council's Local Laws are available on the Council website.

## **Decision Making Powers**

Council exercises its decision-making powers at scheduled Council meetings and Unscheduled Council meetings which are called occasionally to deal with any urgent matters that may arise.

Examples of decisions that must be made at Council meetings include adoption of the:

- Budget
- Council Plan
- Policies and strategies
- Decisions exceeding the financial delegations of the Chief Executive Officer (CEO)

These meetings are generally held on the third Wednesday of the month. The meetings rotate locations between the Kaniva Council Chambers and Edenhope Council Chambers, and start at 2pm. All meetings are open to the public and where practicable, are livestreamed on Council's website. The only time meetings may be closed is when there are confidential matters to discuss, or it has been deemed unsafe for the public to attend.

The following can be found on Council's website:

- A link to watch the meetings via livestream, which is updated prior to each meeting.
- The date, time and location of all meetings.
- Agendas and Minutes (except when classified confidential) for all meetings.

Council's Governance Rules are the structure which guides Council decision making and includes:

- the roles and powers of Council
- governance
- Council meeting roles and procedures
- disclosure of conflicts of interest procedure
- Election Period Policy
- other matters

## **Council Delegations**

Council may delegate some decision-making powers to the CEO and in turn, the CEO may delegate those powers to Council Officers. Further details of specific decision-making powers held by Council and Council officers can be found in Council's Instruments of Delegation, which are available for public inspection. Council exercises powers that affect members of the public both at Council meetings and by Council employees with delegated authority.

## **External Consultation**

Community consultation is any process that West Wimmera Shire Council undertakes to involve the public in decision making gauge their views about a particular issue, service or other Council matter prior to making decisions.

Council's Community Engagement Policy outlines Council's commitment to engaging with the West Wimmera Shire's diverse communities. We want to encourage participation in engagement opportunities and help support meaningful conversations with our diverse communities and stakeholders. This will help us to better reflect our community members' priorities and expectations in Council activities and decision making.



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

Council has a dedicated website page called Have Your Say which is where the public can provide feedback on various projects and activities. Updates on decisions following this feedback is also included on this page.

**Organisational Structure**

Chief Executive Officer

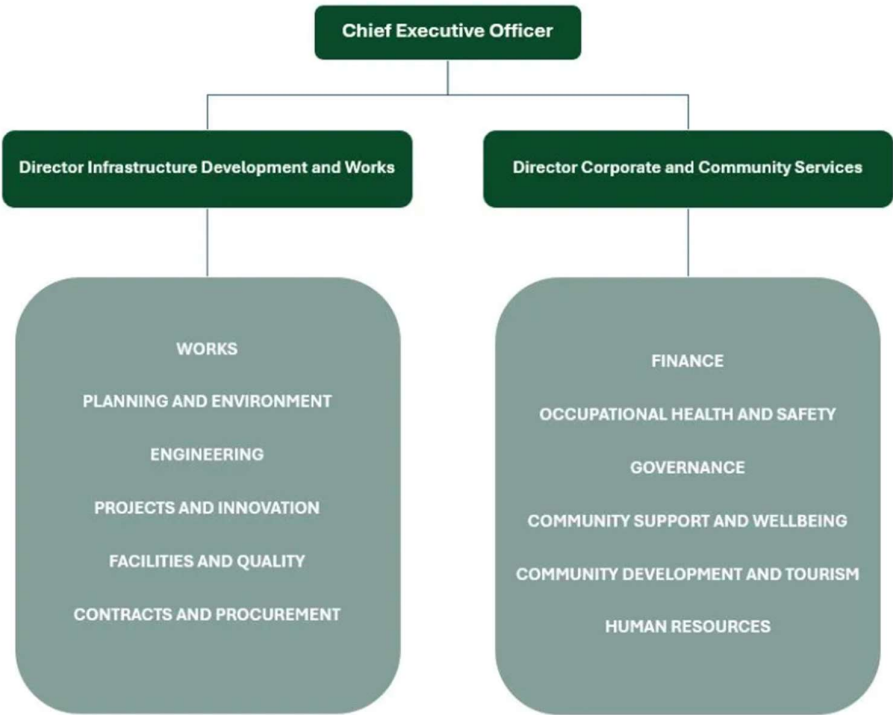
The Chief Executive Officer (CEO) has responsibility for the day-to-day management of operations in accordance with the Act.

The CEO is supported by Directors who are in turn supported by Managers to provide a broad range of services and to exercise the duties and functions of the Council. The organisation has been structured as detailed in the Organisation Chart contained within this document.

**The Executive Leadership Team**

The Executive Leadership Team includes the Directors of Council’s two departments being:

- Infrastructure, Development & Works
- Corporate & Community Services



## STATEMENT 2: COMMUNITY CONSULTATION

### **Council Committees, reference, working and consultation groups**

The following committees of Council have been established for the purpose of advising Council in accordance with the Local Government Act 2020:

- Audit and Risk Committee
- Municipal Emergency Management Committee (MEMC)

Council does not have delegated committees established under the Local Government Act 2020.

Council also produces several regular publications to provide information to the community. Available from Council's website, the publications include:

- Annual Report
- Plans and Strategies
- Newsletters

Council also provides information via online tools including:

- Facebook
- Twitter
- Instagram

Information about the range of services Council provides can be found on Council's website at [www.westwimmera.vic.gov.au](http://www.westwimmera.vic.gov.au).

## Contacting Council

Council can be contacted as per below:

<b>Email</b>	<a href="mailto:council@westwimmera.vic.gov.au">council@westwimmera.vic.gov.au</a>
<b>Council's Website</b>	<a href="http://www.westwimmera.vic.gov.au">www.westwimmera.vic.gov.au</a>
<b>Telephone</b>	13 99 72, Monday – Friday 8:30am-5:00pm
<b>In Person</b>	<b>Edenhope</b> 49 Elizabeth Street, Edenhope 8.30am to 5pm, Monday to Friday <b>Kaniva</b> 25 Baker Street, Kaniva 8.30am to 5pm, Monday to Friday
<b>Post</b>	West Wimmera Shire Council PO Box 201 Edenhope, VIC 3318

## STATEMENT 3: CATEGORIES OF DOCUMENTS

Council maintains an extensive range of documents, in accordance with the *Public Records Act 1987*. Documents range from general correspondence with members of the public and external bodies to Council adopted policies and resolutions.

Access to this information is either through Council's website, inspection at the Council offices or the Freedom of Information process. The categories of documents in Council's possession are:

- Council and Delegated Committee meeting agendas and minutes
- Audit and Risk Committee Meeting minutes through reporting to Council
- Councillor and Employee codes of conduct
- Council policies and organisational policies
- annual reports
- election campaign donation returns
- interstate and international travel details of Councillors
- summary of personal interest returns
- submissions received under Section 223 of the Local Government Act 1989 (Vic) during the previous 12 months until its repeal
- Councillor and employee register of gifts, benefits and hospitality
- donations and grants made by the Council during the financial year
- register of leases entered into by the Council as a lessor (where the Council is the owner)
- register of authorised officers appointed by Council
- instruments of delegation
- register of processes and operating procedures where appropriate
- application processes for approvals, permits, grants, access to Council services
- decision making processes
- guidelines and manuals
- road management plans
- register of roads
- any other registers or records required by legislation

## STATEMENT 4: DOCUMENTS AVAILABLE FOR PUBLICATION AND PUBLIC INSPECTION

Council maintains a range of documents and registers to be made publicly available and/or for public inspection that is determined by various legislations.

### Information available under the Local Government Act 2020

In accordance with s57 of the Local Government Act 2020 the following documents are available for inspection or copies of the documents can be obtained:

Type of document	What Council must have available for inspection or in copy	Where to access information
Annual Report	A copy of the Annual Report including the report operations of the Council, audited performance and financial statements and reports (s98)	Council's Website
Asset Plan	A copy of the Asset Plan (s92)	Council's Website
Budget	A copy of the Budget (s94) and Quarterly Budget Report (s97)	Council's Website
Community Engagement Policy	A copy of the Community Engagement Policy (s55)	Council's Website
Community Vision	A copy of the Community Vision (s88)	Council's Website
Council Plan	A copy of the Council Plan (s90)	Council's Website
Model Councillor Code of Conduct	A copy of the current Model Councillor Code of Conduct (s139)	Council's Website
Delegations	A public register of delegations kept under sections 11(8) and 47(7) of the Local Government Act 2020, including the date of the last review.	Council's Website
Election Campaign Donation Returns	Copies of Election Campaign Donation Returns (s307, s308)	Council's Website
Expenses Policy	A copy of the Expenses Policy in relation to the reimbursement of expenses for Councillors and members of Council committees (s40)	Council's Website
Financial Plan	A copy of the Long Term Financial Plan (s91)	Council's Website
Governance Rules	A copy of the Governance Rules (s60)	Council's Website
Minutes of Meetings of Delegated Committees	Minutes of Meetings 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 (s54, s63)	West Wimmera Shire Council has no Delegated Committees
Operating Local Laws	Copies of Local Laws operative within West Wimmera Shire (s74, s75, s76)	Council's Website

Scheduled and Unscheduled Council Meeting Agendas 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 grounds or grounds for determining to close the meeting to the public by reference to confidential information as defined in s3(1) of the Act 2020, and an explanation of why the specified ground or grounds applied (s66)	Council's Website
Procurement Policy	A copy of the Procurement Policy (s108)	Council's 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)	When a Local Law is proposed, it will be made available on the Council Website 'Have Your Say' page for public comment
Public Transparency Policy	A copy of the Public Transparency Policy (s57)	Council's Website
Revenue and Rating Plan	A copy of the Revenue and Rating Plan (s93)	Council's Website
Summary of Personal Interests	A Summary of Personal Interests (s135)	Council's Website

Council's Governance Department is primarily responsible for maintaining this information. Council's Public Transparency Policy formalises its commitment to make freely available public access to Council information.

### Information available under other legislation

The following information is available under the relevant legislation:

Act	Documents Available	Responsible Departments	Information Access
<i>Building Act 1993</i>	<ul style="list-style-type: none"> <li>A register of building permits (s31)</li> <li>A register of occupancy permits, temporary approvals, and amendments (s74)</li> <li>A register of emergency orders, building notices, and building orders (s126)</li> <li>A copy of the designated bushfire prone areas map, as provided by the Minister (192A)</li> </ul>	Development & Regulatory Services	There may be a fee for the provision of this information.

Building Regulations 2018	<ul style="list-style-type: none"> <li>• Certificates of final inspection, building and occupancy permits issued in the preceding 10 years, details of any current determination made under r64(1), or exemption granted under r231(2), current building notices, and current building orders issued by the relevant building surveyor under the Building Act 1993 (r51[1])</li> <li>Information on the likelihood that a given property is susceptible to flood, termites, bushfire, and/or snowfalls, and that a given property is within an area of designated land or works as prescribed by regulation (r51[2])</li> <li>• Approval dates of the inspections carried out of the mandatory notification stages</li> <li>• for building works (r51[3])</li> </ul>	Development & Regulatory Services	There may be a fee for the provision of this information.
<i>Domestic Animals Act 1994</i>	<ul style="list-style-type: none"> <li>• A register of all registered dogs and cats (s18)</li> <li>• Domestic Animal Management Plan</li> </ul>	Development & Regulatory Services	Available for inspection
<i>Food Act 1984</i>	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)	Development & Regulatory Services	Available for inspection

Section 49 of the <i>Planning and Environment Act 1987</i>	<ul style="list-style-type: none"> <li>• A copy of Victorian Planning Provisions and any amendments to Victorian Planning Provisions (s4H; I)</li> <li>• A copy of amendments and submissions to Minister for Planning requesting amendments and exemptions to a planning scheme (s18; 21)</li> <li>• A copy of panel hearing reports on submissions to amend a planning scheme (s26)</li> <li>• A copy of an amended planning scheme (s42)</li> <li>• A register containing applications for permits and application for amendment of permits and all decisions and determinations relating to permits and amendment of permits(s49)</li> <li>• 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)</li> <li>• Copies of Council issued permits (s70)</li> <li>• A copy of agreements Council has entered into with an owner of land in the area covered by a planning scheme for which it is a responsible authority (s179[2])</li> </ul>	Development & Regulatory Services	Available for inspection
<i>Public Health and Wellbeing Act 2008</i>	Municipal Public Health and Wellbeing Plan	Community Wellbeing	Available on Council's Website
<i>Road Management Act 2004</i>	Road Management Plan	Asset Services	Available on Council's Website
<i>Public Interest Disclosures Act 2012</i>	Procedures for handling disclosures made under the <i>Public Interest Disclosures Act 2012</i> which outlines Council's procedure on the making of disclosures, investigation of disclosed matters, and protection of persons from reprisals (s70)	Corporate Services	Available for inspection



# STATEMENT 5: PROCEDURE FOR ACCESSING DOCUMENTS

## Access to Documents

Documents in the possession of Council can be requested:

- on the Council's website ([www.westwimmera.vic.gov.au](http://www.westwimmera.vic.gov.au))
- by inspection at Council's Offices
- directly to the relevant Council Department
- through the Freedom of Information Act 1982 (FOI Act)

Many documents are publicly available on Council's website and can be found through the search function. Documents not available on Council's website may be available for inspection at Council's Offices in Edenhope and Kaniva. The inspection of the documents are by appointment between the hours of 8:30am-5:00pm. Council cannot guarantee inspection without an appointment. Inspections can be arranged by contacting Customer Service on 13 99 72

In some circumstances the documents may be able to be provided electronically (email) and the relevant Council department responsible for maintaining the information will assist you if this is the case.

Where documents are not available on the Council website, for inspection or through the relevant department, a Freedom of Information request may be required.

## Freedom of Information Arrangements

The FOI Act gives you the right to access documents that are held by a Council and not older than 1 January 1989, including:

- documents about your personal affairs (regardless of the age of the documents) and the activities of government organisations
- documents created by the organisation
- documents supplied to the organisation by an external organisation or individual

You may also request Council amend or remove any incorrect or misleading information about you. This includes documents:

- created by the organisation
- supplied to the organisation by an external organisation or individual

Please note, if the documents relate to your personal affairs information, then you are entitled to also seek access to documents dated prior to 1 January 1989.

There is a fixed application fee (set by the State Government) and access charges for FOI requests.

There are common exemptions to the release of documentation and Council will provide reasons if we refuse an FOI request. These exemptions may include:

- information obtained in confidence (such as the details of complaints about barking dogs)
- personal information where release would be unreasonable (including the details of an individual's health or financial position)
- commercially sensitive material

The FOI Act allows Council to refuse access to certain documents or information. These documents are often called 'exempt' documents or information. In some cases you may be refused access to an entire document. Alternatively, you may be given access to a document with exempt information redacted.

Some documents which might be exempt include internal working documents, law enforcement documents, legal advice, personal information about other people, confidential documents or documents which are covered by secrecy provisions in other legislation.

### **Making an FOI Application**

You can make a request yourself, or you can authorise another person, such as a solicitor, to submit the request on your behalf.

The FOI Act defines 'documents' very broadly. Essentially, anything in the possession of Council that is capable of conveying information or meaning is considered a document.

Your application must include:

- Your contact details or details of a representative submitting the request on your behalf;
- Proof of identification if the documents you are seeking access to relate to you personally;
- Enough information to enable us to identify the documents you are seeking.

Details that help us identify the documents you are seeking includes:

- What the document(s) relate to (for example, a complaint you made, or a particular project);
- The date range in which the document(s) may have been created;
- Where the document(s) might be located (for example, in a particular email account, with a specific person, or held by a business or work unit);
- The type of document(s) you seek (for example, an email, report, CCTV footage);
- Any documents that could be excluded (such as duplicates, drafts, personal information relating to third parties); and
- Whether you consent to receive edited copies of documents with exempt or irrelevant information redacted as per s25 of the FOI Act.

It is important you think about the wording of your request carefully.

Please try to avoid phrases like 'all documents'. If the request is broad, it may delay the process as Council will be required to clarify with you the scope of your request. Additionally, it may mean the search finds many documents that you will be charged for (search time and number of documents). You may pay for documents you do not want.

Before processing your request, payment of the application fee is required. Payment can be made by cheque, credit card or debit card over the phone or at one of our offices. Under Section 17(2B) of the FOI Act, Council has the ability to waive or reduce the payment of the Freedom of Information application fee on the grounds of hardship and subject to any conditions determined by Council.

To seek a waiver or reduced fee, an applicant will need to provide evidence of hardship such as a concession card, financial statements, or evidence of welfare assistance.

Upon receipt of a clear request and payment of the application fee, we will:

- Write to you to acknowledge your request and the due date for Council to provide the relevant documents;
- Search for and retrieve all documents;
- Consult with external entities and individuals, where necessary;
- Review the documents and remove irrelevant and exempt material, where applicable; and
- Compile a determination letter which advises you of our decision on access.

### **Freedom of Information Response Time**

Under the FOI Act, Council has 30 days in which to notify you of an access decision. This starts when your request is sufficiently clear, and your application fee has been paid.

Depending on the nature of your request, additional time may be needed to process your application. Where Council is required to seek the views of other entities or individuals (known as third party consultation), Council may extend the period for deciding a request by up to 15 calendar days. You will be notified in writing if mandatory third-party consultation is necessary and advised of the revised statutory due date.

A deposit is required where the information will cost \$50.00 or more.

Where you are required to pay a deposit for information, the 30-day timeframe permitted for processing your request commences upon payment of the deposit.

In all cases Council may seek an applicant's agreement to extend the timeframe for a decision to release information by up to 30 days at a time. Council may do so any number of times.

Further information about applying under Freedom of Information is available on Council's website.

### **Right of Appeal**

The Information Commissioner may decide to release the document the applicant requested in full, in part, or deny access in full.

If the applicant is not satisfied with the decision on their request, they may then apply to the Office of the Victorian Information Commissioner for a review of the decision.

### **Office of the Victorian Information Commissioner**

Address: PO Box 24274, Melbourne 3000

Telephone: 1300 006 842

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Website: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

## **FREEDOM OF INFORMATION OFFICERS**

The Chief Executive Officer of Council is the Council's Principal Officer under the FOI Act.

### **Principal Officer**

Mr. David Bezuidenhout

Chief Executive Officer

### **Freedom of Information Officer**

Katie Frost