Freedom of Information application form

This form is used to request access to documents held by Alpine Shire Council (Council) under the Freedom of Information Act 1982 [Vic] (FOI Act).

Applicant details

|  |  |
| --- | --- |
| Name *(First name & surname)*: |       |
| Company / business name: |       |
| Mailing address: |       |
|  |       |
| Phone number *(Business hours)*: |       |
| Email address: |       |
| Date: |       |
| Signature: |       |

**Are you making this request on someone’s behalf or as a representative? i.e. as their lawyer or advocate.**

|  |  |
| --- | --- |
| [ ]  Yes | [ ]  No |

If you are lodging a Freedom of Information (FOI) request on behalf of another person (e.g. as their lawyer or advocate), you must provide evidence to show that they have authorised you to:

* Make an FOI request on their behalf;
* Communicate with Council in relation to the FOI request; and
* Receive copies of any documents released to the applicant by Council.

Authorisations may be in the form of a letter signed by the person you represent, confirming the above.

|  |  |  |
| --- | --- | --- |
| Authority to Act attached: | [ ]  Yes | [ ]  No |

Please note, if you are requesting personal information, you may be requested to provide a copy of an identity document like a driver’s licence, or if acting on someone’s behalf, an Authority to Act and a copy of the identity documents for the person you represent before personal information can be released to you.

Documents requested by applicant

Identify or describe the documents you seek access to. You need to provide enough information for Council to identify and locate the documents. You should try to be specific about the documents you seek access to and include as much information as possible. Contact Council and ask for help if you are unsure.

Try to include information like:

* What is the name of the document?
* What do the documents relate to (for example, a complaint you made, an interaction you had with Council, or a decision that Council made about a project or issue)?
* When were the documents created (for example, is there a specific day or date range)?
* Do you know where the documents might be located (for example, in a particular email account, with a specific person, or held by a business or work unit)?
* What format are the documents in, or what types of documents are you requesting (for example, an email, report, CCTV footage)?

Council may need to consult with you to clarify your request if you do not include sufficient information.

|  |  |  |  |
| --- | --- | --- | --- |
| Date from: |       | Date to: |       |

I request access to the following documents:

|  |
| --- |
|       |

Additional Information

Providing background or contextual information might assist Council in processing your request. This could include your reasons for requesting the documents and what you intend to do with them. Providing additional information may assist Council to identify and locate documents relevant to your request.

|  |
| --- |
|       |

Form of access

Please select one only.

[ ]  I request copies of the document(s) to be forwarded in hard copy by mail

[ ]  I request copies of the document(s) to be forwarded electronically by email

[ ]  I request an inspection of the document(s) at the Council offices

Note: Your preference will be considered but access may be provided in another way if we are unable to accommodate your preference due to the quantity of documents sought.

Consultation with third parties

If the documents identified above relate to the personal or business affairs of another person or organisation (a third party), Council is required to consult with that third party to obtain their views about the potential release of documents. Consultation also extends the time in which Council must make a decision from 30 days, out to 45 days.

Please advise whether you give Council permission to reveal your name as the FOI applicant. While not a requirement of the FOI Act, this can often expedite the consultation process if the third parties are aware to whom their personal or business information is being released.

|  |  |
| --- | --- |
| [ ]  Yes | [ ]  No |

Application fee and access charges

The fees and charges applicable for processing an FOI request are fixed in accordance with the Freedom of Information Act 1982 [Vic] and the Freedom of Information (Access Charges) Regulations 2014 [Vic].

Please note, you must pay an application fee for your request to be valid.

Application fee

The application fee for the 2024/25 financial year is $32.70.

[ ]  I have enclosed cheque (payable to Alpine Shire Council) for $32.70.

[ ]  I wish to pay over the phone or in person by credit card (please submit your FOI request form first)

[ ]  I am suffering financial hardship and request a fee waiver. I have included a copy of my concession card\*

\* Under s17(2B) of the Freedom of Information Act 1982 [Vic], if payment of the application fee would cause financial hardship, you may apply for the fee to be waived. To be eligible for consideration of a fee waiver, you must supply evidence that supports your application. Suitable evidence can include a copy of a concession card issued by Centrelink. Please note that the fee waiver request applies only to the application fee.

Access charges

In addition to the application fee, once a formal decision regarding access to the documents has been made, access charges will also be payable prior to Council releasing documents to you. It may be necessary to pay a deposit in relation to access charges.

[ ]  I understand that documents will not be released to me until necessary access charges have been received by Council in full.

If Council believes that the access charges are likely to exceed $50, Council will provide you with details of those charges, and you will be required to pay a deposit.

Exclusion of exempt or irrelevant material

Sections 28-38A of the FOI Act detail exemptions that apply to documents sought under the Act (a list is included at the end of this form). This means that where a document contains the specific type of exempt information, the exemption applies to the entire document.

Section 25 of the FOI Act provides for granting access to a copy of documents where exempt or irrelevant is deleted (redacted), so that the remainder of the document can be released to the applicant without disclosing that exempt or irrelevant information. If you don’t agree to receive edited copies, the agency can exempt and refuse access to the documents in full, even if there is some information that could be released to you.

**Can information or documents be excluded if it isn’t needed?**

Note: Excluding information you don’t need may assist with your request being processed more efficiently.

Please select all that apply.

[ ]  Personal information of other people can be excluded from the documents.

[ ]  Duplicate documents can be excluded.

[ ]  Draft documents can be excluded.

**Can the documents be edited to remove exempt and irrelevant material?**

Please select one only.

[ ]  I agree to receiving edited documents.

[ ]  I do not agree to receiving edited documents.

How to submit

Send completed application forms to: foi@alpineshire.vic.gov.au, or post to PO Box 139, Bright Vic 3741, or present over the counter to one of Council's Customer Service Centre in Bright, Mount Beauty or Myrtleford.

For further information visit: <https://ovic.vic.gov.au/freedom-of-information/for-the-public/frequently-asked-questions/>

**Additional Information Sheet**

Privacy Statement

The personal information requested on this form is being collected by Alpine Shire Council for the purposes of administering the Freedom of Information Act 1982 [Vic] (FOI Act). The personal information will be used solely by Council for the purposes of processing your request for documents under the FOI Act, and will not otherwise be disclosed without your consent (see page 2) or as required or permitted by law. You may apply to the FOI Team for access and / or amendment of this information.

General

* Subject to the *Freedom of Information Act 1982 [Vic]* every person has a legally enforceable right to obtain access, in accordance with the FOI Act, to a document of Council, other than an exempt document.
* In addition to submitting your request in writing and paying the application fee, for your application to be considered valid, you must provide sufficient information to enable the correct document(s) to be identified. Details can be provided on a separate sheet if necessary.
* If a request does not comply with the requirements of the Act (and is therefore not valid), Council can provide advice and assistance to formulate a complying request. The FOI team will contact you and assist you to make your request valid. Processing time for your request commences when your application becomes valid.
* If possible, access will be given in the form requested by the applicant. Exceptions exist where the requested form of access may result in infringement of copyright or unreasonably interfere with the operations of Council.
* Your application will be dealt with as soon as practicable, and a response provided in any case, within 30 days after the request becomes valid, or 45 days where consultation with third parties is required, as provided for under the FOI Act.
* Further information can be obtained from Council’s FOI Team on 03 5755 0555, by reviewing Council’s [Part II Statement](https://www.alpineshire.vic.gov.au/council/our-council/documents/freedom-information-part-ii-statement) available on Council’s website, or from the Office of the Victorian Information Commissioner at: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

Fees and Charges 2024/25

* Prescribed fees for the 2024/2025 financial year include: Application fee - $32.70, Search fee (access charges) - $24.495 per hour or part thereof, Copying fees (black & white) - $0.20 per A4 page. Access other than photocopying will be charged at the reasonable costs incurred by Council in providing that access. Applications may also attract charges for supervising inspection of documents.
* An application fee may be waived or reduced if payment of the fee would cause hardship to the applicant (s17).
* Access charges may only be waived if the applicant is impecunious, and the request is for access to document(s) containing information relating to the applicant's personal affairs (s22).

In accordance with the *Freedom of Information Act 1982 [Vic]*, please be aware that exemptions may apply to the following types of documents:

* s28 - Cabinet documents
* s29 - Documents containing matter communicated by any other State
* s29A - Documents affecting national security, defence or international relations
* s29B - Documents of Court Services Victoria
* s30 - Internal working documents
* s31 - Law enforcement documents
* s31A - Documents relating to IBAC (Independent Broad-based Anti-corruption Commission)
* s32 - Documents affecting legal proceedings
* s33 - Document affecting personal privacy\*

Where information relating to the personal affairs of any person includes information—

(a) that identifies any person or discloses their address or location; or

(b) from which any person's identity, address or location can reasonably be determined.

* s34 - Documents relating to trade secrets\*
* s35 - Documents containing material obtained in confidence\*
* s36 - Disclosure contrary to public interest
* s37 - Certain documents arising out of companies and securities legislation
* s38 - Documents to which secrecy provisions of enactments apply
* s38A - Council documents

\* Council is required to consult with third parties where documents contain these types of exemption categories

**Types of Documents held by Council**

Given the extensive number of functions performed and services provided by Council, there is a large range of documents that are possessed or controlled by Council. This includes both hard copy documents (held at Council or offsite) as well as electronic documents. The categories of documents held by Council include but are not limited to:

* Agendas and minutes/notes of meetings
* Animal management and pet registration records
* Annual and financial reports
* Asset maintenance and asset protection records
* Building and planning permits and associated documents including plans
* Building enforcement documents
* Capital works and engineering records
* Correspondence (general and Councillor)
* Council resolutions
* Disclosures of conflict of interests
* Documents submitted by third parties
* Emergency management records
* Grant applications and materials
* Internal administration documents relating to staff management and the operation of Council, organisational and staffing records, financial and resource management records, audit records and internal operating procedures
* Legal documents including Local Laws, contracts, leases, agreements, licences, instruments of Delegation, instruments of appointment and authorisations and legal advice
* Local Laws permit application and permits issued
* Maintenance records of Council properties, open spaces, amenities and facilities
* Maternal and child health records, including immunisation records
* Media releases and general advertising
* Memorandums of Understanding and Service Agreements
* Officer recommendations
* Policies, guidelines, strategies and plans, including their development and implementation
* Public and stakeholder consultation processes and outcomes
* Records of land transfers, subdivisions and the history of use of land
* Records of the administration and enforcement of legislation and local laws
* Records of work associated with public events and cultural programs
* Reports prepared by external consultants
* Requests for information under the Freedom of Information Act 1982 and files and papers relevant to the consideration of those requests
* Risk management assessments
* Standard operating procedures
* Tender evaluations
* Training material
* Written and verbal complaints received and records of any subsequent investigation