



Banyule City Council
Part II Statement
in accordance with the *Freedom of Information Act 1982*

Updated: January 2020

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Background

The *Freedom of Information Act 1982* ('the Act') provides the community with a right to access information, unless categorised as exempt, in the possession of the Government of Victoria and other bodies constituted under the law of Victoria. Part 2 of the Act requires all agencies to annually 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.

The purpose of this Part II Statement is to:

- make the community aware of the existence of documents held by the Banyule City Council;
- provide the community with the information needed to identify specific documents of interest; and
- provide details of how to apply for access to said documents.

Documents listed in this Part II Statement are available for inspection and/or purchase either on the Banyule City Council website or by contacting Customer Service:

Banyule City Council
PO Box 94
GREENSBOROUGH VIC 3079
9490 4222
enquiries@banyule.vic.gov.au
www.banyule.vic.gov.au

Requests to access documents not available through the relevant department can be made under the *Freedom of Information Act 1982* ('the Act'). Charges will apply for a copy requested and supplied.

There are five statements that together will constitute publication under Part II:

Statement 1: Organisation and Functions

The agency must summarise its structures and function. In addition it must list what powers it has to make decisions directly affecting the public and what mechanisms it has for advice and consultation with the public in developing agency policy and practice.

Statement 2: Categories of Documents

The agency must summarise its record-keeping system. It should include a description of the key record series found within that system and where possible it should relate the component parts of the system to the agency's structure and functions.

Statement 3: Freedom of Information Arrangements

A summary must be made of the way in which agencies will handle FOI requests. In particular, agencies must provide a statement of the materials published under Part II, a statement of the procedures to be followed in making a request for access to documents and the names of the officers responsible for acting on requests.

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Statement 4: List of Documents Produced for Publication and Public Inspection

All publicity material and documents that are open for inspection must be listed.

Statement 5: Rules, Policies and Procedures

As far as possible, the “hidden law” of an agency must be made explicit. Thus, manuals of procedure, interpretations of governing statutes, statements of policy and documents concerning methods of enforcing acts or schemes must be made available for inspection of purchase. However, the “hidden law” need only be available to the extent that it bears directly on the public. An indexed list of relevant documents must therefore be prepared and published.

Exemption

In preparing statements, agencies are not required to make available documents containing exempt matters or to list such documents where listing itself cannot be done without disclosing what is exempt or if these documents can be made available in a comprehensive form with exempt matters having been excluded, then this must be done.

Not Listing Documents

No person shall suffer a detriment by virtue of not having complied with any rules, policies, guidelines or practice if those rules were not listed or made available and the person did not know of them.

Statement 1: Organisation and Functions

Banyule City Council is made up of 7 wards, each represented by its own Councillor. A Mayor is elected by his/her colleagues on an annual basis.

The Administration's role is to advise Council, implement decisions of Council, and deliver services. The Administration is accountable to Council through the Chief Executive Officer.

Council has the following structure:

- Chief Executive Officer – Allison Beckwith
- Director Corporate Services – Marc Giglio
 - Manager Finance & Procurement – Tania O'Reilly
 - Manager Governance & Communications – Gina Burden
 - Manager People & Culture – Fiona Lynch (Acting)
 - Manager IT & Digital Transformation – Leah van Hemert
 - Manager Customer Experience & Business Improvement – Joseph Linnestad
- Director Community Programs – Lisa Raywood (Acting)
 - Manager Health, Aged & Community Planning – Angela Brophy (Acting)
 - Manager Youth & Family Services – Roberta Colosimo
 - Manager Leisure, Recreation & Cultural Services – Nicole Maslin (Acting)
- Director City Development – Scott Walker
 - Manager Transport – Jonathan Risby
 - Manager Urban Planning & Building – Joel Elbourne
 - Manager Environment & Place – Darren Bennett
 - Manager of Strategic Property – Lucy Rasdell
- Director Assets & City Services – Geoff Glynn
 - Manager Major Projects – Arun Chopra
 - Manager Delivery & Assets – James Kelly
 - Manager Operations – Russell Darling
 - Manager Parks & Open Space – Kathy Hynes

Department profiles are contained in the Annual Report which can be accessed on Council's website at <https://www.banyule.vic.gov.au/About-us/Policies-plans-strategies/Annual-report?BestBetMatch=annual%20report|618fe458-49c0-4917-b49b-32281ed61f00|beca1f63-45bb-4f4f-a15f-a0258f21e129|en-AU>

Council functions

The functions of a Council as prescribed by the *Local Government Act 1989* are as follows:

- (a) Advocate and promote proposals which are in the best interests of the local community;

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- (b) Plan for and provide services and facilities for the local community;
- (c) Provide and maintain community infrastructure in the municipal district;
- (d) Undertake strategic and land use planning for the municipal district;
- (e) Raise revenue to enable the council to perform its functions;
- (f) Make and enforce local laws;
- (g) Exercise, perform and discharge the duties, functions and powers of councils under this act and other acts;
- (h) Any other function relating to the peace, order and good government of the municipal district.

Council performs its functions through the enforcement and administration of a large number of Victorian Acts and Regulations and Council Local Laws. The following list indicates as far as practicable the Acts, Regulations and Local Laws that apply to Council:

- General Local Law No 1 (2015)
- Governance Local Law No 2 (2015)
- Australian Citizenship Act (Cth) 2007
- Aboriginal Heritage Act 2006
- Associations Incorporations Reform Act 2012
- Australian Consumer Law
- Building (Interim) Regulations 2017
- Building Act 1993
- Catchment and Land Protection Act 1994
- Community Services Act 1987
- Children, Youth and Families Act 2005
- Children's Services Act 1996
- Children's Services Regulations 2009
- Climate Change Act 2017
- Conservation, Forests and Land Act 1987
- Constitution Act 1975
- Country Fire Authority Act 1958
- Country Fire Authority Regulations 2014
- Crown Land (Reserves) Act 1978
- Cultural and Recreational Lands Act 1963
- Dangerous Goods Act 1985
- Drugs, Poisons and Controlled Substances Regulations 2017
- Domestic Animals Act 1994
- Disability Act 2006
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Education and Training Reform Act 2006
- Electrical Safety Act 1998
- Emergency Management Act 2013
- Environment Protection Act 1970
- Environment Protection Amendment Act 2018
- Equal Opportunity Act 2010
- Estate Agents Act 1980
- Evidence Act 2008
- Family Violence Protection Act 2008
- Fences Act 1968
- Fences Amendment Act 2014

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- Filming Approval Act 2014
- Fines Reform Act 2014
- Fines Reform Amendment Act 2014
- Fire Services Property Levy Act 2012
- Financial Institutions Duty Act 1982
- Flora and Fauna Guarantee Act 1988
- Food Act 1984
- Food Standards Code 2016
- Freedom of Information Act 1982
- Gambling Regulation Act 2003
- Graffiti Prevention Act 2007
- Geothermal Energy Resources Regulations 2016
- Health (Immunisation) Regulations 1999
- Health (Prescribed Accommodation) Regulations 2001
- Health Act 1958
- Health Records Act 2001
- Health Services Act 1988
- Heritage Act 2017
- Heavy Vehicle National Law 2012
- Housing Act 1983
- Impounding of Livestock Act 1994
- Independent Broad-Based Anti-Corruption Commission Act 2011
- Infringements Act 2006
- Infringements (General) Regulations 2006
- Land Acquisition and Compensation Act 1986
- Land Acquisition and Compensation Regulations 2010
- Land Act 1958
- Landlord and Tenant Act 1958
- Liquor Control Reform Act 1998
- Local Government (Electoral) Regulations 2016
- Local Government (Planning and Reporting) Regulations 2014
- Local Government (General) Regulations 2015
- Local Government (Long Service Leave) Regulations 2012
- Local Government Act 1989
- Magistrates' Court Act 1989
- Major Transport Projects Facilitation Act 2009
- Metropolitan Fire Brigades Act 1958
- Mineral Resources (Sustainable Development) Act 1990
- National Parks Act 1975
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017
- Pipelines Act 2005
- Planning and Environment (Fees) Regulations 2016
- Planning and Environment Act 1987
- Planning and Environment (Planning Schemes) Act 1996
- Planning And Environment Regulations 2015
- Prevention of Cruelty to Animals Act 1986
- Property Law Act 1958
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012

- Public Health and Wellbeing Act 2008
- Public Health and Wellbeing Regulations 2009
- Public Records Act 1973
- Rail Safety (Local Operations) Act 2006
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Residential Tenancies Act 1997
- Road Management (General) Regulations 2016
- Road Management Act 2004
- Road Management (Works and Infrastructure) Regulations 2015
- Road Safety (Road Rules) 2009
- Road Safety (Vehicles) Regulations 2009
- Road Safety (Traffic Management) Regulations 2009
- Road Safety Act 1986
- Sale of Land Act 1962
- Second Hand Dealers and Pawnbrokers Act 1989
- Sex Work Act 1994
- Sherriff Act 2009
- Shop Trading Reform Act 1996
- Sport and Recreation Act 1972
- Subdivision (Fees) Regulations 2016
- Subdivision (Procedures) Regulations 2011
- Subdivisions Act 1988
- Subordinate Legislation Act 1994
- Summary Offences Act 1966
- Tobacco Act 1987
- Tobacco Amendment Act 2016
- Transfer of Land Act 1958
- Transport Integration Act 2010
- Transport (Safety Schemes Compliance and Enforcement) Act 2014
- Urban Renewal Authority Victoria Act 2003
- Valuation of Land Act 1960
- Victoria Grants Commission Act 1976
- Victorian Civil and Administrative Tribunal Act 1998
- Victorian Data Sharing Act 2017
- Victorian Grants Commission Act 1976
- Victorian State Emergency Act 2005
- Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011
- Water Act 1989
- Working with Children Act 2005

Decision-making powers

Council exercises its decision-making powers through Council meetings. All Council meetings are held in the Council Chamber and are open to the public. Further details of specific decision-making powers held by Council and Council officers in relation to the above legislation can be found in Council's Instrument of Delegation, which are available for public inspection.

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Copies of Victorian legislation are available on the Victorian Legislation and Parliamentary Documents website at <http://www.legislation.vic.gov.au>. Council's Local Laws are available on Council's website at <https://www.banyule.vic.gov.au/About-us/Local-laws>

External policy consultation

Banyule City Council consults and engages at different times and for different purposes. Sometimes consultation is more strategic and designed to influence a new plan or strategy that we are developing. At other times there might be a specific project. Council think it's important that you're informed about how your comments have been considered, and how they have influenced and shaped outcomes.

Council has developed "Shaping Banyule", a website focusing on community consultation and engagement on current projects, plans and strategies within the municipality. Further information can be found on the Shaping Banyule website <https://shaping.banyule.vic.gov.au/>

Banyule uses a range of other consultation and engagement approaches including:

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

Council libraries and meeting rooms

Council currently have rooms available for inspecting Council documents. Rooms can be used to view Council documents upon request and are located at Banyule Council Office's on Level 3 / 1 Flintoff Street Greensborough.

Statement 2: Categories of Documents

Council maintains a variety of documents, ranging from general correspondence with members of the public to Council adopted policies and resolutions. The categories of documents in Council's possession are:

- Agendas and minutes/notes of meetings
- Annual and financial reports
- Building and planning permits and associated documents including plans
- Building enforcement documents
- Cat and dog registration application and registrations issued
- Correspondence (general and Councillor)
- Council resolutions
- Departmental publications, including newsletters
- Disclosures of conflict of interests
- Documents submitted by third parties
- 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, legal advices, and court documents
- Local Laws permit application and permits issued
- Mailing lists
- 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 the administration and enforcement of legislation and Local Laws
- 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
- Residential parking permit application and permits issued
- Risk management assessments
- Standard operating procedures
- Surveys, statistics and data

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- Tender evaluations
- Training material
- Written and verbal complaints received and records of any subsequent investigations

Files within these categories are held and maintained in accordance with best practice records management principles. This includes regular archiving and disposal of records undertaken in accordance with approved schedules.

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Statement 3: Freedom of Information Arrangements

Requests to access documents should be directed first to the Council department primarily responsible for maintaining the information you require. Requests to access documents not available through the relevant department can be made under the *Freedom of Information Act 1982 (Act)*.

Under the Act formal requests must be made in writing, addressed to:

Freedom of Information Officer
Banyule City Council
PO Box 94
GREENSBOROUGH VIC 3079

and be accompanied by an application fee of \$30.10; unless a waiver or reduced fee is sought in which supporting documentation must be provided. If payment is by cheque or money order it should be made out to Banyule City Council.

Requests may be lodged in person at Council Offices, by post or electronically at FOI@banyule.vic.gov.au. A request for access must provide such information as is reasonable necessary to enable an Officer to identify the documents sought. Applicants will be notified of Council's decision and their review rights within 30 days of Council receiving the request.

It should be noted that a charge of \$22.20 per hour or part of an hour will apply to recover the cost of the time taken to find and identify the documents, and a cost of 20 cents per A4 page will be charged for printed copies.

For further information and advice on making a request or about the Freedom of Information process, please call a member of the Governance team on 9490 4222 or access the website at <https://www.banyule.vic.gov.au/About-us/Policies-plans-strategies/Policies-documents-for-inspection/Freedom-of-information?BestBetMatch=freedom%20of%20information|618fe458-49c0-4917-b49b-32281ed61f00|beca1f63-45bb-4f4f-a15f-a0258f21e129|en-AU>

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Statement 4: List of Documents Produced for Publication and Public Inspection

Council maintains a range of documents and registers which are available for public inspection. Inspections can be arranged by contacting the department primarily responsible for managing the information.

In accordance with Regulation 12 of the *Local Government (General) Regulations 2015* the following documents are available for inspection:

- a document containing details of overseas or interstate travel (other than interstate travel by land for less than 3 days) undertaken in an official capacity by any Councillor or member of Council staff in the previous 12 months
- public Agendas and Minutes of Ordinary and Special Meetings held in the previous 12 months
- a register of delegations kept under sections 87(1) and 98(4) of the Act, including the date on which the last review took place under sections 86(6) and 98(6), respectively, of the Act
- a list of all leases involving land which were entered into by the Council as lessor, including the lessee and the terms and the value of the lease
- a register maintained under section 224(1A) of the Act of authorised officers appointed under that section
- a list of donations and grants made by the Council in the previous 12 months

In addition to this, the *Local Government Act 1989* and other Acts under which local government operates, stipulate the following information is available for public inspection:

- Register of Interests (Section 81(10))
- Election campaign donation returns (Section 62A)
- Councillor Reimbursement Policy (Section 75B)
- Councillor Code of Conduct (Section 76C)
- If Council passes a resolution to reappoint a person as its Chief Executive Officer without advertising the position, the Council must make details of the person's proposed total remuneration under the new contract (Section 94)
- A copy of and Council proposed local law and explanatory document setting out prescribed details in relation to the local law (Section 119)
- Copies of Local Laws operative within the municipality (Section 120)
- Accounts and records of Council transactions (Section 140)
- Annual Report (Section 133)
- Annual Budget (Section 127)
- Council Plan and Strategic Resource Plan (Section 125 & 126)

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- Details of Differential Rates (Section 161)
- Where Council has given public notice of an intention to declare a special rate, a special charge, or a combination of both, copies of the proposed declaration will be available for at least 28 days after the publication of the notice (Section 163)
- Best Value – Quality and cost standards (Section 208)
- Copies of the preliminary and final reports for the last Electoral Representation Review(Section 219F)
- Procurement Policy (Section 186A)
- Register of all building permits issued (Building Act 1993, Section 31)
- A register of occupancy permits, certificates of final inspection, temporary approvals and amendments (Section 74)
- A register of emergency orders, building notices and building orders (Section 126)
- Certificates of final inspection, building and occupancy permits issued in the preceding 10 years, any current statement under Building Regulation 502 or 503, current building notices and building orders (Building Regulations 2006 r326[1])
- Information on the likelihood that a given property is susceptible to flood, termites, bushfire and/or snowfalls, and that a given property is within the area of designated land or works as prescribed by regulation 806 (r326[2])
- Approval dates of the mandatory notification stages for building works (r326[3])
- Register of all registered dogs and cats in the Municipal District (Domestic Animals Act 1994, Section 18)
- A copy of the *Victorian Planning Provisions* and any amendments (Planning & Environment Act 1987, Section 42)
- A copy of amendments and submissions to the Minister for Planning requesting amendments and exemption to a planning scheme (Section 18, 21)
- A copy of panel hearing reports and submissions to amend a planning scheme (Section 26)
- A copy of an amended planning scheme (Section 42)
- A register of planning permit applications, decisions and determinations (Planning & Environment Act 1983, Section 49)
- A copy of objections to permit applications and applications for amendment of permits during the period which an application may be made for review of a decision on the application (Section 57)
- Copies of Council issued permits (Section 70)
- 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 (Section 179[2])
- A register of Section 173 Agreements entered into by the Municipality (Planning and Environment Act 1987, Section 179)

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- A copy of the Municipal Public Health and Wellbeing Plan (Public Health and Wellbeing Act 2008, Section 26(7))
- Details of Food Premise Registrations, renewals and transfers in relation to particular food premises, including details of orders to suspend or revoke registration of food premises (Food Act 1984, Section 43)
- Councils Public Road Register
- Protected Disclosures Procedures

Council also produces a range of documents for publication that provide information on specific aspects of the municipality. These include, but are not limited to:

- <https://www.youtube.com/user/BanyuleCityCouncil>
- <https://twitter.com/BanyuleCouncil>
- <https://www.facebook.com/banyulecouncil/>
- <https://www.instagram.com/banyulecouncil/>
- Greenwrap
- Banyule Banner
- Food news
- Age in Focus

Statement 5: Rules, Policies and Procedures

Council's decision making process is governed by a number of policies, strategies and plans. The major ones are listed below:

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| <ul style="list-style-type: none"> • Activity Centre Car Parking Policy • Activity Centre Car Parking Strategy • Activity Centre Structure Plans • Age-Friendly Banyule Policy Statement • Annual Report • Arts and Culture Strategic Plan 2017-2021 • Asset Management Strategy • Audit Committee Charter • Banyule Aboriginal and Torres Strait Islander Plan • Banyule Aboriginal Heritage Study • Banyule Art Collection Policy • Banyule Bicycle Strategic Statement • Banyule City Council Electrical Line Clearance Management Plan • Banyule Community Charter • Banyule Corporate Communications Plan • Banyule Council Plan 2017-2021 • Banyule Culturally & Linguistically Diverse Communications Plan • Banyule Equipment Grant Guidelines • Banyule Graffiti Management Strategy • Banyule Heritage Places Study • Banyule Inclusion, Access and Equity Framework (IAEF) • Banyule Integrated Transport Plan 2015 - 2035 • Banyule Library Redevelopment Study • Banyule Planning Scheme • Banyule Positive Ageing Plan • Banyule Public Open Space Plan 2016-2031 • Banyule Residential Parking Permit Policy 2016-2020 • Banyule Service Promise | <ul style="list-style-type: none"> • Footpath Trading Policy • Graffiti Management Strategy 2015-2018 • Green Travel Plan • Greensborough Structure Plan • Guidelines for Food Premises Design & Equipment • Guidelines for Setting Up Home-based Food Business • Heidelberg Structure Plan • Heidelberg West - Olympic Village Structure Plan • Heritage Precinct Guidelines • Housing Strategy • Human Resources Strategic Plan 2013-2017 • Human Rights Charter Guidelines 2010 • Inclusion, Access & Equity Framework • IT Strategic Plan 2015-2020 • Ivanhoe Civic Precinct Master Plan • Ivanhoe Structure Plan • Lesbian, Gay, Bisexual, Transgender & Intersex Plan 2017-2018 • Liveable Housing Guidelines • Local Area Traffic Management Strategy • Multicultural Plan 2017-2018 • Municipal Emergency Management Plan • Municipal Strategic Statement • Neighbourhood Character Strategy • North East Link Project Action Plan • Outdoor Advertising Policy - Part 1 and 2 • Participation Policy and Strategy • People Policy and Strategy • Place Policy and Strategy • Planet Policy and Strategy (Obsolete) • Privacy Policy |
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<ul style="list-style-type: none"> • Banyule Volunteer Policy • Banyule Youth Strategic Plan • Banyule Service Promise • Bicycle Policy 2010-2020 • Bicycle Strategy 2010-2020 • Bicycle Strategy Action Plan • Biodiversity Plan • Budget 2018-2019 • Child Care Centre Guidelines • Children, Youth & Family Plan 2016-2020 • Circus Policy (on Council land) • Community Garden Policy • Community Grants Policy • Community Plan • Complaints Handling Policy & Guidelines • Corporate Communications Plan • Council Plan 2017-2021 • Councillors Code of Conduct • Councillors Expense & Resource Policy • Debt Management Strategic Plan • Disability Action Plan 2017-2018 • Domestic Animal Plan 2017-2021 • Drainage Policy • Economic Development Plan • Economic Development Strategy 2015-2020 • Electronic Gaming Machine Policy • Energy Saving Plan • Environment Policy • Environmental Management System • Environmental Stewardship Plan • Environmentally Sustainable Development (ESD) Policy • Facility & Resources Subsidy Grants Guidelines 2017-2018 	<ul style="list-style-type: none"> • Procurement Policy • Protected Disclosure Procedures • Public Art Strategy • Public Open Space Plan Technical Report 2016-2031 • Rates Hardship Assistance Policy • Rating Strategy • Recreation Plan 2018-2019 • Residential Vehicle Crossing Policy • Rights of Way Policy • Rights of Way Strategy • Road Management Plan 2017-2021 • Road Safety Plan 2010-2015 • Road Safety Strategy • Rosanna Village Structure Plan • Safe Travel Plan 2016-2026 • Safer Banyule Plan • Safer Design Policy and Guidelines • Smoke Free Outdoor Areas Policy • Sporting Reserves Allocation Policy 2017-2020 • Staff Code of Conduct Banyule • Streetscape plans • Sustainable Management Plan • Urban Design Guidelines, Frameworks and Concept Plans • Urban Forest Strategic Plan • Volunteer Management Plan • Waste Management Plan • Water Sustainability Plan • Watsonia Structure Plan • Weed Management Strategy • Youth & Family Services Citizenship Framework (inc Youth Charter)
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Statement 6: Council Committees

Banyule Council has the following advisory committees:

- Aboriginal and Torres Strait Islander Advisory Committee
- Arts and Cultural Advisory Group
- Audit and Risk Advisory Committee
- Banyule Age-friendly City Advisory Committee (BAFCAC)
- Banyule Environment Advisory Committee (BEAC)
- Banyule Multicultural Advisory Committee (BMAC)
- Disability and Inclusion Advisory Committee
- Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Plus (LGBTIQ+) Advisory Committee

Advisory committees are made up of Councillors, staff members and community members

END OF STATEMENT

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