

4.4.17

**FREEDOM OF INFORMATION
STATEMENT**

SHIRE OF GNOWANGERUP

FREEDOM OF INFORMATION STATEMENT

This information statement is published by the Shire of Gnowangerup in accordance with the requirements of the *Freedom of Information Act 1992*.

Council is pleased to comply with the legislation and welcomes enquiries.

An updated information statement will be published at least every twelve months.

August 2007

SHIRE OF GNOWANGERUP

MISSION STATEMENT

The Shire of Gnowangerup's mission is to improve the quality of life of the people of the Shire, through services based on the principles of quality, equity, value and responsiveness.

SHIRE OF GNOWANGERUP – FREEDOM OF INFORMATION (FOI)
STATEMENT

1. STRUCTURE AND FUNCTIONS OF COUNCIL

1.1 Council

The affairs are managed by 10 people (Shire President, 8 Councillors and the Chief Executive Officer) elected from the community, who act in a voluntary capacity. The Council acts as a community based board, establishing policies and making decisions, within the rules of the *Local Government Act (1995)*, on a wide range of issues affecting the community.

Ordinary meetings of Council are held on the 4th Wednesday of each month. Commencement of these meetings is 1.00pm and members of the public are welcome to attend. Public Question Time is available at the beginning of the meeting.

1.2 Standing Committees

Membership of each Standing Committee is determined by election at a Special Meeting held after the October Local Government Elections every second year. The President may choose to be a member of, and chair, any Standing Committee.

Council has four Standing Committees, namely:

- Plant and Works
- Health and Development
- Finance
- Audit

1.2.1 Plant and Works

Committee meets as required.

Makes recommendations to Council on matters relative to the planning and operations of the Works Department including roadworks, plant replacement and repairs.

1.2.2 Health and Development

Committee meets as required.

Makes recommendations to Council on matters relevant to the operation of Council's Health and Development matters including sporting areas, public and

private housing and other buildings, swimming pools, parks and gardens and town planning matters.

1.2.3 Finance

Committee meets as required.

Makes recommendations to Council on matters relative to the planning and operation of the finances of the Shire.

Investigates and provides recommendations on funding for future Council projects and requirements, in conjunction with relevant staff.

1.2.4 Audit

Committee meets as required

Provides guidance and assistance to the local government as to the carrying out of its functions in relation to audits and development of a process to be used to select and appoint a person to be the auditor.

May provide guidance and assistance to the local government as to matters to be audited, the scope of the audit, its functions under Part 6 of the Act that relate to financial management and the carrying out of its functions relating to other audits and other matters related to financial management.

1.3 Council Agendas and Minutes

Agendas of all Council Meetings are available for viewing at Council's Administrative Office and on the Shire website www.gnowangerup.wa.gov.au prior to the commencement of the meetings.

Minutes of Council Meetings are available for viewing at Council's Administrative Office and on the Shire website www.gnowangerup.wa.gov.au following the next monthly meeting of the Council when they have been confirmed as a true and correct record.

1.4 Working Parties and Groups

Council has established a number of working parties and groups comprised of elected members, staff and the public to investigate particular issues and report to Council. These Working Parties and Groups are formed on an as needs basis for purpose of research and developing ground rules for specific Community development/issues.

1.5 Delegations

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in Council's Policy Manual and are reviewed annually by Council.

In keeping with the legislative requirements:

- to determine policies to be applied by the Council in exercising its discretionary powers;
- to determine the type, range and scope of projects to be undertaken by the Council; and
- to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for operations of the Council.

the Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken and the resources which are to be made available to undertake such works and services. Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

2. **SERVICES TO THE COMMUNITY**

- * Animal Control
- * Building Control
- * Car Parks
- * Citizenship Ceremonies
- * Community Information Service
- * Community Halls and Centres for Hire
- * Crossovers
- * Cycleways
- * Demolition Permits
- * Environmental Health Matters
- * Fire Prevention
- * Litter Bins
- * Media Releases
- * Parking Bays/Road Closures
- * Parking Control
- * Parks & Reserves
- * Pedestrian Crossings
- * Pest Control
- * Planning Control
- * Playground Equipment

- * Public Library
- * Public Toilets
- * Recreational/Sporting Facilities
- * Roads/Footpaths/Kerbing/Drainage
- * Rubbish Collection
- * Stormwater Drainage
- * Street Parade Permits
- * Street Sweeping
- * Street Tree Planting
- * Street Lighting
- * Traffic Control Devices
- * Verge Maintenance

3. PUBLIC PARTICIPATION

3.1 Council Meetings

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

1. Deputations/Presentations – with the permission of the President, a member of the public can address Council, for a period of time determined by Council, on any issues relevant to Council. Prior notification is required.
2. Petitions – written petitions can be addressed to Council on any issue within Council’s jurisdiction.
3. Written Requests – a member of the public can write to the Council on any Council policy, activity or service.
4. Elected Members – members of the public can contact their elected members of Council to discuss any issue relevant to Council.
5. Chief Executive Officer – members of the public can contact the Chief Executive Officer to discuss, clarify or request any information relevant to Council operations.

3.2 Community Consultation

Council consults with its residents on particular issues that affect their neighbourhood by way of advertising in local newspapers/newsletters, calling public meetings and/or seeking responses to surveys and questionnaires.

Requests for other information will be considered in accordance with the *Freedom of Information Act (1992)*. Under this legislation, an application fee must be forwarded with the completed form.

Forms are available at the Council offices (see Point 4 for procedure to follow).

Applications will be responded to as soon as possible within 45 days of Council receiving the properly completed Request form, together with the application and search fees.

4. FREEDOM OF INFORMATION APPLICATION PROCEDURE

4.1 How the Application is made

Applications must be made in writing and addressed to the *Chief Executive Officer, 28 Yougenup Road, Gnowangerup*, giving enough information to identify the requested documents, providing an address in Australia to which correspondence can be directed and be accompanied by the application fee where applicable. Requests for other information will be considered in accordance with the *Freedom of Information Act (1992)*.

Freedom of Information Request Forms should be addressed to:

Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

4.2 Freedom of Information Management Structure

PRINCIPAL OFFICER:	Chief Executive Officer
FOI CO-ORDINATOR:	Deputy Chief Executive Officer
FOI LIAISON OFFICER:	Records Management Officer
DECISION MAKERS:	Chief Executive Officer

4.3 Freedom of Information Management Structure Responsibilities

1) Principal Officer

The Principal Officer is responsible for the Internal Review process. If the Principal Officer makes the initial decision to refuse access to documents there is no right of internal review, therefore, the applicant must make an external review to the Information Commissioner.

The Principal Officer shall appoint Decision Makers by formal direction, either by minutes or instrument.

2) FOI Co-ordinator

Manage and co-ordinate all FOI activities, liaise with the Principal Officer and Decision Makers.

The FOI Co-ordinator shall/may:

- * record all work flow and time management details
- * calculate projected costs, final cost and time spent processing application
- * give access
- * give access to an edited copy
- * refuse to deal with the application
- * refuse access
- * defer access or
- * give access to a suitably qualified person

3) FOI Liaison Officer

Ensure that all applications are classified and registered. Provide support to Decision Makers in locating all necessary information. Collate and prepare for copying or viewing.

4) Decision Makers

Decision makers need to be identified by name and designation and are accountable for these decisions. Officers cannot review their own decisions, or decisions to which they may have been a party.

5. ACCESS TO COUNCIL DOCUMENTS

Documents Available for Inspection

The following documents are available for public inspection at the Council Office, free of charge:

COMMITTEE AGENDA
COUNCIL AGENDA
MINUTES OF COMMITTEE MEETINGS
MINUTES OF COUNCIL MEETINGS
POLICY MANUAL
ANNUAL BUDGET

ANNUAL REPORT
ANNUAL FINANCIAL STATEMENTS
BY-LAWS
STANDING ORDERS
SHIRE RATES BOOK
TENDER REGISTER
PLAN FOR THE FUTURE
TOWN PLANNING SCHEME NO. 2
LOCAL PLANNING POLICY

Members of the public may obtain copies of these documents. A list of all Fees and Charges under Council's jurisdiction is available under separate cover.

Requests for other information, not included above, will be considered in accordance with the *Freedom of Information Act (1992)*. An application fee must be forwarded with the completed request form, as provided under Section 12 (1) (e) of the *Freedom of Information Act (1992)*.

Should the applicant require copies of any documents inspected pursuant to a Freedom of Information request, the charges set out in Clause 7 will apply.

6. AMENDMENT OF PERSONAL INFORMATION PROCEDURE

The *Freedom of Information Act (1992)* gives a person right to apply for amendment of personal information which is inaccurate, incomplete, out of date, or misleading. The Council may make the amendment by altering, striking out or deleting, or inserting information, or inserting a note in relation to the information. The Council is not to make the amendment by obliterating, or removing information, or destroying a document unless the prejudice or disadvantage to the person outweighs the public interest in maintaining a public record. The Library Board of Western Australia must be notified before a record is obliterated or destroyed.

SHIRE OF GNOWANGERUP

28 YOUGENUP RD, GNOWANGERUP WA 6335

APPLICATION FOR ACCESS TO DOCUMENTS
(Under Freedom of Information Act 1992, S.12)

DETAILS OF APPLICANT

Surname:.....

Given Names:.....

Australian Postal Address:.....

Postcode:..... Telephone Number(s):.....

If application is on behalf of an organisation Name of Organisation/Business:.....
.....
.....

DETAILS OF REQUEST [] Personal documents [] Non-Personal documents
(Please tick)

I am applying for access to document(s) concerning
.....

FORM OF ACCESS *(Please tick appropriate box)*

I wish to inspect the document(s) [] Yes [] No

I require a copy of the document(s) [] Yes [] No

I require access in another form [] Yes [] No

(specify)

FEES AND CHARGES

Attached is a cheque/cash to the amount of \$..... to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply – see section on fees and charges. If you consider you are entitled to a reduction, you must submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges

Yes No (Please tick appropriate box)

APPLICANT'S SIGNATUREDATE.....

(Office use only)

FOI Reference Number.....

Received on/...../.....

Deadline for response/...../.....

Acknowledgment sent on/...../.....

Specify Proof of Identity (if applicable).....

.....

.....

Type.....Sighted.....

7. **FEES AND CHARGES FOR OBTAINING COPIES OF COUNCIL DOCUMENTS**

The scale of fees and charges applicable under the *Freedom of Information Act (1992)*, has been set out by Freedom of Information Regulations 1993 and were officially gazetted in the Government Gazette No. 144 on 22 October 1993.

1. Council Documents

DOCUMENT	FEE
Council Agenda	20 cents per page
Council Minutes	20 cents per page
Policy Manual	20 cents per page
Annual Financial Statements	20 cents per page
Council By-Laws	20 cents per page
Planning Applications (by consent)	20 cents per page
Planning Application Register	20 cents per page
Building Application Register	20 cents per page

2. Other Documents

The charges are as follows:-

- * no fee to access applications relating to personal information and amendment of personal information
- * application fee for other access applications (non-personal information) \$30.00
- * no fees applicable for internal or external reviews
- * charge for time taken by staff dealing with the application (per hour, or pro rata for part of an hour) \$30.00
- * charge for access time supervised by staff (per hour, or pro rata for part of an hour) Plus actual additional cost to the agency of any special arrangements (e.g. hire of Facilities or equipment) \$30.00

*	charges for photocopying – per hour or pro rata for a part of an hour of staff time	\$30.00
	per page	\$ 0.20
*	charge for time taken by staff transcribing information from tape or other device (per hour, or pro rata for part of an hour)	\$30.00
*	charge for duplicating tape, film or computer information	Actual cost
*	charge for delivery, packaging and postage	Actual cost
*	advance deposits:	
*	an advance deposit which may be required by an agency under Section 18 (1) of the <i>Freedom of Information Act (1992)</i> , expressed as a percentage of the estimated charges will be payable in excess of the application fee	25%
*	further advance deposit which may be required by an agency under Section 18 (4) of the <i>Freedom of Information Act (1992)</i> , expressed as a percentage of the estimated charges, will be payable in excess of the application fee	75%
*	for an applicant who is:	
*	impecunious, in the opinion of the agency to whom the application is made; or	
*	the holder of a currently valid pensioner concession card and issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the <i>Rates and Charges (Rebates and Deferments) Act 1992</i> ; the charge is reduced by	25%

8. AMENDMENT TO COUNCIL RECORDS

A member of the public may gain access to Council documents to make amendments relating to their personal affairs by making a request under the *Freedom of Information Act (1992)*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a member of the public must make a written application, as indicated above, outlining the records he/she wishes to inspect.

L Calneggia
ACTING CHIEF EXECUTIVE OFFICER

August 2007

FOI INFORMATION STATEMENT

The FOI Act (S96) requires all Councils to provide an information statement to the Commissioner and general public in their role as an agency. This document must be updated every twelve months.

S94 of the FOI Act (attached) covers the principal requirements that the information statement is to contain and I believe that the submitted document reasonably represents those requirements.

Recommendation : That Council adopt the FOI Information Statement for 2007/08 as presented.