



Information Statement 2019

Freedom of Information Act 1992

Adopted by Council 28 November 2019

Introduction

The *Freedom of Information Act 1992* (FOI Act) that came into effect on 1 November 1993, created a general right of access to documents held by state and local government agencies. The FOI Act requires agencies, including local governments, to make available details about the kind of information they hold and enables persons to ensure that personal information held by government agencies about them is "accurate, complete, up to date and not misleading".

Section 96(1) of the Freedom of Information Act 1992 requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Information Statement must set out:-

- ~ The Agency's Mission Statement.
- ~ Details of legislation administered.
- ~ Details of the agency structure.
- ~ Details of decision-making functions.
- ~ Opportunities for public participation in the formulation of policy and performance of agency functions.
- ~ Documents held by the agency.
- ~ The operation of FOI in the agency

It is the aim of the Shire of Murchison to make information available promptly, at the least possible cost and wherever possible, documents will be provided outside the freedom of information (FOI) process.

An updated information statement will be published at least every twelve months. At a summary of any activities under this the statement will be included in the Annual Report.

Raison D'etre

Vision *Working together to preserve the unique character of the shire, supporting diverse and sustainable lifestyle and economic opportunities*

Key Result Areas	Objectives
<i>Economic</i>	<i>To develop the region's economic potential to encourage families and businesses to stay in the area.</i>
<i>Environmental</i>	<i>To improve the sustainability of land use and improve the condition of the environment.</i>
<i>Social</i>	<i>To develop co-ordinate. Provide and support services and facilities which enhance the quality of community life in the Shire by</i> <ul style="list-style-type: none"> ~ <i>Supporting and assisting in coordinating projects and events as required</i> ~ <i>Providing information on services (funding opportunities, Grant processes etc)</i> ~ <i>Supporting community groups</i> ~ <i>Supporting and maintaining social infrastructure (ie Parks, Gardens, Cemetery) and support those groups that use them</i>
<i>Civic Leadership</i>	<i>To provide Good Governance through</i> <ul style="list-style-type: none"> ~ <i>Regional collaboration where possible</i> ~ <i>Detailed and professional administration</i> ~ <i>High levels of accountability</i> ~ <i>Compliance with statutory requirements</i> ~ <i>High-quality forward planning, particularly for assets and finances</i> ~ <i>Openness and transparency and enhanced consultation and public participation</i> ~ <i>Provision of quality customer services, good financial management and pursuit of excellence in professional administration and communication</i>

Structure and Functions of Council

1 Establishment

The Shire of Murchison is constituted as a Local Authority under the Local Government Act, 1995. The general function of a Local Government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities.

Other major legislation which creates a duty or an authority for Council to act includes –

- ~ Agriculture and Related Resources Protection Act 1976
- ~ Building Act 2011
- ~ Bush Fires Act 1954
- ~ Caravan Parks and Camping Grounds Act 1995
- ~ Cat Act 2011
- ~ Cemeteries Act 1986
- ~ Disability Discrimination Act 1992
- ~ Dog Act 1976
- ~ Equal Employment Opportunity Act 1984
- ~ Environmental Protection Act 1986
- ~ Food Act 2008
- ~ Freedom of Information Act 1992
- ~ Health Act 1911
- ~ Heritage of Western Australia Act 1990
- ~ Industrial Awards
- ~ Land Administration Act 1997
- ~ Library Board of Western Australia Act 1951
- ~ Litter Act 1979
- ~ Liquor Control Act 1988
- ~ Local Government Act 1995
- ~ Local Government (Miscellaneous Provisions) Act 1960
- ~ Main Roads Act
- ~ Occupational Safety and Health Act 1984
- ~ Public Interest Disclosure Act 2003
- ~ Racial Discrimination Act 1976
- ~ Sex Discrimination Act 1984
- ~ Shire of Murchison Town Planning Scheme
- ~ State Records Act 2000
- ~ Strata Titles Act 1985
- ~ Town Planning and Development Act 2005
- ~ Western Australia Disability Services Act 1993
- ~ Workers Compensation and Assistance Act 1981

2 Structure

Council's affairs are managed by six people elected by the community. The Shire President is elected by the councillors. Council acts as a "community board", establishing policies and making decisions in accordance with the Local Government Act 1995.

The following Statutory Committees have been established:

- ~ Audit Committee
- ~ Local Emergency Management Committee

The following working groups and committees have been established to assist with the sound governance of the Shire:

- ~ Accident Prevention Working Group
- ~ Community Advisory Working Group
- ~ Murchison Community Fund Committee
- ~ Plant Working Group
- ~ Settlement Building Working Group
- ~ Settlement Drinking Water Working Group
- ~ Settlement Power Supply Working Group
- ~ Wild Dog Control Working Group

3 Function

Roles of Council, the Shire President, Councillors and the CEO Council

- (a) governs the local government's affairs;
- (b) is responsible for the performance of the local government's functions.
- (c) oversees the allocation of the local government's finances and resources; and
- (d) determines the local government's policies.

The Shire President

- (a) presides at meetings in accordance with the Local Government Act;
- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
- (e) performs such other functions as are given to the president by the Local Government Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Councillors

- (a) represent the interests of electors, ratepayers and residents of the district;
- (b) provide leadership and guidance to the community in the district;
- (c) facilitate communication between the community and the Council.
- (d) participate in the Local Government's decision-making processes at Council and Committee Meetings.

The CEO

- (a) advises the council in relation to the functions of a local government under the Local Government Act and other written laws;
- (b) ensures that advice and information is available to the council so that informed decisions can be made;
- (c) causes council decisions to be implemented;
- (d) manages the day to day operations of the local government;
- (e) liaises with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speaks on behalf of the local government if the president agrees;
- (g) is responsible for the employment, management supervision, direction and dismissal of other employees;
- (h) ensures that records and documents of the local government are properly kept for the purposes of the Local Government Act and any other written law; and
- (i) performs any other function specified or delegated by the local government or imposed under the Local Government Act or any other written law as a function to be performed by the CEO.

Council makes decisions which give strategic direction to the organisation. Such decisions include the development of comprehensive business plans, budgets, financial plans and policies with the aim of good governance.

The Chief Executive Officer has delegated authority to make decisions on a number of specified administration and policy matters. These delegations are listed in the Delegations Register and are reviewed annually by Council. Meetings of Council and Committees are advertised at least once each year. Unless changed, Ordinary Meetings of Council are held on the fourth Thursday of each month commencing at 12.00 noon, except for the month of January, when there is a traditional recess. All members of the public are welcome to attend. Local public notice is given before any change of date of a meeting.

Regional Involvement

Elected members are involved with many organisations within the community, and also actively represent the community at a regional or state level. Council's nominations include –

- ~ Murchison Country Zone of the WA Local Government Association (regional)

- ~ Mid-West Regional Road Group Murchison Sub-Group

Agendas

To ensure that all items are included in the agenda, matters for consideration should reach the Council office at least 7 days before the Council meeting date as agendas are prepared for distribution 72 hours in advance. A copy of the agenda is available to the public before the meeting.

Minutes

The un-confirmed Minutes are made available to the public within ten business days of a Council Meeting as required by the Local Government (Administration) Regulations 1996. All Minutes are subject to confirmation by Council at the following meeting.

Service to the Community

Council provides an extensive variety of services for the community under authority of a wide range of legislation. Services provided include –

- ~ building control
- ~ cemetery
- ~ bush fire control
- ~ citizenship ceremonies
- ~ dog control
- ~ environmental health
- ~ demolition permits
- ~ drainage
- ~ parks & reserves
- ~ fire prevention
- ~ playground equipment
- ~ library services
- ~ public toilets
- ~ media releases
- ~ planning control
- ~ public buildings for hire
- ~ recreational /sporting facilities
- ~ street lighting
- ~ roads / footpaths /kerbing
- ~ vehicle licencing agency
- ~ street tree planting

Public Participation

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

- ~ Deputations – With the permission of the President, a member of the public may address Council personally, on behalf of another or on behalf of an organisation.
- ~ Submissions – Some development applications do not require special approval of Council. Where special approval is required, residents are notified by advertising in the local newspaper, and in some instances they may also be notified individually by Council or the developer. When an application is advertised, residents have the opportunity to make a written submission to Council expressing their views regarding the application.
- ~ Petitions – Written petitions can be addressed to Council on any issue within the Council's jurisdiction.
- ~ Written request – Members of the public can write to Council on any Council policy, activity or service.
- ~ Elected members – Members of the public can contact any of the elected members to discuss any issue relevant to Council.
- ~ Council meetings – public question time.

Access to Council Documents

Many documents are available for public inspection free of charge at the Council office or on the website. Copies of some documents can be made available, although some will incur a charge to cover photocopying. Information that is available includes –

- ~ Annual Budget
- ~ Annual Report
- ~ Annual Financial Statement
- ~ Code of Conduct
- ~ Committee Agendas
- ~ Council Agendas
- ~ Council Local Laws
- ~ Delegations Manual
- ~ Disability and Inclusion Plan
- ~ Freedom of Information Statement
- ~ Minutes of Committee Meetings
- ~ Minutes of Council Meetings
- ~ Minutes of Electors Meetings
- ~ Plan for the Future made in accordance with s 5.56
- ~ Policy Manual
- ~ Rates Schedule
- ~ Register of Complaints
- ~ Register of Financial Interests
- ~ Register of owners & occupiers and

electoral roles

- ~ Schedule of Fees & Charges
- ~ Town Planning Strategy & Scheme
- ~ Such other information relating to the Local Government:
- ~ Required by a provision of this Act to be available for public inspection;
- ~ As may be prescribed.

Requests for other information will be considered in accordance with the Freedom of Information Act. Under this legislation, an application fee and search fee must be submitted with the completed request form unless the information required is personal or an exemption is granted.

Freedom of Information Operations

Procedures and Access Arrangements

It is the aim of the Shire of Murchison to make information available promptly and at the lowest cost. Documents will therefore be provided outside the FOI process where possible.

If information is not routinely available, the *Freedom of Information Act* 1992 provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

While the Act provides for general right of access to documents it also recognises that some documents require protection – these exemptions are listed in Schedule 1 of the Act and include:

- ~ Personal information;
- ~ Information concerning trade secrets;
- ~ Other commercially valuable information; or
- ~ Any other information concerning the business, professional, commercial or financial affairs of a third party who is not the applicant.

FOI applications are to:

- ~ be in writing;
- ~ proof of identity may be required eg drivers licence
- ~ give enough information so that the documents requested can be identified;
- ~ give an Australian address to which notices can be sent; and
- ~ be lodged at the agency with any application fee payable.

FOI applications, payments, correspondence and general inquiries may be directed to:

Chief Executive Officer
Shire of Murchison PO Box 61
MULLEWA WA 6630

Tel: (08) 9963 7999
Fax: (08) 9963 7966
Email: ceo@murchison.wa.gov.au

An application form is attached to this statement or they are available on the website at www.murchison.wa.gov.au.

FOI Charges:

The scale of fees and charges is set under the FOI Act Regulations. Apart from the application fee for non-personal information all charges are discretionary. The charges are as follows.

Charges

~ Personal information about the applicant	No fee
~ Application fee (for non-personal information)	\$30.00
~ Charge for time dealing with the application (per hour, or pro rata)	\$30.00
~ Access time supervised by staff (per hour, or pro rata)	\$30.00
~ Photocopying staff time (per hour, or pro rata)	\$30.00
~ Per photocopy	\$0.20
~ Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
~ Duplicating a tape, film or computer information	Actual Cost
~ Delivery, packaging and postage	Actual Cost

Deposits

~ Advance deposit may be required of the estimated charges	25%
~ Advance deposit may be required of the estimated charges	75%
~ Advance deposit may be required of the estimated charges	25%

Access Arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible but in any case, within 45 days you will be provided with a notice of decision which will include details such as -

- ~ the date which the decision was made;
- ~ the name and the designation of the officer who made the decision;
- ~ if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document;
- ~ Information on the right to review and the procedures to be followed to exercise those rights.

Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. Application should be made in writing within 30 days of receiving the notice of decision.

You will be notified of the outcome of the review within 15 days.

If you disagree with the result you then can apply to the Information Commissioner for an external review:

Office of the Information Commissioner Albert
Facey House
469 Wellington Street
PERTH WA 6000

Phone: 6551 7888 or 1800 621 244
Fax: 6551 7889
Email: info@foi.wa.gov.au
Website: www.oic.wa.gov.au