



Freedom of Information Statement

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Introduction

The Western Australian *Freedom of Information Act* 1992 “the Act” provides for access to records held by the State Public Sector Agencies and local governments. The Shire of Wickepin is required to facilitate public access to records at the lowest reasonable cost, and to ensure that personal information is accurate, complete, up-to-date and not misleading.

In accordance with Section 94 of the Act, this document provides information about the structure and functions of the local government, how decisions made by the Council affect the community and how members of the community can participate in the decision making process and in the formulation of policies of the local government, the records held and how access can be obtained.

This statement describes the kinds of records that are held by the Shire and the ways access may be given to those documents.

This document has been prepared to satisfy Section 94 of the Act. This document may be viewed at www.wickepin.wa.gov.au or copies can be obtained from the FOI Coordinator.

Freedom of Information Legislation

Further information about Freedom of Information can be found at the Office of the Freedom of Information Commissioner's website at: www.foi.wa.gov.au.

For further information regarding the FOI process, or assistance with preparing an application, contact the FOI Officer on the details provided within this document.

About The Shire of Wickepin

Our Vision

A collaborative Council, dedicated to maintaining and developing our community assets for the benefit of our residents whilst supporting a strong community, a vibrant economy, successful businesses and a sound environment.

Council Priorities

Adding value and impact of Council owned infrastructure and services by:

1. Attracting new populations and retaining our current population
2. Growing our local economy and providing opportunities that benefit local businesses across the Shire
3. Protecting, enhancing and receiving value from our natural environment
4. Ensure positive financial positions in Council's budget

Enabling Legislation

The Shire of Wickepin operates under the *Local Government Act 1995* and is responsible for administering over 100 pieces of legislation.

Local Government's power is derived from legislation.

The *Local Government Act 1995* provides for a system of Local Government by creating a constitution for elected Local Government in the State, describing the functions of Local Governments, providing for the conduct of elections and providing a framework for the administration and financial management of Local Governments and for the scrutiny of their affairs.

Other important statutes include the Bush Fires Act, the Cemeteries Act, the Dog Act, the Cat Act and the Environmental Protection Act.

Local Governments also derive powers from other Acts. Of these, the most important are the Health Act, which vests wide ranging powers in local governments to ensure the health of each community is safeguarded, and the Town Planning and Development Act, which gives local governments the power to prepare local planning schemes and ensure orderly development

The Council and Councillors

Council is the governing body of the Local Government and is made up of seven (7) Elected Members (Councillors). The role of the Council is defined in the *Local Government Act 1995*:

- To direct and control the Local Government's affairs; and
- To be responsible for the performance of the local government's functions.

Councillors do not have an authority to act or make decisions as individuals. They are members of an elected body that makes decisions on behalf of the local government through a formal meeting process.

The role of each Councillor is to:

- Represent the interests of electors, ratepayers and residents of the district.
- Facilitate communication between the community and the Shire.

- Participate in the local government's decision making processes at Council and Committee meetings; and
- Provide appropriate services and facilities are efficient, effective, adequate and equitable.
- Properly manage the environment, consistent with the principles of ecologically sustainable development; and
- Take into account the long term cumulative effects of the Shire's decisions.

Your elected Councillors are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions that affect the way you live.

Local Government elections take place every second year, with half the Council retiring at each election. Retiring Council members are eligible for re-election. After each election, Elected Members select a Shire President and Deputy Shire President amongst themselves.

The Council acts as the decision making body on a range of issues affecting the community.

At the monthly meeting these issues are considered and recommendations and decisions are made which determine the activities and functions to be carried out by the Council. For example works and services to be undertaken, allocation of resources and approval of development applications.

The Council has delegated the Chief Executive Officer and other staff to have the authority to approve and manage specified administrative and policy matters. These are listed in the Shire of Wickepin Policy Manual.

More information relating to your elected members can be found on the Shire of Wickepin website at www.wickepin.wa.gov.au

Office of The Chief Executive

Each local government employs a Chief Executive Officer (CEO) and staff to advise Council members on matters under discussion, administer the day to day operations of the local government, carry out the policies of Council and implement its decisions.

The CEO is responsible to Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Shire.

Public Participation

Council consults the community to seek its views on a number of projects in which it is involved in. Council seek these views in a number of ways including advertising in local papers, calling public meetings and seeking responses to surveys and questionnaires.

Public Notices & Advertising

The *Local Government Act 1995* and other legislation may require the Shire to provide notice of its intention to take a particular course of action or decision. The Shire may also advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to make submissions. These notices and advertisements generally appear within The West Australian or the local Watershed News or other local newspapers within the district. Notices are also placed on the Shire of Wickepin website.

Council Meetings

Ordinary meetings of Council take place on the third Wednesday of each month, except January, and commence at 3.30pm. Special Meetings of Council may also be convened where necessary.

Council Meetings are open to the public and are conducted in accordance with the Section 5.2.(2) of the *Local Government Act 1995*.

To facilitate public participation and awareness of Council meetings, the Shire of Wickepin advertises the dates, times and places of meetings that are open to members of the public. The advertisements are placed in the local newspapers, on the Shire's website and on the notice board of the Shire Office.

Agendas

Agendas relating to any Council meetings are made available for public inspection at the Shire Office and on the Shire's website. In certain circumstances, members of the public are not entitled to inspect notice papers or agendas which in the Chief Executive Officer's opinion, relate to a meeting or part of a meeting which is likely to be closed to members of the public in accordance with Section 5.23(2) of the *Local Government Act 1995*.

Minutes

Council meeting minutes are available on the Shire's website and for inspection at the Shire Office within ten (10) business days after the meeting.

Current Shire Committees

Local governments may appoint committees to share in the decision making workload as well as to utilise expertise effectively. Committees include Council members, staff from the local government and can also include members of the public.

Committees of Council

- Audit, Risk and Improvement Committee
- Bush Fire Control Officers Committee

External Committees

- Central Agcare
- Central Country Zone WALGA
- Wickepin Local Emergency Management Committee (LEMC)
- Grain Freight Network – Wheatbelt Railway Retention Alliance
- Regional Road Group
- RoeROC Group
- Wheatbelt Joint Development Assessment Panel
- Wickepin Community Resource Centre

Delegated Authority

The Council of a Local Government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties. For this to occur however, an absolute majority decision is required. There are some limits on powers or duties that can be delegated to the Chief Executive Officer.

Comprehensive detail describing such limitations can be found in Section 5.43 of the *Local Government Act 1995*.

Policies of the Local Government

In order to provide guidance for the officers of the Local Government, the Council adopts policies that define the structure under which the local government operates.

A manual of the policies of the Local Government is available on the Shire's website.

Local Government Local Laws

The powers of Local Governments to provide services and facilities and make local laws are derived from legislation passed in State Parliament. The principal Act from which Local Governments gain power is the *Local Government Act 1995*.

Local Laws were previously called By-laws. The terminology change was implemented by the *Local Government Act 1995*. The terminology change does not in any way change the intent of the original By-law.

There are two types of Local Laws that are the 'law' in any Local Government area. The first type of local law is made by the Governor which may be applicable to a single local government or even to every local government in the State. There are a few such local laws that are state-wide applying to this Local Government and these have been identified as such in their headings.

The second type of local law is adopted by this Local Government. These local laws apply only to ratepayers and residents of the Shire of Wickepin. The power to make a local law and the extent to which it may be applied must be clearly set out in an Act of Parliament. This is sometimes described as the "Head of Power". Several different Acts give such powers with perhaps the most important to Council, being the *Local Government Act*, the *Health Act* and the *Bush Fires Act*.

Records Held by the Shire of Wickepin

The type of records that can be requested extends to all information, in whatever format, in the possession or under the control of an agency.

Records include (but are not limited to) maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV footage and electronic records including emails.

Documents Available Free of Charge without a FOI Application

The Shire of Wickepin holds a variety of documents, some of which are accessible without having to make an access application under the FOI Act.

The Shire of Wickepin provides access to documents outside the Freedom of Information process wherever possible.

The Shire of Wickepin, as a local government is required to make certain documents available to the public. These documents are available for public inspection at the Shire of Wickepin Administration Office or they may also be found on the Shire of Wickepin's website at www.wickepin.wa.gov.au.

Charges may apply for hard copies of certain documents as per the Council's adopted Fees and Charges.

- Agenda and Minutes (excluding sections closed to the public)
- Annual Reports
- Budgets - Statutory
- Code of Conduct
- Community Information Brochures
- Corporate Plans & Informing Documents
- Delegations Manual
- Disability Access & Inclusion Plan (DAIP)
- Financial Statements
- Forward Capital Works Plan
- Freedom of Information Statement
- Integrated Workforce Plan
- Local Laws
- Local Planning Strategy
- Long Term Financial Plan
- Policy Manual
- Record Keeping Plan
- Registers as required under the Local Government Act 1995
- Road Documents
- Schedule of Fees and Charges
- Sponsorship Application
- Tender Register
- Works Programme

Requests for information of a general nature may be made in writing to the Chief Executive Officer. Requests for information other than the above will be considered in accordance with the *Freedom of Information (FOI) Act 1992*.

Information Management

SynergySoft Central Records is the Document and Records Management System used to manage the Shire of Wickepin's hard copy and electronic records and enable their retrieval.

Records are maintained at the Shire of Wickepin Administration Office.

Freedom of Information Applications

The *Freedom of Information Act 1992* gives people the right of access to documents held by Ministers, State Government departments, Local Governments and other statutory authorities subject to some limitations. These bodies are called agencies.

People have the right to apply for access to the documents of an agency or a local government. This right is not affected by any reasons the person has for wishing to obtain access or the local government's belief as to what the reasons are for wishing to obtain access.

However, you cannot apply to access documents under the FOI Act if those documents are available for purchase or free distribution to the public or available for inspection under an enactment.

The FOI Act has exemption provisions to protect the release of records from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government.

Sometimes access to only part of a document will be provided if it contains information considered to be exempt

Applications

Freedom of Information applications must:

- be in writing;
- give enough information to enable the requested documents to be identified;
- give an address in Australia for notices under the Act to be sent;
- be lodged with the Shire of Wickepin; and
- be accompanied by the appropriate application fee.

An application fee of \$30 is payable if the applicant is seeking more than their own personal information.

Applications and enquiries should be addressed to:

FOI Co-ordinator
Shire of Wickepin
PO Box 19
WICKEPIN WA 6370

or emailed to admin@wickepin.wa.gov.au.

Acknowledgement of your Application

You will receive written acknowledgement of your request for information after it is received by the Shire of Wickepin.

The Shire of Wickepin may contact you to clarify the documents you are seeking, to try to reduce the scope of your access application or to seek additional time to deal with your access application. Meaningful dialogue is in everyone's interests. It may assist you to get the documents you are really seeking and help the agency to deal with your application efficiently.

Charges

A scale of fees and charges is set under the Freedom of Information Regulations 1993. Apart from the application fee for non-personal information, all charges are discretionary, meaning that it is left to the Shire's discretion whether a charge will apply or not. Straightforward applications usually incur only the application fee. The charges are as follows:

Application - personal information about the applicant	Free of charge
Application Fee non-personal information	\$30
Charge for time taken by staff dealing with the application	\$30/hour or pro-rata
Charge for access time supervised by staff	\$30/hour or pro-rata

Charge for photocopying - staff time	\$30/hour or pro-rata
Charge for photocopying - per copy	\$0.20
Charge for transcribing from tape, film or computer	\$30/hour or pro-rata
Charge for duplicating a tape, file or computer information	At cost
Charge for delivery, packaging and postage	At cost
Deposits	
Advanced deposit may be required of the estimated charges	25%

An estimate of charges will be provided if the cost is expected to exceed \$25.00. You may ask for an estimate of charges when you make your access application. The Shire of Wickepin will notify you of any charges and ask if you want to proceed with the application. You must respond to the notice about charges and advise of your intention to proceed within 30 days after being given the notice. If you do not, you will be taken to have withdrawn your access application.

For financially disadvantaged applicants, or those issued with prescribed pensioner concession cards, the charges payable are reduced by 25%.

No charges apply for searching, identifying or collating the documents.

In some instances, the Shire of Wickepin may advise that you are required to pay a deposit. If you do not pay the deposit within 30 days after being given the notice, you will be taken to have withdrawn your access application. You can seek review of an agency's decision to impose a charge or require a deposit that you think is unreasonable.

Access to Non-Personal Information

Information applications for access to "non-personal information" must be accompanied by a \$30.00 application fee. Additional charges may be imposed for extraordinary applications.

Access to Your Personal Information

Applications for access to, and amendment of, "personal information" are free.

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.

Amendment of Personal Information

If you believe that "personal information" held by the Shire of Wickepin about you is inaccurate, incomplete, out of date or misleading you may apply to have the information amended. No fees or charges apply.

Under section 46 (1) of the Act, an application for amendment must:

- be in writing;

- give enough details to enable the document that contains the information be identified;
- give details of the matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading;
- give the person's reasons for holding that belief;
- give details of the amendment you wish to have made;
- give an address in Australia to which notices under the Act can be sent; and
- be lodged at the Shire Office.

Under section 46 (2) of the Act the application has to also state whether you would like the amendment to be made by:

- altering information;
- striking out or deleting information;
- inserting information; or
- inserting a note in relation to information.

Exempt Information

Some documents are protected from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government.

Schedule 1 of the Act sets out fifteen kinds of exemptions. Documents provided to you under the Act may have exempt information removed in the form of a redaction, and your Notice of Decision will detail which exemptions have been applied.

Notice of Decision

If you make an FOI application, the Shire of Wickepin will provide a written "Notice of Decision" in accordance with Section 30 of the Act outlining the decision within 45 calendar days, unless additional time provisions apply.

The Notice of Decision will include details of:

- Date of decision;
- Level of access to documents you have been provided;
- Reasons for denial of access, if applicable;
- Reasons for exemptions, and which exemptions apply;
- Applicable charges;
- Your right to review and related procedure.

Appeals for Review

If you are not satisfied with a decision made by the Shire of Wickepin, you have the right to apply for a review of the Shire's decision.

Internal Review

If you are not satisfied with a decision made by the Shire of Wickepin, you have the right to apply for an internal review. If the initial decision was made by the CEO you do not have to apply for an internal review but you can seek an external review. There are no charges for an Internal Review.

You can apply for internal review when:

- The agency refuses to deal with your access application;
- You have been refused access to some or all of the requested documents;
- You have only been given access to an edited document and you want access to the parts that were deleted;
- The agency has deferred giving you access;
- The agency has decided that medical or psychiatric information about you will only be given to you through a nominated medical practitioner;
- The agency has decided to impose a charge or require a deposit that you consider unreasonable; and
- As a third party whose personal or business information is in documents requested by someone else, you were not consulted or you disagree with a decision to release the documents (whether consulted or not).

An application for review must:

- be in writing;
- give details of the decision you want reviewed;
- give an address in Australia for notices to be sent; and
- be lodged at an office of the agency.

An application for an internal review must be lodged with the Shire of Wickepin within 30 days of the written notice of decision. The internal review will be undertaken by an officer of the Shire of Wickepin who was not involved in the original decision or subordinate to the original decision maker. You will be advised of the outcome within 15 days.

External Review by the Information Commissioner

After an internal review has been completed or if the Chief Executive Officer was the issuing officer of the Notice of Decision, if you are not satisfied with the review decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of that decision.

If you are seeking access to documents or an amendment of personal information, your complaint must be lodged within 60 days after being given written notice of the Shire's decision. If you are a third party to an application for access to personal or commercial or business information concerning yourself, your complaint must be lodged within 30 days after being given written notice of the Shire's decision. There is no charge for lodging a complaint with the Information Commissioner's Office.

A complaint to the Information Commissioner must:

- be in writing;
- give details of the part(s) of the decision you want the Commissioner to review;
- include a copy of the Shire of Wickepin's Notice of Decisions; and
- provide a postal address in Australia.

The address of the Information Commission is:

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

Appeals to the Supreme Court

Section 85 of the FOI Act provides that any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

Contact Details for FOI Issues

Enquiries regarding FOI issues should be directed to:

Chief Executive Officer

Shire of Wickepin
PO Box 19
Wickepin WA 6370

Telephone: 9888 1005

Email: admin@wickepin.wa.gov.au

Further Information about the Freedom of Information Act

Should you require any further information about the FOI process or how to submit a FOI application you may contact the Information Commissioner (WA) by:

Telephone: 08 6551 7888

Toll Free: 1800 621 244

Fax: 08 6551 7889

Email: info@foi.wa.gov.au

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

Web address: www.foi.wa.gov.au