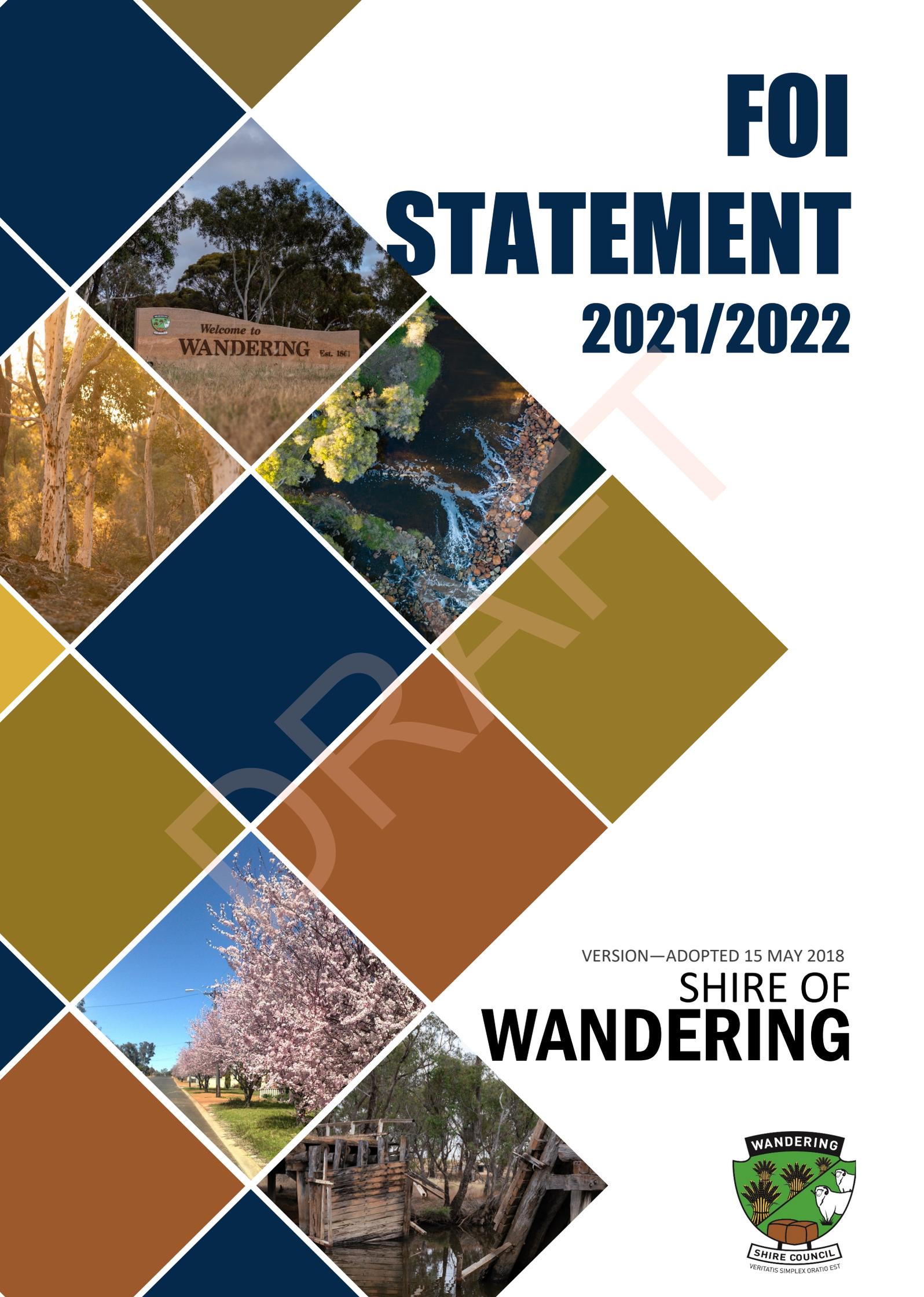


FOI STATEMENT 2021/2022



VERSION—ADOPTED 15 MAY 2018

SHIRE OF WANDERING



Table of Contents

1	Introduction	3
2	Mission Statement	3
3	Legislative Environment	4
4	Council Structure and Functions	4
4.1	Overview of Shire of Wandering Structure	4
4.2	Council Functions	4
5	Decision making Functions affecting the Public	4
5.1	Elected Representatives	4
5.2	The Role of Councillors	4
5.3	The Role of the Shire President	5
5.4	Chief Executive Officer	5
5.5	Council Staff	5
6	Public Participation in the Formulation of Policy and Performance of Agency Functions	5
7	Access to Council Documents	6
7.1	Documents available for inspection or purchase are:	6
8	FOI – Public Access and Procedures	7
8.1	Freedom of Information Applications	7
8.2	Amendment of Shire Records	7
8.3	Access Arrangements	7
8.4	Retention and Disposal of Council Records	8
8.5	Notice of Decision	8
8.6	Refusal of Access	8
8.7	Right to appeal	8
8.8	Fees and Charges	8
9	Appendix 1. Local Laws Register	9
10	Appendix 2. Freedom of Information Request Form	10

SHIRE OF WANDERING ADMINISTRATIVE INFORMATION

Address: 22 Watts Street, WANDERING. WA 6308
Telephone: (08) 9884 1056
Website: www.wandering.wa.gov.au
Email: reception@wandering.wa.gov.au

CHIEF EXECUTIVE OFFICER & FREEDOM OF INFORMATION OFFICER

Ms Belinda Knight

OFFICE OF THE INFORMATION COMMISSIONER

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000
Telephone: (08) 6551 7888
Free call (WA country): 1800 621 244
Website: www.oic.wa.gov.au
Email: info@foi.wa.gov.au

1 Introduction

The Freedom of Information Act 1992 (“FOI Act”) provides for public access to documents, and for the public to ensure that personal information in documents is accurate, complete, up to date, and not misleading.

Part 5 of the FOI Act requires the Shire of Wandering (the “Shire”) to prepare and publish an annual Information Statement. The Information Statement must:

- State the structure and functions of the Shire;
- Describe the ways in which functions of the Shire affect members of the public;
- Describe arrangements that exist to allow members of the public to participate in the formulation of the Shire’s policy and performance of the Shire’s functions;
- Describe the type of documents usually held by the Shire;
- Describe the arrangements for giving members of the public access to documents; and
- Describe the arrangements for amending personal information.

This document has been created to comply with that requirement, and is correct as at 21 July 2021. The Shire’s Information Statement is published on the Shire’s website at www.wandering.wa.gov.au

This document can be provided in alternative formats upon request.

Further information can be provided, via:

Phone: (08) 9884 1056

Email: reception@wandering.wa.gov.au

2 Mission Statement

COUNCIL’S VISION

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

OUR VALUES:

- Adaptability
- Perseverance
- Accountability
- Diligence

3 Legislative Environment

Western Australian State Government

Copies of relevant Acts and Regulations are available from: www.legislation.wa.gov.au

Shire of Wandering Local Laws

The Shire has enacted a number of local laws that govern activities on land that is owned or managed by the Shire, as well as certain activities conducted on private land within the Shire.

Local governments may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the Local Government Act 1995.

Wandering local laws are detailed in [Appendix 1. Local Laws Register](#)

4 Council Structure and Functions

4.1 Overview of Shire of Wandering Structure

The Council is the governing body of the local government and is comprised of seven Council 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 Governments functions. (See section 5).

Delegated Authority: The Council 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. Details of such limitations can be found in Section 5.43 of the Local Government Act 1995.

4.2 Council Functions

The Council has a significant number of functions and roles within the Shire. If you would like to know more, please contact the Shire's CEO on (08) 9884 1056 for further information.

5 Decision making Functions affecting the Public

Local governments are comprised of two parts: the elected representatives (Councillors) and administration (Council staff). The Shire of Wandering consists of seven (7) Council members including the Shire President.

5.1 Elected Representatives

Councillors are democratically elected by the residents and ratepayers of the Shire of Wandering. They take an Oath of Office to carry out this role impartially, to the best of their ability, and in the best interests of the community.

An elected Council sets the overall direction for the Shire through long-term planning and decision making. It adopts a strategic view of the future it wishes to achieve for its community and makes plans and policies to achieve this.

The Council is responsible for appointing the Chief Executive Officer (CEO) and is also responsible for managing and reviewing the CEO's performance.

5.2 The Role of Councillors

The role of Councillors is set out in the *Local Government Act 1995* which provides clarity and guidance to Councils, Councillors and constituents about what is expected of Councillors.

There are several key elements to the role of a Councillor and they include;

- participating in high level decision-making;

- setting the strategic direction of the Council, and
- representing the local community.

Councillors do not have the authority to act or make decisions as individuals. The role of a Councillor does not include those functions performed by the Chief Executive Officer.

Members of the public can contact the Shire's Councillors (including the Shire President) to discuss any issue relevant to the Council. Councillor contact details are available on the Shire's website, or by contacting the Shire during office hours.

5.3 The Role of the Shire President

The President is the figurehead of the Council and in the Shire of Wandering, is elected by fellow Councillors for a two-year term. Presidents may be re-elected at the discretion of the Council.

The President actively promotes and develops opportunities for the Shire. This often involves developing and maintaining extensive individual and community networks and performing an important social and ceremonial role as leader of the community. The President takes the chair at all meetings of the Council at which he or she is present. If absent, incapable of acting or refuses to act, the Council must appoint a Councillor to act as President.

In addition to the above, the President:

- provides guidance to Councillors about what is expected of them; and
- acts as the principal Council spokesperson and articulates Council policies and positions fairly and accurately; and
- supports good working relations between Councillors; and
- represents the Council in civic and ceremonial duties.

5.4 Chief Executive Officer

The CEO is the only staff member who is appointed by the Council. The CEO is appointed for a term of no more than five years at a time, but can be re-appointed for further terms. Full recruitment must take place after a 10-year term.

The CEO is responsible for managing the organisational structure for the Council ensuring that Council decisions are implemented, the day to day management of the Council's operations and providing advice to Council.

The CEO is also responsible for supporting the Shire President in the performance of his or her role and the development, implementation and enforcement of policies and protocols to manage interactions between Councillors and Council staff.

5.5 Council Staff

Council staff are the resource that ensures the day to day running of the organisation and the delivery of Council services and functions. Staff have a wide range of training and expertise.

Council staff are responsible for providing advice, implementing Council's direction and acting on Council decisions.

The Local Government Act 1995 requires Council staff to observe specific conduct principles.

These principles require staff in the course of their employment to:

- act impartially;
- act with integrity including avoiding conflicts of interest;
- accept accountability for results; and
- provide a responsive service.

6 Public Participation in the Formulation of Policy and Performance of Agency Functions

Council Meetings - members of the public are permitted to address meetings of Council on any subject which is within the Council jurisdiction. Council have set aside 15 minutes time at the commencement of meetings (Public Question Time) to accept questions from the public.

Committee Meetings - members of the public are permitted to address topics listed on the agenda for that meeting. In order to make an address it is preferred that a person give written notice of their intention to do.

Advertising - The Shire is committed to advising ratepayers and residents of matters affecting them through regular advertising in local newspapers, mail drops, noticeboards, social media and website.

Community Forums - advertised and held as required.

Community Surveys - advertised and held as required.

Written petitions - can be presented to Council on any subject within Council's jurisdiction. Council will receive each petition and may refer it to Administration for research and advice before making a decision.

Electors Meetings - In accordance with Section 5.27 of the Local Government Act 1995, an Electors' General Meeting is held each financial year, with notification being provided as Regulated. All residents are encouraged to attend and have an opportunity to give their opinions on any issue at either the Annual Meeting of Electors or Special Meetings of Electors.

Council Members - The public can contact the Shire President or Councillors to discuss any issue relevant to Council.

Written/ email communication - Any member of the community may write to the Shire of Wandering at any time on any matter. Any matter raised will be considered by Administration and/or Council and a decision and response provided.

Correspondence should be addressed to:

Chief Executive Officer
Shire of Wandering
22 Watts Street
Wandering WA 6308

Or by email to reception@wandering.wa.gov.au

7 Access to Council Documents

Documents (listed below) are held by the Shire of Wandering and are available at the Administration building located at 22 Watts Street, Wandering. Other documents may be made available upon request, for inspection or purchase, but any exempt matter from those copies may be deleted s.97 (1)

7.1 Documents available for inspection or purchase are:

- Confirmed Minutes of Council and Committee Meetings
- Annual Budget
- Schedule of Fees & Charges
- Rates records (subject to privacy matters)
- Annual Report
- Delegation Register
- Financial Interest Register
- Local Laws and Proposed Local Laws
- Policy Manual
- Shire of Wandering Code of Conduct for Council Members, Committee Members and Candidates.
- Integrated Planning Documents
- Freedom of Information Statement
- Recordkeeping Plan
- Access & Inclusion Plan
- Equal Employment Opportunity & Diversity Plan
- Electoral Rolls
- Town Planning Documents/Maps
- Shire Maps

And any other documents as set out in the Local Government Act 1995.

Some documents are subject to fees and charges. A full copy of the latest fees and charges can be found on the Shire's website.

8 FOI – Public Access and Procedures

If information is not routinely available, the Freedom of Information Act 1992 (the Act) provides the right to apply for documents held by the Shire 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 a 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, profession, commercial or financial affairs of a third party who is not the applicant

8.1 Freedom of Information Applications

Access applications have to -

- be in writing;
- 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.

Any person seeking personal information relating to the applicant must accompany documentary evidence to support their identity, for example, Birth Certificate; Birth Extract; Passport; Driver's License; or Marriage Certificate.

If you are seeking access to document(s) on behalf of another person, written authorisation of that person is required.

Applications and enquiries should be addressed to:

Chief Executive Officer Officer,
Shire of Wandering,
22 Watts Street,
Wandering, 6485
or email: reception@wandering.wa.gov.au

Applications will be acknowledged in writing and you will be notified of the decision on any application made within 45 calendar days of receipt.

8.2 Amendment of Shire Records

A member of the public may gain access to Shire of Wandering documents to seek amendments concerning their personal affairs. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

An FOI Request Form must be completed and submitted to the FOI Officer (See Appendix 2).

8.3 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; or a transcript of a recorded, shorthand, digital or encoded document from which words can be reproduced.

The State Government's Landgate is the official custodian of land ownership information. It is recommended that a title search be conducted through Landgate if this type of information is sought.

8.4 Retention and Disposal of Council Records

All of the Shire's records are retained in accordance with the State Records Advisory Council's approved Local Government Retention and Disposal Schedule. This schedule stipulates how long a record must be kept and made available for inspection.

8.5 Notice of Decision

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

- the date the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

8.6 Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. The internal review application should be made in writing within 30 calendar days after being given the agency's notice of decision. You will be notified of the outcome of the review within 15 calendar days.

8.7 Right to appeal

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

The external review application should be made within 60 calendar days after being given the agency's written notice of the internal review decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the internal review decision.).

8.8 Fees and Charges

A scale of fees and charges are set out in the Freedom of Information Regulations 1993. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows.

- | | |
|----------------------------------------------------|-------------|
| • Personal information about the applicant | \$ 0.00 |
| • Application fee (for non-personal information) | \$ 52.00 |
| • Per photocopy | \$ 0.30 |
| • Duplicating a tape, film or computer information | Actual Cost |
| • Delivery, packaging and postage | Actual Cost |

For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

There are no fees or charges associated with an application for amendment of personal information under the Freedom of Information Act 1992 (WA). Enquiries and/or applications to amend personal information can be directed to:

The Freedom of Information Officer

Shire of Wandering

22 Watts Street

WANDERING WA 6308

Email: reception@wandering.wa.gov.au

9 Appendix 1. Local Laws Register

9.1.1 Health Local Laws – Adopted 16/11/2000 – Gazetted 27/03/2001

9.1.2 Cemeteries By-Law – Adopted 01/11/1940 as amended

9.1.3 Land Abutting a Road – Gazetted 15/08/1924

DRAFT

10 Appendix 2. Freedom of Information Request Form

See PDF

DRAFT