

1 July 2024 – 30 June 2025

INFORMATION STATEMENT

2024 – 2025

Life as rich as the landscape



Acknowledgement

The Shire of Kellerberrin would like to acknowledge the traditional custodians of this land and their continuing connection to land, waters and community.

We pay our respects to their Elders past, present and emerging.



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Introduction

Freedom of Information Legislation

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

Part 5 of the *Freedom of Information (FOI) Act 1992* requires each government agency to prepare and publish an Information Statement annually. The Information Statement must include the following information;

- The Shire of Kellerberrin mission statement
- Details of legislation administered
- Details of the Shire's structure and functions
- Details of decision-making functions within the Shire
- Public participation in the formulation of policy and performance of the Shire's functions
- Documents held by the Shire
- The operation of FOI in the Shire

Further information on FOI or enquiries about this document may be made by contacting:

Manager of Governance (FOI Officer)
Shire of Kellerberrin
110 Massingham Street
KELLERBERRIN WA 6410

Disclaimer

This Statement is published by the Shire of Kellerberrin in accordance with the *Freedom of Information Act 1992*.



Raymond Griffiths
CHIEF EXECUTIVE OFFICER



Shire of Kellerberrin

Mission Statement

To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

Structure and Function

The Shire of Kellerberrin is constituted as a Local Authority under the *Local Government Act 1995*. The Shire's general function is to provide for the good government of persons in the district. The Shire has both general legislative and executive powers and functions.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations.

The Shire's legislative functions, executive powers and structure have been outlined in this document as a summary only. The *Local Government Act 1995* (LG Act) or other relevant legislation should be consulted for clarification, if required.

Legislative Framework

Legislation

The principle legislation governing the operation of Western Australian local governments is the *Local Government Act 1995* (WA). The Shire is also responsible to administer a number of State and Commonwealth Acts and Regulations. Some significant pieces of legislation include, but is not limited to, the following:

- Aboriginal Heritage Act 1972
- Agriculture and Related Resources Protection Act 1976
- Animal Welfare Act 2002
- Australian Citizenship Act 2007
- Building Act 2011
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Cat Act 2011
- Dangerous Goods Safety Act 2004 and Regulations
- Disability Services Act 1993
- Dog Act 1974
- Emergency Management Act 2005
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Food Act 2008
- Freedom of Information Act 1992
- Health (Miscellaneous Provisions) Act 1911
- Health Act 1911
- Heritage of Western Australia Act 1990 and Regulations
- Land Administration Act 1997
- Liquor Control Act 2008
- Litter Act 1979 and Regulations
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Grants Act 1978
- Main Roads Act 1930
- Occupational Safety and Health Act 1984
- Parks and Reserves Act 1895 and Regulations
- Planning and Development Act 2005
- Privacy and Responsible Information Sharing Act 2024
- Public Health Act 2016
- Public Interest Disclosure Act 2003
- Rates and Charges (Rebates and Deferments) Act 1992
- Residential Tenancies Act 1987
- Road Traffic (Administration) Regulations 2014
- Road Traffic Act 1974 • Road Traffic Code 2000
- Road Traffic Code 2000
- State Records Act 2000
- Strata Titles Act 1985
- Valuation of Land Act 1978
- Waste Avoidance and Resource Recovery Act 2007
- Work Health and Safety Act 2020

There is a wide range of other legislation that provides powers and authorities that imposes duties and obligations upon the Shire. Each Act of Parliament generally has one or more related Regulations which also impact on the Shire. Confirmation of current Acts and Regulations by referring to the Department of Justice Parliamentary Council's Office website at legislation.wa.gov.au is recommended.

Local Laws

The powers of local government to provide services and facilities and make local laws are derived from legislation passed in State Parliament. Many of the enabling and principal legislation for the Council is the Local Government Act 1995. The Shire of Kellerberrin has in place the following local laws:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016
- Cemeteries Local Law 2016
- Fencing Local Law 2016
- Local Government (Council Meetings) Local Law 2016
- Animals, Environment and Nuisance Local Law 2019
- Dogs Local Law 2016
- Parking and Parking Facilities Local Law 2016
- Local Government Property Local Law 2016
- Health Local Laws 2007

These current local laws of the Shire of Kellerberrin can be accessed via our website.

Policies

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. Policies of the local government are available for public perusal on request at the Shire Office and on the Shire Website

Strategic Focus

The Shire of Kellerberrin's Strategic Community Plan 2022-2032 is the highest level strategic planning document that describes the Community's aspirational goals. Four key strategic priorities have been identified. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

The Information Statement (this document) is linked to Objective 3.3 of the Strategic Community Plan.

3.3 Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community.

To actively promote Council decisions to ensure transparency is provided to the Community.



Lifestyle

To create a comfortable, inviting and welcoming lifestyle that is in keeping with the natural environment and cultural and historical heritage of the Shire.



Sustainability

To live in a region that promotes sustainable economic, social and environmental development and growth.



Leadership

To be led by an open, honest and transparent government



Prosperity

To develop a community that fosters and encourages longer term prosperity and growth and presents a diverse range of opportunities

Elected Members

Elected Members

The Council of the Shire of Kellerberrin consists of seven (7) Elected Members including the President and Deputy President. The role of the Council is defined in the *Local Government Act 1995*;

- To direct and control the government affairs; and
- To be responsible for the performance of the local governments functions.

The Shire of Kellerberrin's Councillors for 2024 – 2025 are;

Cr Matthew Steber – President

Cr Emily Ryan – Deputy President

Cr Paul Brown

Cr Monica Gardiner

Cr Kelsey Pryer

Cr David Leake

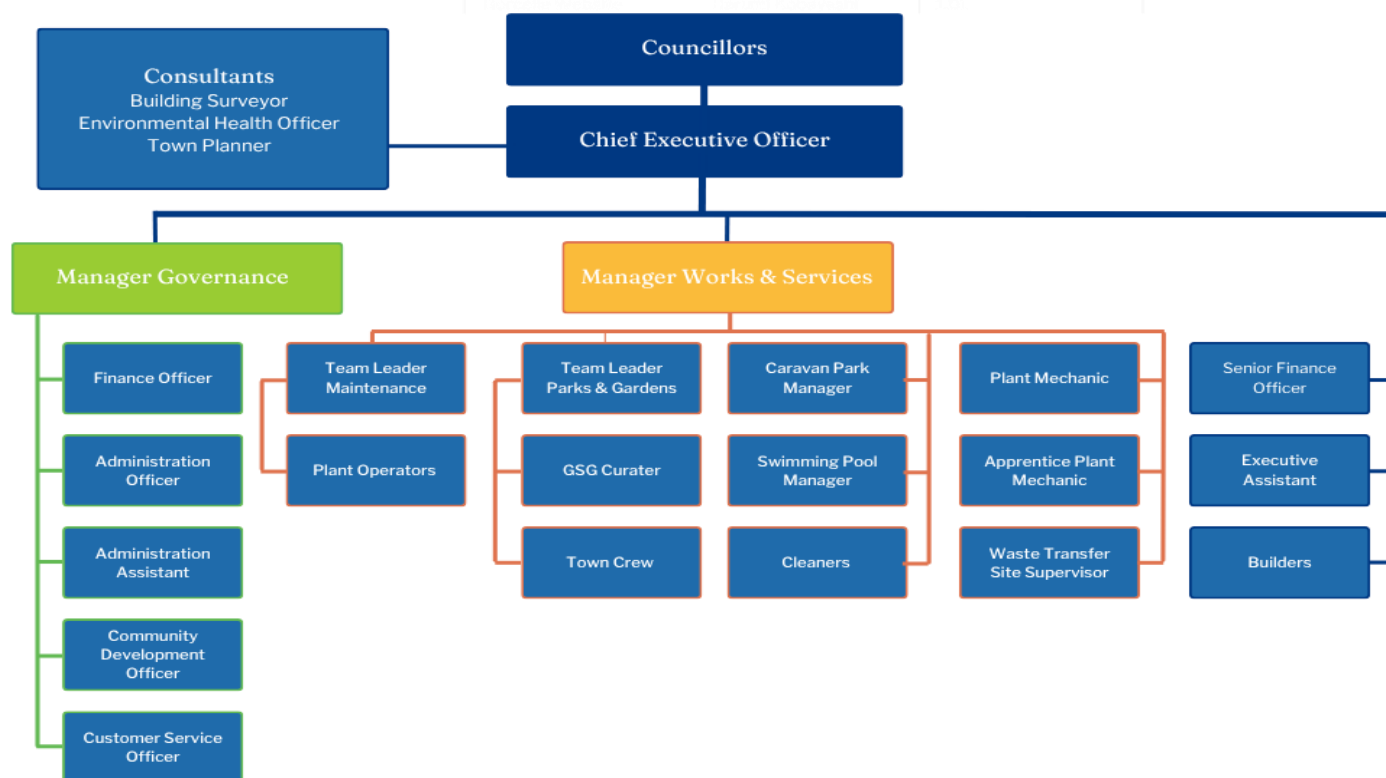
Cr Dennis Reid

Position	Responsibilities
President	<ul style="list-style-type: none">• preside at meetings in accordance with the Local Government Act 1995;• provide leadership and guidance to the community in the district;• carry out civic and ceremonial duties on behalf of the Shire;• speak on behalf of the Shire;• perform such other functions as are given to the mayor by the LG Act or any other written law; and• liaise with the CEO on the Shire's affairs and the performance of its functions.
Deputy President	The Deputy President performs the functions of the President when authorised to do so under section 5.34 of the LG Act.
Councillor	<ul style="list-style-type: none">• represents the interests of electors, ratepayers and residents of the district,• provides leadership and guidance to the community in the district,• facilitates communication between the community and the council,• participates in the Shire's decision-making processes at council and committee meetings, and• performs such other functions as are given to a Councillor by the LG Act or any other written law

Council Staff

Each local government employs a Chief Executive Officer (CEO) to employ and manage staff, to provide advice to the Council and administer the day-to-day operations of the local government. The CEO is appointed by Council and is the conduit between the elected members of Council and the local government staff. All staff receive their direction from and are responsible to the CEO.

Organisation Structure



Role of the Chief Executive Officer

The Chief Executive Officer's role is to:

- advise the Council of the functions of the local government;
- ensure that advice and information is available to the Council so that informed decisions can be made;
- implement Council decisions; and
- manage the day to day operations of the Shire including staff;
- state the name of the person to whom, and an address at which, notice to the petitioners can be given

Delegated Authority

The CEO and certain other Shire officers have delegated authority to make decisions on a number of specified administrative matters. Approved Delegations of Authority are detailed in the Register of Delegations of Authority available on the Shire's website.

Access to Council Staff

Shire staff are available to advise customers and answer enquiries in relation to all matters pertaining to Council and its operations as a local government. Should you wish to speak with the CEO or a Manager, it is advisable to phone beforehand to make an appointment as availability can be limited at times.

Enquiries of a general nature and payments of any kind can be made in person or over the phone during normal office hours at the Administration Office at 110 Massingham Street, Kellerberrin.



Public Participation

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions, these include;

- Ordinary Council Meetings
- Special Council Meetings
- Annual General Meeting of Electors
- Committees of Council
- Petitions

Ordinary Council Meetings

Members of the public are permitted to attend and/or speak, make public statements, or ask questions and have them responded to at public question time or deputation session held at the start of every council meeting, on any subject including those on the agenda. The Shire of Kellerberrin advertises dates, times and places of meetings that are open to members of the public. The Agendas, Minutes and recording relating to any Council meeting are made available to the public on the Council's website or upon request a hard copy can be provided.

Agenda Briefing

Council holds a Council Agenda Briefing that is open to the public at 3pm prior to the Council Meeting. Questions at the Agenda Briefing must relate to matters on the agenda.

Public Question Time

The allotted public question time during a Council meeting is 15 minutes and may be extended if circumstances require. It is advised that a submission form be completed by the speaker in advance, allowing sufficient time for complex questions to be researched and a response provided.

Any member of the public attending a Council meeting can ask up to two (2) questions on any matter relating to the ordinary business of the Shire of Kellerberrin or the function of the Council regardless of whether or not the matter in question is on the agenda. Questions with multiple parts will be considered separate questions.

Annual General Meeting of Electors

Pursuant to Section 5.27 of the *Local Government Act*, a general meeting of the electors of a district is to be held once every financial year. The Shire of Kellerberrin usually holds its Annual electors meeting in the early part of the calendar year, and is advertised via public notice. Pursuant to Section 5.28 of the *Local Government Act*, a special meeting of the electors is to be held on the request of not less than;

- 100 electors or 5% of the number of electors (whichever is the lesser number), or
- 1/3 of the number of Council Members.


Committees of Council

Council has established several Committees to support the operations of Council as well as utilise expertise within the community. Committees include Council members, Council staff and also members of the public.

Audit, Risk and Improvement Committee

The primary objective of the Audit, Risk and Improvement Committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee will also oversee critical areas including risk management and internal audit.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of local government's financial accounting systems and compliance with legislation.





The committee is to facilitate:

- the enhancement of the credibility and objectivity of external and internal financial reporting;
- compliance with laws and regulations as well as use of best practise guidelines relative to auditing:
 - the coordination of the internal audit
 - function with the external audit;
- effective oversight of financial and other risks and the protection of Council assets;
- the provision of an effective means of communication between the external auditor, the CEO and the Council.

Bush Fire Advisory Committee (BFAC)

The Bush Fire Advisory Committee is established pursuant to Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954 within the local government boundaries of the Shire of Kellerberrin. The committee's objective is to provide efficient and responsive fire service and as a committee to advise on matters relating to bush fire, make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources.

Roadworks Advisory Committee

The Roadworks Advisory Committee is established under the powers given in Section 5.8 of the *Local Government Act 1995* (The Act). The purpose of the Committee is to assist Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the roadworks and oversee development and maintenance of the road networks within the district.

Council Members

In their role, Council (Elected) Members make themselves available to the community to assist with matters regarding the function of Council.

Written Requests

A member of the public can write to the Shire on the policy, activity, service or any issues within the Shire's jurisdiction.

Community Consultation

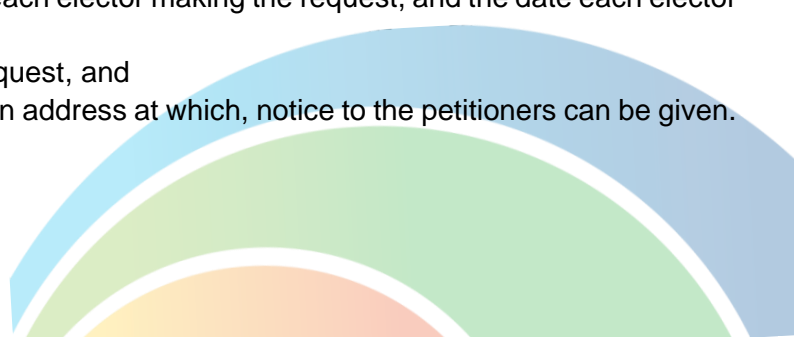
The Shire is committed to ensuring that the community is advised and consulted on projects, plans and proposals by advertising in local papers, the Shire's website and on public notice boards.

Petitions

Petitions can be submitted in a hard copy format. Electors may petition the Council to take action on a matter, but certain conditions must be met to ensure authenticity. Any Council Member or the CEO can present the petition at the next Ordinary Council Meeting where Council will vote to either;

- receive the petition,
- request a report on the petition be prepared;
- or the report be referred to a Committee.

A bona fide petition requires it to:

- be addressed to the President;
 - be made by electors of the district;
 - state the request on each page of the petition;
 - contain the name, address and signature of each elector making the request, and the date each elector signed;
 - contain a summary of the reasons for the request, and
 - state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- 



Access to Council Documents Outside of FOI

Documents available for inspection under the *Local Government Act 1995*

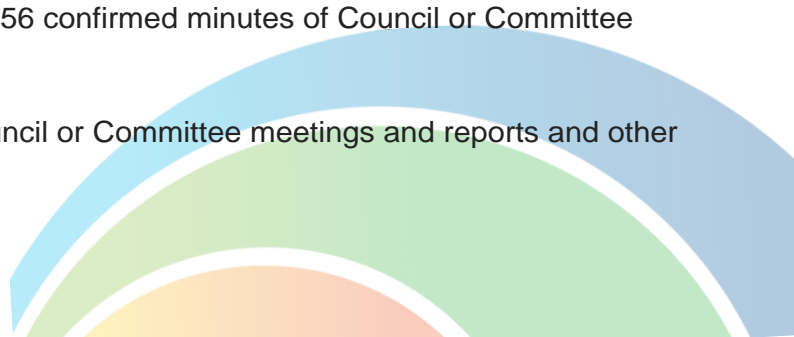
The following documents are examples of documents available for public inspection at the Shire of Kellerberrin administration office under section 5.94 of the Local Government Act. Please note limitations apply to some documents arising out of section 5.95 of the LG Act, which generally relate to confidentiality. Many of these documents may also be viewed and available through the Shire website at www.kellerberrin.wa.gov.au.


- Any Code of Conduct A regulation prescribing rules of conduct of council members referred to in Section 5.104 of the LG Act
- A register of complaints referred to in Section 5.121 of the LG Act
- Any register of financial interests Annual report
- Annual budget
- Schedule of fees and charges
- A plan adopted for the future of the district made in accordance with Section 5.56 of the LG Act being the Strategic Community Plan; the Corporation Business Plan; and the 10 Year Financial Plan
- Proposed local Laws of which the Shire has given State-wide public notice under section 3.12(3) of the LG Act
- Local Law made by the local government in accordance with section 3.12 of the LG Act
- A regulation made by the Governor under Section 9.60 of the Local Government Act 1995 that operates as it were a local law of the Shire
- Any subsidiary legislation made or adopted by the Shire under any written law other than under the Local Government Act 1995
- Any written law having a provision in respect of which the Shire has a power or duty to enforce
- Any rates record
- Confirmed minutes of council or committee meetings
- Minutes of electors' meetings
- Any notice, papers and agenda relating to any council or committee meeting and reports and other documents that have been tables at a council or committee meeting; or produced by the Shire in a committee for presentation at a council meeting and which have been presented at the meeting
- Any report of a review of a local law prepared under section 3.16(3) of the LG Act
- Any business plan prepared under section 3.59 of the LG Act
- A register of owners and occupiers under section 4.32(6) of the LG Act and electoral rolls
- A contract under section 5.39 of the LG Act; and
- Such other information relating to the Shire required by a provision of the LG Act or as may be prescribed.

The Shire maintains comprehensive records of its dealings. These records generally relate to various properties and locations within the Shire. The Shire ensures that accurate records are centrally maintained.

Shire Website

Section 5.96A of the *Local Government Act 1995* provides a list of information or documents that must be published on the website of a local government, including;

- A map of the district showing the district boundaries,
 - An up to date consolidated version of any local law made by the local government in accordance with section 3.12 that is in force
 - the Annual Budget
 - an up-to-date list of fees and charges imposed under section 6.16 current plans for the future of the district made under section 5.56 confirmed minutes of Council or Committee meetings
 - Minutes of Electors meetings
 - Notice Papers and Agenda relating to Council or Committee meetings and reports and other documents that have been:
- 

- 
- tabled at a Council or Committee meeting, or
 - produced by the local government or a Committee for presentation at a Council or Committee meeting and that have been presented at the meeting
 - Information of a kind prescribed for the purposes of this subsection or required by another provision of this Act to be published on the website The Shire is pleased to make this information available on its website. Other documents publicly available on the Shire's website include

The Shire of Kellerberrin will ensure that as much information as possible is made available through the website.

Administration Office

All published documents can be made available through the Shire of Kellerberrin's Administration Office in person, telephoning (08) 9045 4006 or emailing shire@kellerberrin.wa.gov.au.

Documents Held in Archives

Council's archived records are located in offsite storage and retrieval of these records may require research and time to locate.

Access to Information by Police Officers

Where a WA Police Officer requests access to Town documents, access will be provided upon production of the Order to Produce a Business Record or Court Order. Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the Town.

CCTV

Council's CCTV systems focus only on publicly accessible spaces. All recorded CCTV footage is stored securely and is not available to the general public unless ordered by a legal ruling. Authorised agencies, such as WA Police can request CCTV footage from the CEO, noting individual employees are not authorised to respond to such requests.

Limitations to Document Access

Only the current registered owner of a building, or their authorised representative may inspect any plan or other document relating to that building. Section 5.96A(4) of the Local Government Act stipulates that;

The CEO must ensure that the following information is not published on the local government's official website;

- a) rate records;
- b) the register of owners and occupiers under section 4.32(6) and electoral rolls;
- c) information of a kind prescribed for the purposes of this subsection.

Requests for information other than the above may be considered in accordance with the FOI Act.





Freedom of Information

What is Freedom of Information

The FOI Act gives the public a right to access documents held by the Shire, subject to some limitations. Documents accessible under the Act include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form.

The objectives of the FOI Act are to:

- Enable the public to participate more effectively in governing the State; and
- Make the persons and bodies that are responsible for the State and local government more accountable to the public.

The Shire gives effect to the FOI Act in a way that:

- Assists the public to obtain access to documents;
- Allows access to documents to be obtained promptly and at the lowest reasonable cost; and
- Assists the public to ensure that personal information contained in documents is accurate, complete, up to date and not misleading.

The FOI Process

Prior to lodging an FOI application, the applicant is encouraged to check and ascertain if the information is available outside the FOI Act. The Shire has various documents that are publicly available on the Shire's website or at the Administration Centre,

FOI Application

The *Freedom of Information Act 1992* specifies that an application must –

- Be in writing;
- Give enough information to enable the requested documents to be identified;
- Give an address in Australia to which notices may be sent;
- Give any other information or regulations that will assist the Shire to locate the required document; and
- Be lodged at the Shire administration office with an application fee of the prescribed amount.

The Shire may request proof of your identity. If you are seeking access to a document(s) on behalf of another person, the Shire will require authorisation in writing. Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.

The FOI Act may be downloaded from the State Law Publisher or is available for purchase from the State Government Bookshop. Telephone: (08) 9222 8216 or visit their website at <https://www.legislation.wa.gov.au>.

A FOI Application form can be requested from the Shire of Kellerberrin or found on the Shire's website www.kellerberrin.wa.gov.au.

Receipt of FOI Applications

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

Freedom of Information Officer

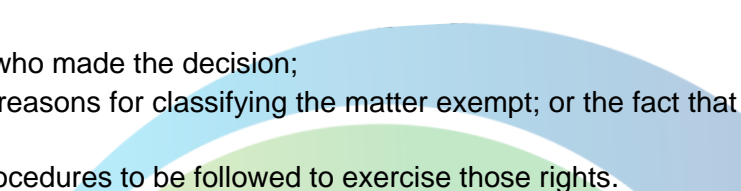
110 Massingham Street, PO Box 145, Kellerberrin, WA, 6410

Telephone: 08 9045 4006

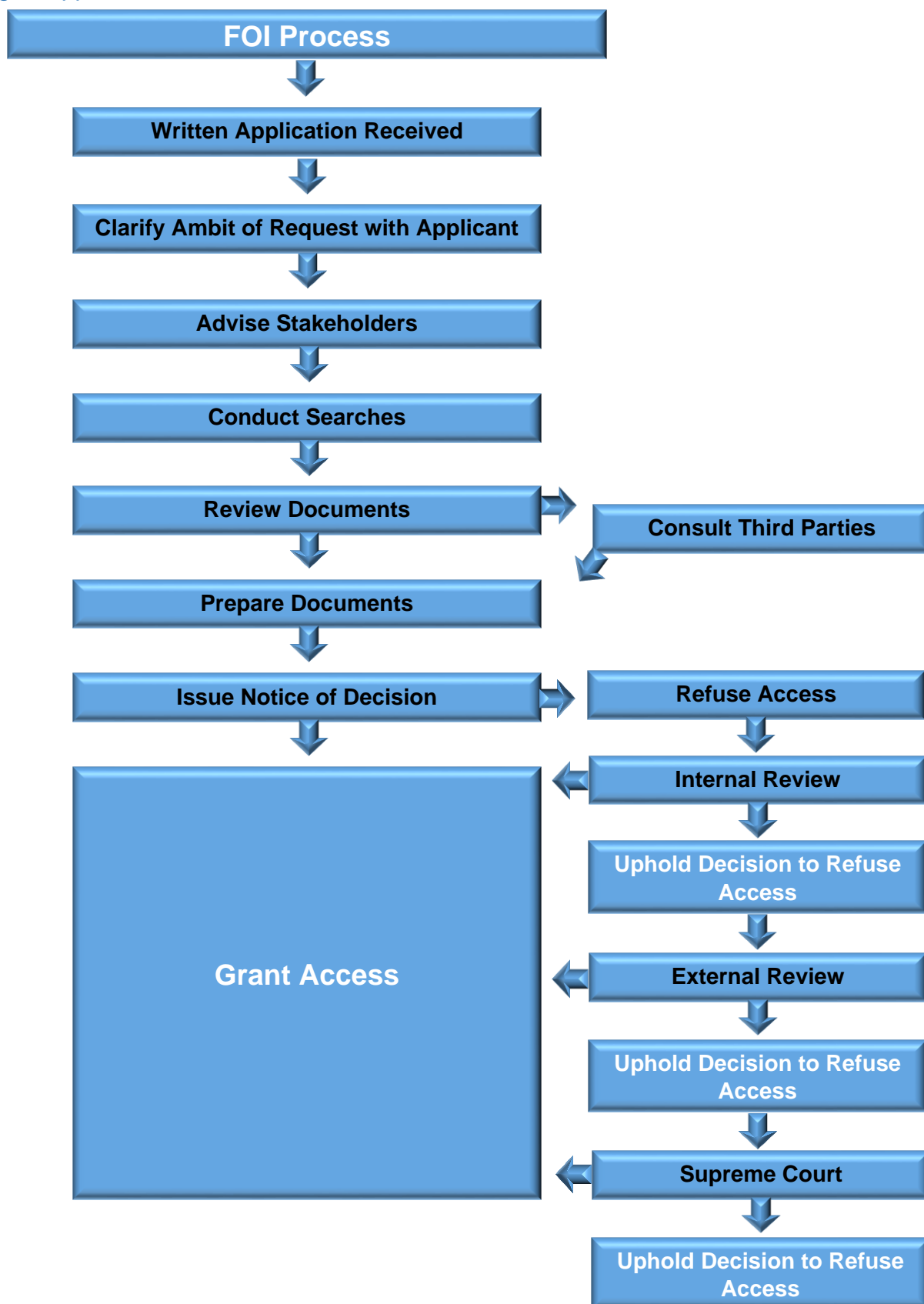
Email mog@kellerberrin.wa.gov.au

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; and
 - information on the right to review and the procedures to be followed to exercise those rights.
- 

Processing of Applications



FOI Fees and Charges

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

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)	\$40.00
Photocopying staff time (per hour, or pro rata)	\$40.00
Per photocopy	\$0.20
Transcribing from tape, film or computer (per hour, or pro rata)	\$40.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%. No reduction is applicable to the application fee.

Deposits

- The application fee is payable in full with the application
- Advance deposit may be required of the estimated charges 25%
- Further advance deposit may be required to meet the charges for dealing with the application 75%

For further information about fees and charges, refer to the Shire of Kellerberrin Fees and Charges.

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.

Refusal of Access

Applicants who are dissatisfied with a decision of Council are entitled to ask for an internal review. Applications 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, and details would be advised to applicants when the internal review decision is issued.

Internal review

Applicants who are dissatisfied with the Shire's decision are entitled to request an internal review.

The internal review application should be made in writing within 30 calendar days after being provided with the Shire's Notice of Decision.

The outcome of the review will be provided to the applicant within 15 calendar days.

External review

The applicant can apply to the Information Commissioner for an external review in the event that the applicant disagrees with the result of the internal review. The external review application should be made within 60 calendar days after being provided with Council's written Notice of the Internal Review Decision.

Applications requesting external review as a third party or following an application for amendment of personal information must be lodged within 30 calendar days after being provided with the written Notice of the Internal Review Decision.

Appeals to the Supreme Court

The Information Commissioner's decisions are final and binding on Council, subject to an appeal to the Supreme Court of a question of law arising out of the Commissioner's decision. The timeframe and process for lodging an appeal is governed by the Rules of the Supreme Court 1971. An appeal must be lodged within 21 days after the date of the Commissioner's decision. The procedures relating to appeals to the Supreme Court are established by the court. Further information on lodging an appeal can be obtained by contacting the Supreme Court.



Further information

Further information on FOI can be found on the Office of the Information Commissioner's website www.oic.wa.gov.au or by contacting the office.

Office of the Information Commissioner
Albert Facey House, 469 Wellington Street, Perth WA 6000
Tel: (08) 6551 7888, Email: info@foi.wa.gov.au

History

Date	Action	Description
8 th July 2019	Creation	
18 th July 2022	Reviewed	
18 th April 2023	Reviewed	Amended
26 th June 2025	Reviewed	Amended.

