

## FREEDOM OF INFORMATION STATEMENT

1 July 2019 – 30 June 2020



### Disclaimer:

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



**Raymond Griffiths**

**CHIEF EXECUTIVE OFFICER**



## **Table of Contents**

Mission Statement .....	1
Freedom of Information Legislation .....	1
Structure and Function .....	1
Elected Members .....	1
Role of President .....	2
Role of the Deputy President .....	2
Role of the Council .....	2
Role of Councillors .....	2
Role of the Chief Executive Officer .....	2
Community Participation .....	3
Documents available for inspection under the <i>Local Government Act 1995</i> .....	3
FOI Applications .....	4
Receipt of FOI Applications .....	4
Processing of Applications .....	5
Fees and Charges .....	6
Deposits .....	6
Access Arrangements .....	6
Notice of Decision .....	6
Refusal of Access .....	7

## **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.

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

## **Structure and Function**

The Shire is a body corporate with perpetual succession and a common seal, and with a governing Council.

The Shire's general function is to provide for the good government of persons in the district.

The Shire has both legal and executive powers and may do all things necessary or convenient in performing its functions.

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

## **Elected Members**

The Council of the Shire of Kellerberrin consists of seven (7) Elected Members including the President and Deputy President.

Cr Rod Forsyth – President

Cr Scott O'Neill – Deputy President

Cr Matt Steber

Cr Wendy McNeil

Cr David Leake

Cr Dennis Reid

### **Role of President**

- presides at meetings in accordance with the Local Government Act 1995;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the Shire;
- speaks on behalf of the Shire;
- performs such other functions as are given to the mayor by the LG Act or any other written law; and
- liaises with the CEO on the Shire's affairs and the performance of its functions.

### **Role of the Deputy President**

The Deputy President performs the functions of the President when authorised to do so under section 5.34 of the LG Act.

### **Role of the Council**

The Council —

- governs the Shire's affairs; and
- is responsible for the performance of the Shire's functions.

The Council is also to —

- oversee the allocation of the Shire's finances and resources; and
- determine the Shires policies.

### **Role of Councillors**

A Councillor —

- 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.

### **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.

## Community 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

## 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 LG Act. Please note limitations apply to some documents arising out of section 5.95 of the LG Act, which generally relate to confidentiality.

- 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.

## **FOI Applications**

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.

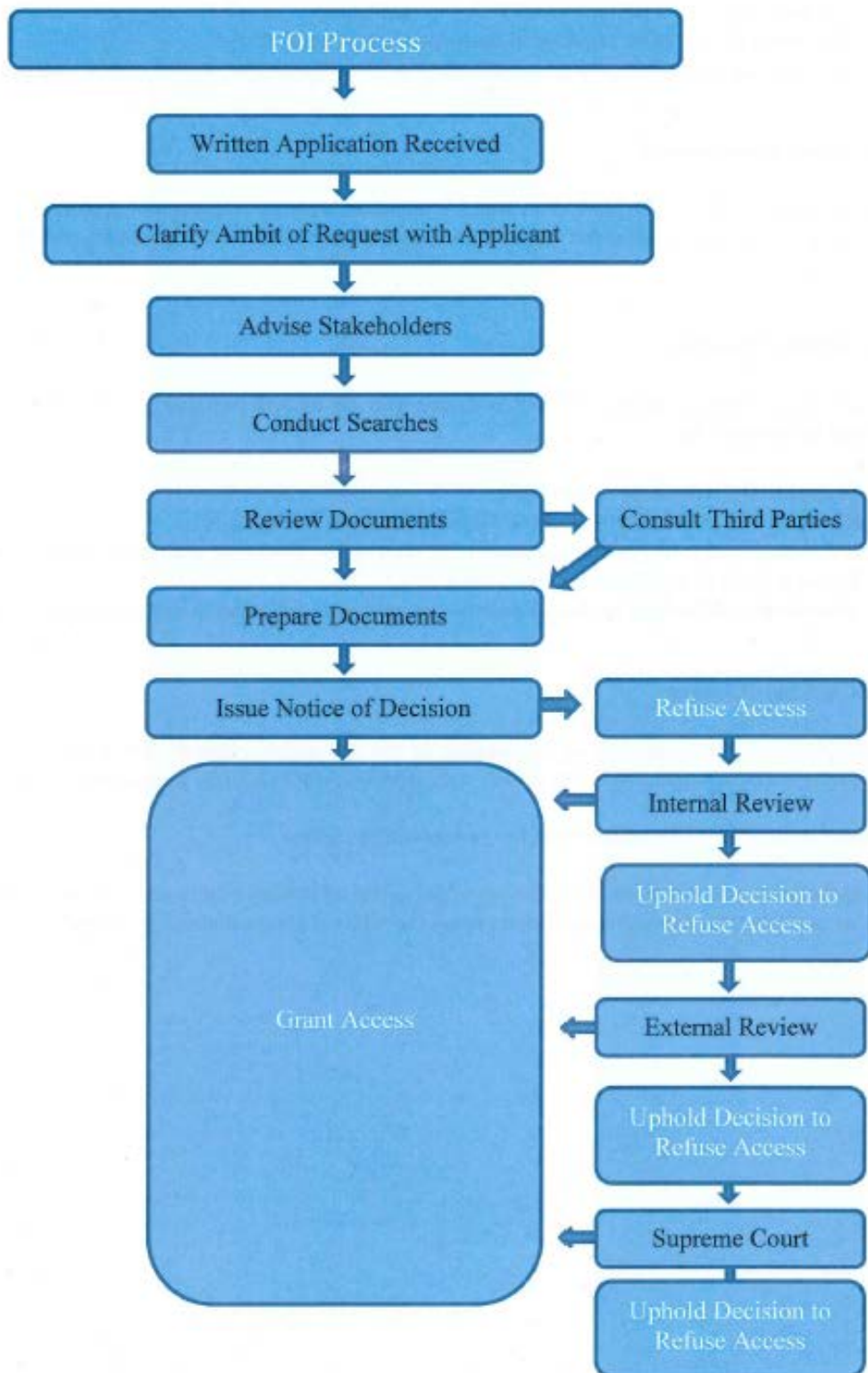
The FOI Act may be downloaded from the State Law Publisher or is available for purchase from the State Government Bookshop, 815 Hay Street, Perth. Telephone: (08) 9222 8216 or visit their website at <https://www.slp.wa.gov.au/Index.html>

## **Receipt of FOI Applications**

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

Chief Executive Officer  
110 Massingham Street, PO Box 145  
Kellerberrin, WA, 6410  
Telephone: 08 9045 4006  
Email: [pa@kellerberrin.wa.gov.au](mailto:pa@kellerberrin.wa.gov.au)

## Processing of Applications



## **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) \$30.00
- Photocopying staff time (per hour, or pro rata) \$30.00
- Per photocopy .20c
- 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

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 2019/20 List of 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.





### **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.

### **Refusal of Access**

Applicants who are dissatisfied with a decision of the Shire 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.