

SHIRE OF KOORDA



FREEDOM OF INFORMATION STATEMENT

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INDEX

| ITEM NUMBER | | PAGE NO. |
|--------------------|---|-----------------|
| 1.0 | MISSION STATEMENT | 2 |
| 2.0 | DETAILS OF LEGISLATION ADMINISTERED | 2 |
| 3.0 | COUNCIL STRUCTURE | 2 |
| 3.1 | Council Structure | 2 |
| 3.2 | Committees | 3 |
| 3.3 | Delegates | 3 |
| 4.0 | DECISION MAKING FUNCTIONS | 3 |
| 4.1 | Procedure for Making Local Laws | 4 |
| 5.0 | PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY & PERFORMANCE OF COUNCIL FUNCTIONS | 5 |
| 5.1 | Committees or bodies which involve public representation | 5 |
| 5.2 | Participation in Committees | 5 |
| 6.0 | DOCUMENTS HELD | 5 |
| 6.1 | Available for inspection | 5 |
| 6.2 | Available – for which a fee may be charged | 6 |
| 6.3 | Available under Freedom of Information Act | 6 |
| 6.4 | Limits on right to inspect | 6 |
| 6.5 | Format in which information is held | 7 |
| 7.0 | OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF KOORDA | 7 |
| 7.1 | How and to whom initial enquiries should be made | 7 |
| 7.2 | Freedom of Information charges | 8 |
| 7.3 | Notice of decision | 9 |
| 7.4 | Person responsible for decision regarding access of amendment of personal information | 9 |

1.0 MISSION STATEMENT

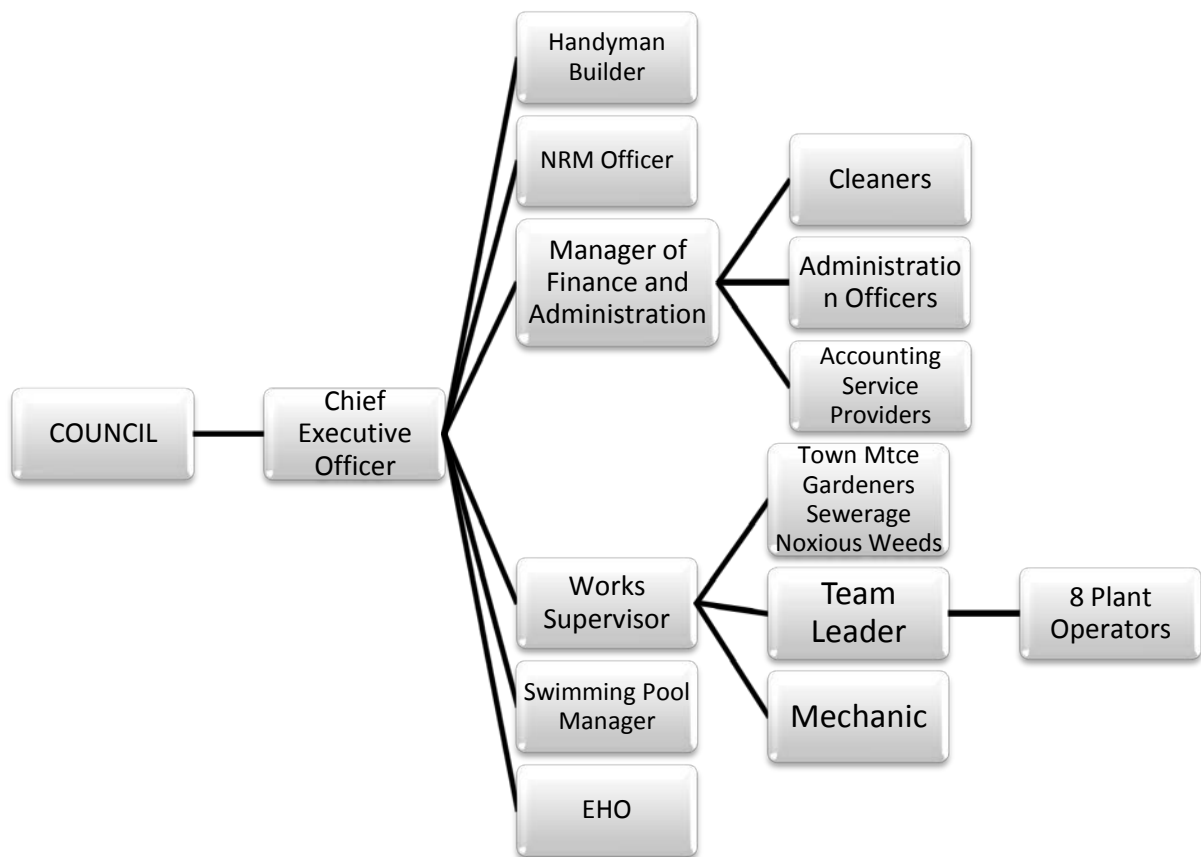
Build a vibrant and sustainable community, with shared social values, in which we can live and work in harmony with our environment

2.0 DETAILS OF LEGISLATION ADMINISTERED

Local Government Acts of 1960 and 1995

- Bushfires Board
- FESA
- Dog Act
- Town Planning Development Act
- Health Act
- Waste Avoidance & Resource Recovery Act 2007
- Cemeteries Act
- Dividing Fences Act

3.0 COUNCIL STRUCTURE



3.1 Council Structure

The Council comprises the Shire President and six (6) Councillors. The President and Councillors are representative for the Shire of Koorda.

3.2 Committees

To enable Council to efficiently administer its business, committees are appointed to oversee various aspects of its operations.

Committees

Building/Town Planning Committee

Works Committee

Management Review Committee

Audit Committee

Recommendations made by these committees are brought back to full Council for consideration and decision before being acted upon.

3.3 Delegates

Delegates are appointed to the following organizations:-

REGIONAL ROAD SUBGROUP

NEWROC

GECZ WALGA

NEWHEALTH

CEACA INC

LOCAL RECREATION LIASON

RYEGRASS TOXICITY COMMITTEE

NEWTRAVEL

RURAL WATER COUNCIL

NATURAL RESOURSE MANAGEMENT

LEMC

BUSHFIRE BOARD REGIONAL

BUSHFIRE ADVISORY

4.0 DETAILS OF DECISION MAKING FUNCTIONS

Local Laws and policies applying to this Council's district only, are made by Council under the Local Government Act 1995 {s3.11 to 3.17}.

Council may provide that contravention of a provision of the local law is an offence, and may provide for penalties to be imposed {s3.1 0}.

4.1 Procedure for Making Local Laws

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner

The local government is to –

- a) give Statewide public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six (6) weeks after the notice is given;
- b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- c) Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

After the last day for submissions, the local government is to consider any submissions made and may pass the local law* as proposed or make a local law* that is not significantly different from what was proposed.

**Absolute majority required..*

After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Ministers and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

After the local law has been published in the *Gazette* the local government is to give local public notice –

- a) stating the title of the Local Law;
- b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and;
- c) advising that copies of the local law may be inspected or obtained from the local government's office.

The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF COUNCIL FUNCTIONS

5.1 Committees or bodies which involve public representation

No committees or bodies which involve public representation exist within Council at this time.

5.2 Participation in Committees

Council members are elected to committees by the following process:-

- i) Members identify which committees they have an interest in sitting on.
- ii) Members vote by secret ballot their choice of committee members from the list of members who have indicated their interest in being on a particular committee.

6.0 DOCUMENTS HELD

6.1 Any person can attend the office during office hours and inspect free of charge, subject to limitations any of the following in relation to Council in the form in which it is normally held.

- a) Annual Report to Electors;
- b) Annual Budget;
- c) Annual Financial Report;
- d) Various brochures available at the counter;
- e) Shire Library Facilities;
- f) Equal Opportunity Policy Statement;
- g) Strategic Community Plan
- h) Corporate Business Plan
- i) Long Term Financial Plan
- j) Asset Management Plan
- k) Register of financial Interests;
- l) Schedule of Fees and Charges;
- m) Schedule of Loan Repayments (*currently nil*);
- n) Loan Register;
- o) Proposed Local Law of which Statewide public notice has been given;
- p) Workforce Plan
- q) Gifts & Travel Register
- r) Tender Register
- s) Local Laws made by Council;
- t) Any written law that Council has the duty or power to enforce;
- u) Rates Record;

- v) Confirmed Minutes of Council or Committee Meetings;
- w) Minutes of Electors Meetings;
- x) Notice papers and agenda relating to any Council or Committee Meeting and reports and other documents that have been –
 - i) Tabled at a Council or Committee Meeting; or
 - ii) Produced by Council or a Committee and presented at a Council or Committee Meeting;
- y) Register of Owners and Occupiers and Electoral Rolls;
- z) Register of Delegations to Committees (*no delegations to committees*);
- aa) Town Planning Documents;
- bb) Freedom of Information Statement.

6.2 Documents Available To The Public – For which a Fee May Be Charged

- a) Maps of the Shire of Koorda;
- b) Annual Financial Report;
- c) Annual Budget;
- d) Municipal Inventory;
- e) Town Planning Documents;
- f) Freedom of Information Statement

6.3 Other Documents Held Which May Be Available For Inspection Within the Freedom Of Information Act

- a) Register of Delegations to Chief Executive Officer and Employees;
- b) Unconfirmed Minutes of Council of Committee Meetings;
- c) Notice Papers and Agenda relating to Council or Committee Meetings and reports and other documents which;-
 - i) are to be tabled at the Meeting; or
 - ii) have been produced by the Local Government or a Committee for presentation at the Meeting.
- d) and which have been made available to members of Council or the Committee.
- e) Information contained in a Tender Register;
- f) Property Ownership enquiries.

6.4 Limits on Right to Inspect Local Government Information

A person's right to inspect information does not extend to the inspection of information;-

- a) Which is not current at the time of inspection; and
- b) Which, in the Chief Executive Officer's opinion, would divert a substantial and unreasonable portion of resources away from other functions;
- c) In relation to any debt owed by a person other than the debt of the person making the enquiry

- d) Relating to Minutes of Meetings or notice papers and agenda and supporting reports and documents of a Meeting which:-
 - i) was closed to the public; or
 - ii) in the Chief Executive Officer's opinion, could have been closed to members of the public, but was not closed.
- e) In relation to contracts for the Chief Executive Officer and senior employees if:-
 - i) the information relates to a matter other than the salary or the remuneration or benefits payable under the contract; and
 - ii) in the Chief Executive Officer's opinion, the information should be available for inspection by members of the public because of the private nature of the information.

6.5 Format in Which Information Is Held

- a) library holds brochures, books, audio books, DVD's videos and cassettes available for borrowing through the library system;
- b) Rates records are held electronic and hard copy;
- c) Minutes of Meetings are held in guard books and bound volumes;
- d) Annual Report to electors, Financial Report and Budget are held in booklet form and electronic copy;
- e) Register of Loans – ledger hard copy (no loans currently outstanding);
- f) Register of Tenders – electronic and hard copy;
- g) Register of Delegations to Committee - hard and electronic copy;
- h) maps – hard and electronic copy;
- i) Plan for the Future - hard and electronic copy;
- j) Register of Financial Interest – hard and electronic copy;
- k) Owners, Occupiers and Electoral Rolls – hard and electronic copy;
- l) Municipal Inventory – booklet;
- m) Correspondence, both incoming and outgoing is in filing cabinets short term or held in the archives long term. A system index schedule (numbers used in filing records) is held electronically and booklet form;
- n) Personal Information is held in a secure area and electronically

7.0 THE OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF KOORDA

7.1 How And To Whom Initial Enquiries Should Be Made

- i) In accordance with Section 12(i) initial enquiries should be made
 - a) in writing;
 - b) give enough information so that the documents requested can be identified;
 - c) give an Australian address to which notices can be sent; and
 - d) be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator:-

The Chief Executive Officer
Shire of Koorda
PO Box 20
Koorda 6475

Telephone and fax numbers

Phone: (08) 9684 1219

Fax: (08) 9684 1379

- ii) Applications will be acknowledged in writing and you will be notified of the decision within forty five days.
- iii) It is the aim of the Shire of Koorda to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information Process.
- iv) If information is not routinely available, the *Freedom of Information Act 1993* 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.

7.2 Freedom of Information Charges

A scale of fees and charges set under the freedom of Information Act Regulations:-

- | | |
|--|--------------------|
| i) Personal Information about the applicant | <i>no fee</i> |
| ii) Application fee (for non personal information) | \$30.00 |
| iii) Charge for time dealing with the application (per hour or pro rata) | \$30.00 |
| iv) Access time supervised by staff (per hour, or pro rata) | \$30.00 |
| v) Photocopying staff time (per hour or pro rata) | \$30.00 |
| vi) Per photocopy | 0.20 |
| vii) Transcribing from tape, film or computer (per hour or pro rata) | \$30.00 |
| viii) Duplicating a tape, film or computer information | <i>actual cost</i> |
| ix) Delivery, packaging and postage | <i>actual cost</i> |
| x) Advance deposit may be required of estimated charges | 25% |
| xi) Further advance deposit may be required to meet the charges for dealing with the application | |
| xii) For financially disadvantaged applicants, those issued with prescribed pensioner concession cards, the charge payable may be reduced by 50% | |

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

7.3 Notice of Decision

As soon as possible but in any case within forty five days you will be provided with a notice of decision which will include details of the decision and procedure to follow.

Refusal of Access

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

You will be notified of the outcome of the review within fifteen 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.

7.4 Person Responsible For Decisions Regarding Access or the Amendment of Personal Information Under Freedom of Information

The Chief Executive Officer makes decisions regarding access or the amendment of personal information under Freedom of Information.