

Shire of Kojonup



Information Statement

2016/2017

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Attachments

1. The FOI Process Flow chart

1.0 Introduction

Section 96 (1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:-

- The Agency's Mission Statement
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency.
- The operation of FOI in the agency.

This document has been prepared for the Shire of Kojonup to satisfy Part 5 of the Act, and is correct as at July 2016. Copies of this document may be obtained from:-

*The Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395*

Or on the Shire of Kojonup website at www.kojonup.wa.gov.au. Enquiries may be made by telephoning (08) 9831 2400 Monday to Friday from 8.30 a.m. to 4.30 p.m. or by e-mail council@kojonup.wa.gov.au

2.0 Vision and Mission

Vision

A safe community to live, work, play and prosper.

Mission

To identify and develop services and infrastructure with and for the community, through good governance, now and for the future.

3.0 Details of Legislation Administered

The Shire of Kojonup is constituted as a Local Authority under the *Local Government Act 1995*. The general function of a local government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities.

Using its legislative powers, a local government 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*.

The Local Government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the *Local Government Act*, including the provisions of services and facilities.

The Shire of Kojonup is wholly or partly responsible for administering the following legislation and regulations:

- *Animal Welfare Act 2002*
- *Building Act 2011 and Regulations 2012*
- *Bush Fires Act 1954 and Regulations 1954*
- *Caravan Parks and Camping Grounds Act 1995 and Regulations 1997*
- *Cemeteries Act 1986*
- *Control of Vehicles (Off Road Areas) Act 1978 and Regulations 1979*
- *Dangerous Goods Safety Act 2004*
- *Disability Services Act 1993*
- *Dog Act 1976 and Regulations 2013*
- *Emergency Management Act 2005*
- *Environmental Protection (Noise) Regulations 1997*
- *Food Act 2008 and Regulations 2009*
- *Freedom of Information Act 1992 and Regulations 1993*
- *Hairdressing Establishment Regulations 1972*
- *Health Act 1911*
- *Health (Air-Handling and Water Systems) Regulations 1994*
- *Health (Asbestos) Regulations 1992*
- *Health Act (Carbon Monoxide) Regulations 1975*
- *Health (Cloth Materials) Regulations 1985*
- *Health (Garden Soil) Regulations 1998*
- *Health Act (Laundries and Bathrooms) Regulations*
- *Health (Pesticides) Regulations 2011*
- *Health (Public Buildings) Regulations 1992*
- *Health (Skin Penetration Procedure) Regulations 1998*
- *Health (Temporary Sanitary Conveniences) Regulations 1997*
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- *Heritage of Western Australia Act 1990*
- *Land Administration Act 1997*
- *Litter Act 1979*
- *Liquor Licensing Act 1988*
- *Local Government Act 1995*
- *Local Government (Functions & General) Regulations 1996*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Audit) Regulations 1996*

- *Local Government (Uniform Local Provisions) Regulations 1996*
- *Local Government (Constitution) Regulations 1998*
- *Local Government (Elections) Regulations 1997*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government Grants Act 1978*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Main Roads Act 1930*
- *Parks and Reserves Act 1895*
- *Planning and Development Act 2005*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Shire of Kojonup Town Planning Scheme No. 3*
- *Strata Titles Act 1985*
- *Valuation of Land Act 1978*
- *Waste Avoidance and Resource Recovery Act 2007*
- Any other Act becoming law or amended to require Local Government to wholly or partly be responsible for administering.

The Shire of Kojonup is wholly responsible for administering the following Shire of Kojonup Local Laws; these Local Laws are currently under review:

- Cemeteries Local Laws
- Health Local Laws 2000
- Local Government Property Local Law
- Local Laws relating to Standing Orders
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

4.0 Structure and Executive Functions of the Shire of Kojonup

The Council

The Council is the primary decision making body. Decisions are made by:

- (i) Debate and voting on agenda items at the monthly Ordinary Council meeting. Members of the public are welcome at all Council Meetings which are routinely held the third Tuesday of each month commencing at 3:00pm, excluding January where no meeting will be held and December where the Council Meeting will be held on the second Tuesday as opposed to the third.
- (ii) Delegation of authority to the Chief Executive Officer to implement powers under the legislative Acts previously listed or on specific issues as determined by Council. These delegations are listed in detail in the Delegations Register, which is available for inspection by members of the public upon request.
- (iii) Adoption of formal policies to provide specific guidelines and directions.

Councillors

The elected representatives of the Shire of Kojonup at July 2016 are:

President	Ronnie Fleay
Deputy President	Robert Sexton
Councillors	Ned Radford Frank Pritchard Ian Pedler Jillian Mathwin Judith Warland Graeme Hobbs

Please note that an ordinary election will be held in October 2017.

Role of the Council

The roles of the Council are as follows:

The Council:

- (i) directs and controls the Local Government's affairs;
- (ii) is responsible for the performance of the Local Government's functions;
- (iii) is to oversee the allocation of the Local Government's finances and resources;
- (iv) is to determine the Local Government's policies.

Role of the Shire President

The Shire President:

- (i) presides at meetings in accordance with the *Local Government Act 1995*;
- (ii) provides leadership and guidance to the community in the district;
- (iii) speaks on behalf of the local government;
- (iv) liaises with the Chief Executive Officer on the local government's affairs and the performance of its functions.

Role of Councillors

A Councillor:

- (i) represents the interests of electors, ratepayers and residents of the district;
- (ii) provides leadership and guidance to the community in the district;
- (iii) facilitates communication between the community and the Council.
- (iv) participates in the Local Government's decision-making processes at Council and Committee Meetings.

Committees of Council

Committees of Council have advisory functions and roles only. There are no delegations of authority recorded for any committee.

Councillors are nominated as delegates or members on various internal and external committees.

Chief Executive Officer

The Council of the Shire of Kojonup is the overall decision-making body. The Council employs a ***Chief Executive Officer*** who is charged with the responsibility of putting into effect the decisions of the Council. Assignment of the roles and responsibilities within the Shire management structure are outlined below:

OFFICE OF THE CEO

Strategic Planning	Risk Management
Governance	Natural Resource Management
Executive Management	Council Liaison & Support

CORPORATE SERVICES

Financial Management	Library
Administration Support	Records Management
IT Systems & Support	Council Minutes & Agendas
Rates	Audit Liaison
Vehicle Licensing	Asset Management

WORKS & SERVICES

Road Construction	Road Maintenance
Bridge Maintenance	Plant & Equipment
Parks & Gardens	Airport
Footpaths	Cemetery Maintenance
Private Works	Cleaning

REGULATORY SERVICES

Environmental Health	Bushfire Support
Waste	Emergency Management
Ranger Services	Building Maintenance
Occupational Safety & Health	Swimming Pool
Planning & Building	Saleyards

AGED CARE SERVICES

Springhaven Aged Care Hostel	Loton Close Units
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COMMUNITY DEVELOPMENT & TOURISM

The Kodja Place Precinct	Visitor Information
Community Development	Tourism & Promotion

EXECUTIVE MANAGEMENT

Current as at July 2016

Chief Executive Officer	Rick Mitchell-Collins
Manager of Corporate Services	Anthony Middleton
Manager of Works & Services	Craig McVee
Manager of Regulatory Services	Mort Wignall
Manager of Aged Care Services	Susan Northover
Manager of Community Development & Tourism	Zahra Shirazee

Delegations

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Delegation Register and are reviewed annually by Council.

The *Local Government Act 1995* and associated Regulations requires Council to:

- determine policies to be applied by Council in exercising its discretionary powers;
- determine the type, range and scope of projects to be undertaken by Council; and
- develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of Council.

5.0 Public Participation

Members of the public have a number of opportunities to put forward their views on particular issues before the Council.

These are:

Deputations

Requests for deputations must be made to the Chairperson / Presiding Member of the meeting or Chief Executive Officer at least 30 minutes prior to the meeting.

Public Question Time

Members of the public are able to ask questions (preferably in writing) on any matter affecting the Shire in the time set aside for this purpose at meetings of the Council and Committees open to the public, at the commencement of the meeting.

Petitions

Written petitions to be presented to the Council must be addressed to the Shire President or Chief Executive Officer and received by hand at the Shire of Kojonup administration office or mail via the Shire of Kojonup nominated postal address.

Written Requests

A member of the public can write to the Council on any policy, activity or service of the Council. Requests should be addressed to the Chief Executive Officer or may be on the nominated service request or complaint forms.

Elected Members

Members of the public can contact the elected members of the Council to discuss any issue relevant to the Council.

Community Consultation

The Shire consults with its residents on particular issues that affect their district by way of advertising in the local papers, calling public meetings, and seeking responses to various proposals. In addition, the Shire uses Facebook and its websites to provide information and seek feedback on a variety of topics.

In situations where property owners may be directly affected by a decision they are contacted directly.

6.0 Documents Held by the Shire

The Shire of Kojonup holds a large number and variety of documents. The majority of these are held in hard copy. Documents are retained for periods of time in accordance with the General Disposal Authority for Local Government Records.

Documents to which the public have free access include:

- Agendas and Minutes of Council meetings
- Annual Report
- Annual Budget
- Town Planning Scheme
- Policy Manual
- Delegations Register
- Code of Conduct
- Community Strategic Plan
- Local Laws
- Development proposals which have been advertised for public comment
- Rates records
- Electoral roll
- Tender Register
- Schedule of fees and charges
- Disability Access & Inclusion Plan
- Recordkeeping Plan

These documents are available by request at the Shire Administration Office. Some documents can also be viewed at the Kojonup Library or on the Shire's website www.kojonup.wa.gov.au.

Where appropriate other information requests are dealt with informally to provide prompt and efficient service.

Functional Files

Functional files contain records relating to the functions and administration of the Shire. Requests to view information contained in these files will be considered on an individual basis as they may still contain personal or privileged documents.

Rates Books

The Shire has rates books dating back to the early 1900s.

Minutes

The Shire has minute books dating back to the 1960s until the present.

Building Applications

The Shire has building applications dating back to the 1960s.

Reports

The Shire produces reports according to statutory requirements (e.g. Annual Report, Annual Budget, Strategic Plan) and from time to time produces or commissions reports on specific projects.

Municipal Heritage Inventory

The Shire maintains a Municipal Heritage Inventory of all buildings within the Shire boundary that are, or may become, of cultural heritage significance to the community. The Municipal Heritage Inventory was last updated in 1997 and is currently undergoing a review.

Retention and Disposal of Council Records

Retention and Disposal of the Shire of Kojonup records is in accordance with the *State Records Act 2000* and Shire of Kojonup Recordkeeping Plan.

Available via *Freedom of Information Act*

While the Council endeavours to respond to information requests informally, Freedom of Information Legislation may be used to request access to information not available by any other means.

The Council is to administer the 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 costs; and
- Assists the public to ensure that personal information contained in documents is accurate, complete, up-to-date and is not misleading.

While the Act provides for 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, professional, commercial or financial affairs of a third party who is not the applicant.

7.0 Freedom of Information procedures, contacts and access arrangements

It is the aim of the Shire to make information available promptly and at the least possible cost. Wherever possible, documents and information will be provided outside the FOI process.

If information is not routinely available, the *Freedom of Information Act 1992* 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.

Freedom of information applications

Access applications have to be:

- In writing;
- Give sufficient information so that the documents requested can be identified;
- Give an Australian address to which notices can be sent; and
- Be lodged at the Shire with the appropriate application fee payable.

Applications and enquiries should be addressed to:

FOI Co-ordinator
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Or

Telephone (08) 9831 2400
Facsimile (08) 9831 1566

Applications will be acknowledged in writing and applicants are notified of the decision within forty-five (45) days.

No specific application form is required and any written request that contains the information required, detailed above, will be considered.

Freedom of Information Fees and Charges

A scale of fees and charges is set under the regulations of the *Freedom of Information Act*. Apart from the application fee for non-personal information, all charges are discretionary. A 25% concession may be applied where applicants can demonstrate that they are financially disadvantaged.

GST is not applied under Division 81 of the *Goods and Services Tax Act 1999*.

The fees and charges are as follows: -

1. Type of Fee

Application fee under section 12(1)(e) of the <i>Act</i> (for an application for non-personal information)	\$30.00
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2. Type of Charge

a) Charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour)	\$30.00
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b) Charge for access time supervised by staff (per hour, or pro rata for a part of an hour) plus the actual additional cost to the agency of any special arrangements (e.g. hire of facilities or equipment)	\$30.00
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c) Charges for photocopying:	
i. Per hour, or pro rata for a part of an hour of staff time; and	\$30.00
ii. Per copy	\$ 0.20
d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour)	\$30.00
e) Charge for duplicating a tape, film or computer information	Actual Cost
f) Charge for delivery, packaging and postage	Actual Cost

Advance Deposits

An advance deposit of 25% of the estimated charges may be requested in the discretion of the FOI Co-ordinator.

Further interim payments may be required to meet the charges for dealing with the application.

Access arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of a video or audio tape, or computer disk, or 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 forty-five days, applicants are 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 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** by the Shire. Application should be made in writing within thirty days of receiving the notice of decision.

Applicants are to be notified of the outcome of the review within fifteen days.

If applicants disagree with the result, they can then apply to the Information Commissioner for an **external review**. Details are advised to appellants when the internal review decision is issued.

Freedom of Information procedures for the amendment of personal information

The only records of a personal nature held by the Shire of Kojonup are staff employee records and financial interest disclosures by elected members.

Any person concerned that any records maintained by the Shire may contain personal information about himself or herself that may require amendment can write or contact: -

FOI Co-ordinator
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Rick Mitchell-Collins
CHIEF EXECUTIVE OFFICER

Attachment 1. The FOI Process Flow chart

