



Shire of  
**Chapman Valley**  
*Love the Rural Life*

**FREEDOM OF INFORMATION**  
**STATEMENT**

**2009**

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## **2.0 MISSION STATEMENT**

The provision for the good rule and government, convenience, comfort and safety of persons in the Chapman Valley District.

## **3.0 DETAILS OF LEGISLATION ADMINISTERED**

Including, yet not limited to:

- Freedom of Information Act
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Bushfires Act
- Dog Act
- Town Planning Development Act
- Health Act
- Dividing Fences Act
- Caravan Park and Camping Ground Act

## **4.0 COUNCIL STRUCTURE**

### **4.1 Council Structure**

The Council is comprised of eight (8) Councillors. The President is elected from within the Councillors who are representative of the two (2) Wards in the Shire.

President – Cr John Collingwood  
Deputy President – Cr Peter Batten

### **4.2 Wards**

#### **South West Ward**

Two (2) Councillors  
Cr. Anne Bell  
Cr. David Bell

#### **North East Ward**

Six (6) Councillors  
Cr. Peter Cole  
Cr. Beverley Davidson  
Cr. John Collingwood  
Cr. Pauline Forrester  
Cr. Trevor Royce  
Cr. P Batten

### **4.3 Committees**

To enable Council to efficiently administer its business, committees are appointed to oversee various aspects of its operations, all Committee meetings are held on an “as needs basis”.

## **COUNCIL MEMBERS ONLY**

### Planning and Community Development Committee

**Purpose:**

Will meet on an “as needs” basis only to discuss items referred to them by Council in the area of Town Planning and Community Development.

The Planning and Community Development Committee be comprised of: -

- Cr J Collingwood
- Cr B Davidson
- Cr P Cole
- Cr P Forrester
- Cr P Batten
- Chief Executive Officer (Observer)
- Manager of Planning (Observer)

### Building Committee

**Purpose:**

Will meet at least once annually to inspect all shire buildings. A managed residential property will be inspected by Cr P Forrester and Cr P Cole and the building surveyor with a report being submitted to the Building Committee.

All other Committee Meetings will be on an “as needs basis” to discuss items referred to the Committee by Council in the area of Council controlled buildings and properties.

The Building Committee be comprised of: -

- Cr D Bell
- Cr P Cole
- Cr P Batten
- Cr P Forrester
- Chief Executive Officer (Observer)
- Manager of Planning (Observer)
- Building Surveyor (Observer)

### Works Committee

**Purpose:**

Will meet on an “as needs” basis only to discuss items referred to the Committee by Council in the area of road works and other works relating to Council Construction, Maintenance & Grading Maintenance crews.

The Works Committee be comprised of: -

- Cr P Cole
- Cr D Bell
- Cr T Royce
- Cr J Collingwood - President
- Chief Executive Officer (Observer)
- Works Supervisor (Observer)

### Tourism & Reserves Committee

**Purpose:**

Will meet on an “as needs” basis only to discuss items referred to them by Council in the areas of:-

- Tourism
- Management of Reserve land under the ownership/or control of the Shire.

The Tourism and Reserves Committee be comprised of: -

- Cr A Bell
- Cr B Davidson
- Cr P Forrester

### Finance & Audit Committee

**Purpose:**

The roles and responsibilities of the Finance & Audit Committee will now be as follows: -

- Finance – provide a review of Council’s ongoing financial situation in the areas of: -
  - Debt liability
  - Plant Replacement
  - Items of forthcoming budgets
  - Financial Policy
  - Review fund establishments
- Provide a forum for ongoing review of strategic management plan for Council operations.
- Audit System
  - The process of selecting the Auditor
  - Recommending the Auditor to Council
  - Managing the Audit Process from the Council perspective
  - Meeting with the Auditor at least once each year to discuss the process and/or outcomes of the audit.
  - Monitoring the administrations actions on, and responses to, any significant matters raised by the Auditor in the report referred to in Section 7.9 of the Local Government Act 1995 and the Management

- Report.
  - Submitting a copy of the audit contract to the Department each time a new one is entered into or the contract's amended.
  - Submitting an Annual Report on the audit function of the Council and the Department.
  - Considering the completed statutory compliance return and monitoring the administrations corrective actions on matters on non-compliance.
- Manager of Corporate Services Report should be presented to Committee for the Committees recommendation to full Council.

The Finance and Audit Committee be comprised of: -

- Cr J Collingwood
- Cr A Bell
- Cr P Forrester
- Cr P Cole
- Cr D Bell

## **STEERING GROUPS & COMMITTEES**

### Structural Reform Steering Committee

- Cr J Collingwood
- Cr P Batten
- Cr A Bell
- Cr T Royce
- Cr P Forrester
- Cr B Davidson
- Cr D Bell
- Cr P Cole

### Nanson Townscape Working Group

- Cr P Forrester
- Cr J Collingwood
- Cr D Bell
- Manager of Planning (Observer)

### Yuna Townsite Working Group

- Cr P Forrester
- Cr P Batten
- Manager of Planning (Observer)

### Nabawa Townsite Working Group

- Cr P Forrester
- Cr B Davidson

### Parkfalls Working Group

- Cr J Collingwood
- Cr T Royce
- Cr D Bell
- Cr A Bell

## **COUNCIL MEMBERS & EMPLOYEES**

### Occupational Health & Safety Committee

#### ***Purpose:***

Will meet at least annually to discuss Occupational Safety & Health issues in accordance with requirement of the Occupational Safety & Health Act 1984 and make recommendations to Council.

The Occupational Health and Safety Committee be comprised of: -

- Chief Executive Officer
- Works Supervisor
- Administration Representative
- Works Crew Representative
- Ranger/Builder/Gardener Representative
- Cr A Bell
- Cr P Forrester

## **COUNCIL MEMBERS, EMPLOYEES & OTHER PERSONS**

### Yuna Hall Committee

- Cr P Forrester
- Chief Executive Officer                      Council Representative
- Jason Batten                                      CABY Representative
- Building Surveyor                              Council Representative

## **REPRESENTATIVES ON OUTSIDE COMMITTEES**

### Batavia Regional Organisation of Councils

- Cr J Collingwood (President)
- Cr P Batten (Deputy President)
- Elected Member Deputies – Cr B Davidson (First Deputy), Cr A Bell (Second Deputy)

Bush Fire Advisory Group/SES Disaster Plan Committee

- Cr J Collingwood
- Cr P Forrester

Moresby Range Steering Committee

- Cr P Batten
- Cr T Royce
- Manager of Planning

Sub-Regional Road Group Committee

- President or his delegated elected member
- Chief Executive Officer

Northern Barrier Fence Committee

- Cr P Batten

CVLCDC

- Cr T Royce

Northern Country Zone WALGA

- Cr J Collingwood (President)
- Cr P Batten (Deputy President)
- Chief Executive Officer

## **5.0 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.

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

## **6.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF COUNCIL FUNCTIONS**

### **6.1 Committees or bodies which involve public representation**



Only one committee or body which involve public representation exists within Council at this time.

## **6.2 Committees that don't involve direct public representation but may be open to the public**

No such Committees exist. However, if Council does resolve to delegate authority to a Committee these meetings will be open to the public.

## **6.3 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.

## **7.0 DOCUMENTS HELD**

### **7.1 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) confirmed minutes of Council, committee and electors meetings;
- h) Strategic & operational plan;
- i) register of financial interests;
- j) schedule of fees and charges;
- k) schedule of loan repayments;
- l) loans register;
- m) proposed local law of which Statewide public notice has been given;
- n) local laws made by Council;
- o) any written law that Council has the duty or power to enforce;
- p) rates record;
- q) confirmed minutes of council or committee meetings;
- r) minutes of electors meetings;
- s) notice papers and agenda relating to any council or committee meeting and reports 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.
- t) prepared business plan;
- u) register of owners and occupiers and electoral rolls;
- v) register of delegations to committees.

## **7.2 Documents available to the public - for which a fee may be charged.**

- a) maps of the Shire of Chapman Valley;
- b) the annual financial report;
- c) the annual budget;
- d) municipal inventory;
- e) town planning documents;
- f) freedom of information statement.

## **7.3 Other documents held which may be available for inspection within the Freedom of Information Act**

- a) register of delegations to CEO and employees;
- b) unconfirmed minutes of council or 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) the information contained in a tenders register;
- f) property ownership enquiries.

## **7.4 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 CEO'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 CEO's opinion, could have been closed to members of the public, but was not closed.
- e) in relation to contracts for the CEO 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 CEO's opinion, the information should not be available for inspection by members of the public because of the private nature of the information.

## **7.5 Format in which information is held-**

- a) library holds brochures, videos, cassettes and books, available for borrowing through the library system;
- b) rates records are held on computer hard disk;
- c) minutes of meetings are held in guard and bound books;
- d) annual report to electors, financial report and budget are held in booklet form and on hard disk;
- e) register of loans - hard copy;
- f) register of tenders - hard copy;
- g) register of delegations to committee - hard copy;
- h) maps - hard copy;
- i) principal activities and business plans - hard copy;
- j) register of financial interests - hard copy;
- k) owners, occupiers and electoral rolls - hard disk and soft copy;
- l) municipal inventory - book.
- m) correspondence, both incoming and outgoing is in filing cabinets for short term or held in the storeroom for long term archives. A system index schedule (numbers used in filing records) is held in booklet form;
- n) personal information - held in filing system and on computer hard disk.

## **8.0 THE OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF CHAPMAN VALLEY**

### **8.1 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:-

Manager of Corporate Services  
Shire of Chapman Valley  
Post Office Box 1  
Nabawa WA 6532

*Telephone and fax numbers:*  
Phone: (08) 9920 5011  
Fax: (08) 9920 5155

- ii) Applications will be acknowledged in writing and you will be notified of the decision within 45 days.
- iii) It is the aim of the Shire of Chapman Valley 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 1992* 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.

## 8.2 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)	<i>\$35.00</i>
iii) Charge for time dealing with the application (per hour, or pro rata)	<i>\$35.00</i>
iv) Access time supervised by staff (per hour, or pro rata)	<i>\$35.00</i>
v) Photocopying staff time (per hour, or pro rata)	<i>\$35.00</i>
vi) Per photocopy	<i>.30</i>
vii) Transcribing from tape, film or computer (per hour, or pro rata)	<i>\$35.00</i>
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 the estimated charges	<i>25%</i>
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 25%.	

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.

## 8.3 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 of the decision and procedures 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 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.

#### **8.4 Person responsible for decisions regarding access or the amendment of personal information under Freedom of Information -**

The Manager of Corporate Services makes decisions regarding access or the amendment of personal information under Freedom of Information.