



SHIRE OF

# Chapman Valley

*love the rural life!*

## FREEDOM OF INFORMATION STATEMENT

# 2018

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## **1.0 VISION STATEMENT**

The Shire's Vision is 'a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper'.

## **2.0 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

## **3.0 COUNCIL STRUCTURE**

### **3.1 Council Structure**

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

President – Cr Anthony Farrell  
Deputy President – Cr Kirrilee Warr

### **3.2 Wards**

#### **No Ward System**

Cr Anthony Farrell  
Cr Kirrilee Warr  
Cr Nicole Batten  
Cr Pauline Forrester  
Cr Darrell Forth  
Cr Peter Humphrey  
Cr Ian Maluish  
Cr Trevor Royce

### **3.3 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**

### **Building & Disability Services Committee**

Will meet at least annually to inspect all Shire Buildings/Properties and then subsequently to:

- ~ Review preliminary costings for proposed works for consideration in draft Council Budget;
- ~ Review the Capital & Building Works Program;
- ~ Disability Access & Inclusion Plan; and
- ~ Any other building/property items referred to the Committee by Council.

#### **Delegation – Nil**

5 x Councillors

#### Observers:

- ~ CEO
- ~ Building Surveyor

### **Finance, Audit & Risk Committee**

The purpose of the Committee in fulfilling the requirements of Local Government (Audit) Regulation 17 by assisting the Chief Executive Officer to:

- a) provide an independent oversight of the financial systems of the local government on behalf of the Council;
- b) guide and assist the local government in respect to financial management;
- c) contribute to the Shire's corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit;
- d) guide and assist with the Internal Audit and Risk Management;
- e) oversee the implementation of audit recommendations made by the auditor, which have been accepted by council; and
- f) oversee accepted recommendations arising from reviews of local government systems and procedures.

#### **Delegation – Nil**

3 x Councillors

#### Observers:

- ~ CEO
- ~ Manager Finance & Corporate Services
- ~ Accountant

### **Road Infrastructure Committee**

Undertake an annual review the following:

- ~ Road Works Program;
- ~ Road Hierarchy;
- ~ Heavy Haulage Vehicle Permit Roads; and
- ~ Any other works infrastructure item referred to the Committee by Council.

- ~ Review the plant replacement program

### **Delegation – Nil**

All Councillors

#### Observers:

- ~ CEO
- ~ Manager Works & Services
- ~ Deputy CEO
- ~ Works Leading Hand

## **STEERING, ADVISORY, WORKING GROUPS**

### **Bushfire Brigade Group Management Advisory Committee**

Meet at least annually to:

- ~ Elect Office Bearers;
- ~ Review previous year fire season;
- ~ Review the Shire's Fire Notice;
- ~ Liaise with external organisations (e.g. DFES, DPAW);
- ~ Review the DFES Capital & Operational Grants;
- ~ Any other bush fire related items referred to the Committee by Council.

### **Delegation – Nil**

President (Presiding Member  
2 x Councillor

CBFCO  
DCBFCO  
All Brigade FCOs  
Chief Executive Officer  
Senior Ranger

#### Observers

1 x DFES Rep.  
1 x DPAW Rep.

### **Regional Local Emergency Management Committee**

Meet as required in accordance with legislation and Council endorsed Local Emergency Management Arrangements (LEMA) to:

- ~ Review the LEMA & Recovery Plan;
- ~ Implement Emergency Exercises as required;
- ~ Any other emergency management related items referred to the Committee by Council.

## **Delegation – Nil**

2 x Councillors  
Chief Executive Officer

## **Bill Hemsley Park Management Committee**

The role of the Bill Hemsley Park Management Committee (Formerly Parkfalls Management Committee) as agreed at the 17 April 2013 Council meeting is to make recommendation to Council for its consideration as to development and expenditure within the park

## **Delegation – Nil**

2 x Councillors  
2 x Parkfalls Residents Assoc.  
1x Developer

### Observers:

- ~ CEO
- ~ Deputy CEO

## **Landcare & Environmental Advisory Group**

To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley:

- a) Delegate authority to the Chief Executive Officer to endorse grant applications/projects if funding resources are available within the Council's adopted budget;
- b) If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior to the closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required.

All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources)."

- c) Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds.
- d) Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.
- e) Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.

## **Delegation – Nil**

2 x Councillors

Observers

Chief Executive Officer

Deputy CEO

NACC Rep.

Landcare & Environment Consultant

**Community Growth Fund Advisory Group**

Evaluate application received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with guideline, policies and procedures set by Council and make recommendations to Council to allocate funds

**Delegation – Nil**

President (Presiding member)

3 x Councillors (Members)

1 x Councillor (Proxy)

Chief Executive Officer

Manager Finance & Corp Svc

Comm. Develop. Officer

**Tourism & Events Working Group**

Will meet on an 'as needs' basis only to:

- ~ Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function;
- ~ Assist with coordinating the annual Australia Day function(s);
- ~ Discuss all other item(s) referred to them by Council in the areas of tourism and events.

**Delegation – Nil**

3 x Councillors

CEO

Deputy CEO

Comm. Development Officer

2 x Community Representatives for Australia Day award nominations (recommend past winner as one rep.)

## **Yuna Memorial Hall Working Group**

To determine the future use of the Yuna Memorial Hall

2x Councillors  
CEO  
DCEO  
Community Development Officer  
2 x CABY / Community representatives

## **REPRESENTATIVES ON EXTERNAL ORGANISATIONS**

### **Northern Country Zone (WALGA)**

Not Applicable

#### **Delegation – Nil**

2 x Councillors  
Chief Executive Officer

### **Sub Regional Road Group Committee**

Not Applicable

#### **Delegation – Nil**

2 x Councillors  
Chief Executive Officer  
Manager Works & Services

### **Chapman Valley Agricultural Society**

Not Applicable

#### **Delegation – Nil**

1 x Councillor  
1 x Proxy

### **Mid West Development Assessment Panel (DAP)**

Not Applicable

#### **Delegation – Nil**

2 x Councillors  
2 x Proxies



#### **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.

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

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

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

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

##### **5.2 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.

##### **5.3 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.

#### **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) confirmed minutes of Council, committee and elector's meetings;
- h) Integrated Strategic & Operational Plans;
- 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 elector's 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.

**6.2 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.

**6.3 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 tender's 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 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.

## **6.5 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) Integrated Strategic 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.

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

### **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: -

Chief Executive Officer  
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.

## **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<br>(per hour, or pro rata)  | \$30.00            |
| iv) Access time supervised by staff<br>(per hour, or pro rata)  | \$30.00            |
| v) Photocopying staff time<br>(per hour, or pro rata)   | \$30.00            |
| vi) Per photocopy   | .20                |
| vii) Transcribing from tape, film or computer<br>(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 the estimated charges   | 25%                |
| xi) Further advance deposit may be required to meet the charges for dealing with the application  | 75%                |
| 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.

### **7.3 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.

### **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.