



SHIRE OF

Chapman Valley

love the rural life!

FREEDOM OF INFORMATION STATEMENT

INDEX

ITEM NUMBER		PAGE NO.
1.0	VISION STATEMENT	2
2.0	DETAILS OF LEGISLATION ADMINISTERED	2
	2.1 <i>Examples of Legislation Affecting the Shire</i>	
	2.2 <i>Local Laws</i>	
3.0	COUNCIL STRUCTURE	3
	3.1 <i>Council Structure</i>	3
	3.2 <i>Committees</i>	4
4.0	DECISION MAKING FUNCTIONS	8
5.0	DOCUMENTS HELD	8
	5.1 <i>Available for inspection</i>	9
	5.2 <i>Available - for which a fee may be charged</i>	9
	5.3 <i>Available under Freedom of Information Act</i>	9
	5.4 <i>Limits on right to inspect</i>	9
	5.5 <i>Format in which information is held</i>	10
6.0	OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF CHAPMAN VALLEY	10
	6.1 <i>How and to whom initial enquiries should be made</i>	10
	6.2 <i>Freedom of Information charges</i>	11
	6.3 <i>Notice of decision</i>	12
	6.4 <i>Person responsible for decision regarding access of amendment of personal information</i>	12

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

2.1 Examples of Legislation Affecting the Shire

In addition to the Local Government Act 1995 the Shire of Chapman Valley is bound by and may apply, in its daily functions, a range of federal and state legislation. Examples of some of the more significant legislation applicable to the Shire's functions and operations are as follows:

- Local Government (Miscellaneous Provisions) Act 1960
- Freedom of Information Act 1992
- Bushfires Act 1954
- Planning & Development Act 2005
- Health Act 1911
- Dog Act 1976
- Cat Act 2011
- Litter Act 1979
- Dividing Fences Act 1961
- Caravan Park and Camping Ground Act 1995
- Emergency Management Act 2005
- Building Act 2011
- State Records Act 2000
- Interpretation Act 1984
- Environmental Protection Act 1986
- Criminal Procedures Act 2004

These Acts, as with others, are often supported by subsidiary legislation which will also be applied in the course of conducting various functions within the Shire.

Although the above refers to specific examples the Shire is bound more broadly by, and may have cause to enforce, the requirements of any federal or state legislation where it applies in relevant circumstances.

2.2 Local Laws

The Shire of Chapman Valley is wholly responsible for administering the following Shire local laws:

- Dogs Local Law 2016
- Standing Orders Local Law 2016
- Activities in Thoroughfares & Public Places & Trading Local Law 2016

3.0 COUNCIL STRUCTURE

Parts 2 and 3 of the Local Government Act 1995 establishes the Shire of Chapman Valley as a local government and provides for its structure and functions.

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.

3.1 Council Structure

The Council is comprised of eight (8) Councillors.

Role of the Council

The Council:

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

The Council is also to:

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

The President and Deputy President are elected after the Local Government Elections every two years by the Elected Members. The current Shire President and Deputy President are:

Role of the Shire 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 of Chapman Valley;
- speak on behalf of the Shire of Chapman Valley;
- performs such other functions as are given to the mayor by the Local Government Act or any other written law; and
- liaises with the CEO on the Shire of Chapman Valley's affairs and the performance of its functions.

Role of the Deputy President

The Shire of Chapman Valley Deputy President performs the functions of the President when authorised to do so under section 5.34 of the Local Government Act. i.e.

If:

- (a) the office of mayor or president is vacant; or*

(b) *the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

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 of Chapman Valley's decision-making processes at council and committee meetings; and
- performs such other functions as are given to a Councillor by the Local Government Act 1995 or any other written law.

The Chief Executive Officer is appointed by the Council.

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 of Chapman Valley including staff.

No Ward System

The Shire of Chapman Valley operates under a *No Ward System*.

3.2 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.

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".

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 Management 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

4 x Councillors

1 x External, Independent Member

Observers:

- ~ CEO
- ~ Manager Finance & Corporate Services

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

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
3 x Councillors

CBFCO
DCBFCO
All Brigade FCOs
Chief Executive Officer
Senior Ranger

Observers

1 x DFES Rep.
1 x DBCA Rep.

Batavia 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

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)

Chief Executive Officer

Manager Finance & Corp Svc

Comm. Develop. Officer

Tourism & Events Advisory 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.
- ~ Liaise with external organisations

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.)

4.0 DETAILS OF DECISION MAKING FUNCTIONS

Local Laws, Policies and Corporate Management Procedures 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.

The Shire of Chapman Valley current local laws are:

- Dogs Local Law 2016
- Standing Orders Local Law 2016
- Activities in Thoroughfares & Public Places & Trading Local Law 2016

5.0 DOCUMENTS HELD

5.1 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 State-wide 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

6.0 THE OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF CHAPMAN VALLEY

6.1 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.

6.2 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>\$30.00</i> |
| iii) Charge for time dealing with the application
(per hour, or pro rata) | <i>\$30.00</i> |
| iv) Access time supervised by staff
(per hour, or pro rata) | <i>\$30.00</i> |
| v) Photocopying staff time
(per hour, or pro rata) | <i>\$30.00</i> |
| vi) Per photocopy | <i>.20</i> |
| vii) Transcribing from tape, film or computer
(per hour, or pro rata) | <i>\$30.00</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 | <i>75%</i> |
| 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.

6.3 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.

6.4 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.