



SHIRE OF WESTONIA

FREEDOM OF INFORMATION STATEMENT

2021/2022

Adopted: 1995
Reviewed: 2012
Reviewed: 2013
Reviewed: 2016
Reviewed: 2021

INDEX

1.0

ITEM NUMBER		PAGE NO.
2.0	VISION STATEMENT	2
3.0	DETAILS OF LEGISLATION ADMINISTERED	2
4.0	COUNCIL STRUCTURE	2
	4.1 Council Structure	2
	4.2 Wards	2
	4.3 Portfolios	3
5.0	DECISION MAKING FUNCTIONS	6
	5.1 Procedure for Making Local Laws	6
6.0	PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF COUNCIL FUNCTIONS	6
	6.1 Committees or bodies which involve public representation	6
	6.2 Committees that don't involve direct public representation but may be open to the public	6
	6.3 Participation in committees	6
7.0	DOCUMENTS HELD	6
	7.1 Available for inspection	6
	7.2 Available - for which a fee may be charged	7
	7.3 Available under Freedom of Information Act	7
	7.4 Limits on right to inspect	7
	7.5 Format in which information is held	8
8.0	OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF WESTONIA	8
	8.1 How and to whom initial enquiries should be made	8
	8.2 Freedom of Information charges	9
	8.3 Notice of decision	9
	8.4 Person responsible for decision regarding access of amendment of personal information	10

2.0 VISION STATEMENT

‘Westonia..... a vibrant community lifestyle’.

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 six (6) Councillors. The President is elected from within the Councillors who are representative of the whole Shire, there is no ward structure.

President – Cr Karin Day
Deputy President – Cr Mark Crees

4.2 No Wards

Cr Karin Day, Cr Mark Crees, Cr Daimon Geier Cr Ross DellaBosca, Cr Bill Huxtable, Cr Renae Corsini.

4.3 PORTFOLIOS

To enable Council to efficiently administer its business, all portfolios are appointed to oversee various aspects of its operations, all Committee meetings are held on an “as needs basis”. All recommendations made by the committees are to be referred to the Council for endorsement.

WEROC

Cr Day
Cr Crees

Community Development

Cr Geier
Cr Corsini
Cr Crees
Cr Day
Cr DellaBosca
Cr Huxtable

Emergency Services

Cr Geier

Tourism

Cr Huxtable

Transport

Cr Day

Agriculture (Includes Eastern Wheatbelt Biodiversity Group)

Cr Crees

Cr DellaBosca

Cr Corsini

Sport & Recreation

Cr Geier

Cr Corsini

Cr Crees

Cr Day

Cr DellaBosca

Cr Huxtable

WALGA

Cr Day

Development Assessment Panel

Cr Geier, Cr Day deputy for Cr Geier

Cr Huxtable, Cr Crees deputy for Cr Huxtable

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**

No committees or bodies which involve public representation exist 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 and unconfirmed minutes of Council, committee and electors meetings;
- h) Financial Plan for the Future, Forward Capital Works Plan, Future Directions Plan (Strategic 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) 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 Westonia;
- b) the annual financial report;
- c) the annual budget;
- d) municipal inventory;
- e) 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 and hard disc;
- f) register of tenders - hard copy;
- g) register of delegations to committee - hard copy and hard disc;
- h) maps - hard copy;
- i) principal activities and business plans - hard copy and hard disc;
- j) register of financial interests - hard copy;
- k) owners, occupiers and electoral rolls - hard disk and soft copy;
- l) municipal inventory – hard copy and hard disk;
- m) correspondence, both incoming and outgoing is in filing cabinets and in electronic format on hard disc 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 WESTONIA

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:-

The Chief Executive Officer
 Shire of Westonia
 Post Office
 WESTONIA WA 6423

Telephone and fax numbers:

Phone: (08) 90467063
 Fax: (08) 90467001
 Email – ceo@westonia.wa.gov.au

- 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 Westonia 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)	\$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	1.10
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 the 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 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 Chief Executive Officer makes decisions regarding access or the amendment of personal information under Freedom of Information.