



# Freedom of Information Statement



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## 1 LEGISLATIVE FRAMEWORK

This Information Statement is published by the Shire of Quairading (Shire) in accordance with the requirements of Part 5 of the *Freedom of Information Act 1992* (the FOI Act).

The operations of local government in Western Australia are governed by the *Local Government Act 1995* (the LG Act), the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments.

### 1.1 Legislation

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Principal legislation that the Shire operates under includes –

- *Local Government Act 1995*;
- *Public Health Act 2016*;
- *Health (Miscellaneous Provisions) Act 1911*;
- *Planning and Development Act 2005*;
- *Bush Fires Act 1954*;
- *Cat Act 2011*;
- *Dog Act 1976*.
- *Cemeteries Act 1986*
- *Occupational Safety and Health Act 1984*
- *Emergency Management Act 2005*
- *Waste Avoidance and Resource Recovery Act 2007*

There is a wide range of other legislation that provides powers and authorities, that imposes duties and obligations upon the Shire.

Each Act of Parliament generally has one or more related Regulations which also impact on the Shire.

Confirmation of current Acts and Regulations by referring to the Dept. of Justice Parliamentary Council's Office website at [legislation.wa.gov.au](http://legislation.wa.gov.au) is recommended.

### 1.2 Local Laws

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The powers of local governments to provide services and facilities and make local laws are derived from legislation passed in State Parliament. Many of the enabling and principal legislation for the Council is the *LG Act 1995*.

At January 2020, the Shire's local laws are –

- *Bylaws Relating to Brick Areas - 24 Feb 1970*
- *Bylaw Relating to Brick Areas Amendment – 3 Mar 1995*
- *Extractive Industries Local Law 2011*
- *Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016*
- *Cemetery Local Law 2016*
- *Local Government Property Local Law 2016*
- *Pest Plants Local Law 2016*
- *Pest Plants Amendment to Local Law 2018*
- *Animals, Environment and Nuisance Local Law 2017*
- *Animals, Environment and Nuisance Amendment Local Law 2019*
- *Dogs Local Law 2017*
- *Health Local Law 2016*
- *Local Government Property Local Law 2016*

These current local laws of the Shire of Quairading can be accessed via our website.

### 1.3 Policies of the Local Government

In order to provide guidance for the officers of the local government, the Council adopts policies that define the structure under which the local government operates.

Policies of the local government are available for public perusal on request at the Shire Office and also on the Shire Website.

## 2 STRATEGIC COMMUNITY PLAN 2017 – 2027

### 2.1 Our Vision

“Our Shire is a place of welcome for all, where we work together, with thriving industry creating jobs, a bright future for our young people, and a bustling town in a beautiful and productive rural setting.”

### 2.2 Objectives, Outcomes and Strategies

Council’s Strategic Community Plan 2017 – 2027 comprises five (5) priorities for our community, and is underpinned by actions taken to ensure an effective and sustainable Council.

#### Economic Objective: Growing economy and employment opportunities



Economic diversity and resilience



Tourism facilities and services

#### Social Objective: Active, healthy, safe and inclusive community



Active community



Healthy community



Safe community



Inclusive community

#### Built Environment Objective: Planning and infrastructure to meet the needs of the community



Responsive Land Use Planning



Enhanced and Sustainably Managed Assets and Infrastructure

#### Natural Environment Objective: To preserve and sustain our natural environment



Demonstrated Sustainable Practices



Protected and valued natural areas

#### Governance Objective: Strong governance and community engagement



Robust Integrated Planning and Reporting (IPR)



Strengthened Advocacy and Partnerships



Community Engagement



Sound Organisation

### 3 ORGANISATIONAL STRUCTURE

#### 3.1 Organisational Chart

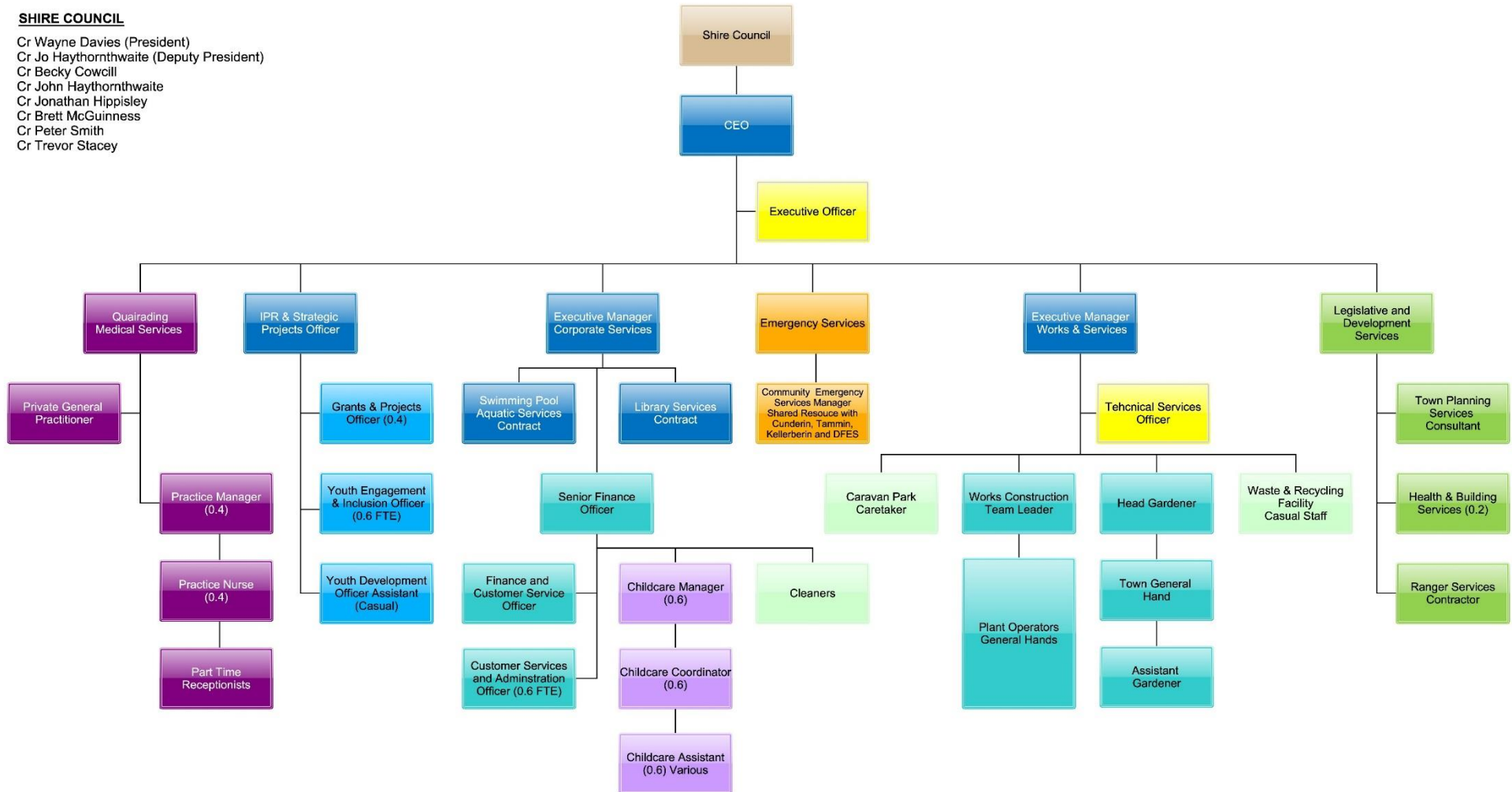
## SHIRE OF QUIRADING

OCTOBER 2019

#### 2019/2020 STRUCTURE

##### SHIRE COUNCIL

- Cr Wayne Davies (President)
- Cr Jo Haythornthwaite (Deputy President)
- Cr Becky Cowcill
- Cr John Haythornthwaite
- Cr Jonathan Hippisley
- Cr Brett McGuinness
- Cr Peter Smith
- Cr Trevor Stacey



### 3.2 The Council and Councillors

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The policy-making or legislative powers of the Shire rest with the elected members of the Council.

Council is the governing body of the local government and is made up of eight Elected Members (Councillors). The role of the Council is defined in the *LG Act 1995*:

- To direct and control the local government's affairs; and
- To be responsible for the performance of the local governments functions.

Generally, Councillors do not have an authority to act or make decisions as individuals. They are members of an elected body that makes decisions on behalf of the local government through a formal meeting process.

The role of each Councillor is to:

- Represent the interests of electors, ratepayers and residents of the district.
- Provide leadership and guidance to the community in the district.
- Facilitate communication between the community and the Council.
- Participate in the local government's decision making processes at Council meetings; and
- Perform such other functions as are given to a Councillor by the *LG Act 1995* or any other written law.

Your elected Councillors are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions that affect the way you live.

Local Government elections take place every second year on the third Saturday in October, with half the Council retiring at each election. Retiring Council members are eligible for re-election. After each election, Councillors elect a Shire President and Deputy Shire President amongst themselves for the next two (2) Year Term.

The Council generally meets on the fourth Thursday each month except January.

More information relating to your elected members and schedule of Meetings is published on the Shire of Quairading website at [www.quairading.wa.gov.au](http://www.quairading.wa.gov.au).

### 3.3 Decision Making Functions

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Matters requiring a decision that are brought before Council have an associated recommendation which has been prepared by the responsible staff member who is employed by the Shire of Quairading. The recommendations are generally based on –

- legislation;
- legal responsibilities;
- adopted documents outlining strategic direction, policy etc;
- professional opinions.

Council may modify, reject or adopt new resolutions after it considers the recommendations of the particular officer.

A range of policies have been developed by the Shire that guide and direct its actions now and into the future.

For many operational and day-to-day matters, Council has delegated decision-making authority to the Chief Executive Officer (CEO). These delegations are reviewed and approved by Council on an annual basis. The CEO may further delegate certain decision-making duties to Shire officers in accordance with the *LG Act 1995*.

In performing their roles as decision makers, elected members, the CEO and Shire Officers are required to make decisions that have an impact on the daily lives of the community. These decisions might be about things like the provision of footpaths, control of animals, refuse collection, cultural events, planning matters, recreation facilities and control of environmental health issues. The Shire strives to achieve a balanced and fair approach to decision making to protect and develop the

amenities of the Shire, preserve heritage, encourage economic growth, and provide clarity to residents and businesses in the area.

### 3.4 Management

The operations of the Shire are managed by the CEO who is supported by an Executive Management Team.

The role of CEO is to act as a conduit between Council and the Administration of the Shire, and to carry ultimate responsibility for the efficient and effective utilisation of the resources available to the Shire. The CEO and staff report to Council at monthly meetings with recommendations that Council can accept, reject or substitute with an amended resolution.

The Executive Management Team consists of Executive Managers who assist the CEO in managing the Shire's four Core Units.

<b>Office of the CEO</b>	<b>Corporate Services</b>	<b>Community &amp; Strategic Projects</b>	<b>Works &amp; Services</b>
<i>Chief Executive Officer</i>	<i>Executive Manager Corporates Services</i>	<i>IPR &amp; Strategic Projects Officer</i>	<i>Executive Manager Works &amp; Services</i>
Governance & Strategy Elected Member Support Special Projects Human Resources Public Relations Statutory Planning Business & Tourism Services Health & Building Services Ranger Services Emergency Services Medical Services	Rates Information Technology Customer Services Facilities Management Asset Management	Integrated Strategic Planning Community and Economic Development Project Management	Construction and Maintenance Parks & Gardens Fleet & Waste Services Works Administration



## 4 PUBLIC PARTICIPATION

The Shire recognises that the community is an important resource when informing decision making, and that community input is essential to assist the Shire in choosing a path that caters for the current and future needs and expectations of the community.

### 4.1 Public Notices & Advertising

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The *LG Act 1995* and other legislation may require the Shire to provide notice of its intention to take a particular course of action or decision. The Shire may also advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to make submissions. These notices and advertisements generally appear within *The West Australian* or *Avon Valley Advocate* or other local newspapers/Bulletins within the district. Notices are also placed on the Shire of Quairading website and Noticeboards.

To facilitate public participation and awareness of Council meetings, the Shire advertises the dates, times and places of meetings that are open to members of the public. The advertisements are placed in the local newspapers, on Council's website and on the notice board of the Shire Office.

### 4.2 Council Meetings

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The participation of the public in Council meetings is achieved through three avenues –

a) Meetings generally open to the public

The *LG Act 1995* provides that all Council meetings are to be open to the public. The only exception to this rule is when the Council decides that certain parts of the meeting should be closed to the public (e.g. where the meeting is dealing with the personal affairs of any person). The grounds on which a meeting can be closed to the public are limited by law and are specifically set out in the Act.

b) Public Question Time

*LG Act 1995* and the associated *Local Government (Administration) Regulations 1996* provide for a minimum period of fifteen minutes being set aside at the commencement of any Council meeting to allow the public the opportunity of asking questions and receiving responses.

c) Deputations and Presentations

Public participation in Council meetings can be achieved in a more formalised process which relates to the Shire receiving petitions and/or deputations.

### 4.3 Council Agendas & Minutes

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#### Agendas

Agendas relating to any Council meetings are made available for public inspection at the Shire Office, on Council's website and at the same time that they are issued to members of Council, which is on the Friday prior to the Thursday's Council Meeting.

In certain circumstances, members of the public are not entitled to inspect notice papers or agendas which in the Chief Executive Officer's opinion, relate to a meeting or part of a meeting which is likely to be closed to members of the public in accordance *with Section 5.23(2) of the Local Government Act 1995*.

#### Minutes

Council meeting minutes are available for inspection at the Shire Office within ten (10) business days after the meeting.

Confirmed Council Minutes are available on the Shire's Website.



#### 4.4 Current Shire Committees

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Council may appoint committees to share in the decision making workload as well as to utilise expertise effectively. Committees include Council members, staff from the local government and some committees can also include members of the public.

##### Management Committees of Council (Not open to the public)

Audit & Risk Committee

Strategic Planning Committee

Medical Executive Committee

##### Legislative Committees

Bushfire Advisory Committee (BFAC)

Local Emergency Management Committee (LEMC)

##### Advisory Committees

Childcare Centre Executive Committee

Quairading District Sport & Recreation Council

Reconciliation Action Plan Committee (RAP)

#### 4.5 Annual Elector's Meeting

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The *LG Act 1995* also obligates the Shire to hold an annual meeting of electors within 56 days of the Shire of Quairading acceptance of the annual report for the previous financial year.

The Annual Electors' meeting provides electors with an opportunity to discuss the contents of the annual report and then any other general business as permitted by the Presiding Member. The meeting is ordinarily held in February of each year, and the Annual Electors Meeting is published in the Avon Advocate and Shire website.

#### 4.6 Other Avenues for Public Participation

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There are a number of other ways to contribute, including –

##### a) Community consultation

The community may be asked to comment and have their say on particular issues. Some of these are statutory consultation requirements such as local laws review, strategic community plan consultation, development approvals and so on. But there are also many occasions where community consultation is not required, but sought in order obtain a wide consensus of opinion and could include matters such as recreation facilities, future planning etc. Community consultation is in accordance with Councils Community Engagement Policy and Community Engagement Action Plan.

##### b) Petitions

A petition is where there is a formal written request, signed by members of the community, appealing to the Council in respect to a particular issue. The subject of the petition must be something that the Council has the authority to deal with, or on which the Council has a decision-making role.

##### c) Written requests

A member of the public can write to the Shire on any policy, activity or service of the Shire. A response will be provided in accordance with the Shire Customer Service Charter and Communication Policy.

## 5 Publications

Where the Shire is required or has decided to make certain documents available to the public, then those documents will be available in their most recent format at the Shire of Quairading Website <http://www.quairading.wa.gov.au>.

The Shire of Quairading will ensure that as much information as possible is made available through the Shire of Quairading website; alternatively, these documents can be made available by attending the Shire of Quairading Administration Office in person, by email [shire@quairading.wa.gov.au](mailto:shire@quairading.wa.gov.au) or by calling 9645 2400.

Charges may apply for hard copies of certain documents as per the Council's adopted Fees and Charges.

### 5.1 Publications Available

Document Description	Inspection Only	Website	Purchase
Agendas & Confirmed Minutes (excluding sections closed to the public)		✓	
Unconfirmed Minutes	✓		
Annual Budgets		✓	
Annual Reports		✓	
Code of Conduct		✓	
Corporate Business Plan – 2017 - 2021		✓	
Council Policies		✓	
Disability Access and Inclusion Plan 2015 – 2020		✓	
Fees and Charges 2019/2020		✓	
Information Statement		✓	
Local Laws		✓	
News & Events – Media Released		✓	
Register – Tender	✓		
Register of Financial Interest	✓		
Registers – Gifts & Travel		✓	
Strategic Community Plan – 2017 to 2027			
Electoral Roll			✓

Requests for information of a general nature may be made in writing to the Chief Executive Officer. Requests for information that is not otherwise listed as available in this statement will be considered in accordance with the *Freedom of Information (FOI) Act 1992*.

## 5.2 Documents which may be available under FOI provisions

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The *Freedom of Information Act 1992* (FOI Act) gives the general public a right to access documents held by the Shire of Quairading subject to limitations listed below.

The access provisions of the *FOI Act 1992* do not apply to documents that –

- are available for purchase by the public or free distribution to the public;
- are available of inspection under Part 5 of the *FOI Act 1992* (i.e. information statements and internal manuals) or under another enactment.
- can be inspected in the State archives.
- are publicly available library material held by agencies for reference purposes.
- are made or acquired by an art gallery, museum or library and preserved for public reference or exhibition purposes

The Shire holds its general documents in both hard and electronic formats. However, nearly all current accounting records excluding creditor invoices, are held on computer and are backed up on tape and hard drives on a daily basis.

The *FOI Act 1992* also provides that certain documents or information is exempt. The exemptions in the *FOI Act 1992* protect some documents from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government.

Sometimes access to only part of a document will be provided if it contains information considered to be exempt.

## 5.3 Personal information

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An application can be made to the Executive Manager Corporate Services or the Chief Executive Officer to correct or amend any documents containing an individual's personal information.

The application must be in writing, providing details and if necessary, documentation to support claims that the information the applicant seeks to have amended is inaccurate, incomplete, out of date or misleading.

The Shire will inform the applicant of its decision and its reasons and will advise the applicant of their right of review should they be dissatisfied with the Shire's decision.

No fees or charges apply for personal information or amendment of personal information about yourself.

## 5.4 Reasons for Refusal of Access

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The most frequent reasons for refusal to provide access to information are –

### a) Personal Information

Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the *Freedom of Information Act 1992*.

The Glossary, Schedule 2 of the *FOI Act 1992* states that –

*personal information means information or an opinion, whether true or not, and whether recorded on a material form or not, about an individual, whether living or dead –*

- whose identity is apparent or can reasonably be ascertained from the information or opinion; or
- who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.

b) Commercial Information

Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the Shire) may be exempt under Schedule 1 Clause 4 of the *Freedom of Information Act 1992*.

c) Deliberative Process

Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the *Freedom of Information Act 1992*.

d) Legal Professional Privilege

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the *Freedom of Information Act 1992*.

## 6 FOI PROCESSES

### 6.1 Freedom of Information Applications

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

If information is not routinely available, the *FOI 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.

Access applications have to –

- be in writing;
- give sufficient information so that the required documents can be easily identified;
- provide an Australian address to which any notices can be sent; and
- be lodged at the Shire of Quairading's Administration Centre with the appropriate application fee.

Application and enquiries should be addressed to Freedom of Information (FOI) Officer by using the following: -

- By telephone  
(08) 9645 2400;
- By Post to the  
FOI Officer  
PO Box 38  
QUAIRADING WA 6383; or
- In person at  
10 Jennaberring Road  
QUAIRADING WA 6383.

## 6.2 Notice of Decision

Applicants will be given a written "Notice of Decision" within 45 days by the Decision Maker, of the Shire of Quairading.

As soon as possible but in any case, within 45 days you will be provided with a notice of decision which will include details such as –

- the date which 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
- information on the right to review and the procedures to be followed to exercise those rights.

## 6.3 Fees & Charges

A scale of fees and charges is set under the *Freedom of Information Regulations 1993*. Apart from the application fee for non-personal information, all charges are discretionary, meaning that it is left to the Shire's discretion whether a charge will apply or not. Straightforward applications usually incur only the application fee. The charges are as follows:

Application - personal information about the applicant	Free of Charge
Application Fee non-personal information	\$30.00
Charge for time dealing with the application (per hour or pro rata)	\$30.00
Access time supervised by staff (per hour or pro rata)	\$30.00
Charge for photocopying - staff time (per hour or pro rata)	\$30.00
Charge for photocopying - per copy	\$0.20
Charge for transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Charge for duplicating a tape, file or computer information	Actual cost
Charge for delivery, packaging and postage	Actual cost
<b>Deposits</b>	
Advanced deposit may be required of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

\*As per Freedom of Information Regulations 1993 Schedule 1 on 27 Jul 2019

An estimate of charges will be provided if the cost is expected to exceed \$25.00.

## 6.4 Access Arrangements

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.

## 6.5 Appeals for review

Applicants who are dissatisfied with a decision of the Shire FOI Officer are entitled to ask for an internal review by the Shire of Quairading. Application should be made in writing within 30 days of receiving the notice of decision. You should be notified of the outcome of the review within 15 days.

### Internal Review by the Shire

If you are not satisfied with this decision, you have the right to apply for an internal review.

An application for internal review must be lodged with this agency within 30 days after being given this notice of decision, and must be –

- in writing;
- provide particulars of the decision to be reviewed; and
- provide an address in Australia.

The Shire is required to provide you with a notice of its internal review decision within 15 days of you lodging your application for review.

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request.

### External Review by the Information Commissioner

If you are not satisfied with a decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of the decision. You are required to lodge your complaint with the Information Commissioner's office within 60 days of receiving notice.

A complaint to the Information Commissioner must –

- be in writing;
- have attached a copy of this decision; and
- give an address in Australia.

There is no charge for lodging a complaint with the Information Commissioner's office.

The Information Commissioner can be contacted at the following: -

The Office of the Information Commissioner  
 Albert Facey House  
 469 Wellington Street  
 PERTH WA 6000

Telephone: (08) 6551 7888

Freecall (WA country landline callers only) 1800 621 244

Fax: (08) 6551-7889

Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)

Website: <https://www.oic.wa.gov.au/en-au/>