



Shire of Gingin

FREEDOM OF INFORMATION

Council Information Statement

This Information Statement is published by the Shire of Gingin in accordance with the requirements of Section 96 of the *Freedom of Information Act 1992* (Western Australia).

The Shire of Gingin is pleased to comply with the Legislation and welcomes enquiries.

A review of this Information Statement will take place at least every twelve months.

September 2019

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1 STRUCTURE AND FUNCTIONS OF THE COUNCIL

1.1 Overview

The Shire of Gingin operates in a constantly changing environment in which the expectations and requirements of the community and government, as well as environmental and economic factors impact on its activities and overall operation. The Shire's business activities are guided by actions and strategies in its Strategic Community Plan, which outlines the visions and aspirations of the community. As a result, Council is committed to improving the quality of life of the residents of the Shire of Gingin through services based on the principles of quality, equity, value and responsiveness.

Its objectives are to:

- Provide good roads and other services to residents in the community at reasonable cost.
- Strengthen the financial viability of the Shire of Gingin by improving efficiency and effectiveness; and
- Recognise the need to be responsible to ratepayers in providing information on the activities of the Shire and to involve ratepayers in every day decision making, to increase the awareness of the Shire's objectives and policies for all those who live and work in the Shire, and to help the community understand the need to reconcile often conflicting factors in planning and providing services.

By these means, the community's confidence in the Shire as an efficient provider of services and an effective manager of its own resources will be gained.

1.2 Council

The Shire of Gingin's Council consists of nine (9) Councillors including the Shire President. Councillors are elected in accordance with the requirements of the *Local Government Act 1995*.

The President of the Council is elected by the Councillors at the first meeting following the Bi-Annual Elections. Extraordinary elections are held to fill any vacancies which may have occurred during the year.

Council is the decision making body of all policy matters.

Ordinary meetings of Council are held on the third Tuesday of every month and commence at 3.00 pm. Members of the public are welcome to attend as observers in the Gallery.

The main business of these meetings is to consider and make decisions/resolutions on the recommendations on all matters presented to Council.

1.3 Agendas and Minutes

Agendas and Minutes of Council Meetings are available for inspection in the Administration Centre during normal office hours, as well as being available on the Shire's website at www.gingin.wa.gov.au.

1.4 Delegations

The Chief Executive Officer has the delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in Council's Policy Manual and are reviewed by Council as required but at least annually.

In keeping with the legislative requirement:

- to determine policies to be applied by the Council in exercising its discretionary powers;
- to determine the type, range and scope of projects to be undertaken by the Council; and
- to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

2 SERVICES FOR THE COMMUNITY

Council makes decisions on policy issues relating to services that are provided for members of the public.

These services currently include:-

| | |
|--------------------------------|--------------------------|
| Roads/Footpaths/Kerbing | Storm Water Drainage |
| Street Lighting | Street Closures |
| Street Tree Planting | Litter Bins |
| Public Library | Public Toilets |
| Playground Equipment | Town Planning |
| Aged Care | Planning Controls |
| Environmental Health Matters | Citizenship Ceremonies |
| Recreation/Sporting Facilities | Community Policing |
| Pest Control | Building Control |
| Occupational Health & Safety | Waste Management |
| Weed Control and Eradication | Animal Licensing/Control |

3 PUBLIC PARTICIPATION

3.1 Council Meetings

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

1. Deputations - with the permission of the Shire President, a member of the public can address Council personally or on behalf of a group of residents for a period of time determined by Council on any issue relevant to Council.
2. Presentations to Council - with prior notification, approval and arrangement with Council, a member of the public can address Council on any issue relevant to Council.
3. Petitions - written petition may be addressed to the Council on any issue within Council's jurisdiction.
4. Written Requests - a member of the public may write to the Council on any Council policy, activity or service.
5. Elected Members - members of the Public can contact their Elected Members of Council to discuss any issue relevant to Council.
6. Public Question Time - a period of fifteen minutes is set aside in Ordinary Council Meetings during which, members of the public may ask questions of Council without prior notice.

3.2 Community Consultation

The Council consults with local residents on particular issues that affect their neighbourhood as per the following examples:

1. Residents are notified of some Development Applications requiring the approval of Council. A number of applications are exempted from public notifications by the Planning Act. When an application is publicly notified, residents have the opportunity both to write to Council expressing their view of the application, and to subsequently personally address the Council before a decision is made.
 2. Electors are invited to attend the Annual General Meeting of Electors to discuss any specific issues over a large range of topics. All residents may attend, but only electors on the Owners and Occupiers Electoral Roll, are eligible to vote.
 3. Councillors have meetings with Community and Progress Associations representing the various different areas of the Shire and undertake district inspections of roads and facilities.
-

4 ACCESS TO COUNCIL DOCUMENTS

4.1 Documents Available for Inspection

The following documents are available for public inspection at the Shire Office, free of charge. Members of the public may purchase copies of these documents and the charges are shown below:

| | |
|--|---|
| Council Minutes | \$10.00 over the counter \$13.00 Posted \$10.00 Electronic copy on disk |
| Policy Manual | 30 cents per page |
| Council Municipal Budget | Free of Charge |
| Council Annual Report and Financial Statements | Free of Charge |
| Council By-Laws | Free of Charge |
| Shire of Gingin Town Planning Scheme | \$27.00 (Scheme Text Only) |
| Shire of Gingin Town Planning Policies | \$27.00 |
| Town Planning Maps | Refer to Shire of Gingin Annual Fees and Charges Schedule |

5 OTHER INFORMATION REQUESTS

There are no fees or charges associated with Freedom of Information applications for personal information about the applicant. **Fees and charges only apply for non-personal information.**

Requests for other information, not shown above, which is for non-personal information, will be considered in accordance with the *Freedom of Information (WA) Act 1992*. Under this legislation, if non personal information is requested an application fee of \$30.00 is payable. The **application must be made in writing** - to assist with this process an **Application for Access to Documents form is available at the end of this document.**

Please note that applications in writing, must:

1. Include enough information so that the requested documents can be identified;
2. Give an address in Australia where notices can be sent; and
3. Be lodged at an office of the Shire of Gingin with the \$30.00 application fee payable.

It should be noted that some documents are for viewing only and documents cannot be copied which would breach the *Copyright Act*.

Freedom of Information Application for Access to Documents Forms or letters of request should be addressed to:

The Freedom of Information Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

6 AMENDMENT OF PERSONAL INFORMATION

The *Freedom of Information Act* provides a right for persons to apply for amendment of personal information which is inaccurate, incomplete, out of date or misleading. The information must be the personal information about the applicant.

An application for personal information must:

- be in writing
- give enough information to identify the documents
- give reasons/details of amendment
- give an address in Australia
- be lodged at the Shire of Gingin

7 FEES AND CHARGES

Application fees and charges as well as advance deposits prescribed as payable and gazetted on 22 October 1993, are outlined in the Schedule below.

The charge payable under Regulation 5 is reduced by 25% for holders of a currently valid Pensioner Concession Card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a Pensioner Concession Card under the *Rates and Charges (Rebates and Deferments) Act 1992*.

| Schedule | Regulation 4, 5 & 6 |
|---|---------------------|
| 1. Fee Type: | |
| Personal information about the application | No fee |
| Application fee under Section 12 (1)(e) of the Act | \$30.00 |
| 2. Type of Charge: | |
| (a) Charge of time taken by staff dealing with the application (per hour or pro-rata for part of an hour) | \$30.00 |
| (b) Charge for access time supervised by staff (per hour or pro-rata for part of an hour) | \$30.00 |
| Plus any additional cost to the Shire of Gingin for any special arrangements (eg, hire of facilities or equipment). | Actual cost |

| | |
|---|-------------|
| (c) Charge for photocopying | |
| (i) per hour or pro-rata for part of an hour of staff time, and | \$30.00 |
| (ii) per copy | 0.20c |
| (d) Charge for transcribing a tape, film or computer information (per hour or pro-rata) | \$30.00 |
| (e) Charge for duplicating a tape, film or computer information | Actual cost |
| (f) Charge for delivery, packaging and/or postage | Actual cost |

3. Advance Deposits:

| | |
|---|-----|
| (a) Advance deposit which may be required by the Shire of Gingin under Section 19 (1) of the Act expressed as a percentage of the estimated charges payable in excess of the application fee | 25% |
| (b) Further advance deposit which may be required by the Shire of Gingin under Section 18 (4) of the Act expressed as a percentage of the estimated charges payable in excess of the application fee. | 75% |

8 IMPORTANT INFORMATION

8.1 FOI Applications

- Provide sufficient information to enable the correct document(s) to be identified.
- The Shire of Gingin may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, written authorisation is required.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- Further information can be obtained from the Office of the Information Commissioner. The *Freedom of Information Act* is available for purchase from the State Law Publisher, 10 William Street, Perth (telephone: 08-6552 6000).

8.2 Forms of Access

You can request access to documents 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 document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Please note that where access to documents by way of inspection is requested, it is the condition of the Shire of Gingin to provide supervision by staff. In this regard, please refer to the Fees and Charges Schedule 2(b).

Where the Shire of Gingin is unable to grant access in the form requested, access may be given in different form.

8.3 Lodgement of Applications

Applications may be lodged:

- by post, addressed to
Freedom of Information Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

OR

- in person at
Shire of Gingin
Administration Office
7 Brockman Street
GINGIN WA 6503
-

9 NOTICE OF DECISION

Once the Shire has received a valid application we are required to provide a Notice of Decision within 45 days. The Notice of Decision will include the following:

- the date which the decision was made;
- the name and the designation of the officer who made the decision;
- if a document is classified 'exempt' or 'edited' the reason for classifying that document 'exempt' or 'edited' is supplied; and
- information on the right to review and the procedures to be followed to exercise those rights.

9.1 Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. 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 fifteen (15) days.

If you disagree with the result you can then apply to the Information Commissioner for an external review, and details would be advised to applicants when the internal review decision is issued.



APPLICATION FOR ACCESS TO DOCUMENTS

(Under Freedom of Information Act 1992, S/12)

Details of Applicant

Surname:..... Given Names:

Email Address:.....

Australian Postal Address:.....

Postcode:..... Telephone Number(s):.....

If application is **on behalf** of an organisation or business please provide name of organisation/business:

.....

Details of Request

(Please tick appropriate box)

Personal Documents

Non-personal documents

I am applying for access to document(s) concerning

.....

Form of Access (Please tick appropriate box)

I wish to inspect the document(s) Yes No

I require a copy of the document(s) Yes No

I require access in another form Yes No

(Please specify).....

Fees and Charges – for non-personal documents only

Attached is a cheque/cash to the amount of **\$30.00** to cover the **application fee**. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges (Please tick appropriate box) Yes No

Applicant's Signature: **Date:**/...../.....

Office Use Only

FOI Reference Number:..... Received on:/...../.....

Deadline for response:/...../..... Acknowledgement sent:/...../.....

Proof of Identity (If applicable)

Type:..... Sighted:

NOTES

FOI Applications

- Please refer to page 7 of this document.

Fees and Charges

- Please refer to pages 6 and 7 of this document.

Forms of Access

- Please refer to page 8 of this document.

Lodgement of Applications

- Applications may be lodged:

By post, addressed to:

or

In person at:

Freedom of Information Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

Shire of Gingin
Administration Office
7 Brockman Street
GINGIN WA 6503