

# INFORMATION STATEMENT

## 2019 - 2020

Published in compliance with the *Freedom of Information Act 1992*

**SHIRE OF MUNDARING**



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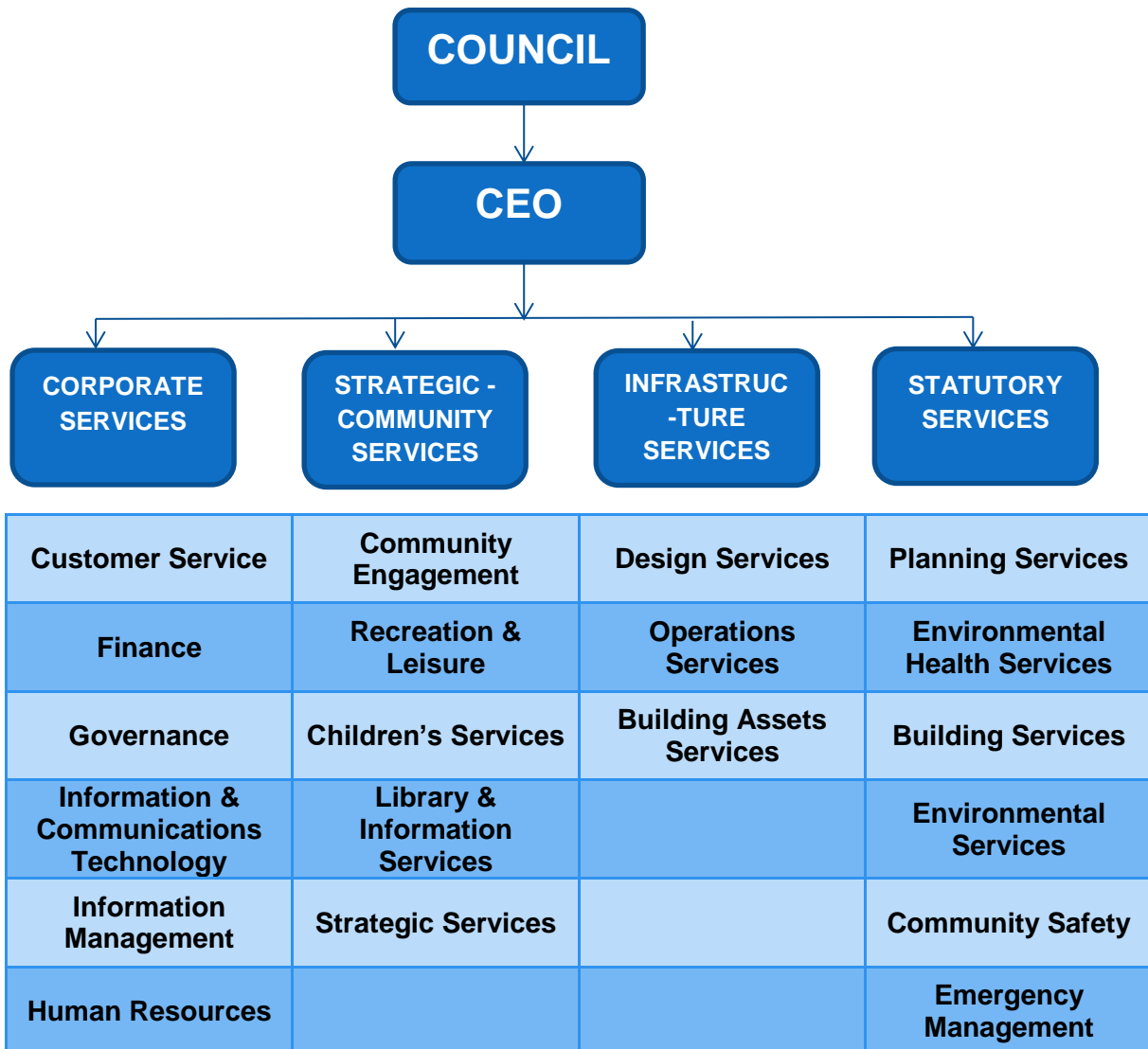
## 1. INTRODUCTION

Under Part 5 of the *Freedom of Information Act 1992* (“FOI Act”), Shire of Mundaring is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement and is correct as at September 2019.

This document is available in alternative formats upon request and a copy of this Statement can be accessed on the Shire’s website at [www.mundaring.wa.gov.au](http://www.mundaring.wa.gov.au).

Further information can be provided during business hours Monday to Friday by contacting the FOI Coordinator on 9290 6666 or email [shire@mundaring.wa.gov.au](mailto:shire@mundaring.wa.gov.au) .

## 2. STRUCTURE OF THE SHIRE



### COUNCIL

Council is the governing body of the local government and is made up of twelve Elected Members (also called councillors). The role of Council is defined in the *Local Government Act 1995* (the Act):

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

The district of the Shire of Mundaring is divided into four wards: Central, East, West and South. Each ward is represented by three Elected Members, who are generally elected for a term of four years.

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 Elected Members select a Shire President and Deputy Shire President from amongst themselves.

Elected Members do not have authority to act or make decisions as individuals: they are members of an elected body (Council) that makes decisions on behalf of the local government through a formal meeting process.

## **CHIEF EXECUTIVE OFFICER AND STAFF**

The Act states that a local government is to employ a Chief Executive Officer (CEO) and such other persons as the Council believes are necessary to carry out the functions of the local government and the council.

Each Council employs staff to:

- Advise council members on matters to be discussed at meetings;
- Administer the day-to-day operations of Council; and
- Implement Council decisions.

The CEO acts as a conduit between Council and staff. All staff are ultimately responsible to the CEO.

The CEO is responsible to Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Shire.

## **3. FUNCTIONS OF THE SHIRE**

Under the Act the Shire has general, legislative and executive functions.

### **GENERAL FUNCTIONS**

*Section 3.1 of the Local Government Act 1995*

The general function of a local government is to provide for the good government of people living and working within its district.

### **LEGISLATIVE FUNCTIONS**

*Section 3.5 of the Local Government Act 1995*

A local government may make local laws that are necessary or convenient for it to perform any of its functions.

### **EXECUTIVE FUNCTIONS**

*Section 3.18 of the Local Government Act 1995*

A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

## 4. PUBLIC PARTICIPATION

### COUNCIL AND COMMITTEE MEETINGS

Members of the public are encouraged to attend Council and/or Committee meetings - whether they wish to contribute to the decision-making process or just generally observe proceedings.

To reinforce Council's commitment to public participation wherever possible, there are a number of ways in which the public can contribute at a meeting:

The Shire's Meeting Procedures Local Law details the orderly conduct of meetings and provides community understanding of the process of conducting meetings that deal with Council business.

At each Council and committee meeting up to 45 minutes are made available for **public question time**. During question time, members of the public are given the opportunity to ask a question of Council or the committee about issues relevant to the local government.

The Shire promotes the practice of questions being supplied in writing a day or so in advance of the meeting, particularly if a detailed response is required, as this provides staff with the opportunity to fully address the question at the meeting.

If you are unable to provide advance notice of your question, you can still ask it at the meeting and staff will make every attempt to provide you with a full response. If a response cannot be provided to you, your question will be 'taken on notice' and a written response sent to you once the necessary research has been undertaken; this response will also be included in the agenda for the next Council meeting.

Members of the public present at a Council meeting are also permitted to speak in relation to a matter on the agenda of the meeting during the **Deputations** segment. Such permission is subject to the ruling of the presiding person with regards to the duration of any comment made, the number of speakers wishing to speak on a particular matter and demonstrated interest.

### ELECTED MEMBERS

Members of the public can contact the Shire's Elected Members by phone or in writing to discuss any policy, activity, function or service of the Council. Elected Members welcome community input on important decisions which affect the way you live.

Contact details for Elected Members can be found on the Shire's website: [www.mundaring.wa.gov.au](http://www.mundaring.wa.gov.au).

## **COMMUNITY CONSULTATION / ADVERTISING**

Council regularly seeks the views of the community for proposals or projects in which it is involved. Community consultation can be conducted through surveys, advertising in the local newspapers, written notification by letter or on-site signs.

## **5. DOCUMENTS HELD BY THE SHIRE OF MUNDARING**

The Shire creates and stores records during the performance of its functions. Information and documents are held in the Shire's electronic and paper-based systems and are managed in accordance with the Shire's Record Keeping Plan and legislative requirements.

### **DOCUMENTS AVAILABLE OUTSIDE THE FOI ACT**

The following documents are available for public inspection at the Shire's customer service counter at the Shire Administration Office, 7000 Great Eastern Highway, Mundaring:

- Access and Inclusion Plan 2017 – 2021
- Agendas and minutes – Council and Committee meetings
- Annual budget
- Annual electors' meeting minutes
- Annual financial statements
- Annual report
- Building Code of Australia
- Burial registers for both Shire owned cemeteries
- Business Continuity Plan
- Business plans for major trading or land undertakings
- Cemetery maps (Mundaring and Wooroloo cemeteries)
- Code of conduct for elected members, external committee members and employees
- Community participation and consultation guidelines
- Corporate Business Plan 2018 - 2021
- Delegations register
- Electoral gifts register
- Emergency Management Plan
- Firebreak Notice
- Financial Interests register
- Financial statements
- Freedom of Information statement
- Gift register (employees and elected members)

- Internal manuals
- Local Emergency Management Plan
- Local laws
- Local Planning Scheme No. 4
- Local Planning Strategy
- Long Term Financial Plan 2019 – 2028
- Map of the district and its wards
- Policy manual
- Precinct plans
- Register of financial interests
- Register of certain complaints of minor breaches
- Schedule of fees and charges
- Strategic Community Plan Mundaring 2026
- Tender register

Charges may apply for hard copies of certain documents, as per the Fees and Charges Schedule.

## **DOCUMENTS AVAILABLE THROUGH FREEDOM OF INFORMATION (FOI)**

The Shire maintains comprehensive records of all of its dealings including correspondence, emails, memoranda, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals and notices. Many of these documents are subject to the *Freedom of Information Act 1992*.

## **6. FREEDOM OF INFORMATION**

### **WHAT IS FREEDOM OF INFORMATION?**

The Western Australian *Freedom of Information Act 1992* gives the public a legally enforceable right to apply for access to documents held by the Shire of Mundaring.

An applicant's right to seek access cannot be affected by their reasons for wishing to obtain access and there is no requirement to demonstrate such reasons. You can apply for any record of information held by the Shire.

The Shire is required to:

- Assist the applicant in making the application;
- Assist the applicant in obtaining access to documents at a reasonable cost; and
- Ensure that personal information captured in documents is accurate, complete, up-to-date and not misleading.



While the Act provides a general right of access to documents, it also recognises some documents require a level of protection. This is applied to documents that meet the exemption criteria in Schedule 1 of the *FOI Act 1992*.

The most common reasons for refusal to provide access to information are:

Personal information	Information that would reveal personal information about an individual (such as their name, contact details, signature etc.) may be exempt under <b>Clause 3</b> .
Commercial or business information	<ol style="list-style-type: none"> <li>1. Information that would reveal trade secrets,</li> <li>2. Information that has a commercial value (such as documents containing technical designs that, if released, would harm the company),</li> <li>3. Information about the professional, commercial or financial affairs of a person,</li> </ol> may be exempt under <b>Clause 4</b> .
Deliberative processes	Material which forms part of the decision-making of the local government, when circumstances require confidentiality of those deliberations, may be exempt under <b>Clause 6</b> .
Legal professional privilege	Protects the confidentiality of communications made between a lawyer and their client. The privilege belongs to the client and may only be waived by the client. <b>Clause 7</b> .

## LOGGING AN APPLICATION FOR ACCESS

Application forms are available from the Shire office and on our website. It is not mandatory to use the application form, however an application must be in writing and

1. Give enough information to enable the requested document to be identified;
2. Give an Australian address for correspondence;
3. Be accompanied by the prescribed application fee if the document requested is for non-personal information.

Applications will be assessed and processed by -

- Danielle Courtin, FOI Coordinator and Governance Coordinator; and
- Garry Bird, FOI Decision Maker and Director Corporate Services.

## FEES AND CHARGES

The scale for fees and charges is set under the *Freedom of Information Regulations 1993*. Apart from the compulsory 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.

Application – personal information about the applicant	Free of charge
Application fee – non-personal information	\$30
Charge for time taken by staff dealing with the application	\$30/hour or pro-rata
Charge for access time supervised by staff	\$30/hour or pro-rata
Charge for photocopying – staff time	\$30/hour or pro-rata
Charge for photocopying – per copy	\$0.20
Charge for transcribing from tape, film or computer	\$30/hour or pro-rata
Charge for duplicating a tape, film or computer information	At cost
Charge for delivery, packaging and postage	At cost

No charges apply for searching, identifying or collating the documents.

## NOTICE OF DECISION

As soon as possible, but within 45 days from receiving the application fee, applicants will be given a written "Notice of Decision". This notice will include the following information:

- The date when the decision was made;
- The name and designation of the employee who made the decision;
- The reason why a document is considered exempt or why access is given to an edited document; and
- Information on the right of review and the procedures to be followed to exercise those rights.

## ACCESS ARRANGEMENTS

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form.

## REVIEW PROCESS

The FOI Act provides for a review and appeal process as follows:

- **Internal Review:** if the applicant is dissatisfied with the decision of the Shire's FOI Decision Maker, an application for internal review can be made in within 30 days of being notified of the original decision. The internal review will be carried out by the Shire's Chief Executive Officer, who has 15 days to confirm, vary or reverse the decision under review. There is no charge for an internal review.
- **External Review:** if after the internal review has been completed the applicant is still dissatisfied with the Shire's decision, an external review by the Information Commissioner can be sought. External review requests must be made within 60 days of being notified of the original decision must be in writing to the Information Commissioner and must give details of the decision to which the complaint relates. There is no charge for an external review.

The Information Commissioner can be contacted by these means:

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

Telephone:                 6551 7888  
Fax:                         6551 7889  
Email:                      info@foi.wa.gov.au

## AMENDING PERSONAL INFORMATION

The right to amend personal information held by the Shire ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression. An application can be made to the FOI Coordinator 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.