



Shire of Northam
Heritage, Commerce and Lifestyle

FREEDOM OF INFORMATION INFORMATION STATEMENT 2018

This information statement is published by Council in accordance with the requirements of Section 94 of the *Freedom of Information Act 1992*

Last updated 4 July 2018

Disclaimer:

The Shire of Northam strive to ensure that all information provided in this statement is accurate and current, however this statement is reviewed and updated once a year, the Shire cannot certify that the information is necessarily current. The Shire does not accept responsibility for any loss or damage suffered as a result of any person relying on the information contained in this statement.

INDEX

| | |
|--|-------------------------------------|
| Introduction | 1 |
| FOI Legislation | 1 |
| Organisation/Council Structure & Functions | 1 |
| Council | 1 |
| Mission and Values | 2 |
| Current Elected Members..... | 3 |
| Council/Committee Structure..... | 3 |
| Community Committees | 3 |
| Organisation Structure | 4 |
| Community Services | 4 |
| Decision Making Functions | 5 |
| The Shire President..... | 5 |
| The Chief Executive Officer..... | 5 |
| Delegations | 5 |
| Public Participation/Community Consultation | 6 |
| Public Notices and Advertising | 6 |
| Council Meetings..... | 6 |
| Electors Meeting | 7 |
| Agendas and Minutes..... | 7 |
| Functions of the Shire | 7 |
| General Functions | 7 |
| Legislative Functions..... | 8 |
| Executive Functions | 8 |
| Freedom of Information | 8 |
| Freedom of Information Process | 9 |
| Documents subject to the <i>Freedom of Information Act</i> | 10 |
| Lodging Requests | 10 |
| Notice of Decision | 11 |
| Fees and Charges..... | Error! Bookmark not defined. |
| Amendment of Council Records..... | 11 |
| Refusal of Access..... | 11 |
| Internal Review..... | 12 |
| External Review by the Information Commissioner (s65-66) | 12 |
| Appeals to the Supreme Court (s.85) | 12 |
| Application for Access to Documents | 13 |

Introduction

This document has been prepared in accordance with Part 5 of the *Freedom of Information Act 1992* (the Act). Section 94 of the Act requires the Shire of Northam to prepare an information statement which is to be updated and/or reviewed annually. This document has been created to comply with this requirement and is correct as at 4 July 2018.

The purpose of this document is to provide information to the community about the structure and function of this local government, how decisions made by Council affect the community and how members of the community can participate in the decision making process and in the formulation of policies of the local government.

FOI Legislation

Should you wish to obtain a copy of the *Freedom of Information Act 1992* or associated regulations please visit the State Law Publisher Website at www.slp.wa.gov.au where a full copy of all State Legislation is available.

Further information about Freedom of Information can also be found on the Freedom of Information Commissioner's website www.foi.wa.gov.u

This information statement can be accessed through the Shire of Northam's website at www.northam.wa.gov.au. Further Information in relation to the Freedom of Information Act and the Information Statement can be provided during business hours, by contacting:

Chief Executive Officer
Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401
Telephone: (08) 9622 6100 **Fax:** (08) 9622 1910
Email: records@northam.wa.gov.au

Organisation/Council Structure & Functions

Council

The Shire of Northam is divided between four wards West, Town, Central and East. The Council comprises of 10 elected members which represent these wards. Each elected member is elected for four years. The President and Deputy President are chosen by the Elected Members every two years.

A Councillor is a member of a team and that team is shaping the Shire's future in consultation with the community. Councillors do not have any 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.

Mission, Values and Vision

OUR VISION

Is for a vibrant growing community that is safe, caring and inclusive. A community that values our heritage, preserves our environment and promotes our commerce.

In order to achieve this Vision, the Council will commit to display;

- **LEADERSHIP**
to recognise the community's expectations to provide leadership
- **RESPECT**
to respect difference in age, culture, values and opinion
- **TEAMWORK**
to achieve through the efforts of the team
- **EXCELLENCE**
to aspire to one standard
- **OPENNESS**
to engender trust through openness

OUR MISSION



Our cultural change emblem which includes an acronym of the values and behaviours we want embedded in our culture will remind us to soar high in our aspirations and work together as an organisation to achieve them.

To deliver responsive, sustainable services in a manner that preserves and enhances our environment and lifestyle whilst respecting our heritage and facilitating economic growth.

In order to achieve this Mission, the Organisation will commit to being;

- **SAFE**
focus on importance of safety in the organisation
- **OPEN**
engage in two way communication, with transparency and trust
- **ACCOUNTABLE**
know what you are responsible for, take ownership and deliver accordingly
- **RESPECTFUL**
demonstrate respect for other's skills, knowledge and differing value systems

Current Elected Members

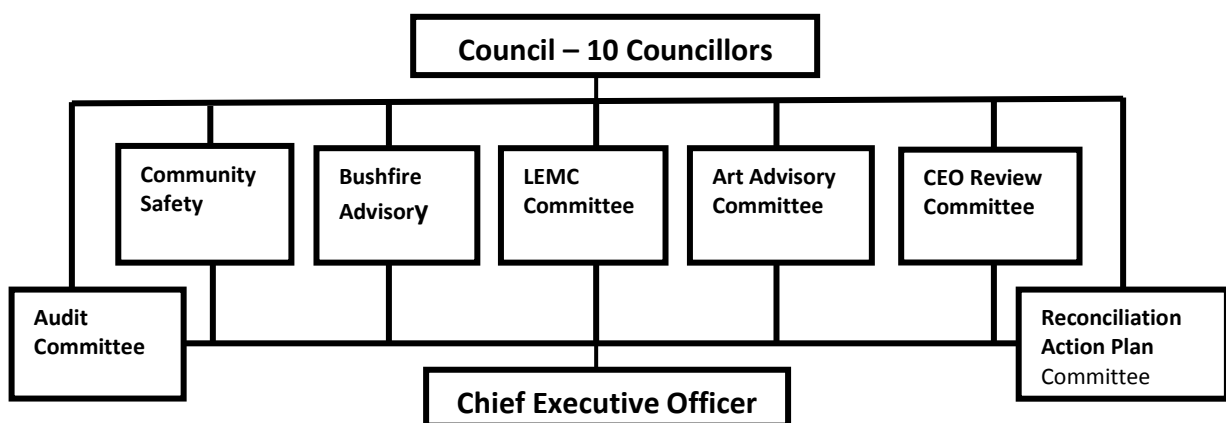
Your elected members are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions which affect the community and Shire. Residents can contact the councillors to discuss any issues relevant to Council.

More information relating to your elected members can be found on the Shire of Northam website at www.northam.wa.gov.au.

- President Cr Chris Antonio (East)
- Deputy President Cr Michael Ryan (Town)
- Cr Terry Little (West)
- Cr Julie Williams (Central)
- Cr Steven Pollard (Town)
- Cr Attila Mencshelyi (Central)
- Cr John Proud (Town)
- Cr Carl Della (Town)
- Cr Chris Davidson (West)
- Cr Rob Tinetti (Town)

Council/Committee Structure

Council has appointed seven committees to assist in streamlining the decision making process. These Committees regularly report to Council. To enable public participation and awareness of Council or Committee meetings, the Shire of Northam advertises the dates, times and places of meetings that are open to members of the public. The advertisements are placed in the local newspaper, the Shire of Northam website and Facebook page. The following table demonstrates the structure of the committees:

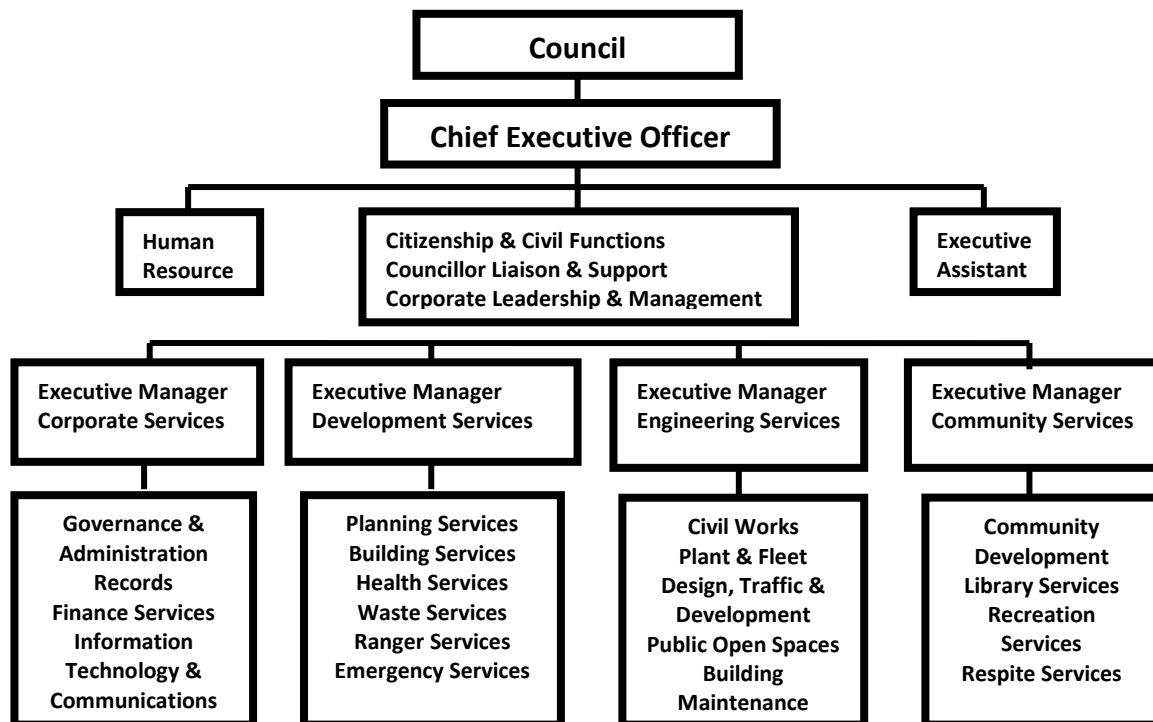


Community Committees

A number of other committees, some comprising of Elected Members and advisory committees and consultative groups (that may also include staff and the public which have

been established to deal with relevant issues.
www.northam.wa.gov.au/ourcouncil/publicdocuments/councilcommitteetermsreference

Organisation Structure



Community Services

The Shire of Northam has a strong focus on the community with well-established services. These services currently include:

- Visitor Centre
- Child care services
- Recreation/Sporting Facilities
- Community events
- Building Control
- Animal Control
- Cemeteries
- Citizenship Ceremonies
- Playground Equipment
- Refuse Sites and Waste Management
- Street Lighting
- Street Sweeping
- Community Development
- Community Halls and Centres
- Environmental Health Matters
- Extractive Industries Control
- Fire Prevention
- Parking Bays/Street Closures
- Parks and Reserves
- Pest Control
- Public Seating & Public Toilets
- Roads/Footpaths/Kerbing
- Stormwater Drainage
- Street Tree Planting

(new) Bilya Koort Boodja Centre which is an Aboriginal and Environmental Interpretive Centre

Decision Making Functions

The Shire President

The role of the President is to:

- Preside at Council meetings (in this role the President is required to ensure that meetings are conducted in a correct and orderly manner and to remain impartial when chairing the meeting).
- Provide leadership and guidance to the community.
- Carry out civic and ceremonial duties, such as conducting citizenship ceremonies on behalf of local government.
- Perform other such functions as are given to the President by the Local Government Act or any other written law.
- Liaise with the Chief Executive Officer on local government's affairs and the performance of its functions.
- Speak on behalf of local government as a corporate entity.

The Chief Executive Officer

The Chief Executive Officer acts as the conduit between the Elected Members and the employees' of the local government. All other employees, ultimately receive their direction from and are responsible to the Chief Executive Officer. Elected members acting individually do not have the authority to influence the activities, duties and operations of these employees directly. The Chief Executive Officer is the chief non-elected officer and has a number of functions such as;

- Advise Council in relation to the local government's functions.
- Ensure that advice and information is available to Council so that informed decisions can be made.
- Manage the day to day operations of the local government.
- Be responsible for the employment, management, supervision, direction and dismissal of other employees.
- Liaise with the President on local government's affairs and performance of functions
- Cause Council decisions to be implemented.
- Speak on behalf of local government if the President agrees.
- Ensure that the records and documents of the local government are properly kept; and
- Perform any other function specified or delegated by the local government or imposed under an act or any other written law as a function to be performed by the Chief Executive Officer.

Delegations

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters which are subject to ongoing development. These delegations are reviewed annually and detailed

within the Delegated Authority Register which is available for inspection on the Shire's website.

In keeping with the legislative requirement, 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. Council has a number of Policies which enable matters to be dealt with on a consistent basis. Policies are available to be viewed on the Shire's website www.northam.wa.gov.au.

Public Participation/Community Consultation

Council consults the community to seek their views on a number of projects in which it is involved in. Council seek these views in a number of ways including advertising in local newspapers, calling public meetings, seeking responses to surveys and questionnaires.

Residents are notified of some Development Applications requiring the approval of Council. When an application is publicly notified, residents have the opportunity to write to Council expressing their view of the application.

Public Notices and Advertising

The *Local Government 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 course 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 and/or the 'Avon Valley Advocate' newspapers.

Council Meetings

Council's Forum meeting is held on the second Wednesday of every month, these meetings are designed to review what will be discussed at the Council meeting held on the following week. Ordinary Council Meetings are held on the third Wednesday of every month with both Forum and Council meetings commencing at 5.30pm. Both of these meetings are held in the Council Chambers at the Shire of Northam Administration building.

For confirmation of meeting dates and times please contact the Administration Centre on (08) 9622 6100 or visit the Shire of Northam website at www.northam.wa.gov.au.

Public Question Time: All council meetings are open to the public. There is a 'Public Question Time' at the beginning of the meeting. During this time electors may raise questions for discussion and answer.

Presentations: With the permission of the Chief Executive Officer, members of the public can address Council on any matter on the Council Meeting Agenda.

Petitions: Written petitions can be addressed to Council on any issue within Council's jurisdiction. Petitions are required to be presented to Council by an Elected Member.

Written Requests: A member of the public can write to Council on any Council Policy, activity or service.

Elected Members: Members of the public can contact their Elected Members to discuss any issue relevant to Council.

When addressing Council please ensure you complete the prescribed [submission form](#) and submit this prior to the Council meeting. This form is also available for download through the Shire's website.

Electors Meeting

Each financial year the Shire must hold a General Elector's Meeting at which the Shire's Annual Report is presented. Matters discussed at the Electors meeting include; Firstly, the contents of the annual report for the previous financial year and then any other general business.

Members of the public are encouraged to attend this meeting as it provides an opportunity to ask questions and raise issues with local representatives.

Agendas and Minutes

Agendas of Council, Electors and Committee Meetings are on public display at the Shire Office and Library's within the Shire. Agendas can be viewed on the Shire's website at www.northam.wa.gov.au. Council Agendas are available from the Friday prior to Council Meeting.

Minutes of Council, Electors and Committee meetings are available within 5 working days of the meeting and are also on display at the Shire Office and Library's within the Shire and can also be viewed on the Shire's website.

Functions of the Shire

Under the *Local Government Act 1995* 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'.

This means that local governments can do things for the good government of the district if they are not prevented from doing so by the *Local Government Act 1995* or any other written law.

In exercising this general power, a local government can make local laws (legislative function) and provide services and facilities (executive function)

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. However, a local law will be inoperative to the extent that it is inconsistent with any other written law (e.g. because there is already a State law covering the same area).

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.'

However, before commencing a service or providing facility, a local government has to satisfy itself that the service or facility it provides integrates with the State or Commonwealth services and does not duplicate inappropriately any State, Commonwealth or private service and is managed efficiently and effectively.

Local government can make local laws about street trading, reserves, signs, parking, dogs, cats, health, licensing for planning schemes and much more.

Freedom of Information

The *Freedom of Information Act 1992* is an Act to provide for public access to documents, and to enable the public to ensure that personal information in documents held by the Shire is accurate. There are two categories of documents held by the Shire of Northam. These can be broadly categorised as those available for inspection or purchase outside the constraints of the Act and those through their content, must be held confidentially with public access considered only through the provisions of the Act. The Shire of Northam aims to provide access to documents outside the FOI process wherever possible.

People have the right of access to documents held by Ministers, State Government departments, local governments and other statutory authorities and can apply for access to the documents of an agency or local government. This right is not affected by any reason the person has for wishing to obtain access or the local government's belief as to what the reasons are for wishing to obtain access.

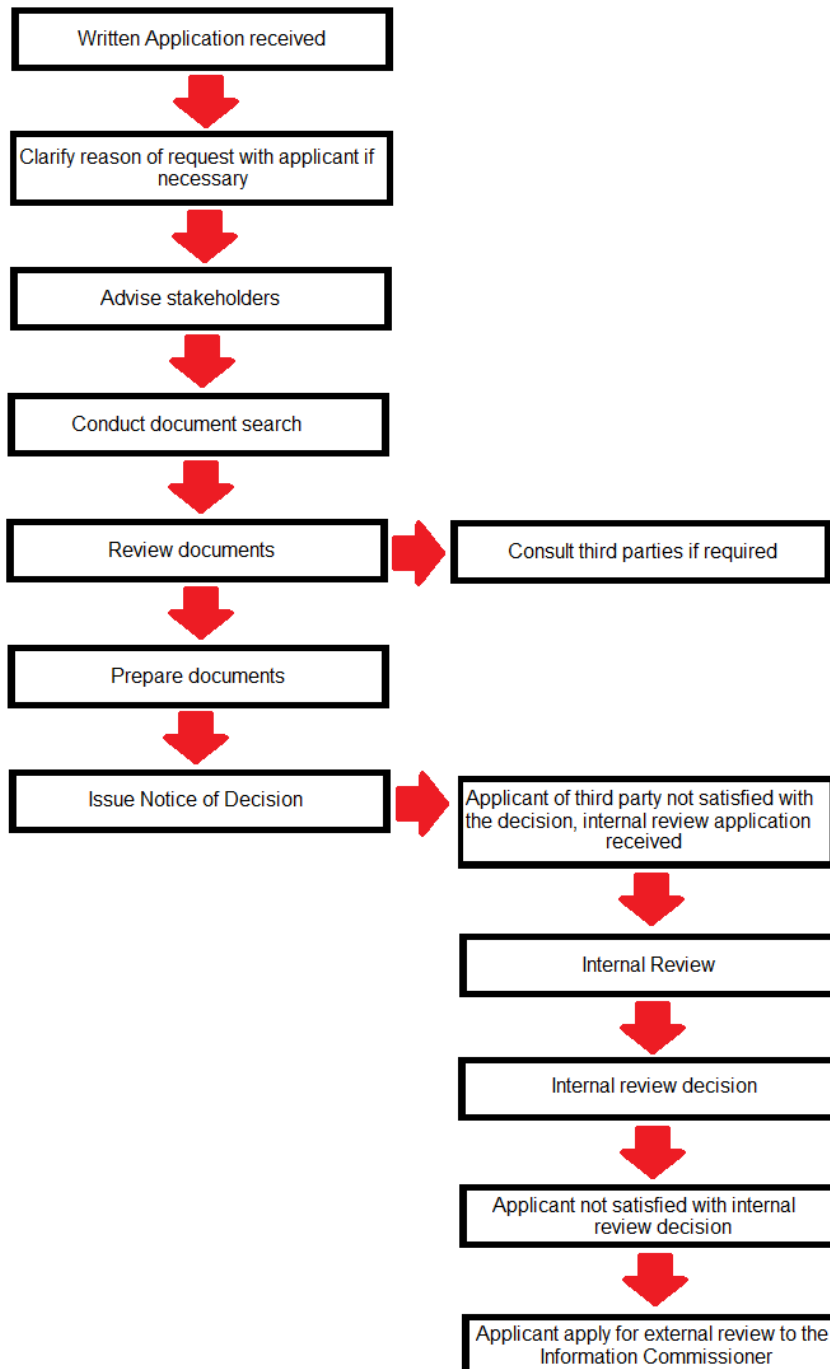
There are exemptions, however, for giving access to some documents. These exemptions include the protection of essential public interest, the personal or business affairs of others or the deliberate processes of local government.

It is the local government's intention to provide access to requested documents, wherever possible, in the ordinary course of daily work provided that in so doing no harm is inflicted upon the rights or interests of private individuals or commercial organisations. Where requested documents are of a sensitive nature the application will be dealt with under the

provisions of the Act taking into account all parties concerned. It is our belief that this strategy will facilitate the provision of information to the public in a prompt and cost effective manner whilst still observing the need to preserve the confidentiality of classified information.

Freedom of Information Process

Below is a detailed flowchart of the Freedom of Information Process:



Documents subject to the Freedom of Information Act

Section 5.94 and 5.95 of the *Local Government Act 1995* details the type of document that a local government must make available for inspection and those where restrictions apply. Any member of the public may attend the Shire of Northam Administration Centre and request to view these documents. Copies can also be provided upon payment of any relevant charges for production.

Types of documents that are available for inspection is as follows;

- Annual Budget
- Annual Report
- Code of Conduct
- Register of Complaints (*Section 5.121 Local Government Act 1995*)
- Contracts of CEO & Senior Employees (only salary and remuneration benefits)
- Council and Committee Agenda's and Minutes (excluding sections closed to the public)
- Council Local Laws and proposed local laws
- Delegated Authority Register
- Freedom of Information Statement
- Owners and Occupiers Roll
- Corporate Business Plan
- Strategic Community Plan
- Policy Manual
- Pound Register
- Register of Fees and Charges levied by Council
- Register of Financial Interests

Requests for other information, not outlined in the *Local Government Act 1995*, will be considered in accordance with the Freedom of Information legislation.

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

Lodging Requests

Requests may be lodged in person at the Shire Administration Office or mailed direct to the:-

Chief Executive Officer
Shire of Northam
PO Box 613
NORTHAM WA 6401

Freedom of Information Requests must be lodged in writing and:-

- Give an Australian address for correspondence;
- Give enough information to identify the documents you wish to seek access to;
- If the application is to gain access to a document which does not contain personal information about yourself then an application fee will be applicable (refer to section 7.5)

Notice of Decision

Applicants will be given a written 'Notice of Decision' from the chief decision maker at the Shire of Northam. The 'Notice of Decision' will provide reason if you are refused access or only given partial access to the documents which you requested.

Schedule of Fees and Charges

No fees or charges apply for personal information or amendment of personal information about yourself (e.g. medical records, details of employment etc). However, application for other documents requires a \$30 application fee when the application is lodged.

| Fees and Charges | |
|--|-------------|
| Fees (GST Exempt) | |
| Application fee for non personal information (Mandatory) | \$30.00 |
| Application for personal information | No fee |
| Charges (GST Applicable) | |
| Charge for staff dealing with application and photocopying | \$30.00/hr |
| Supervised access to records for inspection only | \$30.00/hr |
| Transcribing information from tape, film or computer | \$30.00/hr |
| Photocopying | \$0.20/page |
| Duplicating a tape, CD, DVD or computer information | Actual cost |
| Delivery, packing and postage | Actual cost |
| Deposits | |
| An advance deposit may be required | 25% |
| An additional advance deposit may be required for large applications | 75% |

For financially disadvantaged applicants or those issued with a prescribed pensioner concession cards, (apart from the application fee) the charge payable is reduced by 25%.

Amendment of Council Records

A member of the public may gain access to Council documents to seek amendments concerning their personal affairs by making a request under Freedom of Information Legislation. A member of the public may then request a correction to any information about themselves that is incomplete, misleading or out of date.

Refusal of Access

If you are dissatisfied or aggrieved with the decision made in relation to your request you can lodge an appeal.

Internal Review

To apply for an internal review;

- You must submit a letter or fill in an 'internal review application form' and lodge it with the Shire within 30 days after being given notice of decision;
- The lodgement must give details of the decision you wish to have reviewed and give an address in Australia to which notices can be sent;
- The Shire will then conduct a review within 15 calendar days.

Note: There is no right to an internal review of a decision made by a Minister or the principle officer of the Shire (usually the Chief Executive Officer)

External Review by the Information Commissioner (s65-66)

If after an internal review has been completed, you are still dissatisfied with the Shires decision, you can make a complaint to the Information Commissioner.

The Information Commissioner may allow a complaint to be made even though an internal review has not been sought or has not been completed, if you can show that there are good reasons why you should not apply for an internal review or why an internal review should not be completed.

A complaint must be;

- Lodged to the Information Commissioner in writing;
- Must give details of the decision to which the complaint relates; and
- Must include an address in Australia to which notices can be sent.

If you are seeking access to documents or amendment of personal information, your complaint must be lodged within 60 days after being given written notice of the decision. If you are a third party to an application for access to personal or commercial or business information concerning yourself, your complaint must be lodged within 30 days after being given written notice of the decision. The Information Commissioner can be contacted at the following;

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
Perth WA 6000
Tel: 6551 7888
Fax: 6551 7889

Appeals to the Supreme Court

Section 85 of the Act provides that any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

