

# Shire of Sandstone

## Freedom of Information Statement



### Legislation

Freedom of Information Act 1992

#### **Section 96: Information statements and internal manuals to be made available**

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of –
- (a) its most up-to-date information statement; and
  - (b) each of its internal manuals, to be made available for inspection and purchase by members of the public but may delete any exempt matter from these copies.
- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under Section 96.
- (3) A subcontractor does not have to comply with subsections (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

#### **Section 97: Publication of information statements**

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act –
- (a) within 12 months after the commencement of this Act; and
  - (b) at subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1) (a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

This Information Statement is published by the Shire of Sandstone in accordance with the requirements of Section 96 (1) of the Freedom of Information Act 1992.

An updated Information Statement will be published every twelve (12) months. This statement was released in July 2008

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## 1.0 INTRODUCTION

### 1.1 What is the Freedom of Information Act all about?

The Freedom of Information Act grants you the legally enforceable right to access records (which are not otherwise exempt) held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.

It gives you the right to apply to have personal information we hold to be altered if you believe it is inaccurate. (At no cost).

It obligates the Shire of Sandstone to make certain information available about the way it operates.

### 1.2 What are the costs involved?

The costs may vary from one application to another dependant upon the information required. An initial fee of \$30.00 is payable on lodgement of the application. Charges also apply at the rate of \$30.00 per hour for processing, supervision, transcribing and photocopying time. Photocopying charges of 20 cents apply for each copy. Additional charges may apply in respect of the provision and delivery of information.

The Shire may require an advance deposit on charges payable.

### 1.3 What can I do if I am denied access to something?

The Freedom of Information Act provides for a review and appeal process. You may seek an Internal Review or if you are still not satisfied a review by the Information Commissioner and still further you can appeal to the Supreme Court.

The Internal Review – If you are dissatisfied by a decision that we make concerning your application then you can apply to the Shire for an Internal Review of this decision. To apply for an Internal Review you must make application in writing and lodge it with the Shire within thirty (30) days of being notified of the original decision. There is no charge for an Internal Review.

External Review by the Information Commissioner – If you are still dissatisfied after the Internal Review has been completed, you may seek a review by the Information Commissioner. This request must be made in writing to the Information Commissioner giving details of the decision to which your complaint relates.

Appeals to the Supreme Court – 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.

## 1.4 FOI Application

To be a valid application, the FOI Act requires that an application must:

- be in writing;
- give enough information to identify the documents;
- given an Australian address for correspondence;
- be accompanied by the application fee;
- be lodged at the office of the agency;
- give any other information required under regulations

The Shire of Sandstone may request proof of your identity, eg. current driver's licence. If you are seeking access to a document(s) on behalf of another person, the Shire of Sandstone will require authorisation, usually in writing.

Your application will be dealt with as soon as practicable (within 45 days) after it is received. Further information can be obtained from the CEO of the Shire of Sandstone (Telephone: (08) 9963 5802).

The Freedom of Information Act 1992 is available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone: (08) 9321 7688).

## 1.5 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, or a written document in case of a document where words can be reproduced in written form.

## 1.6 Freedom of Information Charges

A scale of fees and charges set under the FOI Act Regulations appears below. The Application Fee for non personal information must be paid in full. Fees cannot be waived or reduced. Apart from the application fee for non-personal information, all charges are discretionary. The charges are as follows:-

Description	Charge
Personal information about the applicant	No Fee
Application fee (for non personal information)	\$30.00
Charge for dealing with the application (per hour, or pro rata)	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	
A4 or A3 copy	\$ .20

A0 or A1 copy	\$2.50
Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

## Deposits

- Advance deposit which may be required by an agency under Section 18(a) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. 25%
- Further advance deposit which may be required by an agency under Section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. 75%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable maybe reduced by 25%.

## **2.0 OPERATION OF FREEDOM OF INFORMATION ACT IN THE SHIRE**

### **2.1 Initial Enquiries**

Initial enquiries regarding the release of information should be made to the Chief Executive Officer, either in person at the Sandstone Shire Office or by telephone on (08) 9963 5802.

### **2.2 Request for Information Under the Freedom of Information Act**

Requests for information not included in Point 7.0 of this document, will be considered in accordance with the Freedom of Information Act 1992 legislation.

Freedom of Information requests should be made in writing detailing as much information as possible, however, to assist in providing details of the information required, application forms are available from the Sandstone Shire Office. Written requests should be forwarded with the application fee of \$30.00 to:

By Post	In Person
Chief Executive Officer Shire of Sandstone Hack Street Sandstone WA 6639	Chief Executive Officer Shire of Sandstone Hack Street Sandstone WA 6639

The applicant has the right to request an estimate of the likely charges for the application if the access cost is likely to exceed \$25.00. An estimate can be made after completing the full application and the applicant may then choose whether to continue with the application. Applicants will receive a response from the Shire as soon as possible and within the statutory forty-five (45) days of receiving the request with the application fee. Any applicant unhappy with the decision made by the Shire in relation to the provision of access to documents may apply for an internal review of the decision.

### **2.3 Access and Amendment to Personal Information**

Access to personal information pertaining only to themselves is available to the public free of charge. If a person finds that information contained in a document is inaccurate, incomplete, out of date or misleading, then the person may apply to the Shire to amend the information.

### **2.4 Organisation Decision Makers Regarding Access or Amendment**

The Chief Executive Officer decides what information may be released and what information is exempt under the Freedom of Information Act.

An applicant may apply for an external review by the Information Commissioner.

### **3.0 DOCUMENTS HELD BY THE SHIRE**

#### **3.1 Documents Available Without Submission Of A Freedom Of Information Request**

The following documents are available for public inspection at the Sandstone Shire Office free of charge. Members of the public may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges manual may be inspected at the Shire of Sandstone, Hack Street, Sandstone during normal opening hours.

Shire of Sandstone Town Planning Scheme No. 1

Council & Committee Minutes (unless classified as confidential)

Delegated Authority Manual

Details of Representation on Committees

Electoral Rolls

Rates and Charges

Local Laws Manual

Shire of Sandstone Plan for The Future

Policy Manual

Various leaflets and brochures outlining the programs and services of the Shire of Sandstone.

#### **3.2 Other Documents Held by The Shire**

The Shire of Sandstone holds a number of different types of documents for which a Freedom of Information request for information should be submitted. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos.

Information is held on the Shire's computer database and in hard copy.

## **4.0 LEGISLATION ADMINISTERED**

The following is a list of enabling legislation and legislation for which the Shire is either responsible for administering or bound by certain provisions contained therein.

### **4.1 State and Federal Legislation**

- **AUSTRALIAN ACCOUNTING STANDARDS AAS27 AND AAS28**
- . **ABORIGINAL HERITAGE ACT 1972**
- . **ANTI- CORRUPTION COMMISSION ACT 1988**
- **BUILDING CODE OF AUSTRALIA**
- . **ARCHIVES ACT**
- . **CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**
- **BUILDING REGULATIONS 1989**
- **BUSH FIRES ACT 1954 AND ASSOCIATED REGULATIONS**
- **CEMETERIES ACT 1986**
- **SHIRE OF SANDSTONE TOWN PLANNING SCHEME NO. 1**
- **DIVIDING FENCES ACT 1961**
- **DOG ACT 1976 AND ASSOCIATED REGULATIONS**
- . **EMERGENCY MANAGEMENT ACT 2005**
- **ENVIRONMENTAL PROTECTION ACT 1986**
- **EQUAL OPPORTUNITY ACT 1984**
- . **EVIDENCE ACT 1906**
- . **FAIR TRADING ACT 1987**
- . **FINANCIAL ADMINISTRATION AND AUDIT ACT 1985**
- . **FIRE & EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA ACT 1998**
- **FREEDOM OF INFORMATION ACT 1992**
- **HEALTH ACT 1911 AND ASSOCIATED REGULATIONS**
- **HERITAGE OF WESTERN AUSTRALIA ACT 1990**



- INDUSTRIAL RELATIONS ACT (WA)
- INTERPRETATION ACT 1984
- JUSTICES ACT 1902
- LAND ADMINISTRATION ACT 1997
- LIBRARY BOARD OF WESTERN AUSTRALIA ACT 1951 AND PUBLIC LIBRARIES REGULATIONS OF 1985
- LIQUOR LICENSING ACT 1988 AND ASSOCIATED REGULATIONS
- LIQUOR AND GAMING ACT
- LITTER ACT 1979 AND ASSOCIATED REGULATIONS
- LOCAL GOVERNMENT ACT 1995 AND ASSOCIATED REGULATIONS
- LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960
- LOCAL GOVERNMENT GRANTS ACT 1978
- MAIN ROADS ACT 1930
- NATIVE TITLE ACT 1993 (CWTH)
- OCCUPATIONAL SAFETY & HEALTH ACT 1984 AND ASSOCIATED REGULATIONS
- POLICE ACT 1892
- PROPERTY LAW ACT 1969
- PUBLIC INTEREST DISCLOSURE ACT
- PUBLIC WORKS ACT 1902
- RATES AND CHARGES (REBATES AND DEFERMENTS) ACT 1992
- RESIDENTIAL TENANCIES ACT 1987
- ROAD TRAFFIC ACT 1974
- SEXUAL DISCRIMINATION ACT.
- STATE RECORDS ACT
- THE CRIMINAL CODE

- **TOBACCO CONTROL ACT 1990 AND ASSOCIATED REGULATIONS**
- **TOWN PLANNING AND DEVELOPMENT ACT 1928**
- **TRANSFER OF LAND ACT 1893**
- **VALUATION OF LAND ACT 1978**
- **WESTERN AUSTRIA DISABILITY SERVICES ACT 1993**
- **WORKERS COMPENSATION AND REHABILITATION ACT 1981**
- **WORKPLACE RELATIONS ACT 1996 (CWTH)**

#### 4.2 Shire of Sandstone Local Laws

All local laws are available in hard copy.

## **5.0 ORGANISATION STRUCTURE**

### **5.1 Management**

The Shire has a Chief Executive Officer, Deputy Chief Executive Officer and a Works Manager which comprise the management team.

All staff employed by the Shire are responsible to and report to the Chief Executive Officer.

### **5.2 The Council**

The Council is made up of members of the local community who are elected to office by residents and ratepayers of the Shire.

The Shire is led by six (6) Councillors who serve in one (1) district ward.

Councillors are elected for a four (4) year term. The next Local Government Elections will be held in 2025.

## **6.0 DECISION MAKING FUNCTIONS**

### **6.1 The Local Government Act 1995**

The Local Government Act prescribes the parameters within which the Shire must function.

### **6.2 The President**

The President is the Shire's Civic Leader, presides at all meetings of the Council and in conjunction with the Chief Executive Officer signs every Deed, Conveyance, Agreement and Contract under the Common Seal of the Council.

The Residential position has special emergency powers for decision and direction to the Chief Executive Officer.

### **6.4 The Chief Executive Officer**

The day-to-day management of the Shire rests with the Chief Executive Officer. Under the leadership of the Chief Executive Officer, the staff act on the Council decisions by developing and implementing policies and resolutions.

### **6.5 Standing Orders**

The Standing Orders Local Laws relating to the Conduct of Proceedings of the Business of the Council, known as the "Standing Orders", governs the proceedings of the Council and Committee meetings. In governing the proceedings of a meeting, the Local Law specifically details issues such as the order of business at Council meetings, conduct of the meetings with regard to determinations by the Chairperson, rules of debate, voting and amendments and various miscellaneous matters.

## 6.6 Committees of The Council

To enable the Council to conduct its business more effectively and efficiently, it appoints Committees to consider various aspects of the operations of the Council. Committees are necessary due to the requirement for specialisation and decisions that need to be made by local governments in the course of the administration of the local authority. These decisions require thorough investigation and consideration.

Committees of the Council are established generally for a period of two (2) years. The Committee is comprised of Elected Members only and the powers and duties are determined by delegation from the Council. The function of the Committee is to deliberate upon matters within its authority, as determined by the Council, to report upon the deliberations and to make recommendations to the Council.

The one Committee of the Council is the Audit Committee.

At the commencement of the meeting, a period of 15 minutes is allowed for questions from the public.

## 6.7 Policies of the Council

In order to provide guidance for the Officers of the Shire, the Council adopts policies which are included in the Policy Manual and provide the basis for decision making.

The Policy Manual includes policies on Members, Administration and Finance, Council Buildings, Council Properties, Roads, Works and Human Resources.

## 6.8 Delegated Authority

The Chief Executive Officer has Delegated Authority from the Council to make decisions on a number of specified administrative and policy matters. Certain delegations have been on-delegated to senior members of staff. All delegations are listed in a Register and delegations to the CEO are reviewed annually by the Council.

## 6.9 Local Laws

Local Laws are adopted by the Council to ensure that such matters as dog control, use of local government property and activities in the thoroughfares and public places are appropriately managed for the benefit of the residents of the Shire. (All Local Laws for the Shire of Sandstone are contained in a register.)

## **7.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF ORGANISATION FUNCTIONS**

Opportunities for public participation include:

### **7.1 Community Consultation**

The Council seeks the views of the community in a number of projects in which it is involved. Community involvement can range from surveys seeking the opinions of residents in relation to heritage matters and future plan/priorities. In order to seek the opinions of the community the Council requires that a number of development applications are advertised for public comment prior to their approval. The Council has a statutory obligation to advertise and invite public submissions relating to proposals to adopt or modify Local Laws.

### **7.2 Elected Members**

#### **7.2.1 How to Contact the President and Councillors**

Members of the public may contact their Councillors or the President to discuss any issue relevant to the Council.

Contact telephone numbers for the Elected Members are listed in the “Sandstone Information Booklet”, copies of which are available from the Shire office.

Residents wishing to write to Councillors are encouraged to send their correspondence to the respective Councillor via the mail address below:

Shire of Sandstone, Hack Street, Sandstone, WA 6639

#### **7.2.2 Council Elections**

Council Elections are held every second year and one half of the Council retires at each election. The next election will be held in October 2007.

The President and Deputy President are elected by the Council at the first meeting after the Biannual Council Elections.

Although voting in local government elections is not compulsory, ratepayers and residents are encouraged to exercise their democratic right. For more information on “How to Vote” contact the CEO on 9963 5802.

### **7.3 Written Requests**

Residents can write to the Council on any Council policy, activity or service.

### **7.4 Ordinary Meetings Of The Council**

Ordinary Meetings of Council are held on the fourth Wednesday of each calendar month and commence at 1.00pm. Special Meetings of Council may also be convened. Members of the public may attend any Ordinary or Special Meeting of Council or Committee Meeting, however, they may not take part in the debate. Members of the public have a number of opportunities in person, by

writing or contacting Elected Members to put forward their views on particular issues before the Council.

#### 7.4.1 Petitions

Written petitions may be addressed to the Council on any issue within the Council's jurisdiction and will be presented at the next Ordinary Meeting of the Council.

#### 7.4.2 Question Time

Question Time is held prior to the commencement of all Committee and Ordinary Meetings of the Council for a period of fifteen (15) minutes. Electors may submit questions relating to the ordinary business of the Council in writing before the meeting and will receive an answer either at the meeting or shortly after by mail.

#### 7.5 Committee Meetings - Deputations

With the prior permission of the President and the Chief Executive Officer, a deputation may address the Committee for a period of fifteen (15) minutes on a particular issue.

#### 7.6 Advisory And Management Committees Of The Council

An Advisory Committee may be appointed to advise the Council on the establishment, management and control of anything for which the Council is responsible and chooses to refer to a Committee. Management Committees exercise powers delegated in relation to the control and maintenance of property for which the Council is responsible.

#### 7.7 Meeting Of Council And Electors

The Local Government Act provides for the conduct of Electors' Meetings which may be of a general or special nature.

##### 7.7.1 General Electors' Meeting

A General Electors' Meeting is held each financial year, after the audit for that year has been completed. At the General Meeting of Electors the following business takes place:

- Presentation and adoption of the Annual Report for the preceding financial year.
- Discussion of special matters, of which notice has been given; and
- General business.

A Special Electors' Meeting may be convened at the written request of 5% or at least 100 of the electors of the district (the lesser number), or by at least one-third of the Councillors. Special meetings are restricted to discussion of a particular matter, details of which must be included in the notice of the meeting, which must be published in a local newspaper.

The conduct of Electors' Meetings should follow, as far as is practicable, the procedures applying to Ordinary Meetings of the Council.

## **8.0 PRIVACY STATEMENT**

The Shire of Sandstone is committed to the Privacy Act (1988) and the National Privacy Principles included in the Information Privacy Act 2000 Amendment (Private Sector). The Shire of Sandstone respects the privacy of everyone who has information stored within its systems.

### **8.1 Collection of Information**

Personal information is collected within the Shire of Sandstone by written correspondence, phone, fax, email and verbally at the reception counter. The Shire of Sandstone maintains a comprehensive database of properties, which includes personal information relating to property owners such as names, addresses, and also records any issues such as complaints and enquiries relating to a property.

### **8.2 How your Information is Used**

This information is used for responding to requests within the Shire of Sandstone relating to various services that the Shire provide. Information is used to administer and manage those services, including billing arrangements.

### **8.3 Integrity of Data**

The Shire of Sandstone endeavours to ensure that personal information held is accurate, complete and up to date. The Shire of Sandstone will also take reasonable steps to ensure that data is protected from unauthorised access and improper use.

### **8.4 Access and Correction**

If you believe that we hold personal information about you, or you want to submit corrections, you can ask for a copy by contacting the Shire of Sandstone, Hack Street, Sandstone, WA 6639, Telephone 9963 5802 or by forwarding an email to sandstoneshire@westnet.com.au. You may be asked for identification and some of the information could possibly be subject to exemptions allowed by law under the Freedom of Information Act 1992.

### **8.5 Sensitivity and Anonymity**

The Shire of Sandstone will not collect sensitive information unless the individual has consented or is required by law. The Shire of Sandstone will also give its clients the option to interact anonymously, providing it is in compliance with the law and practicable to do so.

### **8.6 Security of Personal Information**

The Shire of Sandstone will ensure the security and maintenance of all records and personal information that it holds.

### **8.7 Disclosure**

Personal information will only be used by the Shire of Sandstone will not be disclosed to a third party without your consent, unless disclosure is already authorised by any State or Federal Act, which so permits.