

Shire of Lake Grace



Freedom of Information Statement

2017 - 2018

CONTENTS

INTRODUCTION	3
THE STRUCTURE OF COUNCIL	4
COUNCIL STRUCTURE	6
COUNCIL AND COMMITTEE MEETINGS	7
DELEGATIONS	7
LEGISLATION ADMINISTERED	8
SERVICES TO THE COMMUNITY	10
PUBLIC PARTICIPATION	11
COMMUNITY CONSULTATION	12
COUNCIL DOCUMENTS	12
DOCUMENTS AVAILABLE FOR INSPECTION	13
COUNCIL DOCUMENTS AVAILABLE FOR INSPECTION	13
FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS	14
APPLICATIONS	14
FEES AND CHARGES	15
ACCESS ARRANGEMENTS	16
NOTICE OF DECISION	16
REFUSAL OF ACCESS	17
RIGHT OF REVIEW	17
DELIVERY OF DOCUMENTS	17
AMENDMENT OF PERSONAL INFORMATION	17
AMENDMENT TO SHIRE RECORDS	18
APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION	19

INTRODUCTION

The purpose of the *Freedom of Information Act 1992 (WA)* provides for access to documents held by state and local government agencies. The department of local government and communities takes its obligations under the act seriously and is committed to complying with the aims of the act.

The aims of the *Freedom of Information Act 1992 (WA)* are to:

- enable the public to participate more effectively in governing the State, and
- make the persons and bodies that are responsible for State and local government more accountable to the public.

They are to be achieved by:

- creating a general right of access to State and local government documents
- providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading, and
- requiring certain documents concerning State and local government operations be made available to the public.

This document has been prepared for the Shire of Lake Grace to satisfy Part 5 of the Freedom of Information Act 1992, and is correct as at July 2017. Copies of this document may be obtained from:

The FOI Coordinator
Shire of Lake Grace
1 Bishop Street
LAKE GRACE WA 5363

Telephone (08) 9890 2500
Fax (08) 9890 2599
Email shire@lakegrace.wa.gov.au

Further information can be provided,
Monday and Friday between the hours 8:00am – 5:00pm or
on the Shire's website
www.lakegrace.wa.gov.au

THE STRUCTURE OF COUNCIL

VISION

“A safe, inclusive and growing community embracing opportunity”

ASPIRATIONAL STATEMENT

Our Aspirations:

- rich in spirit;
- surrounded by nature; and
- valuing our heritage

1. Economic Objective

A prosperous agricultural based economy, supporting diversification of industry

Economic Aspirations and Opportunities

The Shire of Lake Grace community recognise it is vital for the agricultural industry, as the primary economic driver for the district, to continue to be supported for economic stability and growth. Opportunities for small business development and industry diversification were identified by the community, with a desire to see further development.

Development and strong support for the current infrastructure within the district is viewed as essential to ensure continued economic prosperity, in particular the road network which at times comes under considerable pressure due to flooding and seasonal heavy traffic volumes.

2. Social Objective

A valued, healthy and inclusive community and life-style

Social Aspirations and Opportunities

There was a wish to see more community events organised during the year, and a need for a large annual event in the district.

The health and education services currently provided in the district are viewed as very important and to be retained and developed further. In particular, aged health services were identified for potential development.

The strong community spirit and safe environment were identified as precious and to be protected, with potential to increase engagement and integration between all towns in the district.

3. Leadership Objective

Strong governance and leadership, demonstrating fair and equitable community values

Civic Leadership Aspirations and Opportunities

Continuing to build an efficient, effective organisation with strong communication is clearly a community and Council aspiration. The community wants the Shire to continue to advocate for increased services and infrastructure on its behalf.

4. Environment Objective

Protect and enhance our natural and built environment

Environment Aspirations and Opportunities

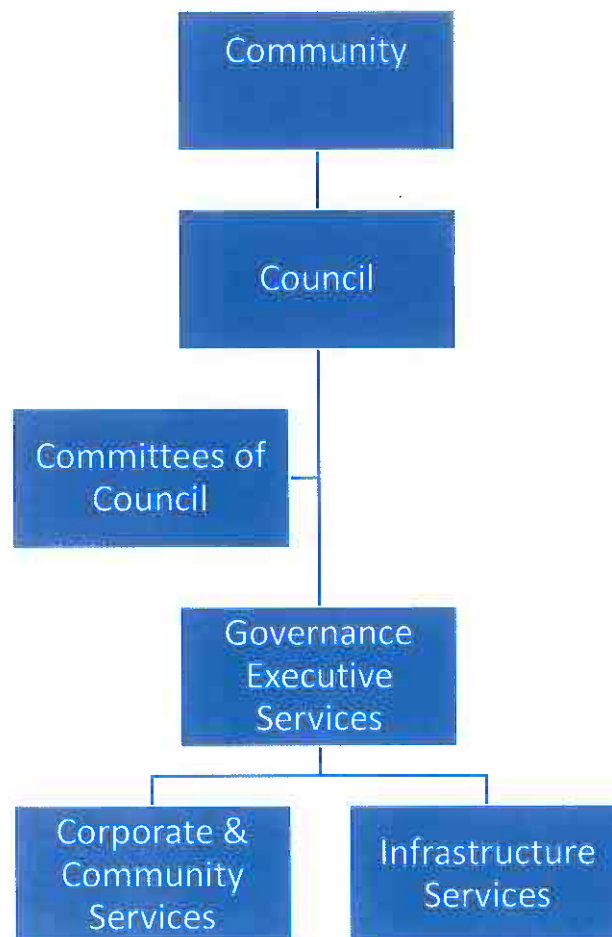
The community aspires to protect and preserve the nature reserves and further develop walking trails, parks and gardens and recreation facilities. The challenge of extreme weather (such as flooding) was identified as an area for improvement with potential to investigate flood mitigation opportunities. Combating invasive weeds (such as caltrop) and pests (including mosquitos) was highlighted as a high priority by the community.

Opportunities to promote the natural and built environment and attract an increased number of visitors to the district have been identified with the community eager to support tourism development.

COUNCIL STRUCTURE

The current Council decision making body consists of 9 Councillors, including the Shire President who is elected by the Council. Council meets on the fourth Wednesday of the months of February to November and on the third Wednesday for the month of December. A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the Local Government Act 1995.

Minutes of meetings are available at the Shire offices, town libraries and the shire's website www.lakegrace.wa.gov.au.



COUNCIL AND COMMITTEE MEETINGS

Council Meetings

Council Meetings afford members of the public the opportunity to ask Elected Members and staff questions about Shire matters generally.

Committees of Council

The Shire of Lake Grace has committees and working groups that meet on a regular or semi-regular basis to oversee operations and make recommendations to the Council in their specific areas of responsibility. Council advertises for community member vacancies on Council Committees when required. A full list of Council's committees can be accessed on the Shire's website <http://lake.grace.wa.gov.au>

Council Committees include:

- Audit Committee
- Bushfire Advisory Committee
- Integrated Planning Asset Management Committee
- Lake Grace Library Resource Centre Management Committee
- Lake Grace Sports Pavilion Redevelopment Committee
- Local Emergency Management Committee
- Newdegate Community Library Management Committee
- Newdegate Rejuvenation Committee

Other Committees:

- Occupational Health & Safety Committee

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 detailed in the Delegations Register and are reviewed annually by Council.

The *Local Government Act 1995* and associated Regulations requires Council to;

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

In keeping with the legislative requirement, Council determines the strategic direction of the Shire, including the development of key policies 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.

LEGISLATION ADMINISTERED

The Shire of Lake Grace functions under, the *Local Government Act 1995*.

The Shire of Lake Grace is wholly or partly responsible for administering the following legislations and regulations:

- Animal Welfare Act 2003
- Building Act 2011
- Building Regulations 2012
- Bush Fires Act 1989
- Bush Fire Regulations
- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations
- Cat Act 2011
- Cat Regulations 2012
- Cemeteries Act 1986
- Control of Vehicles (Off Road Areas) Act 1978
- Control of Vehicles (Off Road Areas) Regulations 1979
- Disability Services Act 1993
- Dog Act 1976
- Dog Regulations 1976
- Dog (Restricted Breeds) Regulations 2002
- Environmental Protection (Noise) Regulations
- Explosives and Dangerous Goods Act 1961
- Freedom of Information Act 1992
- Freedom of Information Regulations
- Food Act 2008
- Food Regulations 2009
- Hairdressing Establishment Regulations 1972
- Health Act 1911
- Health (Air Handling & Water Systems) Regulations 1994
- Health (Aquatic Facilities) Regulations 2007
- Health (Asbestos) Regulations 1992
- Health Act (Carbon Monoxide) Regulations 1975
- Health (Cloth Materials) Regulations 1985
- Health (Garden Soil) Regulations 1998
- Health Act (Laundries & Bathrooms) Regulations
- Health (Pesticides) Regulations 1956
- Health (Poultry Manure) Regulations 2001
- Health (Public Buildings) Regulations 1992
- Health (Skin Penetration Procedure) Regulations 1998
- Health (Aquatic Facilities) Regulations 2007
- Health (Temporary Sanitary Conveniences) Regulations 1997
- Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste Regulations 1974
- Heritage of Western Australia Act 1990

Land Administration Act 1997
 Litter Act 1979
 Litter Regulations
 Liquor Licensing Act 1988
 Local Government Act 1995
 Local Government (Administration) Regulations 1996
 Local Government (Audit) Regulations 1996
 Local Government (Constitution) Regulations 1998
 Local Government (Building Surveyors) Regulations 2008
 Local Government (Elections) Regulations 1997
 Local Government (Financial Management) Regulations 1996
 Local Government (Functions & General) Regulations 1996
 Local Government (Miscellaneous Provisions) Act 1960
 Local Government (Rules of Conduct) Regulations 2007
 Local Government (Uniform Local Provision) Regulations 1996
 Local Government Grants Act 1978
 Main Roads Act 1930
 Navigable Water Regulations 1958
 Parks & Reserves Act 1895
 Planning & Development Act 2005
 Planning & Development (Consequential & Transitional) Act 2005
 Planning & Development Regulations 2009
 Planning & Development (Consequential) Regulations 2006
 Planning & Development (Transitional) Regulations 2006
 Rates & Charges (Rebate & Deferments) Act 1992
 Residential Design Codes of WA 2002
 Sewerage, Lighting, Ventilation & Construction Regulations 1971
 Strata Titles Act 1985
 Town Planning Regulation 1967
 Valuation of Land Act 1978

The Shire of Lake Grace is wholly responsible for the administering the following Shire of Lake Grace Local Laws:

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
 Animals Environment Nuisance Local Law
 Bushfire Brigade Local Law
 Dogs Local Law
 Extractive Industries Local Law
 Fencing Local Laws
 Health Local Laws
 Lake Grace Newdegate Lake King and Varley Public Cemeteries Local Law
 Local Government Property Local Laws
 Pest Plants Local Law
 Standing Orders Local Law

SERVICES TO THE COMMUNITY

The Shire of Lake Grace is responsible for providing good governance, including legislative and executive functions. The services are provided to maintain a pleasant and safe environment for its residents and ratepayers by:

The activities and functions of the Shire are described as follows:

Animal Control	Parking Bays/Street Closures
Building Control	Parks and Reserves
Bus Shelters	Pest Control
Cemeteries	Playground Equipment
Child Health Centres	Public Seating & Public Toilets
Citizenship Ceremonies	Recreational/Sporting Facilities
Community Development	Refuse Sites & Waste Management
Community Halls and Centres	Roads/Kerbing
Community Information Service	Seniors Program
Community Support Program	Street Lighting
Dual Use Paths	Stormwater Drainage
Environmental Health Matters	Street Sweeping
Extractive Industries Control	Street Tree Planting
Fire Prevention	Traffic Control Devices
Footpaths	Youth Program

PUBLIC PARTICIPATION

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

Deputations - a member of the public can apply to address Council personally or on behalf of a group of residents. The application must be in writing addressed to the Chief Executive Officer. The Presiding person then may approve the request or refer the request to the Council/Committee for approval.

Presentations - with prior notification and approval by the Chief Executive Officer, members of the public can address Council on any matter on the Council Meeting Agenda.

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

Petitions - written petitions can be addressed to Council on any issue within Council's jurisdiction. Petitions are required to be addressed to the Shire President according to *Standing Orders Local Law 2.5*.

Written Requests—a member of the public can write to the Shire on any Council policy, activity or service.

Public Question Time – Time is made available at every Council Meeting for members of the public to ask questions and have them responded to by Council, unless the question is outside the legislation or deemed unreasonable.

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

Notifications/Advertising – Residents may be notified of issues by advertising in the local newspaper, written notification or an onsite sign. Residents then have the opportunity to write to the Shire expressing their views.

Public correspondence and applications on any matters to be considered by Council must be received at the Shire Office 20 working days prior to the Council Meeting and should be addressed to the Chief Executive Officer.

COMMUNITY CONSULTATION

The Shire consults with local residents on particular issues as determined from time to time in accordance with its Community Strategic Plan to ensure all the community's needs and expectations are met and can be in the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews

Advising the community and stakeholders of issues can take the form of:

- Media releases
- Local Newspaper advertisements
- Council publications (including website)
- Newsletter/direct mail outs
- Posters/flyers
- Information displays
- Public forums

COUNCIL DOCUMENTS

The Shire holds records relating to various functions of the Shire as described below:

- Policy Manual
- Strategic Community Plan
- Asset Management Plan
- Long Term Financial Plan
- Corporate Business Plan
- Workforce Plan
- Disability Access and inclusion Plan 2015-2019
- Municipal Heritage Inventory
- Local Laws and Local Law Enforcement
- Risk Management
- Recordkeeping & Disaster Recovery Plan
- Customer Service Charter
- Waste Management Plan
- Local Emergency Management Plan
- Town Planning Scheme Plan
- Council Records – Agendas/Minutes

DOCUMENTS AVAILABLE FOR INSPECTION

The following documents are available for public inspection at the Shire Office, free of charge to ratepayers. Copies of these documents may be purchased and the charges are shown below. Some of these documents are also available on the Shire's website.

COUNCIL DOCUMENTS AVAILABLE FOR INSPECTION

DOCUMENT	FEE
Annual Budget	Council Officer & Website
Annual Report	Council Officer & Website
Customer Charter	Council Officer & Website
Disability Access & Inclusion Plan	Council Officer & Website
Lake Grace Community Strategic Plan	Council Officer & Website
Policy Manual	Council Officer
Freedom of Information Statement	Council Office & Website
Integrated Planning Strategic Community Plan Asset Management Plan Long Term Financial Plan Corporate Business Plan Workforce Plan	Council Office & Website
Policy Manual	Council Office
Register of Burials Register of Gifts and Travel Contributions Register of Interest (Elected Members) Register of Tenders	Council Office
Register of Fees and Charges Register of Local Laws	Council Office & Website
Shire of Lake Grace Heritage Building Inventory 2014	Council Office & Website

Other Information Requests

Requests for information, not shown above will be considered in accordance with the *Freedom of Information Act* provisions. Under this legislation, applications must be submitted in written form and will be subject to an application fee where applicable unless the applicant is granted an exemption.

Should the application require copies of any documents inspected pursuant to a Freedom of Information request, the charges will apply. It should be noted that some documents are for viewing only and cannot be copied as such copy would breach the *Copyright Act 1968*.

FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS

Refer: Appendix 1 Flowchart - Dealing with an FOI application

FOI Operations Obtaining Documents outside of Freedom of Information

Where possible the Shire of Lake Grace will release documents outside of the Freedom of Information process. However, at times some documents can only be obtained under Freedom of Information.

Documents may comprise any written material, plans, drawings, photographs, tape recordings, films, and videotapes.

APPLICATIONS

Freedom of information applications must:

- be in writing
- give enough information so that the documents requested can be identified (be as specific as possible; include dates or date ranges; include keywords; include as much details as possible to identify the requested documents)
- give an Australian address to which notices can be sent (preferably including a contact telephone number)
- be lodged with the Shire of Lake Grace, and
- be accompanied by the application fee (if one is applicable).

Applications and enquiries should be addressed to:

Freedom of Information Coordinator
Shire of Lake Grace,
PO Box 50, Lake Grace, WA 6353
(08) 9890 2500
or email shire@lakegrace.wa.gov.au

FEES AND CHARGES.

Fees and charges are set out in the Freedom of Information Regulations 1993 (WA). The fees and charges are as follows.

Personal information - no fee

Personal Information is defined as any information or opinion, whether true or not, about an individual, whether living or dead, that can identify or reasonably identify that person.

Applications for Personal Information can only be made by that individual and not a third party. There is no application fee for Personal Information. Certified proof of identity will be required prior to processing an application for Personal Information. Non-personal information - \$30

Documents that are not directly about the applicant are considered to be non-personal information and a \$30 application fee is payable. Where documents contain the names of third parties, those parties must be consulted prior to the documents being released.

Charges

The Shire of Lake Grace may apply charges when processing a Freedom of Information application. All charges are calculated on an hourly (or pro-rata) rate and are discretionary. The following charges may be applicable:

- for time dealing with the application - \$30.00 per hour
- for access time supervised by staff - \$30.00 per hour
- photocopying - \$30.00 per hour
- photocopies - \$0.20 per copy
- for time taken transcribing from tape, film or computer - \$30.00 per hour
- duplicating a tape, film or computer information - actual cost, and
- delivery, packaging and postage - actual cost.

Estimate of charges

In cases where charges are expected to exceed \$25, applicants will be provided with an estimate of charges as soon as possible. The Shire of Lake Grace has the right to request a deposit of between 25-75 per cent of the estimate. Where charges are applied, no documents will be released to the applicant until all charges are paid.

There is a 25 per cent reduction in charges for financially disadvantaged applicants or those in receipt of health or social welfare benefits. Proof of evidence will be required.

Deposits

Advance 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%

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

Payment Processing

Payment may be made by cash, cheque or electronic transfer. All cheques must be made out to: Shire of Lake Grace. Online banking details are available on request.

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.

NOTICE OF DECISION

As soon as possible but in any case, within 45 days the applicant 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 as soon as possible, but within 45 days of an application being deemed valid, applicants will be provided with a Notice of Decision. This notice is designed to enable the applicant to understand what information was taken into account when making the decision and will include details such as:

- the date on which the decision was made
- the name and designation of the officer who made the decision
- details of any charges
- information on the right of review and the procedures to be followed to exercise those rights, and
- reasons for the type of access allowed or for refusal to documents.

REFUSAL OF ACCESS

Not all documents held by the Shire of Lake Grace will be able to be released with access being refused on a range of grounds. 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. These grounds are set out in the *Freedom of Information Act*. If this is the case the Notice of Decision will provide the reason for refusal of access.

RIGHT OF REVIEW

Applicants have the right of review if they do not agree with a decision made by the department's decision maker. In the first instance, Shire of Lake Grace will conduct an internal review. There are no fees or charges for requesting an internal review.

A request for an internal review must be received within 30 days of the receipt of the Notice of Decision and must set out the parts of the decision to be reviewed. An independent decision maker will deal with the application for internal review. The outcome of an internal review may result in a confirmation, variation or reversal of the initial decision under review. Applicants will be advised of the outcome of the review within 15 days.

If the applicant disagrees with the result of the internal review, an applicant can request an external review from the Office of the Information Commissioner on contact details below. There are no fees or charges for requesting an external review.

All review rights and procedures to exercise those rights are set out in the Notice of Decision.

DELIVERY OF DOCUMENTS

Arrangements for access to the documents are negotiable between the Shire of Lake Grace and the applicant. Where a large number of documents are to be released and there is no charge for photocopying, the documents may be provided on a USB drive.

AMENDMENT OF PERSONAL INFORMATION

Applicants have the right to amend personal information held by the DLGC, which the applicant considers incomplete, inaccurate, misleading, or not up to date.

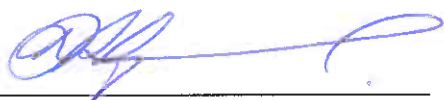
Applicants must provide details and, if necessary, documentation to support any claim on the information sought to be amended. In addition, the applicant must indicate how the amendment is to be made, which may include:

- altering information
- striking out or deleting information
- inserting information, or
- inserting a note in relation to the information

AMENDMENT TO SHIRE RECORDS

A member of the public may gain access to Shire documents to seek amendments concerning their personal affairs by making a request under the *Local Government Act*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to Shire records, a member of the public must make a written application to the Freedom of Information Coordinator as indicated above outlining the records that he/she wishes to inspect.



OCM

26 / 07 / 2017

Resolution: 12590

Denise Gobbart
CHIEF EXECUTIVE OFFICER

APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION

