SHIRE OF CHITTERING

INFORMATION STATEMENT

AS REQUIRED UNDER THE FREEDOM OF INFORMATION ACT, 1992

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Prepared By:	**Annie Hudson** **Customer Service Officer**
Approved By:	**Matthew Gilfellon,** **Chief Executive Officer**
Signature CEO:	
Submitted to FOI Commission:	

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Shire of Chittering
6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
(08) 9576 4600
chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

FREEDOM OF INFORMATION APPLICATION

Complete this application to access documents under the *Freedom of Information Act 1992, Section 12.*

APPLICANT DETAILS

Surname		First Name	
Organisation			
Postal Address			
Telephone No		Mobile No	
Email Address			

REQUEST DETAILS

☐ Personal Document	☐ Non-Personal Documents
Requesting access to documents concerning:	*If insufficient space is provided, please attach details on a separate sheet.*

FORMS OF ACCESS

☐ I wish to inspect the documents	☐ I require a copy of the document/s
☐ I require access in another form (specify)	

FEES & CHARGES

I understand I must pay $30.00 to cover the application fee, payable by cash/cheque/credit card. I understand that before I obtain access to documents, I may be required to pay processing charges in respect to this application and that I will be supplied with a statement of charge if appropriate.
In certain cases, a reduction in fees and charges may apply. If you consider that you are entitled to a reduction, please submit a request with copies of documents which address the criteria in the FOI Statement that support your application for a fee reduction.

I am requesting a reduction in fees and charges?	☐ Yes	☐ No

Applicant Name	Signature	Date

OFFICE USE ONLY			
FOI Reference		Received On	/ /
Deadline for Response	/ /	Acknowledgement Sent On	/ /
Proof of Identity Type		Debtor Number	
Date Records Updated	/ /	Officer Signature	
Approved by		Manager's Signature	

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1. Introduction

Section 96 (1) of the Freedom of Information Act (1992) requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:-

- The Agency's Mission Statement
- Details of legislation administered
- Details of the agency structure
- Opportunities for public participation in the formulation of policy and performance of the agency functions
- Documents held by the agency
- The operation of FOI in the agency

This document has been prepared by the Shire of Chittering to satisfy Part 5 of the Act. Copies of this document may be obtained from:-

Shire of Chittering
PO Box 70
BINDOON WA 6502

Or on the Shire of Chittering website at www.chittering.wa.gov.au

Enquiries may be made to the Administration Office from 8.30am to 4.30pm (in person) or 8.30am to 5pm by telephone 9576 4600 Monday to Friday, or by e-mail at chatter@chittering.wa.gov.au

2. Enabling Legislation

The Shire of Chittering is constituted as a district under 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 and includes legislative and executive powers and responsibilities.

Using its legislative powers, local governments make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the Local Government Act.

The local government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act, including the provision of services and facilities.

3. Background of the Shire of Chittering

The 'Chittering Brook Roads Board District' was designated on the 8 January 1896 but changed 28 days later to the 'Chittering Roads Board District'.

In the early days the Roads Board met at the homes of members. The first Road Board building, now known as the Brockman Centre, was completed in late 1929 or early 1930.

The Council offices are approximately 80 kilometres from Perth. The Shire has a population of approximately 5623 and covers an area of 1,220 square kilometres.

4. Vision and Objectives

Vision

Diverse and cooperating, sustainable communities dedicated to protecting and enhancing the rural attributes of our Shire.

Mission Statement

As leaders, to work with and for the community in protecting our natural environment, enhancing our rural lifestyle and in providing or facilitating quality services, facilities and suitable development and employment opportunities.

5. Structure of the Shire of Chittering

6. Role and Key Functions

The following information outlines the role and key functions of the Chief Executive Officer and each service area.

Function of the Chief Executive Officer

Chief Executive Officer (Section 5.41)

The Chief Executive Officer's functions are-

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

The Chief Executive Officer acts as a conduit between Council and Staff.

The Chief Executive Officer is responsible to Council for the implementation of policies, decisions and budgeted work, the provision of timely and accurate advice and the efficient administration of Council.

Departmental Functions

Office of the Chief Executive
Organisation Leadership and Development
Strategic Planning
Inter Government Relations
Elected Member / Staff Relations
External Complaints
Human Resources
Governance and Compliance
Economic Development
Community Development

Corporate Services
Administration
Freedom of Information
Information Technology
Finance and Rate Services
Insurances
Records Management
Library Services
Public Interest Disclosure
Tendering Compliance
Property Management

Development Services
Planning and Development Services
Environmental Health
Building Services
Ranger Services
Emergency Management

Technical Services
Asset Management
Road Construction and Maintenance
Parks, Gardens and Reserves
Building Maintenance
Cemetery Maintenance
Landfill / Waste Management
Fleet Management

7. Council and Elected Members

The Council consists seven elected members, with the Shire President chosen from the councilors, representing the Shire of Chittering. The elected members are chosen democratically by the community and act in a voluntary capacity to represent the whole district of the Shire of Chittering. The elected members form a corporate body working for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the Local Government Act 1995.

The role of Council is defined as:

- To direct and control the affairs of the local authority;
- To be responsible for the performance of the local authority's functions; and
- The Council overseas the allocations of the finances and resources and determines the policies.

The Role of the President and Councillors

President (Local Government Act 1995, Section 2.8)

The President:

- Presides at meetings in accordance with the Act;
- Provides leadership and guidance to the community in the district;
- Carries out civic and ceremonial duties on behalf of the local government;
- Speaks on behalf of the local government;
- Performs such other functions as are given to the President by this Act or any other written law; and
- Liaises with the Chief Executive Officer on the local government's affairs and the performance of its functions.

Councillors (Section 2.10)

A Councillor-

- Represents the interests of the electors, ratepayers and residents of the district;
- Provides leadership and guidance to the community in the district;
- Facilitates communication between the community and Council;
- Participates in the local government's decision making process at Council and committee meetings; and

- Performs other such functions as are given to a Councillor by this Act or any other written law.

8. Committees and Decision Making Structure

The seven (7) elected Council members sit as one body and this body is the policy and decision making body for the Shire and meets for a full Council Meeting on the third Wednesday of the month. The Chief Executive Officer and the Executive Managers of the various departments also attend Council Meetings to assist the Councillors with information and advice as required.

Members of the public are welcome to attend all Meetings but are not permitted to take part in Council debate.

The Council has established a number of committees that meet on an as needs basis which have generally been set up to make recommendations to the Council on a specific issue.

9. Public Participation

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

These are:-

- **Deputations**

With the permission of the presiding chairperson, a member of the public can personally, or on behalf of a resident or group of residents, address the Council, or one of its Committees.

- **Public Question Time**

This time is allocated for questions to be raised by members of the public and responded to at -

- Every ordinary meeting of Council; and
- Such other meetings of council or committees as may be prescribed.
- A minimum time limit of 15 minutes is allocated to question time.

- **Written Requests**

A member of the public can write to Council on any Council policy, activity or service of the Council.

- **Elected Members**

Members of the public can contact the Shire President or Councillors to discuss any issue relevant to Council.

- **Community Consultation**

The Council consults with its residents on particular issues that affect their neighbourhood. The whole community may be asked to comment on a particular issue, while in other instances only the community members directly affected by some issue will be consulted.

The consultation process may take many forms and some of the more commonly used methods are:

- Public meetings, workshops, expressions of interest, advertisements in the local newspapers, social media, leaflet drops, consultative committees, surveys and displays.

10. Access to Council Documents

The following documents are available for inspection by electors, residents and creditors of the Shire of Chittering, at the Shire office:-

- FOI Information Statement
- Register of Delegated Authority
- Town Planning Scheme
- Policy Manual
- Tender Register
- Code of Conduct
- Register of financial interests
- Annual Report
- Annual Budget
- Schedule of fees and charges
- Corporate Plan
- Proposed local law of which the local government has given State wide public notice under Section 3.12 (3) of the Local Government Act 1995
- Local laws made by the local government is accordance with Section 3.12 of the Local Government Act 1995
- Regulations made by the Governor under Section 9.6 of the Local Government Act 1995 that operate as if they were local laws of the local government
- Texts that -
    - are adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or
    - would be adopted by a proposed local law of which the local government has given State wide public notice under section 3.12 (3) of the Local Government Act 1995

- Subsidiary legislation made or adopted by the local government under any written law other than under this Act
- Any written law having a provision in respect of which the local government has a power or duty to enforce
- Rates records
- Confirmed minutes of council or committee meetings
- Minutes of electors meetings
- Notice papers and agenda relating to any council or committee meeting and reports and other documents that have been -
    - tabled at a council or committee meeting or
    - produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting
- Report of a review of a local law prepared under Section 3.16 (3) of the Local Government Act 1995
- Business plans prepared under Section 3.59 of the Local Government Act 1995
- Register of owners and occupiers under Section 4.32 (6) of the Local Government Act 1995 and electoral rolls
- Contract under Section 5.39 of the Local Government Act 1995 and variation of such contract
- Such other information relating to the local government -
    - required by a provision of this Act to be available for public inspection; or
    - as may be prescribed in the form or medium in which it may for the time being be held by the local government.

Available for a Fee

Details of documents available for purchase by the general public are detailed in the Fees and Charges Schedule which can be viewed at the Shire Office, 6177 Great Northern Highway, Bindoon.

Available via Freedom of Information Act

While the Shire endeavours to respond to information request informally, Freedom of Information Legislation may be used to request access to information not available by any other means.

The Shire is to administer the Act in a way that:

- Assists the public to obtain access to documents;
- Allows access to documents to be obtained promptly and at the lowest reasonable costs; and
- Assists the public to ensure that personal information contained in documents is accurate, complete, up to date and is not misleading.

While the Act provides for a general right of access to documents it also recognises that some documents require protection - these exemptions are listed in Schedule 1 of the Act and include:

- Personal information;
- Information concerning trade secrets;
- Other commercially valuable information; or
- any other information concerning the business, profession, commercial or financial affairs of a third party who is not the applicant

Access to Shire of Chittering records, Personal or Non Personal can be made by application to the Freedom of Information Officer.

Retention and Disposal of Council Records

All of the Council's records are retained in accordance with the State Records Advisory Council approved Local Government Retention and Disposal Schedule. This schedule stipulates how long a record must be kept and is available for inspection.

11. Amending Personal Information

Applications for amending of personal information must be made in writing and signed by the applicant. Include the details that you require to be changed along with the new details. Information should be written in block letters.

Property Amendment Forms and Pensioner/Senior Application Forms are available from Customer Service Officer at the Shire Office 6177 Great Northern Highway, Bindoon.

12. Documents held by the Shire of Chittering

Correspondence Files

The Shire of Chittering manages a number of correspondence file series as described below. All files are subject to disposal in accordance with the current Local Government Records Retention and Disposal Schedule.

Current Files

These files are located at the Shire Office, with an electronic file and correspondence register available. The majority of files relate to specific property / street addresses, roads and reserves/parks, with a number of subject files relating to organisations, events, services provided, special projects and general administrative issues also forming part of the current filing system.

Archived Files

These files are located at the Shire office. The majority of these files are subject files relating to other organisations, events, services provided, special projects and general administrative issues.

Council Minutes

Under the Local Government Act 1995 Council minutes are available for free inspection at the Shire offices by any person. A hardcopy of the current minutes is available for viewing only from the Customer Services Desk at the Shire Office.

Copies of the Council minutes and the Council minute searches conducted by the Shire of Chittering will incur charges. Council Minutes are available 10 days after the Council Meeting. Once the Minutes have been confirmed they are posted on the Shire of Chittering's internet site at www.chittering.wa.gov.au. The Shire's internet site contains Council Minutes from 2012, the Shire of Chittering's Library holds a full archive of the Minutes.

Rates Books

Currently Shire of Chittering information is listed by Assessment Number or property address. When searching for historical rates information the property address, lot number and where possible are required to retrieve the relevant information.

Shire of Chittering Rates Books stored in hardcopy only at the Shire Office. Fees apply for the retrieval of Rates Books.

Landgate is the official custodian of land ownership information. It is recommended that a title search be conducted through Landgate if this type of information is sought.

Building / Development Applications

As the authority responsible for granting planning approval for development and issuing building licenses, the Shire of Chittering has a vast record of drawings and plans of buildings within the area. The drawings and plans can include site plans, floor plans, elevations and in some cases perspective drawings.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured. Contact the Shire Office for more information.

Local Heritage Survey

Under the Heritage of Western Australia Act 1990 the Shire of Chittering is required to prepare a Municipal Heritage Inventory. This is an inventory of all places within the Shire of Chittering boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, statement of significance, bibliography, listing status and an image of each place.

State Records Office

The State Records Office is located on the Ground Floor of the Alexander Library Building, Perth Cultural Centre. The State Records Office is the official repository for all state archives, with the State Records Office taking responsibility for the management and access to information transferred from government agencies such as the Shire of Chittering.

State Records Office staff can assist you to locate archival material relevant to your search, with various indexes available at their offices. The State Records Office Search Room is open Monday to Friday 9.30 am to 4.30 pm access to information held by the State Records Office is free of charge. Contact the State Records Office on Ph: (08) 9427 3600 for more information.

13. Code of Conduct - Elected Members and Staff

Section 5.103 of the Local Government Act 1995 provides that every local government is to prepare a code of conduct which is to be observed by members of the Council and Staff.

The Shire of Chittering's Codes of Conduct was adopted by Council at the 16 December 2009 Council Meeting and is reviewed annually. These Codes of Conduct provide members, committee members and employees at the Shire of Chittering with guidelines for an acceptable standard of professional conduct.

The Codes also address the broader issue of ethical responsibility and encourages greater transparency and accountability.

The Code of Conduct covers:-

- Role of the Shire President
- Role of Elected Members
- Role of the Chief Executive Officer
- Conflict and Disclosure of Interest
- Personal Benefit
- Conduct of Members and Employees
- Dealing with Council Property
- Corporate Team
- Meetings of Committee and Council
- Council Employees
- Relationships
- Appointments
- Privilege and Defamation
- Enforcement of the Code

The Codes of Conduct will be reviewed annually.

14. Operation of Freedom of Information Processes

What is the Freedom of Information Act all about?

- It gives you the legally enforceable right to access records 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 that you believe is inaccurate to be altered (at no cost).
- It obliges the Shire of Chittering to make available certain information about the way it operates.

What are considered records?

The Act defines records as:-

- any paper or other material, including affixed papers on which there is writing;
- any map, plan, diagram or graph;
- any drawing, pictorial or graphic work, or photograph;
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- any article or material from which sounds, images or writing can be reproduced whether or not with the aid of some other article or device;
- any article on which information has been stored or recorded, either mechanically, magnetically or electronically;

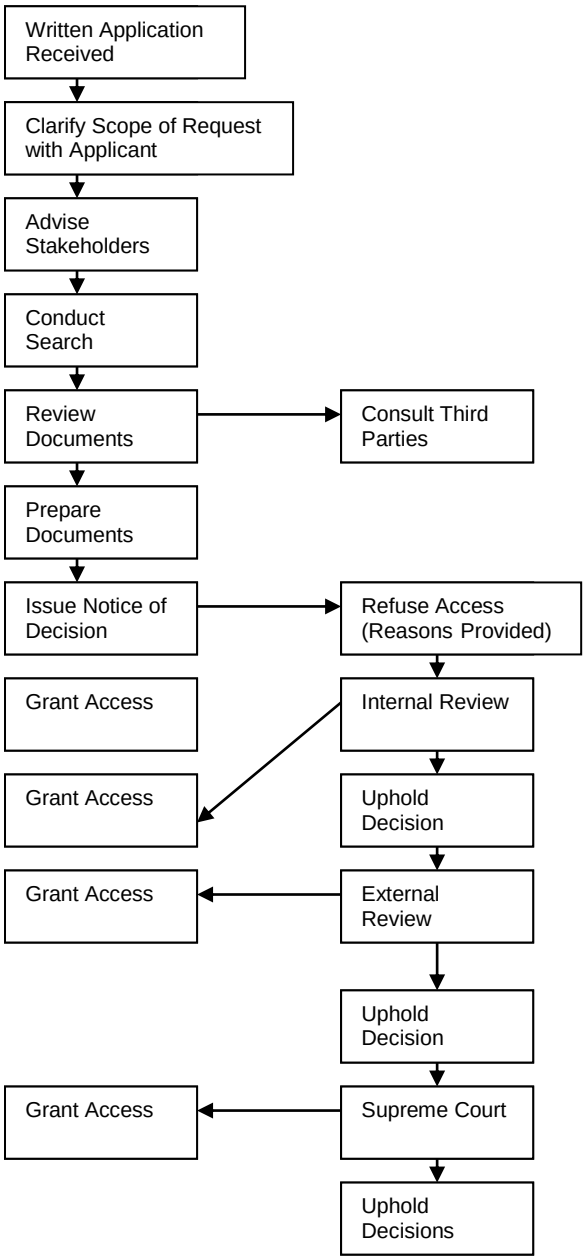
What are the costs involved?

The costs may vary from one application to another dependant upon the information required. An initial application fee of $30 (for non personal requests, personal requests are gratis) is payable on lodgment of the approved application form or written application. Charges also apply at the rate of $30 per hour for processing, supervision, transcribing and photocopying time. Photocopying charges of $0.20 apply for each copy. Additional charges may apply in respect of the provision and delivery of information.

FOI Application Form

The FOI Application Form may be used when lodging an access application, refer Appendix 1. The use of this form is optional.

15. Freedom of Information Process



Appendix 1 - FOI Application Form

Shire of Chittering
6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
(08) 9576 4600
chatter@chittering.wa.gov.au
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Telephone No		Mobile No	
Email Address			

REQUEST DETAILS

☐ Personal Document	☐ Non-Personal Documents
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In certain cases, a reduction in fees and charges may apply. If you consider that you are entitled to a reduction, please submit a request with copies of documents which address the criteria in the FOI Statement that support your application for a fee reduction.

I am requesting a reduction in fees and charges?	☐ Yes	☐ No

Applicant Name	Signature	Date

OFFICE USE ONLY			
FOI Reference		Received On	/ /
Deadline for Response	/ /	Acknowledgement Sent On	/ /
Proof of Identity Type		Debtor Number	
Date Records Updated	/ /	Officer Signature	
Approved by		Manager's Signature	

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Appendix 2 – FOI Notes

Shire of Chittering
6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
(08) 9576 4600
chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

FREEDOM OF INFORMATION APPLICATION

FOI Application Notes
The aim of the agency is to make information available promptly and at the least possible cost, and whenever possible, documents will be provided outside the FOI process and in accordance with Council's FOI Information Statement.

FOI Access Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- The agency may request proof of your identify if you are seeking access to personal information. (Any 2 of: Passport, Birth Extract, Driver's Licence, Credit Card, or similar).
- If you are seeking access to a document(s) on behalf of another person, the agency will require authorisation in writing from that person.
- 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, Office of the Information Commissioner, Albert Facey House. 469 Wellington Street, PERTH WA 6000 (PO Box Z5386, St George's Terrace, PERTH WA 6831).

FORMS OF ACCESS

You can request access to documents by way of inspection; a physical copy of a document; an electronic 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 the case of a document from which words can be reproduced in written form.

Where the agency is unable to grant access in the form requested, access may be given in a different form.

FEES & CHARGES

(In accordance with FOI Regulations – these fees are not subject to GST)

• Application Fee		$30.00
• Charge for dealing with the application		$30.00 per hour
• Charge Supervision Access		$30.00 per hour
• Photocopying		$30.00 per hour
	Plus	$0.20c per copy
• Delivery, package, and registered postage		Actual cost

LODGEMENT OF APPLICATIONS

Applications may be lodged -
By post, addressed to: *In person*, at:
Freedom of Information Coordinator
Shire of Chittering
PO Box 70 (6177 Great Northern Highway)
BINDOON WA 6502

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Right of Review:

1. Internal Review Rights

If you are not satisfied with this decision, you have the right to apply for an internal review.

An application for internal review must be lodged with this agency within 30 days after being given this notice of decision, and must be:

- In writing;
- Provide particulars of the decision to be reviewed; and
- Give an address in Australia.

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome of an application for internal review may result in either a confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days. The address for lodgement of an internal review request is:

Chief Executive Officer
Shire of Chittering
PO Box 70 (6177 Great Northern Highway)
BINDOON WA 6502

or

In person at:

Shire of Chittering
PO Box 70 (6177 Great Northern Highway)
BINDOON WA 6502

2. External Review Rights

If you are not satisfied with this decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of the decision. You are required to lodge your complaint with the Information Commissioner's office within 60 days of receiving this notice.

A complaint to the Information Commissioner must:

- Be in writing;
- Have attached a copy of this decision; and
- Give an address in Australia

There is no charge for lodging a complaint with the Information Commissioner's office. The address of the Information Commissioner is:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

Should you have any further queries or require further information about your review rights at this stage, you may contact the Office of the Information Commissioner on 6551 7888.

Shire of
Chittering