

Information Statement

Shire of Exmouth

Freedom of Information Act 1992



DISCLAIMER

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Information Statement

This document has been prepared and published in accordance with the requirements of Part 5, Freedom of Information Act 1992. Section 94 of this Act requires each agency to prepare an Information Statement.

The Shire of Exmouth is committed to open and accountable government. Access to information held by the Shire is available from the Shire Library, the Shire offices, on our website, by telephone, fax, and email or by post.

Introduction

The Western Australian *Freedom of Information Act 1992* (the Act) is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

The Act gives you the right to apply for access to documents held by State Public Sector agencies which includes: Government Departments; Local Authorities; Statutory Authorities and Ministers.

Agencies are required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up to date and not misleading. Your right to apply is not affected by any reasons you have for wishing to obtain access, or the agency's belief as to what your reasons are for applying.

The Act also requires each agency to prepare and publish an annual information statement which details the process of applying for information under the Act, as well as information that the Shire of Exmouth provides outside the Act. This Shire of Exmouth's Freedom of Information Statement fulfils the Shire's obligation in this regard, and is correct as at February 2019. Please note that the information contained in this Information Statement is a general guide and should not be substituted for the FOI Act and regulations. This document can be provided in hard copy upon request, and an electronic copy can be accessed via the Shire of Exmouth Website at www.exmouth.wa.gov.au.

Our Vision, Purpose and Values

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future.

Our Purpose

To responsibly provide governance for the whole community in the best interests of current and future generations.

Our Values

- Be open and accountable
- Act with honesty and integrity
- Be friendly, approachable, fair minded and responsive
- Act with sensitivity towards the environment and heritage
- Be innovative and contemporary

Legislative Framework

The operations of local government in Western Australia are governed by the *Local Government Act 1995 (LG Act)*, the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments. Confirmation of current Acts and Regulations by referring to the State Law Publisher at www.slp.wa.gov.au is recommended. The current Local Laws of the Shire of Exmouth can be accessed via our website. <http://www.exmouth.wa.gov.au/local-laws.aspx>.

Shire of Exmouth Structure

The Shire of Exmouth is a local government authority under the *LG Act*. The function of the Shire is to provide services and facilities to the inhabitants of the Shire via proper and democratic government. The services and facilities are to be provided in an efficient and cost effective manner and in accordance with all relevant legislation. The *LG Act* and associated Regulations set out the rules that shape many of the decision making processes and structures of the Shire.

Council Structure

The interests of the electors, ratepayers and residents of the Shire of Exmouth are represented by 6 Councillors who are elected to the Shire of Exmouth Council. Local government elections for the purposes of electing Councillors are held every two years, and Councillors are elected for a four-year term, thus ensuring continuity of knowledge and experience of at least half the Council members after each election. Councillors provide guidance to the community, facilitate communication between the community and Council, and participate in the decision making processes of Council that shape the direction that the Shire of Exmouth takes. Collectively, Councillors are responsible for determining Council policies for the Shire and strategic direction, determining the projects that the Shire undertakes, and have oversight of the budget for the Shire of Exmouth.

A current list of the elected members of Council for the Shire of Exmouth is available at <http://www.exmouth.wa.gov.au/councillors.aspx>.

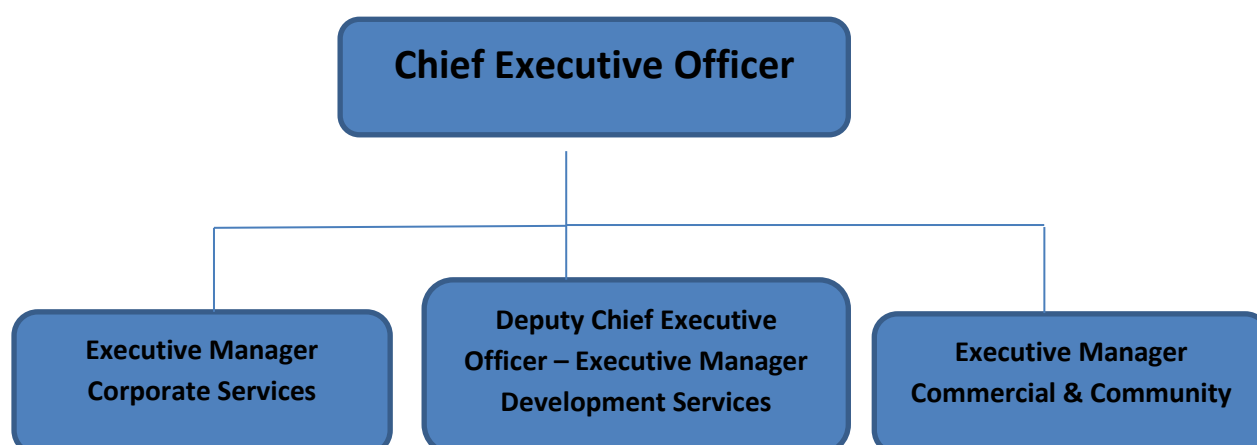
Management Structure

The operations of the Shire of Exmouth are managed by the Chief Executive Officer who is supported by an Executive Management Team.

The role of CEO is to act as a conduit between Council and the administration side of the Shire of Exmouth, and to carry ultimate responsibility for the efficient and effective utilisation of the resources available to the Shire. The CEO and staff report to Council at monthly meetings with recommendations that Council can accept, reject or substitute with an amended resolution.

The Executive Management Team consists of Executive Managers who assist the CEO in managing the Shire's three Directorates.

A visual overview of the management structure of the Shire of Exmouth is below.



Decision making by the Shire of Exmouth

The Shire of Exmouth has been entrusted with the responsibility to oversee the development and progression of the local community. Council delegate's decision-making authority to the CEO in some instances, and the CEO may sub-delegate certain decision-making duties to Shire officers in accordance with the *LG Act 1995*. These delegations are reviewed and approved by Council on an annual basis.

A range of policies have been developed by the Shire that guide and direct its actions now and into the future. All current Council policies can be viewed on the Shire of Exmouth Website.

In performing their roles as decision makers, Shire Councillors, the CEO and Shire Officers are required to make decisions that have an impact on the daily lives of residents and ratepayers of the Shire of Exmouth. These decisions might be about things like the provision of footpaths, control of animals, refuse collection, cultural events, planning matters, recreation facilities and control of environmental health issues. The Shire of Exmouth strives to achieve a balanced and fair approach to decision making to protect and develop the amenities of the Shire of Exmouth, preserve heritage, encourage economic growth, and provide clarity to residents and businesses in the area.

Public participation in the decision making process

The Shire of Exmouth recognises that the community is an important resource when informing decision making, and that community input is essential to assist the Shire in choosing a path that caters for the current and future needs and expectations of the community.

Council Meetings

Decisions are made by Council at regular Council meetings which are held on the last Thursday of each month, and are held in Council Chambers at the Shire of Exmouth's Ningaloo Centre on Truscott Crescent, Exmouth. Members of the public are welcome to attend Council Meetings. A complete list of Council Meeting dates for the year are available on the Shire of Exmouth website <http://www.exmouth.wa.gov.au/council-meetings.aspx>.

On occasions there may be a Special Meeting of Council if a matter of particular urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

Public Question Time

To assist members of the public to participate in the decision making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each meeting. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud. The question does not need to be on a Shire form. It can be in the form of a letter or note, as long as it legibly shows your question and contact details. The questions are to be received by the Presiding Officer of the Shire of Exmouth.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer, usually the President.

If a question is taken on notice then it will be recorded and a written response provided to the questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the Council.

If possible, please email your question through to es@exmouth.wa.gov.au or records@exmouth.wa.gov.au before the meeting. Your question may not be answered if you do not attend the Council Meeting.

Deputations

Should a group of people wish to engage or make a formal representation to Council on behalf of a larger group in relation to an item contained in the Council agenda, they may apply in writing to the CEO. The CEO will send the written request to the Shire President, who may then either approve the request or refer it to Council for a decision on whether or not to receive the deputation. If approved, the CEO will invite the deputation to attend a Council Meeting. Questions and requests for deputations should be marked for the attention of the Chief Executive Officer and may be faxed to 08 9949 3050, or posted to PO Box 21, Exmouth, WA 6707, hand-delivered to the Shire of Exmouth reception at the Ningaloo Centre, 2 Truscott Crescent, Exmouth WA 6707, or emailed to records@exmouth.wa.gov.au.

Annual General Meeting of Electors

The Annual General Meeting of Electors is held to discuss the Annual Report of the financial auditors for the Shire of Exmouth, and discuss general business of the Shire. A formal Notice of Meeting is advertised in advance of the date of the meeting. The meeting tends to be held in February or March each year.

Special Meetings of Electors

In accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors may be held following a request made to the Shire President for such a meeting by

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- One third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the Shire President and made by registered electors of the Shire of Exmouth. The petition needs to state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. It also needs to contain a summary of the reasons for the request and state the name and address of the person who is putting forward the petition. Further details regarding the requirements for petitions can be found in the *Local Government Act 1995* and the *Local Government (Constitution) Regulations 1996*.

Community Consultation and Participation

The Shire of Exmouth regularly invites the community to contribute. There are a range of tools that the Shire uses to engage with the public, including an annual Community Survey. The methods used vary according to the requirements of each consultation process, and some processes need to meet legislative requirements. Opportunities for input into decisions and processes of Council are advertised according to their needs on some or all of the following:

- the Shire of Exmouth website;
- on noticeboard at the Ningaloo Centre Building on Truscott Crescent;
- on the noticeboard in the library;
- on the Noticeboard in the Ross Street Mall;
- on the Shire's Facebook page;
- in the Pilbara News;
- in the West Australian Newspaper

Community members also have the opportunity to engage with the Shire of Exmouth at any time by visiting our reception at the Shire Administration Building between the hours of 8:30am and 4:30pm, by calling 08 9949 3000, by emailing records@exmouth.wa.gov.au. Additionally, community members may provide feedback, make enquiries or complaints, or report damage, graffiti or litter online via the Contact Us page of the Shire website at <http://www.exmouth.wa.gov.au/contact-us.aspx>.

Documents held by the Shire of Exmouth

Records of the Shire of Exmouth's activities are centrally stored by the Shire in accordance with the LG Act and *State Records Act 2000*. Such records include correspondence, memoranda, notes, recordings, reports, plans, sketches, maps, diagrams, applications, fact sheets, registers, approvals, notices, agendas and minutes.

In accordance with section 5.94 of the *Local Government Act 1995*, certain documents are made available by the Shire of Exmouth for public inspection without an application under the Freedom of Information Act being necessary, many of which are available on the Shire's website www.exmouth.wa.gov.au. Such documents include:

- Code of Conduct
- Shire of Exmouth Policies
- Register of Financial Interests
- Annual Reports
- Schedule of Fees and Charges

FOI Procedures

It is the aim of the Shire of Exmouth to make information available promptly and at the least cost possible. Therefore, wherever appropriate and lawful, documents will be provided outside of the FOI process. Where information is not freely available through one of the methods available outside of FOI, the FOI Act provides the right to apply for access to information held by, or believed to be held by, the Shire of Exmouth.

What information can I request?

The kinds of documents to which you may request access includes paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information.

You may also apply for access to personal information about you that is contained in agency documents and you can correct that information if it is incorrect, inaccurate, out of date, or misleading. Personal information is information about you whilst non-personal information is information concerning other people.

Documents which protect essential public interests, personal information about other people or the commercial or business affairs of others are among those documents which may not be released. An edited copy of a document may be provided to you if it contains some information considered to be exempt under the FOI Act.

How do I make an FOI application?

No special forms are required – a letter or email will suffice regardless of whether you seek access to information, but the Shire of Exmouth do have applications for your perusal. An application is available from the Shire of Exmouth. The Freedom of Information – Application to access documents is available by emailing records@exmouth.wa.gov.au or by coming in to the main administration office during office hours.

In your application, Identify or describe the documents concerned, providing enough information to facilitate the identification of the documents you seek. If you apply for amendment of personal information about yourself, you must provide details to show how or why the agency's records are inaccurate, incomplete, out of date or misleading. Ideally your request should be concise to narrow the field of search. Costs may apply for applications with a wide scope or requiring a high level of research. Give an address in Australia where notices can be sent and, if possible include a contact telephone number or email address so the Agency can liaise with on your application.

Send your written application or related enquiries to the Freedom of Information Coordinator, PO Box 21, Exmouth, WA 6707 or to records@exmouth.wa.gov.au

Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

Are there any costs involved?

No fees or charges apply for personal information or amendment of personal information about yourself. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of your request.

You can ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed \$25 the agency must give you an estimate of charges and ask whether you want to proceed with the application. You must notify the Shire (within 30 days) of your intention to proceed. In some instances the Shire may request an advance deposit. The fees, charges, deposits, and possible reductions are set by the FOI Act and are as follows:

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| Personal Information about the applicant | No fee and no charges |
| Application fee (for non-personal information) | \$30.00 |
| Charge for time 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 | \$0.20c |
| Transcribing from tape, film or computer (per hour or pro rata) | \$30.00 |
| Duplicating a tape, film or computer information | Actual cost |
| Advance deposit that may be required in respect of estimated charges | 25% |
| Further advance deposit may be required to meet the charges for dealing with the application | 75% |
| For impecunious the charge payable is reduced by | 25% |
| For those issued with prescribed pensioner concession cards, the charge payable is reduced by | 25% |

In what way can I minimise or remove the need for charges?

The FOI Act requires the Shire of Exmouth to help you with your application if you are having difficulty defining the documents you are seeking. The Shire may describe the kinds of documents and records kept to help you narrow the scope of your application. By reducing the scope of your application it will reduce the work for the Shire and the cost to you. The Shire may refuse to deal with a large request.

What happens after I have lodged my application?

Once the Shire has received a valid application from you, it has a maximum period of 45 calendar days to deal with your access application and to decide whether you can have access to the documents. If the period is not sufficient for research to be carried out and a decision subsequently provided, the Applicant will be informed and a negotiated time will be determined.

What if I need the documents urgently?

In the event that you require a decision on your application by a certain time, you should include this information in your written FOI application, or approach the Shire about the desired timeframe after your application has been submitted. You may be able to negotiate a shorter (or longer, as the case may be) period for response with the Shire.

How will I know when the Shire's decision has been made and what it is?

The Shire of Exmouth must provide you with a written Notice of Decision informing you whether you will be provided with access to all or some of the documents you have requested. The Notice of Decision will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reason for the refusal or where the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

The Notice of Decision will be provided as soon as possible, but in any case within 45 days. If the Shire refuses you access to any documents or parts of any documents, the written notice must provide you with the reasons for the decision. It must also explain your rights of review.

What if I am unhappy with the Shire's decision?

Internal Review

If you are dissatisfied with the Shire's decision you are entitled to request an internal review by the Shire. You have 30 days from the date of receipt of the Notice of Decision to make an application for internal review. Such a request needs to be in writing to the FOI Coordinator for the Shire of Exmouth, and should identify the part of the decision that you disagree with, as well as the reason that you are dissatisfied with it. The Shire then has 15 calendar days to conduct a review and notify you of the outcome. Another person in the Shire, who is not subordinate to the original decision-maker must make the decision on internal review. If the decision was made by the Chief Executive Officer an internal review is not available, but you can apply to the Information Commissioner for an external review.

External Review

If you disagree with the outcome of the internal review you may request the Information Commissioner for an external review. An application for external review should be made within 60 days of receiving the Shire's notice of internal review decision. Third parties who object to disclosure of their information must apply for external review within 30 days after being given the Shire's decision.

The application for external review can be made in a letter or you can complete a form available from the Office of the Information Commissioner at <http://foi.wa.gov.au/en-us/AppforExtRev>

You must give an address to which notices can be sent, give particulars of the decision you want reviewed, include a copy of that decision and lodge the application at the Office of the Information Commissioner.

The Information Commissioner is appointed by the Governor as an independent statutory officer who is responsible directly to Parliament. Therefore complaints lodged with the Information Commissioner are subject to impartial review based on the merits of each case and the relevant provisions of the FOI Act.

Further information

Further information can be obtained from the Freedom of Information (FOI) Coordinator of Western Australia on 08 9186 8555, Monday to Friday from 8.00am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889

Email: info@foi.wa.gov.au

Web: www.foi.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000