



Information Statement

2021/22

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1.0 INTRODUCTION

This Information Statement is published by the Shire of Dowerin in accordance with the requirements of the Western Australian *Freedom of Information Act 1992* (FOI Act).

The Information Statement includes information on:

- The structure and functions of the Shire;
- Decision-making functions;
- Description of the kinds of documents generated and held by the Shire and which documents may be viewed, purchased or obtained free of charge;
- How to access documents and personal information held by the Shire;
- How to amend personal information in documents held by the Shire.

The Information Statement also provides an outline of the Freedom of Information (FOI) process including how to make an FOI application.

The intention and objectives of the FOI Act is to:

- Confer upon persons a general right of access to information held by agencies;
- Confer upon individuals a right to apply to an agency for an amendment of personal information to ensure that it is accurate, complete, up to date and not misleading;
- Enable the public to participate more effectively in the governing of the State; and
- Make the persons and bodies that are responsible for State and Local Government more accountable to the public.

Further information can be provided by contacting the Freedom of Information Coordinator via:

Shire of Dowerin
PO Box 111 / 13 Cottrell Street
DOWERIN WA 6461

P: 08 9631 1202

E: dowshire@dowerin.wa.gov.au

2.0 OUR MISSION - COMMUNITY VISION AND VALUES

Identified during the public engagement process for the development of the Integrated Strategic Plan, the Dowerin community adopted the following as its Vision Statement:

A THRIVING AND SUPPORTIVE RURAL COMMUNITY WHICH OFFERS LIFESTYLE CHOICES AND OPPORTUNITIES FOR ALL

In delivering this Vision for the community the Shire of Dowerin recognises our commitment to the community by:



The Shire's priorities are described by five key result areas below:



3.0 STRUCTURE AND FUNCTIONS OF THE SHIRE OF DOWERIN

3.1 Constitution and Enabling Legislation

The Shire of Dowerin is a municipality constituted under Section 2.5 of the *Local Government Act 1995* to provide for the good governance of the district.

3.2 Major Functions and Powers

The Shire of Dowerin Council is elected to provide strategic direction and policy formation. Council policies and guidelines act as a guide for the Shire's stance on various issues.

The Shire of Dowerin provides for the good governance of the community in its district, including legislative and executive functions. The services of the Shire of Dowerin are available to all customers, free from any form of discrimination. The functions and activities of the Shire of Dowerin (including those contracted out to other businesses or organisations) can be broadly described as:

Function	Brief Description
Community Development	The function of arranging, promoting and conducting programs and events in visual arts, craft, music, performing arts, sports and recreation, cultural activities and services, youth and community engagement.
Community Services	The function of providing, operating or contracting services to assist local residents and the community, such as aged care services
Corporate Management	The function of applying broad systematic planning to define the corporate mission and determine methods of the Shire of Dowerin's operation.
Council Properties	The function of acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by the Shire of Dowerin.
Customer Service	The function of planning, monitoring and evaluating services provided to customers by the Shire.
Development & Building Controls	The function of regulating and approving building and development applications for specific properties, buildings, fences, signs, etc. covered by the <i>Building Act 2011</i> and the Building Code of Australia.
Environmental Management	The function of managing, conserving and planning of air, soil and water qualities, and environmentally sensitive areas such as remnant bushland and threatened species.
Financial Management	The function of managing the Shire of Dowerin's financial resources.

Function	Brief Description
Governance	The function of managing the election of Council representatives, the boundaries of the Shire of Dowerin, and the terms and conditions for Councillors. Includes the function of managing the relationship between the Council and other governments. The function is also responsible for ensuring Council meets its compliance and regulatory requirements specifically in relation to the <i>Local Government Act 1995</i> and subsequent legislation.
Grants & Subsidies	The function of managing financial payments to the Shire of Dowerin from the Federal and State Governments and other agencies for specific purposes. Related to the function of Financial Management.
Heritage	The function of identifying and managing the Shire's historical buildings to ensure these assets are properly maintained.
Information Management	The function of managing the Shire of Dowerin's information resources. Includes storage, retrieval, archiving, processing and communication of all information in any format.
Information Technology	The function of acquiring and managing communications, software, hardware and databases to support the business operations of the Shire of Dowerin.
Land Use & Planning	The function of establishing a medium to long term policy framework for the management of the natural and built environments.
Laws & Enforcement	The function of regulating, notifying, prosecuting, and applying penalties in relation to the Shire's regulatory roles and includes local laws.
Parks & Reserves	The function of acquiring, managing, designing and constructing parks and reserves either owned or controlled and managed by the Shire.
Personnel	The function of managing the conditions of employment and administration of employees at the Shire of Dowerin including contractors, consultants and volunteers.
Plant, Equipment & Stores	The function of managing the purchase, hire or leasing of all plant, vehicles, and other equipment. Does not include the acquisition of information technology and telecommunications.
Public Health	The function of managing, monitoring and regulating activities to protect and improve public health under the terms of the <i>Health Act 1971</i> , health codes, standards and regulations.
Rates & Valuations	The function of managing, regulating, setting and collecting income through the valuation of rateable land and other charges.
Risk Management	The function of managing and reducing the risk of loss of Shire of Dowerin's properties and equipment and risks to personnel.
Roads	The provision of road construction and maintenance of roads and associated street services to property owners within the district.
Sewerage & Drainage	The function of designing, constructing, maintaining and managing the liquid waste system, including drainage, sewerage collection and treatment, stormwater and flood mitigation works.
Traffic & Transport	The function of planning for transport infrastructure and the efficient movement and parking of traffic. Encompasses all service/facilities above the road surface and includes all forms of public transport.
Waste Management	The function of providing services to ratepayers for the removal of solid waste, destruction and waste reduction.

4.0 LEGISLATION ADMINISTERED

The Shire of Dowerin is wholly or partly responsible for administering the following legislation (as well as any subsequent sub-legislation and/or regulations):

LEGISLATION & ASSOCIATED REGULATIONS	PURPOSE
<i>Building Act 2011</i>	An Act to provide permits for building work and demolition work; standards for the construction and demolition of buildings and incidental structures; and the use and maintenance of, and requirements in relation to, existing buildings and incidental structures.
Building Code of Australia	A series of Codes prescribing building standards throughout Australia.
<i>Bush Fires Act 1954</i>	An Act to make better provision for diminishing the danger resulting from bush fires, and for the prevention, control and extinguishment of bush fires.
<i>Caravan Parks and Camping Grounds Act 1995</i>	An Act to provide for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, and to provide for standards in respect of caravans.
<i>Cat Act 2011</i>	An Act to control the ownership and keeping of cats, and the obligation and rights of persons in relation to the ownership and keeping of cats.
<i>Cemeteries Act 1986</i>	An Act to provide for the declaration and management of cemeteries, the establishment, constitution and functions of Cemetery Boards, and the licensing of Funeral Directors and the regulations of burials
<i>Control of Vehicles (Off-Road Areas) Act 1978</i>	An Act to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, and for the registration of off-road vehicles.
<i>Disability Services Act 1993</i>	An Act for the establishment of the Disability Services Commission and the Ministerial Advisory Council for Disability Services, for the furtherance of principles applicable to people with disabilities, for the funding and provision of services to such people that meet certain objectives, and for the resolution of complaints by such people.
<i>Dividing Fences Act 1961</i>	An Act relating to the construction and repair of dividing fences between certain lands.
<i>Dog Act 1976</i>	An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto.
<i>Environmental Protection Act 1986</i>	An Act to provide an Environmental Protection Authority, for prevention, control and abatement of environmental pollution, for the conservation, preservation, protection enhancement and management of the environment.
<i>Equal Opportunity Act 1984</i>	An Act to ensure equal employment opportunity for everyone.

LEGISLATION & ASSOCIATED REGULATIONS	PURPOSE
<i>Fire Brigades Act 1942</i>	An Act to consolidate and amend the law relating to the prevention and extinguishing of fires, the confining and ending of hazardous material incidents and the protection of life and property from fire, hazardous material incidents and accidents
<i>Food Act 2002</i>	An Act providing for the safety and suitability of food for human consumption.
<i>Freedom of Information Act 1992</i>	An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.
<i>Health Act 1911</i>	An Act to consolidate and amend the law relating to Public Health.
<i>Heritage of Western Australia Act 1990</i>	An Act to provide for, and to encourage, the conservation of places which have significance to the cultural heritage in the State, and to establish the Heritage Council of Western Australia.
<i>Interpretation Act 1984</i>	An Act to define terminology found in many other Acts and Regulations.
<i>Justices Act 1902</i>	An Act to consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.
<i>Land Administration Act 1997</i>	An Act to consolidate and reform the law about Crown land and the compulsory acquisition of land generally.
<i>Library Board of Western Australia Act 1951</i>	An Act relating to the operation of public libraries.
<i>Litter Act 1979</i>	An Act to make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA).
<i>Liquor Licensing Act 1988</i>	An Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor.
<i>Local Government Act 1995</i>	An Act to provide for a system of local government in Western Australia.
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	An Act to deal with certain matters concerning local government.
<i>Main Roads Act 1930</i>	An Act to consolidate and amend the law relating to and making provision for the construction, maintenance and supervision of highways, main and secondary roads, and other roads, the control of access to roads.
<i>Occupational Safety and Health Act 1984</i>	An Act to promote and improve standards for occupational health, safety and welfare and to coordinate the administration of the laws relating to occupational safety and health.
<i>Planning and Development Act 2005</i>	An Act to provide for a system of land use planning and development in the State.
<i>Public Health Act 2016</i>	An Act to provide a flexible and proactive framework for the regulation of public health.
<i>Rates and Charges (Rebates and Deferments) Act 1992</i>	An Act to permit administrative authorities to allow rebates on, or the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons.

LEGISLATION & ASSOCIATED REGULATIONS	PURPOSE
<i>Residential Tenancies Act</i>	An Act to regulate the relationship of lessors and tenants under residential tenancy agreements.
<i>Road Traffic Act 1974</i>	An Act to consolidate and amend the law relating to road traffic.
<i>Strata Titles Act 1985</i>	An Act to facilitate the subdivision of land into cubic spaces and the disposition of titles thereto.
<i>State Records Act 2000</i>	An Act to provide for the keeping of State records.
<i>Telecommunications Act 1997</i>	An Act about telecommunications.
<i>Tobacco Products Control Act 2006</i>	An Act to regulate the sale and promotion of tobacco products.
<i>Valuation of Land Act 1978</i>	An Act to provide for the Valuation of Land.
<i>Waste Avoidance and Resource Recovery Act 2007</i>	An Act to provide for waste avoidance and resource recovery, establish the Waste Authority, provide for waste services by local governments, and provide for levies on waste.
<i>Workers Compensation and Assistance Act 1981</i>	An act to amend and consolidate the law relating to compensation for, and the rehabilitation of workers suffering disability by accident or disease in the course of their employment. Regulations, By-laws and local laws made under the foregoing.

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

- Activities on Thoroughfares;
- Dowerin and Minnivale Cemeteries;
- Dogs;
- Fencing;
- Fire Break;
- Health;
- Local Government Property;
- Parking and Parking Facilities;
- Standing Orders; and
- Waste.

Other Legislation Affecting the Shire of Dowerin

The following legislation (as well as any subsequent sub-legislation and/or regulations) may also affect the functions and operations of the Shire of Dowerin:

LEGISLATION & ASSOCIATED REGULATIONS	PURPOSE
<i>Aboriginal Heritage Act 1972</i>	An Act to make provision for the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants.
<i>Builders Registration Act 1939</i>	An Act relating to the qualifications and registration of builders; to constitute a board in relation thereto and to establish a tribunal with jurisdiction in respect of certain building disputes.
<i>Industrial Relations Act 1979 (WA)</i>	An Act to consolidate and amend the law relating to the prevention and resolution of conflict in respect of industrial matters, the mutual rights and duties of employers and employees, and the rights and duties of organisations of employers and employees.

LEGISLATION & ASSOCIATED REGULATIONS	PURPOSE
<i>Native Title Act 1993</i>	An Act about native title in relation to land or waters.

Copies of the above legislation is available from:

State Law Publisher
 10 William Street
 PERTH 6000
 P: 08 9321 7688
 W:www.legislation.wa.gov.au

5.0 STRUCTURE AND FUNCTION OF THE SHIRE OF DOWERIN

5.1 Council

The Council consists of eight Councillors, including the Shire President and Deputy Shire President who are both elected by the Councillors. The Shire President and Councillors act in a voluntary capacity, receiving sitting fees in accordance with the *Local Government Act 1995* and determinations made by the State Administrative Tribunal.

Each Councillor serves for a term of four years. Elections for half the Council are held every two years.

The role of Council is to:

- Direct and control the Shire's affairs;
- Be responsible for the performance of the Shire's function;
- Oversee the allocation of the Shire's finances and resources;
- Determine the Shire's policy; and
- Provide strategic direction.

The role of the President is to:

- Preside at Council meetings;
- Provide leadership and guidance to the community;
- Carry out civic and ceremonial duties on behalf of the Shire;
- Speak on behalf of the Shire;
- Perform such functions as specified in the *Local Government Act 1995* or other written laws; and
- Liaise with the CEO on the Shire's affairs and the performance of its functions.

The Deputy Shire President carries out these functions when the Shire President is unavailable.

The role of a Councillor is to:

- Represent the interests of electors, ratepayers and residents of the district;
- Provide leadership and guidance to the community in the district;
- Facilitate communication between the community and Council;
- Participate in the local government's decision-making processes at Council and Committee meetings; and
- Perform such other functions as are given to a Councillor by the *Local Government Act 1995* or any other written law.

Council establishes policies and guidelines for the management of the district and makes all decisions in this regard, unless authority has been delegated in accordance with the *Local Government Act 1995*.

Decisions of Council are made at Council Meetings. Unless otherwise advertised, Ordinary Meetings of Council are held on the third Tuesday of each month in Council Chambers at the Shire Administration Office, 13 Cottrell Street, Dowerin commencing at 2.00pm.

Members of the public are welcome to attend and may ask questions during Public Question Time, make a deputation on any agenda item, or present a public statement relating to a matter that is not listed on the agenda.

When considering recommendations, either from a Committee meeting or presented in an Officer's report, Council may:

- Accept the recommendation put forward and adopt it en bloc without further debate/discussion;
- Withdraw a particular item for further discussion or modification or propose another course of action be taken; or

- Defer making a decision on the item pending further consideration/discussion at an appropriate meeting.

Further information about the Councillors and their contact details is available on our website at www.dowerin.wa.gov.au.

5.2 Shire Administration

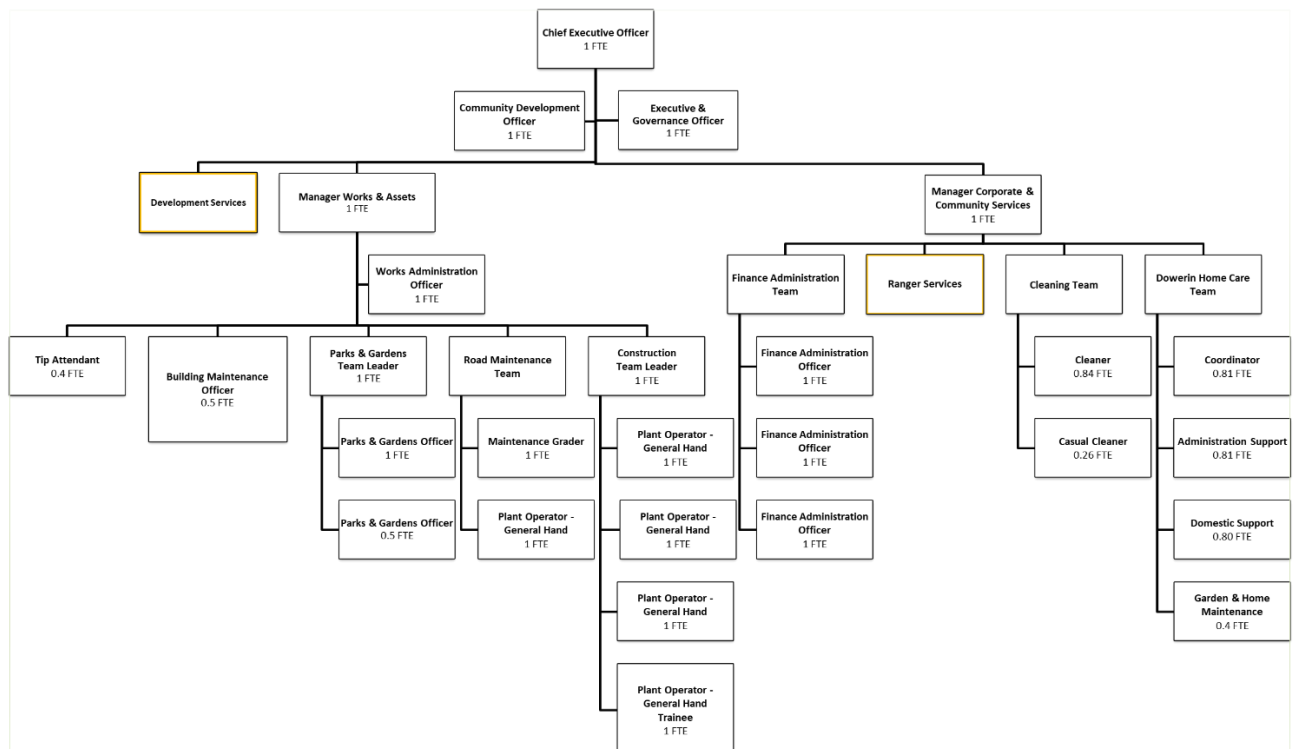
The Shire Administration undertakes the operational activities related to Council decisions. All operations are carried out in accordance with Council Policy, and decisions made by Officers are in accordance with delegated authority or authority otherwise provided by the legislation.

The Chief Executive Officer (CEO) is appointed by Council and is responsible for the day to day management of the Administration's functions and all staff related matters.

The role of the CEO is to:

- advise Council in relation to the functions of the Shire;
- ensure that advice and information is available to Council so that informed decisions can be made;
- cause Council decisions to be implemented;
- manage the day to day operations of the Shire;
- liaise with the President on the local government's affairs and the performance of the Shire's functions;
- speak on behalf of the Shire if the President agrees;
- be responsible for the employment, management supervision, direction and dismissal of employees;
- ensure that records and documents of the Shire are properly kept; and
- perform any other function specified or delegated by Council.

The Organisational Chart for the Shire of Dowerin is detailed below:



5.3 Key Community Services and Facilities

- Community Resource Centre (including library & visitor services);

- Dowerin Home Care (Commonwealth Home Support Programme and Home Care Packages); and
- Regional Early education and Development (REED) - Lil Tigers Early Learning Centre.

6.0 DECISION-MAKING FUNCTIONS AFFECTING THE PUBLIC

6.1 Council

Meetings of Council are held to make all decisions concerning the municipal district, other than those delegated, as authorised by the *Local Government Act 1995* and other legislation as appropriate. Decisions are generally made after considering recommendations from Officers and/or Committees unless a Special Meeting of Council has been called to consider a specific issue.

6.2 Council Committees and Delegations

Committees meet to consider issues which are under their area of operation as identified in their Terms of Reference, which are available on the Shire's website www.dowerin.wa.gov.au. These committees may comprise of Councillors and external representatives.

Council has appointed the following committees:

- Audit and Risk Committee;
- Dowerin Bush Fire Advisory Committee;
- Dowerin Local Emergency Management Committee;
- Australia Day Honours Committee; and
- Road Verge Management Advisory Committee.

Of the above Committees, only the Audit and Risk Committee has delegated authority (Refer Delegation 1.1) which relates to the duties of a local government with respect to audits.

Council also has delegates on the following external committees:

- North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)
- Great Eastern Country Zone (GECZ) of WALGA;
- Goomalling Medical Surgery Advisory Committee;
- Kellerberrin Sub-Regional Road Group;
- Rural Water Council; and
- Dowerin Events Management.

6.3 Delegated Authority

In addition to the legislated functions of the CEO, and in order to ensure the efficient management of Council activities, authority has been delegated to the Audit and Risk Committee, the CEO and other Officers to make decisions of an operational nature in accordance with Council policies and specific matters by resolution of Council.

These delegations are identified in the Delegations Register which is required to be reviewed by Council annually. The Register is available on the Shire's website: www.dowerin.wa.gov.au.

7.0 PUBLIC PARTICIPATION

Electors, ratepayers and residents of the Shire of Dowerin have a number of opportunities to be involved in the decision-making processes of Council. Details of the various public participation opportunities are outlined below.

7.1 Public Question Time at Council Meetings

Members of the public are permitted under the *Local Government Act 1995* to address Council at its Ordinary Meetings on any subject within Council's jurisdiction. In order to make an address to Council it is preferred a person gives written notice of their intention to do so, to enable an appropriate response to be provided at the meeting.

The rules governing Public Question Time are outlined in the Shire of Dowerin Standing Orders Local Law which is available via the Shire's website: www.dowerin.wa.gov.au.

Public Question Time is restricted to electors of the Shire unless Council, by resolution, decides otherwise.

7.2 Petitions

Written petitions can be presented to Council on any subject within Council's jurisdiction. Council will receive each petition and may refer it to the Administration for research and advice before making a decision.

7.3 Electors' Meetings

Electors have an opportunity to give their opinions on any issue at either the Annual Meeting of Electors or a Special Meeting of Electors.

7.3.1 Annual Meeting of Electors

An Annual Meeting of Electors is to be held at least once in each financial year, at a time appointed by Council for the following purposes:

- receiving the Annual Report;
- Special Business of which notice has been given; and
- General Business.

7.3.2 Special Meeting of Electors

A Special Meeting of Electors occurs if written notice in the prescribed form (Form 1) is submitted to the President and signed by either 100 eligible electors or 5% of the number of electors, requesting that a meeting be held on a particular matter.

The Standing Orders Local Law specifies that special meetings are called to consider special business which is to be notified when calling the meeting. No business shall be transacted at a special meeting other than that for which the special meeting has been called.

7.4 Written Requests

Any member of the public may write to the Shire of Dowerin at any time on any matter. Any matter raised will be considered by Administration and/or Council and a decision and response provided.

Correspondence should be sent to:

Chief Executive Officer
Shire of Dowerin
PO Box 111
DOWERIN WA 6461
Or by email to dowshire@dowerin.wa.gov.au

7.5 Councillors

Electors are able to vote every second year for Councillors in the Dowerin District to represent them in the decision-making functions of Council. Councillors are elected for four year terms. Electors may contact Councillors to discuss any issues relevant to Council.

Contact information for the Councillors is available via the Shire's website: www.dowerin.wa.gov.au.

7.6 Community Engagement

Council may consult residents on any issue that is currently under consideration. Other than direct consultation, or via its website, Council may notify residents of issues by advertising in local papers, calling public meetings, or surveys. Under each of these methods electors, ratepayers and residents are able to provide input and lodge objections and are provided with guidelines for doing so.

7.7 Notice and Advertising

In many instances the Shire of Dowerin is required by the *Local Government Act 1995* to provide notice of its intention to take a particular course of action or decision. In other instances, the Shire will advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to comment or object.

Current notices are maintained via the Shire of Dowerin's website (www.dowerin.wa.gov.au), placed in the Dowerin Despatch and on our Facebook page. Should you have regular dealings with the Shire it is strongly recommended that you monitor these notices.

Please note that for the Shire of Dowerin:

- Local public notice is given by advertising the notice in the Dowerin Despatch and/or Avon Advocate newspapers, as well as displaying the notice on the display boards in the Shire Administration Office and outside the Dowerin CRC, and online.
- State-wide public notice is given by advertising the notice in the West Australian newspaper as well as displaying the notice on the display boards in the Shire Administration Office and outside the Dowerin CRC, and online.

8.0 DOCUMENTS HELD BY THE SHIRE OF DOWERIN

Council maintains records regarding its operational activities according to legislative requirements. The Shire creates and stores records during the performance of its functions.

Below are broad categories of the types of documents held by the Shire and are to be considered as a guide only:

- Audit reports;
- Business plans;
- Compliance documents, including standard operating procedures and plans;
- Finance and accounting documents;
- General correspondence;
- Human resources documents and contracts;
- Incident reports;
- Industrial agreements;
- Land based documents relating to roads, developments, subdivisions, building permits, storm water drainage, and other similar types of work;
- Memorandums of understanding, contracts, deeds, leases and agreements;
- Minutes, agendas, notice papers and reports of meetings;
- Records relating to the administrative operations of the Shire;
- Research reports;
- Strategy and policy documents; and/or
- Submissions to other government agencies and authorities.

For the purposes of the FOI Act, there are two categories of documents held by the Shire of Dowerin. These can be broadly categorised as those available for inspection or purchase outside the constraints of the FOI Act and those which through their content, must be held confidentially with public access considered only through the provisions of the FOI Act.

The following schedule categorises documents that are available for inspection only and documents that are available on the website:

DOCUMENT DESCRIPTION	INSPECTION ONLY	WEBSITE
Access and Inclusion Plan		✓
Agendas of Council and Committee Meetings (excluding any confidential items)		✓
Annual Budget		✓
Annual Report		✓
Annual and Primary Returns	✓	
Annual Electors Meeting Agenda and Minutes		✓
Annual Financial Statements		✓
Burials Register	✓	
Building Approvals and Plans (only with the written consent from the property owner)	✓	
Business Plans for any Major Undertakings		✓
Code of Conduct		✓
Complaints and Minor Breaches Register		✓
Corporate Business Plan		✓
Customer Service Charter		✓
Delegations Register		✓
Election Candidates Details and Profiles (in an election year)		✓
Electoral Gift Register		✓
Electoral Roll for the District	✓	
Firebreak Notice		✓
Financial Interest Register		✓
Gift and Travel Contributions Register		✓
Information Statement		✓
Local Emergency Management Plan		✓
Local Laws		✓
Long Term Financial Plan		✓
Map of the District		✓

Model Standards for CEO Recruitment, Performance and Termination		✓
Municipal Heritage Inventory		✓
News and Events		✓
Owners and Occupiers Electoral Roll	✓	
Policy Manual		✓
Proposed Local Laws		✓
Rates Record (ownership details only)	✓	
Record Keeping Plan		✓
Schedule of Fees and Charges		✓
Strategic Community Plan		✓
Tender Register	✓	
Town Planning Scheme		✓
Training Register for Councillors		✓

Access to information that is not otherwise listed as available may need to be accessed by way of an application under the FOI Act.

Charges may be applicable for copies of documents. Applicable charges are listed in this document and in the Schedule of Fees and Charges available from the Shire's website www.dowerin.wa.gov.au.

9.0 THE OPERATION OF FOI IN THE SHIRE OF DOWERIN

The Shire of Dowerin aims to make information available promptly and at the least possible cost. The Shire is to administer the FOI 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 FOI Act provides for a general right of access to documents it also recognizes that some documents require protection. These exemptions are listed in Schedule 1 of the FOI Act and include:

- personal information;
- information concerning trade secrets;
- other commercially valuable information;
- legal advice; or
- any other information concerning the business, professional, commercial or financial affairs of a third party who is not the applicant.

A full list of exemptions can be viewed via the Office of the Information Commissioner's website at www.oic.wa.gov.au.

Under the provisions of the FOI Act, applications can be made to:

- gain access to a document(s);
- amend personal information; or
- review a previous FOI decision regarding access to or amendment of a document(s).

Access can be requested by way of inspection, a 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 Shire of Dowerin is unable to grant access in the form requested, access may be given in a different form.

The Shire is mindful of its obligations and the FOI Act provides a general right of access to documents. If possible, the Shire will initially try to provide access to documents outside of the FOI process.

9.1 Making an FOI Application

If you are considering making an application for access to documents, we encourage you to first make contact with the FOI Coordinator (via the contact details below) who will ensure that advice is provided to help you to make a valid application. Documents potentially may be made available without having to make an application under the FOI Act.

As specified in the FOI Act, an application:

- must be in writing;
- give enough information to enable the requested document(s) to be identified;
- give an Australian address to which notices and correspondence can be sent;
- be accompanied by the prescribed application fee; and
- give any other information or details required under the Regulations.

Applications can be lodged at the Shire:

By post – address to:

Freedom of Information Coordinator
Shire of Dowerin
PO Box 111
DOWERIN WA 6461

In person – visit:

Administration Office
13 Cottrell Street
DOWERIN WA 6461

By email – address to:

Freedom of Information Coordinator
dowshire@dowerin.wa.gov.au

Applications will be acknowledged in writing and the applicant will be notified of the decision within 45 (calendar) days.

The right to apply is not affected by any reasons a person may have to obtain access.

9.2 Notice of Decision

The FOI Coordinator and the CEO of the Shire of Dowerin are authorised to make decisions regarding FOI applications.

The FOI Coordinator, as soon as possible but in any case, within 45 (calendar) days of receipt of a valid FOI request, must provide the applicant with a notice of decision which will include:

- The date which the decision was made;
- The name and the designation of the officer who made the decision;
- The reason why a document is considered exempt or the fact that access is given to an edited document;
- If access is refused, the reason for claiming the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

9.3 Refusal of Access and Right of Review

The most frequent reasons for refusal to provide access to information include:

1. Personal Information
Information that would reveal personal information about an individual (i.e. their name, contact details, signature etc) may be exempt under Schedule 1 Clause 3 of the FOI Act.

The Glossary, Schedule 2 of the FOI Act states that:

Personal information means information or an opinion, whether true or not, and whether recorded on a material form or not, about an individual, whether living or dead –

- *Whose identity is apparent or can reasonable be ascertained from the information or opinion; or*
- *Who can be identified by reference to an identification number or other identifying particular such as a finger print, retina print or body sample.*

2. Commercial Information
Information that would reveal trade secrets, information of a commercial value (i.e. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (i.e. debts owed to the Shire) may be exempt under Schedule 1 Clause 4 of the FOI Act.
3. Deliberative Process
Information that would reveal a decision made during a deliberative process closed to the public (i.e. confidential Council meeting or matter discussed Behind Closed Doors at a Council or Committee meeting) may be exempt under Schedule 1 Clause 6 of the FOI Act.

4. Legal Professional Privilege

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the FOI Act.

Applicants who are dissatisfied with a decision of the Shire are entitled to ask for an internal review by the Shire. The internal review will be carried out by a person, not being the original decision-maker, from the start of the decision-making process.

If applicants disagree with the result of the internal review, they can apply to the Office of the Information Commissioner for an external review. Applicants will be advised of the procedure to request an external review when the internal review notice of decision is issued.

9.3.1 Internal Review

An application for internal review must be lodged with the Shire within 30 (calendar) days after being given the written notice of decision, and must:

- Be in writing;
- Provide particulars of the decision to be reviewed; and
- Give an address in Australia to which notices and correspondence can be sent.

There is no lodgement fee for an application for internal review and there is no charge for dealing with an internal review request. The outcome for an application for internal review may result in a confirmation, variation or reversal of the initial decision under review.

You will be advised of the outcome of an internal review within 15 (calendar) days.

The address for lodgement of an internal review is:

By post – address to:

Chief Executive Officer
Shire of Dowerin
PO Box 111
DOWERIN WA 6461

In person – visit:

Administration Office
13 Cottrell Street
DOWERIN WA 6461

By email – address to:

Chief Executive Officer
dowshire@dowerin.wa.gov.au

9.3.2 External Review

If you are not satisfied with the decision of the internal review, you have the right to lodge a complaint with the Information Commissioner seeking an external review of that decision.

You are required to lodge your complaint with the Information Commissioner's office within 60 (calendar) days of receiving the notice of decision of the internal review.

A complaint to the Information Commissioner must:

- Be in writing;
- Have attached to it a copy of the notice of decision; and
- Give an address in Australia to which notices and correspondence can be sent.

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

Country Callers 1800 621 244

Should you have any further queries or require any further information about your review rights, you may contact the Office of the Information Commissioner on (08) 6551 7888.

9.4 FOI Procedures for the Amendment of Personal Information

Under the FOI Act, staff, ratepayers and the general public may apply to have personal information about themselves held by the Shire amended if they believe it is incomplete, incorrect, out of date or misleading. Requests to have documents amended should be directed in writing to the FOI Coordinator. Receipt of an application must be acknowledged in writing by the FOI Coordinator.

The decision to allow or refuse amendment of personal information is to be made by the FOI Coordinator in consultation with the CEO, depending on the nature of the request.

In accordance with Section 49(2) of the FOI Act, the Shire is required to give the applicant written notice of its decision within 30 (calendar) days. The notice is to give details of the approved amendment(s) or a statement of reason for the decision to refuse amendment of the personal information.

A simple name and/or address change is handled through our usual process, upon completion of a Change of Contact Details form and/or supply of proof of change and is not subject to the FOI process.

The only records of a personal nature held by the Shire of Dowerin relate to staff. Any person concerned that any records maintained by the Shire may contain personal information about themselves that may require amendment, can write or contact the:

Freedom of Information Coordinator
Shire of Dowerin
13 Cottrell Street / PO Box 111
DOWERIN WA 6461

P: 08 9631 1202
E: dowshire@dowerin.wa.gov.au

9.5 FOI Charges

Details of fees and charges are listed below and must be paid in full prior to access to non-exempt documents being permitted. Whilst the \$30 application fee is mandatory, the additional charges are applied at the Shire's discretion and will usually only be required if the application is large and requires extensive amounts of staff time. These charges are in accordance with the charges specified in the *Freedom of Information Regulations 1993*.

TYPE OF FOI REQUEST	CHARGE APPLICABLE
Personal Information about the applicant	No fee
Amending personal information	No fee
Application fee for non-personal information	\$30
Charge for time taken by staff dealing with the application (per hour or pro rata)	\$35 per hour
Charge for access time supervised by staff (per hour or pro rata) (plus the additional cost to the agency for any special arrangements (eg hire of facilities or equipment))	\$37 per hour
Charges for photocopying (per copy, black and white)	A4 - 85c A3 - \$1.00
Charges for staff time photocopying (per hour or pro rata)	\$35 per hour
Charge for time taken by staff transcribing information from a tape or other device	\$35 per hour

Charge for duplicating a tape, film or computer information	Actual cost
Charge for delivery, packaging and postage	Actual cost
Internal Review	Nil
Advance deposit that may be required in respect of estimated charges	25%
Further advance deposit that may be required to meet the charges for dealing with the application	75%

9.5.1 Estimate

If charges are to be applied, an estimate of charges will be sent to the applicant before any work is undertaken. Work on the application will only begin once the estimate has been accepted and paid. If the applicant is not satisfied with the estimate they are welcome to discuss the scope of the application with the FOI Coordinator in an effort to reduce the charges. Alternatively, the applicant may contact the Office of the Information Commissioner to request a review.

9.5.2 Deposit

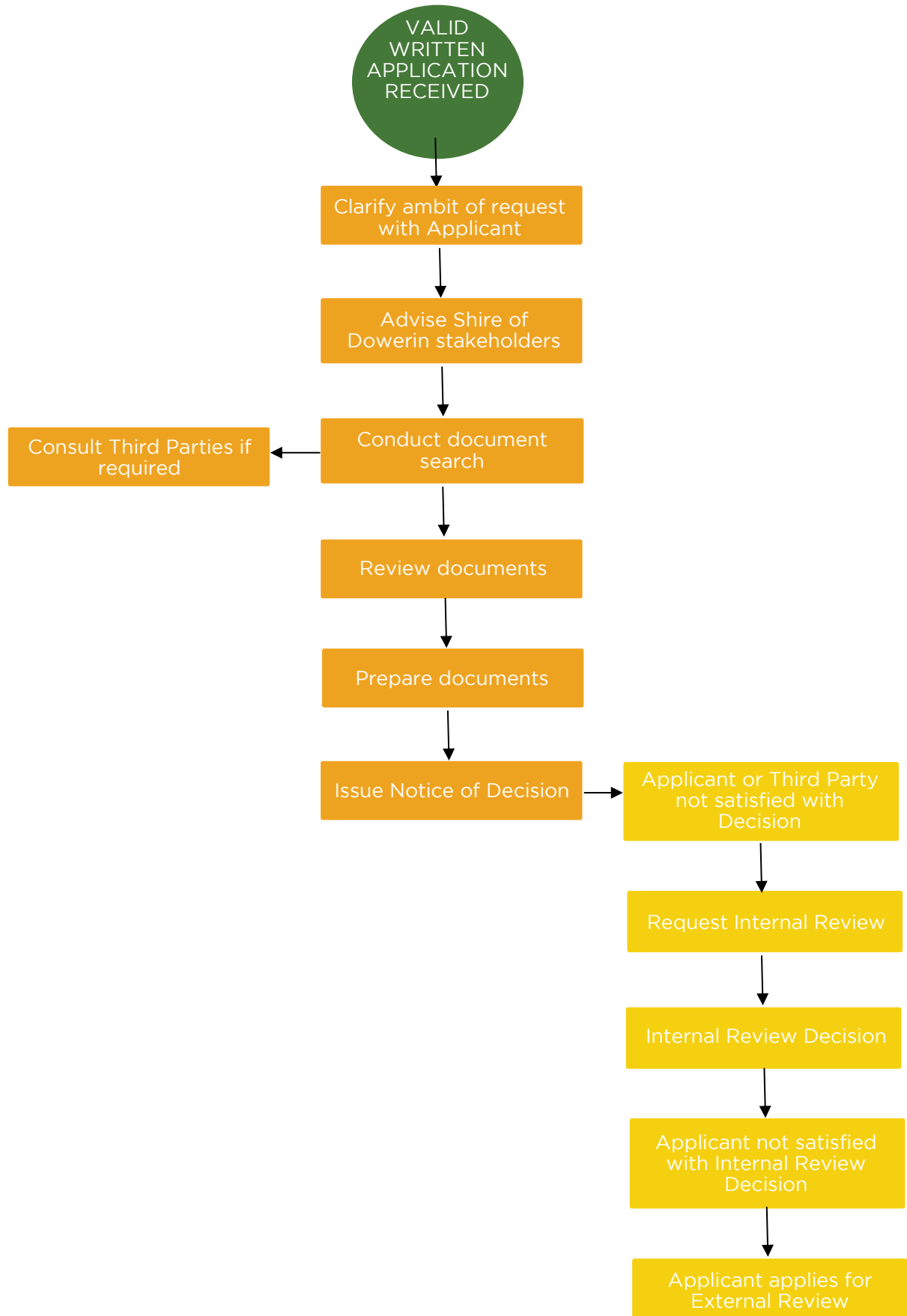
A deposit of 25% of the estimated charge may be requested. A further advance deposit of up to 75% of the fee may be required should it be considered necessary to meet the charges for dealing with the application. The imposition of this charge is entirely at the discretion of the Shire of Dowerin.

9.5.3 Financial Hardship

The Regulations of the FOI Act provide that the applicable charge will be reduced by 25% for an applicant who is:

- Impecunious (financially disadvantaged) in the opinion of the Shire there is financial hardship; or
- The holder of a current valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the *Rates and Charges (Rebates and Deferments) Act 1992*.

9.6 FOI Process - Flowchart





SHIRE OF
DOWERIN
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Contact us

Shire of Dowerin
9631 1202

dowshire@dowerin.wa.gov.au
www.dowerin.wa.gov.au