



## SHIRE OF DOWERIN FREEDOM OF INFORMATION STATEMENT

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### INTRODUCTION

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local government, 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
- Details of decision making functions
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency
- The operation of FOI in the agency

This document has been prepared by the Shire of Dowerin to satisfy Part 5 of the Act and is correct as at October 2015. Copies of this document may be obtained from –

Freedom of Information Co-ordinator

Shire of Dowerin

PO Box 111

DOWERIN WA 6461

Or on the Shire of Dowerin website at [www.dowerin.wa.gov.au](http://www.dowerin.wa.gov.au)

Enquiries may be made to that office on telephone 08 9631 1202 Monday to Friday 8:30am to 4:00pm or email [finance@dowerin.wa.gov.au](mailto:finance@dowerin.wa.gov.au)



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## COUNCIL INFORMATION STATEMENT

### Freedom of Information

#### THE COUNCIL INFORMATION STATEMENT

#### ACCESS TO COUNCIL DOCUMENTS

#### DOCUMENTS TO BE PROVIDED OUTSIDE OF FOI WHEREVER POSSIBLE

The Shire of Dowerin is an open and accountable Local Government and wherever possible will make documents available for public inspection outside of the *Freedom of Information Act*. The general public can view a variety of Council publications at the Shire Offices at 13 Cottrell Street Dowerin or online at Council's website address which is [www.dowerin.wa.gov.au](http://www.dowerin.wa.gov.au)

If members of the public wish to obtain **copies** of any documents, then a **charge may apply**.

Emailed copies of public documents will be provided free of charge.

#### FOI PROCEDURES AND ACCESS ARRANGEMENTS

##### FOI Operations

The Shire of Dowerin supports an open and accountable local government and will endeavour to make information available promptly and at the least possible cost. As previously stated whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

##### Freedom of Information Applications

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Shire Offices with any application fee payable.

Applications and enquiries should be addressed or delivered to:

Freedom Information Coordinator  
Shire of Dowerin 13 Cottrell Street DOWERIN WA 6461

##### Acknowledgment of Applications

Applications will be acknowledged in writing and you will be notified of the decision as quickly as possible and no later than 45 days after the application is received.



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## Freedom of Information Charges

A scale of fees and charges is set under the FOI Act Regulations. Apart from the application fee for non-personal information all charges are discretionary.

No fees or charges apply for personal information or amendment of personal information about yourself (e.g. your medical records; details of employment etc).

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, and there may be other charges imposed by the agency as follows:

- \$30 per hour of staff time or pro rata for part of an hour for dealing with an application. (Agencies cannot charge for locating the documents within the scope of your request.)
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- 30 cents per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

## Deposits

- Advance deposit may be required of the estimated charges 25%
- For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable may be waived in certain circumstances.

## Access Arrangements

Access to documents can be granted by way of inspection, emailed electronic copy, a “hard” paper copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

## Edited Copies of Documents

As a general rule Council will provide edited copies of documents where part of the document may be subject under the schedule of exemptions of the Freedom of Information Act for various reasons (eg, commercial considerations) or where there would be disclosure of personal or private information about an individual.

## Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as:

- The date which the decision was made;
- The name and the designation of the officer who made the decision. This is the Manager, Corporate Services



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- If the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
  - Information on the right to review and the procedures to be followed to exercise those rights.

### **Refusal of Access**

Applicants who are dissatisfied with a decision will be able to seek an **internal review** by the Chief Executive Officer. If you disagree with the result of the CEO's decision then you can apply to the Information Commissioner for an **external review**, and details would be advised to applicants when the internal review decision is issued.

### **LEGISLATION ADMINISTERED**

The Shire of Dowerin is established under the Local Government Act 1995, and has the responsibility for the administration of this Act within the municipality. Other major legislation which the Shire of Dowerin is wholly or partly responsible for administering is –

- Bush Fires Act
- Dog Act
- Litter Act
- Health Act
- Environmental Protection Act
- Town Planning & Development Act
- Dividing Fencings Act
- Off Road Vehicles Act
- Freedom of Information Act
- Occupational Health, Safety & Welfare Act
- Building Codes of Australia
- Library Board Act

Council is also responsible for statutory control and obligations within the following legislations –

- Health Act
- Main Roads Act
- Environment Protection Act
- Building Act
- Dog Act
- Caravan and Camping Act
- Litter Act
- Liquor Licensing Act
- Land Administration Act
- Town Planning Act
- Road Traffic Act



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## ORGANISATION STRUCTURE

Council is the policy making body of the Shire of Dowerin. To implement Council decisions, it is necessary to employ professional staff. Management of the staff is through senior officers. The Chief Executive Officer, who is employed by the Council and has delegated authority, manages the day to day running of the Shire and provides advice to Council and directs the activities of staff through the Managers/Coordinators.

## FUNCTIONS

The elected members of Council act as one body, dealing with the business of the Dowerin local government area in accordance with relevant statutes, local laws and policies. As a body, Council meets on the third Tuesday of each month.

Meetings commence at 3.00 pm sharp and any member of the public is welcome to attend. Limited time is set aside for the public to ask questions of the Council. Questions are generally taken on notice as a reply may not be immediately forthcoming due to the need to either research the matter raised or to seek clarification of the matter from a third-party. Desirably, questions should be submitted in writing at least 3 days before the Council meeting is to take place in order that a response can (hopefully) be provided at the meeting.

Occasionally, Council may hold a special meeting outside of these times, especially where it is required to deal with an urgent matter of business. Notice of a Special Meeting of Council will be advertised in the beforehand. Again, any member of the public is welcome to attend a Special Meeting of Council and ask questions of the Council within the allotted public question time.

Where a person requests a matter to be dealt with by the Council, or is required to have a matter (such as a land development proposal or application) to be dealt with by the Council, such a request (or proposal or application) must be submitted in writing to the Chief Executive Officer (CEO) at least 30 days before the date of the Ordinary Meeting of Council (OCM) at which it is requested to be considered and determined. Inclusion of the matter in the meeting agenda will be subject to all relevant and pertinent information being provided by the person making the request (or by the proponent or applicant), all comments from relevant authorities and agencies who may be affected by the matter having been received, and either no public or stakeholder notification beforehand is required, or where required, such notification has been completed and the submission period has expired.

A request received less than 30 days before the next Ordinary Meeting of Council may be presented to Council for consideration and determination only at the discretion of the CEO and subject to the above criteria (where applicable).

## DOCUMENTS HELD BY THE SHIRE OF DOWERIN

The following documents are available for public inspection at the Shire of Dowerin free of charge. Members of the public may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges manual may be inspected at



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the Shire Offices during normal office hours. Some of the documents or related information is available online.

- Policy Manual
- Annual Budget
- Annual Report
- Standing Orders
- Strategic Plan
- Freedom of Information Statement
- Tender Register
- Code of Conduct
- Council Minutes & Agendas (unless classified as confidential)
- Electoral Rolls
- Rates and Charges
- Local Laws
- Various leaflets and brochures

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

Information is held in the Shire's filing system, which is managed by an electronic records management system.

Personal information is held in personnel files in the Shire's records system.

## **OPERATION OF FOI IN THE SHIRE OF DOWERIN**

### **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 Dowerin to make available certain information about the way it operates.

### **What are considered to be records?**

The Act defines records as –

- Any paper based records eg. Memos, correspondence, maps, plans, photos etc.
- Any sound based records, eg. cds etc.
- Any image based records eg. Roll films, micrographics, video tapes, optical disks etc.



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- Any digital based records eg. Computer tapes, floppy disks, cds etc.

### **Who do I contact to make enquiries?**

You may ring the Shire of Dowerin Freedom of Information Co-ordinator on 08 9631 1202 between the hours of 8.30am to 4.00pm Monday to Friday if you have any queries. Alternatively, you can send an email to [finance@dowerin.wa.gov.au](mailto:finance@dowerin.wa.gov.au)

### **How do I lodge an application?**

You must lodge your application in writing –

- give enough information so that the documents can be identified
- give an Australian address to which notices can be sent
- be lodged at the Shire of Dowerin with any application fee payable
- give enough information so that the documents can be identified

### **Lodgement of Applications**

Applications may be lodged –

#### **By Post, addressed to –**

FOI Coordinator  
Sonia King  
Shire of Dowerin  
PO Box 111  
DOWERIN WA 6461

#### **Or in Person to –**

Shire of Dowerin  
13 Cottrell Street  
DOWERIN WA 6461

