



Freedom of Information Statement 2020-21

This information statement is published in accordance with the provisions of part 5 of the *Freedom of Information Act 1992 (WA)*.

Adopted at the Ordinary Meeting of Council 23 November 2000
Reviewed at the Ordinary Meeting of Council – 22 October 2020

TABLE OF CONTENTS

1. **STRUCTURE OF THE ORGANISATION**
 - 1.1 Council
 - 1.2 Administration
2. **PUBLIC EFFECT OF THE ORGANISATION'S FUNCTIONS**
 - 2.1 Decision Making
 - 2.2 Legislation, Regulations, By-Laws and Powers
3. **POLICY FORMULATION - PUBLIC PARTICIPATION**
 - 3.1 Policies
 - 3.2 Delegation of Authority
 - 3.3 Annual General Meeting of Electors
 - 3.4 Sub-Committees & Consultative Groups
 - 3.5 Services
4. **DOCUMENTS HELD BY THE ORGANISATION**
 - 4.1 Documents available for Inspection by the Public
 - 4.2 Documents covered by the Act
5. **ACCESS PROCEDURES & ARRANGEMENTS**
 - 5.1 Applications and Forms of Access
 - 5.2 The Review Process
 - 5.3 Amendment Procedures

1. STRUCTURE OF ORGANISATION

1.1 COUNCIL

Shire President: Cr Tony Dean

Deputy Shire President: Cr Robin Mellema

Central Ward

Cr Tony Dean

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Cr Chris Buckland

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Cr Vincent Corlett

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Cr Cate Stevenson

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Cr Robin Mellema

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Email: deputy.president@nannup.wa.gov.au

Cr Patricia Fraser

PO Box 14 Nannup WA 6275

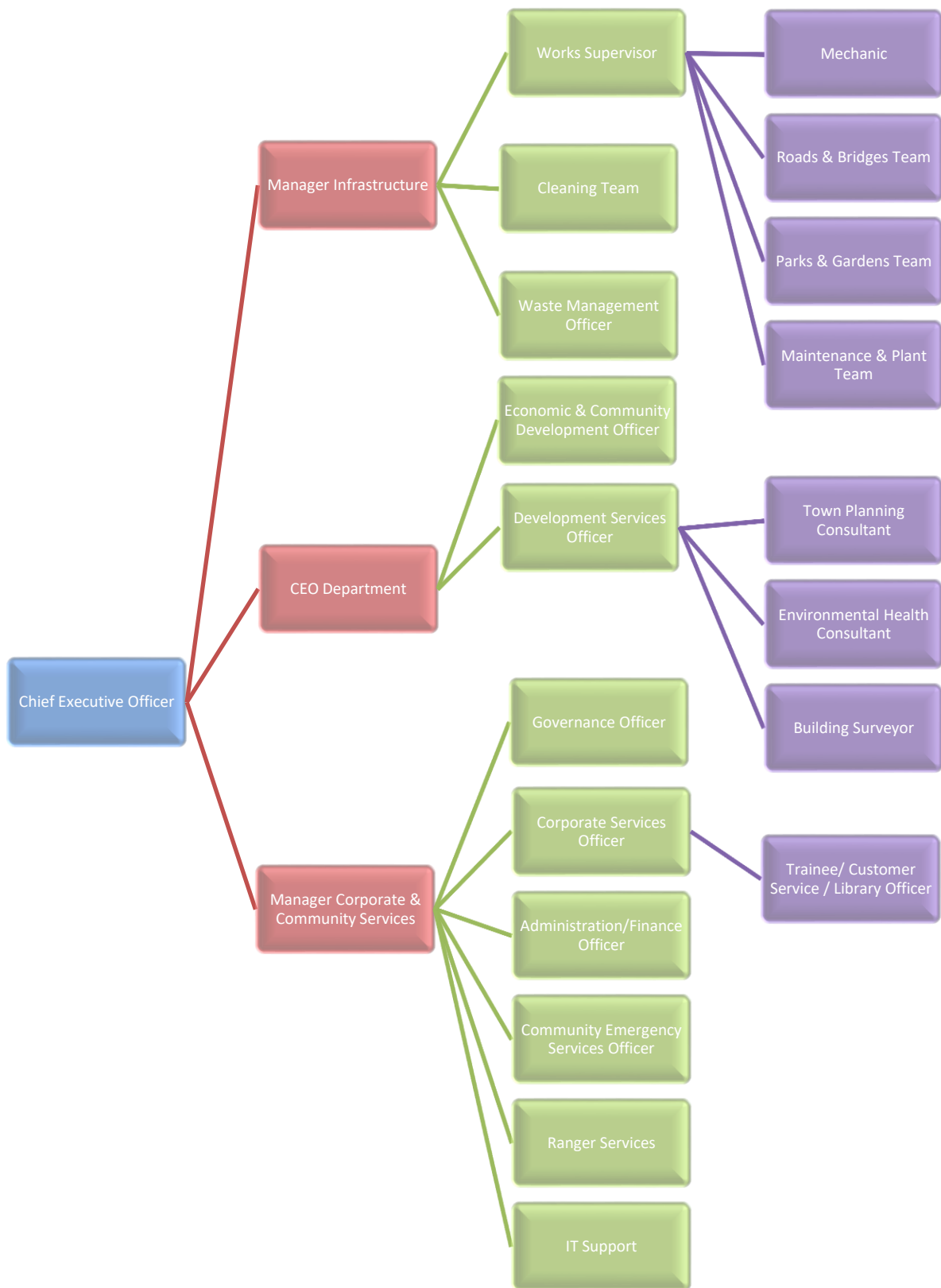
Ph (08) 9758 1112

Email: cr.fraser@nannup.wa.gov.au

1.2 ADMINISTRATION

The Chief Executive Officer is responsible for the administration of Council policy, and the efficient management of the day to day operations of the local government.

An organisational structure of the Shire of Nannup follows:



2. PUBLIC EFFECT OF THE ORGANISATION'S FUNCTIONS

2.1 DECISION MAKING

The Shire of Nannup provides a wide range of services and facilities for its residents, ratepayers and visitors to the Shire. The Shire also has a role in the management, improvement and development of the resources within its area so as to create a safe and pleasant environment for its residents and ratepayers.

General information relating to the Shire is published in the Nannup Telegraph on a monthly basis. The Shire of Nannup Information Booklet is published annually and is distributed with the Rates Notices. Copies are also available from the Shire Offices. These sources of information are designed to keep the public informed of the various issues being undertaken by the Shire of Nannup.

Council

Council, consisting of eight Councillors, is the decision making body on all policy matters. Council meets monthly with Ordinary Meetings of Council being held on the fourth Thursday of every month commencing at 5.30 pm.

Members of the public are welcome to attend all meetings of Council. A public question time of at least 15 minutes duration is scheduled at the commencement of all public meetings.

Agendas and Minutes

Agendas for Ordinary Council Meetings are available to members of the public four days prior to meetings. Minutes are placed on display in the Nannup Library within ten working days after each meeting.

2.2 LEGISLATION, REGULATIONS, BY-LAWS AND POWERS

2.2.1 ACTS

A number of Acts of Parliament give the Shire of Nannup the necessary powers to make decisions regarding the natural, built and legal environments which it administers. Listed below are the principle Acts which are briefly described:

Local Government Act 1995 and Associated Regulations

This Act enables the Shire of Nannup to administer its local government area. Local authorities operate strictly within the Act and are not able to undertake actions, activities or services that are not specifically provided for in this or other legislation.

Bush Fires Act 1954 and Associated Regulations

This Act makes provisions for the prevention, control and extinguishment of bush fires.

Cemeteries Act 1986

This Act provides for the declaration and management of cemeteries, the establishment, constitution and functions of cemetery boards, the licensing of funeral directors, the regulation of burials and related purposes.

Disability Services Act 1993

This Act provides services for people with disabilities.

Dog Act 1976 and Associated Regulations

This Act controls the registration, ownership and keeping of dogs and the obligations and rights of persons in relation thereto.

Environment Protection Act 1986

This Act provides for an Environmental Protection Authority, the prevention, control and abatement of environmental pollution and for the conservation, preservation, protection, enhancement and management of the environment.

Freedom of Information Act 1992

This Act to provides 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.

Health Act 2016

This Act regulates matters relating to sewerage and drainage, water pollution, medical services, public and private buildings, nuisances, offensive trades, medical services, the control of disease and medicines and pharmaceuticals.

Heritage of WA Act 1990

This Act requires all local authorities to compile and regularly review an inventory of local places which are significant or may become significant heritage properties.

Liquor Licensing Act 1988 and Associated Regulations

This Act, administered in part by local government, regulates 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.

Litter Act 1979 and Associated Regulations

This Act to makes provision for the abatement of litter and establishes, incorporates and confers powers upon the Keep Australia Beautiful Council (WA).

Occupational Safety and Health Act 1984 and Association Regulations

This Act, administered in part by local government, promotes and improves standards for occupational health, safety and welfare and regulates the administration of the laws relating to occupational health, safety and welfare and incidental purposes.

Public Works Act 1902

This Act governs the laws relating to authorising public works, surveys, investigations for water, roads, rivers and bridges, railways and related matters.

Rates and Charges (Rebates and Deferments) Act 1992

This Act permits 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.

Strata Titles Act 1985

This Act facilitates the subdivision of land and the disposition of titles thereto and incidental purposes.

Planning and Development Act 2005

This Act provides for the planning and development of land for urban, suburban and rural purposes. The general objective of this Act is to promote and develop land to the best possible advantage and to balance the use of all land resources.

Building Act 2011

This Act regulates the construction and modification of buildings.

Valuation of Land Act 1978

An Act to provide for the valuation of land and other purposes.

2.2.2 COUNCIL LOCAL LAWS

Local laws may be adopted by Council to regulate and govern local issues. Council has adopted local laws relating to:

- Refuse Disposal
- Health
- Parking
- Standing Orders for Council Meetings
- Dogs

2.2.3 TOWN PLANNING SCHEME

The Shire of Nannup operates under Town Planning Scheme No 3, which was gazetted on 14 December 2007.

The purpose of the Scheme is to:

- (a) Control land development
- (b) Secure the protection of the environment of the Scheme Area
- (c) Other matters authorised by the Planning and Development Act 2005

3. POLICY FORMULATION - PUBLIC PARTICIPATION

3.1 POLICIES

Council adopts Policies on a variety of issues to act as a guide for Officers of the Shire of Nannup and provide the basis for decision making. All current Policies are contained within the Council's Policy Manual along with a register of authorised delegations made by the Council to assist with the efficient administration of the municipality.

3.2 DELEGATION OF AUTHORITY

The Chief Executive Officer has delegated authority from Council to make decisions on a number of specified administrative and policy matters.

3.3 ANNUAL GENERAL MEETING OF ELECTORS

The Annual General Meeting of Electors is held once in every financial year and includes the presentation of the Annual Report and the Auditor's Report. Residents and ratepayers are encouraged to attend this meeting as it is an opportunity to ask questions and raise issues with local representatives.

3.4 SUB-COMMITTEES AND CONSULTATIVE GROUPS

Council Committees comprise:

Audit Advisory Committee
Risk Management Advisory Committee
Bush Fire Advisory Committee
Local Emergency Management Advisory Committee
Australia Day Advisory Committee
Local Drug Action Group Committee
Tourism Committee

The Council has appointed Elected Members to the following Working Groups:

Warren Blackwood Alliance of Councils
Western Australian Local Government Association - South West Zone
Lower Blackwood Land Conservation District Committee
Regional Road Group
Quannup Working Party
Development Assessment Panel
Business Initiative Group Nannup (BIG N)

3.5 SERVICES

Council provides a range of services to the community in many areas including:

Roads/Footpaths/Cycle ways/Kerbing	Street Tree Planting
Street Lighting	Rubbish Collection
Litter Bins	Streetscape
Public Toilets	Youth and Community Services
Public Libraries	Parks and Reserves
Playground Equipment	Community Halls and Centres
Dog Control	Planning and Building Control
Environmental Health Matters	Emergency Response Services
Recreational/Sporting Facilities	Citizenships
Stormwater Drainage	Bush Fire Control
Tourism and Economic Promotion_	Cemeteries

4. DOCUMENTS HELD BY THE ORGANISATION

4.1 DOCUMENTS AVAILABLE FOR INSPECTION BY THE PUBLIC

The Shire of Nannup has a variety of documents available for public inspection or purchase. Annual Reports, Local Laws, Budgets, Minutes, Rate book and Policies are available for inspection during normal office hours or may be purchased by paying a photocopying fee.

A copy of Council agendas and minutes can be viewed at no charge at the Shire Offices. An electronic (email) copy of Council agendas and minutes can be received at no cost. An annual subscription is available for the supply of hard copy agenda and minutes.

4.2 DOCUMENTS COVERED BY THE ACT

Documents and information covered by the Freedom of Information Act include various items such as maps, plans, personnel records, client records, building files and correspondence.

All documents received are filed, with files being divided into categories as follows:

- Administration
- Property Assessments
- Associations and Committees
- Building
- Government Departments and Organisations
- Finance
- Fire and Emergency Services
- Health
- Personnel
- Rating
- Recreation
- Reserves
- Roads
- Tenders

- Town Planning
- Tourism
- Welfare and Community Services
- Works and Services

5. ACCESS PROCEDURES AND ARRANGEMENTS

It is the aim of the Council to make information available promptly and at the least possible cost; whenever possible documents will be provided outside the Freedom Of Information process.

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

5.1 APPLICATIONS AND FORMS OF ACCESS

5.1.1 APPLICATIONS

For applications to be accurately and promptly dealt with, requests must ensure sufficient information is supplied to enable the correct document(s) to be identified.

The Shire of Nannup may request proof of identity.

If a person is seeking access to a document or documents on behalf of another person the Shire of Nannup may require authorisation, usually in writing.

Applications will be dealt with as soon as practicable after it being received.

Applications should be addressed to:

FOI Co-ordinator
Shire of Nannup
PO Box 11
NANNUP WA 6275

Applications can also be delivered to the Shire administration building at Adam Street, Nannup between the hours of 8.00 am and 4.30 pm Monday to Friday.

It should be noted that some documents are for viewing only and some documents cannot be copied, as this would be in breach of the Copyright Act.

5.1.2 FEES AND CHARGES

The following fees and charges were adopted by Council and are to be seen as maximum charges:

- No fee for access applications relating to personal information and amendment of personal information
- Application fee of \$30 for other access applications (non-personal information)
- A fee of \$30 per hour for staff time or pro rata for part of an hour for dealing with an application. (Charges do not apply for searching, identifying and collating the documents).
- A fee of \$30 per hour of staff time or pro rata for part of an hour for supervision by staff when access is given to view documents.
- Photocopying will be charged at the rate of 20 cents per A4 copy.
- Duplicating a tape, film or computer information will be charged at the actual cost.
- Delivery, packaging and postage will be charged at the actual cost.

5.1.3 FORMS OF ACCESS

Requests for access to documents can be made by way of inspection, a copy of a document, a computer disk, 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 where words can be reproduced in written form. Where the Shire is unable to grant access in the form requested, access may be given in a different form.

5.1.4 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 on which the decision was made
- the name and the designation of the officer who made the decision
- if the document is an exempt document the reasons for classifying the matter as exempt or the fact that access is given to an edited document
- information on the right to review and the procedures to be followed to exercise those rights.

5.2 THE REVIEW PROCESS

The Freedom of Information Act provides for a review and appeal process. Applicants may seek an Internal Review if they are dissatisfied with the decision of the Freedom of Information Coordinator. If they are still dissatisfied following the internal review then a review by the Information Commissioner may be requested. If still not satisfied, applicants may appeal to the Supreme Court.

5.2.1 INTERNAL REVIEW

Applicants who are not satisfied with the decision of the FOI Coordinator can apply to the Shire of Nannup for an Internal Review of that decision. Applications for an Internal Review must be lodged at the Shire within 30 days of receipt of notice of the Shire's decision. The Shire will respond within 15 days or any longer period agreed between the applicant and the Shire. The Internal Review will be carried out by the Chief Executive Officer. There is no charge for an internal review.

5.2.2 EXTERNAL REVIEW

Applicants who are still dissatisfied after the Internal Review has been completed may seek a review by the Information Commissioner. This request must be made in writing, giving details of the decision to which the complaint relates. Complaints should be made to the Information Commissioner and addressed as follows:

Office of the Information Commissioner Albert Facey House 469 Wellington Street PERTH WA 6000	Phone: (08) 6551 7888 Freecall (WA Country): 1800 621 244 Fax: (08) 6551 7889 Email info@foi.wa.gov.au Web: www.oic.wa.gov.au
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Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

5.3 AMENDMENTS PROCEDURE

An individual may apply to have a document amended if it contains inaccurate, incomplete, out of date or misleading personal information. An application should be made in writing to the Shire of Nannup and should provide all the information required in the Act (Amendment forms are available from the Shire Offices). Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. Applications must also indicate how they wish the amendment to be made (e.g. alteration, insertion, etc.).

Effective From:	23 November 2000
Expires on:	Does not expire
Next Review:	October 2021
Reviewed by Council:	22 October 2020