



Freedom of Information Statement

*This Information Statement is published by the Shire of Wyalkatchem in
accordance with the requirements of:*

Freedom of Information Act 1992

Local Government Act 1995

2022 - 2023

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SHIRE OF WYALKATCHEM ADMINISTRATIVE INFORMATION

Current Address: Corner Flint Street and Honour Avenue, WYALKATCHEM, WA 6485
Postal Address: PO Box 224, WYALKATCHEM, WA 6485
Telephone: (08) 9681 1166
Facsimile: (08) 9681 1003
Website: www.wyalkatchem.wa.gov.au
Email: general@wyalkatchem.wa.gov.au

Chief Executive Officer:

Mr Peter Klein

Freedom of Information Officer:

Governance Executive Officer
Ms Stephanie Elvidge

Office of the Information Commissioner

Phone: (08) 6551 7888
Free call (WA country): 1800 621 244
Fax: (08) 6551 7889
Email: info@foi.wa.gov.au
Web: www.oic.wa.gov.au
Address: Albert Facey House, 469 Wellington Street, Perth WA 6000

1 Introduction

The Freedom of Information Act 1992 (“FOI Act”) provides for public access to documents, and for the public to ensure that personal information in documents is accurate, complete, up to date, and not misleading.

Part 5 of the FOI Act requires the Shire of Wyalkatchem (the “Shire”) to prepare and publish an annual Information Statement. The Information Statement must:

- State the structure and functions of the Shire;
- Describe the ways in which functions of the Shire affect members of the public;
- Describe arrangements that exist to allow members of the public to participate in the formulation of the Shire’s policy and performance of the Shire’s functions;
- Describe the type of documents usually held by the Shire;
- Describe the arrangements for giving members of the public access to documents; and
- Describe the arrangements for amending personal information.

This document has been created to comply with that requirement, and is correct as at 21 July 2021.

The Shire’s Information Statement is published on the Shire’s website at:

www.wyalkatchem.wa.gov.au

This document can be provided in alternative formats upon request.

Further information can be provided, between Mondays and Fridays, by contacting the FOI Coordinator via:

Phone: (08) 9681 1166

Email: admin2@wyalkatchem.wa.gov.au

2 Mission Statement

COUNCIL'S VISION

That Wyalkatchem is an inclusive, dynamic community where all share in a thriving economy and a sustainable, safe and valued environment

OUR PURPOSE

The Council of Wyalkatchem works with the community to protect and enhance the quality of life for current and future generations.

3 Legislative Environment

Western Australian State Government

Copies of relevant Acts and Regulations are available from:

www.legislation.wa.gov.au

Shire of Wyalkatchem Local Laws

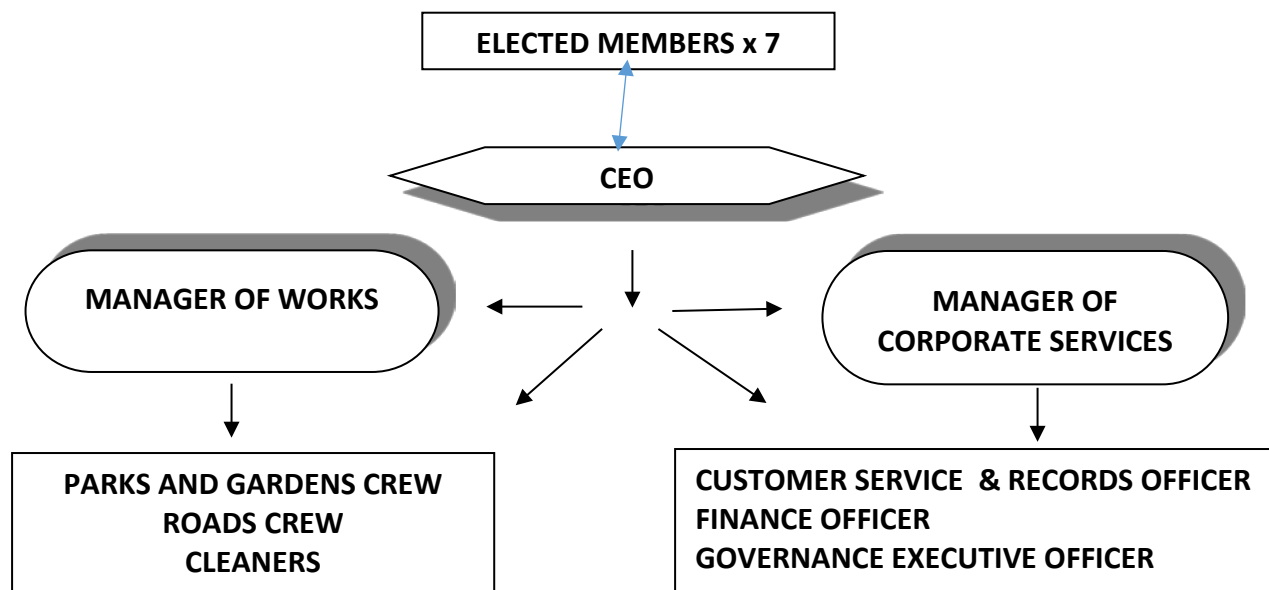
The Shire has enacted a number of local laws that govern activities on land that is owned or managed by the Shire, as well as certain activities conducted on private land within the Shire.

Local governments may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the *Local Government Act 1995*.

Wyalkatchem local laws are detailed in *Appendix 1. Local Laws Register*

4 Council Structure and Functions

4.1 Overview of Shire of Wyalkatchem Structure



The Council is the governing body of the local government and is comprised of seven elected members (Councillors).

The role of the Council is defined in the *Local Government Act 1995*:

- To direct and control the local government's affairs; and
- To be responsible for the performance of the Local Governments functions. (*See section 5*).

Delegated Authority: The Council may delegate to the Chief Executive Officer the exercise of any of its powers, or the discharge of any of its duties. For this to occur however, an absolute majority decision is required. There are some limits on powers or duties that can be delegated to the Chief Executive Officer. Details of such limitations can be found in Section 5.43 of the *Local Government Act 1995*.

4.2 Council Functions

The Council has a significant number of functions and roles within the Shire.

If you would like to know more, please contact the Shire's Governance Officer on 9681 1166 for further information.

5 Decision making Functions affecting the Public

Local governments are comprised of two parts: the elected representatives (councillors) and administration (council staff). The Shire of Wyalkatchem consists of 7 council members including the Shire President. Currently there are 2 vacancies on Council.

5.1 Elected Representatives

Councillors are democratically elected by the residents and ratepayers of the Shire of Wyalkatchem. They take an Oath of Office to carry out this role impartially, to the best of their ability, and in the best interests of the community.

An elected council sets the overall direction for the shire through long-term planning and decision making. It adopts a strategic view of the future it wishes to achieve for its community and makes plans and policies to achieve this.

The Council is responsible for appointing the Chief Executive Officer (CEO) and is also responsible for managing and reviewing the CEO's performance.

5.2 The Role of Councillors

The role of councillors is set out in the *Local Government Act 1995* which provides clarity and guidance to councils, councillors and constituents about what is expected of councillors.

There are several key elements to the role of a councillor and they include;

- participating in high level decision-making;
- setting the strategic direction of the council, and
- representing the local community.

Councillors do not have the authority to act or make decisions as individuals. The role of a councillor does not include those functions performed by the Chief Executive Officer.

Members of the public can contact the Shire's Councillors (including the Shire President) to discuss any issue relevant to the Council. Councillor contact details are available on the Shire's website, in the Wyalkatchem Telephone and Business Directory or by contacting the Shire during office hours.

5.3 The Role of the Shire President

The President is the figurehead of the Council and in the Shire of Wyalkatchem, is elected by fellow councillors for a two year term. Presidents may be re-elected at the discretion of the Council.

The President actively promotes and develops opportunities for the Shire. This often involves developing and maintaining extensive individual and community networks and performing an important social and ceremonial role as leader of the community. The President takes the chair at all meetings of the council at which he or she is present. If absent, incapable of acting or refuses to act, the council must appoint a councillor to act as President.

In addition to the above, the President:

- provides guidance to councillors about what is expected of them; and
- acts as the principal Council spokesperson and articulates council policies and positions fairly and accurately; and
- supports good working relations between councillors; and
- represents the Council in civic and ceremonial duties.

5.4 Chief Executive Officer

The CEO is the only staff member who is appointed by the Council. The CEO is appointed for a term of no more than five years at a time, but can be re-appointed for further terms. Full recruitment must take place after a 10 year term.

The CEO is responsible for managing the organisational structure for the Council ensuring that council decisions are implemented, the day to day management of the Council's operations and providing advice to council.

The CEO is also responsible for supporting the Shire President in the performance of his or her role and the development, implementation and enforcement of policies and protocols to manage interactions between councillors and council staff.

5.5 Council staff

Council staff are the resource that ensures the day to day running of the organisation and the delivery of council services and functions. Staff have a wide range of training and expertise.

Council staff are responsible for providing advice, implementing Council's direction and taking action on Council decisions.

The *Local Government Act 1995* requires council staff to observe specific conduct principles.

These principles require staff in the course of their employment to:

- act impartially;
- act with integrity including avoiding conflicts of interest;
- accept accountability for results; and
- provide a responsive service.

6 Public Participation in the Formulation of Policy and Performance of Agency Functions

Council Meetings - members of the public are permitted, under the *Shire of Wyalkatchem Standing Orders*, to address meetings of Council on any subject which is within the Council jurisdiction. Council have set aside 15 minutes time at the commencement of meetings (Public Question Time) to accept questions from the public.

Committee Meetings - members of the public are permitted to address topics listed on the agenda for that meeting. In order to make an address it is preferred that a person give written notice of their intention to do.

Advertising - The Shire is committed to advising ratepayers and residents of matters affecting them through regular advertising in local newspapers, mail drops, noticeboards and the website.

Community Forums - advertised and held as required.

Community Surveys - advertised and held as required.

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

Electors Meetings - In accordance with Section 5.27 of the *Local Government Act 1995*, an Electors' General Meeting is held each financial year, with notification being provided in the local newspapers. All residents are encouraged to attend and have an opportunity to give their opinions on any issue at either the Annual Meeting of Electors or Special Meetings of Electors.

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

Written/ email communication - Any member of the community may write to the Shire of Wyalkatchem 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 addressed to:

Chief Executive Officer

Shire of Wyalkatchem

PO Box 224

Wyalkatchem WA 6485

Or by email to general@wyalkatchem.wa.gov.au

7 Access to Council Documents

Documents (listed below) are held by the Shire of Wyalkatchem and are available at the Administration building located on the corner of Honour Avenue/Flint Street. Other documents may be made available upon request, for inspection or purchase, but any exempt matter from those copies may be deleted s.97(1)

7.1 Documents available for inspection or purchase are:

- Confirmed Minutes of Council and Committee Meetings
- Annual Budget
- Schedule of Fees & Charges
- Rates records
- Annual Report
- Annual Financial Report / Statements
- Monthly Financial Statements
- Delegation Register
- Financial Interest Register
- Local Laws and proposed local laws
- Policy Manual
- Code of Conduct
- Strategic Plans
- Freedom of Information Statement
- Recordkeeping Plan
- Disability Services Plan
- Municipal Inventory
- Community Directory
- Plan for the Future
- Electoral Rolls
- Town Planning Documents/Maps
- Shire Maps

And any other documents as set out in the *Local Government Act 1995*.

Some documents are subject to fees and charges. A full copy of the latest fees and charges can be found on the website under the Council tab - Fees and Charges.

<https://www.wyalkatchem.wa.gov.au>

8 FOI – Public Access and Procedures

If information is not routinely available, the *Freedom of Information Act 1992* (the Act) 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.

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

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

8.1 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 agency with any application fee payable.

Any person seeking personal information relating to the applicant must accompany documentary evidence to support their identity, for example, Birth Certificate; Birth Extract; Passport; Driver's License; or Marriage Certificate.

If you are seeking access to document(s) on behalf of another person, written authorisation of that person is required.

Applications and enquiries should be addressed to the Freedom of Information Officer, Shire of Wyalkatchem, PO Box 224, Wyalkatchem, 6485 or email: admin2@wyalkatchem.wa.gov.au

Applications will be acknowledged in writing and you will be notified of the decision on any application made within 45 calendar days of receipt.

8.2 Amendment of Shire Records

A member of the public may gain access to Shire of Wyalkatchem documents to seek amendments concerning their personal affairs. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

An FOI Request Form must be completed and submitted to the FOI Officer (See Appendix 2).

8.3 Access Arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand, digital or encoded document from which words can be reproduced.

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

8.4 Retention and Disposal of Council Records

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

8.5 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 the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

8.6 Refusal of Access

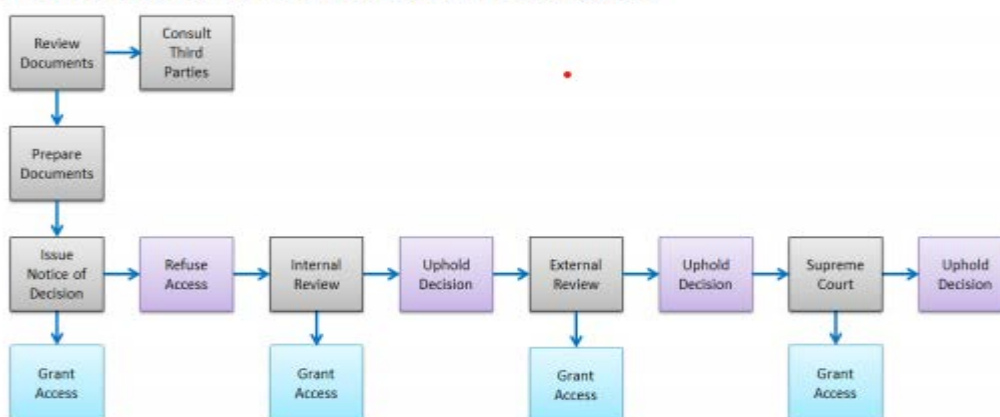
Applicants who are dissatisfied with a decision of the agency are entitled to ask for an **internal review** by the agency. The internal review application should be made in writing within 30 calendar days after being given the agency's notice of decision. You will be notified of the outcome of the review within 15 calendar days.

8.7 Right to appeal

If you disagree with the result you then can apply to the Information Commissioner for an **external review**.

The external review application should be made within 60 calendar days after being given the agency's written notice of the internal review decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the internal review decision.).

THE FREEDOM OF INFORMATION PROCESS FLOW CHART



8.8 Fees and Charges

A scale of fees and charges are set out in the *Freedom of Information Regulations 1993*. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows.

✚ Personal information about the applicant	\$0.00
✚ 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	\$0.20
✚ Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
✚ Duplicating a tape, film or computer information	Actual Cost
✚ Delivery, packaging and postage	Actual Cost
✚ An advance deposit may be required in respect of the estimated charges	25%
✚ Further advance deposit may be required to meet the charges for dealing with the application	75%

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

There are no fees or charges associated with an application for amendment of personal information under the *Freedom of Information Act 1992 (WA)*. Enquiries and/or applications to amend personal information can be directed to:

The Freedom of Information Officer
Shire of Wyalkatchem
PO Box 224
WYALKATCHEM WA 6485

admin2@wyalkatchem.wa.gov.au

Office of the Information Commissioner

Phone: (08) 6551 7888

Free call (WA country): 1800 621 244

Fax: (08) 6551 7889

Email: info@foi.wa.gov.au Web:
www.oic.wa.gov.au

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

9 Appendix 1. Local Laws Register – Currently under review as of August 2022

Reserves - Control & Management of Recreation Centre
Date: 4-3-1977

Old Refrigerators & Cabinets - Draft Model By-Law No. 8
Date: 21-2-1963
Government Gazette page: 696

Hawker's Licence
Date: 1-5-1931
Governments Gazette page: 1156

Regulating & Licensing of Hawkers and Stall-holders
Date: 2-7-1926
Government Gazette page: 1327

Health Local Laws 2002
Date: 3-5-2002
Government Gazette page: 2221

Standing Orders
Date: 2-2-1999
Government Gazette page: 352

Fencing
Date: 29-10-1982
Government Gazette page: 4353

Pest Plants
Local Government: Wyalkatchem, Shire of
Date: 26-2-1982
Government Gazette page: 678

Hall Shire - Control & Management of
Local Government: Wyalkatchem, Shire of
Date: 3-10-1975
Government Gazette page: 3804

Management of Wyalkatchem War Memorial Aquatic Centre
Local Government: Wyalkatchem, Shire of
Date: 12-12-1961
Government Gazette page: 3632

Appendix 2. Freedom of Information Request Form



Shire of Wyalkatchem
PO Box 224, Wyalkatchem WA 6485

APPLICATION FOR ACCESS TO DOCUMENTS (Under *Freedom of Information Act 1992*)

DETAILS OF APPLICATION

Surname: Given _____

Names: _____

Australian Postal Address: _____

Postcode: _____ Telephone Number: _____

If application is on behalf of an organisation

Name of
Organisation/Business: _____

TYPE OF REQUEST (PLEASE TICK APPROPRIATE BOX)

☐

Personal Documents

☐

Non-Personal Documents

DOCUMENT DETAILS

I am applying for access to document(s) concerning -

FORM OF ACCESS (PLEASE TICK APPROPRIATE BOX)

I wish to inspect the document (s)

I require a copy of the document (s)

I require access in another form

YES	NO
YES	NO
YES	NO

(Specify) _____

FEES AND CHARGES

Attached is a bank cheque /cash/money order to the amount of \$_____to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents, which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

NOTES

FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- The Shire of Wyalkatchem will require proof of your identity. If not presented in person then copies will need to be certified by an authorised witness as per the Oaths Affidavits and Statutory Declarations Act 2005 or an Accountant, General Practitioner, Pharmacist or a teacher.
- If you are seeking access to a document(s) on behalf of another person, the Shire of Wyalkatchem will require authorisation, in writing.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- The applicant has 30 days from the day on which notice was given to pay the deposit otherwise the access application is withdrawn
- Further information can be obtained from **The Office of the Information Commissioner Western Australia** on 6551 7888 or website at <http://www.foi.wa.gov.au>
- The Freedom of Information Act is available for purchase from the State Law Publisher 10 William Street Perth, (Telephone (08) 9321 7688).

Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of an audio and video tape, 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 from which words can be reproduced in written form. Where the agency is unable to grant access in the form requested, access may be given in a different form.

FEES AND CHARGES

Concessions

An applicant who is the holder of a currently valid 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, or an applicant in the opinion of the Shire of Wyalkatchem who is impecunious, the charges payable is reduced by 25%. No reduction is applicable to the application fee.

General

- Application Fee \$30.00
- Time taken by Shire employees dealing with application per hour or pro rata. \$30.00
- Access time supervised by Shire employees per hour or pro rata \$30.00
- Photocopying charges:
 - Per hour or pro rata for Shire employees time, \$30.00
 - and
 - Per copy. 0.20
- Time taken by Shire employees to transcribe information per hour or pro rata. \$30.00
- Charge for duplicating a tape, film or computer data. Actual Cost
- Packaging and postal costs. Actual Cost

Advance Deposits

- Advance deposit which may be required by an agency under S.18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. 25%
- Further advance deposit which may be required by an agency under S.18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. 75%

