

Shire of Woodanilling



**Shire of Woodanilling
Information Statement
2022 / 2023**

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Introduction

Part 5 of the *Freedom of Information (FOI) Act 1992* requires each government agency to prepare and publish an Information Statement annually. The Information Statement includes the following information:

- The Shire of Woodanilling (the Shire) vision
- Details of legislation administered
- Details of the Shire's structure and functions
- Details of decision making functions within the Shire
- Public participation in the formulation of policy and performance of the Shire's functions
- Documents held by the Shire
- The operation of FOI in the Shire

This document is available on the Shire's website.

Further information on FOI or enquiries about this document can be made by contacting:

Shire of Woodanilling
3316 Robinson Road
WOODANILLING WA 6316

Tel: (08) 9823 1506

Email: shire@woodanilling.wa.gov.au

Shire Profile

The Shire of Woodanilling is predominantly a sheep and grain producing area and it is the economic mainstay of the area.

The town site of Woodanilling is situated on the Great Southern Highway, roughly 252 kilometres from Perth and can be reached via the Albany Highway. It is a comfortable two and a half hour drive from the city centre and a picturesque escape.

Wool and grain production have long been the main industry in Woodanilling but in recent years, a sheep and goat meat abattoir, agroforestry, a dolomite fertilizer business and other agricultural based export markets have been added to the mix.

Woodanilling is a neat and tidy town with wide tree-lined streets and exquisite heritage buildings, some which are over 100 years old. The town offers visitors an array of attractions, plenty of free parking and the beautiful Centenary Park has public accessible toilets, a children's playground and free barbeque facilities.

The Shire of Woodanilling is 1,126 square kilometres and contains 84.36km kilometres of sealed roads and 453.47 kilometres of unsealed roads, has one square kilometre of parks and gardens and 160 dwellings.

The localities within the Shire are: Beaufort River, Boyerine, Cartmeticup, Glencoe, Kenmare Westwood and Woodanilling.

Shire's Vision

"Council and Community – Hand in Hand"

In dealing with individuals, landowners, the community and organisations the Council will:

- Be fair.
- Be honest, open and accountable.
- Respect the views and rights of individuals and groups.
- Be receptive as everyone in the community counts.
- Will recognise the increased awareness that a small community brings.
- Will provide an atmosphere of energy, excitement, optimism and positiveness.
- Will facilitate group discussion and help to overcome stumbling blocks and conflict.

The Shire of Woodanilling aspires to:

- Be the best local government for our community.
- Work hand in hand with our community.
- Be a leader of small local governments.

By

- Fostering community spirit and cohesion.
- Excellent customer service.
- Provision of high quality facilities and services.
- Representing community views at an influential level.

Legislation Administered

The principal legislation governing the operation of Western Australian local governments is the *Local Government Act 1995 (WA)*. The Shire is also responsible to administer a number of State and Commonwealth Acts and Regulations. Some significant pieces of legislation include, but are not limited to, the following:

- *Aboriginal Heritage Act 1972*
- *Evidence Act 1906*
- *Statistics Act 1907*
- *Animal Welfare Act 2002*
- *Aquatic Resources Management Act 2016*
- *Auditor General Act 2006*
- *Equal Opportunity Act 1984*
- *Biodiversity Conservation Act 2016*
- *Building Act 2011*
- *Valuation of Land 1978*
- *Superannuation Act 2005 (Cth)*
- *Legal Deposit Act 2012*
- *Bush Fires Act 1954*
- *Caravan, Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Charitable Collections Act 1946*
- *Salaries and Allowances Act 1975*
- *Conservation and Land Management Act 1984*
- *Contaminated Sites Act 2003*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code 1913*
- *Defamation Act 2005*
- *Emergency Services Levy Act 2002*
- *Disability Services Act 1993*
- *Dividing Fences Act 1961*
- *Dog Act 1976*
- *Electoral Act 1907*
- *Electronic Transactions Act 2011*
- *Environmental Protection Act 1986*
- *State Records (Consequential Provisions) Act 2000*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Agriculture and Related Resources Protection Act 1976*
- *Building and Construction Industry Training Fund and Levy Collection Act 1990*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Oaths, Affidavits and Statutory Declarations Act 2005*
- *Strata Titles Act 1985*
- *Freedom of information Act 1992*
- *Graffiti Vandalism Act 2016*
- *Health Act 1911*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage Act 2018*
- *Waste Avoidance and Resource Recovery Act 2007*
- *Industrial Relations Act 1979*
- *Interpretation Act 1984*
- *Land Administration Act 1997*
- *State Records Act 2000*
- *Work Health and Safety Act 2020*
- *Library Board of Western Australia Act 1951*
- *Limitation Act 2005*
- *Liquor Control Act 2008*
- *Local Government Industry Award 2010*
- *Transfer of Land Act 1893*
- *Retail Trading Hours Act 1987*
- *Main Roads Act 1930*
- *Mental Health Act 2014*
- *State Administrative Tribunal Act 2004*
- *Food Act 2008*
- *Parliamentary Commissioner Act 1971*
- *Planning and Development Act 2005*
- *Public Health Act 2016*
- *Public Interest Disclosure Act 2003*
- *Public Works Act 1902*
- *Road Traffic Act 1974*
- *Emergency Management Act 2005*
- *Residential Tenancies Act 1987*
- *Workers Compensation and Injury Management Act 1981*
- *Working with Children (Criminal Record Checking) Act 2004*
- *Building Service (Complaint Resolution and Administration Act) Act 2011*
- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*
- *Rates and Charges (Rebates and Deferments) Act 1992*

Local governments also operate within a framework of delegated legislation, including orders and proclamations made by the Governor, by-laws, regulations and ordinances made by other statutory authorities.

The *Local Government Act 1995* gives local governments the power to make local laws, which are generally used to establish and maintain the quality of life and amenity in keeping with community expectations. The Shire's current local laws are available on the Shire's website and are listed below:

- *Shire of Woodanilling Animals, Environment and Nuisance Local Law 2017*
- *Shire of Woodanilling Health Local Law 2017*
- *Shire of Woodanilling Dog Local Law 2008*
- *Shire of Woodanilling By-laws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades 1990*
- *Shire of Woodanilling Cemetery (Reserve 356/1156) By-Laws 1969*

Functions and Structure of the Shire

Function and Structure of the Shire

The Shire is a body corporate, constituted under section 2.5 of the *Local Government Act 1995*. Its general function is to provide for the “good government of persons in its district”.

The Shire has six Councillors elected for four year terms. Both the Shire President and the Deputy Shire President are elected by the Council following each ordinary Local Government election.

The Shire’s operations are managed by the Chief Executive Officer, who is supported by an executive team. The Chief Executive Officer’s role is to carry the ultimate responsibility for the efficient and effective utilisation of the Shire’s resources in achieving the Shire’s objectives and strategic direction. The Executive Team is made up of the Deputy Chief Executive Officer and the Executive Manager Infrastructure, who are high qualified professionals, managing employees throughout the Shire and who assist the Chief Executive Officer in managing the Shire’s operations and functions.

The Shire’s directorates each contain a number of specialised business units:

Chief Executive Officer: Elected Member Support, Executive Services, Corporate Compliance, Finance and Special Projects.

Deputy Chief Executive Officer: Customer Service, Planning, Building and Health, Ranger Services, IT Services, Administration, Build Maintenance.

Executive Manager Infrastructure: Waste Management, Fleet Management, Drainage, Roads and Infrastructure, Parks and Gardens.

How the Shire’s Decision Making Functions Affect the Community

The Shire’s decisions impact on the everyday life of residents in many ways, due to the wide-ranging responsibilities and activities placed on local governments under its general function. The provision of roads and footpaths, drainage, parks, recreation and leisure facilities, libraries, welfare services, rubbish collection and disposal facilities, cultural services and environmental health control activities are all matters requiring decisions by Council at various levels of consideration.

The Shire also makes key decisions on the public in its control over planning matters. It has responsibility to oversee protection of the Shire’s natural environment and heritage, while maintaining pace with a fast rate of development. Whilst responsibility for some development decisions has been delegated to the Executive Team (detailed in the annual Register of Delegated Authority), Council determines applications and prescribes standards for subdivision and development throughout the Shire.

Council is also required under the *Planning and Development Act 2005* to initially determine applications for the rezoning of land (such as town planning schemes and regional scheme amendments). Land and property usage is also often subject to a Council decision, for example, the operation of holiday homes and other home businesses. Council decisions also aim to ensure that buildings within the Shire are constructed to the required standard.

The design, construction and maintenance of Shire owned buildings provide the Shire’s customers with quality facilities in the most efficient and economical way. The Shire has also developed a range of plans that guide and direct its actions into the future. Copies of these plans are available from the Shire’s Administration Building or on the Shire’s website. Many of the issues that require a Council decision are subject to policy statements aimed at providing consistency in determinations, as well as

indicating to the public the Council's position on a particular matter. A list of the Shire's policies is available on the Shire's website at www.woodanilling.wa.gov.au , or alternatively available for viewing at the Shire's Administration Building.

Public Participation

Attending Council and Committee Meetings

Members of the public are welcome to attend Council and Committee meetings. There is an opportunity at Council meetings for members of the public to ask questions (refer to "Public Question Time").

Public Question Time

The allotted public question time during a Council meeting is 15 minutes and may be extended if circumstances require. Any member of the public attending a Council meeting can ask questions on any matter relating to the ordinary business of the Shire or the function of the Council regardless of whether or not the matter in question is on the agenda.

Annual General Meeting of Electors

Section 5.27 of the *Local Government Act 1995* has a requirement to hold an annual general meeting of electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about Shire matters generally. Resolutions from an annual general meeting of electors must be considered at a subsequent ordinary council meeting. However, such resolutions are in no way binding upon the Council.

Presentations and Deputations

Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose. Any person or group wishing to be received as a deputation by the Council may apply, before the meeting, to the Chief Executive Officer for approval; or with the approval of the presiding member, at the meeting, address the Council.

Petitions

Written petitions on any issue within the Council's jurisdiction are to be addressed to the Shire President. Petitions are tabled at the next available Council meeting and referred to the Chief Executive Officer for consideration and reporting.

Elected members

In their role, Elected Members make themselves available to the community to assist with matters regarding the function of Council.

Written Requests

A member of the public can write to the Shire on the policy, activity, service or any issues within the Shire's jurisdiction.

Community Consultation

The Shire is committed to ensuring that the community is consulted on projects, plans and proposals by advertising in local newsletters, the Shire's website and on public notice boards, as well as organising public meetings and letters to the community.

Information held by the Shire

Types of Documents held by the Shire

The Shire maintains comprehensive records of all its dealings, including correspondence, memorandum, file notes, reports, plans, sketches, maps, and diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

Availability of information is subject to the provisions established in the *Freedom of Information Act 1992* and the *Local Government Act 1995* and may be free or subject to the Shire's Schedule of Fees and Charges. The Shire will assist members of the public to obtain access to documents promptly, at the lowest reasonable cost and ensure that personal information contained in the documents is accurate, complete, up-to-date and not misleading.

Information is made available through a range of mediums, including public statements, news releases, the Shire's website, advertisements placed in local and state-wide newspaper, public notice boards, library services, information sheets, individual correspondence, public and statutory documents and reports.

The list below provides examples of the types of information held by the Shire:

- Common Seal Register
- Gift Register
- Business Continuity Plan
- Citizenship Records
- Civic Function Details
- Code of Conduct
- Corporate Records
- Elected Members and Employee Gift Registers
- Register of Complaints
- Delegated Authority Register
- Council Agenda and Minutes
- Council Committee agendas and minutes
- FOI Information Statement
- Local Laws
- Recordkeeping Plan
- Customer Service Charter
- Policies
- Electoral Rolls
- Annual Financial Statements
- Accounts
- Budget Information
- Customer Information
- Insurance Coverage
- Bank Reconciliations
- Bank Guarantees Held
- Debtors
- Swimming Pool Requirements and Inspections
- Crossovers and Verge Treatments
- Workers Compensation and Rehabilitation Records
- Creditor Payments
- Fees and Charges
- Fixed Asset Register
- Contract and Tender Details
- Purchase Orders
- Invoice Information
- Gross Rental Valuations
- Property Fees and Charges
- Property Rates
- Rating Information
- Owner Details
- Employee Records
- Training Records
- Occupational Health and Safety information
- Payroll
- Performance Management
- Recruitment
- Primary and Annual Returns Record
- Health Breaches and Infringements
- Building Applications
- Building Licence Documents
- Compliance Infringements
- Planning Applications
- Property and Land Locality Information
- Shire Operated Building Maintenance Records
- Subdivision Applications
- Shire Operated Building Plans
- Asset Management Documents
- Book and Collection Catalogues

- Bonds associated with Planning/Building
- Economic Development
- Property Heritage Register
- Town Planning Scheme
- Path and Cycle Ways Details and Plans
- CCTV, Alarm and Access Control Systems
- Cat Registrations
- Streetscape Details and Plans
- Traffic Safety Requirements
- Car Parks
- Roads
- Maintenance General Verge Area
- Fleet Management
- Roads and Drainage Details and Plans
- Ranger Investigations and Reports
- Infringement Details
- Funding Grants and Sponsorship Information
- Facility Bookings
- Annual Reports
- Promotional Materials and Information
- Access and Inclusion Plan
- Leases and Licences
- Library Membership Details
- Community Safety Information
- Emergency Management Matters
- Dog Registrations
- Resurfacing and Reconstruction Details and Plans
- Street Lighting
- Crossovers Including Subsidy Requests
- Drainage
- Surveying
- Irrigation Plans
- Waste Disposal Information
- Plans – Septic Tank and Effluent Disposal Systems
- Graffiti Reporting
- Bushfire Management Plan
- Sporting Club Database
- Advertising Information
- Community Events
- Media Releases

Documents readily available to the public

Many documents are freely available to the public. Documents that are readily available, either for sale or free of charge, can be obtained / viewed via the Shire's website or by contacting the Shire's Administration.

Documents available for inspection

Section 5.94 of the *Local Government Act 1995* details the type of documents that a local government must make available for inspection and those where restrictions apply. Any member of the public may attend the Shire's Administration Building at 3316 Robinson Road, Woodanilling and request to view these documents. Some of the documents are also available on the Shire's website. Copies of documents can be provided upon payment of any relevant charges for production in accordance with the Shire's Schedule of Fees and Charges. Documents that are available for inspection are:

- Register of Complaints
- Register of Financial Interest
- Register of Gifts
- Annual Budget
- Confirmed minutes of Council or Committee Meetings
- List of Fees and Charges
- Local Laws
- Minutes of Electors Meeting
- Codes of Conduct
- Annual Reports

Other documents available

Owners may purchase copies of their own plans – site plan, floor plan and elevations.

Freedom of Information

What is Freedom of Information

The *Freedom of Information Act 1992* gives the public a right to access documents held by the Shire, subject to some limitations. Documents accessible under the *Freedom of Information Act 1992* include paper records, tape recordings, films, videotapes or information stored in a computerised form.

The objectives of the Act are to:

- Enable the public to participate more effectively in governing the State; and
- Make the persons and bodies that are responsible for the State and local government more accountable to the public.

The Shire gives effect to the 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 cost; and
- Assists the public to ensure that personal information contained within the documents is accurate, complete, up-to-date and not misleading.

The Freedom of Information Process

Prior to lodging an FOI Application, the applicant is encouraged to check and ascertain if the information is available outside of the Act.

The Shire has various documents that are publicly available on the Shire's website or at their Administration Building.

Freedom of Information Application

FOI Applications must be in writing with the FOI application form completed, provide sufficient information to identify the requested documents, have an Australian address to where notices can be sent and be submitted with a \$30 application fee. A reduction of charges may apply for those who hold a valid pensioner concession card.

The completed application form together with the application fee can be delivered by:

Post:

Freedom of Information
Shire of Woodanilling
PO Box 99
WOODANILLING WA 6316

In person:

3316 Robinson Road, Woodanilling

Email:

shire@woodanilling.wa.gov.au

Application forms are available from the Shire's Administration Building or website www.woodanilling.wa.gov.au

On receipt of a valid application and prescribed application fee, a Shire Officer will identify and review the documents requested to determine if any exemptions apply.

Amendment of personal information

Under the *Freedom of Information Act 1992*, a person can apply to the Shire for the amendment of personal information if the person applying believes that the information is inaccurate, incomplete, out-of-date or misleading. An application must be lodged in writing, providing details, identification and, if necessary, documentation to support claims to amend personal information. There is no application fee or charge associated with an application for personal information about the applicant, or the amendment of personal records.

Notice of Decision

A Notice of Decision will be issued by the Shire as soon as possible, within the statutory 45 days of receipt of a valid application. The Notice of Decision will include details such as:

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

Freedom of Information Charges

A scale of fees and charges are set out in the Freedom of Information Regulations, and are as follows:

General	
Personal information about the applicant	No fees and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro rata)	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	\$0.20
Transcribing from a tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating aa tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost
Deposits	
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	25%

Concessions

For applicants issued with a prescribed pensioner concession card, the charges payable are reduced by 25%.

Refusal of access

While the Act provides a general right of access to documents, it is subject to some limitations. Schedule 1 of the *Freedom of Information Act 1992* recognises that some documents require a level of protection and are exempt.

The most commonly claimed exemptions are:

Personal Information: Information that would reveal personal information about an individual (ie name, contact details, financial information).

Business and Commercial Information: Information that would reveal trade secrets, information that has a commercial value or reveal the financial affairs of a person.

Deliberative Process: Information that would reveal a decision made during a deliberative process closed to the public.

Legal Professional Privilege: Information that would reveal legal advice.

Confidential Communications: Information that would reveal details of a confidential nature obtained in confidence and could be expected to prejudice the future supply of information.

Internal Review

Applicants who are dissatisfied with the Shire's decision may request an internal review.

The internal review application should be made within 30 calendar days after being provided with the Shire's Notice of Decision.

The outcome of the review will be provided to the applicant within 15 calendar days.

External Review

The applicant can apply to the Information Commissioner for an external review if the applicant disagrees with the result of the internal review.

The external review application should be made within 60 calendar days after being provided with the Shire's written Notice of the Internal Review Decision.

Applications requesting external review as a third party or following an application for amendment of personal information must be lodged within 30 calendar days after being provided with the written Notice of the Internal Review Decision.

Appeals to the Supreme Court

The Information Commissioner's decisions are final and binding on the Shire, subject to an appeal to the Supreme Court of a question of law arising out of the Commissioner's decision.

The timeframe and process for lodging an appeal is governed by the *Rules of the Supreme Court 1971*. An appeal must be lodged within 21 days after the date of the Commissioner's decision.

The procedures relating to appeals to the Supreme Court are established by the Court. Further information on lodging an appeal can be obtained by contacting the Supreme Court.

Further Information

Further information on FOI can be found on the Office of the Information Commissioner's website www.oic.wa.gov.au or by contacting the office.

Office of the Information Commissioner

Albert Facey House
469 Wellington Street
PERTH WA 6000
Tel: (08) 6551 7888
Email: info@foi.wa.gov.au