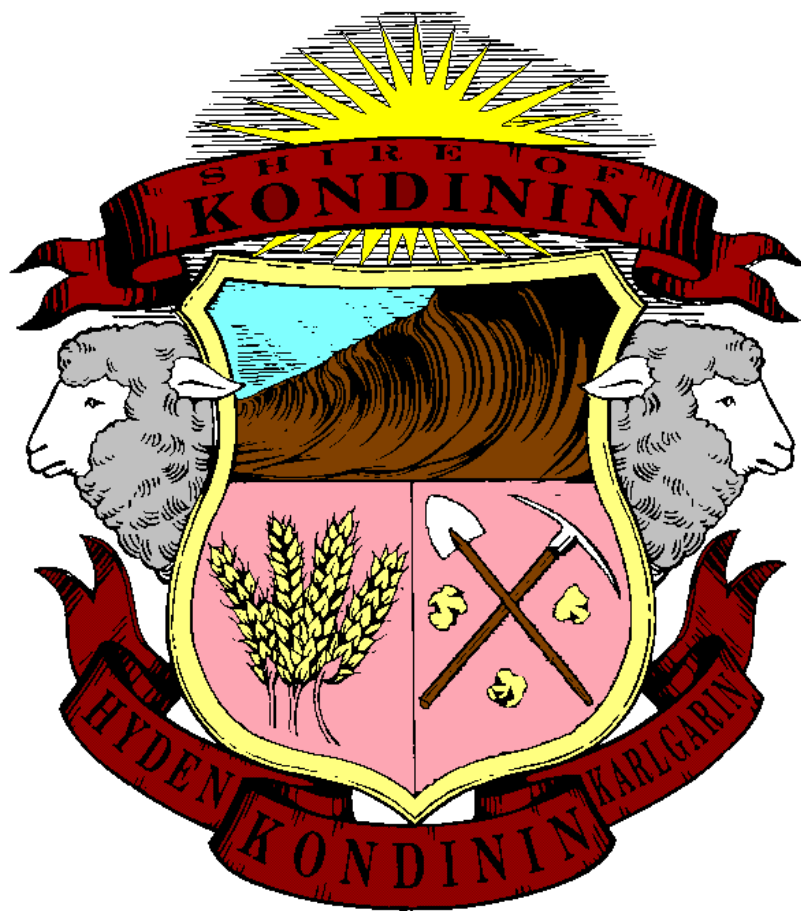


SHIRE OF KONDININ FREEDOM OF INFORMATION STATEMENT



REVIEWED BY COUNCIL OCTOBER 2022

Introduction

Under Sections 96 and 97 of the Freedom of Information Act (1992) a government agency including a local government is required to publish an Information Statement Annually.

The Information Statements requirements are as follows:

- (a) *a statement of the structure and functions of the agency;*
- (b) *a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;*
- (c) *a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;*
- (d) *a description of the kinds of documents that are usually held by the agency including —*
 - (i) *which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and*
 - (ii) *which kinds of documents can be purchased; and*
 - (iii) *which kinds of documents can be obtained free of charge;*
- (e) *a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;*
- (f) *a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —*
 - (i) *the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and*
 - (ii) *the address or addresses at which access applications can be lodged;*
- (g) *a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —*
- (h) *the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and*
 - (iii) *the address or addresses at which applications for amendment of personal information can be lodged.*

Copies of this document can be obtained from the Shire of Kondinin
CEO
SHIRE OF KONDININ
PO Box 7
11 Gordon Street
KONDININ WA 6367
Or on our website at www.kondinin.wa.gov.au

Shire of Kondinin Structure and Function

The Shire of Kondinin is dedicated to providing facilities and services that meet the needs of the community to enable them to enjoy a pleasant healthy country lifestyle.

Structure

The Shire of Kondinin operates under the Local Government Act 1995 with nine elected councillors who represent the interests of electors, ratepayers and residents of the district. They provide leadership and guidance to the community of the district, facilitate communication between the community and the 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. The Chief Executive Officer and Shire Staff administrate Council decisions and policies.



Function

The Shire of Kondinin is a local government body established under the Local Government Act 1995 to deliver services and infrastructure in the form of good government to persons of the district. The roles and responsibilities of Local Government differ across the state, but the Shire of Kondinin actively services its community in a variety of ways namely:

- Infrastructure and associated services including local roads, footpaths, drainage, waste collection and management
- Provision of recreation facilities such as parks and gardens, sports fields, golf courses, swimming pools, recreation centres, town halls and caravan parks
- Care of the environment
- Health services such as water and food inspection, toilet facilities, noise control and animal control
- Community services such as child care, aged care and accommodation, community care and welfare services
- Building services including inspections, licensing certification and enforcement
- Planning and development approval
- Administration of facilities such as airports, cemeteries and street parking
- Cultural facilities and services such as libraries
- Working with State and Federal Government
- Advocating for local need
- Corporate Governance to ensure it delivers good decision-making, leadership and professional management

Public Interaction

The public's first point of call to discuss issues, relating to the functions of the Shire, is often their elected members of the council. The elected members of council act as a body to determine the Shire's policies, plans and procedures and can advise whether the issue should go before council or be directed to the CEO.

Electors, Ratepayers and Residents as well as other members of the public are able to contact the Shire at any time with feedback and suggestions. The public is also able to attend Council Meetings held at 3:00 pm on the third Wednesday of each month or other meetings including Electors Meetings and Special Meetings where they are locally advertised. Public questions can also be presented during a council meeting and should be presented to the Chief Executive Officer or a presiding member prior to a respective council meeting.

Issues and information affecting residents are published in local newsletters and the Shire Website or accessible at the Shire Offices and Depots and in some cases publically signed.

The Shire of Kondinin endeavours to make available a majority of our publications and information. Most information that can be copied is provided on our website www.kondinin.wa.gov.au or it can be inspected at either of our two public libraries both of which are joint Shire Offices. Library and Shire Staff are able to assist with the inspection of documents during our open hours Monday to Friday.

Documents Held

Any person can attend the office of a local government during office hours and free of charge inspect any of the following in relation to the local government, whether or not current at the time of inspection.

- Code of Conduct
- Register of Financial Interests
- Annual Report
- Annual Budget
- Schedule of Fees and Charges
- Plans for Principal Activities
- Local Laws Proposed or Made
- Regulations made by a Governor as if they were a Local Law
- Text that is or would be adopted by a Local Law
- Subsidiary Legislation made or adopted by the Local Government
- Any written law having a provision in respect of which the local government has a power or duty to enforce
- Rates Record
- Confirmed Minutes of Council or Committee Meetings
- Minutes of Electors Meetings
- Council Agendas
- Reviews of Local Laws
- Business Plan
- Register of Owner Occupiers and Electoral Rolls
- Contract for CEO and Senior Employees
- Other information as required or prescribed by the Local Government Act 1995

Information of a personal nature that is held with respect to an employee or councillor can be provided to the respective individual during work hours or any other individual who has been authorised in writing by that individual.

In some instances, there are limits on the right to inspect local government information outlined in section 5.95 of the Local Government Act 1995 that does not affect the operation of the Freedom of Information Act 1992.

The Shire also archives numerous reports and correspondence in accordance with our Record Keeping requirements. On a case-by-case basis, these may be available on request or freedom of information request may be required.

Freedom of Information Process

Applications for Records that include (not limiting) plans, reports, correspondence or recordings must:

- be in writing
- provide enough information so that the document/s requested can be identified
- give an Australian address to which notices can be sent
- be lodged with the Shire of Kondinin and accompanied by the applicable fee

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 or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible but within 45 days of being received and deemed valid applicants will be provided with a Notice of Decision.

- 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 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

Refusal of Access

Applicants who are dissatisfied with a decision of the Shire of Kondinin are entitled to ask for an **internal review** by the CEO. The application should be made in writing within 30 days of receiving the notice of decision.

If the applicant disagrees with the result the applicant can apply to the Information Commissioner for an **external review**.

Fees and 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. The charges are as follows

Personal Information – no fee

Non-Personal Information - \$30

Charge for time dealing with the application - \$30 per hour

Access time supervised by staff - \$30 per hour

Photocopying staff time - \$30 per hour

Transcribing from tape, film or computer - (all per hour, or pro rata) \$30 per hour

Per Photocopy – \$0.20
Duplicating an electronic record (Actual Cost)
Delivery, Packaging and Postage (Actual Cost)

Freedom of Information Enquiries and Applications

For queries please contact the Shire of Kondinin Freedom of Information Coordinator on 08 9889 1006 between 8:30 am-4:30 pm Monday to Friday excluding public Holidays or email eso@kondinin.wa.gov.au

Your Freedom of Information Application must contain the following:

- be in writing
- provide enough information so that the document/s requested can be identified
- give an Australian address to which notices can be sent
- be lodged with the Shire of Kondinin and accompanied by the applicable fee

Applications may be lodged:

BY POST

CEO
Shire of Kondinin
PO Box 7
KONDININ WA 6367

IN-PERSON

Shire of Kondinin
11 Gordon Street
KONDININ WA 6367

This document has been prepared with respect to Part 5 – Publication of Information about Agencies of the Freedom of Information Act 1992 and is correct as of 12 October 2022.

Copies of this document can be obtained from:

Freedom of Information Coordinator
Shire of Kondinin
11 Gordon Street, Kondinin WA 6367

Or on the Shire of Kondinin Website www.kondinin.wa.gov.au/top/council/council-documents

Enquiries to the Kondinin Shire Office on 08 9889 1006 (8:30 am – 4:30 pm) Monday – Friday or by emailing cso@kondinin.wa.gov.au

Legislation under which the Shire of Kondinin can act

- Building Act 2011
- Building and Construction Industry Training Fund & Levy Collection Act 1990
- Building Services Levy Act 2011
- Bush Fires Act 1954
- Cat Act 2011
- Cemeteries Act 1986
- Control of Vehicles (Off Road Areas) Act 1978
- Copyright Act
- Corruption and Crimes Commission Act 2003
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1976
- Dangerous Goods Safety Act 2004
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Freedom of Information Act 1992
- Health Act 1911
- Heritage Act 2018
- Justices of the Peace Act 2004
- Land Administration Act 1997
- Library Board of WA Act 1951
- Liquor Licensing Act 1988
- Litter Act 1979
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Act 1995
- Main Roads Act 1930
- Noongar Recognition Act 2016
- Occupational Safety and Health Act 1984
- Parks and Reserves Act 1895
- Privacy Amendment Act 2004
- Road Traffic Act 1974
- State Records Act 2000
- Transfer of Land Act 1893
- Valuation of Land Act 1978
- Working with Children (Criminal Record Checking) Act 2004

Shire of Kondinin Local Laws not limited to

Shire of Kondinin Health Local Law 2016

Shire of Kondinin Animal, Environment and Nuisance Local Law 2016

Documents held by the Shire of Kondinin

- Annual Budget
- Annual Report
- Annual Financial Statement
- Council Minutes and Agendas
- Local Laws
- Schedule of Fees and Charges
- Tender Register
- Gift Register
- Electoral Rolls
- Annual and Primary Returns
- Delegations Register – Delegated Authority
- Policy Manual
- Strategic and Community Plan
- Corporate Business Plan
- Management Plans – Asbestos, Risk, Fire, Local Recovery
- Local Emergency Management Arrangements
- Disability Access and Inclusion
- Code of Conduct
- Wave Rock Improvements Plan
- Recorders Disaster
- Evacuation Plans
- Standing Orders
- Contracts that fall under the Local Government Act 1995
- Local Government Records Retention and Disposal Schedule
- Register of Financial Interests
- Register of Owner and Occupiers
- Town Planning Scheme
- Roadside Memorials Policy
- Local Newsletters and Brochures
- Cemetery Register
- Rate Records