

SHIRE OF ASHBURTON

Freedom of Information Statement

2015

INFORMATION STATEMENT
FREEDOM OF INFORMATION ACT 1992

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INTRODUCTION

The Freedom of Information Act 1992 (the FOI Act), came into effect on 1 November 1993, creating a general right of access to documents held by state and local government agencies. The FOI Act requires agencies to make available details about the kind of information they hold and enables persons to ensure that personal information held by government agencies about them is "accurate, complete, up-to-date and not misleading" (section 3). The aim of the FOI Act is to encourage open, accountable discussion about public affairs.

Part 5 of the FOI Act requires that agencies publish an Information Statement which provides information about Council operations, structure and function and which details ways that the public can gain access to Council documents.

Members of the public can obtain a copy of this document from the Shire of Ashburton Administration Centre, Poinciana Street, Tom Price, WA, 6751 or on Council's website www.ashburton.wa.gov.au. Enquires can be made or assistance provided by contacting the FOI Coordinator on 9188 4444 between 7.45am and 4.30pm Monday to Friday.

SHIRE OF ASHBURTON - A BRIEF HISTORY

The West Pilbara Shire Council was formed in 1972 by an amalgamation of the Shires of Ashburton and Tableland. The Council's first meeting was convened at Onslow on June 8, 1972.

The name "Shire of West Pilbara" was later changed to "Shire of Ashburton" on December 18, 1987 one hundred years after formation of the former Ashburton Road Board.

The name was changed to provide more identity to our particular region and to discriminate from the Karratha region, which is also labeled the "West Pilbara". The Ashburton River runs through the lower portion of the Shire.

The Shire has four towns being Tom Price, Paraburdoo, Onslow and Pannawonica.

It was decided to move the administration office from Onslow to the more centrally located town of Tom Price. This move was effected in January 1990 when the Shire's administration office was officially opened in Poinciana Street.

Subsidiary offices are located in Onslow and Paraburdoo, and while Pannawonica does not have a sub-office of the Shire, the librarian at the Pannawonica Library can cater for most inquiries on business affairs.

For people across Australia, and the world, this 105,647 sq km Shire generates enormous wealth. Some of the world's oldest open cut mines and the largest

exporters of natural resources can be found in Tom Price, Paraburdoo and Pannawonica. Barrow Island, off the coast of Onslow is a well-known source of oil and natural gas.

Large pastoral leases and cattle stations produce beef for the local and overseas markets and the town of Onslow is the centre of a thriving fishing industry along the coastal strip. The outlying Aboriginal communities of Bellary Springs, Ngurrowaana, Wakathuni, Yathalla and Youngaleena Banjima are also located within the Shire.

For the Shire's residents Ashburton provides employment, diversity and a comfortable lifestyle. Mining, oil and gas, cattle, fishing and tourism, along with the supporting infrastructure provide numerous employment opportunities.

SHIRE OF ASHBURTON MISSION STATEMENT

The Shire of Ashburton Strategic 10 Year Community Strategic Plan (2012-2022) provides strategic direction and represents the hopes and aspirations of the Shire. The mission statement outlines the purpose and core business of the Council.

Mission

Working together, enhancing lifestyle and economic vitality.

The Shire of Ashburton is committed to delivering its mission; to courageously imagine the future, and effectively deliver partnering today to build strong communities and robust economies where we live life to the fullest.

The following goals have been adopted to deliver this mission:

1. Vibrant and active communities
2. Economic Prosperity
3. Unique heritage and environment
4. Distinctive and well serviced places
5. Inspiring governance

Vision Statement

The Shire of Ashburton will be a vibrant and prosperous place for work, leisure and living.

ORGANISATION STRUCTURE

The general function of the Council is to provide for the good government of persons in the district, which includes the provision of works and services to ensure the health, safety and fulfillment of the local community.

Five fundamental aims of Council can easily be identified:

- to direct and uphold the affairs of Council;
- to be responsible for the performance of Council's functions;
- to oversee the allocation of Council's finances and resources;
- to determine policies; and
- to provide for the good government of persons in the district.

The ways in which these aims are interpreted and the range and nature of the responsibilities to which they are applied undergo continuing transformation. There is a need to constantly re-examine tasks, to ensure they are the ones most suited to the scale of decision-making and services required.

The Councillors

The Ashburton Shire Council consists of nine Councillors representing six wards. These comprise of two pastoral wards (Ashburton and Tableland) and four townsite wards (Onslow, Pannawonica, Paraburdoo and Tom Price). Each Councillor is elected to serve a four-year term and there are no restrictions on the number of terms Councillors may serve. The Councillors elect the President and Deputy Shire President every two years in October.

Management

The Council's organisation is structured in a way that complements and reflects the desires of the community and the Council, in pursuing objectives and strategies outlined in the Council's Strategic Plan. The Chief Executive Officer is responsible for the overall management and day-to-day administration of the organisation and advising Council in relation to the local government matters.

The structure of the organisation centres around six divisions:

1. Governance & Executive Service
2. Corporate Services
3. Infrastructure Services
4. Community Development
5. Development & Regulatory Services
6. Strategic and Economic Development

Information pertaining to the function and role of these divisions can be obtained on the Shire website www@ashburton.wa.gov.au or through the annual publication titled "Shire of Ashburton Information Directory".

LEGISLATION

The Local Government Act 1995 is the legislation which most closely affects local government, and directs it in performance and functions. The Local Government Act is intended to provide for the "good government of persons in the district". This Act provides local governments with broad and multi-functional powers, including rating and borrowing and the power to conduct and maintain a variety of works and services.

The Council also administers a number of other Acts of Parliament which include but is not limited to the Dog Act, Health Act, Litter Act and the Town Planning and Development Act, Bush Fire Act, Freedom of Information Act, State Records Act etc. One of the most significant legal aspects of local government law is the power to make local laws for the control of various activities.

Local governments may adopt local laws and these are made under sections 3.5 and 3.10 of the Local Government Act 1995. Council may also make local laws under other Acts, where permissible, such as the Health Act 1911. The Council undertakes regular review and where necessary update all its local laws. These are available to the public for perusal at all Shire Libraries or Shire Offices during normal office hours. The Council has local laws, which cover the following matters:

- Aerodromes
- Bush Fire Brigades
- Cats
- Extractive Industries
- Health
- Holiday Accommodation
- Parking Facilities
- Standing Orders
- Public Swimming Pools
- Trading in Public Places
- Repeal of Local Laws (3 versions)

COUNCIL DECISION MAKING FUNCTIONS

There are many matters that necessitate decisions by Council. Public consultation and the opportunity to comment prior to many of these decisions occurs. Every financial year Council prepares a Principal Activities Plan for the next four years. This, together with the Strategic Plan 2007 -2011, provides the public and Council with a clear direction.

The responsibility for some decision making is delegated to the Chief Executive Officer who in turn sub delegates to other officers as appropriate. Council also develops a Council Policy Manual which provides a consistent approach to dealing with matters as well as indicating Council's position on various issues.

PUBLIC PARTICIPATION

Council Meetings

The Council of the Shire of Ashburton meet eleven times a year; three meetings in Tom Price, three meetings in Onslow, three in Paraburdoo and two in Pannawonica. Meetings commence at 9.00am and are conducted monthly on the 3rd Wednesday of the month.

Electors and Members of the public have the opportunity to participate in their Council Meeting by asking a question or making a statement during Public Question Time, which is held soon after the meeting is opened. If a question cannot be answered effectively at the meeting, a reply will be forwarded by the Administration in writing and referred to in the subsequent Council meeting.

Elected members and senior staff represent Council on Council Committees and various forums. Committees are established to discuss specific Council related issues and submit recommendations for consideration by Council.

Members of the public also can be involved in the decision making process through correspondence, petitions or directly with Councillors.

DOCUMENTS HELD

Under the Local Government Act 1995, the public can inspect certain local Government information including:

- (a) code of conduct
- (b) register of financial interests
- (c) annual report
- (d) annual budget
- (e) schedule of fees and charges
- (f) plan for principal activities (in the proposed or final form)
- (g) proposed local law of which the local government has given Statewide public notice under section 3.12(3);
- (h) local law made by the local government in accordance with section 3.12
- (i) regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government:
- (j) text that –

- (i) is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or
 - (ii) would be adopted by a proposed local law of which the local government has given Statewide public notice under section 3.12 (3);
- (k) subsidiary legislation made or adopted by the local government under any written law other than under this Act;
 - (l) any written law having a provision in respect of which the local government has a power or duty to enforce;
 - (m) rates record
 - (n) confirmed minutes of council or committee meetings;
 - (o) minutes of electors' meetings.
 - (p) Notice papers and agenda relating to any council or committee meeting and reports and other documents that have been –
 - (i) tabled at a council meeting or committee meeting; or
 - (ii) produces by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;
 - (q) report of a review of a local law prepared under section 3.16 (3)
 - (r) business plan prepared under section 3.59;
 - (s) register of owners and occupiers under section 4.32(6) and electoral rolls;
 - (t) contract under section 5.39 and variation of such contract;
 - (u) such other information relating to the local government –
 - (i) required by provision of this Act to be available for public inspection; or
 - (ii) as may be prescribed,

in the form or medium in which it may for the time being be held by the local government.

Limits on right to inspect local government information

5.95 (1) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information –

- (a) which is not current at the time of inspection; and
- (b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.

- (2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (m), (n), (p) or (u) of that section if the information relates to any debt owed to the local government by a person other than the first mentioned person.
- (3) Subject to subsection (4), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (n) or (p) of that section if the meeting or that part of the meeting to which the information refers –
 - (a) was closed to members of the public; or
 - (b) in the CEO's opinion, could have been closed to members of the public but was not closed.
- (4) Subsection (3) does not apply in relation to information –
 - (a) that is a record of the decisions made at a meeting of council, a committee or electors; or
 - (b) of a kind prescribed as being information that can be inspected by members of the public despite subsection (3).
- (5) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (t) of that section if –
 - (a) the information relates to a matter other than the salary or the remuneration or benefits payable under the contract; and
 - (b) in the CEO's opinion, the information should not be available for inspection by members of the public because of the private nature of the information.

Most records are not kept indefinitely and are destroyed in accordance with General Disposal Authority for Local Government Records. No accounting or public records are disposed of or destroyed without the approval of the State Records Office of WA.

HOW TO MAKE A FOI APPLICATION

Requests for information must be in writing and may be lodged at the Shire of Ashburton Administration Centre, Poinciana Street, Tom Price, or by post to Shire of Ashburton, PO Box 567, Tom Price WA 6751, or by emailing to soa@ashburton.wa.gov.au. Requests are to be addressed to the Chief Executive Officer or to the Freedom of Information Co-ordinator, giving sufficient details to enable the requested documents to be identified, i.e. property address, subject matter, date range.

A standard fee is required (for the current fee, please refer to Fees & Charges located in Publications area of the Shire website), and there may be charges for dealing with the request. The Co-ordinator will consult with the applicant to keep the charges to a minimum.

Members of the public can make general enquiries or seek assistance in relation to freedom of information matters by contacting the Freedom of Information Co-ordinator by telephone between 8.00am and 4.00pm, Monday to Friday (except public holidays).

REMEMBER – not all documents are accessible under the FOI Act, although the Act gives people a right to apply for access to documents, it also protects the privacy of the individual. For example, a person who has been complained about cannot find out any details about the complainant.

FOI DECISION-MAKING TIME-FRAMES

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

- The date which the decision was made
- The name and 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.

RIGHTS OF REVIEW

The Freedom of Information Act 1992 provides that every applicant has the right to have the agency's decision with respect to their application reviewed. Following an internal review, applicants are advised of their right to request the Information Commissioner to conduct an external review of the matter. In certain instances, questions of law which arise in the course of dealing with a complaint may be referred by the Information Commissioner to the Supreme Court.