



SHIRE OF ASHBURTON

FREEDOM OF INFORMATION STATEMENT (Includes FOI Application Form)

2016 - 2017

As required under the Freedom of Information Act 1992

Chief Executive Officer

Date 5 October 2016

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1. INTRODUCTION

The Shire of Ashburton is an agency within the meaning of the *Freedom of information Act 1992 (the Act)*. Accordingly, the requirements of the Act apply to the Shire of Ashburton from the commencement date of that legislation, being 1 November 1993.

The Intention of the Act is to:

- Confer upon persons a general right of access to information held by agencies;
- Confer upon individuals a right to apply to an agency for an amendment of personal information to ensure that it is accurate, complete, and up to date and not misleading;
- Place an obligation on agencies to make publicly available certain information about their operations.

Section 96(1) of the Act requires that agencies, including local government, prepare and publish an Information Statement that sets out:

- The Agency's Mission Statement.
- Details of the legislation administered.
- Details of the Agency's Organisation Structure.
- Details of decision making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency.
- The operation of Freedom of Information (FOI) in the agency.

This document has been prepared by the Shire of Ashburton in accordance with the requirement of the Act and is correct as at 1 December 2016.

Copies of this document are available from the Shire of Ashburton Administration Offices and Libraries and on the Shire website at www.ashburton.wa.gov.au.

Enquiries may be made to:

Shire Administration Office, Lot 246 Poinciana Street, Tom Price WA 6751
Monday to Friday, 8.00am to 4.00pm; or
Telephone: (08) 9188 4444; or
E-mail: soa@ashburton.wa.gov.au

Council is pleased to comply with the legislation and welcomes enquiries.

A review of this Information Statement will take place at least every twelve months.

Please note that the information contained in this Information Statement is a general guide and should not be substituted for the FOI Act and regulations.

2. 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 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 Pannawonica Library can respond to most enquiries.

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. Onslow is a well-known source of salt, oil and natural gas with two of the worlds' largest LNG Projects, Chevron's Gorgon and Wheatstone LNG plants, constructed and operating on the western coast.

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, Ngurawaana, 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.

3. VISION AND 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.

Vision Statement

The Shire of Ashburton will continue to embark on community programs, infrastructure projects and industry partnerships to deliver our vision for the Shire of Ashburton. Specifically we will be working to deliver:

- Vibrant and active communities
- Economic prosperity
- Unique heritage and environment
- Distinctive and well serviced places
- Inspiring governance

Collaboration with our communities, industry, government and the not-for-profit sector will be central to our success.

The Shire is governed by nine Councillors elected by the local community. Councillors seek to understand local aspirations and concerns and to lead the Shire to ensure effectively delivery of strategic plans.

4. ORGANISATIONAL 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 town site 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.

The 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 and Executive Services
2. Corporate Services
3. Community Development
4. Strategic and Economic Development
5. Infrastructure Services
6. Development and Regulatory Services

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".

5. ACCESS TO COUNCIL AND COMMITTEE MEETINGS

Ordinary Council meetings are held monthly (approximately every 4 weeks) and meeting dates and times may be obtained from:

Shire Administration Office
Lot 246 Poinciana Street, Tom Price WA 6751
PO Box 567, Tom Price WA 6751

Operating Hours:
Monday to Friday
8.00am to 4.00pm; or
Telephone: (08) 9188 4444; or
E-mail: soa@ashburton.wa.gov.au
Web: www.ashburton.wa.gov.au

Meeting dates for Council are advertised annually in the local paper and on the website.

From time to time, special meetings of Council are held to deal with urgent or specific issues. Information on these will be made available to the public as soon as practicable.

Council meetings are open to the public and members of the public may ask questions of Council during the allocated period for Public Question Time or Council may, on occasions, move a motion to allow questions of a proponent who is present in the public gallery upon arriving at that item in the agenda.

Prior advice to the Chief Executive Officer that you intend presenting questions during Public Question Time will assist in expediting the process and allowing a quick, accurate response.

Agendas for Council meetings are available for perusal on the Friday preceding the meeting from the Customer Service area of the Administration Office, the Shire Library, the Shire Website, and several copies are available at the meetings.

Unconfirmed Minutes of the meetings are available within 10 working days.

6. ACCESS TO COUNCIL STAFF

Council staff are available to advise you and answer your queries in relation to all matters pertaining to Council.

Should you wish to speak with an Executive Manager, it is advisable to telephone beforehand to make an appointment as availability is often limited.

Enquiries of a general nature and payments of any kind may be made during normal office hours at the Customer Service Counter at the Shire Administration Offices.

7. ACCESS TO COUNCIL DOCUMENTS

Part 5 Division 7 of the Local Government Act 1995, provides a comprehensive list of documents available for public inspection at the Council offices, which includes some of the following:

- Ordinary Council Meeting Agendas
- Ordinary Council Meeting Minutes
- Committee Agendas
- Committee Minutes
- Audit Committee Agendas
- Audit Committee Minutes
- Policy Manual
- Annual Budget
- Annual Report
- Annual Financial Statements
- Local laws
- Town Planning Schemes
- Planning Approvals made under Delegated Authority
- Planning Strategies and Development Plans
- Registers as required under the Local Government Act 1995
- Strategic Action Community Plan

Members of the public may obtain copies of these documents.

A list of Fees and Charges under Council's jurisdiction is available under separate cover.

Requests for information of a general nature may be made in writing to the Chief Executive Officer. Requests for information other than the above will be considered in accordance with the Freedom of Information (FOI) Act. Information regarding the FOI process, applicable fees and charges, and applications forms are available from the Shire's website www.ashburton.wa.gov.au.

8. LEGISLATION ADMINISTERED

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 Shire also administers a number of other Acts of Parliament which include but are 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 or online at www.ashburton.wa.gov.au/the-shire/local-laws.

The below list of Acts and Regulations is not exhaustive nor comprehensive and may not be current, so confirmation of current Acts and Regulations by referring to the State Law Publisher at www.slp.wa.gov.au is recommended.

Building Code of Australia

A series of Codes prescribing building standards throughout Australia.

Building Regulations 2012

Details administrative procedures involved with Building Regulations e.g. procedures for making building applications, classifications of buildings and precautions to be followed during construction.

Bush Fires Act 1954 and associated regulations

To make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires and other purposes.

Caravan Parks and Camping Grounds Act 1995 and associated regulations

To provide for the licensing, regulation, improvement and promotion of caravan parks and camping grounds and ensure design and layout meeting desirable standards, including health and safety of the occupiers.

Cemeteries Act 1986

To provide for the declaration and management of cemeteries, the establishment, constitution and functions of Cemetery Boards, the licensing of Funeral Directors and the regulations of burials.

Conservation and Land Management Act 1984

To make better provisions for the use, protection and management of certain public lands and waters and the flora and fauna thereof, to establish authorities to be responsible therefore, and for incidental or connected purposes.

Control of Vehicles (Off Road Areas) Act 1978 and associated regulations

To prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes.

Dangerous Goods Safety Act 2004

Relating to the safe storage, handling and transport of dangerous goods and for related purposes.

Dividing Fences Act 1961

Relating to the construction and repair of dividing fences between certain lands and for incidental and other purposes.

Dog Act 1976 and associated regulations

To amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

Emergency Management Act 2005

To provide for prompt and coordinated organisation of emergency management in the

State, and for related purposes.

Environmental Protection Act 1986 and associated regulations

To provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to, or connect with, the foregoing.

Equal Opportunity Act 1984

To ensure equal employment opportunity for everyone.

Freedom of Information (FOI) Act 1992

To provide 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, and for related purposes.

Health Act 1911 and associated regulations

Consolidate and amend the law relating to Public Health.

Heritage of Western Australia Act 1990

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

Interpretation Act 1984

To define terminology found in many other Acts and Regulations

Library Board of Western Australia Act 1951 and public Libraries Regulations 1985

To provide for the Constitution and Functions of a Library Board and for other purposes.

Liquor Control Act 1988 and associated regulations

Administered in part by Local Government to regulate 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, to repeal the Liquor Act 1970, and for related matters.

Litter Act 1979 and associated regulations

To make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA), and for incidental and other purposes.

Local Government Act 1995 and associated regulations

The primary legislation under which the Shire of Ashburton operates. The purpose of the Act is to provide the framework for good rule and governance, leading to the convenience, comfort and safety of persons in municipal districts.

Local Government (Miscellaneous Provisions) Act 1990

To provide for the good rule and government, convenience, comfort and safety of persons in local authority districts.

Main Roads Act 1931

To consolidate and amend the law relating to and making provisions for the construction, maintenance and supervision of highways, main and secondary roads, and other roads, the control of access to roads and for other relative purposes.

Occupational Safety and Health Act 1984 and associated regulations

Administered in part by Local Government to promote and improve standards for occupational health, safety and welfare and to coordinate the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

Parks & Reserves Act 1895

To provide for the control and management of certain land reserved to the Crown.

Planning and Development Act 2005

To provide for a system of land use planning and development in the State and for related purposes.

Town Planning Regulations 1967

To provide for a system of land use planning and development in the State and for related purposes.

Public Works Act 1902

To consolidate and amend the laws relating to public works.

Road Traffic Act 1974

To consolidate and amend the law relating to road traffic and for incidental and other purposes.

Shire of Ashburton Town Planning Scheme No. 4

The intent of this scheme is to direct and control the development of the scheme area (hereinafter referred to as the District) in such a way as shall promote and safeguard the health, safety and convenience, economic and general welfare of its inhabitants and the amenities of every part of the district.

State Administrative Tribunal Act 2004

To establish a tribunal with jurisdiction under this and other Acts to review certain Administrative decisions and deal with certain other matters, and for related purposes.

State Records Act 2000

To provide for the keeping of State records and for related purposes.

Strata Titles Act 1985

To facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental connected purposes and to repeal the Strata Titles Act 1966.

Workers Compensation and Injury Management Act 1981

To amend and consolidate the law relating to compensation for, and the rehabilitation of, workers suffering disability by accident or disease in the course of their employment.

Valuation of Land Act 1978

To provide for the valuation of land and for other purposes.

9. FREEDOM OF ARRANGEMENTS INFORMATION PROCEDURES AND ACCESS

The Shire of Ashburton aims to make information available promptly and at the least possible cost. Documents will be provided outside of the FOI process wherever possible.

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire of Ashburton and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading. Under the provisions of the Act, applications may be made to:

- Gain access to a document;
- Amend personal information; or
- Review a previous FOI decision regarding access to, or amendment of a document.

The Act does not apply to information that is:

- Available for purchase or free distribution to the public;
- Available for inspection under Part 5 or another enactment;
- Available for inspection in State Archives;
- Publicly available library material held for reference purposes;
- Made or acquired by an art gallery, museum or library and preserved for public reference or exhibition purposes; or
- Personal Information.

Freedom of Information Applications

FOI application is to be made to the Shire. As specified in the Act, an application must:

- Be in writing;
- Provide sufficient information to enable the requested documents to be identified;
- Provide an Australian address for correspondence; and
- Be accompanied by the prescribed application fee if the document requested is for non-personal information.
- Specify the preferred manner in which access is requested, e.g. Copy requested.

Applications and enquiries shall be addressed to:

**Freedom of Information Coordinator
Shire of Ashburton
PO Box 567
Tom Price WA 6751**

Applications will be acknowledged in writing.

Fees and Charges

A scale of fees and charges is set under the FOI Act Regulations. Apart from the application of fees for non-personal information, all charges are discretionary. The current 2016/17 charges are as follows:

• Personal information about the applicant	No Fee
• 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	0.20c
• 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

Deposits

• Advance deposit may be required of the estimated charges	25%
• Further advance deposit may be required to meet the charges for dealing with the application	75%

For financially disadvantaged applicants, or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

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, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible within 45 days you will be provided with a notice of decision which will include details such as:

- The date which the decision was made;
- The name and the designation of the officer who made the decision;
- The reasons for classifying a document or matter exempt or providing access to an edited document; and
- Information on the right to review and the procedure to be followed to exercise those rights.

Reference should be made to the Shire of Ashburton's FOI process document for further details on the decision process.

Refusal of Access

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

You will be notified of the outcome of the review within 15 days.

If you disagree with the result you can then apply to the Information Commissioner for an *external review*. Details would be advised to applicants when the internal review decision is issued.

SHIRE OF ASHBURTON



APPLICATION FORM

Contact Surname:	Given Name(s):
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Postal Address:

Contact Phone:	H:	W:	Mobile
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If application is on behalf of an organisation

Name of Organisation:	Contact Numbers:
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Type of Information (please tick)

Personal Information	
Non-Personal Information	

I am applying for access to document(s) concerning
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Form of Access (Please tick the appropriate box)

I require a copy of the documents(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I wish to inspect the document(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I require access in another format*	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Fees and Charges – Non Personal Information

<p>Attached is payment of \$30.00 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 where they will be more than \$25.00.</p> <p>In certain cases a reduction in processing charges may apply - see section on fees and charges on the next page of this form. If you consider you are entitled to a reduction, attach a copy of documents which address the criteria.</p>

If you are requesting a reduction in fees and charges, please tick the appropriate box.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Applicant's Signature:	Date:/...../.....

Lodgement of Application	
By post to: FOI Coordinator PO Box 567 Tom Price WA 6751	In person to: Administration Centres • Second Avenue, Onslow; • Ashburton Avenue, Paraburdoo; • Pannawonica Drive, Pannawonica; • Poinciana Street, Tom Price.

(Office use only)

FOI File Number:

FOI Reference Number:

Received: ... / ... / ...

Validated (Fee Paid): ... / ... / ...

Deadline for response: / ... / ... (45 calendar days from date validated)

Acknowledgment sent on: / ... / ...

Proof of Identity Required: (If lodged in person)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sighted By:	

The following fees and charges apply to an FOI application for non-personal information:

1. A current 2016/17 application fee of \$30 (there is no application fee for personal information about the applicant).
2. Time dealing with the application - \$30 per hour or pro rata of staff time. "Dealing with" applications includes consulting with third parties and the deliberative process required to arrive at a decision.
3. Supervised access - \$30 per hour or pro rata for staff time plus the actual additional cost to the agency of any special arrangements (e.g. hire of facilities or equipment).
4. Additional photocopying - \$30 per hour or pro rata of staff time plus 20 cents per copy.
5. Cost of transcribing information from tape or other device - \$30 per hour or pro rata of staff time.
6. Cost of duplicating tape/film/computer information - actual costs.
7. Cost of delivery, package, and postage - actual costs.
8. If the Shire estimates that the charges involved in dealing with an application will exceed \$25 (on top of the \$30 application fee) then a written estimate will be provided to the applicant who will be asked if they want to proceed.
9. The Shire may ask for payment in advance of up to 75% of the total estimated costs in certain circumstances.
10. A standard reduction of 25% is to be applied to charges payable by applicants who are financially disadvantaged including applicants who are a holder of a current Pension Health Benefits Card or Concession Card issued by the Commonwealth Government. An applicant who doesn't have the money to pay any estimated charges should advise the Shire and ask for the charges to be reconsidered.