



SHIRE OF MENZIES

Freedom of Information Statement

2021 – 2022

Adopted by Council – September 2021

This document is available on the Shire of Menzies website. Electronic/hard copy (large and standard print) formats are available on request.

www.menzies.wa.gov.au

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1. Information Statement

This document has been prepared and published in accordance with the requirements of Part 5, Freedom of Information Act 1992 (the Act). S94 of this Act requires each agency to prepare an Information Statement. The Shire of Menzies is such an agency.

The Shire is committed to open and accountable government. Access to information held by the Shire is available from the Shire offices, on our website, by telephone and email or by post.

The Statement will be reviewed and published annually, in accordance with the Act.

2. Introduction

The Western Australian Freedom of Information Act 1992 (the Act) is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

The Act provides the right to apply for access to documents held by State Public Sector agencies which includes local governments.

The Shire's Information Statement includes information on:

- Documents held by the Shire
- Structure and functions of the Shire
- Documents freely available to the public
- Description of the kind of documents generated and held by the Shire
- Organisational purpose and structure
- How to access non-personal documents
- How to amend personal information

Agencies are required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up to date and not misleading. The right to apply is not affected by any reasons for wishing to obtain access, or the agency's belief as to what the reasons are for applying.

The Act also requires each agency to prepare and publish an annual information statement which details the process of applying for information under the Act, as well as information that the Shire of Menzies provides outside the Act.

This Shire of Menzies's Freedom of Information Statement fulfils the Shire's obligation in this regard and is correct as of September 2021. 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. This document can be provided in hard copy upon request, and an electronic copy can be accessed via the Shire of Menzies at www.menzies.wa.gov.au

3. Shire's Information Access Intention

The Shire will release at cost or free of cost unclassified Shire information/ documentation that is of public interest to residents and other stakeholders. Access to all such permissible information should be made outside the confines of the FOI Act.

If no public access is available to the desired documents, the Shire will comply with the objectives of the FOI Act and will make available documents when able under the Act.

However, the Shire also has a duty to protect the privacy of its residents, commercial interest of businesses within the Shire and has a need to maintain the integrity of the Shire's ongoing lawful investigative and decision-making processes.

In these instances, permissible exemptions will be applied to protect these activities and access may be refused to such classification of documents.

4. Our Vision

The Shire will endeavour to provide the community services and facilities to meet the needs of the community and enable them to enjoy a pleasant and healthy way of life.

5. Council Structure

The Council decision making body consists of 7 council members, including the Shire President who is elected by the Council.

Local government elections for the purposes of electing council members are held every two years, and council members are elected for a four-year term, thus ensuring continuity of knowledge and experience of at least half the council members after each election.

Council members provide guidance to the community, facilitate communication between the community and Council, and participate in the decision-making processes of Council that shape the direction of the Shire of Menzies. Collectively, council members are responsible for determining Council policies for the Shire and strategic direction, determining the projects that the Shire undertakes, and determine and have oversight of the budget for the Shire of Menzies.

In addition, the Council appoints and manages the performance of the Chief Executive Officer.

A current list of the elected members of Council for the Shire of Menzies is available at <https://www.menzies.wa.gov.au/profiles/councillors>

6. Organisational Structure

The operations of the Shire of Menzies are managed by the Chief Executive Officer who is supported by an Executive Management Team.

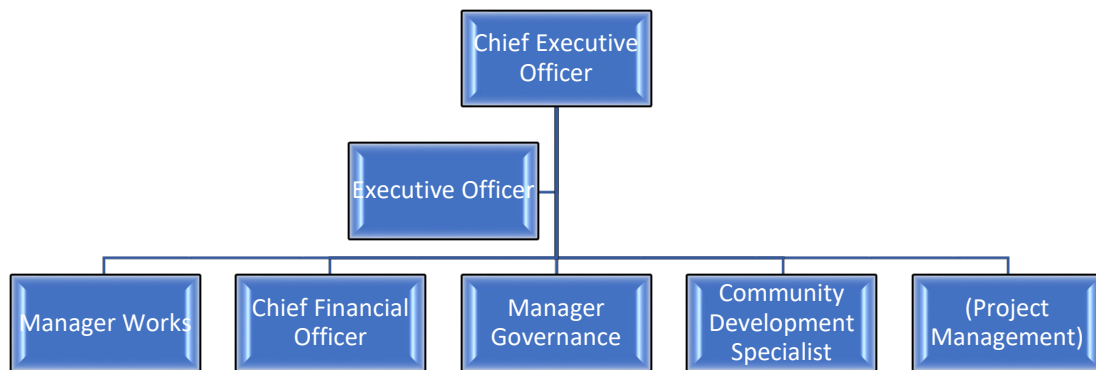
The CEO is engaged by the Council, but the former engages and manages all other employees

The role of CEO is to act as a conduit between Council and the administration of the Shire of Menzies, and to carry ultimate responsibility for the efficient and effective utilisation of the resources available to the Shire.

The CEO and other employees report to Council at monthly meetings with recommendations that Council can accept, reject or substitute with an amended resolution. In addition, the CEO, some employees, and other persons hold delegated authority from Council or the CEO to determine a range of matters under various legislation.

The Executive Management Team consists of CEO, Chief Financial Officer, Manager Governance, Works Manager, Community Development Specialist and Executive Officer.

A visual overview of the management structure of the Shire of Menzies is below.



7. Legislative Environment

The Shire is responsible for complying with, or ensuring compliance with, a vast range of Federal and State legislation.

It is estimated that directly, or indirectly, the Shire of Menzies is engaged with more than 200 Acts.

In addition, the Shire has adopted (and is currently reviewing, as well as repealing in some cases) Local Laws adopted under various Acts:

- Shire of Menzies Bush Fire Brigade Local Law 2015
- Activities in Thoroughfares and Public Places Amendment Local Law 2013
- Dogs Local Law 2007
- Activities in Thoroughfares and Public Places Local Law 2007
- Urban Environment and Nuisance Local Law 2007
- Bush Fire Brigades, establishment, maintenance and equipment of
- Signs, Hoardings and Billpostings - Draft Model By-law No. 1

8. Decision making by the Shire of Menzies

The Shire of Menzies has been entrusted with the responsibility to oversee the development and progression of the local communities.

Council delegates decision-making authority to the CEO in some instances and the CEO may sub-delegate certain decision-making duties to Shire officers in accordance with the Local Government Act 1995, and other Acts. These delegations are reviewed and approved by Council on an annual basis.

A range of policies have been developed by the Shire that guide and direct its actions now and into the future. All current Council policies can be viewed on the Shire of Menzies website.

In performing their roles as decision makers, council members, the CEO and employees are required to make decisions that have an impact on the daily lives of residents, ratepayers, and stakeholders of the Shire of Menzies.

These decisions might include the provision of footpaths, control of animals, refuse collection, cultural events, planning matters, recreation facilities and control of environmental health issues. The Shire of Menzies strives to achieve a balanced and fair approach to decision

making to protect and develop the amenities of the Shire, preserve heritage, encourage economic growth, and provide clarity to residents and businesses in the area.

8.1 Public participation in the decision-making process

The Shire of Menzies recognises that the community is an important resource when informing decision making, and that community input is essential to assist the Shire in choosing a path that caters for the current and future needs and expectations of the community.

8.2 Council Meetings

Meetings of Council are held on the last Thursday of the month at 1pm, except for December, when the meeting may be held earlier in the month. Meetings alternate between the Menzies Council Chambers and the Tjuntjuntjara community, with the annual schedule of meetings determined by Council, and advertised at the Shire website.

During COVID 19 (and potentially other types of States of Emergency) the Council may conduct meetings by electronic means, or individual council members may “attend” meetings by electronic means.

In such circumstances the Shire will endeavour to provide public notice and advise of the ways in which the public may view the meeting.

Minutes of meetings are available at the Shire Offices, town library and the shire’s website <https://www.menzies.wa.gov.au/council-meetings/>

Members of the public are welcome to attend Council Meetings.

On occasions there may be a Special Meeting of Council if a matter of urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

8.3 Public Question Time

To assist members of the public to participate in the decision-making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each meeting.

Should there be a series of questions the period can be extended at the discretion of the Presiding Member (usually the Shire President).

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Shire staff will endeavour to provide the answers prior to the next meeting of Council.

8.4 Deputations

Should a group of people wish to engage or make a formal representation to Council on behalf of a larger group in relation to an item contained in the Council agenda, they may apply in writing to the CEO.

The CEO will send the written request to the Shire President, who may then either approve the request or refer it to Council for a decision on whether to receive the deputation. If approved, the CEO will invite the deputation to attend a Council Meeting.

Questions and requests for deputations should be marked for the attention of the Chief Executive Officer and posted to 124 Shenton Street, Menzies WA 6436 or PO Box 4 MENZIES WA 6436, or emailed to admin@menzies.wa.gov.au

8.5 Annual General Meeting of Electors

The Annual General Meeting of Electors is held to discuss the Annual Report of the financial auditors for the Shire of Menzies and discuss general business of the Shire.

A formal Notice of Meeting is advertised in advance of the date of the meeting.

8.6 Special Meetings of Electors

In accordance with s5.28 of the Local Government Act 1995, a Special Meeting of Electors may be held following a request made to the Shire President for such a meeting by

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the Local Government (Administration) Regulations 1996.

8.7 Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the Shire President and made by registered electors of the Shire of Menzies.

The petition needs to state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. It also needs to contain a summary of the reasons for the request and state the name and address of the person who is putting forward the petition.

Further details regarding the requirements for petitions can be found in the Local Government Act 1995 and the Local Government (Constitution) Regulations 1996.

9. Community Consultation and Participation

The Shire of Menzies regularly invites the community to contribute. There are a range of tools that the Shire uses to engage with the public and the methods used vary according to the requirements of each consultation process, and some processes need to meet legislative requirements.

Opportunities for input into decisions and processes of Council are advertised according to their needs on some or all the following:

- Shire of Menzies website,
- noticeboard at the Shire office at Menzies,
- on public noticeboards, where possible and appropriate,

- on the Shire's Facebook page,
- in regional newspapers and newsletters,
- in the West Australian Newspaper

Community members can also engage with the Shire at any time by visiting our reception at the Shire Administration Building between the hours of 8:30am and 4:30pm, by calling (08) 9024 2041, or by emailing admin@menzies.wa.gov.au

10. Documents held by the Shire of Menzies

Records of the Shire of Menzies's activities are centrally stored by the Shire in accordance with the Local Government Act 1995 and State Records Act 2000.

Such records include correspondence, memoranda, notes, recordings, reports, plans, sketches, maps, diagrams, applications, fact sheets, registers, approvals, notices, agendas and minutes.

In accordance with section 5.94 of the Local Government Act 1995, certain documents are made available by the Shire for public inspection without an application under the Freedom of Information Act being necessary, many of which are available on the Shire's website www.menzies.wa.gov.au

Such documents include, but are not limited to:

- Council Records – Agendas/Minutes
- Code of Conduct
- Shire of Menzies Policies
- Register of Financial Interests
- Various other Registers including Gift Register, Election Gifts Register,
- Annual Reports
- Annual Budget and Schedule of Fees and Charges
- FOI Statement
- Integrated Planning and Reporting Strategic Community Plan, Strategic Resource Plan, Corporate Business Plan, Workforce Plan
- Register of Burials
- Register of Tenders
- Register of Local Laws
- Municipal Heritage Inventory
- Disability Access and Inclusion Plan

11. FOI Procedures

It is the aim of the Shire of Menzies to make information available promptly and at the least cost possible. Therefore, wherever appropriate and lawful, documents will be provided outside of the FOI process. Where information is not freely available through one of the methods available outside of FOI, the FOI Act provides the right to apply for access to information held by, or believed to be held by, the Shire of Menzies.

It should be noted that some documents are for viewing only and cannot be copied as such would breach the Copyright Act 1968.

What information can I request?

The kinds of documents to which access may be requested includes paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information.

Access may be applied for personal information that is contained in agency documents and may be corrected if it is incorrect, inaccurate, out of date, or misleading. Personal information is information about a person whilst non-personal information is information concerning other people.

Documents which protect essential public interests, personal information about other people or the commercial or business affairs of others are among those documents which may not be released.

An edited copy of a document may be provided if it contains some information considered to be exempt under the FOI Act.

How do I make an FOI application?

No special forms are required – a letter or email will suffice.

In an application, identify or describe the documents concerned, providing enough information to facilitate the identification of the documents sought. If applying for amendment of personal information, please provide details to show how or why the agency's records are inaccurate, incomplete, out of date or misleading. Ideally a request should be concise to narrow the field of search.

Costs may apply for applications with a wide scope or requiring a high level of research.

Give an address in Australia where notices can be sent and, if possible, include a contact telephone number or email address so the Agency can liaise with you on the application.

Send the written application or related enquiries to the Freedom of Information Coordinator, posted to 124 Shenton Street, Menzies WA 6436, or PO Box 4 MENZIES WA 6436, or emailed to admin@menzies.wa.gov.au

Applications will be acknowledged in writing and applicants notified of the decision within 45 days.

11.1 Are there any costs involved?

No fees or charges apply for personal information or amendment of personal information about a person. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged.

There may be other charges imposed to cover the administration costs associated with locating documents within the scope of a request.

Applicants may ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed \$25 the Shire must provide an estimate of charges and ask whether the applicant wants to proceed with the application.

Applicants must notify the Shire (within 30 days) of their intention to proceed. In some instances, the Shire may request an advance deposit. The fees, charges, deposits, and possible reductions are set by the FOI Act and are as follows:

Personal Information about the applicant	No fee 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	\$0.20c
Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Advance deposit that may be required in respect of estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%
For impecunious the charge payable is reduced	25%
For those issued with prescribed pensioner concession cards, the charge payable is reduced	25%

11.2 In what way can charges be minimised or removed?

The FOI Act requires the Shire of Menzies to help applicants with their application if they are having difficulty defining the documents they are seeking.

The Shire may describe the kinds of documents and records kept helping narrow the scope of an application. By reducing the scope of an application, it will reduce the work for the Shire and the cost to the applicant. The Shire may refuse to deal with a large request.

11.3 What happens after I have lodged my application?

Once the Shire has received a valid application, it has a maximum period of 45 calendar days to deal with the application and to decide whether access is provided to the documents. If the period is not enough for research to be carried out and a decision subsequently provided, the Applicant will be informed, and a negotiated time will be determined.

11.4 What if the documents are needed urgently?

If a decision is required on an application by a certain time, this information should be included in the written FOI application, or the applicant should approach the Shire about the desired timeframe after the application has been submitted. Applicants may be able to negotiate a shorter (or longer, as the case may be) period for response with the Shire.

11.5 How will I know when the Shire's decision has been made and what it is?

The Shire of Menzies must provide an applicant with a written Notice of Decision advising whether access will be provided to all or some of the documents requested. The Notice of Decision will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reason for the refusal or where the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

The Notice of Decision will be provided as soon as possible, but in any case, within 45 days. If the Shire refuses access to any documents or parts of any documents, the written notice must provide the reasons for the decision. It must also explain rights of review.

11.6 Amendment of Personal Information

Applicants have the right to amend personal information held by the Shire of Menzies, which the applicant considers incomplete, inaccurate, misleading, or not up to date.

Applicants must provide details and, if necessary, documentation to support any claim on the information sought to be amended. In addition, the applicant must indicate how the amendment is to be made, which may include:

- altering information
- striking out or deleting information
- inserting information, or
- inserting a note in relation to the information

11.7 Rights of Review

Internal Review

If an applicant is dissatisfied with the Shire's decision, they are entitled to request an internal review by the Shire.

An applicant has 30 days from the date of receipt of the Notice of Decision to make an application for internal review. Such a request needs to be in writing to the FOI Coordinator for the Shire of Menzies and should identify the part of the decision that is disagreed with, as well as the reason that the applicant is dissatisfied with it.

The Shire then has 15 calendar days to conduct a review and notify the applicant of the outcome. Another person in the Shire, who is not subordinate to the original decision-maker must make the decision on internal review. If the decision was made by the Chief Executive Officer an internal review is not available, but the applicant may apply to the Information Commissioner for an external review.

External Review

If an applicant disagrees with the outcome of the internal review, they may request the Information Commissioner for an external review. An application for external review should be made within 60 days of receiving the Shire's notice of internal review decision. Third parties who object to disclosure of their information must apply for external review within 30 days after being given the Shire's decision.

The application for external review may be made in a letter or by completing a form available from the Office of the Information Commissioner at <http://foi.wa.gov.au/en-us/AppforExtRev>

Applicants must provide an address to which notices can be sent, give particulars of the decision to be reviewed, include a copy of that decision and lodge the application at the Office of the Information Commissioner.

The Information Commissioner is appointed by the Governor as an independent statutory officer who is responsible directly to Parliament. Therefore, complaints lodged with the Information Commissioner are subject to impartial review based on the merits of each case and the relevant provisions of the FOI Act.

12. Further information

Further information can be obtained from the Freedom of Information (FOI) Coordinator of Western Australia on 08 9186 8555, Monday to Friday from 8.00am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889

Email: info@foi.wa.gov.au

Web: www.foi.wa.gov.au

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