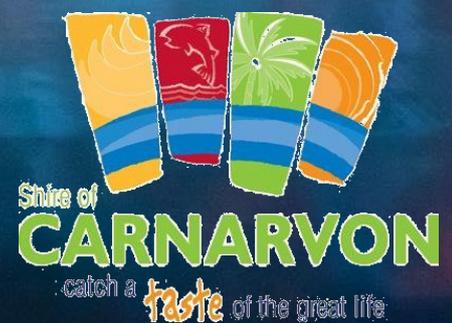


SHIRE OF CARNARVON

**FREEDOM OF
INFORMATION
STATEMENT**

Freedom of Information Act 1992

Reviewed – January 2023



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INTRODUCTION

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local government, to prepare and publish annually, an Information Statement.

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 gives you the right to apply for access to documents held by State Public Sector agencies which includes: Government Departments; Local Authorities; Statutory Authorities and Ministers.

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. Your right to apply is not affected by any reasons you have for wishing to obtain access, or the agency's belief as to what your 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 Carnarvon provides outside the Act. This Shire of Carnarvon's Freedom of Information Statement fulfils the Shire's obligation in this regard, and is correct as at January 2023. 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

The Information Statement must set out –

- The Agency's Mission Statement
- Details of Legislation administered
- Details of the agency 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 FOI in the agency

This document has been prepared by the Shire of Carnarvon to satisfy Part 5 of the Act and is correct as at January 2023. Copies of this document may be obtained from –

Freedom of Information Co-ordinator
Shire of Carnarvon
PO Box 459
CARNARVON WA 6701

Or on the Shire of Carnarvon website at www.carnarvon.wa.gov.au

Enquiries may be made to that office on telephone 99410000 Monday to Friday 8.00am to 5.00pm or by email at hill.d@carnarvon.wa.gov.au

VISION AND VALUES

Vision Statement

Unity, Humanity, Nature

- A connected community across leaders, cultures and generations
- A future for every young person
- A job rich economy, built on local strengths
- A still-natural environment, looked after and used

Core Values

We have identified these key values and principles as integral in the achievement of our vision –

- Courage
- Authenticity
- Respect & Inclusion
- Passion
- Excellence
- Humility
- Cohesion

COUNCIL INFORMATION STATEMENT

The Shire of Carnarvon is an open and accountable Local Government and wherever possible will make documents available for public inspection outside of the *Freedom of Information Act*. The general public can view a variety of Council publications at the Council Offices at 3 Francis Street Carnarvon or at the Carnarvon Library or online at Council's website address which is www.carnarvon.wa.gov.au

Documents are available for public inspection at either the Council Offices. If members of the public wish to obtain **copies** of any documents, then a **charge may apply** as per the Council adopted Annual Schedule of Fees and Charges for photocopying plus any binding costs and postage and delivery charges if applicable.

Emailed copies of public documents will be provided free of charge.

FOI PROCEDURES AND ACCESS ARRANGEMENTS

FOI Operations

The Shire of Carnarvon supports open and accountable local government and will endeavour to make information available promptly and at the least possible cost. As previously stated whenever possible documents will be provided outside the FOI process.

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

Freedom of Information Applications

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Council Offices with any application fee payable.

Applications and enquiries should be addressed or delivered to:

Freedom Information Officer
Shire of Carnarvon
3 Francis Street
CARNARVON WA 6701

Acknowledgment of Applications

Applications will be acknowledged in writing and you will be notified of the decision as quickly as possible and no later than 45 days after the application is received.

Freedom of Information 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:

No fees or charges apply for personal information or amendment of personal information about yourself (e.g. your medical records; details of employment etc).

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, and there may be other charges imposed by the agency as follows:

- \$30 per hour of staff time or pro rata for part of an hour for dealing with an application. (Agencies cannot charge for locating the documents within the scope of your request.)
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- 50 cents per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

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% or may be waived in certain circumstances.

Access Arrangements

Access to documents can be granted by way of inspection, emailed electronic copy, a “hard” paper copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Edited Copies of Documents

As a general rule Council will provide edited copies of documents where part of the document may be subject under the schedule of exemptions of the Freedom of Information Act for various reasons (eg, commercial considerations) or where there would be disclosure of personal or private information about an individual.

Notice of Decision

As soon as possible but in any case within 45 days applicants 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.
- 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; and
- 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 will be able to seek an **internal review** by the Chief Executive Officer (CEO).

If you disagree with the result of the CEO’s decision then you can apply to the Information Commissioner for an **external review**, and details would be advised to applicants when the internal review decision is issued.

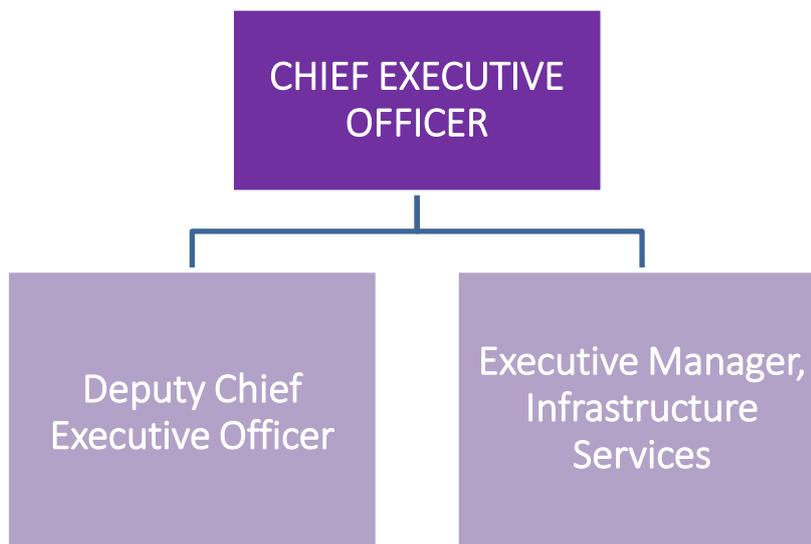
LEGISLATION ADMINISTERED

The Shire of Carnarvon is established under the *Local Government Act 1995*, and has the responsibility for the administration of this Act within the municipality. Other major legislation instruments which the Shire of Carnarvon is wholly or partly responsible for administering include:

- *Bush Fires Act*
- *Dog Act*
- *Litter Act*
- *Health Act*
- *Environmental Protection Act*
- *Town Planning & Development Act*
- *Dividing Fencings Act*
- *Off Road Vehicles Act*
- *Freedom of Information Act*
- *Occupational Health, Safety & Welfare Act*
- *Building Codes of Australia*
- *Library Board Act*
- *Road Traffic Act*
- *Main Roads Act*
- *Building Act*
- *Caravan and Camping Act*
- *Liquor Licensing Act*
- *Land Administration Act*
- *Town Planning Act*

MANAGEMENT STRUCTURE

Council is the policy making body of the Shire of Carnarvon. To implement Council decisions, it is necessary to employ professional staff. Management of the staff is through senior officers referred to as the Executive Leadership Team. The Chief Executive Officer, who is employed by the Council and has delegated authority, manages the day to day running of the Shire and provides advice to Council and directs the activities of staff through the Managers/Coordinators.



FUNCTIONS

The elected members of Council act as one body, dealing with the business of the Carnarvon local government area in accordance with relevant statutes, local laws and policies. As a body, Council meets on the fourth Tuesday of each month, except for in December where it meets on the third Tuesday.

COUNCIL MEETINGS

Meetings commence at 1.00pm in Council Chambers on the fourth Tuesday of every month. This may change for December due to the Christmas public holidays. Local public notice is provided should there be any changes to the date, time or location of Council Meetings. Members of the public are welcome to attend. Limited time (15 minutes) is set aside for the public to ask questions of the Council. Questions are generally taken on notice as a reply may not be immediately forthcoming due to the need to either research the matter raised or to seek clarification of the matter from a third-party. Desirably, questions should be submitted in writing at least 3 days before the Council meeting is to take place in order that a response can be provided at the meeting.

Occasionally, Council may hold a special meeting outside of these times, especially where it is required to deal with an urgent matter of business. Notice of a Special Meeting of Council will be advertised in the Midwest Times/Guardian newspaper 7 days beforehand, if time permits. Notices will also appear on social media including the Shire of Carnarvon website, facebook and public notice boards. Again, any member of the public is welcome to attend a Special Meeting of Council and ask questions of the Council within the allotted public question time.

Where a person requests a matter to be dealt with by the Council, or is required to have a matter (such as a land development proposal or application) to be dealt with by the Council, such a request (or proposal or application) must be submitted in writing to the Chief Executive Officer (CEO) at least 30 days before the date of the Ordinary Meeting of Council (OCM) at which it is requested to be considered and determined. Inclusion of the matter in the meeting agenda will be subject to all relevant and pertinent information being provided by the person making the request (or by the proponent or applicant), all comments from relevant authorities and agencies who may be affected by the matter having been received, and either no public or stakeholder notification beforehand is required, or where required, such notification has been completed and the submission period has expired.

A request received less than 30 days before the next Ordinary Meeting of Council may be presented to Council for consideration and determination only at the discretion of the CEO and subject to the above criteria (where applicable).

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. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud. The question does not need to be on a Shire form. It can be in the form of a letter, email or note, as long as it legibly shows your question and contact details. The questions are to be received by the Presiding Officer of the Shire of Carnarvon.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer, usually the Shire President.

If a question is taken on notice then it will be recorded and a written response provided to the questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the

Council. If possible, email your question through to shire@carnarvon.wa.gov.au before the meeting. Your question may not be answered if you do not attend the Council Meeting.

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 or not 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 may be email to shire@carnarvon.wa.gov.au, or posted to PO Box 459, Carnarvon WA 6701. The requests may also be hand-delivered to the Shire of Carnarvon reception at 3 Francis Street, Carnarvon.

DOCUMENTS HELD BY THE SHIRE OF CARNARVON

The following documents are available for public inspection at the Shire of Carnarvon free of charge. Members of the public may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges manual may be inspected at the Shire Offices during normal office hours. Some of the documents or related information is available online.

- Policy Manual
- Annual Budget
- Annual Report
- Strategic Plan
- Freedom of Information Statement
- Tender Register
- Code of Conduct
- Council Minutes & Agendas (unless classified as confidential- and are also available in the Library)
- Electoral Rolls
- Rates and Charges
- Local Laws
- Various leaflets and brochures

The Shire of Carnarvon holds a number of different types of documents for which a Freedom of Information request for information should be submitted. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos.

Information is held in the Shire's filing system, which is managed by an electronic records management system.

Personal information is held in personnel files in the Shire's records system.

FOI PROCEDURES

What is the Freedom of Information Act all about?

- It gives you the legally enforceable right to access records held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.
- It gives you the right to apply to have personal information we hold that you believe is inaccurate to be altered (at no cost).
- It obliges the Shire of Carnarvon to make available certain information about the way it operates.

What are considered to be records?

The Act defines records as –

- Any paper based records eg. Memos, correspondence, maps, plans, photos etc.
- Any sound based records, eg. cds etc.
- Any image based records eg. Roll films, micrographics, video tapes, optical disks etc.
- Any digital based records eg. Computer tapes, floppy disks, cds etc.

Who do I contact to make enquiries?

You may ring the Shire of Carnarvon Freedom of Information Co-ordinator on 99410050 between the hours of 8.00am to 5.00pm Monday to Friday if you have any queries. Alternatively, you can send an email to hill.d@carnarvon.wa.gov.au

How do I lodge an application?

You must lodge your application in writing –

- give enough information so that the documents can be identified
- give an Australian address to which notices can be sent
- be lodged at the Shire of Carnarvon with any application fee payable
- give enough information so that the documents can be identified

Lodgement of Applications

Applications may be lodged –

By Post, addressed to –

FOI Co-ordinator
Dannielle Hill
Shire of Carnarvon
PO Box 459
CARNARVON WA 6701

Or in Person to –

Shire of Carnarvon
Francis Street

| |
|--|
| <p>Shire of Carnarvon</p> <p>APPLICATION FOR ACCESS TO DOCUMENTS</p> <p>(under Freedom of Information Act 1992, S.12)</p> |
|--|



Surname _____

Given Names _____

Australian Postal Address _____

Telephone Number(s) _____

Name of Organisation/Business _____
(if application is on behalf of an organisation)

DETAILS OF REQUEST (please tick) Personal Documents Non-Personal Documents

I am applying for access to document(s) concerning _____

FORM OF ACCESS (please tick appropriate box)

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

(specify) _____

FEES AND CHARGES

Attached is a cheque/cash to the amount of \$_____ 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 if appropriate.

In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges
(please tick appropriate box) Yes No

Applicant's Signature_____

Date_____

Proof of Identify (f applicable)
(A total of 100 points is required)

Driver's Licence = 40 Points

Birth Certificate = 70 Points

Passport = 70 Points

Sighted by_____

NOTES

FOI APPLICATIONS

- Please provide sufficient information to enable the correct document(s) to be identified.
- The agency may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, the agency will require authorisation, usually in writing.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- The Freedom of Information Act is available online at -
https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html

FORM OF ACCESS

You can request access to documents 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 document or of works recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the agency is unable to grant access in the form requested, access may be given in a different form.

FEES AND CHARGES

1. **Type of Fee**
Application Fee for Personal Information Nil
Application Fee under Section 12(1) of the Act \$ 30.00
2. **Type of Charge**
 - (a) charge for time by staff dealing with the application (per hour, or pro rata for a part of an hour) \$ 30.00
 - (b) charge for access time supervised by staff (per hour, or pro rata for a part of an hour) \$ 30.00

plus the actual additional cost to the agency of a special arrangements (eg hire of facilities or equipment).
 - (c) charges for photocopying –
 - (i) per hour, or pro rata for a part of an hour of staff time \$ 30.00
 - (ii) per copy \$ 0.50

- | | | |
|-----|---|--------------------|
| (d) | charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour) | \$ 30.00 |
| (e) | charge for duplicating a tape, film or computer information | Actual Cost |
| (f) | charge for delivery, packaging and postage | Actual Cost |

3. Advance Deposits

- | | | |
|-----|---|------------|
| (a) | Advance deposit which may be required by an agency under Section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. | 25% |
| (b) | Further advance deposit which may be required by an agency under Section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. | 75% |

LODGEMENT OF APPLICATIONS

Applications may be lodged –

By Post, addressed to –

FOI Co-ordinator
 Dannielle Hill
 Shire of Carnarvon
 PO Box 459
 CARNARVON WA 6701

Or in Person to –

Shire of Carnarvon
 Francis Street
 CARNARVON WA 6701