



SHIRE OF
MOUNT MAGNET

**FREEDOM OF INFORMATION
STATEMENT**

2016/2017



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Freedom of Information Statement
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TABLE OF CONTENTS

1.0	MISSION STATEMENT	2
2.0	DETAILS OF LEGISLATION ADMINISTERED	2
3.0	COUNCIL STRUCTURE	2
3.1	Council Structure.....	2
3.2	Committees/Delegates	2
4.0	DETAILS OF DECISION MAKING FUNCTIONS	3
5.0	PUBLIC PARTICIPATION IN COUNCIL FUNCTIONS	3
5.1	Committees or Bodies which involve Public Representation	3
5.2	Committees that don't involve Direct Public Representation but may be open to the Public.....	3
5.3	Participation in Committees.....	3
5.4	Ordinary Council Meetings	4
6.0	DOCUMENTS HELD	4
6.1	Documents available for inspection free of charge.....	4
6.2	Documents available to the Public - For which a fee may be charged	5
6.3	Other Documents available for inspection	5
6.4	Limits on right to inspect Local Government Information.....	5
6.5	Format in which information is held	6
7.0	THE OPERATION OF FOI IN THE SHIRE OF MOUNT MAGNET	6
7.1	How and to whom initial enquiries should be made.....	6
7.2	Freedom of Information Charges.....	7

1.0 MISSION STATEMENT

For Mount Magnet to be recognised as an innovative, vibrant and inclusive community.

2.0 DETAILS OF LEGISLATION ADMINISTERED

Including, yet not limited to:

- Freedom of Information Act 1992
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Bushfires Act 1954
- Dog Act 1976
- Planning and Development Act 2005
- Health Act 1911
- Dividing Fences Act 1961
- Caravan Park and Camping Ground Act 1995
- Control of Vehicles (Off-road areas) Act 1978
- Litter Act 1979 and Regulations
- Shire of Mount Magnet Local Laws, as gazetted

3.0 COUNCIL STRUCTURE

3.1 COUNCIL STRUCTURE

The Council is comprised of seven Councillors. The President is elected by the Councillors.

POSITION	NAME	TERM EXPIRES
President	Jorgen Jensen	2017
Deputy President	Jason Homewood	2017
Councillor	Joe O'Brien	2017
Councillor	Carole Minney	2017
Councillor	Eliz Morris	2019
Councillor	Mary Ford	2019
Councillor	Karen Williams	2019

3.2 COMMITTEES/DELEGATES

Finance and Audit Committee

In accordance with the requirements of the Local Government Act, Council appointed has an Audit Committee, this committee includes all Councillors and a local CPA, Ms Maureen Tiedtke.

Council Delegates

Council has appointed delegates to represent it on the following bodies:

Regional Road Group	Cr Joe O'Brien
Murchison Zone WALGA	Cr Jorgen Jensen Cr Jason Homewood
Murchison Regional Vermin Council	Cr Jason Homewood Cr Joe O'Brien
Development Assessment Panel	Cr Eliz Morris Cr Carole Minney Cr Mary Ford Cr Jorgen Jensen
Mining and Pastoral Museum	Cr Eliz Morris and the CEO

4.0 DETAILS OF DECISION MAKING FUNCTIONS

Local Laws and Policies applying to this Council's district only, are made by Council under the Local Government Act 1995.

Council may provide that contravention of a provision of the local law is an offence, and may provide for penalties to be imposed.

5.0 PUBLIC PARTICIPATION IN COUNCIL FUNCTIONS

5.1 COMMITTEES OR BODIES WHICH INVOLVE PUBLIC REPRESENTATION

The Local Emergency Management Committee is established pursuant to s.38 of the Emergency Management Act 2005 (unlike most other committees, which are established pursuant to the Local Government Act 1995) comprises representatives of the Shire as well as representatives of emergency agencies and of other organisations who may have a role in an emergency situation.

The Ramelius Resources Community Benefit Fund Steering Group makes recommendations to the Council in relation to the objectives and operation of the fund established with contributions from Mt Magnet Gold Pty Ltd. It is chaired by Cr Mary Ford (representing the Shire President) and includes a representative of the CEO of Ramelius Resources/Mt Magnet Gold and a community representative (currently Sergeant Matt Fogarty).

5.2 COMMITTEES THAT DON'T INVOLVE DIRECT PUBLIC REPRESENTATION BUT MAY BE OPEN TO THE PUBLIC

Finance and Audit Committee meetings are open to the public.

5.3 PARTICIPATION IN COMMITTEES

Council members are elected to committees by the Council, when required.

5.4 ORDINARY COUNCIL MEETINGS

Ordinary Council Meetings are held on the third Friday of each month, except for January (when there is no meeting), December (when the meeting is held early to avoid the holiday period) and where the normal meeting date may fall on a public holiday. Ordinary Council meetings are open to the public.

A period is set aside at the start of each meeting for public question time. This provides an opportunity for members of the public to ask questions of Council.

6.0 DOCUMENTS HELD

6.1 DOCUMENTS AVAILABLE FOR INSPECTION FREE OF CHARGE

Any person can attend the office during office hours and inspect free of charge, subject to limitations, any of the following in relation to council in the form in which it is normally held.

- a) Annual report to electors
- b) Annual budget
- c) Annual financial report
- d) Various brochures available at the counter
- e) Shire library facilities
- f) Equal opportunity policy statement
- g) Confirmed Minutes of Council, committee and electors meetings
- h) Long Term Financial Plan
- i) Register of financial interests
- j) Schedule of fees and charges
- k) Schedule of loan repayments
- l) Loans register
- m) Proposed local law of which Statewide public notice has been given
- n) Local laws made by Council
- o) Any written law that Council has the duty or power to enforce
- p) Rates record
- q) Confirmed minutes of council or committee meetings
- r) Minutes of electors meetings
- s) Notice of papers and agenda relating to any council or committee meeting and reports other documents that have been -
 - Tabled at a council or committee meeting or
 - Produced by council or a committee and presented at a council or committee meeting.
- t) Corporate Business Plan and related documents
- u) Strategic Community Plan and related documents
- v) Register of owners and occupiers and electoral rolls
- w) Register of delegations to committees
- x) Gift Register

Many of the above-mentioned documents are also on the Shire's website.

6.2 DOCUMENTS AVAILABLE TO THE PUBLIC - FOR WHICH A FEE MAY BE CHARGED

These documents are available to the public of which a fee may be charged:

- a) Maps of the Shire of Mount Magnet
- b) The annual financial report
- c) The annual budget
- d) Municipal inventory
- e) Town planning documents
- f) Freedom of information statement

6.3 OTHER DOCUMENTS AVAILABLE FOR INSPECTION

These documents may be available for inspection within the Freedom of Information Act

- a) Register of delegations to CEO and employees;
- b) Unconfirmed minutes of council or committee meetings
- c) Notice papers and agenda relating to council or committee meetings and reports and other documents which -
 - Are to be tabled at the meeting or
 - Have been produced by the local government or a committee for presentation at the meeting
 - And which have been made available to members of Council or the committee
- d) The information contained in a tenders register
- e) Property ownership enquiries

6.4 LIMITS ON RIGHT TO INSPECT LOCAL GOVERNMENT INFORMATION

A person's right to inspect information does not extend to the inspection of information:

- a) which in the CEO's opinion, would divert a substantial and unreasonable portion of the Shire's resources away from other functions. In any such cases, the applicant will be assisted to re-scope the application so that it meets the applicant's needs while reducing the amount of work required to deal with the application.
- b) in relation to any debt owed by a person other than the debt of the person making the enquiry
- c) other information relating to a third party (without the express permission of the third party to whom the information relates).
- d) relating to minutes of meetings or notice papers and agenda and supporting reports and documents of a meeting which was closed to the public (or, in relation to future meetings, which in the CEO's opinion, might be closed to the public).
- e) documents that are already available, including documents available for purchase, for free or available for inspection by the public.

6.5 FORMAT IN WHICH INFORMATION IS HELD

Information is kept in several formats however the standard format in which information is held is as follows:

- a) library holds brochures, videos, cassettes and books, available for borrowing through the library system
- b) rates records are held on computer hard disk
- c) minutes of meetings are held in guard and bound books
- d) annual report to electors, financial report and budget are held in booklet form and on hard disk
- e) register of loans - hard copy
- f) register of tenders - hard copy
- g) register of delegations to committee - hard copy
- h) maps - hard copy
- i) principal activities and business plans - hard copy
- j) register of financial interests - hard copy
- k) owners, occupiers and electoral rolls - hard disk and soft copy
- l) municipal inventory - book
- m) correspondence, both incoming and outgoing is in filing cabinets for short term or held in the storeroom for long term archives. A system index schedule (numbers used in filing records) is held in booklet form
- n) personal information - held in filing system and on computer hard disk

Agendas, minutes and annual reports are also available on the Shire's website – www.mtmagnet.wa.gov.au

7.0 THE OPERATION OF FOI IN THE SHIRE OF MOUNT MAGNET

7.1 HOW AND TO WHOM INITIAL ENQUIRIES SHOULD BE MADE

In accordance with Section 12 (i), initial enquiries should be made:

- a) in writing;
- b) giving enough information so that the documents requested can be identified
- c) giving an Australian address to which notices can be sent; and
- d) being lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator:

The Chief Executive Officer
Shire of Mount Magnet
Post Office Box 62
Mount Magnet WA 6638

Phone: (08) 9963-3000
Fax: (08) 9963-4133

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

It is the aim of the Shire of Mount Magnet to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information Process. If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

7.2 FREEDOM OF INFORMATION CHARGES

A scale of fees and charges set under the Freedom of Information Act Regulations.

1.	<u>Type of Fee</u>	\$
	Application fee under section 12(1)(e) of the Act (for an application for non-personal information).....	30
2.	<u>Type of Charge</u>	\$
	(a) Charge for time taken by staff dealing with the application (per hour, or <i>pro rata</i> for a part of an hour).....	30
	(b) Charge for access time supervised by staff (per hour, or <i>pro rata</i> for a part of an hour).....	30
	plus the actual additional cost to the agency of any special arrangements (eg. hire of facilities or equipment).	
	(c) Charges for photocopying —	
	(i) per hour, or <i>pro rata</i> for a part of an hour of staff time;.....	30
	and	
	(ii) per copy	0.20
	(d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or <i>pro rata</i> for a part of an hour)	30
	(e) Charge for duplicating a tape, film or computer information.....	Actual Cost
	(f) Charge for delivery, packaging and postage...	Actual Cost
3.	<u>Advance Deposits</u>	
	(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%

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.

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details of the decision and procedures to follow.

Refusal of Access

Applicants who are dissatisfied with a decision are entitled to ask for an internal review. 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 then can apply to the Information Commissioner for an external review, and details would be advised to applicants when the internal review decision is issued.

The person responsible regarding access or the amendment of personal information under Freedom of Information:

The Chief Executive Officer makes decisions regarding access or the amendment of personal information under Freedom of Information.