

Freedom of Information Statement

Shire of Kulin



Reviewed May 2023

INTRODUCTION

Section 96(1) of the Freedom of Information Act (1992) requires agencies, including local governments, at intervals of not more than 12 months, to ensure that an up-to-date Information Statement about the agency is published.

The Information Statement should inform the public of the structure and functions of the agency, outline the types of documents held by the agency and explain how the agency's document can be accessed by the public. This statement contains:-

- The Agency's Mission Statement
- Details of legislation administered
- Details of the agency structure
- Details of decision making functions
- Opportunities for public consultation in the formulation of policy and performance of agency functions.
- Documents held by the agency
- The operation of FOI within the agency

This document has been prepared by the Shire of Kulin to satisfy Part 5 of the Act, and is correct as at May 2023. Copies of this document can be obtained from:

Freedom of Information Co-Coordinator
Shire of Kulin
38 Johnston Street
Kulin WA 6365

Or on the Shire of Kulin website at www.kulin.wa.gov.au

Enquiries may be made to that office by telephone 9880 1204 Monday to Friday 8.30am to 4.30pm, or by email to eso@kulin.wa.gov.au

VISION AND OBJECTIVES

Mission Statement

To sustain, improve and development the Kulin region through the provision and facilitation of infrastructure, services and opportunities for businesses and quality of life for residents.

Vision Statement

A healthy, harmonious and progressive community where all people are willing to contribute and enjoy opportunities to be successful.

Shire Role in Vision Statement

A professional and progressive organisation where people enjoy working together to serve the community.

LEGISLATION ADMINISTERED

The Shire of Kulin is established under the Local Government Act 1995, and has the responsibility for the administration of this Act within the municipality. The Shire of Kulin administers matters relating to a number of Acts of Parliament including:-

- Building Act 2011
- Bush Fires Act 1954 and Regulations
- Caravan Park and Camping Grounds Act 1995
- Cat Act 2011 and Regulations
- Cemeteries Act 1986
- Child Care Services Act 2007
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations;
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1976 and Regulations
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Freedom of Information Act 1992
- Health Act 1911
- Heritage of Western Australia Act 1990
- Land Administration Act 1997
- Library Board of Western Australia 1951
- Liquor Licensing Act 1998
- Litter Act 1979 and Regulations
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Main Roads Act 1930
- Occupational Safety and Health Act 1984
- Rates and Charges (Rebates and Deferments) Act 1992
- Town Planning and Development Act 2005

Shire of Kulin Local Laws

- Health Local Law 2016
- Animals Environment and Nuisance Local Law 2016
- Standing Orders Local Law 2020
- General Repeal Local Law 2020
- Cemeteries Local Law 2020
- Dogs Local Law 2020

ORGANISATION STRUCTURE

The Council

The Council is made up of members of the local community who are elected to office by residents and ratepayers of the Shire.

The Council is led by a President and eight (8) councillors who represent the entire district. As a group they are the decision and policy making body of the Shire.

Each Councillor and the President is elected for a four (4) year term. The next Local Government election will be held October 2023.

A current list of Councillors is available on the Council's website www.kulin.wa.gov.au

Management

Staff are responsible for ensuring Council decisions and policies are carried out. To implement Council decisions it is necessary to employ professional staff.

Management of staff is through senior officers including the Chief Executive Officer, Deputy Chief Executive Officer and Manager of Works.

The Chief Executive Officer, who is employed by the Council has delegated authority, provides advice to Council and manages the day to day running of the Shire.

See <http://kulin.wa.gov.au/your-council/management-team.aspx/> for staff structure.

DECISION MAKING FUNCTIONS

Local Government Act 1995

The Local Government Act prescribes the parameters within which the Shire must function.

PUBLIC PARTICIPATION

Members of the public have a number of opportunities to put forward their views on particular issues before the Council. These include:

Community Consultation

The Council consults with its residents on particular issues that affect their neighbourhood by way of advertising in local publications, newspapers, calling public meetings, using various social media platforms and seeking responses by way of surveys and public submission periods.

The Council has a statutory obligation to advertise and invite public submissions relating to proposals to adopt or modify local laws or town planning.

Elected Members

Members of the public can contact the Elected Members of the Council to discuss any issue relevant to the Council. Contact details for Councillors are listed on the Council website www.kulin.wa.gov.au

The Local Government Act 1995 provides for the conduct of Elector's Meetings, which are held each financial year sometime between December to March.

Ordinary Meetings of Council

Ordinary Meetings of Council are held on the third Wednesday of each calendar month, except January, and commence at 1.00pm. Special Meetings of Council may also be convened where necessary.

▪ Deputations

With the permission of the presiding member, a member of the public can personally, or on the behalf of a resident or group of residents, address the Council.

▪ Public Question Time

Members of the public are able to ask questions (preferably in writing) on any matters affecting the Shire in the time set aside for this purpose at meetings of the council, prior to the commencement of the meeting.

Written Requests

A member of the public can write to Council on any policy, activity, function or service of the Council whenever they wish to do so. Council also maintain a Complaints Register and forms will be provided on request.

DOCUMENTS HELD BY THE SHIRE OF KULIN

Documents available without submission of Freedom of Information request

The following documents are available for public inspection at the Shire of Kulin free of charge. Members may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges Schedule may be inspected at the Shire Offices during normal business hours. Some of the documents or related information is available on the Shire's website.

- Policy Manual
- Annual Report
- Annual Budget
- Community Strategic Plan
- Corporate Business Plan
- Freedom of Information Statement
- Tender Register
- Code of Conduct
- Council Minutes (unless classified as confidential)
- Details of Representation on Committees
- Electoral Rolls
- Schedule of Fees & Charges
- Town Planning Scheme
- Cemetery Register
- Register of Gifts and Contributions to Travel
- Disability Access and Inclusion Plan
- Local Laws
- Tender Register
- Various Leaflets and Brochures outlining the programs and services of the Shire of Kulin.

Other Documents Held by the Shire

The Shire of Kulin 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 and drawings.

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 record system.

OPERATION OF FREEDOM OF INFORMATION PROCESSES

FOI Operations

The *Freedom of Information Act 1992 (WA)* provides for access to documents held by the Shire of Kulin. One of the aims of the *Freedom of Information Act* is to make the persons responsible for local government more accountable to the public.

What are considered records?

Documents may comprise any written material, plans, drawings, photographs, tape recordings, films and videotapes.

Applications

Freedom of Information applications must:

- be in writing
- give enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged with the Shire of Kulin; and
- be accompanied by the application fee (if applicable)

Fees and Charges

Personal Information – no fee

Non-personal Information - \$35

The following charges may be applicable:-

- for time dealing with the application - \$35 per hour
- for access time supervised by staff - \$35 per hour
- photocopying - \$50 per hour
- photocopies - \$0.40 per copy
- for time taken transcribing from tape, film or computer - \$50 per hour
- duplicating a tape, film or computer information – actual costs; and
- delivery, packaging and postage – actual cost

The Shire may require a deposit in advance on charges payable.

Processing

As soon as possible, but within 45 days of an application being deemed valid, applicants will be provided with a Notice of Decision.

Enquiry Contact

Shire of Kulin Freedom of Information Coordinator

Phone (08) 9880 1204 between the hours of 8.30am to 4.30pm Monday to Friday. Alternatively send an email to admin@kulin.wa.gov.au

How to lodge an application?

Applications must be in writing, and;

- Give enough information so that the documents can be identified;
- Give an Australian address to which notices can be sent; and
- Be lodged at the Shire of Kulin with any application fee payable

BY POST

FOI Coordinator
Shire of Kulin
PO Box 125
KULIN WA 6365

IN PERSON

Shire of Kulin
38 Johnston Street
KULIN WA 6365

Refusal of Access

The Freedom of Information Act provides for a review and appeal process. The Notice of Decision will provide the reason for refusal of access. A request for an external review from the Office of the Information Commissioner can be lodged through the Department of Local Government & Communities. For more information see www.dlgc.wa.gov.au/AboutUs/Pages/FOI.aspx

Freedom of Information Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- Proof of identity may be required, eg driver's license.
- If seeking access to a document(s) on behalf of another person, the Shire of Kulin will require authorisation, usually in writing.
- Applications will be dealt with as soon as practicable (within 45 days) after it is received.
- Further information can be obtained from the Shire of Kulin Freedom of Information Coordinator (telephone (08) 9880 1204).

The Freedom of Information Act 1992 is available for purchase from the Sate Law Publisher, 10 William Street, Perth (Telephone (08) 9246 0000).