



Shire of **EAST
Pilbara**
AUSTRALIA'S LARGEST SHIRE

FREEDOM OF INFORMATION

2020



TABLE OF CONTENTS

STRUCTURE AND FUNCTION OF THE COUNCIL	3
1.2 Overview	3
1.3 Council.....	3
1.4 Agendas and Minutes	3
1.5 Council Committees.....	3
1.6 External Committees.....	4
1.7 Public Participation.....	4
1.8 Community Consultation.....	5
1.9 Services for the Community.....	5
1.10 Delegation of Authority.....	6
DOCUMENTS AVAILABLE FOR INSPECTION.....	7
FREEDOM OF INFORMATION	8
2. FOI Operations	8
3. FOI Applications.....	8
4. Amendment of Council Records	9
5. Access Arrangements.....	9
6. Notice of Decision	9
7. Refusal of Access	9
8. Freedom of Information Charges	9
APPENDIX 1– APPLICATION FOR ACCESS TO DOCUMENTS	11

Structure and Function of the Council

1.2 Overview

The Shire of East Pilbara operates in a changing external environment in which the expectations and requirements of the community and government, as well as environmental and economic factors, impact on its activities and overall performance. The Shire of East Pilbara is committed to improving the quality of life for residents of the Shire through its services based on the principles of quality, equity, value and responsiveness.

1.3 Council

The Shire of East Pilbara Council consists of eleven (11) Councillors including the Shire President. Councillors are elected for a four year term and retire on a rotational basis. Elections are held in October biennially. The President of the Council is elected by the Councillors at the first meeting following these elections. Extraordinary elections are held to fill any vacancies, which may occur.

Council is the decision making body on all policy matters.

Ordinary meetings of the Council are generally held on the fourth Friday of every month and commence at 12:30pm. Members of the public are welcome to attend.

Meetings are held on alternate months in Marble Bar, Newman Council Chambers and Gallop Hall Nullagine.

The main business of Council meetings is to consider and make resolutions on recommendations on matters which have first been considered and reported on by the appropriate Shire Officer.

1.4 Agendas and Minutes

Agendas and Minutes of Council Meetings are placed on the Shire's website www.eastpilbara.wa.gov.au. They are also displayed at the Nullagine, Marble Bar and Newman Libraries. Agendas of all Council meetings are available on the Shire's website and to those attending meetings (including members of the public). Unconfirmed minutes are available within ten (10) working days following the Council meeting.

1.5 Council Committees

Council currently has the following committees that report through to Council:

- Audit Committee
- Plant Committee
- Airport Advisory Committee
- CEO Performance Review Committee
- LEMC – Newman
- LEMC – Marble Bar
- LEMC – Nullagine
- Bush Fire Advisory Committee

1.6 External Committees

A number of sub-committees comprising elected members, advisory committees and consultative groups (that may also include staff and the public), are established from time to time to investigate particular issues.

As at 25th October 2019, they are:-

Committee	Councillor	Proxy
<i>Pilbara Regional Road Group</i>	Cr Dean Hatwell Cr Lang Coppin OAM	Cr Stacey Smith Cr Anita Grace
<i>Pilbara Regional Council</i>	Cr Lynne Craigie OAM Cr Anita Grace	Cr Anthony Middleton Cr Gerry Parsons
<i>Pilbara Country Zone</i>	Cr Lynne Craigie OAM Cr Anthony Middleton	Cr Gerry Parsons Cr Anita Grace
<i>Newman Chambers of Commerce and Industry Inc.</i>	Cr Gerry Parsons	Cr Holly Pleming
<i>Newman Visitors Centre Management Committee</i>	Cr Holly Pleming	Cr Karen Lockyer
<i>Development Assessment Panel (DAP)</i>	Cr Dean Hatwell Cr Lynne Craigie OAM	Cr Karen Lockyer Cr Gerry Parsons

1.7 Public Participation

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

These are:-

- Deputations** – In accordance with the *Shire of East Pilbara Meeting Procedures Local Law 2019*, any person or group wishing to be received as a deputation by the Council is to either:
a) apply, before the meeting, to the CEO for approval; or b) with the approval of the Presiding Member, at the meeting, address the Council.
- Presentation** - With prior notification, approval and arrangements having been made with Council, a member of the public can address Council on any relevant issue.
- Petitions** - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- Written Requests** - A member of the public can write to the Council in relation to any Shire of East Pilbara policy, activity or service.
- Elected Members** - Members of the Public can contact their Elected Member, to discuss any relevant issue.
- Public Question Time** – With the permission of the President, a member of the public may address Council personally or on behalf of a groups of residents, for a period of time determined by Council, on any relevant issue.

1.8 Community Consultation

The Shire of East Pilbara consults with local residents on particular issues that affect their neighbourhood as per the following examples:-

1. Residents are notified of some development applications requiring the approval of Council. A number of applications are exempt from public notifications by the *Planning and Development Act 2005*. When an application is publicly notified, residents have the opportunity both to write to Council expressing their view of the application, and to subsequently personally address the Council before a decision is made.
2. Electors are invited to attend the annual general meeting of electors to discuss any specific issues over a large range of topics. All residents may attend, but only electors on the Council voting roll, are eligible to vote.

1.9 Services for the Community

The Council makes decisions on policy issues relating to services that are provided for members of the public.

These services currently include:-

Roads/Footpaths/Kerbing	Cemeteries
Traffic Control Devices	Stormwater Drainage
Cycle ways	Parking Bays/Street Closures
Street Lighting	Street Sweeping
Street Tree Planting	Litter Bins
Garbage Collection	Public Toilets
Public Libraries	Public Seating
Playground Equipment	Parks and Reserves
Aged Care	Planning Controls
Parking Controls	Clean Air Controls
Dog Control	Citizenship Ceremonies
Environmental Health Matters	Building Control
Recreational/Sporting Facilities	Community Hall and Centres
Community Information Service	Car Parking
Pest Control	Access Roads to Pastoralists
Town Planning	Access Roads to Mining Tenants
Occupational Health & Safety	Maintenance of Aerodromes
Tourism Promotion	Welfare Services
Municipal Inventory of Heritage Places	Recreational and Cultural Services
Local History Publications	Community Development
Pilbara Regional Development	Public Swimming Pools
Community Events	Local Emergency Services
Tidy Towns Promotion	

1.10 Delegation of Authority

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in Council's Authorisations and Delegations Manual (available for public inspection) and are reviewed by Council annually.

In keeping with the legislative requirement:

- * to consider policies to be applied by the Shire of East Pilbara in exercising discretionary powers;
- * to consider the type, range and scope of projects to be undertaken by the Shire of East Pilbara; and
- * to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire of East Pilbara.

Documents available for Inspection

The following documents are available for public inspection at the Shire of East Pilbara, Newman Administration Centre, free of charge. However, members of the public may purchase copies of these documents with charges being applied as per the following:-

Document	Fee (incl GST)
Council Agenda	FREE
Council Minutes	FREE
Policy Manual	FREE
Council Budget	FREE
Council Annual Financial Statements	FREE
Council Local Laws	FREE
Planning / Building Applications	FREE
Rate Book (<i>on CD</i>)	FREE
Electoral Roll	FREE
Consolidated Roll	FREE

Freedom of Information

2. FOI Operations

It is the aim of the Shire of East Pilbara to make information available promptly and at the least possible cost, and 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 of East Pilbara and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

3. FOI 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 with any application fee payable

Applications and enquiries should be addressed to the Coordinator Business Systems or telephone 9175 8000.

Coordinator Business Systems
PMB 22
NEWMAN WA 6753

Applications will be acknowledged in writing and the applicant will be notified of the decision within 45 (calendar) days.

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

Forms are available at the Council Administration Building at Kalgan Drive, Newman.

Applications will be acknowledged as received and dealt with as soon as possible within the permitted period of 45 days of the Shires receipt of the properly completed Freedom of Information Request form, or written application, together with the application and search fees in accordance with the schedule attached (if required).

Further information regarding FOI can be obtained from the Office of the Information Commissioner:

Albert Facey House
469 Wellington Street
Perth WA 6000
Tel: (618) 6551 7888
Fax: (618) 6551 7889

Email: info@foi.wa.gov.au
Website: <http://www.oic.wa.gov.au>

4. Amendment of Council Records

Section 45 of the FOI Act gives an individual the right to apply for amendment of personal information about the person contained in a document of a government agency, if the information is inaccurate, incomplete, out of date or misleading.

All applications of this nature must be in writing and contain:

- a. details of the information to be identified;
- b. details of the matter that is believed to be inaccurate, incomplete, out of date or misleading; and
- c. reasons for the belief.

5. Access Arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video, a thumb drive, or a transcript of a recording, shorthand or encoded document from which words can be reproduced.

6. Notice of Decision

As soon as possible, but in any case within 45 days the applicant 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.

7. Refusal of Access

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

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

If the applicant disagrees with the result the applicant can apply to the Information Commissioner for an **external review**, and details would be advised to applicants when the internal review decision is issued.

8. Freedom of Information Charges

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

- | Type of Fee | |
|---|----------------|
| • <i>Personal information about the applicant</i> | <i>no fee</i> |
| • <i>Application fee (for non-personal information)</i> | <i>\$30.00</i> |
-
- | Type of Charge | |
|---|----------------|
| • <i>Charge for time dealing with the application (per hour, or pro rata)</i> | <i>\$30.00</i> |

- *Access time supervised by staff (per hour, or pro rata)* \$30.00
- *Photocopying staff time (per hour, or pro rata)* \$30.00
- *Per photocopy* 0.20 cents
- *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

The Shire may require an advanced deposit on charges payable.

For financially disadvantaged applicants, the charge payable may be reduced by 25%.

