



Shire of EAST
Pilbara
THE HEART OF THE PILBARA

**Freedom of Information
Statement 2022**

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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 our values 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 from time to time. Council has recently changed the method of election of the President to that of a popular election of electors in line with reforms to the Local Government Act announced by the WA State Government.

Council is the decision making body for all policy related matters.

Ordinary meetings of the Council are generally held on the fourth Friday of every month and commence at 10:30 am. Members of the public are welcome to attend and participate. Meetings are audio recorded and it is planned to commence live webcasts of Council meetings in 2023.

Meetings are held in Council Chambers of Marble Bar, Newman and Gallop Hall, Nullagine. In 2023, the March and September meetings will be in Marble, the July meeting in Nullagine, and meetings in February, April, May, June, August, October, November and December in Newman. The location of Council meetings can change. There is no ordinary meeting in January.

The main business of Council meetings is to consider and make resolutions on recommendations concerning 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 and minutes 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 to Council:

- Audit, Risk and Governance Committee
- Plant Committee
- Airport Advisory Committee
- Chief Executive Officer Performance Review 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. Council has appointed representatives to the following external committees:

Committee	Member/s	Deputy Member/s
<i>Pilbara Regional Road Group</i>	Cr Coppin Cr McWhirter-Brooks	Cr Lockyer Cr Anick
<i>Joint Kimberley/Pilbara Development Assessment Panel (Commencing 26/1/2022)</i>	Cr Lockyer Cr McWhirter-Brooks	Cr Landy Cr Baer
<i>Pilbara WALGA Country Zone</i>	Cr Middleton Cr McWhirter-Brooks	Cr Baer Cr Lockyer
<i>Newman Chambers of Commerce and Industry Inc.</i>	Shire President	Cr Baer
<i>Pilbara Development Commission</i>	Cr McWhirter-Brooks	N/A
<i>RDA Pilbara Committee</i>	Shire President	N/A

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:

1. **Public Question Time** – In accordance with the *Local Government Act 1996*, any person may ask questions of the President at any Ordinary or Special Council Meeting.
2. **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.
3. **Presentation** - With prior notification, approval and arrangements having been made with Council, a member of the public can address Council on any relevant issue.
4. **Petitions** - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
5. **Written Requests** - A member of the public can write to the Council in relation to any Shire of East Pilbara policy, activity or service.
6. **Elected Members** - Members of the Public can contact their Councillors, to discuss 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. Building work being undertaken may adversely affect neighbouring properties and adjoining land. The Building Act require those who are proposing to do building work that is reasonably likely to affect adjoining land to obtain consent of the affected adjoining land owner and provide notice before commencing the proposed work. This consent must be received by the Shire before a building Permit will be issued.
3. Electors are invited to attend the Annual Electors' Meeting to discuss any specific issues over a large range of topics. All residents may attend, but in accordance with the *Local Government Act 1996*, only electors on the Council electoral roll, are eligible to move motions and 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
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
Fortescue Festival	Local Emergency Services
Tidy Towns Promotion	Caravan Park
Aged Care	

1.10 Delegation of Authority

The Chief Executive Officer has certain powers delegated by Council to make decisions on a number of specified administrative and policy matters. Many of these powers are sub-delegated to local government employees. These delegations are listed in Council's Register of Delegations and Authorisations (published on the Shire's website) and are reviewed by Council annually.

In exercising delegated powers and in keeping with legislative requirements, the Shire will:

- * consider policies to be applied by the Shire of East Pilbara in exercising discretionary powers;
- * consider the type, range and scope of projects to be undertaken by the Shire of East Pilbara; and
- * 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 download and inspection on the Shire's website, or at Shire Offices, free of charge.

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	Available for View only in Shire Offices
Rate Book (<i>on CD</i>)	FREE
Electoral Roll	FREE
Consolidated Roll	FREE

Freedom of Information (FOI)

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* (“the FOI Act”) 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 Access Applications

In accordance with the FOI Act, Access 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; and
- Be lodged with any applicable fee payable

Applications and enquiries should be addressed to the FOI Coordinator or telephone (08) 9175 8000:

FOI Coordinator
Shire of East Pilbara
PMB 22
NEWMAN WA 6753
Email: admin@eastpilbara.wa.gov.au
By hand: Newman or Marble Bar Shire Offices

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

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

Forms are available on the Shire’s website or at Shire offices.

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

Albert Facey House
469 Wellington Street
Perth WA 6000
Tel: (08) 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 to amend their 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 claim.

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> |
| • <i>Access time supervised by staff (per hour, or pro rata)</i> | <i>\$30.00</i> |

- *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.

Appendix 1- Application for Access to Documents

SHIRE OF EAST PILBARA

(under *Freedom of Information Act 1992*, Section 12)

DETAILS OF APPLICANT:

Surname:..... Given Names:.....

Australian Postal Address:.....

Post Code:..... Telephone Number(s):.....

If application is on behalf of an organisation

Name of Organisation/Business:.....

DETAILS OF REQUEST: Personal Documents Non-Personal Documents *(Please tick)*

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

.....
(If space provided is not sufficient, please attach details on a separate sheet.)

FORM OF ACCESS:

I wish to inspect the document(s)	YES	NO	<i>(Please circle)</i>
I require a copy of the document(s)	YES	NO	
I require access in another form <i>(appropriate answer)</i>	YES	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 for 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 YES NO *(Please tick)*

APPLICANT'S SIGNATURE:.....Date:.....

.....
(Office Use Only)

FOI Reference Number:.....

Received on:...../...../.....Deadline for response:...../...../.....

Acknowledgment sent on/...../.....

Proof of Identity (If applicable) Type:..... Sighted:.....