



**SHIRE OF MUKINBUDIN**  
**FREEDOM OF INFORMATION ACT 1992**  
**INFORMATION STATEMENT**

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## **1. SHIRE OF MUKINBUDIN - MISSION STATEMENT**

The Shire of Mukinbudin's mission is to provide a customer focused quality service and infrastructure that will cater for the residents needs within the Municipality.

## **2. DETAILS OF LEGISLATION ADMINISTERED**

### **Enabling Legislation**

- Local Government Act 1995 (as amended)

The Shire of Mukinbudin is responsible for the administration of the following legislation:

### **SHIRE OF MUKINBUDIN - LOCAL LAWS**

#### Portfolio – Ranger Services

- Dogs Local Law 2005

#### Portfolio – Environmental Health Services

- Health Local Law 2014

#### Portfolio – Governance

- Standing Orders Local Law 2005

#### Portfolio – Community Amenities

- Cemetery Local Law 2005
- Property Local Law 2005
- Activities on Thoroughfares and Trading in thoroughfares and public places Local Law 2005
- Repeal of Defunct and Obsolete Local Laws 2005

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## **WA STATE GOVERNMENT ACTS AND REGULATIONS**

### Portfolio – Governance

- Government (Elections) Regulations 1997
- Local Government (Constitution) Regulations 1998

### Portfolio – Administration

- Local Government (Functions and General) Regulations 1996
- Local Government (Uniform Local Provisions) Regulations 1996
- Freedom of Information Act 1992
- Freedom of Information Regulations 1993
- State Records Act 2000
- Parliamentary Commissioner Act 1971
- Anti-Corruption Commission Act 1988
- Work Place Relations Act 1996
- Acts Amendment (Public Sector Management) Act 1994
- Equal Opportunity Act 1984
- Equal Opportunity Regulations 1986
- Evidence Act 1906
- Disability Services Act (WA) 1993
- Interpretation Act 1984
- Public Interest Disclosure Act 2003
- Occupational Health and Safety Act 1984
- Occupational Safety and Health Regulations 1996
- Industrial Relations Act (WA) 1979
- Fair Trading Act 1987
- Minimum Conditions Act 1993
- Property Law Act 1969
- The Criminal Code Act Compilation Act 1913
- Workers Compensation and Rehabilitation Act 1981
- Workplace Agreements Act 1993
- Local Government (Miscellaneous Provisions) Act 1960

### Portfolio – Ranger Services

- Bush Fires Act 1954
- Control of Vehicles Off-Road Areas) 1978
- Control of Vehicles (Off-Road Areas) Regulations 1979
- Dog Act 1975
- Dog Regulations 1976
- Litter Act 1979
- Litter Regulations 1981
- Fire and Emergency Services Authority of Western Australia Act 1998
- Fire and Emergency Services Act Regulations 1998

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#### Portfolio – Building Control Services

- Building and Construction Industry Training Fund and Levy Collection Act 1990
- Dividing Fences Act 1961
- Building Regulations 1989

#### Portfolio – Environmental Health Services

- Health Act 1911
- Health Act (Swimming Pool) Regulations 1964
- Health Act (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974
- Health Act (Public Buildings) Regulations 1992
- Health Act (Food Hygiene) Regulations
- Health Act (Food Standards) Regulations
- Health Act (Meat Hygiene) Regulations
- Health Act (Asbestos) Regulations
- Environmental Protection Act 1986
- Environmental Protection (Noise) Regulations 1997
- Caravan and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations 1997
- Liquor Licensing Act 1988

#### Portfolio – Financial Management

- Local Government (Administration) Regulations 1996
- Local Government (Audit) Regulations 1996
- Local Government (Financial Management) Regulations 1996
- Local Government (Long Service Leave) Regulations 1996
- Trustees Amendment Act 1997
- Long Service Leave Act 1958
- Local Government Grants Act 1978
- Government Employees Superannuation Act 1987
- Financial Administration and Audit Act 1985
- Rates and Charges (Rebates and Deferments) Act 1992

#### Portfolio – Protection of the Environment

- Conservation and Land Management Act 1984
- Agriculture and Related Resources Protections Act 1976
- Waterways Conservation Act
- Native Title (State Provisions) Act 1999

#### Portfolio – Transport

- Main Roads Act 1930
- Public Works Act 1984
- Road Traffic Act 1974

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#### Portfolio – Housing

- Residential Tenancy Act 1987
- Strata Titles Act 1985
- Strata Titles Amendment Act 1996

#### Portfolio – Town Planning

- Town Planning and Development Act 1928
- Town Planning Public Works Act 1996
- Shire of Mukinbudin - Town Planning Scheme No 3
- Town Planning Regulations 1967
- Metropolitan Region Town Planning Scheme Act 1959-1982
- Land Administration Act 1997
- Land Administration Regulations 1998
- Transfer of Land Act 1893
- Western Australian Land Authority Act 1992
- Mining Act 1978
- Mines Safety & Inspection Act 1994
- Heritage of Western Australia Act 1990
- Aboriginal Heritage Act 1972
- Aboriginal Heritage Regulations 1974

#### Portfolio – Community Amenities

- Cemeteries Act 1986
- Community Services Act 1972
- Community Services (Child Care) Regulations 1988

#### Portfolio – Recreation Services

- Parks and Reserves Act 1995

#### Portfolio – Library Services

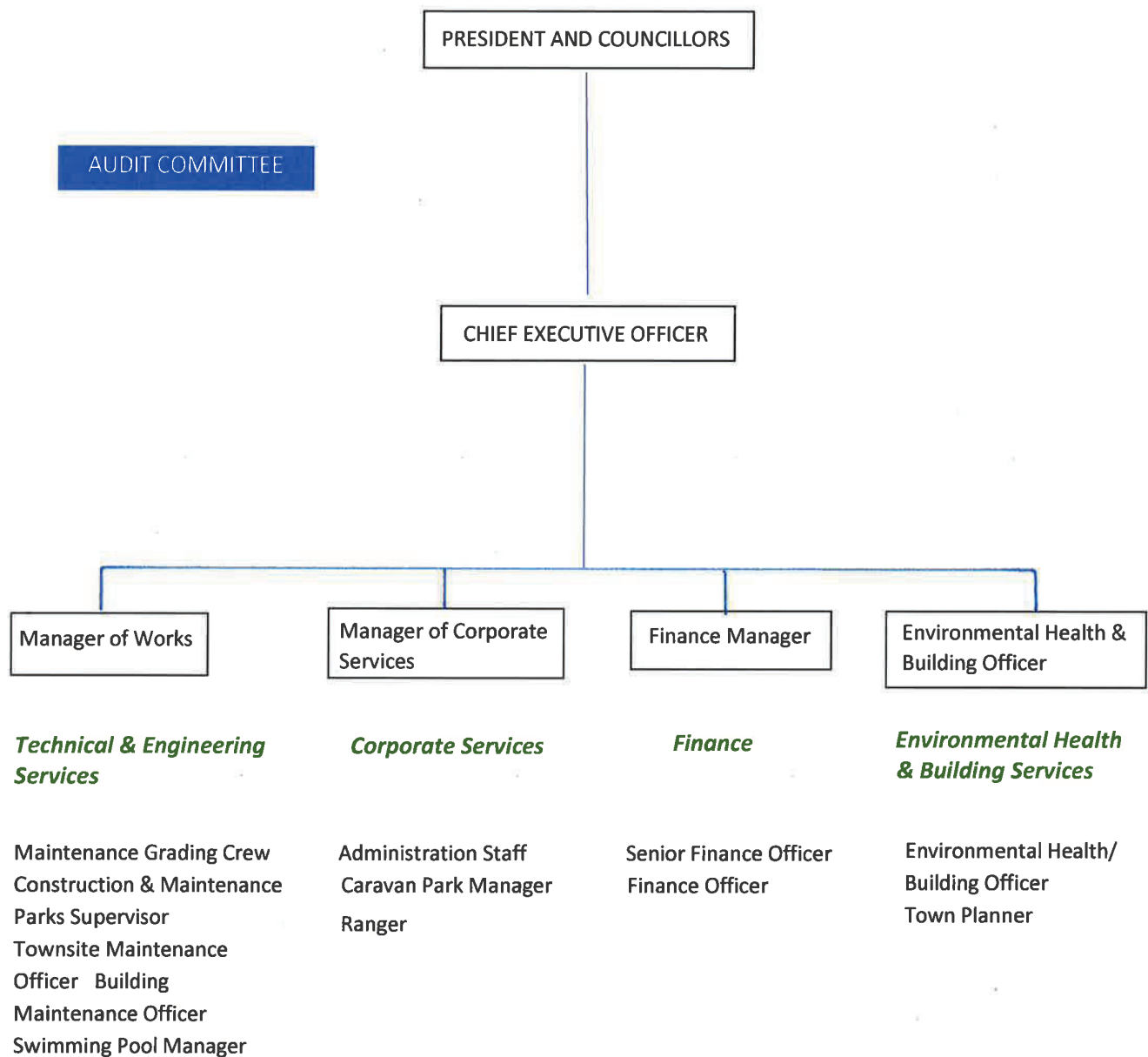
- Library Board of Western Australia Act 1951

### **FEDERAL ACTS AND REGULATIONS**

Workplace Relations Act 1996 (Cwth)

### 3. SHIRE OF MUKINBUDIN – STRUCTURE AND FUNCTION

#### ORGANISATIONAL CHART



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## **SHIRE OF MUKINBUDIN STRUCTURE AND FUNCTIONS**

### **COUNCIL**

The Full Council consists of nine Councillors, whom elect a Shire President at the first meeting after the Local Government Elections every two (2) years. The Shire President assumes the role of Chairman of the Ordinary Meetings of Council.

The Ordinary Meeting of the Full Council is held on the third Tuesday of each month commencing at 1pm.

Members of the public and the press are always welcome. If you have any subject to be considered by Council, please advise the Chief Executive Officer at least one (1) week prior to the meeting day, so it can be included in the Agenda.

Council holds a Public Question Time for a period of 15 minutes (maximum) prior to the commencement of the Council Meeting. Each person is restricted to a period of five (5) minutes.



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#### **4. SHIRE OF MUKINBUDIN FUNCTIONS, INCLUDING DECISION-MAKING FUNCTIONS, AFFECTING THE PUBLIC**

##### **FUNCTIONS TO THE COMMUNITY**

###### **LAW, ORDER, PUBLIC SAFETY**

- Animal control
- Fire protection and prevention

###### **HEALTH**

- Environmental Health
- Meat Inspection

###### **WELFARE**

- Care Families & Children e.g. Play group facilities
- Senior Citizens

###### **HOUSING**

- Provision of Aged Accommodation
- Provision of Staff Accommodation
- Provision of Community/Family Accommodation

###### **COMMUNITY AMMENITIES**

- Public toilets
- Refuse collection and disposal
- Litter bins
- Protection of the Environment
- Town Planning and Regional Development
- Cemetery

###### **RECREATION AND CULTURE**

- Recreational facilities
- Parks and Reserves
- Community Halls
- Playground equipment
- Library facilities

###### **TRANSPORT**

- Traffic control
- Roads/Footpaths/Kerbing/Cycleways/Carparks
- Stormwater drainage
- Street lighting
- Airstrip facilities

###### **ECONOMIC SERVICES**

- Tourism and Area Promotion
- Building Control
- Saleyards

###### **OTHER PROPERTY AND SERVICES**

- Private Works

#### **SHIRE OF MUKINBUDIN - DECISION MAKING FUNCTIONS**

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Council makes decisions on policy issues relating to services that are provided by the Shire for ratepayers and members of the public.

## DELEGATIONS

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 Policy Manual and are reviewed annually by Council.

In keeping with the legislative requirements:

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

The Council makes decisions, which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken and the resources, which are to be made available to undertake such works and services. Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

## WORKING PARTIES AND GROUPS

Council has established a number of working parties and groups comprising of elected members, staff and the public to investigate particular issues and report to Council. These Working Parties and Groups are formed on an as needs basis for the purpose of research and developing ground rules for specific Community development/issues.

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## **5. PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF SHIRE OF MUKINBUDIN FUNCTIONS**

### **PUBLIC PARTICIPATION**

#### **COMMITTEE AND COUNCIL MEETINGS**

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

These are:

- i) Council Meeting – Council Public Question Time, minimum of 15mins required under the Local Government Act 1995, Shire of Mukinbudin Policy is 30 minutes.
- ii) Deputations - with the permission of the Chairman, a member of the public can address Committees or the Council for a period of time determined by Council on any issues relevant to Council.
- iii) Presentation to Council with prior notification and arrangement with Council, a member of the public can address Council on any issue relevant to Council.
- iv) Petitions - written petition can be addressed to the Council on any issue within the Council's jurisdiction.
- v) Written requests - a member of the public can write to the Council on any Council policy, activity or service.
- vi) Elected Members - members of the public can contact their elected members of Council to discuss any issue relevant to Council.
- vii) Chief Executive Officer - members of the public can contact the Chief Executive Officer to discuss, clarify or request any information relevant to Council operations.

#### **COMMUNITY CONSULTATION**

The Shire of Mukinbudin consults with its residents on particular issues, which affect them as per the following examples:

- i) Residents are notified of some development applications requiring approval of Council, when an application is public, notified residents have the opportunity both to write to Council and to personally address the Council, before a decision is made.
- ii) Council's Community Strategic Plan and Long Term Financial Plan.
- iii) Shire of Mukinbudin Town Planning Scheme No 4.
- iv) Advertising Notices

Council attempts to keep the general public aware of the activities, decisions and policies of Council through the local media.

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## **6. DOCUMENTS HELD BY THE SHIRE OF MUKINBUDIN**

### **ACCESS TO COUNCIL DOCUMENTS**

#### **COUNCIL AGENDAS AND MINUTES**

Agendas of all Council Meetings are available for viewing on the Shire of Mukinbudin website ([www.mukinbudin.wa.gov.au](http://www.mukinbudin.wa.gov.au)) or available on request at Council's Administration Office prior to the commencement of the meetings.

Minutes of the Meetings are available for viewing on the Shire website or available on request at Council's Administration Office.

#### **DOCUMENTS AVAILABLE FOR INSPECTION**

The following documents are available for public inspection at the Council Administration Office, free of charge. Members of the public may purchase copies of these documents and the charges are outlined in Council's Schedule of Fees and Charges.

#### **DOCUMENT:**

- Shire of Mukinbudin Council Agenda
- Shire of Mukinbudin Council Minutes
- Shire of Mukinbudin Staff and Elected members Primary and Annual Financial Interest Returns
- Shire of Mukinbudin Policy Manual
- Shire of Mukinbudin Annual Financial Statements & Annual Report
- Shire of Mukinbudin Local Laws
- Planning Applications (by consent)
- Planning Application Register
- Building Application Register
- Register of Elected Members Allowances & Benefits

#### **AMENDMENT TO COUNCIL RECORDS**

A member of the public may gain access to Council documents to make amendments covering their personal affairs by making a request under the Freedom of Information Act, 1992. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect or misleading or out of date.

To gain access to these Council records, a member of the public must complete a Freedom of Information Request Form, as indicated above, outlining the records he/she wishes to inspect.

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## **7. OPERATION OF FOI AT THE SHIRE OF MUKINBUDIN**

### ***FOI Operations***

It is the aim of the Shire of Mukinbudin 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 agency 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 Shire of Mukinbudin with any application fee payable.

Applications should be addressed to:

SHIRE OF MUKINBUDIN  
Freedom of Information Coordinator  
Mr Dirk Sellenger  
PO Box 67  
MUKINBUDIN WA 6479

Telephone enquiries should be direct to Dirk Sellenger on (08) 9047 2100 during normal working hours.

Applications will be acknowledged in writing and you will be notified of the decision within 45 days. NB: Applications must be completed on the Shire of Mukinbudin Freedom of Information Request Form and submitted together with payment of the correct application fee, as provided for under Section 12 (1) (e) of the *Freedom of Information Act 1992*.

(Please refer to application form at the rear of this document)

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### ***Freedom of Information Charges***

A scale of fees and charges set under the Freedom of Information Regulations 1993 and were officially gazetted in the Government Gazette No. 144 on 22 October 1993. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

• <i>Personal information about the applicant</i>	<i>No fee and no charges</i>
• <i>Application fee (for non-personal information)</i>	<i>\$30.00</i>
• <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>
• <i>Photocopying staff time (per hour, or pro rata)</i>	<i>\$30.00+ 20cents per copy</i>
• <i>Per photocopy</i>	<i>20 cents per copy</i>
• <i>Transcribing from tape, film or computer (per hour, or pro rata)</i>	<i>\$30.00</i>
• <i>Duplicating a tape, film or computer information</i>	<i>Actual Cost</i>
• <i>Delivery, packaging and postage</i>	<i>Actual Cost</i>

### ***Deposits***

- Advance deposit may be required in respect of the estimated charges 25%
- Further advance deposit may be required to meet the charges for dealing with the application. 75%

For impecunious applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

### ***Access Arrangements***

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.

### ***Notice of Decision***

As soon as possible but in any case, within 45 days you 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 access is refused, the reasons for claiming the document is exempt
- information on the rights of review and the procedures to be followed to exercise those rights.

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### ***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.

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**. An application for external review should be made within 60 days of receiving notice of the internal review decision.

### ***Estimate of Charges***

If the charges are likely to exceed \$25 Council will give an estimate of charges to the applicant and ask whether he/she wants to proceed with the application. The applicant must then notify Council (within 30 days) of his/her intention to proceed. On some occasions an advance deposit may also be requested by the agency.

An applicant can ask Council for an estimate of charges, when lodging an application and Council is required to give the applicant an estimate and describe the basis for the calculation.

### ***If the estimate of charges seems excessive, what can the applicant do about it?***

A request for an internal review of the charges calculated can be made if those charges are not considered reasonable. Internal review applications must be lodged with Council in writing and can be made either when the estimate is received or when the decision on access to the documents has been made (even if the applicant agreed to the estimate originally given).

Dirk Sellenger  
**CHIEF EXECUTIVE OFFICER**

**SHIRE OF MUKINBUDIN**  
**APPLICATION FOR ACCESS TO DOCUMENTS**  
(Under Freedom of Information Act 1992, S.12)

**DETAILS OF APPLICANT**

SURNAME:
GIVEN NAMES:
POSTAL ADDRESS:
POST CODE
TELEPHONE NO/S:
If application is on behalf of an organisation Name of Organisation/Business:

**DETAILS OF REQUEST**

[Please tick] <input type="checkbox"/> Personal documents <input type="checkbox"/> Non-personal document <input type="checkbox"/>
I am applying for access to document(s) concerning:

**FORM OF ACCESS**

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]		
[Please tick appropriate box]		

**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 the 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 of the fees and charges may apply - see section on fees and charges attached to 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	<input type="checkbox"/> Yes	<input type="checkbox"/> No
[Please tick appropriate box]		

**APPLICANT'S SIGNATURE:**

	Date
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**OFFICE USE ONLY**

FOI Reference Number	Received on
Deadline for response	Acknowledgment sent on
Proof of identity (if applicable) Type	Signed



## NOTES

### Freedom of Information 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 possible (and, in any case, within 45 days) after it is received.
- The Freedom of Information Act is available online [www.slp.wa.gov.au](http://www.slp.wa.gov.au) or for purchase from the State Law Publisher, 10 William Street, Perth 6000 (Telephone (08) 6552 6000).

### Forms 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 words recorded in shorthand or encoded form, or a written document in the case of a document form which words can be reproduced in written form.

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

### Fees and charges

(refer attached)

### Lodgement of Applications

Applications may be lodged -

By post, addressed to:                      or  
Dirk Sellenger  
Freedom of Information Officer  
PO Box 67  
MUKINBUDIN WA 6479

In person at:  
Shire of Mukinbudin  
15 Maddock Street  
MUKINBUDIN WA 6479

## FEES AND CHARGES

### FEES AND CHARGES

The scale of fees and charges applicable under the Freedom of Information Act 1992, has been set out by Freedom of Information Regulations 1993 and were officially gazetted in the Government Gazette No. 144 on 22 October 1993.

The charges are as follows:

- no fees for access applications relating to personal information and amendment of personal information
- application fee for other access applications (non-personal information) \$30.00
- no fees applicable for internal or external reviews
- charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour) \$30.00
- charge for access time supervised by staff (per hour, or pro rata for part of an hour).  
Plus the actual additional cost to the agency of any special arrangements (e.g. hire of facilities or equipment) \$30.00
- charges for photocopying - per hour or pro rata for a part of an hour of staff time \$30.00  
20 cents per copy
- charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for part of an hour) \$30.00
- charge for duplicating tape, film or computer information Actual cost
- charge for delivery, packaging and postage Actual cost
- advance deposits :
  - \* an advance deposit which may be required by an agency under Section 18 (1) of the Act, expressed as a percentage of the estimated charges will be payable in excess of the application fee 25%
  - \* 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, will be payable in excess of the application fee 75%
- for an applicant who is :
  - \* impecunious, in the opinion of the agency to whom the applicant is made; or
  - \* the holder of a currently valid pensioner concession card and issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the Rates and Charges (Rebates and Deferments) Act 1992; the charge is reduced by 25%