



**SHIRE OF**   
**CUNDERDIN**

**Freedom of Information  
Statement**

**2022 - 2023**

## Table of Contents

<b>INTRODUCTION .....</b>	<b>3</b>
<b>THE STRUCTURE OF COUNCIL .....</b>	<b>4</b>
<b>COUNCIL STRUCTURE .....</b>	<b>5</b>
<b>COUNCIL AND COMMITTEE MEETINGS.....</b>	<b>6</b>
<b>DELEGATIONS.....</b>	<b>6</b>
<b>LEGISLATION ADMINISTERED .....</b>	<b>7</b>
<b>SERVICES TO THE COMMUNITY .....</b>	<b>9</b>
<b>PUBLIC PARTICIPATION.....</b>	<b>10</b>
<b>COMMUNITY CONSULTATION .....</b>	<b>11</b>
<b>DOCUMENTS AVAILABLE FOR INSPECTION.....</b>	<b>12</b>
<b>COUNCIL DOCUMENTS AVAILABLE FOR INSPECTION.....</b>	<b>12</b>
<b>FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS .....</b>	<b>13</b>
<b>APPLICATIONS.....</b>	<b>13</b>
<b>FEES AND CHARGES.....</b>	<b>14</b>
<b>ACCESS ARRANGEMENTS .....</b>	<b>14</b>
<b>NOTICE OF DECISION.....</b>	<b>15</b>
<b>REFUSAL OF ACCESS.....</b>	<b>15</b>
<b>RIGHT OF REVIEW .....</b>	<b>16</b>
<b>DELIVERY OF DOCUMENTS.....</b>	<b>16</b>
<b>AMENDMENT OF PERSONAL INFORMATION .....</b>	<b>16</b>

## INTRODUCTION

The purpose of the *Freedom of Information Act 1992 (WA)* provides for access to documents held by state and local government agencies. The department of local government and communities takes its obligations under the act seriously and is committed to complying with the aims of the act.

The aims of the *Freedom of Information Act 1992 (WA)* are to:

- enable the public to participate more effectively in governing the State, and
- make the persons and bodies that are responsible for State and local government more accountable to the public.

They are to be achieved by:

- creating a general right of access to State and local government documents
- providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading, and
- requiring certain documents concerning State and local government operations be made available to the public.

This document has been prepared for the Shire of Cunderdin to satisfy Part 5 of the Freedom of Information Act 1992, and is correct as at September 2020. Copies of this document may be obtained from:

Deputy Chief Executive Officer  
Shire of Cunderdin  
37 Lundy Ave  
**CUNDERDIN WA 6407**

Telephone (08) 9635 2700  
Fax (08) 9635 1464  
Email [admin@cunderdin.wa.gov.au](mailto:admin@cunderdin.wa.gov.au)

Further information can be provided,  
Monday – Friday between the hours 8:30am – 4:00pm or  
on the Shire’s website [www.cunderdin.wa.gov.au](http://www.cunderdin.wa.gov.au)

# THE STRUCTURE OF COUNCIL

## VISION AND VALUES

Our Shire will be:

- A regional place that is progressive and will provide opportunities, offering a unique lifestyle and a sense of belonging;
- A place that connects people;
- A place that connects transport; and
- A place that connects businesses.

### **1. Social / Community Objective**

*We are a connected, friendly, industrious and diverse community that fosters inclusion, resilience and self-sufficiency, where people feel safe, capable and supported in their endeavors.*

### **2. Environment Objective**

*We value, and work to nurture and enhance our natural environment and prioritise the protection of our natural resources in all endeavors, managing resource consumption and reducing waste, preserving and protecting buildings and places of heritage and indigenous significance.*

### **3. Housing Objective**

*Our communities will have choices as their housing needs change, and have access to a choice of facilities and services.*

### **4. Economic Objective**

*Our local economy will continue to thrive and prosper as we support and foster industry, initiative and innovation in seeking new opportunities to enhance our Shire's economic health.*

### **5. Infrastructure and Transport**

*We work together to advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community.*

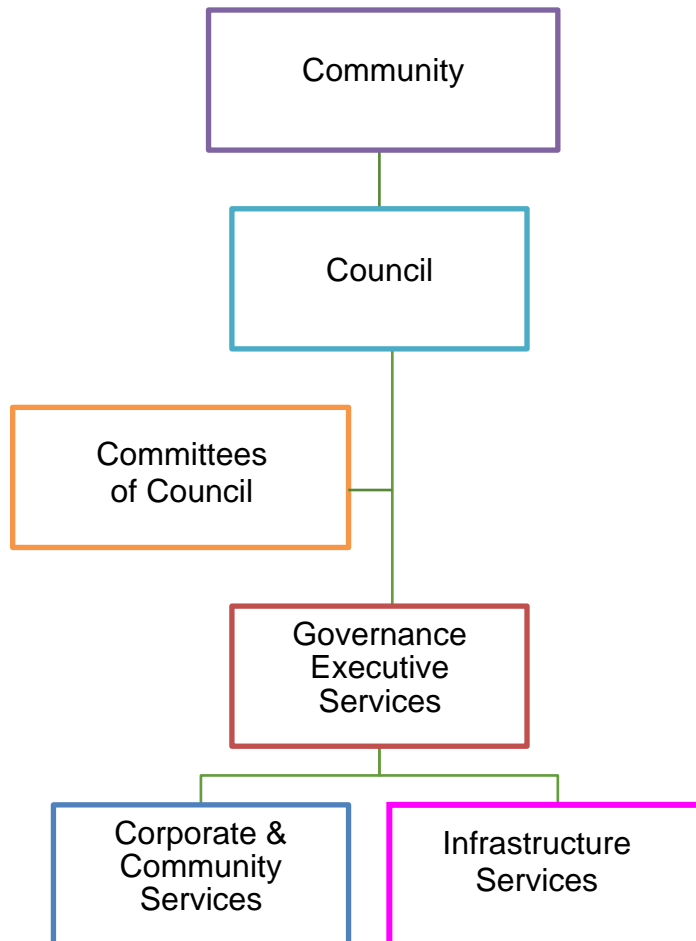
### **6. Civic Leadership**

*Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.*

## COUNCIL STRUCTURE

The current Council decision making body consists of 8 Councillors, including the Shire President who is elected by the Council. Council meets on the third Thursday of the months of February to December unless resolved otherwise. A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the Local Government Act 1995.

Minutes of meetings are available at the Shire Office, town library and the shire's website [www.cunderdin.wa.gov.au](http://www.cunderdin.wa.gov.au).



## **COUNCIL AND COMMITTEE MEETINGS**

### **Council Meetings**

Council Meetings afford members of the public the opportunity to ask Elected Members and staff questions about Shire matters generally.

### **Committees of Council**

The Shire of Cunderdin has committees and working groups that meet on a regular or semi-regular basis to oversee operations and make recommendations to the Council in their specific areas of responsibility. Council advertises for community member vacancies on Council Committees when required. A full list of Council's committees can be accessed on the Shire's website [www.cunderdin.wa.gov.au](http://www.cunderdin.wa.gov.au)

Council Committees include:

- Audit Committee.
- Bushfire Advisory Committee
- Local Emergency Management Committee

### **Other Committees:**

- Department of Fire and Emergency Services Committee (DFES)
- Local Health Advisory Committee
- Regional Road Group Kellerberrin Sub Group
- WALGA Great Eastern Country Zone (GECZ)
- Cunderdin Airfield Committee
- Local Emergency Management Committee (LEMC)
- Museum Management Committee
- Sandalwood Village Tenancy Committee

## **DELEGATIONS**

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specific administrative and policy matters which are subject to ongoing development. These delegations are detailed in the Delegations Register and are reviewed annually by Council.

The *Local Government Act 1995* and associated Regulations requires Council to;

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

In keeping with the legislative requirement, Council determines the strategic direction of the Shire, including the development of key policies and the allocation of resources to 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.

## LEGISLATION ADMINISTERED

The Shire of Cunderdin functions under, the *Local Government Act 1995*.

The Shire of Cunderdin is wholly or partly responsible for administering the following legislations and regulations:

Animal Welfare Act 2003  
Building Act 2011  
Building Regulations 2012  
Bush Fires Act 1989  
Bush Fire Regulations  
Caravan Parks and Camping Grounds Act 1995  
Caravan Parks and Camping Grounds Regulations  
Cat Act 2011  
Cat Regulations 2012  
Cemeteries Act 1986  
Control of Vehicles (Off Road Areas) Act 1978  
Control of Vehicles (Off Road Areas) Regulations 1979  
Disability Services Act 1993  
Dog Act 1976  
Dog Regulations 1976  
Dog (Restricted Breeds) Regulations 2002  
Environmental Protection (Noise) Regulations  
Explosives and Dangerous Goods Act 1961  
Freedom of Information Act 1992  
Freedom of Information Regulations  
Food Act 2008  
Food Regulations 2009  
Hairdressing Establishment Regulations 1972  
Health Act 1911  
Health (Air Handling & Water Systems) Regulations 1994  
Health (Aquatic Facilities) Regulations 2007  
Health (Asbestos) Regulations 1992  
Health Act (Carbon Monoxide) Regulations 1975  
Health (Cloth Materials) Regulations 1985  
Health (Garden Soil) Regulations 1998  
Health Act (Laundries & Bathrooms) Regulations  
Health (Pesticides) Regulations 1956  
Health (Poultry Manure) Regulations 2001  
Health (Public Buildings) Regulations 1992  
Health (Skin Penetration Procedure) Regulations 1998  
Health (Temporary Sanitary Conveniences) Regulations 1997  
Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste Regulations 1974  
Heritage of Western Australia Act 1990  
Land Administration Act 1997

Litter Act 1979  
Litter Regulations  
Liquor Licensing Act 1988  
Local Government Act 1995  
Local Government (Administration) Regulations 1996  
Local Government (Audit) Regulations 1996  
Local Government (Constitution) Regulations 1998  
Local Government (Building Surveyors) Regulations 2008  
Local Government (Elections) Regulations 1997  
Local Government (Financial Management) Regulations 1996  
Local Government (Functions & General) Regulations 1996  
Local Government (Miscellaneous Provisions) Act 1960  
Local Government (Rules of Conduct) Regulations 2007  
Local Government (Uniform Local Provision) Regulations 1996  
Local Government Grants Act 1978  
Main Roads Act 1930  
Navigable Water Regulations 1958  
Parks & Reserves Act 1895  
Planning & Development Act 2005  
Planning & Development (Consequential & Transitional) Act 2005  
Planning & Development Regulations 2009  
Planning & Development (Consequential) Regulations 2006  
Planning & Development (Transitional) Regulations 2006  
Rates & Charges (Rebate & Deferments) Act 1992  
Residential Design Codes of WA 2002  
Sewerage, Lighting, Ventilation & Construction Regulations 1971  
Strata Titles Act 1985  
Town Planning Regulation 1967  
Valuation of Land Act 1978

The Shire of Cunderdin is wholly responsible for administering the following Shire of Cunderdin Local Laws:

Shire of Cunderdin Thoroughfares and Public Places Amendment Local Law 2016  
Shire of Cunderdin Local Government Property Amendment Local Law 2016  
Shire of Cunderdin Cemetery Amendment Local Law 2016  
Animals, Environment and Nuisance Local Law 2016  
Shire of Cunderdin Cemetery Local Law 2015  
Shire of Cunderdin Pest Plants Local Law 2015  
Shire of Cunderdin Dogs Local Law 2015  
Shire of Cunderdin Local Government Property Local Law 2015  
Shire of Cunderdin Thoroughfares and Public Places Local Law 2015  
Health Local Law 2016



## SERVICES TO THE COMMUNITY

The Shire of Cunderdin is responsible for providing good governance, including legislative and executive functions. The services are provided to maintain a pleasant and safe environment for its residents and ratepayers.

The activities and functions of the Shire are described as follows:

Animal Control	Parking Bays/Street Closures
Building Control	Parks and Reserves
Bus Shelters	Pest Control
Cemeteries	Playground Equipment
Child Health Centers	Public Seating & Public Toilets
Citizenship Ceremonies	Recreational/Sporting Facilities
Community Development	Refuse Sites & Waste Management
Community Halls and Centers	Roads/Kerbing
Community Information Service	Seniors Program
Community Support Program	Street Lighting
Dual Use Paths	Stormwater Drainage
Environmental Health Matters	Street Sweeping
Extractive Industries Control	Street Tree Planting
Fire Prevention	Traffic Control Devices
Footpaths	Youth Program

## **PUBLIC PARTICIPATION**

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

**Deputations** - a member of the public can apply to address Council personally or on behalf of a group of residents. The application must be in writing addressed to the Chief Executive Officer. The Presiding person then may approve the request or refer the request to the Council/Committee for approval.

**Presentations** - with prior notification and approval by the Chief Executive Officer, members of the public can address Council on any matter on the Council Meeting Agenda.

**Residents** are notified of some Development Applications requiring the approval of Council. When an application is publicly notified, residents can write to Council expressing their view of the application.

**Petitions** - written petitions can be addressed to Council on any issue within Council's jurisdiction. Petitions are required to be addressed to the Shire President.

**Written Requests**—a member of the public can write to the Shire on any Council policy, activity or service.

**Public Question Time** – Time is made available at every Council Meeting for members of the public to ask questions and have them responded to by Council, unless the question is outside the legislation or deemed unreasonable.

**Elected Members**—members of the public can contact their Elected Members to discuss any issue relevant to Council.

**Notifications/Advertising** – Residents may be notified of issues by advertising in the local newspaper, written notification or an onsite sign. Residents then have the opportunity to write to the Shire expressing their views.

Public correspondence and applications on any matters to be considered by Council must be received at the Shire Office 14 working days prior to the Council Meeting and should be addressed to the Chief Executive Officer.

## **COMMUNITY CONSULTATION**

The Shire consults with local residents on particular issues as determined from time to time in accordance with its Community Strategic Plan to ensure all the community's needs and expectations are met and can be in the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews
- Surveys

Advising to the community and stakeholders of issues can take the form of:

- Media releases
- Local Newspaper advertisements
- Council publications (including website)
- Newsletter/direct mail outs
- Posters/flyers
- Information displays
- Public forums

## **COUNCIL DOCUMENTS**

The Shire holds records relating to various functions of the Shire as described below:

- Policy Manual
- Strategic Community Plan
- Asset Management Plan
- Long Term Financial Plan
- Corporate Business Plan
- Workforce Plan
- Disability Access and Inclusion Plan
- Municipal Heritage Inventory
- Local Laws and Local Law Enforcement
- Risk Management
- Recordkeeping Plan
- Local Emergency Management Plan
- Town Planning Scheme Plan
- Council Records – Agendas/Minutes

## DOCUMENTS AVAILABLE FOR INSPECTION

The following documents are available for public inspection at the Shire Office, free of charge to ratepayers. Copies of these documents may be purchased and the charges are shown below. Some of these documents are also available on the Shire's website.

### COUNCIL DOCUMENTS AVAILABLE FOR INSPECTION

DOCUMENT	FEE
Annual Budget	Council Office & Website
Annual Report	Council Office & Website
Disability Access & Inclusion Plan	Council Office & Website
Policy Manual	Council Office & Website
Freedom of Information Statement	Council Office & Website
Integrated Planning and Reporting Strategic Community Plan Strategic Resource Plan Corporate Business Plan Workforce Plan	Council Office & Website
Register of Burials Register of Gifts and Travel Contributions Register of Tenders	Council Office
Register of Fees and Charges Register of Local Laws	Council Office & Website

### Other Information Requests

Requests for information, not shown above will be considered in accordance with the *Freedom of Information Act* provisions. Under this legislation, applications must be submitted in written form and will be subject to an application fee where applicable unless the applicant is granted an exemption.

Should the application require copies of any documents inspected pursuant to a Freedom of Information request, the charges will apply. It should be noted that some documents are for viewing only and cannot be copied as such would breach the *Copyright Act 1968*.

## **FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS**

*Refer: Appendix 1 Flowchart - Dealing with an FOI application*

### **FOI Operations Obtaining Documents outside of Freedom of Information**

Where possible the Shire of Cunderdin will release documents outside of the Freedom of Information process. However, at times some documents can only be obtained under Freedom of Information.

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 (be as specific as possible; include dates or date ranges; include keywords; include as much details as possible to identify the requested documents)
- give an Australian address to which notices can be sent (preferably including a contact telephone number)
- be lodged with the Shire of Cunderdin, and
- be accompanied by the application fee (if one is applicable).

Applications and enquiries should be addressed to:

Freedom of Information Coordinator  
Shire of Cunderdin,  
PO Box 100, Cunderdin, WA 6407  
(08) 9635 2700  
or email [admin@cunderdin.wa.gov.au](mailto:admin@cunderdin.wa.gov.au)

## FEES AND CHARGES

Fees and charges are set out in the Freedom of Information Regulations 1993 (WA). The fees and charges are as follows.

Personal information - no fee

Personal Information is defined as any information or opinion, whether true or not, about an individual, whether living or dead, that can identify or reasonably identify that person.

Applications for Personal Information can only be made by that individual and not a third party. There is no application fee for Personal Information. Certified proof of identity will be required prior to processing an application for Personal Information. Non-personal information - \$30

Documents that are not directly about the applicant are considered to be non-personal information and a \$30 application fee is payable. Where documents contain the names of third parties, those parties must be consulted prior to the documents being released.

### Charges

The Shire of Cunderdin may apply charges when processing a Freedom of Information application. All charges are calculated on an hourly (or pro-rata) rate and are discretionary. The following charges may be applicable:

- for time dealing with the application - \$30.00 per hour
- for access time supervised by staff - \$30.00 per hour
- photocopies - \$1.20 - \$2.20 per copy (depending on colour and size)
- for time taken transcribing from tape, film or computer - \$30.00 per hour
- duplicating a tape, film or computer information - actual cost, and
- delivery, packaging and postage - actual cost.

### Estimate of charges

In cases where charges are expected to exceed \$25, applicants will be provided with an estimate of charges as soon as possible. The Shire of Cunderdin has the right to request a deposit of between 25-75 percent of the estimate. Where charges are applied, no documents will be released to the applicant until all charges are paid.

### Deposits

Advance deposit may be required of the estimated charges.....25%

Further advance deposit may be required to meet the charges for dealing with the application.....75%

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

### Payment Processing

Payment may be made by cash, cheque or electronic transfer. All cheques must be made out to: Shire of Cunderdin. Online banking details are available on request.

## 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 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

Information on the right to review and the procedures to be followed to exercise those rights as soon as possible, but within 45 days of an application being deemed valid, applicants will be provided with a Notice of Decision. This notice is designed to enable the applicant to understand what information was taken into account when making the decision and will include details such as:

- the date on which the decision was made
  - the name and designation of the officer who made the decision
  - details of any charges
  - information on the right of review and the procedures to be followed to exercise those rights, and
- reasons for the type of access allowed or for refusal to documents.
  -

## **REFUSAL OF ACCESS**

Not all documents held by the Shire of Cunderdin will be able to be released with access being refused on a range of grounds. 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. These grounds are set out in the Freedom of Information Act. If this is the case the Notice of Decision will provide the reason for refusal of access.

## **RIGHT OF REVIEW**

Applicants have the right of review if they do not agree with a decision made by the department's decision maker. In the first instance, Shire of Cunderdin will conduct an internal review. There are no fees or charges for requesting an internal review.

A request for an internal review must be received within 30 days of the receipt of the Notice of Decision and must set out the parts of the decision to be reviewed. An independent decision maker will deal with the application for internal review. The outcome of an internal review may result in a confirmation, variation or reversal of the initial decision under review. Applicants will be advised of the outcome of the review within 15 days.

If the applicant disagrees with the result of the internal review, an applicant can request an external review from the Office of the Information Commissioner on contact details below. There are no fees or charges for requesting an external review.

All review rights and procedures to exercise those rights are set out in the Notice of Decision.

## **DELIVERY OF DOCUMENTS**

Arrangements for access to the documents are negotiable between the Shire of Cunderdin and the applicant. Where a large number of documents are to be released and there is no charge for photocopying, the documents may be provided on a USB drive.

## **AMENDMENT OF PERSONAL INFORMATION**

Applicants have the right to amend personal information held by the Department of Local Government and Communities, which the applicant considers incomplete, inaccurate, misleading, or not up to date.

Applicants must provide details and, if necessary, documentation to support any claim on the information sought to be amended. In addition, the applicant must indicate how the amendment is to be made, which may include:

- altering information
- striking out or deleting information
- inserting information, or
- inserting a note in relation to the information



## **AMENDMENT TO SHIRE RECORDS**

A member of the public may gain access to Shire documents to seek amendments concerning their personal affairs by making a request under the Local Government Act. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to Shire records, a member of the public must make a written application to the Freedom of Information Coordinator being the Deputy Chief Executive Officer, as indicated above outlining the records that applicant wishes to inspect.

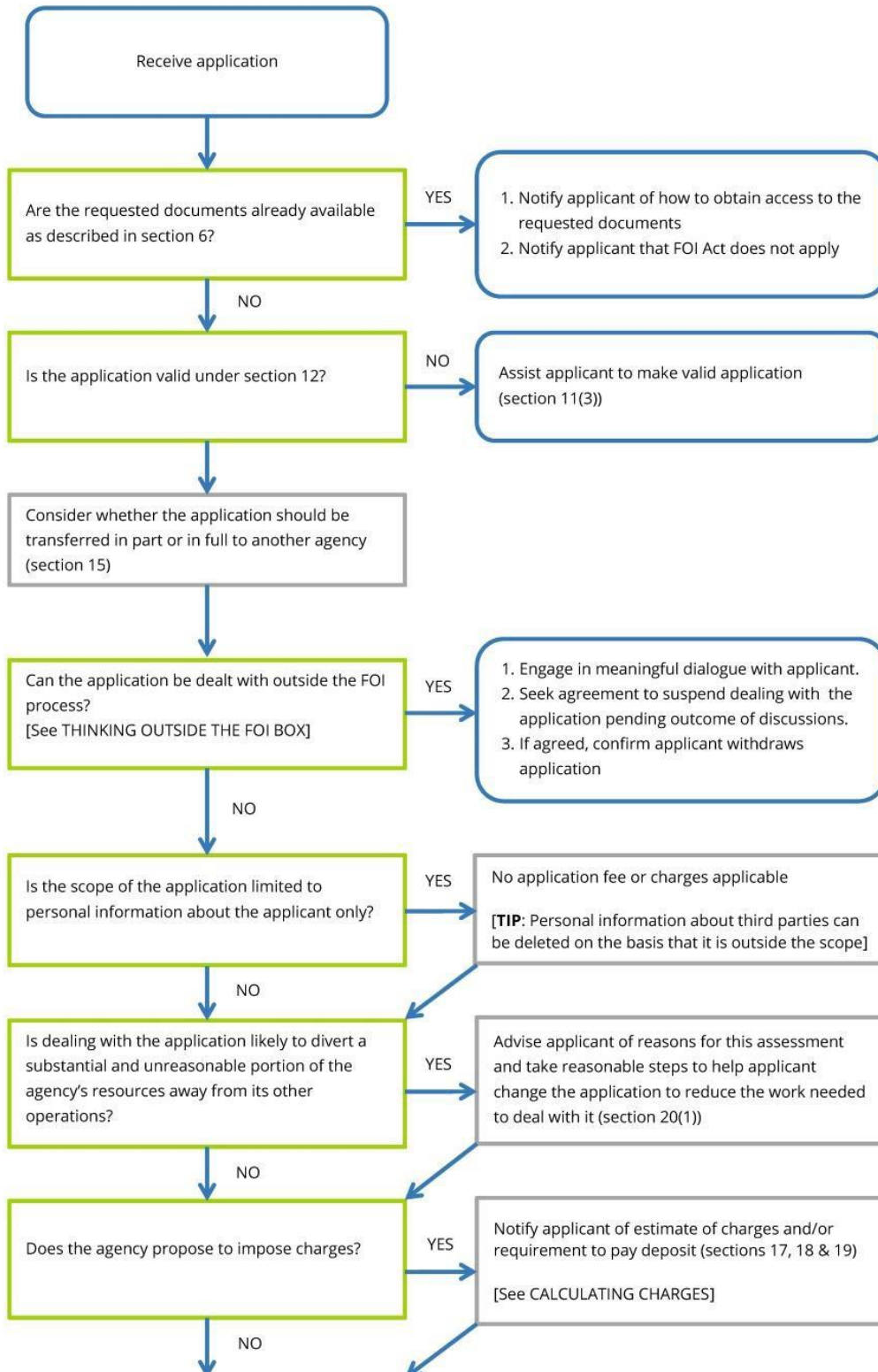
Stuart Hobley  
**CHIEF EXECUTIVE OFFICER**

# APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION



## Office of the Information Commissioner

Freedom of information for Western Australia



# APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION



## Office of the Information Commissioner

*Freedom of information for Western Australia*

