



## Shire of West Arthur

### INFORMATION STATEMENT

(In accordance with the Freedom of Information Act 1992)

Reviewed November 2020

#### DOCUMENT INFORMATION

This Information Statement is published by the West Arthur Shire in accordance with the requirements of the Freedom of Information Act 1992, Part 5 Section 94. This document is available in alternative formats, eg large print, upon request. A copy of this Statement may be accessed via the Shire website [www.westarthur.wa.gov.au](http://www.westarthur.wa.gov.au)

The West Arthur Shire Council is pleased to comply with the legislation and welcomes enquiries to:

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Shire of West Arthur  
31 Burrowes Street, Darkan WA 6392  
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At intervals of not more than 12 months, an up-to-date Information Statement will be published by the Shire of West Arthur (sections 96 and 97 of the FOI Act).

# **FREEDOM OF INFORMATION ACT 1992**

## **SHIRE OF WEST ARTHUR**

### **INFORMATION STATEMENT**

**Reviewed November 2020**

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**FREEDOM OF INFORMATION ACT 1992  
SHIRE OF WEST ARTHUR  
INFORMATION STATEMENT**

## **1.0 OVERVIEW**

### **1.1 Constitution**

The Shire of West Arthur is constituted as a district under the Local Government Act 1995 and is empowered by the Act to carry out the functions of a local government as stated in the Act. The general function of a local government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities.

### **1.2 Shire Profile**

The Shire of West Arthur, located in the far south west of the Wheatbelt Region, has an area of 2,850 square kilometres and comprises the localities of Arthur River, Bowelling, Darkan, Duranillin, Moodiarrup Trigwell, and Mokup. It is a prosperous mixed farming area with a total population of around 900. Local industries include wool, sheep, timber, grain, forestry, beef, engineering and earthmoving.

Darkan is the administrative centre for the Shire of West Arthur. It is a quiet country town with a local population of approximately 200 people. Darkan is situated on the Coalfields Highway, 204 kilometres from Perth.

### **1.3 Decision Making**

The Shire of West Arthur has a Council of elected members who are responsible for directing the Local Government's affairs; overseeing the allocation of finances and resources; and determining strategic direction and policies. Elected members are volunteers who represent the community and act as a decision making body.

Paid employees come under the direction of the Chief Executive Officer, who is responsible for the implementation of Council decisions and the day to day administration of Local Government functions.

### **1.4. Delegation of Authority**

Council makes decisions which direct and/or determine its activities and functions. These 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.

The Chief Executive Officer and other Shire officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegated authorities are reviewed periodically by Council.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents and others for various forms of development. These decisions are in accordance with legislative requirements and general functions powers of Councils, under the Local Government Act 1995.

### **1.5 Vision**

The Shire of West Arthur will be a sustainable local government supporting a vibrant community.

### **1.6 Mission Statement**

To value and enhance our community's lifestyle and environment through strong local leadership, community involvement and effective service delivery.

### **1.7 Statement of Objective**

The Shire of West Arthur is devoted to providing high quality services to the community via the various service orientated programs that it has formulated, listed under section 5. Services to the Community.

## **2.0 STRUCTURE, ROLE AND FUNCTIONS OF COUNCIL**

### **2.1 Council Membership**

The Shire of West Arthur Council consists of seven Councillors. The President is elected by the Council Members and holds office for two years. Councillors' normal term of office is four years and approximately half of the Council Members retire every two years.

#### **President**

Cr Kevin King

#### **Deputy-President**

Cr Neil Morrell

#### **Councillors**

Cr Marie Lloyd

Cr Neil Manual

Cr Julie McFall

Cr Graeme Peirce

Cr Adam Squires

### **2.2 The role of the Council is to:**

- direct and control the local government's affairs; and
- be responsible for the performance of the local government's functions;
- oversee the allocation of the local government's finances and resources; and
- determine the local government's policies.

### **2.3 The role of the President is to:**

- preside at meetings in accordance with the Local Government Act 1995;
- provide leadership and guidance to the community in the district;
- carry out civic and ceremonial duties on behalf of the local government;
- speak on behalf of the local government;
- perform such other functions as are given to the President by the Local Government Act 1995 or any other written law; and
- liaise with the Chief Executive Officer on the local government's affairs and the performance of its functions.

### **2.4 The role of a Councillor is to:**

- represent the interests of electors, ratepayers and residents of the district;
- provide leadership and guidance to the community in the district;
- facilitate communication between the community and the council;
- participate in the local government's decision-making processes at council and committee meetings; and
- perform such other functions as are given to a council by the Local Government Act 1995 or any other written law.

## 2.5 The Chief Executive Officer's functions are to:

- advise the Council in relation to the functions of a local government under the Local Government Act 1995 and other written laws;
- ensure that advice and information is available to the Council that informed decisions can be made;
- cause council decisions to be implemented;
- manage the day to day operations of the local government;
- liaise with the President on the local governments affairs and the performance of the local government's functions;
- speak on behalf of the local government if the President agrees;
- be responsible for the employment, management supervision, direction and dismissal of other employees;
- ensure that records and documents of the local government are properly kept for the purposes of the Local Government Act 1995 and any other written law; and
- perform any other function specified or delegated by the local government or imposed under the Local Government Act 1995 or any other written law as a function to be performed by the Chief Executive Officer.
- Council may delegate to the Chief Executive Officer certain of its powers and duties.

## 2.6 Organisation Structure

SHIRE OF WEST ARTHUR  
Organisation Structure  
at 30 June 2020



## 2.7 Meetings of Council

Ordinary meetings of the full Council are generally held once a month commencing at 6.00pm. There is no ordinary meeting of Council held in January. All meetings are held and function in accordance with the Local Government Act 1995 and associated regulations and Shire of West Arthur's Standing Orders.

Special Council meetings are called when necessary to consider an urgent matter or a matter which otherwise involves special circumstances. Special Meetings can be convened at short notice should the circumstances warrant. Special meetings of the Council are conducted in much the same way as ordinary meetings of the Council. Members of the public can ask questions at public question time.

Section 5.27 of the Local Government Act 1995 has a requirement to hold an Annual General Meeting of Electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about Shire matters generally. Resolutions from an Annual General Meeting of Electors must be considered at the subsequent ordinary council meeting; however such resolutions are in no way binding upon the Council.

## 2.8 Council Agenda and Minutes

Agendas of all Ordinary Council meetings are available to the public on the Monday prior to the Tuesday meeting. The minutes of the meetings are available for public inspection at the Shire Office and may be accessed on the Shire website, [www.westarthur.wa.gov.au](http://www.westarthur.wa.gov.au).

## 2.9 Committees of Council

Section 5.8 of the Local Government Act 1995 states a local government may establish committees of 3 or more persons to assist the Council and to exercise and discharge the duties of the local government than can be delegated to committees.

Councillors represent the Shire on the following Committees of Council:

- |  |   |
|--|---|
| • Audit Committee                      | Cr Graeme Peirce, Cr Adam Squires, Cr Kevin King, Cr Julie McFall |
| • Arthur River Development Committee   | Cr Neil Manuel  |
| • Executive Appraisal Committee        | Cr Kevin King, Cr Neil Manuel, Cr Marie Lloyd                     |
| • Darkan Swimming Pool Committee       | Cr Adam Squires   |
| • Tidy Towns – Sustainable Communities | Cr Kevin King   |

There is no Councillor representation on the following Committee of Council:

- Westcare

## 2.10 Working Parties and Groups

Council has delegates to the following community and Regional Groups:-

- |  |   |
|--|---|
| • West Arthur Bush Fire Advisory             | Cr Neil Morrell   |
| • Development Assessment Panel               | Cr Marie Lloyd, Cr Neil Morrell, Proxies - Cr Julie McFall and Cr Marie Lloyd |
| • WALGA Central Country Zone                 | Cr Kevin King, Cr Julie McFall  |
| • 4WDL VROC                                  | Cr Graeme Peirce, Cr Neil Morrell as proxy                                    |
| • West Arthur CRC Inc.                       | Cr Marie Lloyd  |
| • West Arthur Cottage Homes Inc.             | Cr Adam Squires   |
| • Regional Road Group Narrogin Sub Group     | Cr Kevin King, Cr Neil Manuel as proxy  |
| • Lake Towerrinning Strategic Plan Ref Group | Cr Neil Morrell   |
| • Local Emergency Management Committee       | Cr Neil Morrell   |
| • Museum Reference Group                     | Cr Julie McFall   |

### **3.0 LEGISLATION, & REGULATIONS**

Using its legislative powers, Council may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the Local Government Act.

The local government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act, including the provision of services and facilities.

In addition to the above, the Shire of West Arthur is authorised and directed under the provisions of the Health Act to carry out within its district the provisions of the Act and the regulations, local laws and orders made hereunder.

#### **3.1 Legislation & Regulations Administered by the Shire of West Arthur.**

The Shire of West Arthur is wholly or partly responsible for administering the following legislation and regulations:

- Agriculture and related resources Protection Act 1976
- Building Code of Australia 1996
- Building Regulations 1989
- Bush Fires Act 1954
- Bush Fire Regulations
- Caravan Parks and Camping Grounds Act 1995; and Regulations
- Cat Act 2011
- Cemeteries Act
- Control of Vehicles (Off Road Areas) Act 1978
- Dog Act 1976
- Dog Regulations
- Dog (Restricted Breeds) Regulations (No.2) 2002
- Environmental Protection (Noise) Regulations 1997
- Environmental Protection (Unauthorised Discharges) Regulations 2004
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Freedom of Information Act 1992; and Regulations
- Hairdressing Establishment Regulations 1972
- Health Act 1911; and Regulations
- Heritage of Western Australia Act 1990
- Land Administration Act 1997
- Land Valuation Tribunals 1978
- Litter Act 1979
- Liquor Licensing Act 1988
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Grants Act 1978
- Local Government Regulations
- Main Roads Act 1930
- Parks and Reserves Act 1895
- Planning and Development Act 2005
- Radiation Safety Act 1974
- Rates and Charges (Rebates and Deferments) Act 1992
- Rights in Water and Irrigation Act 1914
- Residential Design Codes of WA 2002
- Road Traffic Act 1974
- Road Traffic Code 2000
- Security and Related Activities (Control) Act 1996
- Strata Titles Act 1985
- Surveillance Devices Act 1998

- Telecommunications Act 1997
- Telecommunications (Low Impact Facilities) Determination 1997
- Transfer of Land Act 1893
- Valuation of Land Act 1978
- Waterways Conservation Act 1976
- Western Australia Disability Services Act 1993

### 3.2 Local Laws

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

- **Parking and Use of Vehicles**, published in the *Government Gazette* of 24 June 1997;
- **Activities on Thoroughfares and Trading in Thoroughfares and Public Places**, published in the *Government Gazette* of 19 April 2000;
- **Dogs**, published in the *Government Gazette* of 19 April 2000;
- **Fencing**, published in the *Government Gazette* of 19 April 2000;
- **Local Government Property**, published in the *Government Gazette* of 19 April 2000;
- **Standing Orders**, published in the *Government Gazette* of 29 November 2002;

### 3.3 Other Legislation Affecting the Shire of West Arthur.

The following legislation and regulations also affect the functions and operations of the Shire of West Arthur:

- Builders Registration Act 1939
- Criminal Procedure Act 2004
- Department of Environment & Conservation Act
- Disability Discrimination Act 1992
- Disability Services Act 1993
- Equal Employment Opportunity Act 1984
- Evidence Act
- Emergency Management Act 2005
- Emergency Services Levy Act 2002
- Fire and Emergency Services Authority of Western Australia Act 1998
- Forests Act 1919
- Industrial Awards
- Industrial Relations Acts (State and Federal)
- Interpretation Act 1918
- Library Board of Western Australia Act 1951
- Limitation Act 1935
- Long Service Leave Act 1958
- Occupational Safety and Health Act 1984
- Occupational Safety & Health Regulations 1996
- Official Code of Conduct 2007 Regulations
- Parliamentary Commissioner Act 1971
- State Records Act 2000
- State Records Principles & Standards 2002
- Traffic Management
- Utility Providers Code of Practice
- Workers Compensation and Assistance Act 1981
- Worksafe
- National Standard for Construction Work 2008



#### **4. SERVICES TO THE COMMUNITY**

Full Council makes decisions on policy issues relating to services that are provided for members of the public. The services the Shire currently provide include the following:-

- Animal control (including dog licences)
- Building control (including building licences)
- Caravan parks
- Child health and medical centres
- Childcare and children's services
- Community halls
- Community housing
- Community recreation grounds and pavilions
- Licensing services - vehicles, drivers, firearms.
- Environmental health
- Fire protection and prevention
- Health controls
- Library facilities
- Litter bins
- Noxious weeds and vermin control
- Parks, gardens and reserves
- Planning controls
- Playground equipment
- Public conveniences
- Recreation facilities at Lake Towerrinning
- Refuse collection and disposal
- Roads/footpaths/kerbing/drainage/bridges
- Standpipes
- Street lighting
- Traffic control

The Shire Office, 31 Burrowes Street, Darkan is open Monday to Friday from 8.30 am – 4.30 pm, with Department of Transport Licensing services closing at 4.00 pm daily.

#### **5. PUBLIC PARTICIPATION**

##### **5.1 Council Meetings**

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

##### **a) Elected Members**

Members of the public can contact their elected members of Council to discuss any issue relevant to Council.

##### **b) Written Requests**

A member of the public can write to Council on any Council policy, activity or service.

##### **c) Deputations**

With the permission of the Shire President, a member of the public can address the Council for a period of time determined by Council on any issue relevant to Council.

##### **d) Written Petitions**

Presentations can be made to Council, where prior notification has been given to Council and approval received, on any issue relevant to Council.

##### **e) Public Question Time**

Members of the public are invited to take part in Public Question Time at the commencement of the Ordinary Council Meeting.

#### **f) Participation in Council Meeting**

Members of the community are welcome to participate in an ordinary meeting, subject to prior notification with the Shire Office. (Members of the public are welcome to observe all or part of any meeting without prior notification.)

### **5.2 Community Consultation**

The West Arthur Shire Council consults with its residents on particular issues which affect them.

## **6. FOI PROCEDURES AND ACCESS ARRANGEMENTS**

### **6.1 Access to Council Documents**

The following documents are available for public inspection at the Shire Office free of charge. Members of the public may purchase copies of these documents at the current rates charged by Council as listed in the current fees and charges:-

- Council Allowances and benefits
- Council Annual Budget
- Council Policy Manual
- Council Annual Financial Statements
- Council Annual Report
- Council Freedom of Information Statement
- Council Local Laws and By-Laws
- Council Meeting Agendas and Minutes
- Electoral Roll
- Local Government Act
- Rates book and property register
- Register of elected members
- Register of public streets and roads
- Town Planning Scheme
- Vouchers and payments

Requests for other information, not included in Clause 4 above, will be considered in accordance with the provisions of the Freedom of Information Act 1992. Under this legislation, an application fee and a search fee must be submitted with the completed request application form unless the information requested is personal information about the applicant or the applicant has been granted an exemption.

### **6.2 Rights to Access Documents**

The Western Australian Freedom of Information Act 1992 (FOI Act 1992) gives applicants the right to apply for access to documents held by the Shire of West Arthur. An applicant's right to seek access cannot be affected by their reason for wishing to obtain access, and there is no need to demonstrate a reason.

The Shire is required to:

- assist in making an application
- assist in obtaining access to documents at a reasonable cost and,
- ensure that personal information captured in documents is accurate, complete, up-to-date and not misleading.

While the Act provides general right of access to documents, it also recognises some documents require a level of protection, specifically those documents that meet the exemption criteria in Schedule 1 of the FOI Act 1992, which includes (but is not limited to):

- Personal information that identifies a third party
- Information concerning trade secrets
- Information of commercial value

### 6.3 Lodging Applications

FOI Applications are available from the:

- Shire Office front counter (31 Burrowes Street, Darkan WA 6392).
- FOI Coordinator (Telephone: 08 9736 2222)
- Shire's website [www.westarthur.wa.gov.au](http://www.westarthur.wa.gov.au)

FOI 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 the Shire with any applicable fee payable.

FOI Applications can be lodged by mail or in person to:

CEO - FOI Coordinator  
Shire of West Arthur  
31 Burrowes Street, Darkan WA 6392

### 6.4 Time Limits

Once the Shire has received a valid application, it is required to provide a Notice of Decision within 45 calendar days. The Shire aims to respond as soon as practicable to any application and will negotiate with the applicant on an extension to the 45 day limit should the application be unusually large or require consultation with a significant number of third parties.

All requests will be formally acknowledged within 5 working days of receipt. The acknowledgement will always include an explanation of rights and responsibilities within the Act, action required, an estimate of elapsed time before the information will be available, notification of third parties to be informed of the request, and a cost quotation. Third parties will be informed of requests within 5 working days that a request has been received, and given 21 working days to respond.

Should the applicant not be satisfied with the decision provided in the Notice of Decision, they have 30 days in which to lodge an Internal Review application. Once the Internal Review application has been received, the Shire has 15 days in which to respond.

Should the applicant still not be satisfied with the outcome of the Internal Review, there is a 60 day period in which to lodge an External Review application with the Freedom of Information Commissioner. The Commissioner will then undertake the review and forward a response within 30 days.

## 6.5 Regulatory Charges

Listed below is a scale of fees and charges set under the FOI Regulations, payable to the Shire of West Arthur.

### Charges (GST Exempt)

Application fee for non-personal information (Mandatory)	\$30
Application fee for personal information	No fee

### Charges (GST Applicable)

Charge for staff dealing with application and photocopying	\$30/hr
Supervised access to records for inspection only	\$30/hr
Transcribing information from tape, film or computer	\$30/hr
Photocopying	\$0.20/page
Duplicating a tape, CD, DVD or computer information	Actual cost
Delivery, packing and postage	Actual cost
Deposits	

An advance deposit may be required 25%

An additional advance deposit may be required for large applications 75%

NOTE: There is a 25% cost reduction of charges for financially disadvantaged applicants or those in receipt of pension or health benefits (Proof may be required).