



Shire of  
**Katanning**  
Heart of the Great Southern

Freedom of Information  
Information Statement  
Last update July 2018



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## Introduction

This Information Statement is published by the Shire of Katanning in accordance with the requirements of Section 96(1) of the *Freedom of Information Act 1992*. The Shire of Katanning is pleased to comply with the legislation and welcomes enquiries. An updated Information Statement will be published every 12 months. This statement was released in July 2018.

Further information can be provided, between Mondays and Fridays (8.30am-5.00pm), by contacting the Freedom of Information (FOI) Coordinator via:

Phone: (08) 9821 9999

Fax: (08) 9821 9998

Email: [admin@katanning.wa.gov.au](mailto:admin@katanning.wa.gov.au)

## Structure of the Shire

The day to day running of the Shire is the responsibility of the Chief Executive Officer, who, along with Executive Managers and staff, act on the Council's decisions by developing and putting into practice the Council policies and resolutions.

## Functions of the Shire

The functions of the Shire of Katanning are to provide services and facilities, by proper and democratic government, in an efficient and cost-effective manner, subject to the *Local Government Act 1995* and other legislation that provide the powers and directions for local government. Under the *Local Government Act 1995*, the Shire has general, legislative and executive functions.

### General Functions

*Section 3.1 of the Local Government Act 1995*

The general function of a local government is to provide for the good government of people living and working within its district.

### Legislative Functions

*Section 3.5 of the Local Government Act 1995*

A local government may make local laws that are necessary or convenient for it to perform any of its functions.

### Executive Functions

*Section 3.18 of the Local Government Act 1995*

A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

## Public Participation

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions.

### **Council Meetings**

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

### **Committee Meetings**

In accordance with the *Local Government Act 1995*, the Council has established a number of Committees to support the operations of the Council.

The Committees are:

- Audit & Risk Committee
- Citizen of the Year Committee
- Community Financial Assistance Advisory Committee
- Katanning Bushfire Advisory Committee
- Local Emergency Management Committee
- Katanning Early Childhood Hub
- SuperTowns Project Advisory Group
- Clive Street and Austral Terrace Front Façade Committee
- Katanning Heritage Centre Project Advisory Group
- Katanning Townscape Advisory Committee
- Katanning Administration and Civic Building Project Advisory Group
- Katanning Bushfire Advisory Committee
- Saleyards Operations User Group
- Katanning Leisure Centre User Group
- Katanning Aquatic Centre User Group
- Christmas Decorations Working Group
- Economic Development Working Group
- Town Centre Precinct Working Group
- Piesse Park Working Group
- Welcome Precinct Working Group

### **Elected Members**

Members of the public can contact the Shire's Elected Members to discuss any issue relevant to the Council, all Elected Members contact details are on the Shire's website.

### **Notifications/Advertising**

Members of the public may be notified of issues by advertising in the local newspaper, written notification, notice board at the Library, Shire Administration or Katanning Leisure Centre, the Shire's Facebook page, Shire's website or an on-site sign.

### **Development Application advertising**

Where a development application does not comply with the provisions of the Shire Planning Scheme or involves an unlisted land use, the Shire may give written notice of the proposal to affected owners and/or occupiers, or the Shire may direct the applicant to advertise the application in any manner that it considers to

be appropriate.

### **Petitions**

Written petitions can be presented to the Council on any issue within the Council's jurisdiction.

### **Public Question Time**

Members of the public can ask questions on any matter affecting the Shire in the time set aside for this purpose at meetings of the Council and Committee meetings that are open to the public.

### **Written Requests**

Members of the public can write to the Council on any policy, activity, function or service of the Council.

## **Documents held by the Shire of Katanning**

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

<b>Function</b>	<b>Description</b>
Community Relations	Establishing rapport with the community and raising and advancing Council's public image and its relationships with outside bodies, including the media and the public.
Community Services	Providing, operating or contracting services to assist local residents and the community.
Corporate Management	Applying broad systematic planning to define the corporate mission and determine methods of the Shire's operation.
Council Properties	Acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by Council.
Customer Service	Planning, monitoring and evaluating services provided to customers by the Shire.
Development and Building Controls	Regulating and approving building and development applications for specific properties.
Economic Development	Improving the local economy through encouragement of industry, employment, tourism, regional development and trade.
Emergency Services	Preventing loss and minimising threats to life, property and the natural environment, from fire and other emergency situations.
Environmental Management	Managing, conserving and planning of air, soil and water qualities, and environmentally sensitive areas such as remnant bushlands and threatened species.
Financial Management	Managing the Shire's financial resources.
Governance	Managing the election of Council representatives, the boundaries of the Shire district, and the terms of office for Elected Members.

Government Relations	Managing the relationship between Shire and other governments, particularly on issues which are not related to normal Council business.
Grants and Subsidies	Managing financial payments to, and from, the Shire for specific purposes.
Human Resources	Managing the conditions of employment and administration of personnel at the Shire.
Information Management	Managing the Shire's information resources, including the storage, retrieval, archives, processing and communications of all information regardless of format.
Information Technology	Acquiring and managing communications and information technology and databases to support the business operations of the Shire.
Land Use and Planning	Establishing a medium to long term policy framework for the management of the natural and built environments.
Laws and Enforcement	Regulating, notifying, prosecuting, and applying penalties in relation to the Shire's regulatory role.
Parks and Reserves	Acquiring, managing, designing and constructing parks and reserves either owned or controlled and managed by the Shire.
Plant, Equipment and Stores	Purchasing, hiring or leasing of all plant and vehicles, and other equipment. Includes the management of the City's stores.
Public Health	Managing, monitoring and regulating activities to protect and improve public health in accordance with relevant legislation, health codes and standards.
Rates and Valuations	Managing, regulating, setting and collecting income through the valuation of ratable land and other charges.
Recreation and Cultural Services	Arranging, promoting or encouraging programs and events in recreation and cultural activities and services.
Risk Management	Managing and reducing the risk of loss of Shire properties and equipment, and risks to personnel.
Roads	Providing road construction, maintenance of roads and associated street services to property owners within the Shire area.
Sewerage and Drainage	Designing, constructing, maintaining and managing the liquid waste system, including drainage, sewerage collection and treatment, storm water and flood mitigation works.
Traffic and Transport	Planning for transport infrastructure and the efficient movement and parking of traffic.
Waste Management	Providing services to ratepayers for the removal of solid waste, destruction and waste reduction.
Water Supply	Managing the design, construction, maintenance and management of water supplies, either by the Shire or by service providers.

Of particular note:

### **Council Minutes**

Under the *Local Government Act 1995* Council and Committee Minutes are available for free inspection at the Shire Administration. Electronic copies are available on the Shire's website. Printed copies of the minutes and related searches conducted by Shire staff will incur charges.

### **Rates Books**

Shire of Katanning Rate Books are stored in hardcopy at the Shire Administration.

### **Building/Development Applications**

As the authority responsible for granting planning approval and issuing building licences for land zoned under the Shire Planning Scheme, the Shire of Katanning has a vast record of drawings and plans of buildings within the Shire. The drawings and plans can include site plans, floor plans, elevations, sections, and detailed technical drawings (such as mechanical, hydraulic, structural and architectural drawings) and in some cases perspective drawings or photo montage images.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured.

### **Municipal Heritage Inventory**

Under the *Heritage of Western Australia Act 1990* the Shire of Katanning is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the Shire of Katanning boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status, and a digital photo of each building. Access to place records on the adopted inventory is free of charge.

## **Access to Shire Documents**

Availability of information is subject to provisions established in legislation such as the *Freedom of Information Act 1992* and the *Local Government Act 1995* and may be free, or subject to fees and charges. The Shire will, in all instances, seek to provide access to information upon request except where there may be issues under the *Privacy Act 1998* or *Freedom of Information Act 1992*, or other relevant legislation.

Information is made available through a range of mediums including public statements, news releases, the Shire's internet website, advertisements placed in local and state-wide newspapers, public notice boards, library services, information sheets and other publications, as well as individual correspondence, public and statutory documents, and reports.

### **Documents available outside of the FOI Act**

The following documents are available for public inspection at the Shire Administration at 16 – 24 Austral Terrace, Katanning:

- Annual Budget
- Annual Financial Statements
- Business Plans (prepared under Section 3.59 of the *Local Government Act 1995*)

- Annual Report
- Shire Planning Scheme and Planning Policies
- Code of Conduct
- Corporate Business Plan
- Documents released for public comment
- Electoral Roll – Shire of Katanning’s Owner and Occupiers or Consolidated Roll
- FOI Information Statement
- Local Laws (including reports or proposals relating to Local Laws)
- Media Releases
- Minutes of Committee Meetings and Council Meetings (confirmed minutes that relate to the meeting)
  - Limitation: Access does not extend to the inspection where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, was closed to members of the public. Nor does it extend where it relates to any debt owed to the City.
- Rates records
- Registers – such as Debentures, Delegated Authority (and decisions made under Delegation), Financial Interests, Gifts, Owners and Occupiers and Tenders
- Schedule of Fees and Charges
- Statutory Notices
- Strategic Community Plan

## Documents available under the Freedom of Information Act

Access to documents other than those listed as accessible outside the FOI Act must be via a FOI application.

## Access to Information by Police Officers

Where a WA Police Officer requests access to Shire of Katanning documents, access will be provided:

- Upon production of the Certificate of Authority (Warrant Card) of the Police Officer concerned; and/or
- With the signature of the Police Officer concerned on a statement identifying the document(s) requested and verifying that they are required for a bona fide police enquiry or investigation.

Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the Shire of Katanning.

## FOI Access

### Right to Access Documents

The Western Australian *Freedom of Information Act 1992* gives applicants a legally enforceable right to apply for access to documents held by the Shire of Katanning.

An applicant’s right to seek access cannot be affected by their reasons for wishing to obtain access, and there is no need to demonstrate such.



The Shire is required to:

- assist those in making an application;
- assist those 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 a general right of access to documents it also recognises some documents require a level of protection, which is applied to those documents that meet the exemption criteria in Schedule 1 of the *Freedom of Information Act 1992*.

The most frequent reasons for refusal to provide access to information are:

#### **Personal Information**

Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the *Freedom of Information Act 1992* and s5.95 (8) of the *Local Government Act 1995*.

#### **Commercial Information**

Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the Shire) may be exempt under Schedule 1 Clause 4 of the *Freedom of Information Act 1992*.

#### **Deliberative Process**

Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the *Freedom of Information Act 1992* and s5.23 of the *Local Government Act 1995*.

#### **Legal Professional Privilege**

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the *Freedom of Information Act 1992*.

## **Lodging Applications**

FOI Application forms are available from:

- Shire Administration (16 – 24 Austral Terrace, Katanning);
- Shire website (<http://www.katanning.wa.gov.au/>); and
- FOI Coordinator [admin@katanning.wa.gov.au](mailto:admin@katanning.wa.gov.au)

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 the Shire with any applicable fee payable.

Proof of identity may be required. If access to documents is sought on behalf of another person, the

Shire of Katanning will require written authorisation.

FOI applications can be lodged by:

Mail: FOI Coordinator – Shire of Katanning  
PO Box 130  
Katanning WA 6317

E-mail: [admin@katanning.wa.gov.au](mailto:admin@katanning.wa.gov.au)

A FOI application form is attached at the end of this document.

## Time Limits

- The Shire will consider the application officially lodged when the application fee has been paid and both parties agree on a manageable scope.
- A Notice of Decision must be issued within 45 days from when the application was received. 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.
- The applicant has 30 days in which to lodge an application for an Internal Review if dissatisfied with the Shire's Notice of Decision. The Shire must respond within 15 days.
- The applicant has 60 days in which to lodge an application for an External Review if dissatisfied with the Shire's Internal Review decision. The Information Commissioner must respond within 30 days.

**NOTE:** All time limits are in calendar days

## Charges

Listed below are a scale of fees and charges set under the FOI Regulations. Apart from the application fee, all charges are discretionary and are set by the Council as part of the annual review of Fees and Charges.

As outlined in s16 of the *Freedom of Information Act 1992* charges may be waived or reduced if the applicant is impecunious and can provide evidence of this.

Regulatory Charges	Amount
Application fee for personal information (about the applicant)	No fees
Application fee for non-personal information	\$30.00
Council Charges	
Processing the application (per hour, pro rata)	\$30.00
Access time supervised by staff (per hour, pro rata)	\$30.00
Photocopying staff time (per hour, pro rata)	\$30.00
Per Photocopy (per page)	\$0.20
Transcribing from tape, film or computer (per hour, pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

## Deposits

Under s17 of the *Freedom of Information Act 1992*, the Shire is required to provide the Applicant with an estimated cost should the charges for dealing with the application exceed \$25.00.

An advance deposit of 25% of the estimated cost may be required as a sign of good faith that full payment will be provided once the Notice of Decision is issued.

## GST

All charges, outlined above, are exempt from GST under Determination No 2 2000, made by the Federal Treasurer (Exempt Fees and Charges) Part 5 (Western Australia), page 203.

## Notice of Decision

A Notice of Decision will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- the reason why a document is considered exempt, or the fact that access is given to an edited document; and
- information on the right of review and the procedures to be followed to exercise those rights.

## Access Arrangements

Access to documents can be by way of:

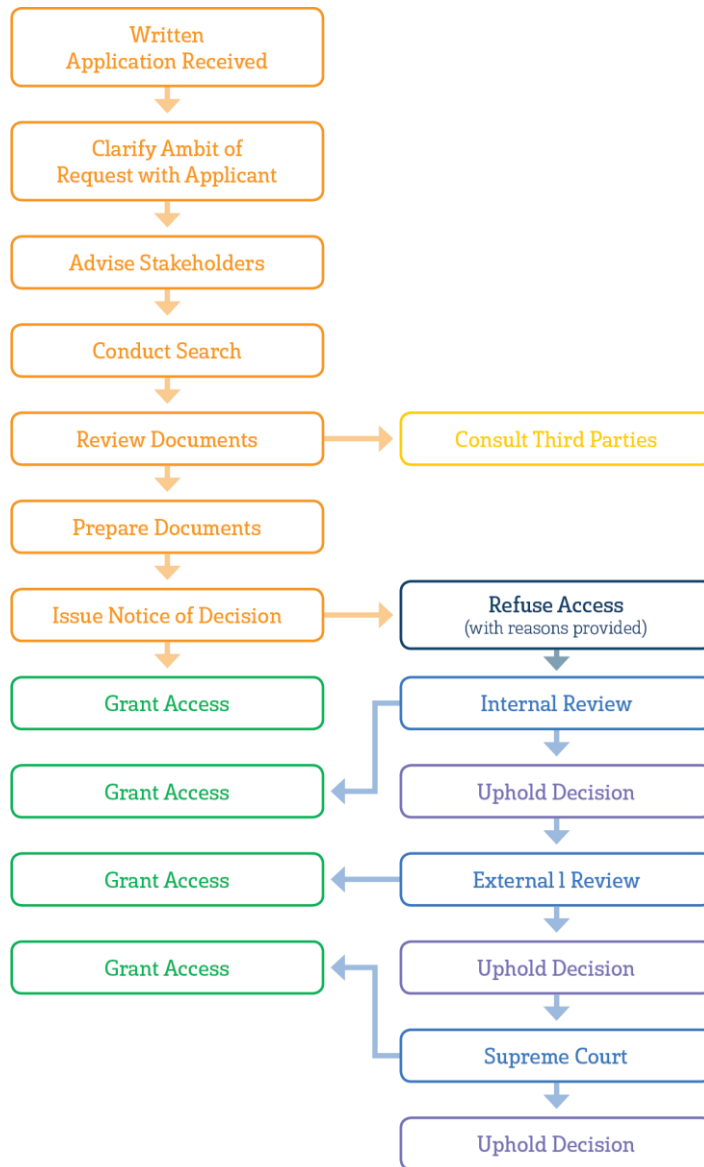
- inspection;
- copy of a document;
- copy of an audio or video recording, or computer disk; or
- transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form.

## Review Process

The *Freedom of Information Act 1992* provides for a review and appeal process, as follows:

- **Internal Review:** If dissatisfied with the Shire's decision an application for an internal review can be lodged. Internal review applications must be in writing and lodged with the Shire within 30 days of being notified of the original decision. There is no charge for an internal review.
- **External Review by the Information Commissioner:** If still dissatisfied with the Shire's decision after the internal review has been completed, a review by the Information Commissioner can be sought. External review requests must be made in writing to the Information Commissioner and give details of the application and decision to which the request relates.
- **Appeals to the Supreme Court:** Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application, and the payment of a deposit on account of charges.

# Freedom of Information Process



## Amending Personal Information

The right to amend personal information held by the Shire ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression. An application can be made to the FOI Coordinator to correct or amend any documents containing an individual’s personal information. The application must be in writing, providing details and, if necessary, documentation to support claims that the information the applicant seeks to have amended is inaccurate, incomplete, out- of-date or misleading.

Furthermore, applicants must indicate whether they wish the amendment to the information to be made by altering, striking out or deleting the information or inserting information or a note in relation to the information. If the Shire decides to amend the information it will usually alter the record, or add a further note in relation to the record. The Shire will inform the applicant of its decision, and reasons for arriving at that decision, together with rights of review if dissatisfied with the Shire’s decision.

**APPLICATION FOR ACCESS TO DOCUMENT**  
**Freedom of Information Act 1992**

Full Name:

Postal Address:

Name of Organisation/ Business:

Telephone:

Email:

Details of Required Document (please be as specific as possible):

I wish to inspect the document/s

I require a copy of the document/s

I require access in another format: (Please specify)

**Fees and Charges (please see back of page for 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 of charge if appropriate.

Applicants Signature:

Date:

**FEES AND CHARGES:**

There are no charges for requests involving personal information however there may be charges for the application for, and retrieval of, non-personal information. The fees set out below are those recommended by the Freedom of Information Office or as adopted by Council.

- Personal information about the application	Fee and Charges
- Application fee (for non-personal information)	\$30.00
- Charge for time dealing with the application (per hour, or pro rata)	\$30.00
- 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
- Transcribing from tape, film or computer (per hour, or pro rate)	\$30.00
- Duplicating a tape, film or computer information	Actual Cost
- Delivery, packaging and postage	Actual Cost

**OFFICE USE ONLY:**

FOI Reference Number:

Date Received:

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Deadline for Response:

Date of Acknowledgment Letter:

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Proof of Identify (if applicable):

Type:

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Sighted By:

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