



SHIRE OF IRWIN
DONGARA-PORT DENISON

A BRILLIANT BLEND

Shire of Irwin

Freedom of Information Statement 2022

Amendments

Details of amendments	Reviewed/Amended Date	Record No.	Revision No.
Information Statement 2018	June 2018	NCR187857	N/A
Information Statement review and update to new format	June 2019	NCR198778	0
Information Statement review and update	June 2020	INT20/4A8315F1	0
Information Statement review and update	May 2021	IN21/4E65BEEB8	0
Information Statement review and update	May 2022	OUT22/E697536	0

Endorsement

I, Shane Ivers, Chief Executive Officer of the Shire of Irwin confirm that the Shire of Irwin Information Statement 2022 Rev0, has been checked and authorised.

Signature:



Date:

24/6/22

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1 Introduction

1.1 The Information Statement

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Information Statement must set out:

- The Agency's Mission Statement.
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency.
- The operation of FOI in the agency.

This document has been prepared for the Shire of Irwin to satisfy Part 5 of the *Act*, and is correct as at 1 July 2021. Copies of this document may be obtained from:

The Chief Executive Officer
Shire of Irwin
PMB 21
DONGARA WA 6525

Or on the Shire of Irwin website www.irwin.wa.gov.au

Enquiries may be made to that office or by telephoning (08) 9927 0000 Monday to Friday from 8.30am to 4.30pm or by email to reception@irwin.wa.gov.au

Copies of this document can be provided in various styles and formats upon request to meet community needs, in accordance with the Shire of Irwin's Access and Inclusion Plan

1.2 The Shire of Irwin and Enabling Legislation

The Amangu, Wajarri and Widi Aboriginal peoples of the region witnessed the first permanent European settlement in the Victoria District and along the Irwin River in the 1850s. The settlement has grown to be the centre of a coastal community with an enviable lifestyle and approximately 3,700 residents. The twin towns of Dongara and Port Denison form the centre of a vibrant farming and fishing community equally valued and enjoyed by residents and visitors.

Known historically for its lobster fishing industry and broad acre farming the area has developed into a friendly coastal lifestyle community in close proximity to Geraldton with a growing tourism industry.

Located on the Batavia coast 360 km north of Perth, the Shire is a brilliant blend of coastal and rural, new and old mixed with a blend of lifestyle and employment opportunities.

Originally formed in 1871, the Irwin Roads Board stretched to the South Australian border and covered 89,000 square miles (230,509km²). The Shire currently covers 2,223 km² of land situated on the doorstep of the mid-west wildflower region. When the warmth of spring arrives (particularly after a wet winter) the landscape turns into a mass of colour attracting tourists from all over Australia.

The Shire is within the Irwin River catchment area with the twin town sites of Dongara and Port Denison located on either side of the river mouth. The landscape predominantly consists of coastal sands and dunes giving way to rolling broad acre cropping.

The blend of coastal and rural environments supports agricultural and fishing industries, on and offshore oil and gas industry and mineral sands industries. South Beach, a wide, white sand beach stretching to the horizon, provides a summer playground for residents and visitors alike.

Nestled on Arunine Bay are the historical twin towns of Dongara and Port Denison. The current Dongara town site was first surveyed in 1852 and named "Dhungarra" - a name given to the area by the original local inhabitants to indicate a "meeting place of seals".

The main street, Moreton Terrace, is lined with Moreton Bay fig trees planted in 1906 and are now a distinctive feature of the town.

The coastal area and port at the mouth of the Irwin River has had various names over the years from Port Irwin, Port Dongara and The Beach. The town site was established in 1866 before being officially named and gazetted in 1867 as Denison. Locally the town continued to be known as Port Denison and in 1973 the name was changed at the request of the Shire of Irwin to its current name.

Over time, the district developed a reputation as a wheat growing district and broad acre farming remains the districts' major economic output. To service the agricultural industry, along with residents and visitors to the district, the Shire currently maintains 241km of sealed roads and 314 km of unsealed roads.

Council Meetings are generally held on the fourth Tuesday of every month (except January) commencing at 6.00pm. Directly before the Ordinary Council Meeting at 5.00pm, there is an Agenda Briefing and Councillor Information Session at which the public are welcome. There is an opportunity to ask questions of the Council at Public Question Time during the Ordinary Council Meeting. In addition, the Council has a number of advisory committees which meet regularly and provide recommendations to Council on various matters.

The Shire of Irwin is constituted as a Local Authority under 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 and includes legislative and executive powers and responsibilities.

Using its legislative powers, a Local Government 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 provisions of services and facilities.

2 Our Vision and Values

Vision

A safe place to live, an exciting place to visit, and a progressive place to work

Mission

Delivering excellence in service, driving growth and building strong relationships – we are open for business

Values and Behaviours

VALUES & BEHAVIOURS

The Shire ACTS to serve the community through:

innovation

We are forward thinking and creative in our approach and strive to continuously improve the way we work.

- I look for better ways of doing things
- I am open to feedback and change
- I encourage and embrace new ideas
- I foster creativity & think outside of the box
- I am solution focused

accountability

We will honour our commitments and responsibilities to achieve positive results in a transparent environment

- I lead by example
- I learn from my mistakes
- I am responsible for my actions
- I am committed to achieving my goals
- I acknowledge positive behaviour and successes

integrity

We always act in the public interest and are open, honest, fair and ethical in our interactions with others.

- I am fair and consistent
- I am honest, trustworthy and reliable
- I effectively and actively communicate
- I conduct myself in a professional manner
- I am loyal and committed to the organisation

reSpect

We support and appreciate each other in an inclusive culture to ensure a sense of pride and enjoyment

- I am considerate of the needs of others
- I genuinely listen when others communicate
- I respect the roles and opinions of others
- I treat others how I wish to be treated
- I support, help and encourage my colleagues

3 Local Government Structure

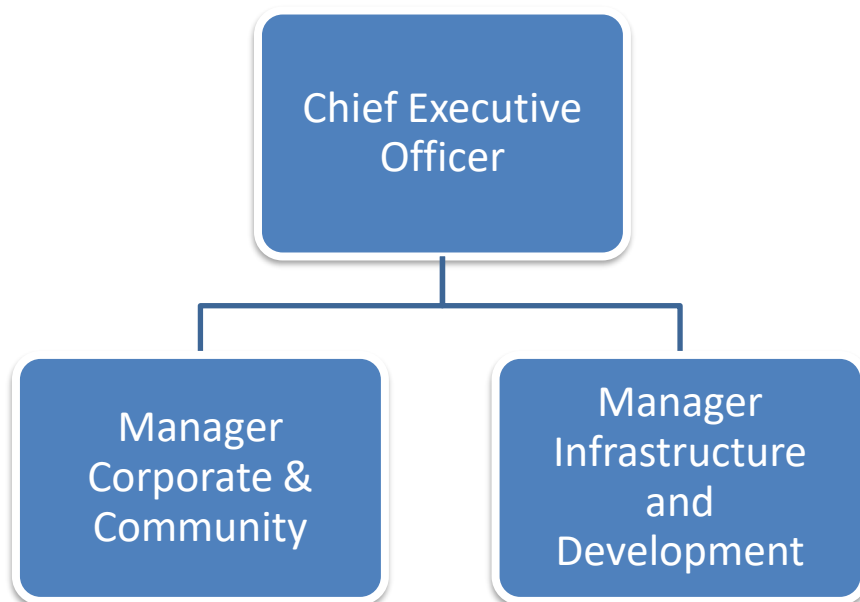
3.1 The Council and Elected Members

The Council comprises of 8 elected members. The Shire President is elected from the body of Elected Members by those members. The Elected Members are chosen democratically by the community and act in a voluntary capacity to represent the whole district of the Shire of Irwin. The Elected Members form a corporate body working for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the *Local Government Act 1995*.

3.2 Staff

The Council employs a Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council. The organisation is structured into operational areas being the Office of the CEO, Corporate & Community & Infrastructure & Development.

This structure is diagrammatically represented as follows:



3.3 Chief Executive Officer

Objectives of this Position

- To implement the strategic goals and objectives of the organisation;
- To lead and manage the people, infrastructure and assets of the Shire;
- Meet corporate objectives;
- Ensure that delegations are exercised within statutory requirements, Council Policies and strategic objectives;
- Lead the organisation in providing a high level of service to the Community and Elected Members;
- Administer the Legal and Statutory obligations of the Council's operation and be the chief adviser to Council on these matters; and
- Foster a Corporate approach to ensure effective financial controls operate within and across each functional area.

3.4 Council Meetings and Decision-making Structure

The Council has established a register of delegations of authority to the Chief Executive Officer who, in turn, has delegated certain functions to other employees. The Council currently meets generally every

fourth Tuesday of each month except for December when the meeting is held on the second Tuesday and there is no meeting in January.

A number of Statutory Committees have been established and are also detailed hereunder:

Committees of Council

- Shire of Irwin Audit Committee
- Shire of Irwin Bush Fire Advisory Committee
- Shire of Irwin Community Assistance Scheme & Events Committee (CASE)
- Shire of Irwin Local Emergency Management Committee (LEM)

Organisation – Delegates

- Midwest Coastal Sub-group (Regional Road Group) Committee
- Midwest Industry Road Safety Alliance
- Midwest / Wheatbelt Joint Development Assessment Panels
- Northern Country Zone of WALGA Committee
- Port Denison Maritime Advisory Committee

4 Legislation Administered by the Shire of Irwin

The Shire of Irwin is established under the *Local Government Act 1995* and has the responsibility for the administration of this Act within the municipality. Other major legislation which the Shire of Irwin is wholly or partly responsible for administering are:

- *Animal Welfare Act 2003*
- *Agriculture and Related Resources Protection Act 1976*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Cemeteries Act 1986*
- *Disability Discrimination Act 1992*
- *Dog Act 1976*
- *Equal Employment Opportunity Act 1984*
- *Environmental Protection Act 1986*
- *Food Act 2008*
- *Freedom of Information Act 1992*
- *Heritage of Western Australia Act 1990*
- *Industrial Awards*
- *Land Administration Act 1997*
- *Library Board of Western Australia Act 1951*
- *Litter Act 1979*
- *Liquor Control Act 1988*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Main Roads Act 1930*
- *Occupational Safety and Health Act 1984*
- *Planning and Development Act 2005*
- *Public Health Act 2016*

- *Public Interest Disclosure Act 2003*
- *Racial Discrimination Act 1976*
- *Sex Discrimination Act 1984*
- *State Records Act 2000*
- *Strata Titles Act 1985*
- *Town Planning and Development Act 2005*
- *Western Australia Disability Services Act 1993*
- *Workers Compensation and Assistance Act 1981*
- *Shire of Irwin Town Planning Scheme*

5 Public Participation

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

Deputations

Requests for deputations must be made to the Chief Executive Officer at least 24 hours prior to a Council meeting to enable notice to be given in the appropriate meeting agenda, or by approval of the Presiding Member at that meeting. Further particulars relating to deputations are available by viewing the Shire of Irwin Meeting Procedures Local Law 2016, available on the Shire of Irwin website.

Public Question Time

Members of the public are able to ask questions (preferably in writing) on any matter affecting the Shire in the time set aside for this purpose at meetings of the Council and Committees open to the public, prior to the commencement of the meeting.

Petitions

Written petitions to be presented to the Council must be addressed to the Shire President and comply with Council's requirements detailed within its Meeting Procedures Local Law.

Written Requests

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

Elected Members

Members of the public can contact the Elected Members of the Council to discuss any issue relevant to the Council.

Community Consultation

The Shire of Irwin has a Community Engagement and Public Consultation Policy. This is available on the Shire of Irwin website.

Shire of Irwin Website

The Shire of Irwin's website www.irwin.wa.gov.au has documents electronically available to the public.

The following documents are available for inspection by electors, residents and other stakeholders of the Shire of Irwin, at the Council's Administration Centre:

- Annual financial statement – at least seven days prior to the Annual General Meeting;
- Annual budget.

The following documents are available for inspection by any member of the public at Council's Administration Centre:

- Freedom of Information Statement;

- Register of Delegated Authority;
- Shire of Irwin Local Planning Scheme;
- Policy Manual;
- Tender Register (*Local Government Act 1995 Local Government (Functions and General) Regulations 1996 No.17*);
- Code of Conduct;
- Register of financial interests;
- Register of gifts and travel disclosures;
- Annual Report;
- Annual Budget;
- Schedule of fees and charges;
- Proposed local law of which the local government has given State-wide public notice under Section 3.12 (3) of the *Local Government Act 1995*;
- Local laws made by the local government in accordance with Section 3.12 of the *Local Government Act 1995*;
 - Activities on Thoroughfares and Trading in Thoroughfares & Public Places
 - Cemeteries
 - Dogs
 - Extractive Industries
 - Health
 - Local Government Property
 - Fencing
 - Meeting Procedures
 - Parking & Parking Facilities
 - Sand Drift Prevention
 - Signs
- Regulations made by the Governor under Section 9.6 of the *Local Government Act 1995* that operates as if they were local laws of the local government.
- Any written law having a provision in respect of which the local government has a power or duty to enforce;
- Rates records;
- Confirmed Minutes of Council or Committee meetings;
- Minutes of Electors' meetings;
- Notice papers and agendas for any Council and Committee meetings and reports and other documents that have been:
 - Tabled at a Council or Committee meeting; or
 - Produced by the Local Government or a Committee for presentation at a Council or Committee meeting and which have been presented at the meeting.
- Report of a review of a local law prepared under *Section 3.16 (3) of the Local Government Act 1995*;
- Business plan prepared under Section 3.59 of the *Local Government Act 1995*;
- Register of owners and occupiers under *Section 4.32 (6) of the Local Government Act 1995* and electoral rolls;
- Contract under *Section 5.39 of the Local Government Act 1995* and variation of such contract;
- Such other information relating to the Local Government:

- Required by a provision of this Act to be available for public inspection; or
- As may be prescribed.

Available via Freedom of Information Act

While the Council endeavours to respond to information requests informally, Freedom of Information Legislation may be used to request access to information not available by any other means.

The Council is to administer *the Act* in a way that:

- Assists the public to obtain access to documents;
- Allows access to documents to be obtained promptly and at the lowest reasonable costs; and
- Assists the public to ensure that personal information contained in documents is accurate, complete, up to date and is not misleading.

While *the Act* provides for general right of access to documents it also recognizes that some documents require protection – these exemptions are listed in Schedule 1 of *the Act* and include:

- personal information;
- information concerning trade secrets;
- other commercially valuable information; or
- any other information concerning the business, professional, commercial or financial affairs of a third party who is not the applicant.

Access to the Shire of Irwin records (Personal or Non-Personal), can be made by application to the Freedom of Information Coordinator stationed at the Council's Administration Centre.

Retention and Disposal of Council Records

All of Council's records are retained in accordance with the State Records Advisory Council approved Local Government Retention and Disposal Schedule. This schedule stipulates how long a record must be kept and is available for inspection.

6 Code of Conduct for Elected Members and Staff

Section 5.103 of the *Local Government Act 1995* provides that every Local Government is to prepare a code of conduct which is to be observed by members of the Council and Staff.

In relation to information, Elected Members and employees have a responsibility to ensure that:

- As an Elected Member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council.
- Information of a confidential nature is not to be communicated until it is no longer treated as confidential.
- Information relating to decisions of the Council must only be communicated in an official capacity by a designated officer of the Shire of Irwin.
- Information concerning adopted policies, procedures and decisions of the Shire of Irwin is conveyed accurately.

In addition, Elected Members are required to comply with the *Local Government (Rules of Conduct) Regulations 2007*.

7 The Freedom of Information Process

7.1 What is the Freedom of Information Act all about?

- It gives you the legally enforceable right to access records held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.
- It gives you the right to apply to have personal information we hold, that you believe is inaccurate, altered (at no cost).
- It obliges the Shire of Irwin to make available certain information about the way it operates.

7.2 What are considered to be Records?

The Act defines records as:

- Any paper based records, e.g. memos, correspondence, maps, plans, photos, etc.
- Any sound based records, e.g. sound cassettes, Dictaphone tapes.
- Any image based records, e.g. roll films, micrographics, video tapes, optical disks, etc.
- Any digital based records, e.g. computer tapes, floppy discs, etc.

7.3 What are the costs involved?

The costs may vary from one application to another dependent upon the information required. An initial application fee of \$30.00 (for non-personal requests, personal requests are gratis) is payable on lodgement of the approved application form or written application. Charges also apply at the rate of \$30.00 per hour for processing, supervision, transcribing and photocopying time. Additional charges may apply in respect of the provision and delivery of information.

7.4 Who can I contact to make enquiries?

You may telephone the Shire of Irwin Freedom of Information Coordinator on (08) 9927 0000 between the hours of 8.30am and 4.30pm Monday to Friday if you have any queries. Alternatively, you can send an email to reception@irwin.wa.gov.au.

7.5 How do I lodge an application?

Whilst you need to lodge your application in writing, the manner in which you do so is up to you. For example, you might prefer a letter or, for your convenience, you can consider using the Shire's application form and lodge by post addressed to:

FOI Coordinator
PMB 21
DONGARA WA 6525

Or in person at the Shire of Irwin Administration Centre, 11-13 Waldeck St, Dongara WA, 6525.

There is an application form provided at Appendix 1 of this document or alternatively you can access the form via this hyperlink: [FOI Application Form](#).

7.6 What can I do if I'm denied access to something?

The Freedom of Information Act provides for a review and appeal process. You may seek an internal review or if you are still not satisfied, you can request an external review by the Information Commissioner or further still, you can appeal to the Supreme Court.

- **The Internal Review** – If you are dissatisfied by a decision that the Shire makes concerning your

application, you can apply for an internal review of its decision. To apply for an internal review you must put your request in writing and lodge it with the Shire within thirty (30) days of being notified of the original decision. There is no charge for an internal review.

- **External Review by the Information Commissioner** – If you are still dissatisfied after the internal review has been completed, you may seek a review by the Information Commissioner. This request must be made in writing to the Information Commissioner giving details of the decision to which your complaint 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.

7.7 Freedom of Information Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- Proof of your identity may be required, e.g. current drivers' licence.
- If you are seeking access to document(s) on behalf of another person, the Shire of Irwin will require authorisation, usually in writing.
- Your application will be dealt with as soon as practicable (within 45 days) after it is received.
- Further information can be obtained from the Shire of Irwin Freedom of Information Coordinator by telephoning (08) 9927 0000.

The *Freedom of Information Act 1992* is available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone (08) 9426 0000) or is accessible electronically, free of charge, from the State Law Publisher's website – www.slp.wa.gov.au .

7.8 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, or computer disk, a transcript of a recorded document or of words recorded in shorthand or encoded for, or a written document in case of a document where words can be reproduced in written form.

7.9 Freedom of Information Scale of Fees and Charges

Type of Fee

Application fee under Section 12 (1)(e) of the FOI Act (for non-personal information). **\$30.00**

Type of Charge

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 a part of an hour, plus the actual additional costs to the agency of any special arrangements (e.g. hire of facilities or equipment).

- a) Charges for photocopying:
 - i. per hour, or pro rata for a part of an hour of Staff time **\$30.00**
 - ii. per A4 copy **\$ 0.20**
- b) Charge for time taken by Staff transcribing information from a tape or other device (per hours, or pro rata for a part of an hour) **\$30.00**
- c) Charge for duplicating a tape, film or computer information **Actual Cost**
- d) Charge to delivery, packaging and postage **Actual Cost**

Advance Deposits

- a) Advance deposit which may be required by an agency under Section 18 (1) of *the Act*, expressed as a percentage of the estimated charges which will be payable in excess of the application fee.
- b) 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 which will be payable in excess of the application fee.

Application for access to document(s)

(Under the *Freedom of Information Act 1992* s.12)

Details of Applicant

Given Names:		Surname:	
Postal Address: (include post code)			
Telephone Number:			

If an application is on behalf of an organisation:

Name of organisation or business:	
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Details of Request

I am applying for access to document(s) concerning (if insufficient space please attach details):

Form of Access

I wish to inspect the document(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I require a copy of the document(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I require the document(s) in a different form	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Different form – please specify:		

Fees and Charges

The *Freedom of Information Regulations 1993* includes a schedule of fees and charges payable under the FOI Act. An application fee of \$30 is payable when lodging an application for access to documents containing non-personal information.

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 charges if appropriate.

Personal Information

The FOI Act allows a person to have access to personal information about themselves, subject to some limitations. However, it protects the personal and professional privacy of other individuals by providing an exemption for personal information about a third party (other than the access applicant) and imposing a duty upon the agency to consult any such third party if the agency is considering disclosing personal information about them.

Please advise if you agree to delete from the scope of the application, any personal information related to third parties. This removes the necessity to consult with the third parties and reduces the amount of time required to deal with the application.

I do not require access to any “personal information” and understand that such information will be deleted from any documents released.

NOTE: Consultation with third parties may still be necessary in relation to any commercial / business information contained in documents.

Signature:		Date:	
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Office Use Only

FOI Reference Number:			
Date received:		Acknowledgement Sent on:	
Deadline for Response:			

Proof of Identity (if applicable)

Type:		Sighted by: (Name & signature)	
Type:		Sighted by: (Name & Signature)	