



Freedom of Information Act 1992

Information Statement & Application Form

This Information Statement is published by Council in accordance with the requirements of Section 94 of the *Freedom of Information Act 1992*

An updated Information Statement is published annually

Last updated March 2017

Index

Structure and Functions of Council	Page 1
Current Elected Members	Page 1
Agendas and Minutes	Page 1
Council Committees	Page 1
Community Committees	Page 1
Delegations & Policies	Page 2
Community Services	Page 2
Council meetings	Page 2
Community consultation	Page 3
Documents available for inspection	Page 3
Other information requests	Page 4
Amendment of Council records	Page 5
FOI Procedures and Access Arrangements	Page 6
Decision Makers	Page 7

Our Vision

A community of diverse lifestyle experiences accommodating progressive growth, sharing in prosperity, and valuing the unique environment.

Structure and Function of Council

Council

The Council comprises the President and eight Councillors and is the decision making body on all policy matters. Ordinary meetings of Council are held on the fourth Wednesday each month commencing at 4.30pm, and members of the public are welcome to attend.

Current Elected Members

- President Cr Murray Scott
- Deputy President Cr Brian Hearne
- Cr Jennifer Scott
- Cr Barry Bell
- Cr Sid Baxi
- Cr Peter McCleery
- Cr Brian Smith
- Cr Sebastian Schiano
- Cr Greg Norton

Agendas and Minutes

Agendas of Council meetings are on public display at the Shire Office in Capel and libraries at Capel, Boyanup and Dalyellup, and the shire's website www.capel.wa.gov.au from the Monday prior to the Council meeting. Minutes of meetings are available within five working days of the Council meeting and are also on display at the Shire Office and libraries and the shire's website.

Council Committees

- Audit Committee
- Bush Fire Advisory Committee
- Disability Access & Inclusion Reference Group
- Climate Change Advisory Committee
- Shire of Capel Local Emergency Management Committee

Community Committees

A number of other committees, some comprising elected members and advisory committees and consultative groups (that may also include staff and the public) have been established to deal with relevant issues.

Currently these are:

- Boyanup Memorial Park and Sports Council
- Boyanup Foundation
- Boyanup Hall Advisory Committee
- Bunbury & Districts Farmers Market Committee
- Bunbury-Wellington Economic Alliance
- Capel Chamber of Commerce
- Capel Land Conservation District Committee
- Bunbury Wellington Group of Councils
- Capel Theme Working Group
- Greater Bunbury Regional Bicycle Master Plan Working Group
- Gelorup Community Management Committee
- Geographe Catchment Council Inc
- Peppermint Grove Beach Community Association
- SW Regional Road Group
- Peron Naturalist Partnership
- SW Zone, WA Local Government Association
- Trails Working Group

Delegations and Policies

In keeping with legislative requirements, Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specific administrative and policy matters. The authority behind these delegations is detailed in the Delegations Manual, which is reviewed annually by Council and is available on the website.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development. Council has a number of Policies which enable such matters to be dealt with on a consistent basis. Policies are available on the Shire's website www.capel.wa.gov.au.

Community services

Council makes decisions on issues relating to services that are provided for members of the public. These services currently include:

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

Community Consultation

Council meetings

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

- Deputations – with the permission the President, members of the public can address Council personally or on behalf of a group of residents.
- Petitions – written petitions can be addressed to Council on any issue within Council's jurisdiction.
- Presentations – with the permission of the Chief Executive Officer, members of the public can address Council on any matter on the Council Meeting Agenda.
- Written Requests – a member of the public can write to Council on any Council policy, activity or service.
- Elected Members – members of the public can contact Elected Members to discuss any issue relevant to Council.

Community consultation

Council consults with local residents on particular issues as determined from time to time, including the following;

- Residents are notified of some Development Applications requiring the approval of Council. When an application is publicly advertised, residents have the opportunity to write to Council expressing their view of the application.
- Annual Meeting of Electors – the Annual Report is presented in January each year, and electors are encouraged to raise questions.
- Residents are notified of particular issues via advertising in a local newspaper and through various social media platforms.
- A Community Perceptions Survey is undertaken every 2 years to examine overall satisfaction of residents with the Shire of Capel and its services.

Documents available for inspection

The following documents are available for public inspection at the Shire Office, Capel, free of charge to ratepayers. Copies of these documents may be purchased and the charges are shown below. Most of these documents and many others are also available on the Shire’s website www.capel.wa.gov.au.

Document	Fee
Annual Budget *	Free of Charge
Annual Report *	Free of Charge
Code of Conduct	40¢/A4 page
Complaints Register	
Contracts of CEO & Senior Employees (only salary and remuneration benefits)	40¢/A4 page
Council Agendas and Minutes * (excluding sections closed to the public)	40¢/A4 page
Council Local Laws and Proposed Local Laws	40¢/A4 page
Delegations Register	40¢/A4 page
Freedom of Information Statement	Free of Charge
Owners and Occupiers Roll	40¢/A4 page
Strategic Community Plan	40¢/A4 page
Policy Manual	40¢/A4 page
Pound Register	40¢/A4 page
Fees and Charges	40¢/A4 page
Register of Financial Interests	40¢/A4 page
Schedule of Fees and Charges	40¢/A4 page (but available in the Budget)

NB: Fees may increase when a new financial year budget has been adopted by council.

- Those items marked with an asterisk are also available at the Shire Libraries at Capel, Boyanup and Dalyellup.

Requests for Information

Freedom of Information Act 1992

Requests for other information not listed on the previous page may be considered under the *Freedom of Information Act 1992*.

The FOI Act gives you a right to access documents held by State and local government agencies, subject to some limitations. An FOI application may not be your best option when seeking information, at least as a first step. Here are some reasons:

- Access rights under the FOI Act do not apply to documents that are already publicly available;
- You will be not be able to obtain personal information about other people;
- Certain business documents or documents covered by legal professional privilege will not be made available.

An application for access to documents under the *Freedom of Information Act 1992* does not automatically ensure you will obtain the documents you request. Access may be refused, or you may only receive heavily edited copies of the documents. The Act is written to facilitate access to documents held by government bodies, and to ensure that your personal information in those documents is correct. It is not designed as a tool to assist in neighbourhood disputes or civil legal action.

The type of government documents or records that can be requested extends to all manner of information, however recorded, in the possession or under the control of an agency. Documents include (but are not limited to) maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV footage and electronic records including emails.

Your right under the FOI Act is to access documents, not necessarily to receive answers to your questions.

Applications for access to documents

Under the FOI legislation, an application must be:

- in writing;
- give enough information so that the requested documents can be identified;
- give an Australian address to which notices can be sent; and
- be submitted with any application fee payable*.

* Application fees only apply when non personal information is requested.

For convenience an "Application for Access to Documents" form is appended to this document.

Should you require copies of any documents inspected pursuant to a Freedom of Information request, a charge of 20¢/A4 page will apply. It should be noted that if copying would breach the Copyright Act, documents must be viewed at the Shire offices.

The Council may also charge for time taken by staff dealing with the application. The current charge, as prescribed in the *Freedom of Information Regulations 1993*, is \$30.00 per hour (or *pro rata*).

Shire of Capel – FOI Information Statement

Freedom of Information requests should be addressed to:

The Freedom of Information Coordinator
Shire of Capel
PO Box 369
CAPEL WA 6271

Forms are available at the Council Offices or you can use the copy on the last page of this Information Statement.

Applicants will receive a response as soon as possible, and always within the statutory 45 days of Council receiving a valid application, together with the appropriate fee.

Amendment of Council records

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

PF Sheedy
CHIEF EXECUTIVE OFFICER

Freedom of Information - Procedures and Access Arrangements

FOI Operation

The Shire of Capel aims to make information available promptly and at the lowest possible cost. Whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by an agency and to ensure that personal information contained in those documents is accurate, complete, up to date and not misleading. It does not however automatically guarantee access.

It is strongly recommended that you contact the FOI Coordinator at the Shire of Capel prior to submitting your application and paying the fee.

Applications

Applications to access information under the *Freedom of Information Act 1992* 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 at the Shire of Capel with any application fee payable.

Applications and enquiries should be addressed to the:
Freedom of Information Coordinator
Shire of Capel
PO Box 369
Capel WA 6271.

Telephone enquiries can be made at the Shire Office on 9727 0222.

Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

Charges

A scale of fees and charges is set under the FOI Regulations. Apart from the application fee of \$30 for non-personal information, all charges are discretionary. The charges are as follows:

1. Type of fee

- | | |
|--|---------|
| • Personal information about the applicant | No fee |
| • Application fee (for non-personal information) | \$30.00 |

2. Type of charge

- | | |
|--|---------|
| • 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 photocopied A4 page | 20c |
| • Transcribing from tape, film or computer per hour, or pro rata) | \$30.00 |
| • Duplicating a tape, film or computer information | At cost |
| • Delivery, packaging and postage | At cost |

3. 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% |

Shire of Capel – FOI Information Statement

Fees for financially disadvantaged applicants or those issued with prescribed pensioner concession cards, (apart from the Application Fee) may be reduced by 25%.

Access Arrangements

Access to documents can be granted by way of inspection, a copy of the document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
- information on the right to review and the procedures to be followed to exercise those rights.

Access refusal

Applicants who are refused access, or are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. Application should be made in writing within 30 days of receiving the notice of decision. You will be notified of the outcome of the review within 15 days.

If you disagree with the result of the review you may apply to the Information Commissioner for an external review.

Office of the Information Commissioner

info@foi.wa.gov.au

(08) 6551 7889

Decision makers

Council's Governance Officer is the Freedom of Information Coordinator and is authorised to perform the required functions of the Act.

Council's Executive Manager Corporate Services is authorised to make decisions regarding access to information upon review and is also the Review Officer, should an applicant be dissatisfied with the results of their application.



Freedom of Information Act 1992

Additional Information

General information

- Freedom of Information legislation gives members of the public a right to access government documents, subject to certain limitations. For more information about the Act, or the FOI process, go to the Office of the Information Commissioner at foi.wa.gov.au.
- You are advised to contact the FOI Coordinator at the Shire of Capel (9727 0222) to discuss your request before submission and payment of the \$30.00 fee.
- When you do make your application, please provide as much information as possible to assist us in identifying relevant documents.
- Your application will be processed as soon as possible, and always within 45 days.
- Processing will not commence until appropriate fees have been paid.

Fees and charges

- If you are requesting documents that contain only information about you, there is no application fee.
- All other applications for information under the *Freedom of Information Act 1992* have a fee of \$30.00. There is no discount available on this fee.
- If the application relates to a large number of documents, additional processing fees may be charged. The rates are \$30/hour and 20 c/page for copying. If additional fees are to be levied, you will be notified and provided with an estimate. You will also be given the opportunity to narrow the scope of your search if possible.
- In certain circumstances a reduction of the additional processing fee may be possible. Please provide documents to support any claim requesting a fee reduction.

Appeal

- In some cases, requested documents will not be released to you, or may be released with some information removed. You will be informed if this is the case.
- If you disagree with this decision, you have a right to appeal and have the decision reviewed. There is no fee for this. Your request for review must be lodged within 30 days of being given notice of the decision.

Application Lodgement

- Applications may be lodged over the counter at the Shire of Capel, by post or by email.
- Payment can be made at the time of lodgement or over the phone. Please do not send cash by mail.
- Applications should be sent to:

Freedom of Information Coordinator
Shire of Capel
PO Box 369
CAPEL WA 6271

info@capel.wa.gov.au