



## Information Guide

# Freedom of Information Statement

Shire of Mingenew 2018/19

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## Contents

Introduction .....	4
1 Profile of Mingenew .....	5
2. The Shire of Mingenew Council.....	5
3. Structure of the Shire of Mingenew.....	5
4. Mission, Vision and Values of the Shire of Mingenew .....	5
5. Roles within the Shire of Mingenew and Associated Contact Details .....	6
5.1 Role of a Councillor .....	6
5.2 Name & Contact Details of Elected Members .....	6
5.3 Role of the President.....	6
5.4 Role of Chief Executive Officer and Council Administration Staff.....	7
5.5 Shire of Mingenew Administration Staff Members .....	7
6. Services and Functions of the Shire of Mingenew .....	7
6.1 Providing and Maintaining Infrastructure.....	7
6.2 Planning for Sustainable Development .....	7
6.3 Protecting the Environment .....	8
6.4 Supporting Community Development .....	8
6.5 Safeguarding Public Health .....	8
7. Public Engagement and Decision Making Processes.....	8
8. Documents Held by the Shire of Mingenew.....	9
9. Documents Available under the Freedom of Information Act 1992.....	10
10. Freedom of Information Application Process:.....	10
11. Freedom of Information Fees & Charges.....	11
12. Access Arrangements.....	11
13. Notice of Decision.....	11
14. Refusal of Access .....	11
15. Amendment of Personal Records.....	12
16. Attachments .....	12
16.1 Application Form- Access to Documents .....	12

## Introduction

The Freedom of Information Act 1992 ('the Act') has, as its objectives, to:

-  enable the public to participate more effectively in governing the state; and
-  make the persons and bodies that are responsible for the State and Local Government more accountable to the public.

In furthering these objectives, the Act requires that respondent agencies publish an annual information statement.

This document serves as an orientation guide to Council's purpose and responsibilities and information is prepared in accordance with Part 5, Section 94 of the Act.

Section 94 of the Act requires each agency to prepare an Information Statement which conveys the maximum possible detail to the public about the agency's operations. Agencies are required to make this publication available ensuring that the public has access to the information it needs to effectively use Freedom of Information.

Copies of this document can be obtained from the Mingenew Shire Administration Office, 22 Victoria St, Mingenew or from the Shire's website [mingenew.wa.gov.au](http://mingenew.wa.gov.au)

Enquiries may be made to the Shire's Freedom of Information Coordinator on (08) 99281102 during business hours. We look forward to helping you find the information you need.

## 1 Profile of Mingenew

Mingenew is a progressive rural community situated approximately 370km north east of Perth and 105km south east of Geraldton. Home to a vibrant innovative community of 500 strong, Mingenew is renowned as being the largest grain facilitator in the Southern Hemisphere with broad acre cereal and legume cropping the main export commodities. 60% of the Mingenew Shire residents reside on farms with the agriculture sector accounting for 57% of the districts employment. Transport and mining industries in addition to small business and primary services complete its economic profile. The Shire of Mingenew possesses a rich history, being home to WWII training fields, Western Australia's first coal discovery and mining site and more recently home to a six-antenna satellite tracking station which detects and locates emergency distress beacon activations for Australia and the wider Asia-pacific region. It also possesses heritage buildings that date back to the 1850's, breath-taking breakaway country, carpets of wildflowers and endless paddocks of crops all within 40 minutes' drive of the coast. Mingenew offers its residents the best of both coastal and rural living.

## 2. The Shire of Mingenew Council

The Shire of Mingenew is constituted as a Local Authority under section 2.5 of the Local Government Act (1995). Its general function is to provide for the good government of people living and working within its district and it is responsible for the provision of key services and functions as required under legislation determined by the Parliament of the State of Western Australia. The Local Government Act (1995) enables local government to make local laws and bestows the responsibility for the administration and enforcement of legislative acts onto the municipal. Subsidiary legislation enacted by the Shire of Mingenew is available for download from the website [mingenew.wa.gov.au](http://mingenew.wa.gov.au). Delegated legislative frameworks that the Shire of Mingenew operates within are also available at the Shire of Mingenew Office at the rate of photocopying.





## 3. Structure of the Shire of Mingenew

The Shire of Mingenew consists of two (2) wards, town and rural, and are governed by seven (7) democratically elected Councillors including the Shire President, whom is adopted via councillor vote. The administrative team is led by the Chief Executive Officer (CEO) whom is appointed by Council. The CEO is directly accountable to the Shire of Mingenew Council whilst the administrative team is directly accountable to the CEO. The structure of the Shire of Mingenew administrative team is displayed in Attachment 1. The contact details for staff members are listed in section 5.2.

## 4. Mission, Vision and Values of the Shire of Mingenew

The Shire of Mingenew's mission is to provide strong leadership, quality community services and competent financial management to ensure Mingenew has sustained prosperity.

Its vision for its community is that it benefits from:

-  A sustainable environment, both natural and built, that meets both current and future community needs;
-  A diverse and innovative economy;
-  Collaboration and innovation with strong and vibrant leadership;
-  A safe and welcoming environment where everyone has the opportunity to contribute and belong.

The Shires values include that of:

-  Respect;
-  Transparency;




-  Innovation;
-  Independence;
-  Leadership.

## 5. Roles within the Shire of Mingenew and Associated Contact Details

### 5.1 Role of a Councillor

The Shire of Mingenew Councillors are democratically elected by its community to represent the interests of electors, ratepayers and residents at a local government level. Pursuant to the Local Government Act 1995, Ordinary Elections are held every 2 years in October, when the term of half of the Councillors expires. The last Ordinary Election was held on 21 October 2017 whereby five (5) new Councillors were elected to Council. The contact details for Elected Members are detailed below. The next Ordinary Election will be held in October 2019.

Additional roles of the Councillors, as specified in the Act, include:

-  To facilitate communication between the community and the Council;
-  To provide leadership and guidance to the community; and
-  Perform functions given to a Councillor by the Act or other laws.

### 5.2 Name & Contact Details of Elected Members







Please find below the contact details for the Shire of Mingenew Councillors.

Ward	Councillor	Contact Number
Town	Kym McGlenn	0437 510 141
Town	Helen Newton	0429 688 707
Town	Leah Eardley	0438 955 391
Town	Crispian Lucken	0427 281 396
Rural	Justin Bagley	0428 726 023
Rural	Robert Newton	0427 281 371
Rural	Gary Cosgrove	(08) 9928 1058

### 5.3 Role of the President

Pursuant to the Local Government Act 1995, the Shire President Election is held every 2 years following the Ordinary Elections. Councillor Helen Newton was appointed as Shire President on 15 November 2017, voted in by a ballot of Council. President Newton's contact details can be found in the aforementioned table.

Under the Act the President has the role of:

-  Presiding at council meetings;
-  Providing leadership and guidance to the community;
-  Carrying out civic and ceremonial duties on behalf of the Local Government;
-  Speaking on behalf of the Local Government;
-  Performing such functions as specified in the Act or other written laws; and
-  Liaising with the CEO on the Local Government's affairs and the performance of its function.

#### 5.4 Role of Chief Executive Officer and Council Administration Staff

The CEO heads the Local Government administration team and is responsible to the Council for the implementation of council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council. The Mingenew Shire Council appointed Nils Hay into the CEO position in 2018.

The administrative team assists with the implementation of Council decisions and the day to day running of the Shire of Mingenew. The CEO and administrative staff can be contacted on 99281102.

#### 5.5 Shire of Mingenew Administration Staff Members

Chief Executive Officer	Nils Hay
Senior Finance Manager	Jeremy Clapham
Works Supervisor	Rocky Brennan
Governance Officer	Belinda Bow
Community Development Officer	Ella Budrikis
Administration Officer	Sarah Kempton
Rates and Finance Officer	Cassandra Eva

### 6. Services and Functions of the Shire of Mingenew

The Shire of Mingenew provides a wide range of services and functions. Broadly these may be grouped into 5 categories (see table 6.1).

Table 6 Shire of Mingenew Functions



#### 6.1 Providing and Maintaining Infrastructure

Providing an appropriate and affordable level of infrastructure is one of the important contributions a council makes to its community. The Mingenew Shire Council provides and maintains local roads, bridges, public car parks, footpaths, sporting fields, parks, buildings, residential properties and public gardens. Councils consult via surveys and community feedback about the provision and maintenance of these public assets.

#### 6.2 Planning for Sustainable Development

The Corporate Business Plan, Asset Management Plan, Strategic Town Plan, Workforce Plan and Long term Financial Plans are all developed and implemented by the Shire of Mingenew in consultation with its community to ensure sustainable, economic development. The community

is encouraged to engage in the development process of these plans to ensure that they are appropriate and reflective of the community's needs and desires.

### **6.3 Protecting the Environment**

The Shire of Mingenew has a role in helping to protect the environment. The Shire regularly assesses the state of the local environment, provides environmental programs and is able to use regulatory powers to prevent pollution or restore degraded environments. Services provided include waste management, street cleaning, controlling of domestic animals, controlling of noxious weeds, regulating pollution and building control. Gordon Houston is the Health & Environment Officer based out of Perth, engaged by the Shire to oversee its public health programs, the delivery of services and its compliance with legislative requirements. Gordon Houston is onsite once a month, and is contactable via phone on 0427 137 503 . The City of Greater Geraldton has been engaged by the Shire to deliver and oversee the building services and the necessary regulatory functions in this area. The City of Greater Geraldton Building and Surveying Unit on contactable on (08) 9956 6600.




### **6.4 Supporting Community Development**

Council regularly consults with and assesses the needs of the community with a view of supporting community development. At present Council provides a range of services including the library which is run in partnership with the State Library of Western Australia, aged persons units, playground facilities, and the engagement of a Community Development Officer whom provides assistance to community groups with grants submissions, organises public health and public engagement campaigns and develops programs for community use.

### **6.5 Safeguarding Public Health**

Council helps maintain high standards of public health and reduce the risk of exposure to a wide range of diseases through activities such as waste disposal, pest and vermin control, hazardous material containment and the setting of local laws.

The Shire of Mingenew shares the services of a

-  Environmental Health Officer
-  Ranger and Emergency Services Officer
-  Building Surveyor

with several other Shires to carry out inspections and services to assist in the safeguarding of the community's health.

## **7. Public Engagement and Decision Making Processes**

One of the challenges for all levels of government is how to ensure that different and often competing interests within its district are recognised, addressed and responded to. This is particularly relevant for local government, being the 'frontline' government service for the community. The Elected Members of the Shire of Mingenew aim to gain a broad understanding of its community's attitudes, beliefs and ideas through various avenues of community engagement to ensure that all viewpoints are recognised. Currently, the Shire of Mingenew achieves this through targeted community group meetings, committee appointments, through the public consultation process associated with strategic planning and through public question time at council meetings.

Members of the community are encouraged to utilize these avenues for putting forward ideas, requests, deputations, petitions and complaints to inform Councillors of the community's interests and concerns. Community members can also contact the Elected Members direct (contact details listed in section 5) or also contact the CEO to discuss issues prior to submitting to Council.



Ordinary meetings of Council are generally held on the third Wednesday of every month (except the month of January when Council is in recess), and commence at 4.30pm with public question time open until 4:15pm. If you wish to present or submit correspondence to council, please contact the Shire of Mingenew Administration on 99281102 to obtain a public question time form. Questions can be taken on the day however Council may be limited in its response without prior time to consider the matter. On the Shire of Mingenew website [mingenew.wa.gov.au](http://mingenew.wa.gov.au) is a list of current committees and community groups within the district. Contact numbers are included for members of the community who wish to join and be a part of local decision making processes.

Community members are also invited to attend the annual general meeting of electors to discuss any specific issues. All residents may attend but only electors on the Council Electoral Roll are eligible to vote. Electorates are requested to submit questions in advance of the meeting to allow any questions where research is required to be answered on the night.

Community engagement is but one facet used by Council to inform their decision-making. CEO and third party recommendations, financial considerations, legislative requirements and powers and so on, are all considered by Council during council meetings to ensure measured and calculated outcomes and natural justice. Council decisions are made by the votes of the majority of councillors present at a meeting, with the requirements for council meetings being set out in the Local Government Act 1995 and in the Shire of Mingenew Standing Orders Local Law 2017. Neither the President nor individual councillors have the legal authority to act or make decisions on behalf of the council.

The Shire of Mingenew Council also delegates many lower-level and operational decisions to the administrative team. This is done by delegating powers to the Chief Executive officer who then passes the delegation on to the appropriate person. Such delegations are documented within the delegations register and are usually subject to the policies and procedures adopted by the council.

Notification of decision making by the Shire of Mingenew is conveyed to its community through the:

- ✚ Publication of community notices in the local newsletter 'Mingenew Matters';
- ✚ Displayed on the Shire of Mingenew online platforms, including the website [mingenew.wa.gov.au](http://mingenew.wa.gov.au), and its social media pages;
- ✚ Displayed on the Shire of Mingenew notice board found in the administration building foyer; and
- ✚ Advertised in either the West Australian newspaper, Geraldton Guardian or Midwest Times.

Copies of the Council Agenda and Council Minutes can be obtained via the aforementioned website or from the administration office located on Victoria St, Mingenew.

Further information can be gained via contacting administration office on (08) 9928 1102. Often a fee is associated with the copying and release of certain documents (see section 8 for further information on what documentation is accessible).

## **8. Documents Held by the Shire of Mingenew**

The Shire of Mingenew is committed to being an open and transparent municipal. It is the aim of the Shire to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information process (which is discussed in more detail below).

The following documents are available for public inspection at the Council Administration building free

of charge and members of the public may purchase hard copies of the documents for a nominated charge. The charges are detailed below:

Document	Charge
Council Agenda (hard copy)	\$10/month
Council Minutes (hard copy)	\$10/month
Policy Manual	At the price of photocopying + binding if requested
Annual Budget	
Council Laws & Proposed Laws	
Annual Budget	
Strategic Community Plan	
Corporate Business Plan	
Asset Management Plan	
Workforce Plan	
Registers- Delegation/Gift/Financial/Interest	
Building Plans	
Council Town Planning	
Freedom of Information Statement	
Electoral Rolls (hard copy)	\$32/ward






#### 9. Documents Available under the Freedom of Information Act 1992

In instances where access is sought to documents outside those listed as being accessible, a Freedom of Information (FOI) application must be submitted. Requests made under the FOI Act should be made in writing. The application form is available at the Shire's administration centre or downloadable from [mingenew.wa.gov.au](http://mingenew.wa.gov.au).

Whilst the Act provides general right of access to documents, some documents require a level of protection, specifically those documents that meet the exemption criteria in Schedule 1 of the Act and as such may not be approved for access.

#### 10. Freedom of Information Application Process:

Access applications have to:

-  Be in writing;
-  Provide sufficient information so that the documentation requested can be identified;
-  If you are seeking access to information in behalf of another person, The Shire of Mingenew will require authorisation, usually in writing;
-  Provide an Australian address to which notices can be sent; and
-  Be lodged at the Shire of Mingenew with any application fee payable (see section 11).

Applications and enquiries should be addressed to the Freedom of Information Coordinator and submitted via:

Post -

Freedom of Information Officer

PO Box 120

Mingenew WA 6522

In Person-

Freedom of Information Officer  
Shire of Mingenew  
22 Victoria St  
Mingenew WA 6522

The application will be acknowledged in writing and the applicant will be notified of a decision within 45 (calendar) days (see section 13).

### 11. Freedom of Information Fees & Charges

A scale of fees and charges are set under the Freedom of Information Act & Regulations and vary depending upon the information required. See table below





Fee or Charge Description	Fee/Charge
Application Fee (personal information about the applicant)	Free
Application Fee (for non-personal information)	\$30.00
Processing, Supervising, Transcribing, Photocopying (staff time)	\$30.00/hr
Delivery, Packaging & Postage	Actual Cost
Per Photocopy	20c/page

### 12. Access Arrangements

Access to documents can be granted by way of inspection of a document or provision of a copy on a USB drive.

### 13. 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 the details such as:

-  The date the decision was made;
-  The name and 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;
-  Information on the right to review and the procedures to be followed to exercise those rights.

### 14. Refusal of Access

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

If the applicant disagrees with the result the applicant can apply to the Information Commissioner for an external review, and details would be advised to applicants when the external review is issued. This request must be in writing giving details of the decision to which your complaint relates. Your complaint should be addressed to:

The Office of the Information Commissioner  
Albert Facey House  
469 Wellington St  
PERTH WA 6000

**15. Amendment of Personal Records**

If the Shire holds records about your personal affairs which you believe are incomplete, inaccurate, out of date or misleading, an application can be made to have them amended. Applications should be made in writing and submitted to the FOI Coordinator. For further information, contact the Freedom of Information Officer via phone or post via the aforementioned details.

**16. Attachments**

**16.1 Application Form- Access to Documents**

We look forward to helping you find the information you need.

**SHIRE OF MINGENEW  
APPLICATION FOR ACCESS TO DOCUMENTS**

(Under the Freedom of Information Act 1992, Section 12)

**DETAILS OF APPLICANT:**

Surname:..... Given Names .....

Australian Postal Address: .....

PostCode:..... TelephoneNumber(s):.....

*If the application is on behalf of an organisation:*

Name of Organisation/Business: .....

**DETAILS OF REQUEST:** (please tick) Personal Documents  Non-Personal Documents

I am applying for access to document(s) concerning .....

(If space provided is not sufficient, please attach details on a separate sheet).

**FORM OF ACCESS:** (Please tick appropriate box)

I wish to inspect the document(s) YES  NO

I require a copy of the document(s) YES  NO

I require access in another form YES  NO

(Specify) .....

**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 charges if appropriate.

*In certain cases, a reduction in fees and charges may apply – see section on FEES AND CHARGES on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.*

I am requesting a reduction in fees and charges: YES  NO  (Please tick appropriate box)

**APPLICANT SIGNATURE:**.....Date:.....

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**(OFFICE USE ONLY)**

FOI Reference Number:.....

Received on: ...../...../..... Deadline for response: ...../...../.....

Acknowledgment sent on: ...../...../.....

**Proof of Identity (If applicable)**

## Shire of Mingenew Freedom of Information Statement

Type: .....Sighted: ..... Number:.....

### PLEASE NOTE

#### **FREEDOM OF INFORMATION APPLICATION**

- Provide sufficient information to enable the correct document(s) to be identified.
- The Shire of Mingenew may request proof of your identity.
- If you are seeking access to document(s) on behalf of another person, written authorisation is required.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- Further information can be obtained from the Office of the Information Commission. The Freedom of Information Act is available for purchase from the State Government Bookshop, 815 Hay Street, Perth (Telephone: 9222 8216).