Freedom of Information Act 1992

Information Statement

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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, 21 Victoria Rd, Mingenew or from the Shire's website mingenew.wa.gov.au

Enquiries may be made to the Shire's Freedom of Information Coordinator on (08) 99281102 during business hours or by emailing governance@mingenew.wa.gov.au. 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 over 450 residents, 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 growing satellite tracking and space sector. 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 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. 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 operates as a district (formerly consisting of two (2) wards, town and rural) and are governed by seven (7) democratically elected Councillors including the Shire President, who is appointed via Councillor vote.

The administrative team is led by the Chief Executive Officer (CEO) who 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. Purpose and Vision of the Shire of Mingenew

The Shire of Mingenew has the following purpose: "We are leaders in delivering services and development opportunities. We balance financial sustainability and community aspirations in partnership with our local community, partners and investors".

Its vision is that: "Mingenew Shire is a safe, inclusive and connected community with a thriving local economy that provides opportunity for all to succeed".

Our values are that we are:

- Passionate
- Have a Go
- Sharing / belonging
- Innovative
- Connected

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 contact details for Elected Members are detailed below. The next Ordinary Election will be held in October 2027.

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.

Councillor	Contact Number	Term Expiry
Cr Hellene McTaggart (President)	0409 083 898	16 October 2027
Cr Jon Holmes (Deputy President)	0429 728 011	20 October 2029
Cr Justin Bagley	0428 726 023	16 October 2027
Cr Naomi Obst	0427 275 065	20 October 2029
Cr Alex Pearse	0427 291 040	20 October 2029
Cr Rick Starick	0448 258 088	16 October 2027
Vacant		16 October 2027

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 Gary Cosgrove was re-elected unopposed as Shire President on 15 November 2023, having served in the role since November 2019. President Cosgrove's contact details can be found in the table above.

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. Mr Matt Fanning commenced as Chief Executive Officer in September 2022.

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 9928 1102.

5.5 Shire of Mingenew Administration Staff Members

Position	Name
Chief Executive Officer	Matt Fanning
Manager Corporate Services	Helen Sternick
Works Manager	Shane Noon
Manager Governance and Community	Erin Greaves
Community Development Officer	Lauren Higgins
Senior Finance Officer	Sal Corbett
Finance and Rates Officer	*vacant*
Finance and Payroll Officer	*vacant*
Customer Service Officer	Ramya Mallavarapu

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 6.1 Shire of Mingenew Functions

6.1 Providing and Maintaining Infrastructure

Providing an appropriate and affordable level of infrastructure is one important contribution 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. Council consults via surveys and community feedback about the provision and maintenance of these public assets.

6.2 Planning for Sustainable Development

The Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and Long Term Financial Plan are all developed and implemented by the Shire of Mingenew in consultation with its community to ensure sustainable economical and community 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

Mingenew Shire Council 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, building control and public health programs in accordance with relevant legislation.

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 who provides assistance to community groups with grants submissions, organises public well-being and engagement campaigns and develops programs for community use.

6.5 Safeguarding Public Health

Council helps maintain high standards of public health and aims to 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 or outsources the following services:

- Environment Health
- Ranger Services
- Bushfire Risk Management
- Building
- Planning
- Information Technology
- Waste Collection and Transfer Station Management

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 second month (excluding the month of January when Council is in recess) and commence at 4.30pm with public question time (of up to 15 minutes) being held at the beginning of the meeting. If you wish to present or submit correspondence to Council, please contact the Shire of Mingenew Administration on 9928 1102 to attain 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 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 councilors 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 CEO. The Chief Executive Officer sub- delegates some duties on to an appropriate employee (where legislation provides). Such delegations are documented within the delegations register and are usually subject to the policies, procedures and conditions.

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 Mingenew local government website www.mingenew.wa.gov.au;
- Shire's official social media page: https://www.facebook.com/ShireofMingenew/;
- displayed on the Shire of Mingenew noticeboard found in the administration building foyer; and
- advertised in the West Australian, Geraldton Guardian or Midwest Times newspapers.

Copies of the Council Agenda and Council Minutes can also be obtained via the aforementioned website.

Further information can be gained by contacting the Shire of Mingenew Administration Office. 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 organisation. 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 per copy
Council Minutes (hard copy)	$10 per copy
Policy Manual	At the price of photocopying + binding if requested (Council's Fees & Charges)
Annual Budget	
Council Laws & Proposed Laws	
Annual Budget	
Strategic Community Plan	
Corporate Business Plan	
Asset Management Plan	
Workforce Plan	
Long Term Financial Plan	
Registers - Delegation/Gift/Financial/Interest	
Building Plans	
Town Planning Scheme	
Freedom of Information Statement	
Electoral Rolls (hard copy)	$32/ward $65/district

**or as amended, in accordance with Council's annual Fees & Charges*

The Shire's latest Fees & Charges are available directly from the website at https://mingenew.wa.gov.au/fees-and-charges/.

All documents may be made available in alternative formats upon request, including electronically – please contact the Shire for further information or to make a request.

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.

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 (electronic applications accepted),
- provide sufficient information so that the documentation requested can be identified,

- if you are seeking access to information on 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 Officer and submitted via:

Post - Freedom of Information Officer, PO Box 120, Mingenew WA 6522
In Person - Shire of Mingenew 21 Victoria St, Mingenew WA 6522
Email – governance@mingenew.wa.gov.au

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

**or as amended, in accordance with the Freedom of Information Act 1992*

12. Access Arrangements

Access to documents can be granted by way of inspection of a document or an electronic copy may be provided.

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.

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.

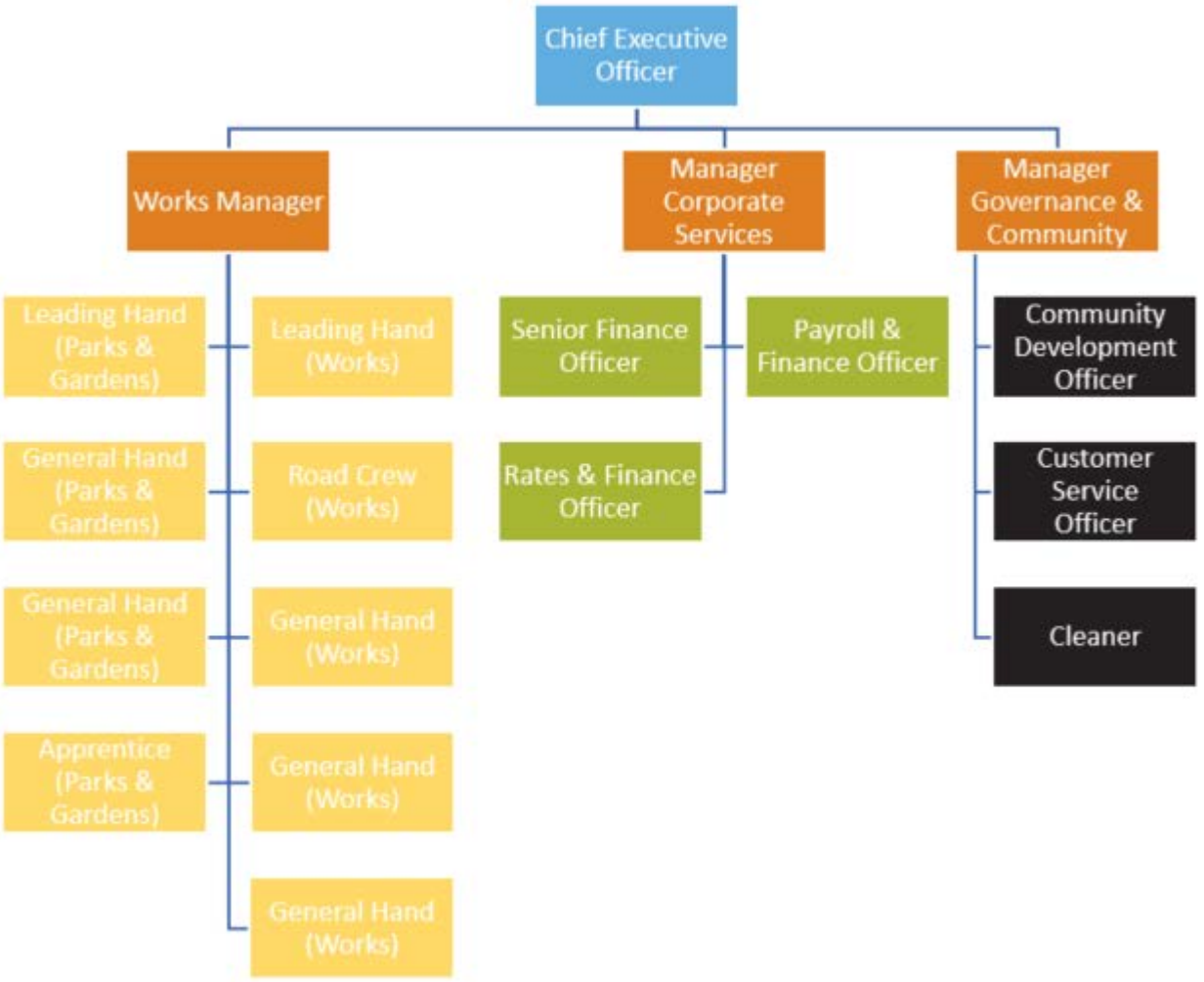
16. Attachments

16.1 Shire of Mingenew Administration Structure

16.2 Application Form- Access to Documents

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

16.1 Attachment 1- Shire of Mingenew Administration Structure



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:……..

Telephone Number(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:

Enclosed is payment of $..... to cover the application fee.

☐ Cash ☐ Cheque ☐ Credit Card (please complete the below section)

Credit Card Number: _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Expiry Date: _ _ / _ _

Name on Card: _____ Contact Number: _____

Signature: _____ Date: _____

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.

A reduction in fees and charges may apply to those experiencing financial hardship or are the holder of a valid pensioner concession card. 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)

APPLICANTS SIGNATURE:……Date:…….

(OFFICE USE ONLY)

FOI Reference Number: ……

Received on: ……/……/…… Deadline for response: ……/……/……

Acknowledgment sent on: ……/……/……

Proof of Identity (If applicable)

Type: ……Sighted: …….. Number: ……..

PLEASE NOTE

FREEDOM OF INFORMATION APPLICATION

- Applicants are required to 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 Commissioner WA at https://www.oic.wa.gov.au/en-au/ .

FEES AND CHARGES

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

**or as amended, in accordance with the Freedom of Information Act 1992*

Eligibility for Reduction may be considered upon presentation of a:

- Pensioner Concession Card issued by Centrelink or Veterans' Affairs and in receipt of the Age Pension (The pension age for a veteran who has qualifying service is five years earlier than pension age for a non-veteran); or
- WA Seniors Card and a Commonwealth Seniors Health Card issued by Centrelink or Veterans' Affairs (both cards must be presented); or
- Veteran Affairs Veteran Card (Gold) printed with TPI or EDA or a letter confirming you are in receipt of or eligible for the Special Rate of Disability Pension either under the *Military Rehabilitation and Compensation Act 2004* or the *Veterans' Entitlement Act 1986*; or
- Any valid forms of documentation that indicate financial hardship, for example, final eviction notice, income statements, medical bills, notices of repossession etc. (please contact the Shire for further information in these circumstances).