



SHIRE OF NORTHAMPTON

FREEDOM OF INFORMATION STATEMENT

2023

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1.0 MISSION STATEMENT

The Shire of Northampton will provide community leadership by undertaking, fostering and facilitating economic, environmental and social development within the Shire.

2.0 DETAILS OF LEGISLATION ADMINISTERED

Including, but not limited to:

Freedom of Information Act 1992

Local Government Act 1995

Building Act 2011

Bush Fires Act 1954

Cat Act 2011

Caravan Park and Camping Ground Act 2005

Dog Act 1976

Food Act 2008

Planning and Development Act 2005

Health (Miscellaneous Provisions) Act 1911

Caravan Park and Camping Ground Act 2005

3.0 COUNCIL STRUCTURE

3.1 Council Structure

The Council is comprised of nine (9) Councillors. The President is elected from within the Councillors who are representative of the two (2) Wards in the Shire.

President – Cr Liz Sudlow

Deputy President – Cr Rob Horstman

3.2 Wards

Northampton Ward

Cr Liz Horstman, Cr Rob Horstman, Cr Roslyn Suckling and Cr Tim Hay.
(note: 1 vacancy at the time of document review)

Kalbarri Ward

Cr Des Pike, Cr Trevor Gibb and Cr Richard Burges.
(note: 1 vacancy at the time of document review)

3.3 Committees

To enable Council to efficiently administer its business. All committees are appointed to oversee various aspects of its operations, all Committee meetings are held on an “as needs basis”. All recommendations made by the committees are to be referred to the Council for endorsement.

AUDIT COMMITTEE

Members

Councillors Sudlow, Horstman, Suckling and Hay.

Purpose:

The roles and responsibilities of the Finance & Audit Committee will be in accordance with Clause 16 of the Local Government (Audit) Regulations 1996 ie: -

Clause 16(a) – Audit Committee is to provide guidance and assistance to the local government:-

- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
- (ii) as to the development of a process to be used to select and appoint a person to be auditor

Clause 16(b) – Audit Committee may provide guidance and assistance to the local government as to –

- (i) matters to be audited;
- (ii) the scope of the audits;
- (iii) its functions under Part 6 of the Act; and
- (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

Other matters include:-

- Committee to be of three or more persons, including elected members and other persons (if considered appropriate by Council).
- Employees and CEO may only be on the Committee as observers.
- Absolute Majority of Council required to appoint Committee members.
- Council may only delegate powers and duties under Part 7 of the LG Act to the Committee.
- Decisions of Committee to be by simple majority.
- Appointment of Council Auditors requires the recommendation of the Committee.
- Committee is to ensure matters identified by an auditor are detailed in the Auditors Report.
- Committee may refer a copy of the Audit Report to the CEO for action.
- Meet with the Auditor at least once every year (can be by electronic communication).
- Examine Auditors Report and ensure action is taken where necessary.

DISABILITY SERVICES COMMITTEE

Members

Councillors Suckling, Gibb and Environmental Health Officer / Building Surveyor

Purpose

Will meet on an “as needs” basis only to discuss items referred to them by Council in the area of Disability Services.

SENIOR STAFF EMPLOYMENT PERFORMANCE REVIEW COMMITTEE

Members

Councillors Sudlow, Horstman, Suckling and the Chief Executive Officer.

Purpose

Will meet in May/June of each calendar year to review the performance of all senior staff members.

4.0 DETAILS OF DECISION MAKING FUNCTIONS

The Shire of Northampton significantly interacts with the public by providing a wide range of services and facilities. This service is carried out in a manner appropriate to the current and future needs of its communities. The Shire also has a role in the management and development of the resources within its area so as to create a safe and pleasant environment for its residents and ratepayers.

General information relating to Shire matters is published regularly on the Shire website, generally every month in the Northampton News and Kalbarri Town Talk and as required for consultation information for Local Public Notice requirements. The Shire of Northampton Information Statement is published annually and is made available on the Shire’s website and at the Shire’s administration offices. The information sources are designed to keep the public informed of the various issues and decision making being undertaken by the Shire.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF COUNCIL FUNCTIONS

5.1 Policies

The Council adopts policies on a variety of issues to act as a guide for officers of the Shire and provide the basis for decision making. All current policies are contained within the Council’s policy manual along with a register of authorised delegations made by the Council to assist with the efficient administration of the municipality. The policies can be viewed on the Shire website at www.northampton.wa.gov.au

5.2 Annual General Meeting of Electors

The Annual General Meeting of Electors is held once in every financial year and includes the presentation of the Annual Report and the Auditor’s Report. Residents and Ratepayers are encouraged to attend this meeting as it is an opportunity to ask questions and raise issues with local representatives.

5.3 Working Parties, Committees and Consultative Groups

Councillors, Shire staff and members of the public are able to nominate or be selected as representatives for a variety of Shire related committees, consultative groups and other external organisations. Minutes from the meetings of Council committees are recorded in the ordinary Council agendas and minutes.

5.4 Delegation of Authority

The Chief Executive Officer and other officers have the delegated authority from Council to make decisions on a number of specified administrative issues. These delegations are listed in the Delegations Register and are reviewed annually by Council.

6.0 DOCUMENTS HELD

6.1 Publicly Available for Inspection

The Shire of Northampton has a variety of documents available for public inspection or purchase. These include annual reports, local laws, budgets, policy manual, and various plans which are available for inspection or may be purchased by paying a photocopying fee. A copy of Council minutes can be viewed at no charge at the Shire's administration offices and the Shire website at www.northampton.wa.gov.au Also at no charge are newsletters and community information brochures which can be obtained at the Shire's administration offices.

6.2 Documents Covered by the Freedom of Information Act

Documents and information covered by the *Freedom of Information Act 1992* include various items such as personnel records, client records, building and property files and correspondence. All documents received are recorded on the Shire database and filed on a central records management system.

6.3 Retention and Disposal of Records

Standards for record keeping across government have been set by the State Records Office of WA in accordance with the State Records Act 2000. The General Retention and Disposal Schedule for Local Government has been developed to provide consistency throughout Local Government in the disposal and archival of all records. In accordance with this the Shire of Northampton has a Record Keeping Plan which outlines how records are retained, stored, disposed, and archived.

7.0 THE OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF NORTHAMPTON

7.1 How and to whom initial enquiries should be made?

- i) In accordance with Section 12 (i) Initial enquiries should be made:
 - a) in writing;
 - b) give enough information so that the documents requested can be identified;
 - c) give an Australian address to which notices can be sent; and
 - d) be lodged at the agency with any application fee payable.

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

The Deputy Chief Executive Officer
Shire of Northampton
PO Box 61
NORTHAMPTON WA 6535

Telephone and fax numbers:

Phone: (08) 99341202

Fax: (08) 99341702

Email – dceo@northampton.wa.gov.au

- ii) Applications will be acknowledged in writing and you will be notified of the decision within 45 days.
- iii) It is the aim of the Shire of Northampton to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information Process.
- iv) If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

7.2 Fees and Charges

The following fees and charges are set under the FOI Regulations 1993. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

- No fees for access applications relating to personal information and amendment of personal information.
- Application fee of \$30.00 for other access applications (non-personal information). No fees applicable for internal or external review.
- A fee of \$30.00 per hour of staff time dealing with an application.
- A fee of \$30.00 per hour for access time supervised by staff.
- A fee of \$30.00 per hour for staff photocopying time.
- Photocopies charged at the rate of 20c per copy. Actual cost to the agency charged for duplicating a tape, film or electronic information and for delivery, packaging and postage.
- A 25% advance deposit may be required in respect of the estimated charges.
- Further advance deposit may be required to meet the charges of dealing with the application.
- A discretionary 25% reduction of charges for financially disadvantaged applicants or those issued with a prescribed pensioner concession card.

7.3 Forms of Access

You can request access to documents by way of inspection, a photocopy of a document, a copy of an audio or video tape, an electronic format, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form. When the Shire of Northampton is unable to grant access in the form requested, access may be given in a different form.

7.4 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 designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt (see Schedule 1 of the Act); and
- information on the rights of review and the procedures to be followed to exercise those rights.

7.5 Third Party Consultation

Prior to providing a notice of decision the Shire may consult with a third party relevant to a document to seek their views to assist in determining if the documents will be released or if the documents are exempt.

7.6 The Review Process

The Freedom of Information Act provides for a review and appeal process. You may seek an Internal Review and if you are still dissatisfied, a review by the Information Commissioner may be requested. Further still you can appeal to the Supreme Court.

7.6.1 Internal Review

If you are not satisfied with the decision of the Freedom of Information Decision Maker concerning your application, then you can apply to the Shire of Northampton for an internal review of that decision. Applications for an internal review must be lodged at the Shire within 30 days of receipt of notice of the Shire's decision. You will be notified of the outcome of the review within 15 days. There is no charge for an internal review.

7.6.2 External Review

If you are still dissatisfied after the internal review has been completed, you may seek an external review by the Information Commissioner. This request must be made in writing within 60 days of receiving notice of the internal review decision and give details of the decision to which your complaint relates. Your complaint should be made to the Information Commissioner and addressed to:

**Office of the Information Commissioner
Albert Facey House 4
69 Wellington Street
PERTH WA 6000**

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 Amendment Procedures

An individual may apply to have a document amended if it contains inaccurate, incomplete, out of date or misleading personal information.

An application should be made in writing to the Shire of Northampton and should provide all the information required in the Act. Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. Applicants must also indicate how they wish the amendment to be made (ie alteration, insertion etc).