



Shire of Mt Marshall

— THE SANDALWOOD SHIRE —

***FREEDOM  
OF  
INFORMATION  
STATEMENT***

***June 2020***

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## 2. ADMINISTRATIVE INFORMATION

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### Shire of Mt Marshall

### Administrative Information

**Current Address:**

80 Monger St  
BENCUBBIN WA 6477

**Postal Address:**

PO Box 20  
BENCUBBIN WA 6477

**Telephone:**

08 9685 1202

**Website:**

[www.mtmarshall.wa.gov.au](http://www.mtmarshall.wa.gov.au)

**Email:**

[admin@mtmarshall.wa.gov.au](mailto:admin@mtmarshall.wa.gov.au)

**President:**

Cr ARC (Tony) Sachse (Retiring 2023)

**Deputy President:**

Cr NR (Nick) Gillett (Retiring 2021)

**Councillors:**

Cr IC (Ian) Sanders (Retiring 2021)

Cr LN (Leeanne) Gobbart (Retiring 2021)

Cr SR (Stuart) Putt (Retiring 2021)

Cr BC (Brendan) Geraghty (Retiring 2023)

Cr TM (Tanya) Gibson (Retiring 2023)

**Chief Executive Officer:**

Mr John Nuttall

**Freedom of Information Officer**

Executive Assistant

**Internal Review:**

Chief Executive Officer

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### 3. INTRODUCTION

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The Freedom of Information Act 1992 requires Local Government agencies to cause an up-to-date Information Statement about the agency to be published annually.

The Information Statement must contain:

- a) a statement of the structure and functions of the agency;
- b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- d) a description of the kinds of documents that are usually held by the agency including —
  - i. which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge);
  - ii. which kinds of documents can be purchased; and
  - iii. which kinds of documents can be obtained free of charge;
- e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
  - i. the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
  - ii. the address or addresses at which access applications can be lodged;
- g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
  - i. the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
  - ii. the address or addresses at which applications for amendment of personal information can be lodged.

This statement is published in accordance with the requirements set out by the Office of the Information Commissioner in accordance with the Freedom of Information Act 1992, for public information, and is correct as at 16 June 2020.

Copies of this document can be obtained by contacting the shire's Freedom of Information (FOI) Officer at the shire office, 80 Monger St, Bencubbin, by telephone on 08 9685 1202, via email to [admin@mtmarshall.wa.gov.au](mailto:admin@mtmarshall.wa.gov.au) or on the shire website at [www.mtmarshall.wa.gov.au](http://www.mtmarshall.wa.gov.au)

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## 4. STRUCTURE

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The Shire of Mt Marshall was established under the Local Government Act 1995 and is the administrator of affairs, works and services as set out in that legislation.

Members are elected democratically by the residents and ratepayers of the district to carry out all decision making on behalf of the electorate. Elections are held every two years with Members being elected for a 4 year term, retiring on a rotational basis.

The Elected Members form a corporate body (the Council) working for the community, making decisions on issues affecting the community, but 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.

The Council appoint a Chief Executive Officer who is responsible for the overall management of the Shire and all employees.

### Roles of the Council

The roles of the Council and Elected Members are:

#### *The Council:*

- Directs and controls the Local Government's affairs;
- Is responsible for the performance of the Local Government's functions;
- Is to oversee the allocation of the Local Government's finances and resources;
- Is to determine the Local Government's Policies

#### *The Shire President:*

- Presides at meetings in accordance with the Local Government Act 1995;
- Provides leadership and guidance to the community in the district;
- Carries out civic and ceremonial duties on behalf of the Local Government;
- Speaks on behalf of the Local Government;
- Performs other functions as set out by the Local Government Act 1995;
- Liaises with the Chief Executive Officer on the Local Government's affairs and the performance of its functions;

#### *A Councillor:*

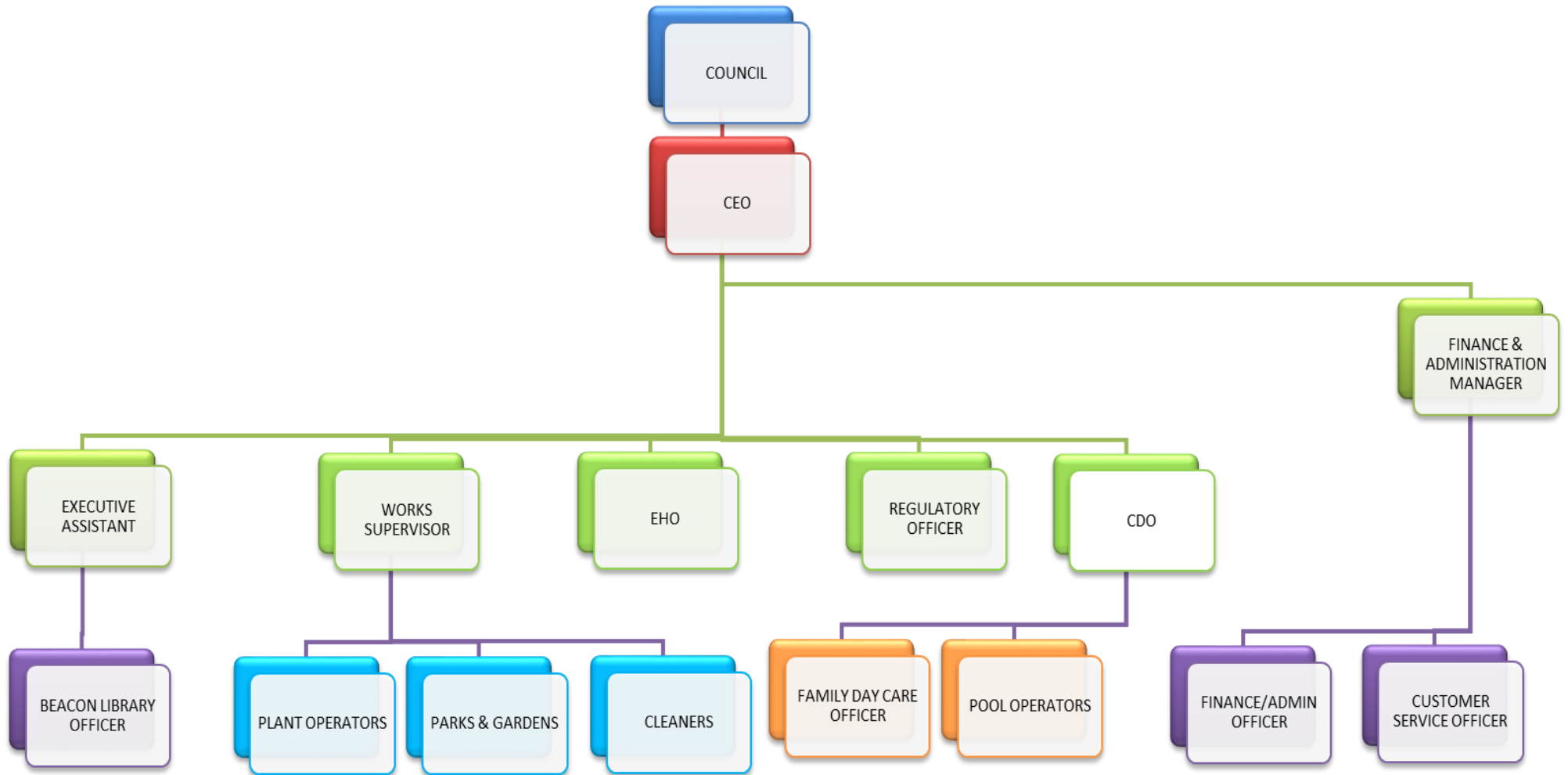
- Represents the interests of electors, ratepayer and residents of the district;
- Provides leadership and guidance to the community;
- Facilitates communication between the community and the Council;
- Participates in the Local Government's decision making processes at Council and Committee Meetings;
- Performs other functions as set out by the Local Government Act 1995;

The Shire is structured in the following manner:

- The President of the Shire who is elected from the body of Councillors, is the first citizen of the Shire and chairs the meetings of the Council.
- The seven Councillors, elected into office, form the Council and are the governing body of the Shire.
- The Chief Executive Officer and staff, who assist in an advisory capacity, administer the day-to-day affairs of Council and implement the policies of Council.
- The residents and ratepayers who are served by Council and its staff.

# SHIRE OF MT MARSHALL ORGANISATION STRUCTURE

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## 5. FUNCTIONS & SERVICES

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The general function of the Shire of Mt Marshall is to provide for the good governance of the people of the shire. The Shire of Mt Marshall uses both legislative and executive powers in its government.

Using its legislative powers, the Shire of Mt Marshall 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 1995.

The Shire of Mt Marshall uses its executive powers to administer the following Local Laws:

- Health Local Law
- Local Law Relating to Dogs and Cats
- Local Law Relating to Fencing
- Local Law Relating to Standing Orders
- Local Law Relating to Repeal Local Laws

In performing its executive functions the Shire provides a wide range of services and facilities to ratepayers, residents and visitors to the Shire. Categories of services provided by the Shire are as follows:

- Provision of services:
  - Governance
  - Law
  - Order
  - Public Safety
  - Health
  - Education
  - Welfare
  - Housing
  - Community Amenities
  - Recreation and Culture
  - Transport (Roadworks, Maintenance and Construction)
  - Economic Services
  - Other Property and Services (Private and Public Works)
  - Finance and Borrowing
- Regulation:
  - Planning
  - Building
  - Parking
  - Dog and Cat Control
  - Public Health
  - Environment



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## 6. COUNCIL MEETINGS & DECISION MAKING

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Decisions on issues affecting the community are made at Council meetings. Decisions are made as a consensus of the Council in accordance with the Local Government Act 1995.

Ordinary meetings of Council are held on the third Tuesday of every month in Council Chambers, 80 Monger St, Bencubbin commencing at 3:00pm (unless advertised otherwise).

These meetings are open to the public, with the first 15 minutes set aside as public question time.

An Electors' General Meeting is held each financial year, typically in December, with notification being provided in the local newspapers. The Annual Report, Annual Financial Report and Auditors Report are all presented at the Elector's General Meeting.

From time to time special meetings of the Council may be required and notice will be provided of these meetings as soon as is practicable.

Agendas and Minutes of all Council meetings are available online at [www.mtmarshall.wa.gov.au](http://www.mtmarshall.wa.gov.au) or hard copies are available upon request by contacting the administration centre on 08 9685 1202 or via email to [admin@mtmarshall.wa.gov.au](mailto:admin@mtmarshall.wa.gov.au). A fee is applicable. Availability is advertised via social media.

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## 7. COMMITTEE MEETINGS & DECISION MAKING

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To assist the Shire to achieve its objectives and to provide an avenue for community involvement, the Council has established a number of Council committees and working groups.

Appointment to committees is invited by nomination, considered and voted upon democratically by the Council, and tenure of office is typically for two years with the expiry date being that of the local government elections.

The committees have differing functions and authority but generally make recommendations to Council for consideration. A list of current committees and working groups is as follows:

- Audit Committee
- Mt Marshall Safety Committee
- Bush Fire Advisory Committee
- Local Emergency Management Committee

From time to time Council is requested to nominate a Council member to represent the Council on committees of external organisations. The Shire of Mt Marshall is represented on the following external organisations:

- Great Eastern Zone of WALGA
- North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)
- North Eastern Wheatbelt Travel (NEWTravel)
- Rural Water Council
- North Eastern Wheatbelt Health Group Scheme (NEWHealth)
- Kununoppin Hospital Local Health Advisory Group (LHAG)
- Wheatbelt North Sub-Regional Road Group
- Mt Marshall Land Conservation District Committee (LCDC)
- Wheatbelt Drainage Reference Group
- Wheatbelt Agcare
- Wheatbelt Joint Development Assessment Panel (DAP)
- Eastern Wheatbelt Biosecurity Group
- Central East Aged Care Alliance (CEACA)
- Skeleton Weed Search Program

Hard copies of Agendas and Minutes of all Council committee meetings are available upon request by contacting the administration centre on 08 9685 1202 or via email to [admin@mtmarshall.wa.gov.au](mailto:admin@mtmarshall.wa.gov.au). A fee is applicable.

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## 8. COMMUNITY PARTICIPATION

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Policies are adopted by Council to act as a reference for Shire staff. The Shire of Mt Marshall encourages community participation in the formation of Shire policy and has the following arrangements in place to allow for community participation:

These meetings are open to the public, with the first 15 minutes set aside as public question time.

### Public Question Time – Council Meetings

Council meetings are open to the public and Council have set aside 15 minutes at the commencement of meetings to accept questions from the public.

A pro-forma is included at the front of agendas to allow the public to table questions beforehand, enabling a prompt response to be provided. The use of this form is not compulsory.

### Deputations

Deputations can be received by the Chief Executive Officer and the Council by prior arrangement.

### Petitions

Petitions will be accepted by Council.

### Electors Meetings

In accordance with Section 5.27 of the Local Government Act 1995, an Electors' General Meeting is held each financial year, typically in December, with notification being provided in the local newspapers. All residents are encouraged to attend.

Special electors meetings may be called under Section 5.28 of the Act by submitting a request signed by not less than 100 electors or 5% of the number of electors whichever is the lesser number.

### Written Requests

Any member of the community may write to the Shire at any time on any matter. Any matter raised will be considered by the Administration and/or the Council and a decision and response provided. Correspondence should be addressed to the:

Chief Executive Officer  
Shire of Mt Marshall  
PO Box 20  
BENCUBBIN WA 6477

### Elected Members

Ratepayers and residents may contact the Shire President and/or Councillors to discuss issues or obtain advice on matters relating to the Shire.

### Community Forums

From time to time, Council will consult with the community by hosting community forums. Details of community forums including venue, commencement time and forum subject are advertised in local newspapers, Beacon & Bencubbin Public libraries and various retail establishments in the townsites of Beacon and Bencubbin where appropriate.

### Advertising

The Shire is committed to advising ratepayers and residents of matters affecting them through regular advertising in local newspapers, on social media and the Shire's website [www.mtmarshall.wa.gov.au](http://www.mtmarshall.wa.gov.au). The public are able to subscribe to the weekly newsletter by contacting the administration centre during business hours on 08 9685 1202 or via email to [admin@mtmarshall.wa.gov.au](mailto:admin@mtmarshall.wa.gov.au)

### Written Invitation

From time to time, where an issue arises affecting a select group within the community, Council may write to affected members inviting their feedback.

### Community Consultation Policy

Council have adopted a 'Community Consultation Policy' whereby the Shire will consult with the community on issues affecting the quality of life and services to the residents of the district.

The Shire of Mt Marshall is strongly committed to genuine, effective and timely community consultation on a range of issues, often exceeding the minimum consultation requirements.

The process of consultation must encourage the community to actively participate in policy development, planning and programming, the management and evaluation of services and in identifying areas of concern.

Community consultation precedes action. It is seen as the beginning of the cycle which results in action. Consultation is to serve and build trust within the community.

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## 9. DESCRIPTION OF DOCUMENTS HELD

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A vast array of documents (listed below) are held by the Shire of Mt Marshall and are available for public inspection or purchase. They can be inspected free of charge upon request at the administration centre located at 80 Monger Street, Bencubbin.

Other documents may be made available upon request, for inspection or purchase, but any exempt matter from those copies may be deleted s.97 (1).

- Confirmed Minutes of Council and Meetings
- Annual Budget
- Schedule of Fees & Charges
- Annual Report
- Annual Financial Report / Statements
- Monthly Financial Statements
- Delegation Register
- Financial Interest Register
- Local Laws
- Policy Manual
- Code of Conduct
- Strategic Plans
- Freedom of Information Statement
- Recordkeeping Plan
- Disability Access and Inclusion Plan
- Electoral Rolls
- Internal Manuals (s.97 (1)(b))
- Local Emergency Management Arrangements
- Workforce Plan

And any other documents as set out in the Local Government Act 1995.

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## 10. ACCESS ARRANGEMENTS

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It is the aim of the Shire to make information available promptly and at the least possible cost. Whenever possible documents will be provided outside the FOI process.

Access to information may be granted by way of inspection, provision of hard copy documentation or provision of electronic documentation.

While the Shire endeavours to respond to requests for information informally, it also recognises that some documents require protection including:

- Personal Information
- Information concerning trade secrets
- Other commercially valuable information
- Any other information concerning the business, professional, commercial or financial affairs of a third party who is not the applicant.

Freedom of Information Legislation may be used to request access to information not available by any other means.

All enquiries, including requests to amend personal information are to be by application to the Freedom of Information Officer. An application may be lodged by:

Hand delivery to:

80 Monger St  
BENCUBBIN WA 6477

Post to:

PO Box 20  
BENCUBBIN WA 6477

Emailed to:

[ea@mtmarshall.wa.gov.au](mailto:ea@mtmarshall.wa.gov.au)

Applications must give enough information to enable the requested documents to be identified; give an address in Australia to which notices under this Act can be sent; give any other information or details required under the regulations; and be lodged at the Shire Office.

Information sought for personal information by the applicant must accompany documentary evidence to support their identity, for example Birth Certificate, Birth Extract, Passport, Driver's License, Marriage Certificate etc.

Applications that are lodged with the Shire will be processed by the aforementioned officer and a decision regarding access or the amendment of personal information of documents will be made under the FOI time frame of 45 days.

No fees or charges apply for applications for personal information or amendment of personal information about yourself.

Applications for other documents which are non-personal in nature require a \$30 application fee to be paid when the application is lodged, and other charges may be imposed as follows:

- \$30 per hour of staff time or pro rata for part of an hour for dealing with an application. (Agencies cannot charge for locating the documents within the scope of your request.)
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- \$0.20 per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.
- There are no application fees or charges for internal or external reviews.