



Information Statement 2020



Review Completed October 2020
Next Review October 2021

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1. INTRODUCTION

Section 96(1) of the *Freedom of Information Act 1992 (WA)* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

Section 94 of the Act states that an Information Statement, in relation to an agency, is a statement that contains:

- 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); and
 - (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 document has been prepared for the Shire of Denmark pursuant to Part 5 of *Freedom of Information 1992 Act (WA)*, and is correct as at 15 October 2020. Copies of this document may be obtained from:

The Freedom of Information Coordinator
Shire of Denmark
953 South Coast Hwy (PO Box 183)
DENMARK WA 6333

Or on the Shire's website at www.denmark.wa.gov.au

By contacting the Freedom of Information Coordinator between Monday and Friday (9:00am – 4:00pm),
via:

Phone:(08) 9848 0351
Email: enquiries@denmark.wa.gov.au

2. SHIRE OF DENMARK'S STRATEGIC COMMUNITY PLAN

In 2017 Council adopted the Denmark 2027 Strategic Community Plan for the Shire of Denmark. Denmark 2027 outlines the long-term vision, values, aspirations and priorities for our community over the next ten years. It is our highest level strategic document that guides the decisions of Council and ensures that our staff and operations are aligned to achieve our community's aspirations, now and into the future.

Our Vision – A happy, healthy and eclectic community that embraces creativity, celebrates the natural environment and is invested in a strong local economy.

Our Mission – The Shire of Denmark will protect and improve the quality of life for our community by:

- providing quality services and infrastructure that meets community needs;
- carefully managing our natural environment;
- empowering our community to make positive change; and
- embracing innovation and opportunities

Our Values – We believe in the following values which will guide our behaviours:

Consistency | Sustainability | Honesty & Integrity | Teamwork | Transparency | Respect

COPIES OF THE STRATEGIC COMMUNITY PLAN

To peruse a copy of the Strategic Community Plan on our website go to <http://www.denmark.wa.gov.au/governance-documents-and-forms.aspx>

Copies are available for perusal at the Denmark Library or the Shire Administration Office, alternatively a copy can be purchased for a nominated fee.

3. MAJOR FUNCTIONS AND POWERS

The Shire of Denmark is constituted as a Local Authority under the Local Government Act 1995. The general function of a Local Government is to provide for the good government of persons within its district and includes general legislative and executive powers and functions.

Using its legislative powers, a Local Government 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.

The Local Government's executive powers involve administering its local laws and other actions as necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act, including the provisions of services and facilities.

The Shire of Denmark is wholly or partly responsible for administering the following legislation and regulations:

- Aboriginal Heritage Act 1972
- Agriculture and Related Resources Protection Act 1976
- Animal Welfare Act 2002 and Regulations
- Australian Citizenship Act 2007
- Building Act 2011 and Regulations
- Bush Fires Act 1954 and Regulations
- Caravan Parks and Camping Grounds Act 1995 and Regulations
- Cat Act 2011 and Regulations
- Cemeteries Act 1986
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Disability Services Act 1993 and Regulations
- Dog Act 1976 and Regulations

- Emergency Management Act 2005 and Regulations
- Environmental Protection Act 1986 and Regulations
- Equal Opportunity Act 1984
- Dangerous Goods Safety Act 2004 and Regulations
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Food Act 2008 and Regulations
- Freedom of Information Act 1992 (WA) and Regulations
- Health (Miscellaneous Provisions) Act 1911
- Heritage of Western Australia Act 1990 and Regulations
- Land Administration Act 1997 and Regulations
- Litter Act 1979 and Regulations
- Liquor Control Act 1988 and Regulations
- Local Government Act 1995 and Regulations
- Local Government (Miscellaneous Provisions) Act 1960 and Regulations
- Local Government Grants Act 1978
- Main Roads Act 1930 and Regulations
- Parks and Reserves Act 1895 and Regulations
- Planning and Development Act 2005 and Regulations
- Planning and Development (Consequential and Transitional Provisions) Act 2005 and Regulations
- Public Health Act 2016 and Regulations
- Public Interest Disclosure Act 2003
- Rates and Charges (Rebates and Deferments) Act 1992 and Regulations
- Road Traffic (Administration) Regulations 2014
- Road Traffic Code 2000
- Shire of Denmark Town Planning Scheme No. 3
- Strata Titles Act 1985 and Regulations
- Valuation of Land Act 1978 and Regulations
- Waste Avoidance and Resource Recovery Act 2007 and Regulations
- Any other Act becoming law or amended to require Local Government to wholly or partly be responsible for administering

LOCAL LAWS

A local government may make local laws that are necessary or convenient for it to perform any of its functions. The Shire of Denmark has adopted and administers the following local laws:

Local Laws:

- Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law
- Bushfire Brigades Local Law
- Cemetery Local Law
- Dogs Local Law
- Extractive Industries Local Law
- Fencing Local Law
- Health Local Law
- Local Government Property Local Law
- Parking & Parking Facilities Local Law
- Pest Plants Local Law
- Standing Orders Local Law

4. STRUCTURE AND EXECUTIVE FUNCTIONS

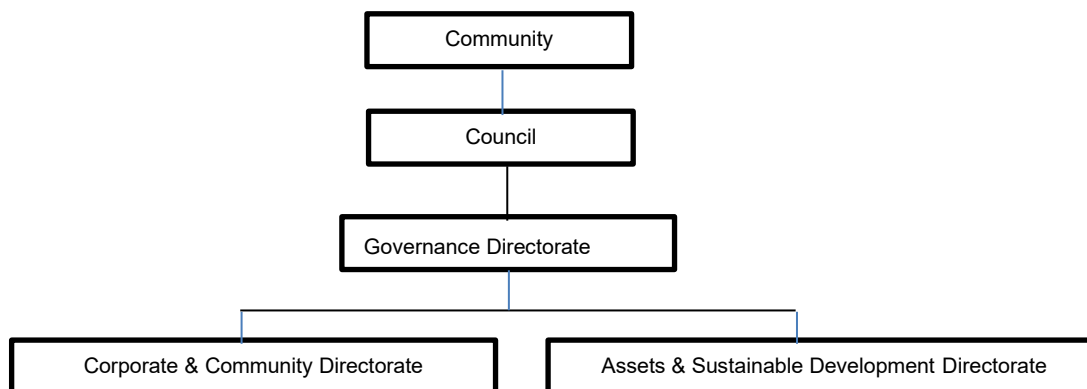
ELECTED MEMBERS

The Shire of Denmark is divided into 3 wards; Town, Scotsdale/Shadforth and Kent/Nornalup. Under the leadership of the Shire President, Elected Members serve for a term of four years.

WARD REPRESENTATION - Councilors

Town Ward	Cr Ian Osborne	(term expires 2021)
	Cr Geoff Bowley	(term expires 2023)
Shire President	Cr Ceinwen Gearon	(term expires 2023)
Scotsdale/Shadforth Ward		
Deputy President	Cr Mark Allen	(term expires 2021)
	Cr Steve Jones	(term expires 2023)
	Cr Jan Lewis	(term expires 2021)
	Cr Kingsley Gibson	(term expires 2023)
Kent/Nornalup Ward		
	Cr Roger Seeney	(term expires 2021)
	Cr Janine Phillips	(term expires 2023)

Shire of Denmark – Organisational Structure



EXECUTIVE STAFF

Chief Executive Officer (<i>Acting</i>)	David Schober
Director of Corporate & Community Service (<i>Acting</i>)	Lee Sounness
Director of Assets & Sustainable Development	David King

DELEGATIONS

The Council of the Shire of Denmark is the overall decision-making body. The day to day running of the Shire is the responsibility of the Chief Executive Officer, who, along with Directors and staff, implement the Council's decisions.

The Chief Executive Officer and other officers have some delegated authority from Council or other Acts to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Delegation Register and are reviewed annually by Council, pursuant to Section 5.18 of the *Local Government Act 1995*.

The *Local Government Act 1995* (Part 2, Div. 2, s. 2.7 requires that:

- (1) The council –
 - a) Governs the local government's affairs; and
 - b) Is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to –
 - a) Oversee the allocation of the local government's finances and resources; and
 - b) Determine the local government's policies.
- (3) develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Local Government.

EXECUTIVE FUNCTIONS

The Shire of Denmark provides services and facilities which align with the adopted Strategic Community Plan and include the following:

- Enhancing the amenities of the Shire for its ratepayers, residents and visitors
- Planning and facilitating environmentally friendly surroundings
- Waste services
- Library services
- Youth services
- Maintaining a clean and tidy town
- Providing recreational and leisure facilities
- Promoting tourism and business
- Ensuring that the Council's present and future financial needs are met
- Serving Council's internal information needs and informing the public of Council's decisions, policies and services
- Conducting Council elections as required
- Upgrade and maintenance of roads

5. PUBLIC PARTICIPATION

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as provide input and feedback on the performance of the Shire's functions and services.

Ordinary & Special Council meetings are open to the public and include public question time, pursuant to Section 5.24 of the *Local Government Act 1995* and Clause 3.2 (2) and (3) of the *Shire of Denmark Standing Orders Local Law*. Council Policy P040118 details the Shire's procedures on Public Question Time.

COUNCIL ADVISORY COMMITTEES AND WORKING GROUPS

The Shire of Denmark has several committees and working groups that make recommendations to the Council. Council advertises for community member vacancies on Council Committees or Working Groups as required; a full list of Council's Committees, working groups and delegates can be accessed via the Shire's website <http://www.denmark.wa.gov.au/our-council/council-committees.aspx>

DEPUTATIONS

In accordance with Clause 3.13 of the *Shire of Denmark's Standing Orders Local Law*, a member of the public can make a deputation to Council or a Committee, if the request to do so is approved by the Shire President or Presiding Person personally, or on behalf of a resident or group of residents. A deputation may relate to an item on a Committee meeting agenda, or a matter concerning the affairs of the Shire generally. Council Policy P040118 also relates.

ELECTED MEMBERS

Members of the public can contact the Shire's Elected Members (including the Shire President) to discuss any issue relevant to the Council. Elected Member contact details are available on the Shire's website, in the Chamber of Commerce Directory or by contacting the Shire during office hours.

NOTIFICATIONS / ADVERTISING

Residents may be notified of Shire related matters by advertising in the local newspaper, written notification, Shire website or an onsite sign. Residents then have the opportunity to write to the Shire expressing their views.

DEVELOPMENT APPLICATION ADVERTISING

Where a development application does not comply with the provisions of the Shire's Town Planning Scheme or involves an "SA" or unlisted land use, the Shire may give written notice of the proposal to affected owners and/or occupiers, inviting comment on the application as part of the assessment process. The Council may also direct the applicant to advertise the application in any manner that it considers appropriate.

PETITIONS

Written petitions can be presented to the Council on any issue within the Council's jurisdiction. Clause 3.4 of the *Shire of Denmark Standing Orders Local Law* outlines the process to lodge a petition.

WRITTEN REQUESTS

Any member of the public can write to the Shire of Denmark on any policy, activity, function or service provided by the Shire. Correspondence should be addressed to:

Chief Executive Officer
Shire of Denmark
PO Box 183
DENMARK WA 6333
Email: enquiries@denmark.wa.gov.au

ELECTORS MEETINGS

An Annual Electors meeting is held by the Shire of Denmark in accordance with Section 5.28 of the *Local Government Act 1995*. All residents and ratepayers are encouraged to attend. A Special Electors meeting can be called under Section 5.28 (1) of the *Local Government Act 1995* by submitting a request on the correct form as prescribed by the *Local Government (Administration) Regulations 1996* and must be signed by a minimum of 100 electors.

6. DOCUMENTS HELD BY THE SHIRE OF DENMARK

The Shire holds records relating to various functions of the Shire as described below:

- Building
- Public Health
- Rates
- Planning and Development
- Financial Management
- Community Relations
- Governance
- Information Management
- Recreation and Cultural Services
- Local Laws and Local Law Enforcement
- Emergency Services
- Risk Management
- Customer Service
- Private Works
- Infrastructure and Assets

- Waste Management
- Parks and Reserves
- Grants and Subsidies
- Correspondence (Public and Government agencies)
- Council Records – Agendas/Minutes

COUNCIL AGENDAS AND MINUTES

Under the *Local Government Act 1995* the Council Minutes are available for free inspection at the Shire's offices and the Public Library and are also available on the Shire's website. Printed copies of the Council Agendas and Minutes are available for a fee.

RATES BOOK

Fees apply for the provision of copies of Rates Books.

BUILDING/DEVELOPMENT APPLICATIONS

As the authority responsible for granting development approval and issuing building permits for land zoned under the Town Planning Scheme, the Shire of Denmark has a broad record of drawings and plans of buildings within the Shire area. The drawings and plans can include site plans, floor plans, elevations, sections, and detailed technical drawings (such as mechanical, hydraulic, structural and architectural drawings) and in some cases perspective drawings or photo montage images.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges generally apply for obtaining this information and the availability of plans in all instances cannot be assured.

MUNICIPAL HERITAGE INVENTORY

Under the *Heritage of Western Australia Act 1990* the Shire of Denmark is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the Shire of Denmark boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status, and a digital photo of each building. Access to place records on the adopted inventory is free of charge. The Municipal Heritage Inventory can be accessed on the Shire of Denmark's website. Alternatively, the document can be viewed at the Public Library or the Shire of Denmark's Administration building, and is available for purchase.

7. ACCESS TO COUNCIL DOCUMENTS

The Shire seeks to make information and documents available to members of the public promptly and at the least possible cost. Whenever possible documents will be provided without a formal application process. The *Local Government Act 1995* and other legislation may provide situations where information or documents must be made available under certain circumstances. If information is not routinely available, the *Freedom of Information Act 1992 (WA)* 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 and up-to-date and not misleading.

Information is made available through a range of mediums including public statements, media releases, the Shire's website, advertisements placed in local and state-wide newspapers, public notice boards, library services, information sheets and other publications, as well as individual correspondence, public and statutory documents, and reports.

DOCUMENTS AVAILABLE OUTSIDE THE FREEDOM OF INFORMATION ACT

The following documents are available for public inspection free of charge at the Shire Administration Office, 953 South Coast Highway, Denmark WA; copies of documents will incur charges as per the Shire of Denmark's Schedule of Fees and Charges:

- Annual Financial Statements and Budgets
- Business Plans (Prepared under Section 3.59 of the *Local Government Act 1995*)
- Annual Reports
- Town Planning Scheme and Planning Policies
- Code of Conduct
- Documents released for Public Comment
- Freedom of Information - Information Statement
- Local Laws
- Media Releases, Public Notices and Advertisements
- Minutes of Committee and Council Meetings
 - *Limitation*: access does not extend to the inspection where a meeting of Council or Committee (or a part of such a meeting to which the information refers) was closed to members of the public.
- Policy Manuals
- Rates Records
- Registers; including:
 - Primary and Annual Financial Returns
 - Expired Primary and Annual Financial Returns
 - Declarations of Interest
 - Expired Declarations of Interest
 - Register for Gates
 - Gift and Travel Contributions
 - Electoral Gifts
 - Register for Determinations for Property Local Law
 - Donations by the CEO
 - Management Orders (for reserves)
 - Easements
 - Shire Owned Property Titles
 - Bushfire Brigades
 - Roadside Memorials, memorial furniture and plaques
 - Use of the Common Seal
 - Tenders
- Owners and Occupiers Roll
- Schedule of Fees and Charges
- Statutory Notices
- Strategic Community Plan
- Corporate Business Plan
- Disability Access and Inclusion Plan (DAIP)
- Record Keeping Plan (RKP)

LIBRARY FACILITIES

Access to some Council records is also available from the Denmark Library, 34 Strickland Street, Denmark WA and via the Shire's website www.denmark.wa.gov.au.

RETENTION AND DISPOSAL OF COUNCIL RECORDS

Retention and Disposal of the Shire of Denmark records is in accordance with the *State Records Act 2000* and the *Shire of Denmark Record Keeping Plan*.

DOCUMENTS AVAILABLE UNDER THE FREEDOM OF INFORMATION ACT

Access to documents other than those listed as accessible outside the *Freedom of Information Act 1992 (WA)* must be via a Freedom of Information application (See Appendices to this document).

8. FREEDOM OF INFORMATION - PROCEDURES AND ACCESS ARRANGEMENTS

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

If information is not routinely available, the *Freedom of Information Act 1992 (WA)* provides the right to apply for documents held by the Shire of Denmark and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

FREEDOM OF INFORMATION APPLICATIONS

Access applications have to:

- 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 agency with any application fee.

Applications can be received via post, over the counter, or emailed, however an application is not valid unless the criteria above have been satisfied.

Applications can be directed to:

The Freedom of Information Coordinator
Shire of Denmark
PO Box 183
DENMARK WA 6333
Phone: (08) 9848 0351
Email: enquiries@denmark.wa.gov.au

Applications will be acknowledged in writing.

FREEDOM OF INFORMATION CHARGES

A scale of fees and charges are set under the *Freedom of Information 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:

1. Personal information about the applicant	No fee and no charges
2. Application fee (for non-personal information)	\$30.00
3. Charge for time dealing with the application (per hour)	\$30.00
4. Access time supervised by staff (per hour)	\$30.00
5. Photocopying staff time (per hour)	\$30.00
6. Per photocopy	20 cents
7. Transcribing from tape, film or computer (per hour)	\$30.00
8. Duplicating a tape, film or computer information	Actual cost
9. Delivery, packaging and postage	Actual cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

DEPOSITS

- Advance deposit may be required of the estimated charges 25%
- Further percentage of estimated charge may be required 75%

ACCESS ARRANGEMENTS

Access to documents can be granted by ways of inspection, a copy of a document, a copy of a document in an edited form, 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 calendar days applicants will be provided with a Notice of Decision which will include details such as:

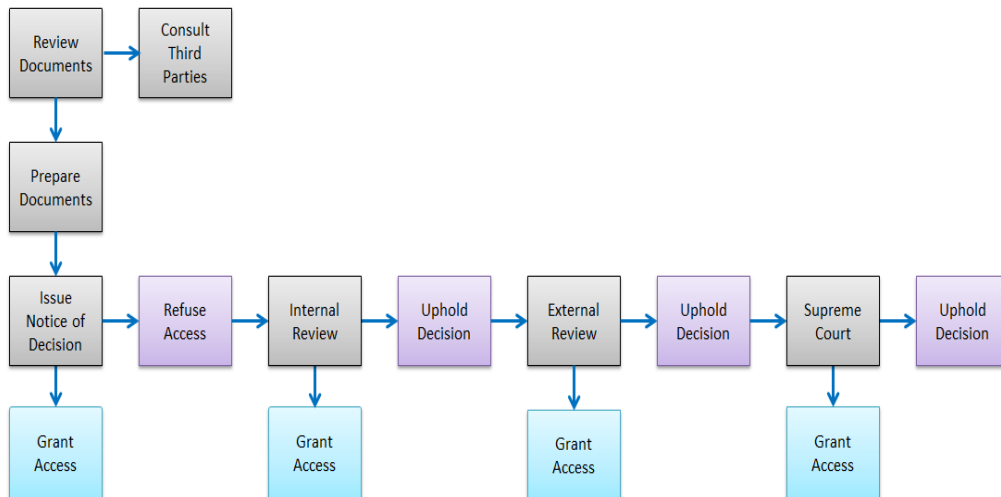
- The date which the decision was made;
- The name and the designation of the officer who made the decision;
- If access is refused, the reasons for claiming the document is exempt (or the fact that access is given to an edited document); and
- Information on the rights of review and the procedures to be followed to exercise the review rights.

REFUSAL OF ACCESS

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

If the applicant disagrees with the result of an internal review, they can apply to the Information Commissioner for an **external review**. An application for external review should be made within 60 calendar days of receiving notice of the internal review decision. (Note: if requesting an external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the internal review decision.)

THE FREEDOM OF INFORMATION PROCESS FLOW CHART



9. AMENDING PERSONAL INFORMATION

Individuals who are concerned that the Shire of Denmark holds information about them that is inaccurate, incomplete, out of date or misleading are encouraged to contact the Shire first to discuss whether the information can be corrected without the need for a formal application under the *Freedom of Information Act 1992 (WA)*.

If dissatisfied with the Shire of Denmark's response, an application can be made to the Freedom of Information Coordinator to correct or amend any documents containing an individual's personal information.

The application must be in writing and provide information or evidence to establish that the personal information sought to have amended is inaccurate, incomplete, out of date or misleading.

Furthermore, applicants must indicate whether they wish the amendment of the information to be made by altering, striking out or deleting the information or inserting information or a note in relation to the information.

The Shire of Denmark will inform the applicant of its decision, and reasons for arriving at that decision, within 30 days of receiving a valid application together with rights of review should the applicant be dissatisfied with the decision.

There are no fees or charges associated with an application for amendment of personal information under the *Freedom of Information Act 1992 (WA)*.

Enquiries and/or applications to amend personal information can be directed to:

The Freedom of Information Coordinator
Shire of Denmark
PO Box 183
DENMARK WA 6333

Phone: (08) 9848 0351

Email: enquiries@denmark.wa.gov.au



Shire of Denmark

953 South Coast Highway (PO Box 183), Denmark WA 6333

Ph. (08) 9848 0300

Email: enquiries@denmark.wa.gov.au Website: www.denmark.wa.gov.au

APPLICATION FOR ACCESS TO DOCUMENTS (under Freedom of Information Act 1992 (WA), S.12)

DETAILS OF APPLICANT

Surname: _____ Given Names: _____

Australian Postal Address: _____

Telephone Number(s): _____ Email Address: _____

Organisation (if applicable): _____

DETAILS OF REQUEST (Please tick)

- Personal documents
- Non-personal documents

I am applying for access to document(s) concerning: _____

FORM OF ACCESS

I wish to inspect the document(s) Yes No (Please tick)

I require a copy of the documents(s) Yes No (Please tick)

I require access in another form Yes No (Please tick)

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 in this document. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria and support your application for a fee reduction.

I am requesting a reduction in fees and charges

- Yes (Please tick)
- No (Please tick)

APPLICANT'S SIGNATURE: _____

Date: ____/____/____

(Office Use only)

FOI Reference Number _____

Received on _____

Acknowledgement sent on _____

Proof of Identity (if applicable) _____

Type: PERSONAL / NON-PERSONAL

Deadline of response _____

Sighted _____