



Shire of **Ngaanyatjaraku**
ON A JOURNEY

INFORMATION STATEMENT

This information statement is published by the Shire of Ngaanyatjaraku in accordance with the requirements of the Freedom of Information Act WA 1992



Contact Us

Shire of Ngaanyatjarraku

Tjulyuru Cultural and Civic Centre
Warburton Community

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Website: www.ngaanyatjarraku.wa.gov.au

Shire of Ngaanyatjarraku Website

This Information Statement often refers to information that is available on the Shire of Ngaanyatjarraku website, www.ngaanyatjarraku.wa.gov.au. The website also contains up to date information about the Shire of Ngaanyatjarraku and its operations.

Document Control			
Version	5	Last Review Date	July 2021
Current Review Date	July 2022	Next Review Date	July 2023
Prepared by	Director Governance and Strategic		



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Profile of the Shire of Ngaanyatjarraku

History

The Shire of Ngaanyatjarraku is a unique local government in that its community of interest is contained within the traditional lands of the Ngaanyatjarra people of the Central Desert of Western Australia. The 99 year leases held by the Ngaanyatjarra Land Council on behalf of the traditional owners also form the boundaries of the Shire of Ngaanyatjarraku.

The Shire of Ngaanyatjarraku was formed on the 1st July 1993 by the division of the Shire of Wiluna with the eastern area becoming the new Shire. The first local government elections were held in October 1993 and 8 Councilors were elected unopposed. The communities, as originally stated in their submission to the Boundaries Commission, are committed to "mainstream" local government and the delivery of services by the Shire rather than any other organisation.

At its formation the Shire assumed responsibility for the limited services previously provided by the old Shire of Wiluna. Since then the Shire has been steadily improving and extending the range of services provided to the communities including ovals, street lights, welfare, TV and radio retransmission, swimming pools and culture. Increasingly the Shire is now undertaking the more conventional Local Government services including Health, Building, Waste Services, Litter control, Rubbish Disposal Sites, Road Sealing, Sports and Recreation, Project management and other community-based programs.

Since the establishment of the Shire there have been extensive improvements to the communications, road infrastructure and services provided to the communities within the Shire. The Shire continues to represent and be an advocate for the community at a State and Federal level of government.





Local Information

Location Tjulyuru Cultural and Civic Centre
Warburton Community, WA

Number of F/T Employees 12

Population 1,358 (abs 2021)

Area 159,948 square kilometres

Number of Electors 713 (2019)

Number of Dwellings 599

Townships:

- Warburton
- Tjirrkarli
- Wanarn
- Warakurna
- Tjukurla
- Irrunytju
- Papulankutja
- Mantamaru
- Patjar
- Kanpa

Post Codes 6431 & 0872

Total Rates Levied \$230,465

Length of Sealed Roads 58km

Length of Unsealed Roads 1,525km



Vision, Themes and Conduct

The Shire of Ngaanyatjarraku – on a journey

Community engagement for the Shire's Plan for the Future, has led to the development of three key themes which create the framework for the delivery sustainable outcomes to achieve the vision:

- (1) Our Land – Looking after Our Land
- (2) Our People -Looking after Our People

Added to this, to ensure we can deliver services in line with these themes and address any concerns in relation to achieving satisfactory outcomes associated with statutory compliance, we have added a third theme

- (3) Our Leadership – Show the way for our community

The Shire of Ngaanyatjarraku strives to provide the highest standards of accountability to our residents and visitors and has developed separate codes of conduct for elected members / committee members and employees. These can be downloaded, visit: www.ngaanyatjarraku.wa.gov.au/

Decision Making

Council Structure

The Shire of Ngaanyatjarraku is a local government authority under the Local Government Act (WA) 1995 (Local Government Act). This Act, and associated Regulations, set out many of the rules that govern the decision-making process and structures of Council.

The Shire of Ngaanyatjarraku is an elected body. The full Shire Council comprises eight sitting members.

Local government elections are held every two years, and Councilors are elected for a four-year term. This requirement ensures that half the previous Council always remains between elections. The President is elected by the Councilors biennially.

Management Structure

The management structure of the Shire of Ngaanyatjarraku reflects its status as a local authority.

The Local Government Act grants Council the authority to make determinations on a wide range of local affairs. Council may delegate its decision-making functions to constituted Committees or the Chief Executive Officer.

The Council of the Shire of Ngaanyatjarraku is charged with the collective responsibility for the good governance of the Shire. Having been elected by the local community, the Council and individual Councilors are responsible to the electorate for these decisions. Furthermore, the Council is bound by the various requirements of the Local Government Act and Regulations.



The Chief Executive Officer is charged with responsibility for the administration of the Shire of Ngaanyatjarraku. This involves implementing the decisions of Council in a timely and efficient manner. The Chief Executive Officer and staff report to Council with recommendations that Council can accept, reject or substitute with an amended resolution. Council delegates authority to the Chief Executive Officer in some instances, and the Chief Executive Officer may delegate decision-making functions to officers within the Shire of Ngaanyatjarraku administration.

Council, in keeping with legislative requirements, is responsible for:

- Determining policies to be applied by Council in exercising its discretionary powers;
- Determining the type, range and scope of projects to be undertaken by Council;
- Developing comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire of Ngaanyatjarraku.

The Chief Executive Officer is assisted in executive decision-making functions by an Executive Team. This team consists of the following:

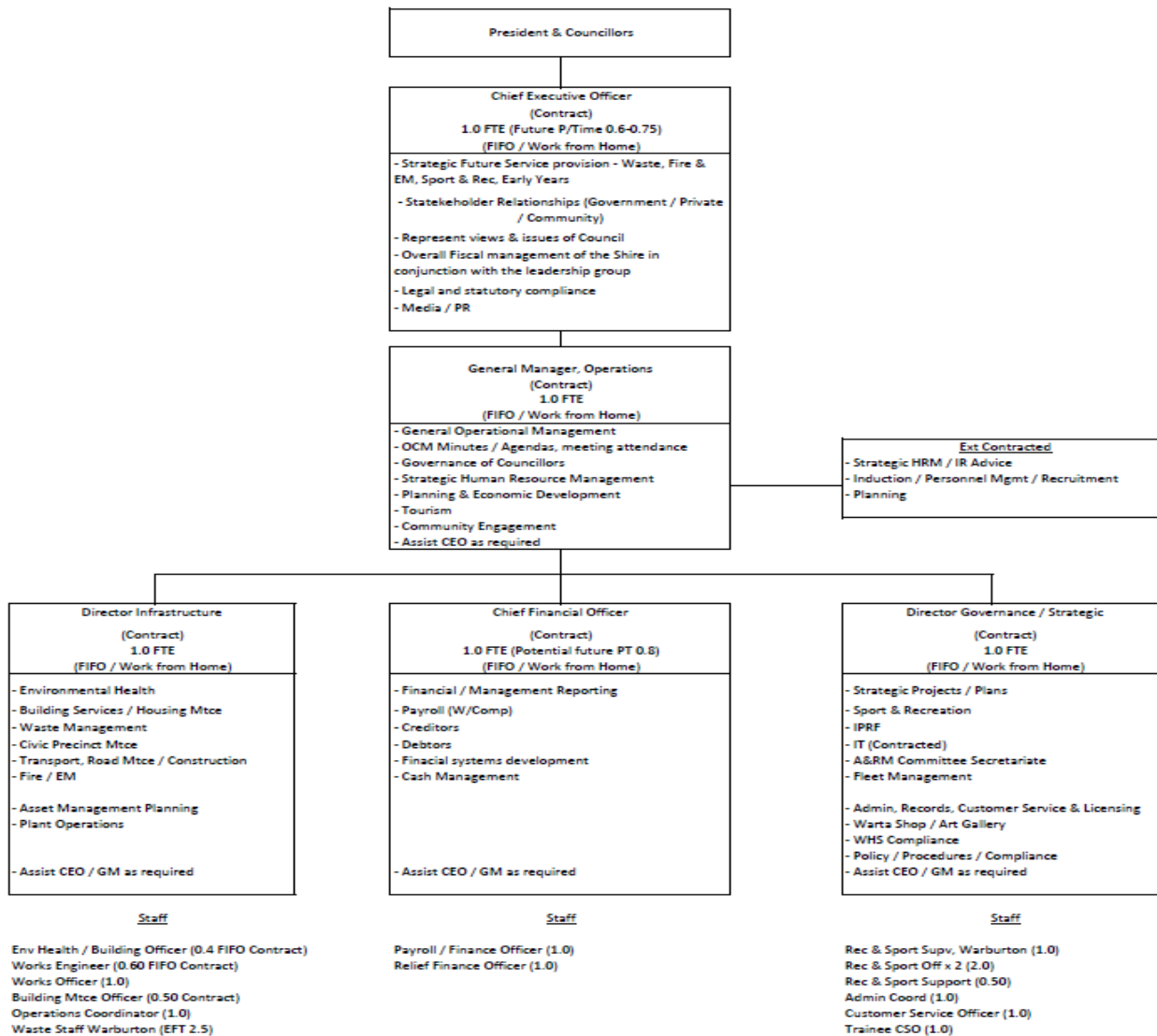
- General Manager Operations
- Director Governance and Strategic
- Chief Financial Officer
- Director Infrastructure

The executive team advise the Chief Executive Officer on executive decisions and to provide a combined approach to the management of the Shire of Ngaanyatjarraku.

Figure 1. Shire of Ngaanyatjarraku Organisational Structure



Organisational Structure, 1 July 2022



To find out more about the Shire of Ngaanyatjarraku's key operational areas visit: www.ngaanyatjarraku.wa.gov.au/our-shire

Committees of Council

The Shire of Ngaanyatjarraku's has an Audit & Risk Committee and a Local Emergency Management Committee that assesses and provides recommendations to Shire Council.



Public Participation

Council Meetings

The public is invited to participate in the majority of Council meetings. This participation is generally by way of public question time at the start of each meeting where the public may ask questions on any matter of interest to them. At Special Council meetings, questions must be about items on the Agenda for that meeting. The public question time is held at the start of each meeting. In most instances the public may remain in attendance for the duration of the meeting.

On occasion it may be necessary for a meeting, or part of a meeting, to remain closed to the public. The minutes of the meeting will contain the reason for closing and some reports may not be made available if the meeting is closed to the public.

To find out about when Ordinary Council Meetings, Public Question Time and other committee meetings are held, and to download the minutes and agendas visit:

www.ngaanyatjarraku.wa.gov.au

Electors' Meetings

Pursuant to Section 5.27 of the Local Government Act, a general meeting of the electors of a district is to be held once every financial year. The Shire of Ngaanyatjarraku usually holds its annual Electors' Meeting in the earlier part of the calendar year, and is advertised via public notice.

Pursuant to Section 5.28 of the Local Government Act, a special meeting of the electors is to be held on the request of not less than

1. 100 electors or 5% of the number of electors – whichever is the lesser number; or
2. 1/3 of the number of Council Members

The request must specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with the regulations, and is to be sent to the President.

Community Consultation

In some instances, the Shire of Ngaanyatjarraku is required to either give public notice of its intention to take a certain course of action or provide a period of public consultation prior to taking that course of action. The process for consultation will be set out in the legislation requiring the Shire of Ngaanyatjarraku to advertise or consult.

The public may be consulted through the use of surveys, workshops, community forums and other processes. The Shire of Ngaanyatjarraku administration consults the community in this manner as directed by Council. Community consultation is used to ascertain the needs and wishes of the community as they relate to a certain project or development. The information from community consultation is collated and reported to Council.

Notice and Advertising

In many instances the Shire of Ngaanyatjarraku is required by the Local Government Act to provide notice of its intention to take a particular course of action or decision. In other instances the Shire of Ngaanyatjarraku will advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to comment or object.

Current notices are maintained on the Shire of Ngaanyatjarraku website, and are also placed on local news boards. Should you have regular dealings with Council it is strongly recommended that you monitor these notices by visiting www.ngaanyatjarraku.wa.gov.au.

Please note that for the Shire of Ngaanyatjarraku:

- Local public notice is given by advertising the notice on the display boards inside the Council Administration Building at Tjulyuru Cultural and Civic Centre, Roadhouses, General Stores and the Shire website.
- State-wide public notice is given by advertising the notice in the West Australian newspaper as well as displaying the notice on the display boards inside the Council Administration Building at Tjulyuru Cultural and Civic Centre, Roadhouses, General Stores and the Shire website.

Administration

For current state government legislation covering local government please refer to the State Law Publisher for authorised versions or access Western Australian legislation and regulations at

<http://www.legislation.wa.gov.au/>

Local Laws

Unlike other local governments the Shire of Ngaanyatjarraku's does not have its own local laws regarding topics such as dogs, health, fencing, parking, standing orders for meetings, thoroughfares, trading in public places and urban environments. The Shire is subject to the Ngaanyatjarra Council (Aboriginal Corporation) By-Laws.

Publications

Where the Shire of Ngaanyatjarraku is required or has decided to make certain documents available to the public, then those documents will be available in their most recent format at the Shire of Ngaanyatjarraku website

<https://ngaanyatjarraku.wa.gov.au/index.php/our-shire/publications>



Documents that are available (including S5.94 of the Local Government Act)

The Shire of Ngaanyatjarraku will ensure that as much of this information as possible is made available through the Shire of Ngaanyatjarraku website; alternatively these documents can be made available by attending the Shire of Ngaanyatjarraku Administration Office in person or telephoning 08 8956 7966.

These documents can be made available to the public in the form or medium in which it may for the time being be held by the local government.

Document Description	Inspection only	Website
Annual Budget (<i>Current Financial Year</i>)		✓
Annual / Audit Reports		✓
Asset Management Plan		✓
Budgets		✓
Business Plan for a major land imposition or major trading undertaking		✓
Code of Conduct (2021)		✓
Confirmed minutes of Council or Committee meetings excluding confidential items		✓
Corporate Business Plan		✓
Customer service charter		✓
Disability Access and Inclusion Plan		✓
Delegated Authority Register	✓	
Election Candidates Profiles		✓
Fees and Charges (Current)		✓
Freedom of Information Statement		✓
Local Emergency Management Arrangements (<i>2021-2026</i>)		✓
Long Term Financial Plan		✓
Minutes of meetings		✓
News and Events (Media Releases, Road Conditions)		✓
Notice papers and agenda relating to any Council or Committee meeting and reports and other documents that have been a) Tabled at a council or committee meeting; or b) Produced by the local government or a Committee for presentation at a Council or Committee meeting and which have been presented at the meeting.		✓
Objects and reasons for the imposition of differential rates		✓
Plan for the Future (2021 – 2031)		✓
Policies		✓
Primary or Annual Returns		✓
Proposed and current local laws		✓
Rates Record (<i>in respect of mining tenements</i>)	✓	
Record Keeping Plan (2021)		✓
Register of Complaints of Minor Breach		✓
Register of Financial Interests	✓	



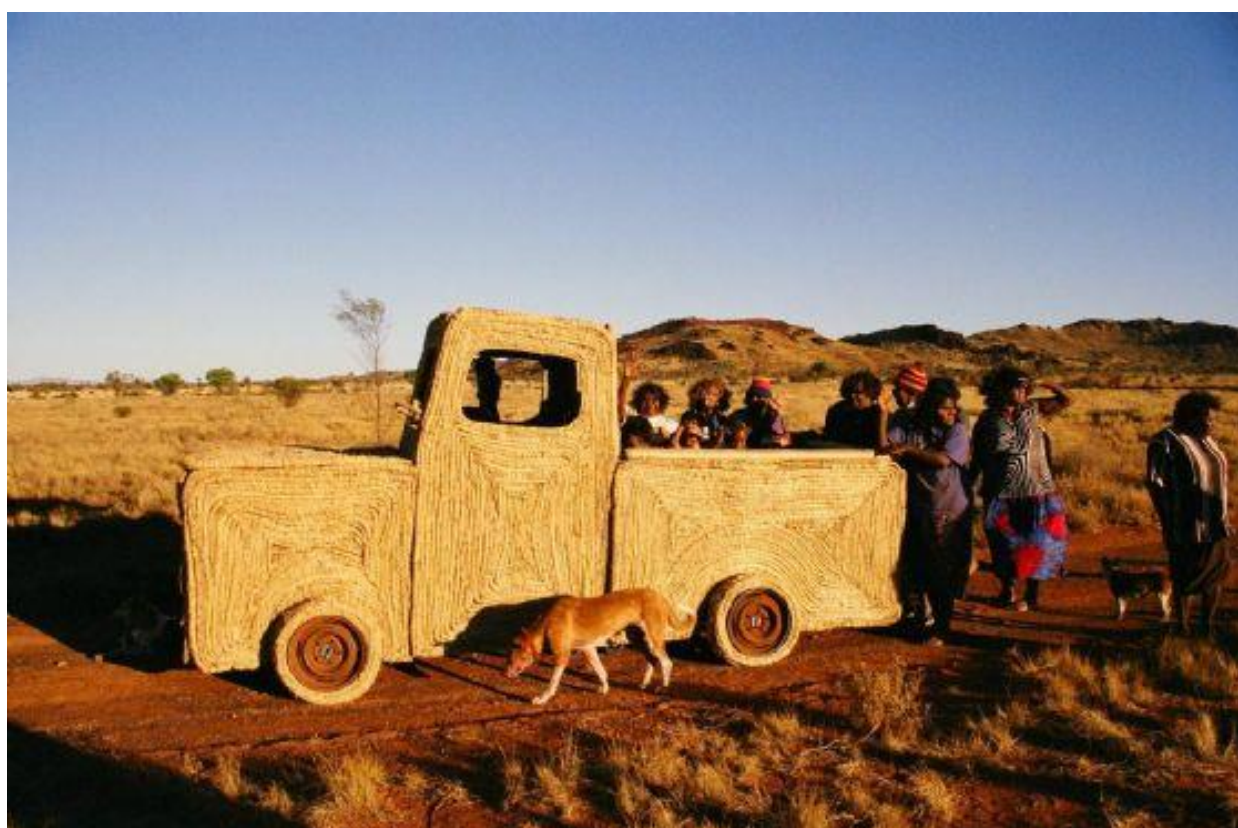
Register of Fees and Allowances paid to Elected members		✓
Register of Gifts & Contribution to Travel		✓
Register of electoral rolls	✓	
Report of Training of Elected Members		✓
Risk Management Strategy		✓
Road Condition Report		✓
Schedule of Fees and Charges (<i>Current Financial Year</i>)		✓
Sport & Recreation Plan		✓
Waste Management Plan		✓
Work Force Plan		✓

Documents held by the Shire of Ngaanyatjarraku

The Shire of Ngaanyatjarraku maintains comprehensive records of its dealings.

Each department in the Shire of Ngaanyatjarraku have processes for ensuring that documentation regarding a given dealing is collated and submitted for record keeping. These documents may include correspondence, memoranda, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

Access to information that is not otherwise listed as available in this statement is accessed by the way of an application under the Freedom of Information Act.





Freedom of Information

Introduction

Should you be seeking access to information or documents that are not previously listed in the Administration section of this Information Statement, then it will be necessary to lodge a Freedom of Information application with the Shire of Ngaanyatjarraku. This application should clearly specify the document and/or information that you are seeking access to.

Please be aware that the Shire of Ngaanyatjarraku has limited resources it can devote to the processing of Freedom of Information claims. Accordingly, your application should be precise and set out the following details where they are applicable to your claim.

- The type of document sought;
- The date or approximate date of the document;
- The information contained within the document;
- The property address;
- Any other information that will assist the FOI Coordinator to locate the required document.

In processing applications, the Shire of Ngaanyatjarraku is wary of the amount of time it will take to assess a Freedom of Information claim and has the right under S20 of the Freedom of Information Act to refuse to deal with an application that will divert an unreasonable amount of resources from the Shire of Ngaanyatjarraku other operations. This right to refuse will only be used as a last resort. Should the Director Governance and Strategic be of the opinion that an application would divert an unreasonable portion of the Shire of Ngaanyatjarraku resources away from other operations; the applicant will then be contacted with a request to reduce the scope of the original application.

The Shire of Ngaanyatjarraku is keen to ensure that the intent of the Freedom of Information Act is maintained and information requested by members of the public is made available where appropriate. Accordingly, the Shire of Ngaanyatjarraku is happy to work with applicants to reduce the scope of a claim and identify those documents that are essential to the claim.

The type of application that will generally lead to a request to reduce the scope of a claim is known as a “fishing expedition.” This application will generally include an all-encompassing phrase such as “all documents relating to” or “all information pertaining to”. Please be careful in considering which documents are likely to contain the information that is being sought.

Prior to making an application for access to information please consider the information that is available at the Shire of Ngaanyatjarraku website at www.ngaanyatjarraku.wa.gov.au

Freedom of Information Requests

The following represents information useful to know when submitting a request for information under the Freedom of Information Act (the Act).

Documents Containing Personal Information

Documents containing personal information are afforded special recognition by the Act. Personal information is defined as information or an opinion, whether true or not, about an individual, whether living or dead:

- whose identity is apparent or can reasonably be ascertained from the information or opinion; or
- who can be identified by reference to an identification number or other identifying particulars such as a finger print, a retina print or body sample.
- where an applicant seeks access to a document containing personal information, a local government must take reasonable steps to:
 - satisfy itself as to the identity of the applicant; and
 - ensure that only the applicant or the applicant's agent, nominated in writing, receives the document.

There is no fee applicable to applications for access to personal information.

Third Party Personal Information

There may be instances where access to personal information is requested about a third party (ie. not the applicant). If the document sought would reveal personal information about the third party, then it is one that contains exempt matter pursuant to Clause 3 of the first Schedule to the Act.

Where such an application is made, local government will be bound to consult with the third party concerned and seek his or her views as to whether the document contains exempt matter. If, after that process of consultation, a local government decides to give access to the document, the third party must be notified and given time to exercise the appeal rights provided under the Act before access can physically be given to the applicant.

The Right of Access to Documents

Section 10 of the Act provides that a person has a right to be given access to the documents of the Shire of Ngaanyatjarraku. That right is unaffected by:

- any reasons the person gives for wishing to obtain access; or
- the Shire of Ngaanyatjarraku's belief as to the person's reasons for wishing to obtain access.

Accordingly, an individual could apply for access to information in order to gather information for legal proceedings against a local authority. Unless the document at issue was exempted under the Act, access would have to be granted in these circumstances.

Procedures

Application

It is Council's aim to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information process.

If information is not readily available, the Act provides the right to apply for documents held by Council and to enable the public to ensure that information in documents is accurate, complete, up to date and not misleading. The following describes the way of making such an application.

Freedom of Information Applications

If you are seeking access to a document(s) on behalf of another person, Council will require authorisation, usually in writing.

All requests for access to these documents must be made by:

- lodging an application in writing;
- giving enough information so that the requested documents may be identified;
- give an Australian address to which notices may be sent; and
- be lodged at the Council with any application fee payable.

There is no fee applicable for personal information about the applicant.

Applicants will be notified in writing and are notified of the decision concerning access within 45 calendar days as specified in the Act.

If Council is unable to meet the requirements of the applicant within the 45-day time constraint, Council will contact the applicant to negotiate and reach agreement on an alternative date, outside the permitted period. If an agreement cannot be reached between the parties, the Council can then apply to the Information Commissioner for an extension of time. The application must be in writing explaining the attempts made to comply and the reasons why it is impracticable to deal with the application within the "permitted period" of 45 days.

If the Council does not give the applicant written notice of decision within the "permitted period", the applicant has a right to apply to the Council for an internal review of the "deemed refusal". The procedures set out in the FOI Act enable a person who is aggrieved by a decision made by an agency in relation to an access application, to apply to the agency (within 30 days) for an internal review of that decision (the "deemed refusal"). Section 13(3) of the FOI Act provides that the "permitted period" within which an agency is required to deal with an access application and make a decision on access is 45 days or such other period as may be agreed between the applicant and the agency or as allowed by the A/Commissioner under ss.13(4) or (5) of the FOI Act.

Council may request proof of identity prior to giving access to the documents.



Internal Reviews

If an applicant is unhappy with the decision made by Council in respect to his/her Freedom of Information application, or the fees charged for the application, he/she has the right to an Internal Review by Council.

Applications for Internal Review should:

- be made in writing;
- give details of the decision that the applicant wishes to have reviewed;
- provide an Australian address to which notices can be sent; and
- be lodged within 30 calendar days of receiving written notice from Council of its decision.

Internal Reviews will be handled by the Chief Executive Officer. There is no cost associated with an Internal Review.

For further information contact Shire of Ngaanyatjarraku's Director Governance and Strategic on (08) 8956 7699 or via email on dgc@ngaanyatjarraku.wa.gov.au or by writing to:

Chief Executive Officer
Shire of Ngaanyatjarraku
PMB 71
KALGOORLIE WA 6430

External Reviews

If an applicant is not satisfied with the decision of the Internal Review, he/she has the right to lodge a complaint with the Information Commissioner seeking an External Review of that decision.

The complaint must be lodged with the Information Commissioner within 30 days of receiving the notice of decision of the Internal Review.

The complaint to the Information Commissioner must:

- be in writing;
- have attached to it a copy of the decision; and
- provide an Australian address to which notices can be sent.

There is no charge for lodging a complaint with the Information Commissioner.

For further information concerning External Reviews contact the Office of the Information Commissioner:

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

Email: info@foi.wa.gov.au

Phone (08) 6551 7889 or
Free call (WA country landline callers only) 1800 621 244



Fees and Charges for FOI Applications

1. <u>Type of Fee</u> Application fee under Section 12(1)(e) of the Act Note – there is no fee applicable for Personal Information about the applicant	\$30.00
2. <u>Type of Charge</u>	
(a) Charge for time taken by staff dealing with application (per hour, or pro rata for a part of an hour)	\$30.00
(b) Charge for access time supervised by staff (per hour, or pro rata for part of an hour) - plus the actual additional cost to the Council for any special arrangement eg. hire of facilities/equipment	\$30.00
(c) Charge for photocopying (i) per hour, or pro rata for a part of an hour of staff time (ii) per copy	(i) \$30.00
	(ii) \$00.20
(d) Charge for time taken by staff transcribing information from a tape or other device per hour or pro rata for part of an hour	\$30.00
(e) Charge for duplicating a tape, film or computer information	Actual cost
(f) Charge for delivery, packaging and postage	Actual cost

NB: For an applicant who is –

- Impecunious in the opinion of Council; or
- the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the Rates and Charges (Rebates & Deferments) Act 1992, the charge payable under Regulation 5 of the Act is reduced by 25%.

Should you wish to discuss any matter contained within this information statement please do not hesitate to contact the Director Governance and Strategic by phoning (08) 8956 7966 or emailing dgc@ngaanyatjarraku.wa.gov.au

To download an application form, please visit:

www.ngaanyatjarraku.wa.gov.au



Amendment of personal information

If you are concerned that an agency holds information about you that is inaccurate, incomplete, out of date or misleading, you should first contact the agency to discuss whether it will correct that information without the need for you to make a formal application under the FOI Act.

If you are not satisfied with the agency's response, **section 45** of the FOI Act provides that you can apply to the agency for amendment of personal information about yourself that is contained in a document of the agency if the information is inaccurate, incomplete, out of date or misleading.

Under **section 46**, an application for amendment of personal information must:

- Be in writing;
- give enough details to enable the document that contains the information to be identified;
- give details of the matters in relation to which you believe the information is inaccurate, incomplete, out of date or misleading;
- give your reasons for holding that belief;
- give details of the amendment you wish to have made (specifying whether you wish the amendment to be made by altering, striking out or deleting the information or inserting a note in relation to information);
- give an Australian address to which notices can be sent; and
- be lodged at the office of the agency that holds the documents.

Your application for amendment should include some information or evidence to establish that the personal information you seek to have amended is inaccurate, incomplete, out of date or misleading as you claim.

There are no fees or charges associated with an application for amendment of personal information under the FOI Act.

The agency must give you a written notice of decision on your application for amendment within 30 days of receiving a valid application or within such time as agreed between you and the agency.

To download application form, please visit:

www.ngaanyatjarraku.wa.gov.au