



INFORMATION STATEMENT

2014

“To build on our history to create our future”

**Shire of York
INFORMATION STATEMENT**

This Information Statement is published by the Shire of York in accordance with the requirements of Part 5 of the Freedom of Information Act 1992.

The purpose is to provide information to the community about the structure and functions of the local government, how decisions made by the Council affect the community and how members of the community can participate in the decision making process and in the formulation of policies of the local government.

Also described are the kinds of documents that are held in the Shire Offices and how they can be inspected, which ones can be purchased and what types of documents can only be requested for access through application under the Freedom of Information Act 1992.

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Reviewed & Updated

June 2006

July 2009 (Endorsed - Ordinary Council Meeting on the 17th August 2009)

August 2012 (Endorsed - Ordinary Council Meeting on the 20th August 2012)

August 2014

1.0 THE YORK SHIRE AND YOU

STATISTICS (2011 CENSUS – AUSTRALIAN BUREAU OF STATISTICS)

POPULATION	3,396
AREA	2,010km ²
TOTAL REVENUE	\$8,601,200

The Shire of York covers an area of 2,010km².

The Shire of York is situated 97km from Perth. The Administration Centre in York is situated at 1 Joaquina Street.

The Shire of York consists of a number of small townships.

The Shire is predominantly made up of clay and loam areas.

The geographical nature of the Shire has been the primary factor in its development to the present day, and Council's Town Planning Scheme proposes that the future will also be governed by the opportunities and limitations of an environment of hills and trees.

1.1 OUR MISSION

Is expressed as:

To build on our history to create our future

1.2 OUR VISION: THE RURAL GATEWAY

Our Shire will be:

- A place to visit, work, play and rest;
- A place of vibrancy and energy, but one of tranquillity and safety;
- A place of growth, where local businesses find opportunities and thrive;
- A place of history and cultural interests, where past history is valued, building a sense of permanency and pride;
- A place of community, where lifestyle choices are important and where community matters.

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.1 THE COUNCIL AND COUNCILLORS

Local government is an integral part of the system of government both in Western Australia and nationally. It is also an economically important industry as local governments in Western Australia spend over a billion dollars each year.

Local government is the “grass roots” level of government in Australia. Its Council members are ideally placed to monitor the changing needs of local communities, to plan and implement strategies to meet those needs, and to bring local concerns to the attention of the State and Federal sectors of government.

Local governments main strength is its closeness to its community and its ability to take account of, and to respond to, local views and ideas.

(i) INFO NOTE

A councillor is a member of a team and that team is shaping the districts' future in consultation with the community.

Generally, Councillors do not have an authority to act or make decisions as individuals. They are members of an elected body that make decisions on behalf of the local government through a formal meeting process.

The role of each councillor is to:

- Represent the interests of electors, ratepayers and residents of the district.
- Provide leadership and guidance to the community in the district.
- Facilitate communication between the community and the Council.
- Participate in the local government's decision making processes at Council meetings; and
- Perform such other functions as are given to a Councillor by the Local Government Act 1995 or any other written law.

Your elected Councillors are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions that affect the way you live.

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.1 THE COUNCIL AND COUNCILLORS (Continued)

Your Council at present is:

NAME	ADDRESS	RETIRING	PHONE
Cr Matthew Reid President	63 Ford Street, York	October 2017	9641 1151 or 0427 411 044
Cr Mark Duperouzel Deputy President	52 Tenth Road, York	October 2015	9641 2534 or 0428 184 303
Cr Denese Smythe	5 Morse Street, York	October 2015	9641 2365 or 0419 924 676
Cr Pat Hooper	37 Fraser Street, York	October 2015	9641 2285 or 0417 935 998
Cr David Wallace	256 Young Road, York	October 2017	0427 902 987
Cr Tony Boyle	24 Panmure Road, York	October 2017	9641 2075 or 0429 882 497

(i) INFO NOTE

The people who stand for Council are as varied as the reasons which first motivated them. Councillors come from a wide range of cultural backgrounds, age groups and occupations. This diversity is important in ensuring the decisions made by Councils reflect the views of the community. YOU CAN BE A COUNCILLOR - JUST ASK

2.2 OFFICE OF THE CHIEF EXECUTIVE

Each local government employs a Chief Executive Officer and staff to advise council members on matters under discussion, administer the day to day operations of the local government, carry out the policies of Council and implement its decisions.

The Chief Executive's office is responsible for such functions as:

- Corporate Management
- Policy Formulation and Overview
- Councillor Liaison
- Corporate Planning and Research
- Public Relations
- Human Resource Management
- Civic Functions

The Chief Executive Officer at the
Shire of York is Michael Keeble

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.3 FINANCE AND CORPORATE SERVICES

FINANCIAL SERVICES

- Budgeting
- Financial Reporting
- Accounting
- Financial Planning
- Annual Accounts
- Insurance
- Information Management

(i) INFO NOTE

How well the local government manages its staff, money and physical assets has a huge impact on what can be achieved for the community.

RATING

- Rating
- Valuations
- Property Data Base Management

REVENUE CONTROL

- Cash and Banking
- Investments
- Loan Borrowings
- Debtors

PERFORMANCE MEASURES

- Rates become a smaller percentage of total income.
- Organisational goals and objectives are met.
- The extent to which corporate services is meeting the needs of its customers.

EXPENDITURE CONTROL

- Payroll
- Creditors
- Stock Control

CORPORATE SERVICES

- Records Management
- Communications
- Corporate Support Services
- Customer Services
- Road Closures, Easements
- Elections

HUMAN RESOURCES

- Industrial Relations
- Equal Employment Opportunity
- Occupational Safety, Health and Welfare
- HR Policy Development
- Staff Recruitment



2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.3 FINANCE AND CORPORATE SERVICES (Continued)

- Staff Training
- Enterprise Bargaining
- Induction Training
- Career and Succession Planning
- Performance Management

2.3.1 REVENUE OF A LOCAL GOVERNMENT

To undertake works and activities, local governments obtain revenue from the following:

2.3.1.1 Rates

Rates are a tax on property and they form the principal source of revenue for many local governments. The *Local Government Act 1995* and the *Valuation of Land Act 1978* prescribe the methods for assessing the rateable value of property and the types of rates that can be levied. Each local government then determines the amount and type of rate to levy.

2.3.1.2 Commonwealth Financial Assistance

Each local government in Western Australia receives an annual grant from the Commonwealth Government. This money is allocated and distributed to local governments by the Western Australian Local Government Grants Commission.

The division of general purpose grants is designed to ensure that each local government is able to function at a level which is not lower than a calculated State average.

2.3.1.3 Borrowings

Local governments can borrow money. They may take up loans to embark on large scale capital activities for which normal rates and other sources of revenue are insufficient.

(i) INFO NOTE

The Shire of York has approximately 40 employees on its payroll. This includes full time, part time, job share and casual staff.

Staff are employed under the Shire of York Union Collective Agreement.

Human Resources co-ordinates, implements and reviews all human resource programs, systems, policies and procedures to ensure staff employed meet the requirements to provide the highest professional service to the Community.

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.3 FINANCE AND CORPORATE SERVICES (Continued)

2.3.1 REVENUE OF A LOCAL GOVERNMENT (Continued)

2.3.1.4 Fees and Charges

Most local governments receive a small percentage of their income from fees and charges. Local governments can impose a fee or a charge in a range of circumstances. These circumstances include:

- the use of, or admission to, facilities, owned, managed or maintained by it;
- the supply of a service or work at a person's request;
- the supply of goods;
- for providing information from records; and
- receiving an application for approval, making an inspection or for issuing a licence or permit.

2.3.1.5 Commercial Enterprises

Local governments have some scope for being involved in commercial enterprises to generate revenue.

2.4 STATUTORY SERVICES

PLANNING AND DEVELOPMENT

- Strategic Land Use Planning
- Planning Schemes and Amendments
- Development Applications Control
- Subdivision Assessment
- Street Naming
- Home Occupation/Home Industries
- Planning Policies and Studies

(i) INFO NOTE

Looking after the environment involves more than constructing and mending roads and building. Planning where they should go, how wide they should be and when they should be built is also very important. Subdivision of land must be in keeping with planning policies.

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.4 STATUTORY SERVICES (Continued)

BUILDING SERVICES

- Building Codes
- Strata Titles
- Advertising Signs
- Swimming Pools
- Dividing Fences
- Public and Counter Advice
- Building Standards, Licences, Inspections Classifications and Statistics
- Construction of Council Buildings

(i) INFO NOTE

The local government to ensure they comply with set standards and regulations must approve plans for all new buildings, and improvements to existing ones.

ENVIRONMENTAL HEALTH

- Annual Licensing
- Swimming Pools
- Offensive Trades
- Stall Holders
- Shop Inspections
- Effluent Disposal
- Environmental Monitoring
- Pesticides and Pest Control
- Health Promotion
- Litter Control
- Noise Control Public Buildings
- Immunisation - Infectious diseases
- Food and Water Sampling/Hygiene

(i) INFO NOTE

Environmental Health Services involves not only the familiar areas of food hygiene, inspection of shops and public buildings. It also monitors the environmental impacts and performance of urban and industrial development on the natural and built environment so as to minimise and prevent adverse impacts to public health.

LAW AND ORDER

- Animal Control
- Emergency Services
- Planning Compliance
- Administration and Enforcement of Acts and Local Laws

ENVIRONMENTAL SERVICES

- Strategies and Studies
- Assessments
- Land Care

PERFORMANCE MEASURES

The extent to which the community is satisfied with the local governments' Planning, Building and Environmental Health initiatives as well as the level of participation in environmentally based community groups.

2.0 ORGANISATIONAL STRUCTURE AND RESPONSIBILITIES

2.5 INFRASTRUCTURE SERVICES

INFRASTRUCTURE SERVICES

- Roads
- Crossovers
- Footpaths
- Storm Water Drainage
- Traffic Management
- Street Lighting
- Street Signs
- Safety
- Vehicles, Plant and Equipment - Operations and Replacement
- Maintenance of Council Buildings

PARKS AND GARDENS

- Parks
- Sporting Grounds
- Reserves
- Street Trees
- Landscaping and Rehabilitation
- Street Verge Development and Maintenance

WASTE MANAGEMENT

- Capital Works
- Waste Management
- Waste Transfer Stations
- Recycling

(i) INFO NOTE

A weekly rubbish collection service is provided through a waste collection contractor. Twice monthly a recycling service is available..

CEMETERIES

- Maintenance
- Operation

ENVIRONMENTAL ENGINEERING

- Land Rehabilitation
- Stormwater Management
- Municipal Works

3.0 DECISION MAKING FUNCTIONS

3.1 THE COUNCIL

The Council is the governing body of the local government. It is made up of Councillors and a President. The number of Councillors at the Shire of York is six (6), inclusive of the President.

3.1.1 A COUNCIL'S ROLE IS TO

- Direct and control the local governments affairs.
- Be responsible for the performance of the local governments function.
- Oversee the allocation of the local governments' finances and resources; and
- Determine the local government policies.

3.2 THE SHIRE PRESIDENT

The role of the President is to:

- Preside at council meetings (in this role the president is required to ensure that meetings are conducted in a correct and orderly manner and to remain impartial when chairing the meeting).
- Liaise with the Chief Executive Officer on the local governments' affairs and the performance of its functions.
- Provide leadership and guidance to the community.
- Carry out civic and ceremonial duties (such as conducting citizenship ceremonies) on behalf of the local government.
- Speak on behalf of the local government as a corporate entity.
- Perform other such functions as are given to the President by the Local Government Act or any other written law.

(i) INFO NOTE

President = Title given to the chief elected officer of a shire council.

(i) INFO NOTE

Presidents may be elected either by the Council for two years, or by the Electors of the district for four years.

A president has the same 'deliberative' vote as the other councillors. However, the president may also exercise a second vote; that is, a deciding vote when the deliberative vote results in a deadlock.

3.0 DECISION MAKING FUNCTIONS

3.3 THE CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is the chief non-elected officer and his function is to:

- Advise council in relation to the local government's functions.
- Ensure that advice and information is available to council so that informed decisions can be made.
- Cause council decisions to be implemented.
- Manage the day to day operations of the local government.
- Liaise with the president on the local governments' affairs and performance of functions.
- Speak on behalf of the local government if the president agrees.
- Be responsible for the employment, management, supervision, direction, and dismissal of other employees.
- Ensure that the records and documents of the local government are properly kept; and
- Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the Chief Executive Officer.

(i) INFO NOTE

The Chief Executive Officer acts as the conduit between the council members and the council staff. All other council staff, including engineers, planners, finance, administrators and outside works, ultimately receives their direction from, and are responsible to, the Chief Executive Officer. Council members acting individually do not have the authority to influence the activities, duties and operations of these staff directly.

3.0 DECISION MAKING FUNCTIONS

3.4 THE LOCAL GOVERNMENT ACT

Local Government's power is derived from legislation.

The *Local Government Act 1995* provides for a system of local government by creating a constitution for elected local government in the State, describing the functions of local governments, providing for the conduct of elections and providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.

Local governments also derive powers from other Acts. Of these, the most important are the Health Act, which vests wide ranging powers in local governments to ensure the health of each community is safeguarded, and the Town Planning and Development Act, which gives local governments the power to prepare local planning schemes and ensure orderly development.

(i) INFO NOTE

Other important statutes include the Bush Fires Act, the Cemeteries Act, the Dog Act and the Environmental Protection Act - See Section 4.0.

3.5 STANDING ORDERS

Standing Orders are the local laws by which council and committee meetings are run. They relate to the conduct of proceedings of the business of the council and committee meetings. In governing the proceedings of a meeting, standing orders specifically detail issues such as the order of business, conduct of meetings with regard to determinations by the chairperson, rules of debate, voting, motions and amendments to motions and various miscellaneous matters.

(i) INFO NOTE

A copy of the comprehensive Local Law relating to standing orders is available for perusal or purchase.



3.0 DECISION MAKING FUNCTIONS

3.6 COMMITTEES

Council has Committees to consider various aspects of the operations of the Council, these meetings are opened to the public.

Local governments may appoint committees to share the decision making workload as well as to utilise expertise effectively. These committees include council members, staff from the local government, and two members of the public and all Councillors. The committees in place at present are the Finance, Risk and Audit Committee, Works Committee, Heritage Advisory Committee, Honours Committee and the Local Emergency Management Committee (LEMC).

3.7 POLICIES OF THE LOCAL GOVERNMENT

In order to provide guidance for the officers of the Local Government, the Council adopts policies that define the structure under which the local government operates.

(i) INFO NOTE

A manual of the policies of the local government are available for public perusal on request at the Customer Service counter and also on the Shire of York Website.

3.8 DELEGATED AUTHORITY

The council of a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties. For this to occur however, an absolute majority decision is required. There are some limits on powers or duties that can be delegated to the Chief Executive Officer. Comprehensive detail describing such limitations can be accessed in Section 5.43 of the Local Government Act 1995.

(i) INFO NOTE

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to keep a register of delegations to himself from Council and those that he on delegates to other officers.

3.0 DECISION MAKING FUNCTIONS

3.9 LOCAL GOVERNMENT LOCAL LAWS

The powers of local governments to provide services and facilities and make local laws are derived from legislation passed in State Parliament. The principal Act from which local governments gain power is the Local Government Act 1995.

Local Laws were previously called By-laws. The terminology change was implemented by the Local Government Act 1995. The terminology change does not in any way change the intent of the original By-law.

There are two types of Local Laws that are the 'law' in any local government area. The first type are local laws made by the Governor which may be applicable to a single local government or even to every local government in the State. There are a few such local laws that are Statewide applying to this local government and these have been identified as such in their headings.

The second type of local law is adopted by this local government. These local laws apply only to ratepayers and residents of the Shire of York. The power to make a local law and the extent to which it may be applied must be clearly set out in an Act of Parliament. This is sometimes described as the "Head of Power". Several different Acts give such powers with perhaps the most important to Council, being the Local Government Act, the Health Act and the Bush Fires Act. Others are mentioned in Section 3.4.

(i) INFO NOTE

A precise of the Shire of York Local Laws is provided in Section 4.2. A comprehensive Local Laws manual is available for perusal on request at the Customer Service counter and on the Shire of York Website.

Legal processes involved in making Local Laws can be referenced in Section 3.12 of the Local Government Act that can also be perused on request.

4.0 LEGISLATION ADMINISTERED

4.1 STATE AND FEDERAL LEGISLATION

ANIMAL WELFARE ACT 2002

An Act to provide for the welfare, safety and health of animals, to regulate the use of animals for scientific purposes, and for related purposes.

BUILDING SERVICES (REGISTRATION ACT) 2011

An Act relating to the qualifications and registration of builders; to constitute a board in relation thereto; to establish a committee with jurisdiction in respect of certain building disputes, and for other purposes connected therewith.

BUSHFIRES ACT 1954

An Act to make better provision for diminishing the dangers resulting from bushfires, for the prevention, control and extinguishment of bushfires.

CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

An Act to provide for the regulation of caravanning and camping, to control and licence caravan parks and camping grounds, to provide for standards in respect of caravans, to amend certain Acts for related purposes.

CEMETERIES ACT 1986

An Act to provide for the declaration and management of cemeteries, the establishment, constitution and functions of cemetery boards, the licensing of funeral directors, and the regulation of burials.

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

An Act to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes.

CORRUPTION AND CRIME COMMISSION ACT 2003

An Act to provide for the establishment and operation of a Corruption and Crime Commission, to provide for the establishment and operation of a parliamentary Inspector of the Corruption and Crime Commission; and make amendments as a consequence of the enactment of this Act.

DIVIDING FENCES ACT 1961

An Act relating to the construction and repair of dividing fences between certain lands.

DOG ACT 1976

An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

ENVIRONMENTAL PROTECTION ACT 1986

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment.

FIRE & EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA ACT 1998

An Act to establish an Authority with functions relating to the provision and management of emergency services, and for related purposes

4.0 LEGISLATION ADMINISTERED

4.1 STATE AND FEDERAL LEGISLATION (Continued)

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994

An Act to provide for the enforcement of the payment of fines and other penalties and for the enforcement of infringement notices and for related purposes.

FREEDOM OF INFORMATION ACT 1992

An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for relating purposes.

HEALTH ACT 1911

An Act to consolidate and amend the Law relating to Public Health.

LAND ADMINISTRATION ACT 1997

An Act to consolidate and amend enactments relating to Crown lands.

LITTER ACT 1979

An Act to make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA).

LOCAL GOVERNMENT ACT 1995

An Act to provide for a system of local government in Western Australia, to amend the Local Government Act 1960 and for related purposes.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

An Act to deal with certain matters concerning local government.

OCCUPATIONAL SAFETY AND HEALTH ACT 1984

An Act to promote and improve standards for occupational safety and health, to establish the Commission for Occupational Safety and Health, to facilitate the co-ordination of the administration of the laws relating to occupational safety and health and for incidental and other purposes

PUBLIC INTEREST DISCLOSURE ACT 2003

An Act to facilitate the disclosure of public interest information, to provide protection for those who make disclosures and for those who are the subject of disclosures, and, in consequence, to amend various Acts, and for related purposes.

RATES AND CHARGES (REBATES AND DEFERMENTS) ACT 1992

An Act to permit administrative authorities to allow rebates on, or the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons.

STATE RECORDS ACT 2000

An Act to provide for the keeping of State records and for related purposes.

(i) INFO NOTE

The preceding Legal Acts are either administered as part of the operations of the local government or referred to as an information source. Also included, but not listed individually are Regulations applicable to each Act.

4.0 LEGISLATION ADMINISTERED

4.2 SHIRE OF YORK LOCAL LAWS

Local Governments have a general power to provide for the good government of the people in their district. This means that local governments can do things for the good government of their districts if they are not prevented from doing so by the Local Government Act 1995 or any other written law.

In exercising this general power, a local government can make local laws (legislative function) and provide services and facilities (executive function).

4.2.1 LEGISLATIVE FUNCTION

A local government can make a local law for the good governance of the people in its district. However, a local law will be inoperative to the extent that it is inconsistent with any other written law (e.g. because there is already a State law covering the same area).

4.2.2 EXECUTIVE FUNCTION

The executive functions of local government include the administration of local laws and the provision of services and facilities. A local government can provide any service or facility that is necessary or convenient for the good

governance of the people in its district or for the performance of any other function under the Act. However, before commencing a service or providing a facility, a local government has to satisfy itself that the service or facility it provides integrates with the State or Commonwealth services and does not duplicate inappropriately any State, Commonwealth or private service and is managed efficiently and effectively.

(i) INFO NOTE

Local Governments can make local laws about street trading, reserves, signs, parking, dogs, health, licensing for planning schemes and much more.

4.0 LEGISLATION ADMINISTERED

4.2 SHIRE OF YORK LOCAL LAWS (Continued)

4.2.3 LOCAL LAWS THAT ARE ENFORCEABLE WITHIN THIS SHIRE

All current Local Laws are listed below including the description and intent of each Local Law.

Dogs Local Law – Gazetted 17 January 2011 Amendment Gazetted 1 May 2012	To provide for the control, impoundment and keeping of dogs, issuing of kennel license, fees and penalties.
Standing Orders Local Law Gazetted 22 Feb 2000	Regulating the proceedings of all Council, Committee, Ratepayers and Electors Meetings.
Cemeteries Local Law – Gazetted 22 February 2000 Amendment Gazetted 1 May 2012	To regulate the management of all dealings for the York Cemetery.
Extractive Industries Local Law – Gazetted 22 February 2000 Amendment Gazetted 1 May 2012	To provide for the control of all sites that are extracting from the land.
Health Local Law Gazetted 17 Jan 2001 Amendment Gazetted 15 October 2007	To provide for the protection of the community with regard to Council's responsibilities under the Health Act 1911.
Local Government Property Local Law – Gazetted 17 January 2001 Amendment Gazetted 1 May 2012	To regulate the care, control and management of all property of the local government except thoroughfares.
Fencing Local Law Gazetted 22 May 2001	To provide standards and details relating to fencing.
Local Law Relating to Fire Precautions Gazetted 22 May 2001	To provide standards and to regulate the management of firebreaks.
Thoroughfares Local Law Gazetted 17 Jan 2001 Amendment Gazetted 5 April 2013	To consolidate various local laws relating to activities in thoroughfares and trading in thoroughfares and public places.

4.0 LEGISLATION ADMINISTERED

4.2 SHIRE OF YORK LOCAL LAWS (Continued)

4.2.3 LOCAL LAWS THAT ARE ENFORCEABLE WITHIN THIS SHIRE (Continued)

Local Law Relating to the Establishment of Bush Fire Brigades (Under Review)	To provide for the establishment and maintenance of Bushfire Brigades, including Duties of Officers, financial commitments and membership requirements
Parking and Parking Facilities Local Law Gazetted 22 Feb 2000 Amendment Gazetted 5 April 2013	To provide guidance and regulate the provision of parking generally.
Pest Plants Gazetted 15 Dec 2000	To provide guidance to Council's ratepayers.

(i) INFO NOTE

A comprehensive Local Laws manual is available for public perusal on request at the Customer Service counter and on the Shire of York Website.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.1 ELECTED MEMBERS

Your elected Councillors are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions which affect the way you live.

Your Council at present (15 September 2014) is:

NAME	ADDRESS	RETIRING	PHONE
Cr Matthew Reid President	63 Ford Street, York	October 2017	9641 1151 or 0427 411 044
Cr Mark Duperouzel Deputy President	52 Tenth Road, York	October 2015	9641 2534 or 0428 184 303
Cr Denese Smythe	5 Morse Street, York	October 2015	9641 2365 or 0419 924 676
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Cr David Wallace	256 Young's Road, York	October 2017	0427 902 987
Cr Tony Boyle	24 Panmure Road, York	October 2017	9641 2075 or 0429 882 497

(i) INFO NOTE

More information relating to Councillors appointed to other Committees is detailed in Section 6.4 to 6.5

5.2 COUNCIL AGENDAS AND MINUTES

To facilitate public participation and awareness of Council meetings the Shire of York advertises the dates, times and places of meetings that are open to members of the public. The advertisements are placed in the local newspapers, on Council's website and on the notice board of the Shire Office.

5.2.1 AGENDAS

Agendas relating to any council meeting are made available for public inspection at the Shire Office, on Council's website or at the public library, noticeboards and at the same time that they are issued to members of Council, which is on the Wednesday prior to the Council meeting.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.2 COUNCIL AGENDAS AND MINUTES

5.2.2 MINUTES

Council meeting minutes are available within ten (10) business days after the meeting.

(i) INFO NOTE

In certain circumstances members of the public are not entitled to inspect notice papers or agendas which in the Chief Executive Officer's opinion relate to a meeting or part of a meeting which is likely to be closed to members of the public. Section 5.23(2) of the Local Government Act 1995.

5.3 COUNCIL MEETINGS

The Ordinary Council meeting takes place on the third (3rd) Monday of each month at 4.00pm. At this meeting all Councillors attend. They examine the recommendations made by Council's staff, debate and generally approve the recommendations before them.

5.3.1 PUBLIC QUESTION TIME

All Council meetings are open to the public. There is a "Public Question Time" at the beginning of the meeting for a period of 15 minutes. During this time electors may raise questions for discussion and answer.

5.4 STANDING COMMITTEE MEETINGS

Council does not operate standing committee meetings.

5.5 OTHER COMMITTEES

5.5.1 COMMITTEES

	MEMBER	MEETING S	DURATION
5.5.1.1 – Local Emergency Management Committee	Cr Reid Cr Duperouzel	Four per year	Approx: 3 hours

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.5 OTHER COMMITTEES (Continued)

5.5.2 WORKING PARTIES

	DELEGATE	MEETING	DURATION
5.5.2.1 - Men's Health	Mr G Tester Cr P Hooper	As required	Approx: 1 hour
5.5.2.2 – Road Advisory Group	Cr Duperouzel	As needs basis	Approx: 2 hours

5.5.3 INTERNAL COMMITTEES – (within the Shire)

	DELEGATE	MEETING	DURATION
5.5.3.1 – Audit Committee	All Councillors	As needs basis	Approx: 2 hour
5.5.3.2 – Occupational Health and Safety	Mr G Tester Miss S Fythe Mr G Plaisted	Two – Three Months	Approx: 1½ hours
5.6.3.3 – Honours Advisory Committee	Cr Hooper	One per month, as required	Approx: 1½ hours

5.6 COUNCIL ELECTIONS

As a result of the Local Government Act that came into effect in July 1996, changes have been made to a number of election procedures, affecting the way you vote, how Councillors are elected and for what period.

5.6.1 BIENNIAL ELECTIONS

One of the key changes is that, elections are now held every two years being on the third Saturday in October.

5.6.2 CHANGES TO TERMS OF OFFICE

The position of President will be held for a two year term except in the case where an extra-ordinary election has been called.

5.6.2.1 Councillors Terms

A Councillor's term of office is four years unless through a resignation an extra-ordinary election is called. In this case the new Councillor will serve the remaining term of the outgoing Councillor.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.6 Council Elections (Continued)

5.6.3 VOTING PROCEDURE

The vote counting system has is first-past-the-post. That is, the winning candidate is the one who receives the largest number of votes. If two or more candidates receive the same number of votes, the Returning Officer will decide the result by drawing lots in the presence of scrutineers.

5.6.3.1 Changes to Early, Absentee and Postal Voting.

Polling booths may now be set up on convenient locations (such as shopping centres) to allow people to vote before Election Day, the first Saturday in May.

If you expect to be away on polling day, you can cast your vote at the Shire Offices during office hours prior to election day.

You do not have to give any reason for casting an absentee vote.

If you wish to cast a postal vote, you must deliver or post your vote in time to reach an electoral officer on or before Election Day.

If, for some reason, your postal application is rejected, the Chief Executive Officer or Returning Officer will advise you in writing of the reason.

5.6.3.2 Postal Voting vs In-Person Voting

Under the Local Government Act, Council determines whether an election, including extra-ordinary elections, will be conducted by the postal method, or the in person voting method. The Shire of York uses the in person voting method.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.6 Council Elections (Continued)

5.6.4 WHO CAN VOTE IN LOCAL ELECTIONS AND HOW TO ENROL

You are entitled to vote if you live in or are an owner or occupier of rateable property in the Shire.

If you are living in the Shire, and are registered on the State electoral roll at your current address, you are already automatically enrolled to vote.

But if you are a non-resident owner or occupier of rateable property in the Shire, and registered on the State electoral roll, although you are eligible to vote, you are no longer automatically enrolled. So it is essential that you lodge an enrolment form (see How to Enrol).

Even if you are not on a State or Commonwealth electoral roll you may still lodge a form provided you were on the last owners and occupiers roll for your district, and have continued to own or occupy rateable property in the Shire.

To be eligible as an occupier, you need to have written proof, in the form of a lease or similar, stating that you have the right to occupy your present home for at least the next three months after the date of your application.

If you live on a rateable property owned or occupied by more than two people, the majority of the owners/occupiers may nominate two people from the group, who are on either the State or Commonwealth electoral rolls, to enrol as voters.

A business owning or occupying rateable property can also nominate two people to enrol as voters. But it is not possible to have more than one vote — in other words; you are not entitled to vote both as a resident and a business.

5.6.4.1 How to Enrol

As previously explained, if you are a non-resident property owner or occupier, you are no longer enrolled automatically. To get your name on the roll, you will need to get an Enrolment Eligibility Claim form from the Shire offices.

5.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY

5.7 ANNUAL MEETING OF ELECTORS

A general meeting of electors of the district is held once every financial year after the local government accepts the annual report for the previous financial year (within three weeks from when the annual statements are received October – February).

Matters discussed at the general meeting of electors include; firstly, the contents of the annual report for the previous financial year as already mentioned and then any other general business.

Members of the community are encouraged to attend this meeting as it provides an opportunity to ask questions and raise issues with the local representatives.

6. DOCUMENTS HELD BY THE SHIRE OF YORK

For the purpose of the Freedom of Information Act, there are two categories of documents held by the Shire of York. These can be broadly categorised as those available for inspection or purchase outside the constraints of the Freedom of Information Act and those, which through their content, must be held confidentially with public access considered only through the provisions of the Act.

It is the policy of the Shire of York to provide access to documents outside the Freedom of Information process wherever possible.

The next section describes the categories of documents that are available for public access or purchase. Additionally 'Information Notes' provided throughout this document identify a range of material which is available on request at the Customer Service counter.

6.1 DOCUMENT ACCESS SCHEDULE

Based on past history requests to purchase documents from the Shire are often limited to specific pages of interest. Charges are per the photocopying rates. Alternatively, information is available on our web site at www.york.wa.gov.au.

The following documents are listed for your information.

- Agendas and Minutes
- Annual Reports
- Budgets – Statutory
- Bush Fires Policy Manual
- Code of Conduct
- Community Information Brochures
- Complaints
- Contracts for Chief Executive Officer & Senior Staff
- Council Policy Manual
- Delegations Register
- Election Manual
- Emergency Evacuation Manual
- Financial Statements
- Freedom of Information Statement
- Gift Register
- Internal Reports
- Local Laws Manual
- Newsletters
- Non-Conforming Use Register
- Risk Management Manual
- Organisational Procedures Manual
- Plan for the Future
- Precinct Plans

6. DOCUMENTS HELD BY THE SHIRE OF YORK

- Principal Activities Plan
- Rates Record
- Records Management File Plan (Index Only)
- Records Retention & Disposal Schedule
- Register of Financial Interests
- Regulations and Acts
- Schedule of Fees and Charges
- Staff Induction Manual
- Strategic Plan
- Town Planning Scheme 2 – Scheme Text

Copies or
Photocopies per Fees
& Charges

*(i) INFO NOTE
Community information brochures,
newsletters and the Shire of York Strategic
Plan are all available at no charge and may be
obtained upon request from the Shire
Administration Centre.*

6.2 DOCUMENTS SUBJECT TO THE FREEDOM OF INFORMATION ACT

WHAT IS FREEDOM OF INFORMATION

The Freedom of Information Act 1992 gives people the right of access to documents held by Ministers, State Government departments, Local Governments and other statutory authorities. These bodies are called Agencies.

People have the right to apply for access to the documents of an agency or a local government. This right is not affected by any reasons the person has for wishing to obtain access or the local governments belief as to what the reasons are for wishing to obtain access.

There are exemptions, however, for giving access to some documents. These exemptions include protection of essential public interest, the personal or business affairs of others or the deliberative processes of government.

Sometimes access to only part of a document will be provided if it contains information considered to be exempt.

Specific types of documents that are subject to the Freedom of Information Act are included on the Document Access Schedule.

6. DOCUMENTS HELD BY THE SHIRE OF YORK

6.3 RECORDS MANAGEMENT AND ARCHIVES

The Shire of York maintains a centralised Records Management System.

A File Plan (Index) has been designed to provide consistency throughout the Organisation in Records Management, retrieval of information as well as coding, records classification, security and disposal recommendations.

Records identified as having historical (archival) value are also identified to ensure their permanent retention and preservation.

Disposal of records at the Shire of York is in accordance with the General Disposal Authority for Local Government Records in Western Australia.

GENERAL INFORMATION

GOVERNMENT RECORD

In the State Records Act a 'government record' is defined as: *"any record made or received by a government organisation; or a government organisation employee in the course of the employee's work for the organisation."*

This definition is interpreted by the State Records Office to refer to all records regardless of format (which may be printed, electronic, graphic, audio, image etc). The means of storage does not change the definition of a government record.

GOVERNMENT ORGANISATION

In the above Act a 'government organisation' is defined as: *an organisation in Schedule 1 but does not include an organisation in Schedule 2. Local Government is included in Schedule 1.*

THE RECORDS MANAGEMENT SYSTEM

The central records system consists of two main components of records - those that can be identified by geographic location and those that cannot. Geographic files can be property files containing personal information about ratepayers or files relating to crown land and council vested reserves.

6. DOCUMENTS HELD BY THE SHIRE OF YORK THE RECORDS AND INFORMATION MANAGEMENT SYSTEM (continued)

The following describes the types of files maintained within the two divisions of the system.

FUNCTIONAL SUBJECT SYSTEM

Functional Subject System files relate to records that cannot be identified to a geographic location. These are coded according to the subject to which they relate. The elements are:

- Functions
- Subjects
- Topics and Sub Topics

Functions

Functions are the first two alpha mnemonic abbreviations of the file code, i.e. AS or BS etc, which represent the functions performed to accomplish the objectives of the Council.

Subjects

Subjects are the last three alpha mnemonic abbreviations of the file code, i.e. IRD or INF etc, which describe the subject associated with the function being performed:

e.g.. CS (Community Services) INF (Information) = CS.INF

Topics and Sub Topics

The various topics or sub-topics that can apply under any subject relating to any divisional files. These are shown with sequential numbers preceded by a forward slash (/) added to the applicable files.

An example of a topic within a functional subject file is shown bold and underlined in the following file code:

FI.DRS **1/3**

So the function is *Finance*, the subject is *Debtors*. The **1/3** in the file code represents the topic of the subject, *debtors* being *Summary of Outstanding Rates*.

An example of a sub-topic within a functional subject file is shown bold and underlined in the following file code:

FI.DRS **1/3/1**

So the function is *Finance*, the subject is *Debtors*, the topic is *Summary of Outstanding Rates* and the sub-topic, denoted by the addition of the number 1 in the file code, is *Write Offs*.

6. DOCUMENTS HELD BY THE SHIRE OF YORK

Visually the file codes would look like this:

FI	= Function: Finance
FI.DRS	= Subject: Debtors
FI.DRS 1/3	= Topic: Summary of Outstanding Rates
FI.DRS 1/3/1	= Sub-topic: Write Offs

Function codes of the various divisions and services of the organisation are shown following this paragraph. Also included are a number of function codes that do not represent formal divisions or services of Council. These areas are links to the standard functions of Councils and therefore have their own file series. They are shown with an asterisk.

AS	-	ADMINISTRATIVE ⁺
		(⁺ Note: Refers to Corporate Services)
BS	-	BUILDING SERVICES
CS	-	COMMUNITY SERVICES
EV*	-	ENVIRONMENT
FI		FINANCIAL SERVICES
HS	-	HEALTH SERVICES
IS	-	INFRASTRUCTURE SERVICES
LE*	-	LEGAL
OP*	-	OPERATIONS (Note: Refers to Plant and Vehicles)
OR*	-	ORGANISATION (Note: Organisation overall)
PE*	-	PERSONNEL (Note: Refers to Human Resources)
PS	-	PLANNING SERVICES
RS	-	RANGER SERVICES
SS	-	STATUTORY SERVICES
TR*	-	TRANSPORTATION
UT*	-	UTILITIES

GEOGRAPHIC SYSTEM

Geographic Files relate to records that identify localities, streets, properties, subdivisions and developments within the municipality. The files are categorised into various classes of action as follows:

Locality Files

Locality files contain records that cannot be isolated to a specific street or property.

6. DOCUMENTS HELD BY THE SHIRE OF YORK

Parent (Master) Road Files

Parent or master road files are the first files opened when a new road is developed.

The file is divided into three sections:

1. Road matters
2. House numbers
3. Lot numbers

Road records are those that concern the road only and cannot be isolated to any specific property.

House number records are those which can be isolated to a specific property which is house numbered.

Lot number records are those which can be isolated to a specific property which has a lot number but not yet allocated a house number.

Rezoning (Amendment files)

Rezoning Files relate to records that identify Town Planning Scheme Amendment applications. These records are maintained in numerical sequence by case number as allocated by the Planning Department.

Subdivision Files

Subdivision files relate to records that identify State Planning Authority administered subdivision applications. These records are also maintained in numerical sequence by case number as allocated by the State Planning Authority.

Building Licence Applications

Building Licence Applications are maintained in geographic alphabetical order by street name.

Reserve Files

Reserve Files relate to records that identify both managed and unmanaged reserves within the municipality.

Managed Reserves (previously called Vested Reserves) are those for which Council is responsible for ongoing maintenance and improvement.

Unmanaged Reserves are those that are under external control.

Shire Title Files

Shire Title Files relate to records that identify land purchased by the Shire and held in freehold title.

6. DOCUMENTS HELD BY THE SHIRE OF YORK

STAFF PERSONAL FILES SYSTEM

Staff Personal Files - P/F - are located in a locked cabinet within the Chief Executive Officer's Office.

Subsidiary files are also opened if correspondence of a more confidential or controversial nature is generated. The Chief Executive Officer's Secretary maintains these files.

Subsidiary files are also opened where a Workers' Compensation claim has occurred.

ARCHIVE SYSTEM

Customers can request searches for archived records that are subject to the following fees:

\$30.00 per hour or pro rata

Retention and Disposal Programme

Public records may be disposed of only in accordance with an approved Retention and Disposal Authority. The authorising body is the State Records Advisory Committee that is administered by the State Records Office and reports to the State Records Commission.

The State Records Office and the Local Government Records Management Group developed the General Disposal Authority as a joint initiative.

6.4 PUBLIC LIBRARY

The library is currently one facility with the Shire of York:

LIBRARY HOURS

Weekdays 8.30 am - 4.30 pm

Closed on Saturdays, Sundays and Public Holidays

7.0 FREEDOM OF INFORMATION AT THE SHIRE OF YORK

It is this local government's intention to provide access to requested documents, wherever possible, in the ordinary course of daily work provided that in so doing no harm is inflicted upon the rights or interests of private individuals or commercial organisations.

Where requested documents are of a sensitive nature the application will be dealt with under the provisions of the Freedom of Information Act taking into account all parties concerned.

It is our belief that this strategy will facilitate the provision of information to the public in a prompt and cost effective manner whilst still observing the need to preserve the confidentiality of classified information.

7.1 OBJECT OF THE ACT

(Relates to Section 3 of the Freedom of Information Act 1992)

The Freedom of Information Act (FOI) became effective in Western Australia on 1st November 1993.

The Shire of York embraces the concept of the Act, which is designed to provide the public with a general right of access to documents held within State and local government agencies and to encourage accountability at all levels of government.

* Accountability, in relation to FOI means being able to provide an explanation or justification, and accept responsibility, for one's actions or inactions.

Accountability is not only being responsible for informing the public but also includes internal accountability such a setting goals, providing and reporting on results and the visible consequences for getting things right or wrong, including rewards or sanctions as appropriate.

A general right of access to information under FOI is subject to the sensitivity of the documents requested and so the Act has exemption provisions which protect from disclosure material, which if released, would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations.

An agencies perceived reasons for a person wanting access to documents does not affect that persons right to access unless due to a sensitivity an exemption is applicable to all or part of the document.

7.0 FREEDOM OF INFORMATION AT THE SHIRE OF YORK

7.2 LODGING REQUESTS

(Relates to Sections 11 and 12 of the FOI Act 1992)

Applications may be lodged at the Shire Offices or in person or mailed direct to the:-

FOI Co-ordinator
Shire of York
PO Box 22
YORK WA 6302

Application forms are available at the Shire Offices. The use of application forms is not mandatory, however, an application must be in writing and:-

- give an Australian address for correspondence;
- give enough information to identify the documents to which you seek access;
- if the application is to gain access to a document which does not contain personal information about yourself then an application fee will be applicable.

7.3 DOCUMENT DEFINITION

A document includes any record or part of a record, and any copy or reproduction. It therefore covers files, computer printouts, maps, plans, photographs, tape recording, films, video tapes or electronically stored information.

7.4 EXEMPTIONS

There are exemptions for some documents including protection of essential public interest, the personal or business affairs of others or the deliberative processes of government.

Sometimes access to only part of a document will be provided if it contains information considered to be exempt.

7.5 NOTICE OF DECISION

Applicants will be given a written "Notice of Decision" from the Chief Executive Officer of the Shire of York. The "Notice of Decision" will provide reasons if you are refused access or only given partial access to the documents, which you requested. Your rights of review will be advised in the "Notice of Decision".

7.0 FREEDOM OF INFORMATION AT THE SHIRE OF YORK

7.6 COST

A scale of fees and charges set under the FOI Act Regulations. Apart from the application fee for non personal information all charges are discretionary. The charges are as follows:

- Personal information about the applicant No fee or charges
- Application fee (for non personal information) \$30.00
- Charge for time dealing with the application
(per 1 hour or pro rata) \$30.00
- Access time supervised by staff \$30.00
(per 1 hour or pro rata)
- Photocopying staff time \$30.00
(per 1 hour or pro rata)
- Per photocopy .20
- Transcribing from tape, film or computer \$30.00
(per 1 hour or pro rata)
- Duplicating a tape, film or computer
Information Actual Cost
- Deliver, packaging and postage Actual Cost

7.7 ACCESS ARRANGEMENTS

Access to documents can be granted by way of inspection, a copy of a document, 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.

1. Type of Fee

Application fee under section 12 (1) (e) of the Act for an application for non personal information \$30.00

2. Type of Charge

Charge for time taken by staff dealing with the application (per 1 hour, or pro rata for part of an hour) \$30.00 plus the actual additional cost to the agency of any special arrangements (eg hire of facilities or equipment)

Charges for photocopying –

Per copy .20

7.8 APPEALS FOR REVIEW

If you are not satisfied with the decision made in relation to your request you can lodge a complaint which must be made in writing

7.0 FREEDOM OF INFORMATION AT THE SHIRE OF YORK

to the Information Commissioner and you must supply an address to which notices may be sent to you.

You must also give particulars of the decision you want reviewed and attach a copy of the decision and reasons given to you by the Chief Executive Officer here at the Shire of York.

The application can be made in a letter or you can obtain an application form from the Information Commissioner.

There is no charge for review by the Information Commissioner.

(i) INFO NOTE

Further details and brochures can be obtained at the Customer Service counter.

You can also contact the Information Commissioner by writing to:

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

*Telephone: 6551 7888
Country WA Callers 1800 62 1244 (toll free)
Facsimile 6551 7889*