



Ordinary Council Meeting

26 July 2023

Commencing at 1.00 pm

LATE REPORTS AGENDA

Enclosed are late reports and/or attachments for council to consider.

Hugo de Vos

ACTING CHIEF EXECUTIVE OFFICER



CONTENTS

13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	1
13.2	EMPLOYEES	1
13.2.1	Shire of Toodyay Information Statement.....	1

ATTACHMENTS can be found in the Attachments Paper on the Council website alongside this agenda.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.2 EMPLOYEES

13.2.1 Shire of Toodyay Information Statement

Date of Report:	21 July 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Acting CEO / Executive Manager Development and Regulation
Previously Before Council:	Adopted by Council on 27 July 2022 Council Resolution No. OCM140/07/22
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. REVISED Information Statement. ↓

PURPOSE OF THE REPORT

To endorse the REVISED Information Statement (**Attachment 1**) for publication on the Shire's website and submission to the Office of the Information Commissioner.

BACKGROUND

Section 94 of the *Freedom of Information Act 1992* requires local governments to publish an up-to-date Information Statement, reviewed annually. Section 97 requires the updated statement to be provided to the Office of the Information Commissioner.

A local government agency's Information Statement should inform the public of the structure and functions of the agency, outline the types of documents held by the agency, and explain how the agency's documents can be accessed by the public ([section 94](#)).

COMMENTS AND DETAILS

The Shire of Toodyay's Information Statement was last published in July 2022.

Section 94 of the *Local Government Act 1995* provides a list of local government information that the public can inspect. The Information Statement contains a Document Access Table that further delineates whether the information listed is available in hardcopy or on-line. Requests for information outside of what is listed on the Document Access Table may fall into the parameters of a Freedom of Information Application.

The Information Statement contains information about the process the Shire follows with respect to applications and provides a form for a member of the public to make an application under FOI and/or to change their details.

There is no statutory requirement for the Information Statement to be approved by Council. However, it is presented to Council for information and endorsement.

IMPLICATIONS TO CONSIDER

Consultative:

Office of the Information Commissioner.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

O9.1 Provide strong, clear and accountable leadership

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Freedom of Information Act 1992 – Sections 94 – 97.

Risk related:

The Shire will be non-compliant in relation to current FOI legislation as an Information Statement has not been updated, nor provided to the Office of the Information Commissioner since July 2022. The endorsement of the REVISED Information Statement will mitigate any further risk of non-compliance.

Workforce related:

Following the endorsement of the Information Statement, a Shire Officer will publish it on the Shire's website, and forward it to the Office of the Information Commissioner. It is also likely that following the Ordinary Election in October 2023, that the Information Statement will be revised again and brought to Council to receive and endorse.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council, in accordance with Standing Order 4.5, considers Item 13.2.1 Shire of Toodyay Information Statement as new business of an urgent nature.

OFFICER'S RECOMMENDATION 2

That Council:

1. Receives and endorses the REVISED Information Statement as attached to this report at Attachment 1.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes, prior to publication on the Shire's website and forwarding to the Office of the Information Commissioner.



FREEDOM OF INFORMATION

Information Statement

Prepared in accordance with Section 94 of the FOI Act 1992
26 July 2023

Adopted by Council on
Council Resolution No. OCM.....

Shire of Toodyay **Information Statement 2023-2024****Information Statements**

At intervals of not more than 12 months, each agency is required to ensure that an up-to-date Information Statement about the agency is published ([section 96](#)).

An agency's Information Statement should inform the public of the structure and functions of the agency, outline the types of documents held by the agency, and explain how the agency's documents can be accessed by the public ([section 94](#)).

A good Information Statement can be a very useful resource for both agencies and members of the public.

As part of their annual review of Information Statements, agencies should periodically review what information they routinely make available to the public outside the FOI process.

Agencies have the option of publishing their Information Statements as stand-alone documents or incorporated in their Annual Reports.

Where an Information Statement is produced as a stand-alone document, reference to its existence and details of how it can be inspected or purchased should be contained in the agency's Annual Report.

An agency must also provide a copy of its statement to the Information Commissioner as soon as practicable after the statement is published or a new edition produced ([section 97](#)). If the Information Statement is not changed between editions, the agency need only notify the Information Commissioner that the statement has been reviewed and is still current. Where minor amendments are made to an existing statement, copies of the amended pages may be forwarded in lieu of the entire document, if feasible.



Shire of Toodyay Information Statement 2023-2024

CONTENTS TABLE

Introduction	1
Structure and functions of the agency(s.94(a))	1
Shire of Toodyay Structure	3
The Shire's website http://www.toodyay.wa.gov.au/Home	4
Ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public (s.94(b)).....	7
Council Meetings	8
Building, Planning and Health.....	9
Notifications / Advertising	9
Fire Break Notices	9
Opportunities for members of the public to participate (s.94(c)).....	9
Works Requests and Feedback Forms	9
Public Comment.....	10
Why Make a Submission?	10
How to Make a Submission	10
Consideration of Submissions	10
An Effective Public Comment	10
Question Time.....	11
Committee Meetings.....	11
Deputations	11
Petitions	12
Agendas and Minutes	12
Strategic Documents	13
Written Requests and Customer Feedback.....	13
Documents that are usually held by the agency (s.94(d))	13
Access to documents (s.94(e))	18
Library Facilities available for use by members of the public (s.94(e))	18
Toodyay Public Library	18
Morangup Community Library	18
Library Activities.....	19
Regular Activities	19
Membership and Borrowing.....	19
Making an FOI Application (s.94(f)).....	20
Address where FOI Access Applications are lodged.....	20
Procedure for amending personal information (s.94(g))	20
The process followed by the Agency (s.94(i)).....	21
Process FOI Application by following online FOI flow chart	21
Further Information.....	21
Attachments to the Information Statement	21

Shire of Toodyay Information Statement 2023-2024

Introduction

Under Part 5 of the *Freedom of Information Act 1992* ("FOI Act"), the Shire of Toodyay is required to prepare and publish an annual Information Statement.

This document has been created to comply with that requirement and is correct as at 21 July 2023.

This document can be provided in alternative formats upon request, and a copy of the Statement can be accessed via the Shire of Toodyay's website at:

<http://www.toodyay.wa.gov.au/Council/Shire-Documents/Freedom-of-Information>



Further information can be provided, between Monday and Friday (8.30am to 4.00pm) by contacting the FOI Coordinator via:

Phone: (08) 9574 9300

Email: records@toodyay.wa.gov.au

Structure and functions of the agency(s.94(a))

The Shire of Toodyay is a local government organisation (agency) that provides a variety of services to the local community.

Information about local government responsibilities is defined on the WALGA (Western Australian Local Government Association) website at the following link: <https://walga.asn.au/About-Local-Government>

There are more than 250 pieces of legislation that affect local government.

The Local Government structure is by way of a Council that is elected by the community in accordance with the *Local Government Act 1995* (the Act) and its subsidiary legislation.

The link to the Department of Local Government, Sport and Cultural Industries website containing Information about the types of local government elections is as follows: <https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/conduct-of-local-government-elections>

The role of a Council is in accordance with Section 2.7 of the Act.

The role of a Councillor is in accordance with Section 2.10 of the Act.

The local government is to ensure that there is an appropriate structure for administering the local government in accordance with Section 5.2 of the Act. This is done by way of employing and appointing a Chief Executive Officer.

The CEO's functions are in accordance with Section 5.41 of the Act.

The operational, day-to-day running of the Shire of Toodyay is the responsibility of the CEO who along with an Executive Management Team; and Other Shire Officers, act on Council's decisions by developing and putting into practice the Council policies and resolutions.

Local Government revenue comes from three main sources:

- taxes in the form of Rates;
- charges for sale of goods and services, and
- Grants from Federal and State/Territory Governments.

Shire of Toodyay Information Statement 2023-2024

Plan for the Future / Community Strategic Plan

The Shire of Toodyay has a plan for the future which is made in accordance with section 5.56 of the *Local Government Act 1995* which states that:

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The plan is called a Plan for the Future: Shire of Toodyay Council Plan 2023-2033 and this is available on the Council’s website under “Master Plans” at the following link: <http://www.toodyay.wa.gov.au/Council/Shire-Documents>

Our Vision:

A caring and visionary rural community, working together to preserve and enrich Toodyay’s environment, character and lifestyle.

Our Purpose:

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Community values: We fulfill our purpose through the following roles:

Lead	We lead strategic planning to create and achieve a shared vision for the future.
Advocate	We are a voice for the local community on contemporary issues.
Facilitate	We enable service delivery through partnerships, funding and other support.
Provide	We provide infrastructure, services and events to meet local needs.
Educate	We deliver public education programs for improved sustainability and wellbeing.
Regulate	We regulate compliance with legislation, regulations, local laws and policies.

Shire Values: We conduct ourselves in line with values the local community cares deeply about:

Integrity	We behave honestly to the highest ethical standard
Accountability	We are transparent in our actions and accountable to the community
Inclusiveness	We are responsive to the community and we encourage involvement by all people
Commitment	We translate our plans into actions and demonstrate the persistence that will produce results

General Functions: *Section 3.1 of the Local Government Act 1995.*

The general function of a local government is to provide for the good government of people living and working within its district.

Legislative Functions: *Section 3.5 of the Local Government Act 1995.*

Shire of Toodyay Information Statement 2023-2024

A local government may make local laws that are necessary or convenient for it to perform any of its functions.

Executive Functions: *Section 3.18 of the Local Government Act 1995*

A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

Shire of Toodyay Structure

Shire of Toodyay Council



Councillor Rosemary Madacsi
Shire President
Cr.Madacsi@toodyay.wa.gov.au



Councillor Beth Ruthven
Deputy President
Cr.Ruthven@toodyay.wa.gov.au



Councillor Philip Hart
Cr.Hart@toodyay.wa.gov.au



Councillor Michael McKeown
Cr.McKeown@toodyay.wa.gov.au



Councillor Danielle Wrench
Cr.Wrench@toodyay.wa.gov.au



Councillor Susan Pearce
Cr.Pearce@toodyay.wa.gov.au



Councillor Charmeine Duri
Cr.Duri@toodyay.wa.gov.au



Councillor Steven McCormick
Cr.McCormick@toodyay.wa.gov.au

Chief Executive Officer

Suzie Haslehurst – Email: records@toodyay.wa.gov.au

Executive Management Team

**Executive Manager
Corporate & Community
Services**
Tabitha Bateman
mcs@toodyay.wa.gov.au

**Executive
Manager Development and
Regulation**
Hugo de Vos
planner@toodyay.wa.gov.au

**Executive Manager
Infrastructure, Assets &
Services**
Charles Sullivan
mws@toodyay.wa.gov.au

Shire of Toodyay Information Statement 2023-2024

The Shire’s website

<http://www.toodyay.wa.gov.au/Home>

The Shire’s website contains a wealth of information for the public and Councillors to take a note of as follows:

<p>Home</p>	<p>Public notices: https://www.toodyay.wa.gov.au/publicnotices/</p> <p>Fire information: https://www.toodyay.wa.gov.au/resident-services/fire-information</p> <p>Rates information: https://www.toodyay.wa.gov.au/resident-services/your-rates</p> <p>Forms, Applications and Fact Sheets: https://www.toodyay.wa.gov.au/resident-services/forms-applications-and-fact-sheets.aspx</p> <p>Council Meetings and Committees: https://www.toodyay.wa.gov.au/council/council-meetings-committees</p> <p>Contact us (to report issues): https://www.toodyay.wa.gov.au/resident-services/contact-us</p> <p>Library Services: https://www.toodyay.wa.gov.au/community-visitors/libraries</p> <p>Visit Toodyay: https://www.toodyay.wa.gov.au/visit-toodyay/</p> <p>Latest News: https://www.toodyay.wa.gov.au/news/</p> <p>Upcoming Events: https://www.toodyay.wa.gov.au/events/</p> <p>Aquatics & Recreation: https://www.facebook.com/ToodyayRecCentre/</p> <p>Council Meetings: https://www.toodyay.wa.gov.au/council-meetings/</p> <p>Near me: https://www.toodyay.wa.gov.au/nearme/</p>
<p>Council</p>	<p>About our Shire: Shire Demographics, Vision and Values, Elected Members and CEO and Senior Management.</p> <p>Australian Citizenship: containing information about the conduct of citizenship ceremonies.</p> <p>Shire Projects: Newcastle Gaol Museum and the Sport and Recreation Precinct.</p> <p>Public Notices: Searches can be done for all current and past public notices.</p> <p>Council Meetings and Committees: This leads to a page about Council Meetings, Council Committees, Avon Regional Organisation of Councils; Submissions, Deputations and Public Questions; Livestream Library; and Agendas, Minutes and Notes.</p> <p>Tendering: Tendering Process and Current Tenders.</p>

Shire of Toodyay Information Statement 2023-2024

	<p>Council Registers: Register of Elected Member Training, Register of Gifts, Delegation Register, Complaints Register and Tender Register.</p> <p>Working and Volunteering within the Shire: Employment, Volunteering and Community Volunteering.</p> <p>Latest News: Latest News items from the Shire.</p> <p>Shire Documents: Welcome to the Shire’s Document Centre that contains further links to Master Plans, Local Laws, Annual Reports, Shire Policies; Annual Budgets; Municipal Inventory; Customer Service Charter; Freedom of Information; Code of Conduct; Statement of Business Ethics; Fees and Charges; and Chalice Mining Information.</p>
<p>Resident Services</p>	<p>Your Rates: Information on how rates are calculated; valuations; paying your rates; plans and instalments; rate concessions; statement of objects and reasons for differential rating.</p> <p>Our Animals: Information of dogs; cats; animal management facility, livestock, lost and found animals and wildlife.</p> <p>Fire Information: This is a link to a page, as detailed above in the Quick Links Area</p> <p>Maintenance and Work around the Town: Infrastructure preservation plan; and works schedule.</p> <p>Public Health: Noise; Controlling Pests; Asbestos; Food; the COVID-19 and Effluent Disposal.</p> <p>Waste and Recycling: This is a link to a page, providing information on kerbside Rubbish and Recycling collection, waste transfer station, waste enquiries, graffiti and illegal rubbish dumping and general recycling information.</p> <p>Electric Vehicle Charging Station: this provides information regarding a two-bay electric car charging station located behind toilet facilities in Charcoal Lane.</p> <p>Western Power Report an issue: this provides links to report a street light fault; report a power quality issue; report a graffiti issue or do a power outage check.</p> <p>Gathering domestic firewood: this provides information to the community, informing residents that firewood can only be collected from designated areas of State forest and timber reserves managed by the Department of Parks and Wildlife.</p> <p>Forms, Applications and Fact Sheets: This page leads the community to an area where forms can be downloaded from and applications as well. The Shire has made efforts to make our forms interactive so that they can be filled in using Adobe products.</p> <p>Antenno: This page asks the community whether they wish to be alerted to what's going on in your neighbourhood and beyond?</p>

Shire of Toodyay Information Statement 2023-2024

	<p>Contact us: Requesting works or reporting an issue, changing your details, access to customer service feedback forms and providing a link to where people can change their details in the community directory.</p>
<p>Community & Visitors</p>	<p>Access and Inclusion: this provides information about disability access and inclusion as well as Disability Services Support.</p> <p>Events: this page provides links to upcoming events; planning an event (offering help to plan an event); and venues for hire.</p> <p>Sport and Recreation: this provides links to the Toodyay Recreation Centre; Walks, tracks and Parks and KidSport.</p> <p>Visitor Information: this is a link to a page that contains information about the Toodyay Visitor Information Centre.</p> <p>Business: This link is to a page showing Toodyay’s economic profile, local business listing; starting or growing your business; and business support.</p> <p>Libraries: this page provides links to the Toodyay Public Library; the Morangup Community Library; Membership and Borrowing, eResources; Library Catalogue and Library Activities.</p> <p>Community Citizen of the Year Awards: this link is to a page about the awards and listing previous Community Citizen of the Year Award Winners.</p> <p>Museums and Heritage: Visit the page that will take you to Toodyay’s museums; explain Toodyay’s Heritage; digital museum exhibitions; educational resources; donate to the collection; volunteering at the museum; useful links and Toodyaypedia.</p> <p>Community Groups: Providing information and a searching facility for finding a community, sporting or leisure group within the Shire of Toodyay. It will also explain the process for community grants and sponsorship.</p> <p>Reconciliation Framework: This is a link to the Reconciliation Action Plan and provides information on Toodyay (the land of three Noongar Tribes).</p> <p>Community Newsletter: This is a link to previous editions of the Toodyay Community Newsletter.</p>
<p>Planning, Development and Building</p>	<p>Building: This link contains information about the building process; building a new home; sheds and outbuildings; renovations and extensions; carports, patios and verandas; retaining walls; water tanks; swimming pools and spas; fences; and demolition.</p> <p>Applications, forms and fees: This is a link to Building, Applications, forms and Fees for Building, Planning and Health.</p> <p>Planning: This page provides assistance to the community in respect to developments; subdivisions; town planning information; granny flats and ancillary dwellings; shipping containers; and transportable homes and buildings.</p>

Shire of Toodyay Information Statement 2023-2024

	Aboriginal Cultural Heritage Act 2021: This page provides information on the legislation passed in Parliament.
Contact the Shire	This link takes you to an area that lists all the relevant departments and the addresses, emails, phone numbers and opening hours.
My Neighbourhood	This page takes you to a link where you can discover what's happening in and around your area. You can find everything from parks and facilities, through to events and projects, as well as your local councillors and bin dates.

Shire History

In 1871, the Toodyay Road District was gazetted, and in 1877, the Municipality of Newcastle followed, the latter was abolished and merged in 1912, and on 1 July 1961, Toodyay became a shire under the *Local Government Act 1960*.^[2]



Coat of Arms

When the Road Board became a Shire, a coat of arms was displayed in Council Chambers up to the year 1960. There was not a specific coat of arms made up for the Shire of Toodyay. The one on display was the Royal Coat of Arms of the Queen of the United Kingdom.



In 1871, the Toodyay Road District was gazetted, and in 1877, the Municipality of Newcastle followed, the latter was abolished and merged in 1912, and on 1 July 1961, Toodyay became a Shire under the *Local Government Act 1960*.

Emblem

The Shire of Toodyay has a common seal emblem that is used when documents are being executed in accordance with Section 20 of the Shire of Toodyay Standing Orders Local Law 2008 and sections 2.5, 3.62, 9.49A and 9.49B of the *Local Government Act 1995*.



Ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public (s.94(b))

Meetings are held by the local government as a means for Council to make decisions that will affect the community as a whole, or individual members of the community dependent upon the type of decision being made.

The nature of Council's interest in making a decision will be one of the following:

- Advocacy:** meaning when Council advocates on its own behalf or on behalf of its community to another level of government body/agency;
- Executive:** meaning the substantial direction setting and oversight role of Council (e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets);

Shire of Toodyay Information Statement 2023-2024

- Legislative:** meaning adopting local laws, local planning schemes and policies;
- Review:** meaning Council reviews decisions made by officers; or
- Quasi-Judicial:** meaning when Council determines an application/matter directly affecting a person's right and interests. The judicial character arises from the obligation to abide by principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Council Meetings

Council Meetings (open to the public) are held at 1.00pm on the fourth Wednesday of every month, except for December when it is held one week earlier.

The venue for Council Meetings is Council Chambers in the Administration Building (Old Court House), located at 15 Fiennes Street, Toodyay.

Agenda Briefings (open to the public) are held one week prior to the Council Meeting, commencing at 1.00pm in Council Chambers at the Shire of Toodyay.

The Agenda Briefing provides an opportunity for Councillors to seek clarification by way of asking staff questions, thus ensuring that they have all available information prior to making a decision at the Ordinary Council Meeting.

Council Meeting Attendance

The public are encouraged to attend Agenda Briefings and Council Meetings on the proviso that there is no expression of dissent or approval, conversation, or interruption to Council proceedings.

In the event of such a disruption, the Shire President may use their discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the Council Chambers.

Standing Orders Local Law 2008

Standing Orders provide for the safe custody and use of the common seal and for the orderly conduct of Council and Committee meeting (and debating) procedures, as well as prescribing ways in which members of the public can contribute to the meeting, herein outlined.

Council Meeting Agenda

In accordance with Standing Order 4.1 (1) No business is to be transacted at an OCM other than what is specified in the Agenda without the approval of Council. The Agenda, including attachments, are made available at least 72 hours prior to the meeting.

Minutes are available ten days after Council Meetings, and five days after Committee Meetings. Minutes are 'unconfirmed' until the next meeting where they are 'confirmed' subject to any amendments made by Council or Committee (as the case may be). The confirmed minutes, including relevant attachments, are signed by the Presiding Person and made available ten days after the Council or Committee Meeting.

Shire of Toodyay Information Statement 2023-2024

Building, Planning and Health

Detailed information is available on the Shire of Toodyay website at the following link:

<http://www.toodyay.wa.gov.au/Plan-Develop-Build>

Forms are also available at the above link as well as finding out what you can and cannot do with your land including, but not limited to the following:

- Development of land; Subdivisions; Town Planning Information;
- Granny Flats and ancillary dwellings; Shipping containers; and
- Transportable homes and buildings.

Notifications / Advertising

Residents may be notified of issues by advertising through the Public Comment section of the Shire of Toodyay website, or in the Toodyay Herald newspaper, or in writing to ratepayer's addresses. Residents and ratepayers have the opportunity to write to the Shire of Toodyay expressing their views.

Fire Break Notices

The Shire produces a Firebreak Notice that is mailed annually to landholders (ratepayers) to assist in restricting the outbreak and impacts of fire. The notice includes minimum property standards and provisions of the *Bush Fires Act 1954*.

Landholders and occupiers are required by law to carry out fire prevention activities on their properties from 1 November annually to 30 April of the following year.

The Shire conducts inspections each year to assess compliance. Penalties for non-compliance including infringement, prosecution or recovery of costs by the Shire of Toodyay.

The Firebreak Notice is also advertised in the local newspaper. The latest version is available [here](#).

Opportunities for members of the public to participate (s.94(c))

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

Works Requests and Feedback Forms

The community can use the [Contact Us](#) link on the Shire's website to contact the Shire in order to:

- Request works by lodging a works request, or report an issue; or
- Changing your details;
- Provide feedback to the Shire; or
- Update details in the community directory.

Shire of Toodyay Information Statement 2023-2024

Public Comment

Public comment periods are a common consultation method employed by the Shire of Toodyay on a range of Council proposals and functions. A public comment period ensures that those affected by a Council decision have a genuine opportunity to be informed of, and provide input into, the decision-making process.

Public comment periods are undertaken in accordance with [Council's Community Consultation and Engagement Policy](#).

Why Make a Submission?

Making a written submission will ensure that your comments of support or concern for a certain issue or proposal are considered when Council is making a decision.

Council would like to encourage active participation in consultation to promote ownership and empowerment within Toodyay.

How to Make a Submission

Items out for public comment are advertised in the Toodyay Herald. Notices are also displayed on the notice board at the Toodyay Library, Administration Centre and on the [Shire of Toodyay's website](#) at www.toodyay.wa.gov.au.

Council will stipulate a closing date for receipt of submissions in the advert. Submitters must submit their comments by the advertised closing date, so that their comments can be considered.

Consideration of Submissions

All submissions received are summarised in a schedule of submissions for consideration by Council. This consideration may result in the proposal being modified to address the issues; approved without modification; or refused.

Submissions received may be included in Council's Agenda and made available to the general public. Public access to the submissions will also be permitted under the *Local Government Act 1995* or the *Freedom of Information Act 1992*.

Once a decision has been made on the relevant matter the responsible officer will write to all submitters advising of the outcome.

An Effective Public Comment

Effective Public Comment(s) should:

- Clearly state an opinion and reasons for or against the proposal or sections thereof;
- Propose how concerns might be addressed by outlining suggestions for resolving a problem or issue (if possible);
- List any references or provide evidence, relevant material, or specific examples to help demonstrate views or suggestions,
- Include the section, recommendation and page number of the proposal to which comments refer (if relevant),

Shire of Toodyay Information Statement 2023-2024

- Be concise, whilst also numbering issues to be addressed, where there is more than one.

Public submission guides are available on the Shire website: <https://www.toodyay.wa.gov.au/council/council-meetings-committees/submissions-deputations-and-public-questions.aspx>

Question Time

Council meetings afford members of the public the opportunity to ask Elected Members and staff questions about the Shire generally. This is done through public question time.

The *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and *Shire of Toodyay Standing Orders Local Law 2008* prescribe procedures in respect to Public Questions.

Council or Committee, by resolution, may agree to extend public question time.

Questions are not to contain defamatory remarks, offensive language nor question the competency of Staff, Council Members or the Shire.

Opening statements should be brief and not contain opinion, statement of fact, or other comment, except as far as may be necessary to explain the question.

Each person has four minutes in which to ask two questions before the Presiding Member invites other people present to ask questions.

An Officer or Councillor may be nominated to respond to a question. No debate or discussion is allowed to take place on any question or response. If questions are repetitive in nature the Presiding Member may refer to a previous answer given.

Minutes will contain a summary of each question and the response given.

Committee Meetings

The Shire of Toodyay (Shire) recognises the value of community input and is continually looking for ways to engage more deeply with the community. Council endorsed a Committee Book which is available online: <https://www.toodyay.wa.gov.au/documents/337/committee-book>

Deputations

A person or group wishing to be received by Council or Committee as a deputation must submit a deputation application to the CEO for approval 5 working days before a meeting. The deputation must include information to be raised by a deputation in concise terms, but in sufficient detail to provide a general understanding of the deputation's purpose.

Shire of Toodyay Standing Orders Local Law 2008 prescribes that the CEO provides a copy of summary of the application to the Presiding Member together with a recommendation and reasons whether or not the application should be approved. The Presiding Member may then either grant or refuse the application, with or without conditions; or refer it to the Council or Committee (as the case may be) for a determination. If the application is refused, a report to the next Council or Committee meeting is to be made including application details and the reason for refusal. Unless

Shire of Toodyay Information Statement 2023-2024

the Council or Committee resolves otherwise, a deputation invited to attend a Council or Committee meeting:

- is not to exceed three persons;
- may address the Council or Committee for up to five minutes each (or for up to ten minutes if only one person speaks), unless the time is extended by the Council or Committee; and
- May also respond to questions from Members.

For the purpose of determining who may address the Council or Committee on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.

Any matter which is the subject of a deputation to the Council or Committee is not to be decided by the Council or Committee until the deputation has completed its presentation.

Petitions

The *Shire of Toodyay Standing Orders Local Law 2008* prescribes the manner in which formal petitions are to be accepted by Council from members of the Community.

Petitions to Council are to:

- be addressed to the Shire President and Councillors;
- be made by electors of the district;
- contain a concise statement of facts and the action sought on the front page of the petition;
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed; and
- State the name and address of the person who arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

A Councillor will present and read out the petition and, if necessary, request that it be referred for an Officer's report.

If a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the CEO may, at their discretion, forward the petition to Council accompanied by an officer report.

Agendas and Minutes

When meetings are held in respect to council, committee meetings or advisory group meetings Agendas and Minutes are available via the link: <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Shire of Toodyay Information Statement 2023-2024

Strategic Documents

The types of documents that are available on the Shire of Toodyay website are as follows:

Plan for the Future – Council Plan	Disability Access & Inclusion Plan
Bush Fire Preparedness and Resilience Strategies	Bush Fire Risk Management Plan
Economic Development Plan	Heritage Strategy
Local Emergency Management Arrangements	Local Planning Scheme
Governance Framework	Local Planning Strategy
Municipal Inventory	Reconciliation Action Plan
Environmental Management Strategy	Bush Fire Operating Procedures

Written Requests and Customer Feedback

A member of the public can write to the Council on any policy, activity, function or service of the Council.

They can write to Council on-line using the link on the Shire of Toodyay website: <http://www.toodyay.wa.gov.au/Council/Have-your-say>

Or they can write to the CEO (and Council) using the address details provided on the Shire of Toodyay website at the following link:

<http://www.toodyay.wa.gov.au/Contact-the-Shire#section-3>

Address: Shire Administration Office
15 Fiennes Street, Toodyay WA 6566

Postal Address: PO Box 96, Toodyay WA 6566

Email: records@toodyay.wa.gov.au

Telephone: (08) 9574 9300

Documents that are usually held by the agency (s.94(d))

Under Section 5.94 of the *Local Government Act 1995*, the Shire of Toodyay is required to have available certain types of documents so that when a person attends the Shire Office during office hours they can inspect, free of charge the documents in the form or medium in which it is held by the local government, whether it is or is not current at the time of inspection, unless it would be contrary to section 5.95.

The types of documents that are able to be obtained free of charge are the documents that are published on-line which are detailed in the table below. If these on-line documents are provided as a hardcopy they will incur a printing cost as per the Shire of Toodyay's "Schedule of Fees and Charges" document.

Shire of Toodyay Information Statement 2023-2024

This document is contained within the Shire's Annual Budget, available online at the following link: <https://www.toodyay.wa.gov.au/documents/annual-budgets>

Section 5.96A also regulates the type of information that the Shire of Toodyay is required to have on-line.

Availability		Document Type
On-Line	Hard copy inspection	
✓	✓	Annual budget
✓	✓	Annual Report
✓	✓	Annual Financial Statements
✓	✓	<p>Returns (forming part of the Financial Interest and Delegation Register)</p> <p>(a) Primary and Annual Returns; and (b) Related Party Disclosures; and (c) Delegation Memorandums.</p> <p>s.5.88(2)(a) Local Government Act 1995 and r.29C (2)(d) and (e) of the Local Government (Admin) Regulations 1996 requires that a returns register be published on official website LG Act s.5.96A(1)(i).</p> <p>Limitation: it should be noted that Section 5.88(3) of the Local Government Act requires that Returns are removed as soon as possible once a person stops being a relevant person (designated employee or Elected Member). Furthermore the Local Government Operational Guides state that returns removed from the register will not be available for public inspection under this section of the Act.</p>
	✓	<p>CCTV Footage – may be made available electronically upon application.</p> <p>Limitation: certified copies of footage may only be released to the Police Service. Lawyers acting on behalf of individuals engaged in legal proceedings related to a recorded incident or individuals acting as their own legal counsel in relation to a recorded incident need to inquire through the Police Service.</p>
✓	✓	Code of Conduct
✓	✓	<p>Shire Planning Scheme and Policies</p> <p>Note: A copy of the Local Planning Strategy is available at this link: https://www.dplh.wa.gov.au/toodyay</p>

Shire of Toodyay Information Statement 2023-2024

Availability		Document Type
On-Line	Hard copy inspection	
✓	✓	Any register of complaints referred to in section 5.121
	✓	Any register of financial interests
✓	✓	Council Plan (i.e. any plan for the future of the district made in accordance with section 5.56).
✓	✓	Corporate Asset Management Plan
✓	✓	Documents released for public comment
✓	✓	FOI Information Statement
✓	✓	Gift Register Limitation: It should be noted that s.5.89A(6) of the Local Government Act 1995 requires that gift declarations are removed as soon as possible once a person stops being a relevant person (designated employee or Elected Member). However s.5.89A(7) of the Local Government Act clarifies that for at least five (5) years after a person stop being a relevant person that information is still to be made available to the public for inspection. Therefore up to 5 years after removal from the Gift Register access will be publicly available.
✓	✓	Local Laws (including reports or proposals relating to Local Laws) Limitation: any reports or proposals relating to local laws will need to be researched and provided separately through finding out where they exist in a bound minute book. The Shire is required to have an up-to-date consolidated version of any local law made by the local government in accordance with section 3.12 that is in force.
✓	✓	Long Term Financial Plan
✓	✓	a map of the district showing the district boundaries and, if the district is divided into wards, the ward boundaries;
	✓	Media Releases

Shire of Toodyay Information Statement 2023-2024

Availability		Document Type
On-Line	Hard copy inspection	
✓	✓	<p>Any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been</p> <p>Limitation: Notice papers and the agenda is posted before the meeting online at the following link: http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes</p> <p>After the meeting is held the Agenda Papers are removed after the minutes have been done. An electronic copy would be able to be provided upon request but a hardcopy, if printed, would be available at the cost stipulated in the Shire of Toodyay Schedule of Fees and Charges.</p>
✓	✓	<p>Any document tabled at a council or committee meeting</p> <p>Note: these documents are attached to minutes of a meeting and are available online.</p>
✓	✓	<p>Minutes of Council and / or Committee Meetings</p> <p>Limitation: Any minutes that are considered confidential in accordance with Section 5.23 (2) of the <i>Local Government Act 1995</i> will not be able to be viewed on-line nor in person. This is because while agendas and minutes are generally available to the public, there is a specific exemption for those papers relating to committee meetings or those parts of Council meetings that are not open to the public. (r.14 (2) and r.29 of the <i>Local Government (Administration) Regulations 1996</i>).</p> <p>Agendas and Minutes of meetings or those parts of meetings that are closed to the public are also exempt from disclosure under Section 11 of Schedule 1 of the <i>Freedom of Information Act 1992</i>.</p> <p>The Shire is required to have on its website:</p> <ul style="list-style-type: none"> • confirmed minutes of council or committee meetings; • minutes of electors' meetings; • notice papers and agenda relating to council or committee meetings and reports and other documents that have been — <ul style="list-style-type: none"> – tabled at a council or committee meeting; or

Shire of Toodyay Information Statement 2023-2024

Availability		Document Type
On-Line	Hard copy inspection	
		<p>– produced by the local government or a committee for presentation at a council or committee meeting and that have been presented at the meeting.</p> <p><i>Agenda Papers for years preceding 2022 have been removed from the Shire website, however the information is duplicated in the confirmed minutes and attachments to those minutes.</i></p>
✓	✓	<p>A document produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;</p> <p>Note: these documents are attached to minutes of a meeting and would be available online (Refer to limitation above with respect to Minutes).</p>
✓	✓	Municipal Inventory Heritage
s.5.96(4) prohibits	Not available	A register of owners and occupiers under section 4.32(6) and electoral rolls is an electronic copy kept by the Shire. This is not available for inspection.
s.5.96(4) prohibits	Not available	<p>Rate Books</p> <p>An electronic copy is kept by the Shire. This is not available for inspection, but if individual ratepayers wish to have a copy of their own rates they can submit requests to the Rates Officer who will provide that information.</p>
	✓	<p>Building / Development Applications information</p> <p>Limitation: Some application information, although available, may be exempt information under the FOI Act. Therefore each request will be gauged on the nature of the request and the information being sought.</p>
✓	✓	Schedule of Fees and Charges - an up-to-date list of fees and charges imposed under section 6.16;

Shire of Toodyay Information Statement 2023-2024

Access to documents (s.94(e))

Requests for access regarding any documents can be made:

- via email at records@toodyay.wa.gov.au
- in person at the Administration Centre, 15 Fiennes Street, Toodyay WA 6566
- or over the phone at (08) 9574 9300.

If an Officer of the Agency can provide the documents they will either be sent electronically via email; or printed and put into the post; or handed to a person making the request; whichever is the preferred option of the customer making the request.

Documents provided in hardcopy may be subject to a fee for photocopying/printing in accordance with the Shire's Schedule of Fees and Charges.

Note: *Dependent upon the type of document being requested this information will be contained in the Shire of Toodyay Schedule of Fees and Charges which is contained within the Annual Budget document of the Shire of Toodyay.*

Library Facilities available for use by members of the public (s.94(e))

The Shire of Toodyay's Public Library Service is part of a state-wide network that operates between local government authorities and the Library Information Service of Western Australia.



Toodyay Public Library

The Library is situated in the building that was originally the Mechanic's Institute, located at 96 Stirling Terrace, Toodyay. The Toodyay Library has recently had a massive upgrade, so come in and have a look at the amazing architecture and check out some of the great history within its walls.

Toodyay Public Library is open Monday to Friday 9am-5pm and Saturday morning 9am - 1pm.

Morangup Community Library

Morangup Community Library is Toodyay Public Library's part-time branch. If you live outside Toodyay and don't want to take a trip into town, you can head over to the Morangup Community Centre which stocks over a thousand items to browse and borrow. Regular Toodyay patrons may also borrow, return or renew items at Morangup.



Shire of Toodyay Information Statement 2023-2024

Library Activities

The library is a great place to socialise while learning a thing or two. Regular meetings take place all year round, but you never know what – or who – might appear for a special event. To keep up to date be sure to like our Facebook page.



Regular Activities

Story Time and Baby Rhyme Time (9.15am and 10.00am Wednesday): Bring your little ones along and enjoy imagination-enriching stories, rhymes, games and crafts. Story Time is for toddlers and pre-schoolers, Baby Rhyme Time for babies.

Membership and Borrowing

Library membership is free for residents of Toodyay and surrounding areas. To sign up, simply complete our membership form and bring it into the library with proof of your name and current residential address (i.e. a driver's licence, pension card, rates notice or bill). Membership forms and information brochures are also available at our front desk.



Please note that those under the age of 18 will require parental/guardian permission to become library members.

As a member of the Toodyay Library, you can:

- Borrow up to eight items at a time with an adult membership and four items at a time with a children's membership;
- Borrow books and audiobooks for three weeks and DVDs for one week;
- Renew your loans if there are no reserves on your items – just give us a call, send us an email or message us on Facebook; and
- Drop returns in our after-hours chute at any time.

Library Resources

At Toodyay Library, the benefits of your membership does not end when you leave the building. In addition to borrowing from our shelves, you can borrow eBooks and magazines using your personal computer, tablet or smartphone.



With multiple research databases accessible anywhere at any time, you have all of the information you could ask for at your fingertips. For the kids, we provide portals to online activities, games and stories that will keep them busy when you can't.

Wherever our Members are in the world, endless entertainment and education is available for free – all you need is your library card!

Shire of Toodyay Information Statement 2023-2024

Making an FOI Application (s.94(f))

Access to documents other than those listed as accessible (as per the above table) outside the FOI Act must be made via a Freedom of Information Application.

In these instances, a Department Officer will provide a Freedom of Information Application (which complies with the requirement of Section 12 of the *FOI Act 1992*) to the person making the request with the advice that their request for documentation requires that an FOI Application be made as the documentation is not accessible outside of the FOI Act 1992.

A copy of the Shire of Toodyay FOI Application is attached.

Address where FOI Access Applications are lodged

Mail: PO Box 96 Toodyay WA 6566

E-Mail: records@toodyay.wa.gov.au

In Person: 'Old Courthouse Building/Administration Centre,
15 Fiennes Street, Toodyay WA 6566

Note: where FOI Access Applications are not made in person, and a fee has not been supplied in the first instance, the process followed by the Agency (below) includes that the relevant FOI Officer is to chase up payment.

Procedure for amending personal information (s.94(g))

Where members of the public wish to amend personal information contained in the documents of the agency they are instructed to make these amendments through submitting a "Change your Details" form which is attached.

The form can be completed and provided to the Records Management Officer of the Shire of Toodyay using the methods detailed below:

Mail: PO Box 96 Toodyay WA 6566

E-Mail: records@toodyay.wa.gov.au

In Person: 'Old Courthouse Building,' 15 Fiennes Street, Toodyay

Note: Changes can also be completed on-line using a "Change your Details" form that is found at the link on the Shire of Toodyay website as follows:

<http://www.toodyay.wa.gov.au/Council/Have-your-say/Change-your-Details>

When submitting the change of details on-line certified copies of documentation confirming these changes (i.e. Marriage Certificate) are required to be submitted with the application to change personal details prior to them being processed. If not provided the applicant will be contacted by the Records Management Officer.

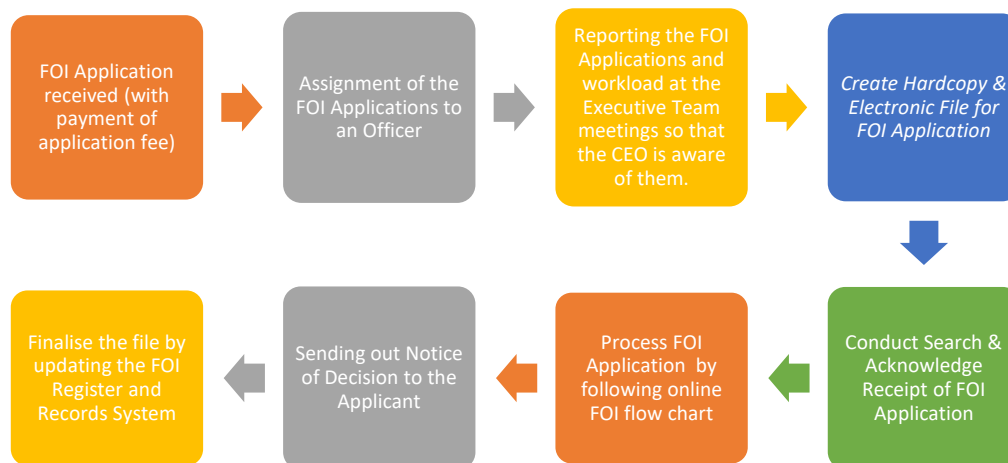
The Records Management Officer will record all the "Change your Details" forms as they come in. The details are then changed on the system and provided to the relevant officers of whichever departments that the change will affect.

Shire of Toodyay Information Statement 2023-2024

The process followed by the Agency (s.94(i))

When an FOI Application is made it is recorded by the Records Management Officer and given an identification record number that can be referred to and used for any further related correspondence.

The following process is followed by the Agency:



Process FOI Application by following online FOI flow chart

Link for on-line chart here: <https://www.oic.wa.gov.au/en-au/FA001>

Further Information

If you have any questions about the Freedom of Information Statement, please contact the Freedom of Information Officer on (08) 9574 9300 during office hours (8.30am to 4.30pm) or via email at records@toodyay.wa.gov.au

The Office of the Information Commissioner publishes how members of the public may access documents held by government, amend personal information and apply for review of agency decisions. Contact them via the means provided below:

Phone: (08) 6551-7888 or Freecall (WA country landline callers only) 1800 621 244

On-Line: <https://www.oic.wa.gov.au/en-au/ThePublic>

Attachments to the Information Statement

- | | | |
|----|--|----|
| 1. | A copy of the Shire of Toodyay FOI Application is attached | 23 |
| 2. | Submitting a "Change your Details" form which is attached. | 25 |



Shire of Toodyay **Information Statement 2023-2024**

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