



## INFORMATION STATEMENT

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July 2022

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## **1. Legislation, Regulations, Local Laws and Powers**

The Shire of Manjimup is the appointed local government authority for the district, responsible for the planning, delivery and maintenance of key services and infrastructure.

### **1.1 Acts**

A number of Acts of Parliament give the Shire of Manjimup the necessary powers to make decisions regarding the natural, built and legal environments which it administers. Listed below are the principal Acts under which the Shire operates:

Local Government Act 1995 and associated Regulations  
Local Government (Miscellaneous Provisions) Act 1960  
Animal Welfare Act 2002  
Building Act 2011  
Building and Construction Industry Training Fund Levy Collection Act 1990  
Bush Fires Act 1954 and associated Regulations  
Caravan Parks and Camping Grounds Act 1995  
Cat Act 2011 and associated Regulations  
Cemeteries Act 1986  
Control of Vehicles (Off-Road Areas) 1978  
Dividing Fences Act 1961  
Dog Act 1976 and associated Regulations  
Emergency Services Levy Act 2002  
Environmental Protection Act 1986  
Food Act 2008 and associated Regulations  
Freedom of Information Act 1992  
Health Act 1911  
Heritage Act 2018  
Land Administration Act 1997  
Liquor Licensing Act 1988 and associated Regulations  
Litter Act 1979 and associated Regulations  
Planning and Development Act 2005 and associated Regulations  
Public Works Act 1902  
Rates and Charges (Rebates and Deferments) Act 1992  
Road Traffic Act 1974  
Strata Titles Act 1985  
Tobacco Products Control Act 2006  
Transfer of Land Act 1893  
Valuation of Land Act 1978  
Waste Avoidance and Resource Recovery Act 2007  
Water Services Licencing Act 1995  
Work Health and Safety Act 2020 and associated Regulations

## 1.2 Local Laws

The Local Laws listed below are adopted by Council to regulate and govern local issues.

| <b>Local Law</b>   | <b>Gazettal</b>  |
|--|------------------|
| Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law | 15 February 2002 |
| Cat Local Law 2021   | 16 April 2021    |
| Cemetery Local Law   | 12 December 1990 |
| Dogs Local Law 2004  | 29 November 2004 |
| Fencing Local Law 2012   | 20 December 2012 |
| Health Local Law 2020  | 8 October 2020   |
| Landfill and Waste Transfer Station Facilities Local Law 2006                        | 2 October 2007   |
| Parking Local Law 2018   | 4 June 2019      |
| Standing Orders Local Law 2013   | 14 June 2013     |

### 1.2.1 Standing Orders

Standing Orders are a Local Law created under the Local Government Act to govern the proceedings of Council meetings. These Standing Orders detail things like the order of business, rules of debate, voting and the attendance of officers and the public.

## 1.3 Local Planning Scheme

The Shire of Manjimup Local Planning Scheme No 4 was gazetted on 8 December 2010, replacing Town Planning Scheme No 2. The purpose of the Scheme is to:

- (i) set out the local government's planning aims and intentions for the Scheme area;
- (ii) set aside land reserved for public purposes;
- (iii) zone land within the Scheme area for the purposes defined in the Scheme;
- (iv) show land which may be suitable for development through expansion of various settlements within the Scheme Area, where special scrutiny of proposed land uses and development must occur having regard to the Scheme objectives;
- (v) control and guide land use and development;
- (vi) set out procedures for the assessment and determination of planning applications;
- (vii) make provision for the administration and enforcement of the Scheme; and
- (viii) address other matters set out in the First Schedule to the *Planning and Development Act 2005*.

The enabling legislation under which the Scheme is formulated and reviewed is the Planning and Development Act 2005. The Scheme includes the power to make Local Planning Policies in respect to any matter related to the planning and development of the Scheme area.

## 2. Functions & Structure of the Organisation

### 2.1 Shire of Manjimup – Past, Present and Future

#### 2.1.1 Past

The Warren Road District was formed on 3 July 1908 and changed to the Manjimup Road District in June 1925. With the enactment of the Local Government Act 1960, the Manjimup Road District name was changed to Shire of Manjimup on 1 July 1961.

#### 2.1.2 Present

The Shire of Manjimup is divided into six Wards (North, Central, West, East, Coastal and South) and 36 Localities. The towns and settlements within the boundaries of the Shire of Manjimup are Manjimup, Pemberton, Northcliffe, Walpole, Deanmill, Palgarup, Jardee, Yanmah, Quinninup and Windy Harbour.

The Shire covers 7,028 square kilometres of which 15% is rateable land with the remainder of the Shire being made up of State Forests, National Parks and Reserves. The Shire has an estimated population of 9,093 residents as at 2021 census.

#### 2.1.3 Future

Council's "Strategic Community Plan 2021-2031" provides broad direction for the Shire of Manjimup's future plans. The Strategic Implementation Plan indicates how Council intends to put those strategic directions into practice. This is a living document and is reviewed regularly to ensure that outcomes and deliverables continue to be in line with community needs.

Council's annual budget is the process by which those activities identified in the Strategic Plan are carried out. In addition to Council's Strategic input, the Strategic Plan also receives input from the Shire's Departmental managers who are responsible for carrying out those activities. This process allows a sense of practical realism and ownership.

### 2.2 Structure of the Organisation

#### 2.2.1 Councillors

**Shire President:** Cr Paul Omodei

**Deputy Shire President:** Cr Denise Jenkins

Central Ward

Cr Paul Omodei

Cr Denise Jenkins

Cr Robert Taylor

Cr Susan Dawson Vidovich

Cr Donelle Buegge

Coastal Ward

Cr Wendy Eiby

East Ward

Cr Cliff Winfield

North Ward

Cr Kim Skoss

South Ward

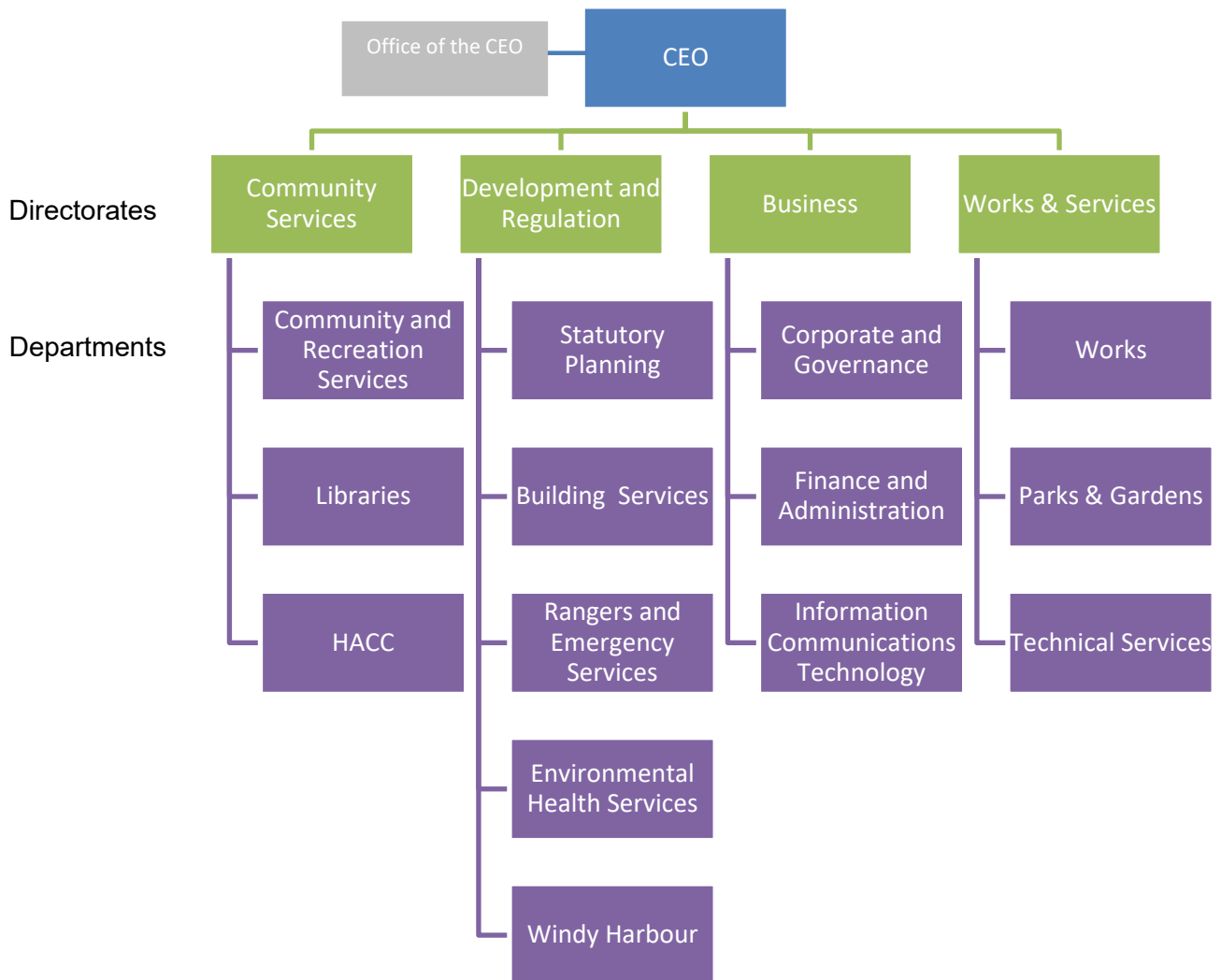
Jennifer Willcox

West Ward

Cr Murray Ventris

Cr Kenneth Lawrence

## 2.2.2 Shire of Manjimup Organisational Structure



## 3. Public Effect of the Organisation's Functions

### 3.1 Decision Making

The Shire of Manjimup significantly affects the public by providing a wide range of services and facilities. This service is carried out in a manner appropriate to the current and future needs of its communities. The Shire of Manjimup also has a role in the management and development of the resources within its area so as to create a safe and pleasant environment for its residents and ratepayers.

General information relating to Shire matters is published regularly on the Shire website, generally every three weeks in the Manjimup-Bridgetown Times and periodically in the Pemberton Community News, Walpole Weekly and Karri Pigeon. The Shire of Manjimup Information Brochure is published annually and is distributed to rate payers and made available at the Shire's Customer Service Centre. These various sources of information are designed to keep the public informed of the various issues and decision making being undertaken by the Shire of Manjimup.

### **3.2 Council**

Council consists of eleven Councillors elected by the residents and ratepayers of the Shire of Manjimup of whom one is elected by Council as Shire President. Council is the decision making body on all policy matters. Council meetings are held generally every 3 weeks commencing at 5:30 pm and held in the Council Chambers in Manjimup (unless advertised otherwise). At least one meeting per year is held in Pemberton, Northcliffe and Walpole.

### **3.3 Council Agendas and Minutes**

All Council meetings are open to the public. Before the commencement of the meetings a public question time / public forum of 15 minutes is scheduled to give the public an opportunity to put forward any suggestions or make enquiries on particular issues they feel need to be discussed.

Agendas and minutes of all Council meetings are made available for public viewing at the Shire's Customer Service Centre, at the public libraries and on the Shire website at [www.manjimup.wa.gov.au](http://www.manjimup.wa.gov.au). Copies of the agenda are also available at the Council meeting.

## **4. Policy Formulation and Public Participation**

### **4.1 Policies**

The Council adopts policies on a variety of issues to act as a guide for officers of the Shire and provide the basis for decision making. All current policies are contained within the Council's policy manual along with a register of authorised delegations made by the Council to assist with the efficient administration of the municipality. The policies can be viewed on the Shire website at [www.manjimup.wa.gov.au](http://www.manjimup.wa.gov.au).

### **4.2 Annual General Meeting of Electors**

The Annual General Meeting of Electors is held once in every financial year and includes the presentation of the Annual Report and the Auditor's Report. Residents and Ratepayers are encouraged to attend this meeting as it is an opportunity to ask questions and raise issues with local representatives.

### **4.3 Working Parties, Committees and Consultative Groups**

Councillors, Shire staff and members of the public are able to nominate or be selected as representatives for a variety of Shire related committees, consultative groups and other external organisations, including those listed below. Minutes from the meetings of Council committees are recorded in the ordinary Council agendas and minutes.

#### **Council Committees**

- Access and Inclusion Advisory Committee
- Airfield Management Committee
- Audit Advisory Committee
- Bush Fire Advisory Committee
- Chief Executive Officer Review Advisory Committee
- Local Emergency Management Committee
- Manjimup Heritage Park Advisory Committee

Manjimup Recreation Advisory Committee  
Manjimup Town Centre Revitalisation Advisory Committee  
Northcliffe Forest Park Management Committee  
Northcliffe Town Centre Revitalisation Advisory Committee  
Northcliffe Town Hall Management Committee  
Pemberton Town Centre Revitalisation Advisory Committee  
Plant Replacement Advisory Committee  
Walpole Town Centre Revitalisation Advisory Committee

#### **Delegates to External Bodies**

Local Drug Action Group  
Manjimup Chamber of Commerce and Industry  
Manjimup Education Visions Committee  
Manjimup Tourist Bureau Inc Management Committee  
Northcliffe Visitor Centre Committee  
Pemberton Visitor Centre Committee  
Regional Road Group  
South West Zone of the WA Local Government Association  
Walpole-Nornalup Visitor Centre Committee  
Warren Blackwood Alliance of Councils  
Warren Water Advisory Committee

#### **4.4 Delegation of Authority**

The Chief Executive Officer and other officers have the delegated authority from Council to make decisions on a number of specified administrative issues. These delegations are listed in the Delegations Register and are reviewed annually by Council.

### **5. Documents Held by the Organisation**

#### **5.1 Publicly Available for Inspection**

The Shire of Manjimup has a variety of documents available for public inspection or purchase. These include annual reports, local laws, budgets, policy manual, and various plans which are available for inspection or may be purchased by paying a photocopying fee.

A copy of Council minutes can be viewed at no charge at the Shire's Customer Service Centre, the public libraries and the Shire website at [www.manjimup.wa.gov.au](http://www.manjimup.wa.gov.au).

Also at no charge are newsletters, community information brochures and the Shire's Strategic Plan which can be obtained at the Shire's Customer Service Centre. The public libraries also have other various documents available such as from the Bureau of Statistics.

#### **5.2 Documents Covered by the Freedom of Information Act**

Documents and information covered by the Freedom of Information (FOI) Act include various items such as personnel records, client records, building and property files and correspondence.



All documents received are recorded on the Shire database and filed on a central records management system.

### **5.3 Retention and Disposal of Records**

Standards for record keeping across government have been set by the State Records Office of WA in accordance with the State Records Act 2000. The General Retention and Disposal Schedule for Local Government has been developed to provide consistency throughout Local Government in the disposal and archival of all records. In accordance with this the Shire of Manjimup has a Record Keeping Plan which outlines how records are retained, stored, disposed and archived.

## **6. Freedom of Information Access Procedures**

### **6.1 Applications**

A copy of the Freedom of Information Act 1992 is available online at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

Freedom of Information access applications must:

- be in writing;
- give enough information to enable the correct document(s) to be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the address below with any application fee payable.

An application form is available on the Shire website [www.manjimup.wa.gov.au](http://www.manjimup.wa.gov.au) or at the Customer Service Centre, 37-39 Rose Street, Manjimup, or by phoning 9771 7777.

You may lodge an application by addressing it to:

The Freedom of Information Coordinator  
Shire of Manjimup  
PO Box 1  
MANJIMUP WA 6258

or by delivering it to the Customer Service Centre, 37-39 Rose Street, Manjimup between the hours of 8:30 am and 4:30 pm Monday to Friday.

The Shire of Manjimup may request proof of your identify and if you are seeking access to personal documents or if you are seeking documents on behalf of another person. If you are seeking access to documents on behalf of another person the Shire of Manjimup will also require authorisation from that person, usually in writing.

Your application will be acknowledged in writing and dealt with as soon as practicable (within 45 days) after it is received.

## **6.2 Fees and Charges**

The following fees and charges are set under the FOI Regulations 1993. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

- No fees for access applications relating to personal information and amendment of personal information.
- Application fee of \$30.00 for other access applications (non personal information).
- No fees applicable for internal or external review.
- A fee of \$30.00 per hour of staff time dealing with an application.
- A fee of \$30.00 per hour for access time supervised by staff.
- A fee of \$30.00 per hour for staff photocopying time.
- Photocopies charged at the rate of 20c per copy.
- Actual cost to the agency charged for duplicating a tape, film or electronic information and for delivery, packaging and postage.
- A 25% advance deposit may be required in respect of the estimated charges.
- Further advance deposit may be required to meet the charges of dealing with the application.
- A discretionary 25% reduction of charges for financially disadvantaged applicants or those issued with a prescribed pensioner concession card.

## **6.3 Forms of Access**

You can request access to documents by way of inspection, a photocopy of a document, a copy of an audio or video tape, an electronic format, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form. When the Shire of Manjimup is unable to grant access in the form requested, access may be given in a different form.

## **6.4 Notice of Decision**

As soon as possible, but in any case within 45 days, you will be provided with a notice of decision which will include details such as:

- the date on which the decision was made;
- the name and designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt (see Schedule 1 of the Act); and
- information on the rights of review and the procedures to be followed to exercise those rights.

## **6.5 Third Party Consultation**

Prior to providing a notice of decision the Shire may consult with a third party relevant to a document to seek their views to assist in determining if the documents will be released or if the documents are exempt.

## **6.6 The Review Process**

The Freedom of Information Act provides for a review and appeal process. You may seek an Internal Review and if you are still dissatisfied, a review by the Information Commissioner may be requested. Further still you can appeal to the Supreme Court.

### **6.6.1 Internal Review**

If you are not satisfied with the decision of the Freedom of Information Decision Maker concerning your application, then you can apply to the Shire of Manjimup for an internal review of that decision. Applications for an internal review must be lodged at the Shire within 30 days of receipt of notice of the Shire's decision. You will be notified of the outcome of the review within 15 days. There is no charge for an internal review.

### **6.6.2 External Review**

If you are still dissatisfied after the internal review has been completed, you may seek an external review by the Information Commissioner. This request must be made in writing within 60 days of receiving notice of the internal review decision and give details of the decision to which your complaint relates. Your complaint should be made to the Information Commissioner and addressed to:

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

Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a depot on account of charges.

## **6.7 Amendment Procedures**

An individual may apply to have a document amended if it contains inaccurate, incomplete, out of date or misleading personal information.

An application should be made in writing to the Shire of Manjimup and should provide all the information required in the Act. Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. Applicants must also indicate how they wish the amendment to be made (ie alteration, insertion etc).