



# **COUNCIL INFORMATION STATEMENT 2008**

**1. INTRODUCTION**

**2. THE STRUCTURE OF THE COUNCIL**

- 2.1 Mission Statement
- 2.2 Vision
- 2.3 Council Structure
- 2.4 Council Meetings
- 2.5 Council Committees
- 2.6 Delegations

**3. DETAILS OF LEGISLATION ADMINISTERED**

**4. SERVICES TO THE COMMUNITY**

**5. PUBLIC PARTICIPATION**

- 5.1 Council Meetings
- 5.2 Community Consultation

**6. ACCESS TO COUNCIL DOCUMENTS**

- 6.1 Policies & Strategies
- 6.2 Brochures
- 6.3 Documents Available for inspection

**7. FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS**

- 7.1 Applications
- 7.2 Charges
- 7.3 Access Arrangements

**8. AMENDMENT OF COUNCIL RECORDS**

## 1. INTRODUCTION

The purpose of this information statement, in accordance with requirements of part 5 of the Freedom of Information Act 1992, is to provide information to the public on:

- the structure and function of the Shire of Boyup Brook, the process and formulation of Council policy;
- documentation available to the public and how to obtain this information.

## 2. THE STRUCTURE OF COUNCIL

### 2.1 Mission Statement

Acknowledging our heritage while developing our future.

### 2.2 Vision

To enhance sustainability growth, economic vitality and diversity.

### 2.3 Council Structure

Council elections are held every 2 years. The current Council decision making body consist of 9 Councillors, including the Shire President who is elected by the Council.

The structure of the Shire of Boyup Brook is:

**President:** Cr Roger Downing

**Deputy President:** Cr Peter Marshall

**Councillors:**  
Cr Terry Ginnane  
Cr Shirley Broadhurst  
Cr Michael Giles  
Cr Kym Lamshed  
Cr Eric Muncey  
Cr Brian O'Hare  
Cr Aaron Piper

Chief Executive Officer: Alan Lamb

Manager Works & Services: John Eddy

Manager Finance & Administration: Keith Jones

Principal Environmental Health Officer/  
Building Survey: Wayne Jolley

### 2.4 Council Meetings

Ordinary meetings of Council are held on the 3<sup>rd</sup> Thursday of the month commencing at 3.30pm, members of the public are welcome to attend. Meetings are held in the Council Chambers, Abel Street Boyup Brook.

## **2.5 Council Committees**

Current Council Committees are:

Shire of Boyup Brook Bushfire Advisory Committee  
Shire of Boyup Brook Local Emergency Management Committee

The minutes of these meetings are included in the agenda for the meeting of Council.

## **2.6 Delegations**

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Delegation Register and are reviewed annually by Council. The Local Government Act 1995 and associated Regulations requires Council to:

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

## **3 Details of Legislation Administered**

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

- Animal Welfare Act 2003
- Building Regulations 1989
- Bush Fires Act 1954 and Regulations
- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations
- Cemeteries Act 1986
- Control of Vehicles (Off Road Areas) Act 1978
- Control of Vehicles (Off Road Areas) Regulations 1979
- Dog Act 1976
- Dog Regulations 1976

- Dog (Restricted Breeds) Regulations 2002
- Environmental Protection (Noise) Regulations 1997
- Explosives and Dangerous Goods Act 1961
- Freedom of Information Act 1992
- Freedom of Information Regulations
- Hairdressing Establishment Regulations 1972
- Health Act 1911 and Regulations.
- Heritage of Western Australia Act 1990
- Land Administration Act 1997
- Land Valuation Tribunals 1978
- Litter Act 1979
- Litter Regulations 1981
- Liquor Licensing Act 1988
- Local Government Act 1995 and Regulations
- Main Roads Act 1930
- Navigable Waters Regulations
- Parks and Reserves Act 1985
- Planning Amendment Act 1996
- Rates and Charges (Rebates and Deferments) Act 1992
- Residential Design Codes of WA 2002
- Strata Title Act 1985
- Town Planning Scheme No.2
- Valuation of Land Act 1978
- Western Australia Disability Services Act 1993

The Shire of Boyup Brook administers the following Local Laws:-

- Bush Fire Brigades Local Law

- Cemeteries Local Law
- Dog Local Law
- Fencing Local Law
- Health Local Laws
- Parking and Parking Facilities Local Law
- Property Local Law
- Standing Orders Local Law
- Thoroughfares (Activities) and Trading in Thoroughfares and Public Places Local Law

#### **4 Services to the Community**

The Shire of Boyup Brook provides for the good governance of the community in its district, including legislative and executive functions. The services of the Shire of Boyup Brook are available to all customers, free from any form of discrimination. The functions and activities of the Shire of Boyup Brook are as follows:-

- Aged Services
- Commercial Activities
- Community Relations
- Community Services
- Corporate Management
- Council Properties
- Customer Service
- Development & Building Controls
- Economic Development
- Emergency Services
- Environmental Management
- Financial Management
- Governance
- Government Relations
- Grants & Subsidies
- Human Resources
- Information Management
- Information Services
- Information Technology
- Land Use & Planning
- Laws & Enforcement
- Parks & Reserves
- Plant, Equipment & Stores
- Public Health
- Rates & Valuations
- Recreation & Cultural Services
- Risk Management

- Roads & Bridges
- Sewerage & Drainage
- Traffic & Transport
- Youth Services
- Waste Management

## **5 Public Participation**

### **5.1 Council Meetings**

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

- a) Deputations – With the permission of the Committee Chairman or the President, a member of the public can address a Committee or Council or on behalf of a group of residents.
- b) Residents are notified of some Development Applications requiring the approval of Council. A number of applications are exempted from public notification by the Planning Act. When an application is publicly notified, residents have the opportunity to write to Council expressing their view of the application and/or to subsequently personally address the Council before a decision is made.
- c) Petitions – Written petitions can be addressed to Council on any issue within Council’s jurisdiction.
- d) Presentations – With prior notification and approval, a member of the public can address Council on any issue relevant to Council.
- e) Written Requests – A member of the public can write to Council on any Council policy, activity or service.
- f) Question Time – Time is made available at every Council Meeting for members of the public to ask questions and have them responded to by Council, unless the question is outside the legislation or deemed unreasonable.
- g) Elected Members – Members of the public can contact their elected members of Council to discuss any issue relevant to Council.

### **5.2 Community Consultation**

To ensure that all the communities’ needs and expectations are met, community consultation is sort on various issues that affect the Shire and can take the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews

Sufficient time is allocated to allow stakeholders and the community adequate time to respond to issues.

Advising the community and stakeholders of issues can take the form of:-

- Media
- Council Publications
- Posters
- Local Newspapers
- Newsletters
- Information Sessions

## **6 Access to Council Documents**

### **6.1 Policies & Strategies**

- Policy Manual – containing policies pertaining to:
- Council
- Administration
- Finance
- Engineering
- Building
- Health
- Fire Control
- Town Planning Strategic Plan – Planning for the Future
- Disability Access & Inclusion Plan

### **6.2 Documents available for inspection, the following documents are available for public inspection at the Shire office.**

Annual Budget  
 Annual Return  
 Rate Book  
 Audit Financial Statements  
 Code of Conduct  
 Council / Committee Agenda's  
 Council / Committee Minutes  
 Freedom of Information Statement  
 Policy manual  
 Register of Fees and charges levied by Council  
 Register of Interest (elected members and senior staff)  
 Register of Tenders  
 Strategic – Planning for the Future

### **6.3 Documents Available for Inspection**

Requests for information, not shown above will be considered in accordance with the Freedom of Information Act provisions. Under this legislation, applications must be submitted in written form and will be subject to an application fee where applicable unless the applicant is granted as exemption.

Should the application require copies of any documents inspected pursuant to a Freedom of Information request, the charges will apply. It should be noted that some documents are for viewing only and cannot be copied as such copy would breach the Copyright Act 1968.

## **7 Freedom of Information Procedures and Access Arrangements**

### **7.1 Applications**

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable (a fee is not payable for requests relating to personal information pertaining to the applicant).

Note: Proof of identification may be required.

Applications and enquiries should be addressed to the:

Freedom of Information Officer – Chief Executive Officer  
The Shire of Boyup Brook  
PO Box 2  
BOYUP BROOK WA 6244

Phone: (08) 9765 1200

Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

### **7.2 Charges**

A scale of fees and charges set under the FOI Act Regulations. 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:

• Personal information about the applicant	No fees and no charges
• Application fee (for non-personal information)	\$30.00
• Charge for time dealing with the applicant (per hour, or pro rata)	\$30.00

• Access time supervised by staff (per hour, or pro rata)	\$30.00
• Photocopying staff time (per hour, or pro rata)	\$30.00
• Per photocopy	\$0.20
• Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
• Duplicating a tape, film or computer (per hour, or pro rata)	Actual cost
• Delivery, packaging and postage	Actual cost

## Deposits

- Advance deposits may be required in respect of the estimated charges 25%
- Further Advance deposit may be required to meet the charges for dealing with the application 75%

For impecunious applications or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

### 7.3 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 produced.

#### ***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 which the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt;
- information on the rights of review and the procedures to be followed to exercise those rights.

#### **Refusal of Access**

Applications who are dissatisfied with a decision of the Council are entitled to ask for an internal review by the Council. Applications should be made in writing within 30 days of receiving the notice of decision.

You will be notified of the outcome of the review within 15 days. If you disagree with the result you then can apply to the Information Commissioner for an external review. An application for external

review should be made within 60 days of receiving notice of the internal review decision.

## **8. Amendment of Council Records**

A member of the public may gain access to Council documents to seek amendments concerning their personal affairs by making a request under the Local Government Act. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to Council records, a member of the public must make a written application to the Freedom of Information Officer as indicated above outlining the records that he/she wishes to inspect.