

2026

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Document Control		
Date Reviewed	Details/Action	Author
24 November 2021	New document	Nicola Jones
18 July 2024	Review	Maria Lane
1 July 2025	Review and update	Magdalena Le Grange
1 July 2026	Review and update	Magdalena Le Grange

We acknowledge the Kaniyang people as the Traditional Custodians of the land on which we meet.

Introduction

This Freedom of Information (FOI) Statement has been prepared by the Shire of Boyup Brook (Shire) in accordance with Section 94 of the *Freedom of Information Act 1992*.

The statement is published to provide the community with a clear understanding of the functions, responsibilities, decision-making processes, and information-management practices of the Shire. It outlines the types of documents held, how they may be accessed, and the avenues available for public participation in decision-making.

To ensure accuracy and compliance with legislative requirements, this statement is reviewed annually.

This Shire is committed to open, transparent, and accountable governance, and encourages the public to access information outside the FOI process wherever possible.



Our Vision

Growing our community together

Our Shire will be:



A place for people, with a sense of community; one that is active, vibrant, engaged and connected.



A place with community and visitor facilities that are well maintained and further developed as required.



A place that is safe and secure. An inclusive place that nurtures local youth and ageing population and retains local health and medical services.



A place that grows housing and employment opportunities through economic development based on our local comparative advantage.

Our Values



Proactive

Embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability.



Leadership & Teamwork

Lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations.



Accountability & Integrity

Demonstrate respect, transparency, honesty and inclusivity in all interactions with the community.



Commitment

Build and share knowledge, act professionally and develop relationships that make a positive contribution to our community.



Engaging Community

Show respect, understanding and compassion for others and work collaboratively with community for better outcomes.



Functions of the Shire

The Shire is established under the *Local Government Act 1995* and is responsible for providing services, facilities, and regulatory functions that support the social, economic, and environmental wellbeing of the community, with core functions:

- Community Services;
- Governance, financial management and strategic planning;
- Finance;
- Infrastructure, Roads and Works;
- Planning and Development;
- Environmental Health;
- Ranger Services.

Structure and Organisation

The Shire operates under the *Local Government Act 1995 (WA)* and is governed by an elected Council. The organisational structure consists of:

Council

The Shire is governed by an elected Council consisting of the President and Councillors and is responsible for:



Determining policy



Making decisions on local governance matters



Overseeing the strategic direction of the district



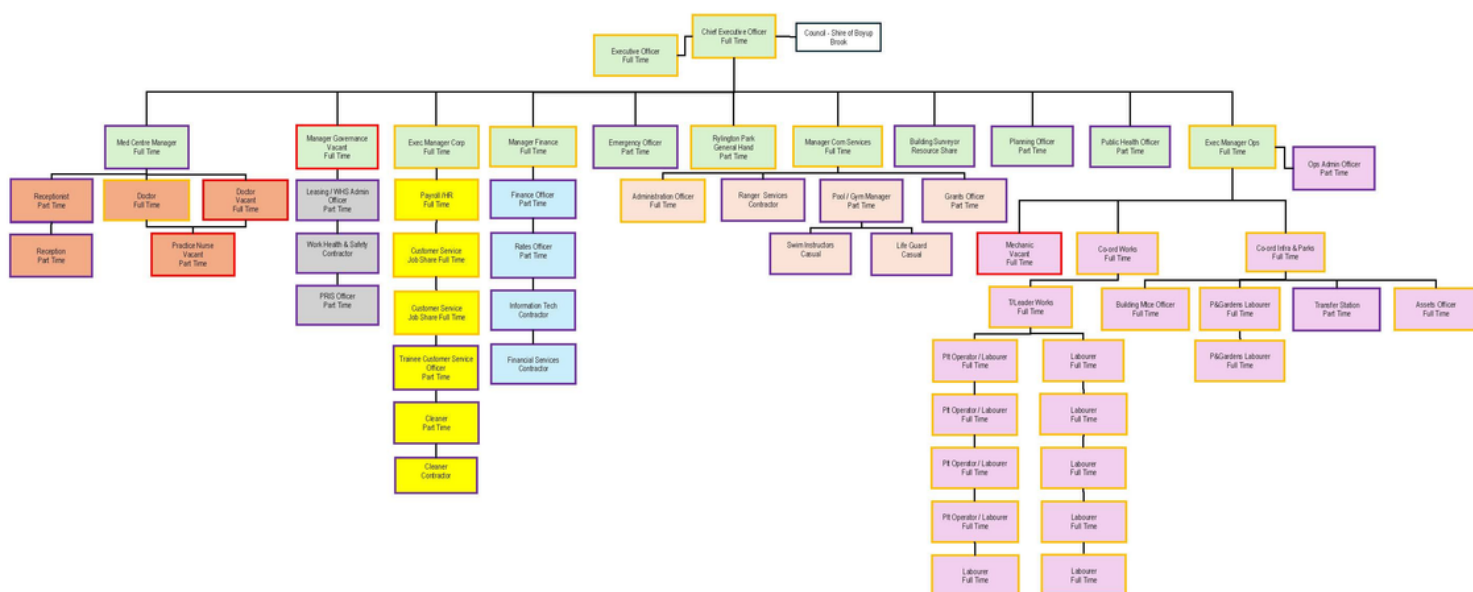
Representing community interests

The Council comprised of 7 Elected Members. Council decisions are guided by a Strategic Community Plan based on ratepayer and resident contributions.

Elected Members

Cr. Helen O'Connell (Shire President)	Term Expires 2029
Cr. Darren King (Deputy Shire President)	Term Expires 2027
Cr. David Inglis	Term Expires 2027
Cr. Michael Wright	Term Expires 2027
Cr. Philip Moore	Term Expires 2029
Cr. Helen Hack	Term Expires 2029
Cr. John Matthews	Term Expires 2029

The Chief Executive Officer (CEO) manages the day-to-day operations and implements Council decisions.



Council makes decisions at Ordinary and Special Council Meetings, which are open to the public except where confidential matters are considered under Section 5.23 of the *Local Government Act 1995*. Agendas and minutes are available on the Shire website.



Community consultation processes

Decisions are also made to determine if approvals are to be granted for applications from residents for various forms of development. The Council Policies enable such matters to be dealt with on a consistent basis. The Policy Manual is available for viewing on the Shire's website.

How the Shire's functions and decision-making affect the public

The Shire undertakes a wide range of statutory, regulatory, and service-related functions that directly influence the daily lives of community members. Many of these functions involve formal decision-making powers, delegated under the *Local Government Act 1995*, planning legislation, building legislation, environmental health laws, and various local laws.

These decisions, actions and activities of the Shire directly influence the community and shape how residents live, work, develop land, and participate in their community through:



Planning and development approvals



Local laws and enforcement



Infrastructure works and maintenance



Environmental health regulations



Community programs shaping social wellbeing and inclusion

Community Consultation

Members of the public can put forward their views on issues before Council through:



Deputations - with the permission of the President, members of the public can address Council personally or on behalf of a group of residents



Petitions - written petitions can be addressed to Council on any issue with Council's jurisdiction



Presentations - with the permission of the Chief Executive Officer, members of the public can address Council on any matters on the Council Meeting Agenda



Public question time at Council or Committee meetings



Written requests- a member of the public can contact Elected Members to discuss any issues relevant to Council

Documents Held by the Shire

The Shire holds a range of documents, including:

Publicly available documents

- Annual reports and annual budgets;
- Strategic Community Plan and Business Continuity Plan;
- Local laws and policies;
- Disability Access and Inclusion Plan;
- Risk Appetite Statement;
- Workforce Plan 2026-2030;
- Council agendas and minutes;
- Registers required under legislation;
- Code of conduct for elected members and employees;
- Policy Manual;
- Cemetery Plan;
- Committee agendas and minutes;
- Schedule of Fees and Charges;
- Local Planning Scheme, maps and amendments.

Internal documents

- Building and planning files;
- Employee records;
- Operational procedures and manuals;
- Financial and audit working papers;
- Contracts and procurement documentation;
- Burial Register.

Any person can attend the office of the Shire during business hours and free of charge inspect, subject to Section 5.95 of the *Local Government Act 1995*, any of the beforementioned documents, whether or not current at the time of inspection, and in the form or medium in which it may at the time be held by the Shire. Access to internal documents may require a Freedom of Information (FOI) application.

The *Local Government Act 1995* specifies a number of limitations on the rights of those wanting to inspect the Shire's information. Despite these limitations, nothing in the *Local Government Act 1995* affects the operation of the FOI Act.

Photocopies of documents are available as set by Council in the Schedule of Fees and Charges.

Personal information

Section 45 of the FOI Act applies where an individual has the right to apply for personal information about themselves to be amended in instances where records are inaccurate, incomplete, out of date or misleading.

An application for the amendment of personal information held by the Shire has to be:



In writing



Provide sufficient details to identify the document



Provide details in relation to which the individual believes the information is inaccurate, incomplete, out of date or misleading

No fees or charges apply for personal information or the amendment of personal information about yourself, the applicant.

FOI Process

The FOI Act provides for public access to documents held by the Shire, the State Records Office and the State Records Commission (Commission), subject to some limitations.

Members of the public can also apply to have personal information about themselves contained in State Records Office and the Commission documents amended, if the information is inaccurate, incomplete, out of date or misleading.

The State Records Office is regarded as being a part of the Department of Creative Industries, Tourism and Sport (Department) for the purpose of the FOI Act. All applications requesting access to documents held by the State Records Office and the Commission are processed by the Department. The Department is also responsible for making decisions about the release of documents.

The public can access a variety of documents already publicly available outside the FOI Act on the State Records Office website. State Records Office (www.wa.gov.au).

Application

The Shire aims to make information available promptly and at the least possible cost.

The *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

How to Lodge a FOI Application

Under Section 12 of the FOI Act, applications for access to documents must:



Be submitted in writing



Provide sufficient information to enable the requested documents to be identified



Provide an Australian address for correspondence



Be lodged at the Shire with the appropriate application fee payable

Address enquiries and applications to the Freedom of Information Officer by using the following:



By telephone: (08) 9765 1200



By post: FOI Officer, Shire of Boyup Brook
PO Box 2, Boyup Brook WA 6244



In person: 55 Abel Street, Boyup Brook WA 6244



Email: shire@boyupbrook.wa.gov.au

The application is taken to have been received on the date the relevant fee has been paid, not the date the application is received (if received on separate dates).

In order for FOI applications to be efficiently processed, applicants should clearly identify the documents they wish to access, and the form of access required (for example, whether copies of documents are sufficient or if necessary to inspect original documents).

Valid applications will be acknowledged in writing.

Fees and Charges

A scale of FOI fees and charges is contained in the *Freedom of Information Regulations 1993* and set out below.

Apart from the application fee for non-personal information (being information that is not personal information about the applicant), all charges are discretionary.

Where an application fee is payable, applications are invalid unless accompanied by the relevant application fee.

Applicants seeking access to their own personal information are not required to pay an application fee.

Application fees (no GST applicable).

• Personal information or amendment of personal information about yourself (not allowed information on others)	No charge
• Application fee for documents (for non-personal information)	\$30.00
• Costs associated with dealing with an application	\$30.00
• Supervision by staff when access is given to view documents	\$30.00
• Staff preparation of a transcript or make photocopies	\$30.00
• Photocopying staff time (per hour)	\$30.00
• Photocopies in relation to a FOI request	\$0.20
• Preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.	At cost
• Delivery, packaging and postage charge	At cost

Members of the public may ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed the above listed fee, the Shire will provide an estimate of charges and enquire whether the application is to proceed.

The Shire must notify within 30 days of an intention to proceed with the application. An advance deposit may be requested at the discretion of the CEO. Financially disadvantaged applicants may obtain a 25% reduction of charges at the discretion of the CEO.

Access Arrangements

Access to documents can be granted by way of an electronic or physical copy, or inspection.

Notice of decision

As soon as possible but within 45 calendar days of receiving a valid FOI application, an applicant will be provided with a notice of decision which will include:

- The date the decision was made
- The name and the designation of the Officer who made the decision
- If a document is an exempt document, the reasons for classifying the document as exempt
- Information on the right to have the decision reviewed and the procedures to be followed to exercise that right

Details of how to apply for an internal or external review are provided when a notice of decision is issued.

Review

Internal review

Applicants who are refused access or are dissatisfied with the decisionmaker's decision on their FOI application are entitled to seek a review of the decision. This is referred to as an 'internal review'. No fee will be charged for an internal review.

Applications for internal review must be made in writing and lodged with the Department within 30 days from receiving a notice of decision. The applicant must provide particulars of the decision to be reviewed and give an address in Australia. The address for lodgement of an internal review request is:



By post

Chief Executive Officer
Shire of Boyup Brook
PO Box 2, Boyup Brook WA 6244



In person

Shire of Boyup Brook
55 Abel Street
Boyup Brook WA 6244

Valid internal review applications will be acknowledged in writing.

An application for an internal review will not be dealt with by the person who made the initial decision or by a person who is subordinate to that person.

The outcome of an application for internal review may result in either a:

- Confirmation,
- Variation or
- Reversal of the initial decision under review.

Except where otherwise agreed by the parties, the Department will notify the applicant of the internal review decision within 15 calendar days of receipt of a valid application. An internal review is not available in respect of a decision made by the Department Director General or on a previous internal review.

External review

If an applicant disagrees with the internal review decision or an initial decision made, the applicant may apply to the Information Commissioner for an external review of the decision. The external review application should be made within 60 calendar days of being given the internal review decision.

However, where the external review applicant is a third party or following an application for amendment of personal information, they must lodge their external review application within 30 calendar days of being given the internal review decision.

A complaint to the Information Commissioner must:



Be in writing



Have attached a copy of this decision



Give an address in Australia

There is no charge for lodging a complaint with the Information Commissioner's office at:

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

Should you have further queries or require further information about your review rights, you please visit the Office of the Information Commissioner website at www.oic.wa.gov.au



Boyup Brook Railway Station

Shire Contact Information



55 Abel Street, Boyup Brook WA 6244
PO Box 2, Boyup Brook WA 6244



Ph: (08) 9765 1200



Email: shire@boyupbrook.wa.gov.au



Opening hours: Monday - Friday
9:00am - 4:30pm



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The Shire of Boyup Brook is an inclusive and equal opportunity employer that values and respects diversity in the workplace.