

# SHIRE OF BOYUP BROOK INFORMATION STATEMENT

2025



[www.boyupbrook.wa.gov.au](http://www.boyupbrook.wa.gov.au)



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BOYUP BROOK

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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	Magdalena Le Grange

# Shire of Boyup Brook Corporate 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.



# 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.**

## 2 Structure and Function of Council

### 2.1 Council

The Shire of Boyup Brook is a decision-making body comprised of eight elected members. Council decisions are guided by a Strategic Community Plan based on input provided by ratepayers and residents.

Ordinary meetings of Council are held monthly, commencing at 6.00pm. Members of the public can view the agenda and minutes on the website or are welcome to attend meetings in person.

### 2.2 Meeting Dates

30 January	24 April	31 July	30 October
27 February	29 May	28 August	27 November
27 March	26 June	25 September	

### 2.3 Elected Members

Cr Richard Walker (Shire President)	Term Expires 2025
Cr Helen O’Connell (Deputy Shire President)	Term Expires 2025
Cr Charles Caldwell	Term Expires 2025
Cr David Inglis	Term Expires 2027
Cr Philippe Kaltenrieder	Term Expires 2025
Cr Darren King	Term Expires 2027
Cr Michael Wright	Term Expires 2027

### 2.4 Elected Members Council / Community Committees

Cr Richard Walker (President)	Audit, Risk and Improvement Committee Boyup Brook Medical Services Committee Local Emergency Management Committee Bush Fire Advisory Committee South West Country Zone Warren Blackwood Alliance of Councils Rylington Park Committee
Cr Helen O’Connell (Deputy President)	Audit, Risk and Improvement Committee Boyup Brook Medical Services Committee Boyup Brook Museum Committee Boyup Brook Tourism Committee Local Emergency Management Committee Regional Roads Group South West Country Zone Warren Blackwood Alliance of Councils Boyup Brook Community Resource Centre Committee Rylington Park Committee
Cr Charles Caldwell	Audit, Risk and Improvement Committee Bushfire Advisory Committee Boyup Brook District High School Board Regional Roads Group Rylington Park Committee



## Elected Members Council / Community Committees cont.

Cr David Inglis	Audit, Risk and Improvement Committee Boyup Brook Tourism Committee Rylington Park Committee Boyup Brook Museum Committee
Cr Phillipe Kaltenrieder	Audit, Risk and Improvement Committee Boyup Brook Medical Services Committee Climate Change Action Plan Implementation Reference Group Development Assessment Panel
Cr Darren King	Audit, Risk and Improvement Committee Boyup Brook Medical Services Committee Boyup Brook District High School Board Boyup Brook Community Resource Centre Committee Blackwood Basin Group Rylington Park Committee
Cr Michael Wright	Audit, Risk and Improvement Committee Blackwood Basin Group Rylington Park Committee Climate Change Action Plan Implementation Reference Group Development Assessment Panel

## 3 Community Consultation

### 3.1 Council meetings

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

### 3.2 Annual General Meeting of Electors

The *Local Government Act 1995* obligates the Shire to hold an annual meeting of electors within 56 days of the Shire of Boyup Brook acceptance of the annual report for the previous financial year.

The Annual Electors' meeting provides electors with an opportunity to discuss the contents of the annual report and then any other general business.

## 4 Delegations and Policies

Council makes decisions which direct and/or determine its activities and functions in keeping with legislative requirements. Such decisions include the approval of works and services to be undertaken, and the allocation of resources toward works and services.

The Chief Executive Officer has delegated authority from Council to make decisions on specific administrative and policy matters. The authority behind these delegations is detailed in the Delegations Manual, which is reviewed annually by Council and is available on the website.

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 of the Shire's website.

## 5 Legislation, Regulations, Local Laws and Powers

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

### 5.1 Acts

A number of Acts of Parliament give the Shire of Boyup Brook the necessary powers to make decisions regarding the natural, built and legal environments which it administers.

Listed below are the principal Acts and Regulations that impose duties and obligations upon the Shire.

- *Animal Welfare Act 2002*
- *Building Act 2011*
- *Building and Construction Industry Training Fund Levy Collection Act 1990*
- *Building Regulations 2012*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Cemeteries Act 1986*
- *Control of Vehicles (Off-Road Areas) 1978*
- *Control of Vehicle (Off road Areas) Regulations 1979*
- *Dividing Fences Act 1961*
- *Disabilities Services Act 1993*
- *Dog Act 1976*
- *Emergency Services Levy Act 2002*
- *Environmental Protection Act 1986*
- *Food Act 2008*
- *Food Regulations 2009*
- *Freedom of Information Act 1992*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage of Western Australia Act 1990*
- *Land Administration Act 1997*

- *Liquor Control Act 1979*
- *Liquor Licensing Act 1988 and associated Regulations*
- *Litter Act 1979*
- *Litter Regulations 1981*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Parking for People with Disabilities) Regulations 2014*
- *Occupational Safety and Health Act 1984 and associated Regulations*
- *Planning and Development Act 2005*
- *Planning & Development (Local Planning Schemes) Regulations 2015*
- *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 Licensing Act 1995*

Confirmation of current Acts and the associated Regulations referring to Western Australian Legislation can be found at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

## 5.2 Local Laws

Under the Local Government Act the Shire has the power to make and administer local laws in relation to matters which come under its functions as set out in the *Local Government Act* or other written law which expressly applies to local government. Local laws regulate and relate to activities which may be conducted within the area of the Shire.

The Shire's Local Laws include:

- Standing Orders 1979
- Activities in Thoroughfares and Public Places and Trading 2004
- Bush Fire Brigades 2004
- Cemetery 2004
- Dogs 2004
- Fencing 2004
- Health 2004
- Local Government Property 2004
- Parking and Parking Facilities 2004

These current local laws of the Shire can be accessed and downloaded free of charge via our website here.

## 6 Documents Held by the Shire

### 6.1 Documents Available for Inspection

There are two basic types of documents held by the Shire. These can be broadly categorised as:

- those available for inspection or purchase; and



- those which must be held confidentially due to their content, with access considered only through the provisions of the *Freedom of Information Act 1992* (FOI Act).

Any person can attend the office of the Shire during office hours and free of charge inspect, subject to Section 5.95 of the *Local Government Act 1995*, any of the following in relation to the Shire, 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:

- (a) Code of Conduct;
- (b) Register of Complaints;
- (c) Register of Financial Interests;
- (d) Register of Gifts;
- (e) Annual Report;
- (f) Annual Budget;
- (g) Schedule of Fees and Charges;
- (h) Strategic Community Plan;
- (i) Local Laws made by the Shire in accordance with Section 3.12 of the *Local Government Act 1995*;
- (j) Text that:
  - is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the Shire; or
  - would be adopted by a proposed local law of which the Shire has given local public notice under Section 3.12(3); or
  - would be adopted by a proposed local law in respect of which the Shire has published a notice on its official website under Section 3.12(3C);
- (k) Subsidiary legislation made or adopted by the Shire under any written law other than under this Act;
- (l) Written law having a provision in respect of which the Shire has a power or duty to enforce;
- (m) Rate Record;
- (n) Confirmed minutes of Council or Committee meetings;
- (o) Minutes of Electors' Meetings;
- (p) Notice papers and agenda relating to any Council or Committee meeting and reports and other documents that have been:
  - tabled at a Council or Committee meeting; or
  - produced by the Shire or a Committee for presentation at a Council or Committee meeting and which have been presented at the meeting;
- (q) Report of a review of a local law prepared under Section 3.16(3) of the *Local Government Act 1995*;
- (r) Business Plan;
- (s) Register of Owners and Occupiers under Section 4.32(6) of the *Local Government Act 1995* and Electoral Rolls;
- (t) Contract under Section 5.39 of the *Local Government Act 1995* and variation of such contract;
- (u) Such other information relating to the Shire:
  - required by a provision of the *Local Government Act 1995* to be available for public inspection; or
  - as may be prescribed.

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.

Other documents are also available for inspection at the administration office of the Shire during business hours:

- Delegations Register
- Cemetery Plan
- Burial Register
- Policy Manual
- Freedom of Information Statement
- Local Planning Scheme, maps and amendments.

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

## 6.2 Documents Available for Inspection

The FOI Act gives the general public a right to access documents held by the Shire subject to limitations.

Access provisions of the FOI Act does not apply to documents that:

- are available for purchase by the public or free distribution to the public; or
- are available for inspection (whether for a fee or charge or not) under Part 5 of the FOI Act or another enactment; or
- can be inspected in the State archives to which a person has a right to be given access under Part 6 of the State Records Act 2000 despite this Act; or
- are publicly available library material held by agencies for reference purposes; or
- are made or acquired by an art gallery, museum or library and preserved for public reference or exhibition purposes.

## 6.3 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 and 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.

## 7 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](http://www.wa.gov.au)).

## 7.1 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.

## 7.2 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 to which notices can be sent;
- 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: Shire of Boyup Brook, Administration Office, 55 Abel Street, Boyup Brook WA 6244

Email: [shire@boyupbrook.wa.gov.au](mailto: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 identify as clearly as possible the documents they wish to access, and the form of access required (for example, whether copies of documents are sufficient or it is necessary to inspect original documents).

Valid applications will be acknowledged in writing.

## 7.3 FOI Fees and Charges

A scale of FOI fees and charges is contained in the Freedom of Information Regulations 1993 (WA) 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.

## 7.4 Access Arrangements

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

## 7.5 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.

## 7.6 Internal and External 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.

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; and
- 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 <https://www.wa.gov.au/organisation/office-of-the-information-commissioner>.

## **7.7 Application to Amend Personal Information**

The FOI Act provides individuals with a right to apply for amendment of their personal information, or the personal information about a dead person where the applicant is the dead person's closest relative, held by Department if the information is inaccurate, incomplete, out of date or misleading.

Applications to amend personal information must:

- be in writing and made to the FOI Coordinator using the contact details above;
- provide sufficient details to enable the document that contains the information to be identified;
- provide details of the matters in relation to which the applicant believes the information is inaccurate, incomplete, out of date or misleading;
- provide the applicant's reason/s for holding that belief;
- provide details of the amendment/s the applicant wishes to have made.

## **7.8 Forms**

You can access a FOI application form through the Shire of Boyup Brook website [www.boyupbrook.wa.gov.au](http://www.boyupbrook.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: 9765 1200



Email: [shire@boyupbrook.wa.gov.au](mailto:shire@boyupbrook.wa.gov.au)



Opening hours: Monday - Friday  
8.30am - 4.30pm



[www.boyupbrook.wa.gov.au](http://www.boyupbrook.wa.gov.au)



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