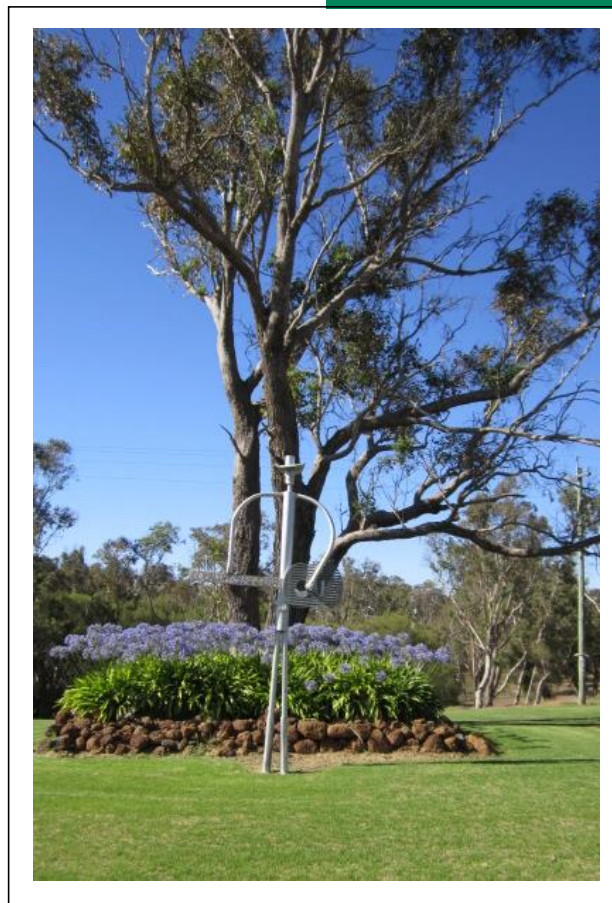




*Freedom of Information Act 1992*

# Information Statement



This document is published under the requirements of  
Part 5 of the *Freedom of Information Act 1992*

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## 1 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.

### 1.1 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 under which the Shire operates. 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)

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  
Disabilities Services Act 1993  
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 (Miscellaneous Provisions) Act 1911  
Heritage of Western Australia Act 1990  
Land Administration Act 1997  
Liquor Licensing Act 1988 and associated Regulations  
Litter Act  
Occupational Safety and Health Act 1984 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

### 1.2 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:

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

### 1.3 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.

## 2 Functions and Structure

### 2.1 Council Structure

Councillors are elected from the community to serve their community in a voluntary capacity. The Council acts as a community board, establishing policies and making decisions within the rules of the Local Government Act 1995 on a wide range of issues affecting the community.

Local Government elections are held every two years to fill vacancies which occur as elected members conclude their four year term of office. Following the elections, a special meeting is held whereby newly elected Councillors are sworn into office. Following this swearing-in ceremony, an election takes place to fill the positions of Shire President and Deputy President for the ensuing two year period.

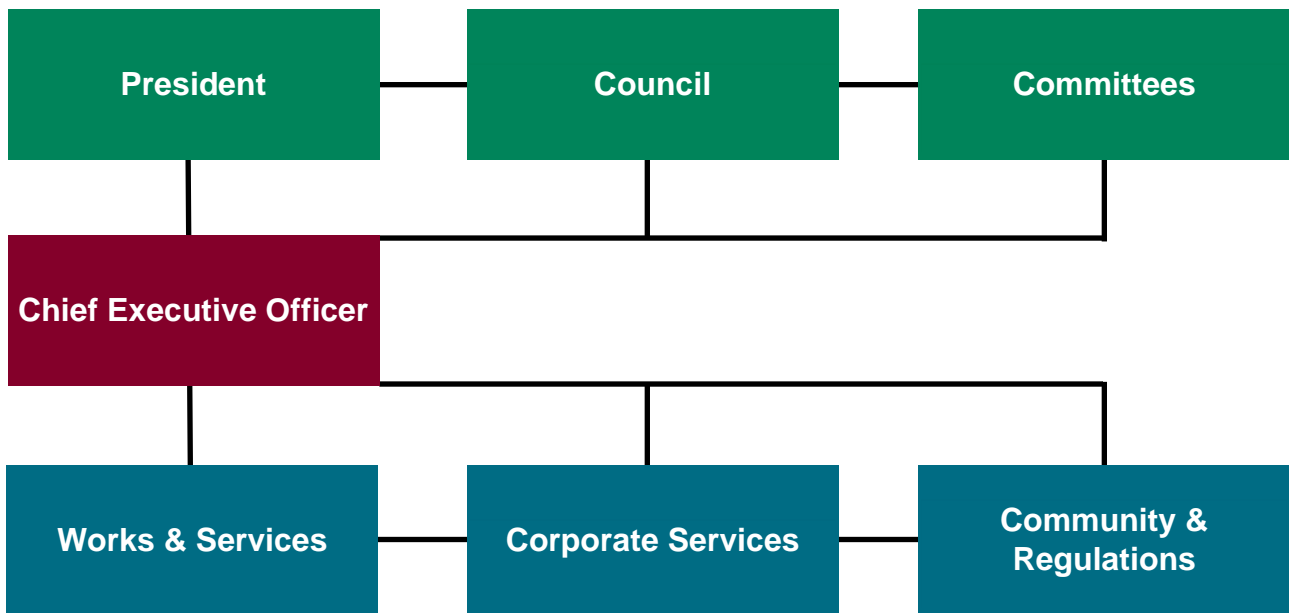
The Council of the Shire of Boyup Brook consists of nine elected members (Councillors) being represented in four Wards as follows:

Benjinup Ward	Cr Richard Walker Cr Kevin Moir	Shire President
Boyup Brook Ward	Cr Sarah Alexander Cr Phillippe Kaltenrieder Cr Adrian Price	
Dinninup Ward	Cr Steele Alexander Cr Charles Caldwell	
Scotts Brook Ward	Cr Darren King Cr Helen O'Connell	Deputy Shire President

## 2.2 Management Structure

The operations of the Shire and implementation of Council decisions are managed by the Chief Executive Officer who is supported by an Executive Management Team.

A visual overview of the organisation structure of the Shire of Boyup Brook is below.



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

### **3.1 Decision Making by The Shire**

The Shire of Boyup Brook provides a wide range of services and facilities for its residents, ratepayers and visitors. The Shire also has a role in the management, improvement 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 the Shire is published in the Boyup Brook Gazette on a monthly basis. To compliment this, the Shire also produces a newsletter which is delivered at a separate time to the Gazette. Regular updates are posted on the Shire website and Shire Facebook page to ensure the most up to date information is available. These sources of information are in place to keep the public informed of the various projects, issues and events being undertaken by the Shire.

### **3.2 Council**

Council meets on the last Thursday in each month commencing at 5.00pm. Members of the public are welcome to attend all meetings of Council. A public question time of at least 15 minutes duration is scheduled at the commencement of all public meetings. On occasions there may be a Special Meeting of Council. Any notice of a Special Meeting or changes to the time and or dates for a scheduled Council Meeting is publicly advertised.

### **3.3 Agendas and Minutes**

Agendas for Ordinary Meetings of Council are posted on the website the Friday prior to the Council meeting day. Minutes are posted within 10 working days after each Council meeting.

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

### **4.1 Policies**

Council adopts Policies on a variety of issues to act as a guide for Officers of the Shire of Boyup Brook 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.

### **4.2 Delegation of Authority**

The Chief Executive Officer has delegated authority from Council to make decisions on a number of specified administrative issues.

### **4.3 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.

### **4.4 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**

Audit and Finance  
Annual Awards  
Local Emergency Management  
Bush Fire Advisory  
Infrastructure  
Humanities  
Economic Development and Biosecurity  
Rylington Park Transitional Committee

### **Delegates to External Bodies**

Main Road Regional Road Group  
South West Zone WALGA

### **Community Committees**

Boyup Brook Tourism Association  
Boyup Brook Community Resource Centre  
Boyup Brook Museum  
Boyup Brook District High School Board  
Blackwood Basin Group

## **5 Documents Held by The Organisation**

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

The Shire of Boyup Brook 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 Administration Office and on the Shire website at [www.boyupbrook.wa.gov.au](http://www.boyupbrook.wa.gov.au).

### **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 Boyup Brook has a Record Keeping Plan which outlines how records are retained, stored, disposed and archived.

## 6 Freedom of Information Applications and Forms of Access

### 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.

The application form is available at the Shire Administration Office or on the Shire website [www.boyupbrook.wa.gov.au](http://www.boyupbrook.wa.gov.au).

You may lodge an application by addressing it to:

The Freedom of Information Coordinator  
Shire of Boyup Brook  
PO Box 2  
BOYUP BROOK WA 6244

or by delivering it to the Boyup Brook Shire Administration Office on Abel Street between the hours of 8:30 am and 4.30 pm Monday to Friday.

The Shire of Boyup Brook may request proof of your identity. If you are seeking access to documents on behalf of another person the Shire of Boyup Brook will also require authorisation from that person, usually in writing.

It should be noted that some documents are for viewing only and some documents cannot be copied, as this would be in breach of the Copyright Act.

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:  
Application Fees (under Section 12 (1) (e) of the Act a fee of \$30.00 applies

Additional Charges (these may or may not apply)

- For time taken by staff dealing with the applicant (per hour or part thereof)
- For access time supervised by staff (per hour or part thereof)
- For photocopying completed by staff (per hour or part plus a fee per copy)
- For time taken by staff transcribing information from tape or other device (per hour or part thereof)
- For duplication of a tape, film or computer information



- For delivery, packaging and posting

#### Advanced Deposit

- Advanced deposit which may be required by an agency under Section 18 (1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee.
- Further advance deposit which may be required by an agency under Section 18 (4) of the Act, expressed as a percentage of the estimated charged which will be payable in excess to the application fee.

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 the 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. Where the Shire of Boyup Brook 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. Applicants may seek an Internal Review if they are dissatisfied with the decision of the Freedom of Information Coordinator. If they are still dissatisfied following the internal review, then a review by the Information Commissioner may be requested. If still not satisfied, applicants may appeal to the Supreme Court.

## 6.7 Internal Review

Applicants who are not satisfied with the decision of the FOI Coordinator can apply to the Shire of Boyup Brook 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. The Shire will respond within 15 days or any longer period agreed between the applicant and the Shire. There is no charge for an internal review.

## 6.8 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 deposit on account of charges.

## 6.9 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 Boyup Brook 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).

## 7 Further Information

Further information can be obtained from the Shire on (08) 9765 1200, Monday to Friday from 8.30am to 4.30pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889 Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)

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

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000