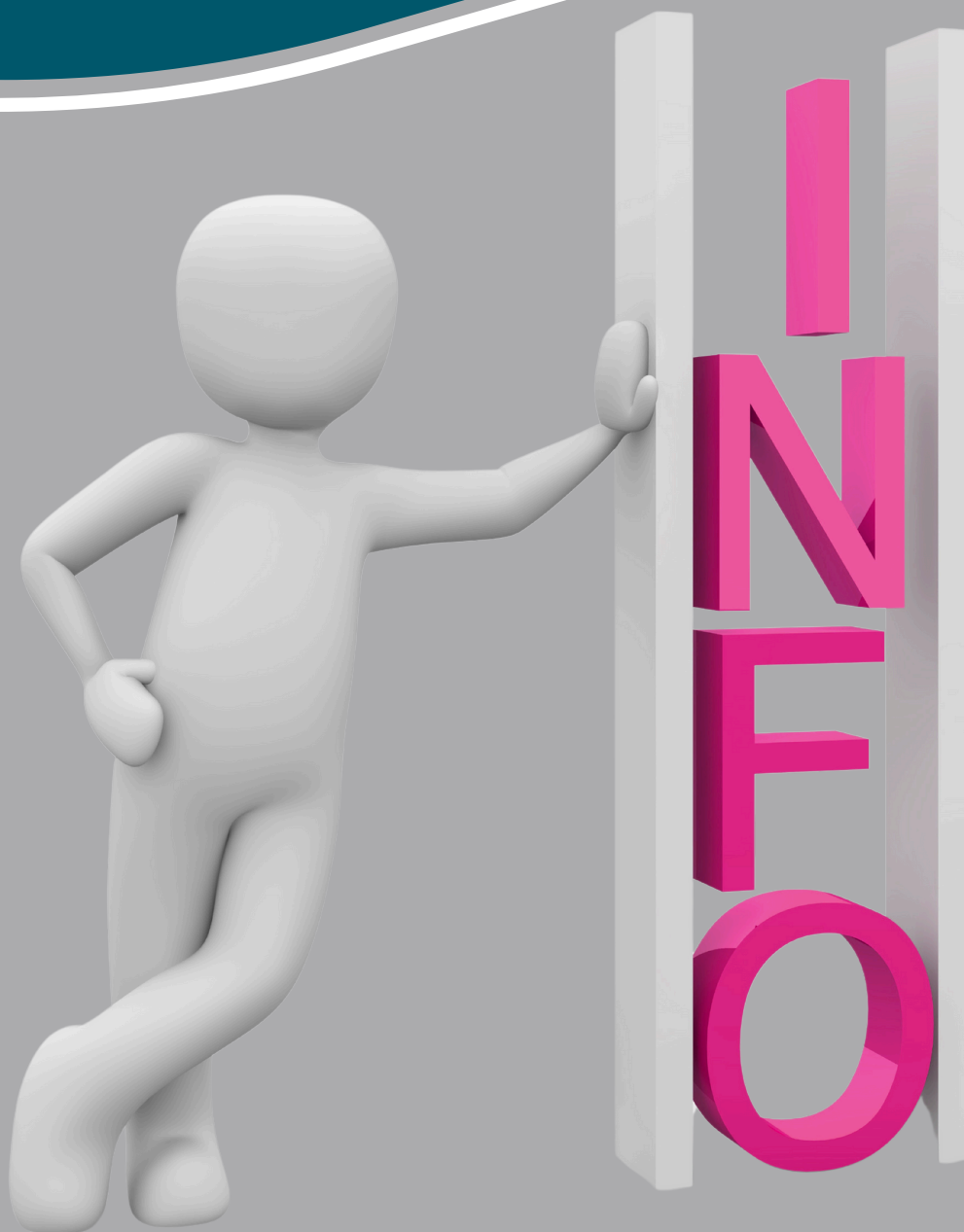


SHIRE OF BOYUP BROOK INFORMATION STATEMENT

2024



www.boyupbrook.wa.gov.au



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Our Values

The Shire's corporate values are the guiding principles on which the Shire bases its beliefs and behaviour.

They underpin all that the Shire does as an organisation.

- **Proactive** - embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability;
- **Leadership and Teamwork** - lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations;
- **Accountability and 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.

Structure and Function of Council

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.

Meeting Dates

29 February	30 May	29 August	28 November
28 March	27 June	26 September	19 December
18 April	25 July	31 October	

Elected Members

1. Cr Richard Walker (Shire President)	Term Expires 2025
2. Cr Helen O'Connell (Deputy Shire President)	Term Expires 2025
3. Cr Sarah Alexander	Term Expires 2025
4. Cr Charles Caldwell	Term Expires 2025
5. Cr David Inglis	Term Expires 2027
6. Cr Philippe Kaltenrieder	Term Expires 2025
7. Cr Darren King	Term Expires 2027
8. Cr Michael Wright	Term Expires 2027



Elected Members Council / Community Committees

Cr Richard Walker
(President)

Audit and Finance Committee
Boyup Brook Medical Services Committee
Local Emergency Management Committee
Bush Fire Advisory Committee
South West Zone meetings
Warren Blackwood Alliance of Councils
Rylington Park Committee

Cr Helen O'Connell
(Deputy President)

Audit and Finance Committee
Boyup Brook Museum Committee
Boyup Brook Tourism Committee
Local Emergency Management Committee
Regional Roads Group
South West Zone meetings
Warren Blackwood Alliance of Councils
Boyup Brook Community Resource Centre Committee
Rylington Park Committee

Cr Sarah Alexander

Audit and Finance Committee
Boyup Brook Medical Services Committee

Cr Charles Caldwell

Audit and Finance Committee
Bushfire Advisory Committee
Boyup Brook District High School Board
Regional Roads Group
Rylington Park Committee

Cr David Inglis

Audit and Finance Committee
Boyup Brook Tourism Committee
Rylington Park Committee
Boyup Brook Museum Committee

Cr Phillipe Kaltenrieder

Audit and Finance Committee
Boyup Brook Medical Services Committee
Climate Change Action Plan Implementation Reference Group
Development Assessment Panel

Elected Members Council / Community Committees cont...

Cr Darren King

Audit and Finance 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 and Finance Committee
Blackwood Basin Group
Rylington Park Committee
Climate Change Action Plan Implementation Reference Group
Development Assessment Panel

Community Consultation

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.

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.



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 Policies are available for viewing of the Shire's website.



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.

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

- 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

Legislation, regulations, Local Laws and Powers cont...

- Transfer of Land Act 1893
- Valuation of Land Act 1978
- Waste Avoidance and Resource Recovery Act 2007
- Water Services Licencing Act 1995

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

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.



Documents available for inspection

There are two basic types of documents held by the Shire of Boyup Brook. 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 FOI Act.

Any person can attend the office of the Shire of Boyup Brook 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 of Boyup Brook, 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) Annual Budget;
- b) Annual Report;
- c) Code of Conduct;
- d) Complaints Register;
- e) Confirmed minutes of Council or Committee Meetings;
- f) Minutes of Electors Meetings;
- g) Council Local Laws and proposed Local Laws;
- h) Delegations Register;
- i) Freedom of Information Statement;
- j) Laws enforced by the Shire of Boyup Brook;
- k) Owners and Occupiers Roll;
- l) Strategic Community Plan;
- m) Policy Manual;
- n) Gift Register;
- o) Register of Financial Interests;
- p) Schedule of Fees and Charges;
- q) Burial Register;
- r) Cemetery Plan;
- s) Local Planning Scheme, maps and amendments;

State Records Office

The State Records Office is regarded as being a part of the Department of Local Government, Sport and Cultural Industries 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 outside the FOI Act on the State Records Office website. [State Records Office \(www.wa.gov.au\)](http://www.wa.gov.au)



Requests for Information

This Act gives you the right to access documents held by State and Local Government agencies, subject to some limitations. Sometimes, an FOI application may not be your best option when seeking information because:

- Access rights under the FOI do not apply to documents that are already publicly available.
- You will not be able to obtain personal information about other people.
- Certain business documents or documents covered by legal professional privilege may not be made available.

An application for access to documents under the FOI does not automatically ensure you will obtain the documents you request. Access may be refused, or you may only receive heavily redacted copies of documents based on exemptions under the FOI Act.

The Act is written to facilitate access to documents held by government bodies, and to ensure that your personal information in those documents is correct. It is not designed as a tool to assist in neighbouring disputes or civil legal action.

The type of government documents or records that can be requested extends to all manner of information, however recorded, in the possession or under the control of an agency. Documents include (but are not limited to) maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV footage and electronic records including emails.

Amendments of Council records

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

Applications for access to documents

Under the FOI legislation, an application must be made in writing with:

- sufficient information to enable the identification of the relevant documents,
 - an Australian address to which notices can be sent, and
 - the payment for the application fee where applicable.
- (Applications fees only apply when non personal information is requested).



Requests for Information cont...

You can access a FOI application form through the website - Forms
FOI applications to the Shire of Boyup Brook can be submitted via email: shire@boyupbrook.wa.gov.au, in person at the Shire of Boyup Brook Offices, 55 Abel Street, Boyup Brook, or by post to - Shire of Boyup Brook, PO Box 2, Boyup Brook WA 6244.

Access Arrangements

Access to documents can be granted by way of visual inspection or supply of hard copies, email attachment copies (digital files), or placed on a USB.

Decision makers

Council's Governance Officer is the Freedom of Information Coordinator and is authorised to perform the required functions of the Act.

Access refusal

Applicants who are refused access or are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency.

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 the designation of the officer who made the decision.
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
- information on the right to review and the procedures to be followed to exercise those rights.

Right of Review

Applicants who are dissatisfied with a decision of the Shire FOI Officer are entitled to ask for an internal review by the Shire of Boyup Brook. Application should be made in writing within 30 days of receiving the notice of decision. You should be notified of the outcome of the review within 15 days.

A complaint to the Information Commissioner must:

- be in writing;
- have attached a copy of this decision; and
- give an address in Australia



Internal Review Rights

If you are not satisfied with this decision, you have the right to apply for an internal review. An application for internal review must be lodged with this agency within 30 days after being given this notice or decision, and must be:

- in writing;
- provide particulars of the decision to be reviewed; and
- give an address in Australia.

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome of an application for internal review may result in either a confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days. The address for lodgement of an internal review request is:

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

or in person at:
Shire of Boyup Brook
55 Abel Street
Boyup Brook WA 6244

External Review Rights

If you are not satisfied with a decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of the decision. You are required to lodge your complaint with the Information Commissioner's office within 60 days of receiving notice.



External Review Rights cont...

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. The address of the Information Commissioner is:

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

Country Callers 1800 621 244

Should you have any further queries or require further information about your review rights at this stage, you may contact the Office of the Information Commissioner on (08) 6551 7888.

Forms

A number of forms and documents have been prepared to assist with enquiries and are available on the Shire of Boyup Brook website www.boyupbrook.wa.gov.au

Fees and Charges

A scale of fees and charges is set under the FOI Regulations. Apart from the application fee of \$30 for not-personal information, all charges are discretionary.



• Personal information or amendment of personal information about yourself (not allowed information on others)	No fee
• 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.

Applicants will receive a response as soon as possible, and always within the statutory 45 days of Council receiving a valid application, together with the appropriate fee.