



FREEDOM OF INFORMATION ACT

2022 INFORMATION STATEMENT

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Introduction

The Western Australian *Freedom of Information Act 1992* (FOI Act) is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

Under Part 5 of the FOI Act, the Shire of Bridgetown-Greenbushes is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as at April 2022. A copy of the Statement can be accessed via the Shire's website at www.bridgetown.wa.gov.au/freedom-of-information-link.

Our Vision and Values

Our Vision

Bridgetown Greenbushes
The heart and soul of the South West

Our Values

We conduct ourselves in line with the values that the local community cares deeply about. We always strive to be:

- Welcoming
- Community minded
- Creative
- Sustainable
- Cost effective

Shire Profile

Located in the heart of the Blackwood River valley, the Shire of Bridgetown-Greenbushes is able to boast beautiful scenery, stunning heritage buildings, extensive forests, national parks, wineries and heritage walk trails. The district includes the heritage town of Bridgetown, the town of Greenbushes with a long and proud mining history and other localities such as Catterick, Hester, Hester Brook, Kangaroo Gully, Kingston, Maranup Ford, North Greenbushes, Sunnyside, Wandillup, Winnejup and Yornup.

The town of Bridgetown is located approximately 268 kilometres south of Perth and 95 kilometres south of Bunbury and Greenbushes is located 17 kilometres north of Bridgetown. The district is bordered by the Shires of Boyup Brook to the north and east, Manjimup to the south, Nannup to the west and Donnybrook-Balingup to the north.

As at 30 June 2020 the Shire of Bridgetown-Greenbushes has an estimated population of 4,756 and covers 1,691 km² of agricultural farmland, State forest and national parks, mining leases, Crown land and townsites. The majority of the Shire is within the Blackwood River catchment area.

Legislative Framework

The operations of local government in Western Australia are governed by the *Local Government Act 1995* (LG Act), the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments. A non-exhaustive list of legislation administered by the Shire is provided at Appendix 1 to this document. This list is not exhaustive or comprehensive and may not be current. Confirmation of current Acts and Regulations is recommended by referring to the Western Australian Legislation website at www.legislation.wa.gov.au.

Local Laws

Under the LG 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 LG 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 on Thoroughfares and Trading in Thoroughfares and Public Places
- Bush Fire Brigades
- Cats
- Cemeteries
- Dogs
- Fencing
- Health
- Local Government Property
- Parking and Parking Facilities
- Standing Orders

Shire of Bridgetown-Greenbushes Structure

The Shire of Bridgetown-Greenbushes provides a wide range of services and facilities for its ratepayers, residents and visitors to the Shire. The Shire 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 community.

Council Structure

The Council of the Shire of Bridgetown-Greenbushes consists of 9 elected members (Councillors). 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 LG Act 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.

Committees of Council

To assist its work load and processes, Council can elect to establish Committees. The following Committees of Council have been established in accordance with Section 5.8 of the LG Act to assist Council achieve its objectives. The Term of Office for Committees established by Council is generally two years (or less) with the expiry date being tied to Local Government Elections.

The following Committees currently assist Council in achieving its objectives:

- Access and Inclusion Advisory Committee
- Audit Committee
- Bush Fire Advisory Committee
- CEO Performance Review Committee
- Local Emergency Management Committee
- Roadwise Advisory Committee
- Sustainability Advisory Committee

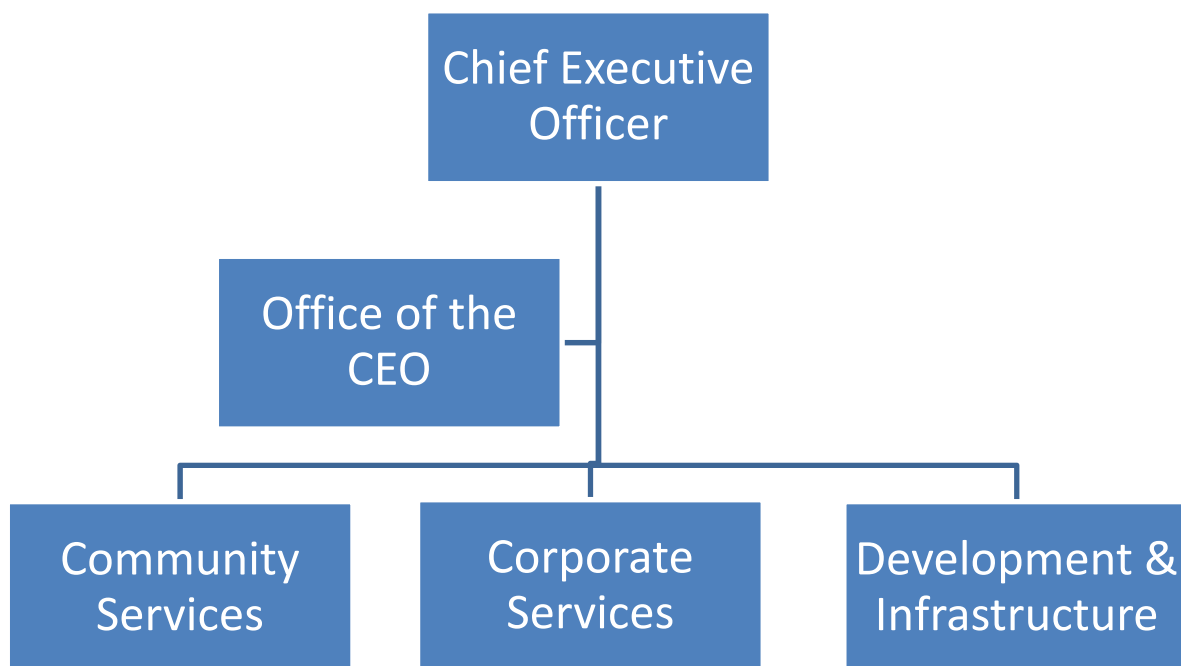
- Trails Development Advisory Committee
- Youth Services Advisory Committee

In addition to Committees established under the Act, the Council appoints Working Groups from time to time to consider specific issues or projects. Generally the membership of a Working Group consists of elected members and staff however members of the public may also be appointed if considered necessary. Working Groups have no delegated authority and provide recommendations to Council.

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 management structure of the Shire is below. Executive Managers head up the Development & Infrastructure, Corporate Services and Community Services directorates.



Decision making by the Shire

The Council makes decisions which direct and/or determine the activities of the organisation as administered by the CEO. In addition, the Council:

1. Determines the type, range and scope of projects to be undertaken by the Shire;
2. Develops comprehensive strategic plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire; and
3. Develops and adopts policies to be applied on the Council’s behalf by the CEO.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

Policies & Delegation of Authority

Council adopts Policies on a variety of issues to act as a guide for Officers of the Shire of Bridgetown-Greenbushes. Policy Manuals have been developed and distributed to Councillors and Officers to assist in the decision making process. In addition, the CEO has delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in a Register and (along with Policies) are reviewed on an annual basis in keeping with the legislative requirement. These are both public documents and can be viewed on the Shire's website at www.bridgetown.wa.gov.au/documents.

Public participation in the decision making process

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions.

Council Meetings

The Council meets on the last Thursday in each month (excepting December) and encourages members of the public to be in attendance. A Public Question Time segment is held at the commencement of each Ordinary Meeting of Council to allow the public a forum in which they may raise questions regarding Agenda Items or other issues affecting the community.

Agendas for Ordinary Meetings of Council are posted on the website and are available for inspection at the Bridgetown Regional Library from the Friday in the week prior to Council meeting day.

On occasions there may be a Special Meeting of Council if a matter of particular urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

Public Question Time

To assist members of the public to participate in the decision making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each Ordinary Meeting of Council. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer. If a question is taken on notice then it will be recorded and a written response provided to the questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the Council.

Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the President and made by registered electors of the Shire of Bridgetown-Greenbushes. The petition must state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. The petition must also contain a summary of the reasons for the request and state the name of the person upon whom, and address at which, notice to the petitioners can be given.

Further details regarding the requirements for petitions can be found in the Shire of Bridgetown-Greenbushes Standing Orders Local Law which is available on our website via this link: www.bridgetown.wa.gov.au/documents/local-laws.

Deputations

Persons wishing to make a deputation to the Council or a committee are to apply in writing to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the President, or the presiding member if the deputation is to be made to a committee, who

may elect to invite the deputation to attend.

All requests for a deputation should be marked for the attention of the Chief Executive Officer and may be:

- posted to PO Box 271, Bridgetown, WA 6255; or
- hand delivered to the reception of the Shire of Bridgetown-Greenbushes Administration Building, 1 Steere Street, Bridgetown; or
- faxed to (08) 9761 2023; or
- e-mailed to btnshire@bridgetown.wa.gov.au

Comments on Agenda Items by Parties with an Interest

At a Council or Standing Committee meeting persons with a relevant interest in an item included in the agenda of the meeting are able to address the meeting. The determination of whether a person has an interest in an agenda item is made in accordance with Clause 3.4.3 of the Shire of Bridgetown-Greenbushes Standing Orders Local Law and includes applicants, representatives of applicable organisations, adjacent property owners, authors of submissions or any person in the opinion of the presiding member at the meeting that has a significant direct interest (not including an interest common to all or a significant number of the community).

Annual General Meeting of Electors

In addition to its Ordinary Meetings, Council also holds an Electors Meeting during each financial year and includes the presentation of the Annual Report and the Annual Financial Report & Auditors Report.

Special Meetings of Electors

In accordance with Section 5.28 of the LG Act, a Special Meeting of Electors may be held following a request made to the President for such a meeting by:

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

Community Consultation and Participation

The Council believes that early effective communication and consultation with the Community will lead to better decision-making, and more open, transparent and accountable governance. Council's Community Consultation Policy outlines both the various levels of consultation and the methods used.

Community members also have the opportunity to engage with the Shire at any time by visiting our reception at the Shire's Administration Building, 1 Steere Street, Bridgetown between the hours of 9:00am and 4:30pm, by calling (08) 9761 0800 or by emailing btnshire@bridgetown.wa.gov.au.

Community members can also provide feedback and make enquiries or complaints on-line via the Contact page of the Shire's website at www.bridgetown.wa.gov.au/contact-us/contact.aspx or by visiting and leaving a comment on the Shire's Facebook page at www.facebook.com/bridgetowngreenbusheshire.

Documents held by the Shire of Bridgetown-Greenbushes

In accordance with section 5.94 of the LG Act, certain documents are made available by the Shire for public inspection without an application under the FOI Act being necessary. Many of these documents are available on the Shire's website, and can include:

- any code of conduct;
- any register of complaints referred to in section 5.121 of the LG Act;
- any register of financial interests;
- any register of gifts;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- any plan for the future of the district made in accordance with section 5.56 of the LG Act;
- any proposed local law of which the local government has given Statewide public notice under section 3.12(3) of the LG Act;
- any local law made by the local government in accordance with section 3.12 of the LG Act;
- any rates record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting (excluding those reports prepared under Section 5.23 of the LG Act);
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59 of the LG Act;
- any register of owners and occupiers under section 4.32(6) of the LG Act and electoral rolls;

Access to other information held by the Shire is subject to the provisions of the LG Act, the FOI Act and any other pertinent legislation.

FOI Procedures

It is the aim of the Shire of Bridgetown-Greenbushes to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the FOI Act provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

Freedom of Information Applications

Requests to access information under the FOI Act are required 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.

An application form is available to assist with this process and is attached as Appendix 2 to this document. Applications should be addressed to the Freedom of Information Officer, PO Box 271, Bridgetown, WA 6255 or e-mailed to btnshire@bridgetown.wa.gov.au.

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

Freedom of Information Charges

A scale of fees and charges are set out in the FOI Regulations. No fees or charges apply for personal information or amendment of personal information about yourself. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged.

As at 31 March 2022 the fees and charges are as follows:

| | |
|---|-----------------------|
| Personal Information about the applicant | No fee and no charges |
| Application fee (for non-personal information) | \$30.00 |
| Charge for time dealing with the application (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 | \$0.20c |
| Transcribing from tape, film or computer (per hour or pro rata) | \$30.00 |
| Duplicating a tape, film or computer information | Actual cost |
| Delivery, packaging or postage | Actual cost |

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

Deposits

- An advance deposit may be required in respect of the estimated charges – 25%
- Further advance deposit may be required to meet the charges for dealing with the applications – 75%
- If a required deposit is not paid within a timeframe specified by the Shire, then the applicant is to be regarded as having withdrawn the access application

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; or a transcript of a recorded, shorthand or encoded document from which works can be reproduced.

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 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; and
- information on the rights of review and the procedures to be followed to exercise those rights.

Refusal of Access

Applicants who are dissatisfied with a decision of the Shire are entitled to ask for an external review. The external review application should be made within 60 calendar days after being given the Shire's written notice of the Shire's decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the Shire's decision.

Further Information

Further information can be obtained from the Freedom of Information Officer for the Shire on (08) 9761 0800, Monday to Friday from 8.30am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Email: info@foi.wa.gov.au

Web: www.oic.wa.gov.au

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

Appendix 1 – List of legislation administered by the Shire

This list of Acts is not intended to be exhaustive and should not be relied upon as such. Confirmation of current Acts and the associated Regulations by referring to Western Australian Legislation website at www.legislation.wa.gov.au

Animal Welfare Act 2002
Building Act 2011
Building and Construction Industry Training Fund Levy Collection Act 1990
Bush Fires Act 1954
Caravan Parks & Camping Grounds Act 1995
Cat Act 2011
Cemeteries Act 1986
Control of Vehicles (Off-Road Areas) 1978
Dividing Fences Act 1961
Dog Act 1976
Emergency Services Levy Act 2002
Environmental Protection Act 1986
Food Act 2008
Freedom of Information Act 1992
Health Act 1911
Heritage of Western Australia Act 1990
Land Administration Act 1997
Liquor Licensing Act 1988
Litter Act 1979
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Occupational Safety and Health Act 1984
Planning and Development Act 2005
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

Other Legislation Affecting the Shire

Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law
Bush Fire Brigades Local Law
Cats Local Law
Cemeteries Local Law
Dogs Local Law
Fencing Local Law
Health Local Law
Local Government Property Local Law
Parking and Parking Facilities Local Law
Pest Plants Local Law
Standing Orders Local Law
Town Planning Scheme No. 3
Town Planning Scheme No. 4

Appendix 2 – FOI Application

SHIRE OF BRIDGETOWN-GREENBUSHES

APPLICATION FOR ACCESS TO DOCUMENTS

[Freedom of Information Act 1992, S.12]

DETAILS OF APPLICANT

Family Name: Given Names:

Australian Postal Address:

Postcode: Telephone No:

If application is on behalf of an Organisation

Name of Organisation/Business:

DETAILS OF REQUEST (Please tick) Personal documents Non-Personal documents

I am applying for access to document(s) concerning:

.....

FORM OF ACCESS (Please tick)

I wish to inspect the document(s) Yes No

I require a copy of the document(s) Yes No

I require access in another form Yes No

If Yes, please specify:

.....

FEES & CHARGES

Attached is a cheque/cash for the amount of \$..... to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges Yes No

| | |
|-----------------------|-------|
| Applicants Signature: | Date: |
|-----------------------|-------|

Office Use Only

Date Received:

Deadline for Response:

Acknowledgement sent:

NOTES

FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified
- The Agency may request proof of your identity
- If you are seeking access to a document(s) on behalf of another person, the Agency will require authorisation, usually in writing
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received
- Further information can be obtained from the Shire of Bridgetown-Greenbushes, or a copy of the Freedom of Information Act may be downloaded from the Western Australian Legislation website www.legislation.wa.gov.au. Alternatively hardcopies can be ordered from the State Law Publisher by emailing sales@dpc.wa.gov.au or calling 08 6552 6000.

Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the Agency is unable to grant access in the form requested, access may be given in a different format.

Fees & Charges

- \$30.00 application fee (non-personal information only) and other fees as outlined in Schedule 1 of the FOI Regulations
- An applicant who is the holder of a currently valid concession card issued on behalf of the Commonwealth Government under the Rates & Charges (Rebates and Deferments) Act 1992 may be eligible for a reduction of 25% in the charges associated with the application.
- No reduction is applicable to the application fee.

Lodgement of Applications

Applications may be lodged:

- By post addressed to: FOI Officer
Shire of Bridgetown-Greenbushes
PO Box 271
BRIDGETOWN WA 6255
- In person at: Shire of Bridgetown-Greenbushes Administration Office
1 Steere Street
BRIDGETOWN WA 6255
- E-mailed to: btnshire@bridgetown.wa.gov.au