

SHIRE OF BRUCE ROCK

FREEDOM OF INFORMATION STATEMENT



REVIEWED July 2018

ADOPTED MAY 2006

INTRODUCTION

Section 96(1) of the *Freedom of Information Act (1992)* requires each government agency, including local government, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- The Agency's Mission Statement.
- Details of legislation administered.
- Details of the agency structure.
- Details of decision making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency.
- The operation of FOI in the agency.

This document has been prepared by the Shire of Bruce Rock to satisfy Part 5 of the Act, and is correct as at November 2014. Copies of this document may be obtained from:

Freedom of Information Coordinator
Shire of Bruce Rock
54 Johnson Street
Bruce Rock WA 6418

Or on the Shire of Bruce Rock website at <http://www.brucerock.wa.gov.au>.

Enquiries may be made to that office, on telephone 9061 1377 Monday to Friday 8.30am to 4.30pm, or by email at admin@brucerock.wa.gov.au.

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VISION AND OBJECTIVES

Mission Statement

Bruce Rock Leads the Way.

Vision Statement

To maintain and enhance the Bruce Rock lifestyle, increase business and employment opportunities, and achieve population growth.

Strategic Plan Priority Areas

The Shire's Strategic Plan is the vision for the future of Bruce Rock. The plan aims to improve the amenities provided by Council, while also building on the performances of the past to provide a lifestyle for the residents of the Bruce Rock Shire that is sustainable and unquestionably "Leads the Way".

1. Leadership and Innovation

Including job creation, population growth, tourism and working collaboratively with business, community and the region.

2. Lifestyle

Including community facilities and services (provided by Council and others), support for community groups and clubs, communication with the community, emergency services and community development.

3. Infrastructure

Including Council buildings (including heritage requirements), roads, drains, footpaths, street lighting, street furniture, signage, parks, the airport, environmental management and waste management.

4. Organisational Management

Including management of Council staff, finances, plant and equipment, information technology, customer service, Councillor Support electoral processes and statutory compliances.

LEGISLATION ADMINISTERED

STATE AND FEDERAL LEGISLATION

The following is a list of enabling legislation and legislation for which the Shire is either responsible for administering or bound by certain provisions contained in therein.

- **Building Code of Australia**
A series of Codes prescribing building standards throughout Australia.
- **Building Act 2011 and associated regulations**
Details administrative procedures involved with Building Regulations.
- **Bush Fires Act 1954 and associated regulations**
To make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishments of bush fires.
- **Caravan Parks and Camping Grounds Act 1995 and associated regulations**
Provides for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, and to provide for standards in respect of caravans.
- **Cat Act 2011 and associated regulations**
To amend and consolidate the law relating to the control and registration of cats, the ownership and keeping of cats and the obligations and rights of persons.
- **Cemeteries Act 1986**
To provide for the declaration and management of cemeteries, the establishment, constitution and functions of Cemetery Boards, the licensing of Funeral Directors and the regulations of burials.
- **Control of Vehicles (Off-Road Areas) Act 1978**
To prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for the related purposes.
- **Dividing Fences Act 1961**
Relating to the construction and repair of dividing fences between certain lands.
- **Dog Act 1976 and associated regulations**
To amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons.
- **Environmental Protection Act 1986**
To provide for and Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment.
- **Equal Opportunity Act 1984**
To ensure equal employment opportunity for everyone.

- **Fire Brigades Act 1942 and associated regulations**
To consolidate and amend the law relating to the prevention and extinguishing of fires, the confining and ending of hazardous material incidents and the protection of life and property from fire, hazardous material incidents and accidents.
- **Food Act 2002 and associated regulations**
Providing for the safety and suitability of food for human consumption, and for related purposes.
- **Freedom of Information Act 1992**
To provide public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.
- **Health Act (Miscellaneous Provisions 1911 and associated regulations and Local Laws**
Consolidate and amend the Law relating to Public Health.
- **Heritage of Western Australia Act 1990**
Requires all local authorities to compile and regularly review an inventory of local places which are significant or may become significant heritage properties.
- **Interpretation Act 1984**
To define terminology found in many other Acts and Regulations.
- **Justices Act 1902**
To consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.
- **Land Administration Act 1997**
To make provision for the management and reservation of Crown Land.
- **Library Board of Western Australia Act 1951 and Public Libraries Regulations 1985**
Relates to the operation of public libraries.
- **Liquor Licensing Act 1988 and associated regulations**
Administered in part by Local Government to regulate the sale, supply and consumption of liquor, use of premises on which liquor is sold and the services and facilities provided in conjunction with or ancillary to the sale of liquor.
- **Litter Act 1979 and associated regulations and Local Laws**
To make provision for the abatement of litter, establish, incorporated and confer powers upon the Keep Australia Beautiful Council (WA).
- **Local Government Act 1995 and associated regulations and Local Laws**
- **Local Government (Miscellaneous Provisions) Act 1960**
To provide for the good rule and government, convenience, comfort and safety of persons in local authority districts.
- **Main Roads Act 1930**
The closure of roads without notice if their condition is unsafe for vehicular movement or use. To delineate responsibility for traffic control signs.

- **Occupational Safety and Health Act 1984 and associated regulations**
Administered in part by Local Government, to promote and improve standards for occupational health, safety and welfare and to coordinate the administration of the laws relating to occupational safety and health for incidental and other purposes.
- **Public Health Act 2016**
Provides a flexible and proactive framework for the regulation of public health
- **Rates and Charges (rebates and Deferments) Act 1992**
To permit administrative authorities to allow rebates on, of the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons.
- **Residential Tenancies Act**
To regulate the relationship of lessors and tenants under residential tenancy agreements.
- **Strata Titles Act 1985**
To facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental and connected purposes.
- **Tobacco Products Control Act 2006 and associated regulations**
Administered in part by Local Government, to regulate the sale and promotion of tobacco products.
- **Planning and Development Act 2005**
Provides for the planning and development of land for urban, suburban and rural purposes. The general objectives of this Act are to improve and develop land to the best possible advantage, and to balance the use of all land resources.
- **Valuation of Land Act 1978**
To provide for the valuation of land and for other purposes.
- **Waste Avoidance and Resource Recovery Act 2007**
Provide for waste avoidance and resource recovery, establish the Waste Authority, provide for waste services by local governments, provide for levies on waste and repeal the Environmental Protection (Landfill) Levy Act 1998

SHIRE OF BRUCE ROCK LOCAL LAWS

- **Local Government Property Local Law**
- **Parking and Parking Facilities Local Law**
- **Local Laws Related to Fencing**
- **Local Laws Relating to the Management and Control of the Bruce Rock Cemetery 2004**
- **Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004**
- **Dogs Local Law 2005**
- **Health Local Law 2016**

- **Animals, Environment and Nuisance Local Law 2016**

ORGANISATION STRUCTURE

The Council

The Council is made up of members of the local community who are elected to office by residents and ratepayers of the Shire.

The Council is led by the President and eight (8) Councillors who represent the entire district. As a group they are the decision and policy making body.

Each Councillor, and the President, is elected for a four (4) year term. The next Local Government election will be held in 2015.

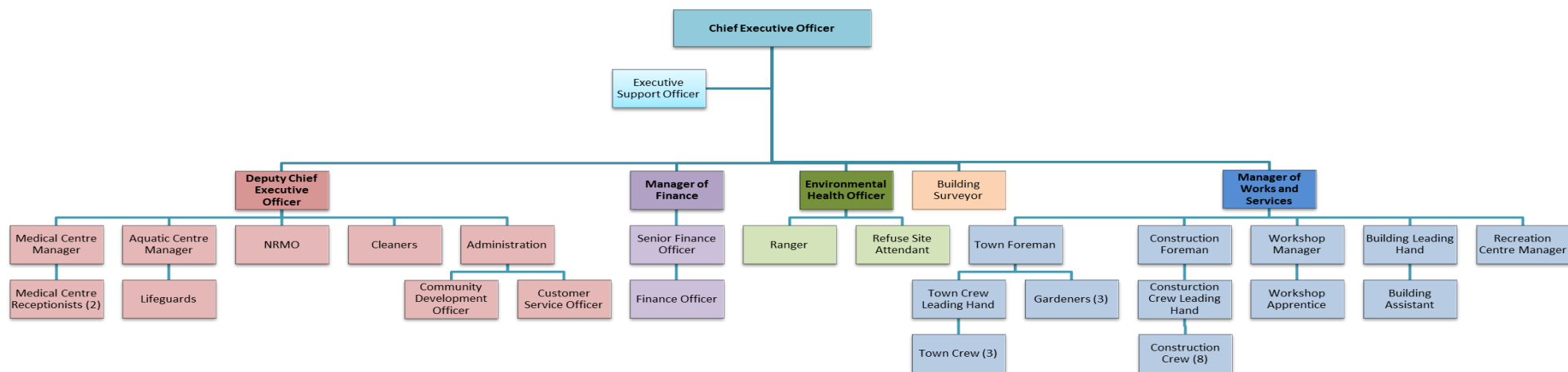
A current list of Councillors is available on Council's website.

Management

All staff employed by the Shire are responsible to and report to the Chief Executive Officer.

The Chief Executive Officer is employed by the Council, and with delegated authority from the Council, manages the day to day running of the Shire

Organisational Flow Chart



DECISION MAKING FUNCTIONS

Local Government Act 1995

The Local Government Act prescribes the parameters within which the Shire must function.

The Shire President

The President is the Shire's Civic Leader, presides at all meetings of Council and in conjunction with the Chief Executive Officer signs every Deed, Conveyance, Agreement and Contract under the Common Seal of the Council.

The President's position also has special emergency powers for decision and direction to the Chief Executive Officer.

The Chief Executive Officer

The day-to-day management of the Shire rests with the Chief Executive Officer. Under the leadership of the Chief Executive Officer, staff act on the Council decisions by developing and implementing policies and resolutions.

Policies of Council

In order to provide guidance for the Officers of the Shire, the Council adopts policies which are included in the Policy Manual and provide the basis for decision making.

Delegated Authority

The Chief Executive Officer has Delegated Authority from the Council to make decisions on a number of specified administrative and policy matters. All delegations are listed in a Register and are reviewed annually by the Council.

Local Laws

Local Laws are adopted by Council to ensure that such things as the cemetery and parking in the Shire of Bruce Rock are maintained for all residents of the Shire to utilize. All Local Laws for the Shire of Bruce Rock are contained in the Local Laws Register at the Shire Office.

PUBLIC PARTICIPATION

Members of the public have a number of opportunities to put forward their views on particular issues before the Council.

These are:

- **Community Consultation**

The Council consults with its residents on particular issues that affect their neighbourhood by way of advertising in local newspapers, calling public meetings and seeking responses by way of surveys and public submission periods.

The Council has a statutory obligation to advertise and invite public submissions relating to proposals to adopt or modify local laws.

- **Elected Members**

Members of the public can contact the Elected Members of the Council to discuss any issue relevant to the Council.

Contact details for Councillors are listed on the Council website at <http://www.brucerock.wa.gov.au>.

- **Written Requests**

A member of the public can write to the Council on any policy, activity or service of the Council.

- **Ordinary Meetings of Council**

Ordinary Meetings of Council are held on the third Thursday of each calendar month, except January, and commence at 1.30pm. Special Meetings of Council may also be convened.

- **Deputations**

With the permission of the presiding member, a member of the public can personally, or on behalf of a resident or group of residents, address the Council.

- **Public Question Time**

Members of the public are able to ask questions (preferably in writing) on any matters affecting the Shire in the time set aside for this purpose at meetings of Council, prior to the commencement of the meeting.

- **Meetings of Council and Electors**

The Local Government Act 1995 provides for the conduct of Electors' Meetings.

A General Electors' Meeting is held each financial year, usually after the audit for that year has been completed. At the Annual Electors' Meeting, the following business takes place:

- Confirmation of last year's minutes
- Receiving of Annual Report
- General Business as the Chairperson or majority of electors determine.

DOCUMENTS HELD BY THE SHIRE OF BRUCE ROCK

Documents Available Without Submission of Freedom of Information Request

The following documents are available for public inspection at the Shire of Bruce Rock Office free of charge. Members of the public may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges manual may be inspected at the Shire Offices during normal office hours. Some of the documents or related information is available online.

Policy Manual
Annual Budget
Annual report
Strategic Plan
Freedom of Information Statement
Tender Register
Code of Conduct
Council Minutes (unless classified as confidential) and are also available in the Library
Details of Representation on Committees (visit Councillor Portfolios on website)
Electoral Rolls
Rates and Charges
Local Laws Manuals
Various leaflets and brochures outlining the programs and services of the Shire of Bruce Rock

Other Documents held by the Shire

The Shire of Bruce Rock holds a number of different types of documents for which a Freedom of Information request for information should be submitted. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos.

Information is held in the Shire's filing system, which is managed by an electronic records management system.

Personal information is held in personnel files in the Shire's Records System.

OPERATION OF FREEDOM OF INFORMATION PROCESSES

What is the Freedom of Information Act all about?

- It gives you the legally enforceable right to access records held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.
- It gives you the right to apply to have personal information we hold that you believe is inaccurate to be altered (At no cost).
- It obliges the Shire of Bruce Rock to make available certain information about the way it operates.

What are considered to be Records?

The Act defines records as;

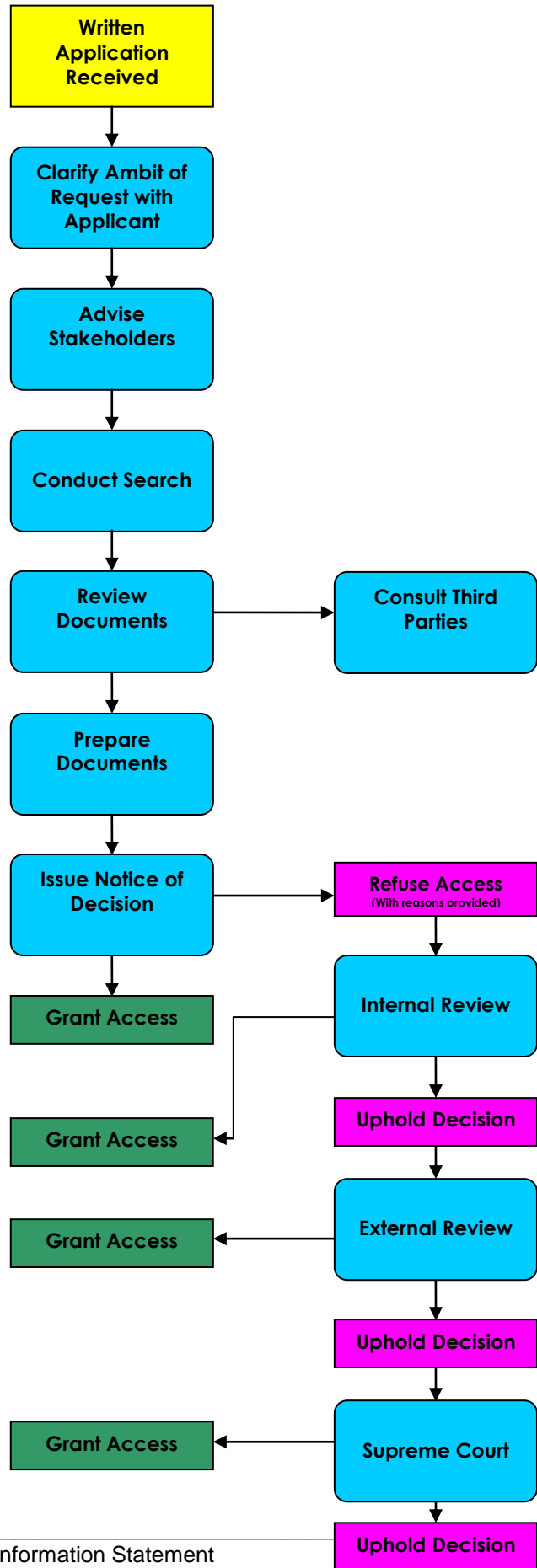
- Any paper-based records, e.g. memos, correspondence, maps, plans, photos etc.
- Any sound-based records, e.g. sound cassettes, etc.
- Any image-based records, e.g. roll films, micrographics, video tapes, optical disks, etc.
- Any digital based records, e.g. computer tapes, floppy disks, etc.

What are the costs involved?

The costs may vary from one application to another dependant upon the information required. An initial application fee of \$30 (for non-personal requests, personal requests are gratis) is payable on lodgment of the approved application form or written application. Charges also apply at the rate of \$30 per hour for processing, supervision, transcribing and photocopying time. Photocopying charges of 20 cents apply for each copy. Additional charges may apply in respect of the provision and delivery of information.

The Shire may require an advance deposit on charges payable. (Full details are detailed at the end of this section).

The Freedom of Information Process



Who can I contact to make enquiries?

You may ring the Shire of Bruce Rock Freedom of Information Coordinator on (08) 9061 1377 between the hours of 8.30am to 4.30pm Monday to Friday if you have any queries. Alternatively, you can send an email to admin@brucerock.wa.gov.au.

How do I lodge an application?

You must lodge your application in writing:

- give enough information so that the documents can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Shire of Bruce Rock with any application fee payable.
- give enough information so that the documents can be identified;

BY POST

FOI Coordinator
Shire of Bruce Rock
PO Box 113
BRUCE ROCK WA 6418

IN PERSON

Shire of Bruce Rock
54 Johnson Street
BRUCE ROCK WA 6418

See attached FOI Application Form. Please note that the use of this form is optional.

What can I do if I'm denied access to something?

The Freedom of Information Act provides for a review and appeal process. You may seek an Internal review or if you are still not satisfied a review by the Information Commissioner and still further you can appeal to the Supreme Court.

- **The Internal Review**

If you are dissatisfied by a decision that we make concerning your application then you can apply to the Shire for an internal review of this decision. To apply for an internal review you must put your request in writing and lodge it with the Shire within thirty (30) days of being notified of the original decision. There is no charge for an internal review.

- **External Review by the Information Commissioner**

If you are still dissatisfied after the internal review has been completed, you may seek a review by the Information Commissioner. This request must be made in writing to the Information Commissioner giving details of the decision to which your complaint relates.

- **Appeals to the Supreme Court**

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.

Freedom of Information Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- Proof of your identity may be required, eg current drivers' license.
- If you are seeking access to a document(s) on behalf of another person, the Shire of Bruce Rock will require authorization, usually in writing.
- Your application will be dealt with as soon as practicable (within 45 days) after it is received.
- Further information can be obtained from the Shire of Bruce Rock Freedom of Information Coordinator (Telephone (08) 9061 1377).

The *Freedom of Information Act* 1992 is available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone (08) 9246 0000).

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, or computer disk, a transcript of a recorded document or of words recorded in shorthand or encoded form, or written document in case of a document where words can be reproduced in written form.

FREEDOM OF INFORMATION SCALE OF FEES AND CHARGES

1. Type of Fee

Application fee under section 12(1)(e) of the FOI Act (for non personal information) **\$30.00**

2. Type of Charge

- a) Charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour) **\$30.00**
- b) Charge for access time supervised by staff (per hour, or pro rata for a part of an hour, plus the actual additional cost to the agency of any special arrangements (eg, hire of facilities or equipment) **\$30.00**
- c) Charges for photocopying:
- i. Per hour, or pro rata for a part of an hour of staff time **\$30.00**
 - ii. Per A4 copy **\$0.20**
- d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour) **\$30.00**
- e) Charge for duplicating a tape, film or computer information **Actual Cost**
- f) Charge for delivery, packaging and postage **Actual Cost**

3. Advance Deposits

- a) Advance 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. **25%**
- b) Further advance deposit which may be required be an agency under section 18(4) of the Act, expressed as a percentage of the estimate charges which will be payable in excess of the application fee. **75%**



SHIRE OF BRUCE ROCK APPLICATION FOR ACCESS TO DOCUMENTS
(Under the Freedom of Information Act 1992, s.12)

DETAILS OF APPLICANT

Surname:

Given Name(s):

Australian Postal Address:

Town/Suburb:

Telephone No:

Post Code:

Fax No:

DETAILS OF REQUEST

Please indicate whether documents are:

Personal

Non-Personal

(If you are seeking information about yourself eg: family details
details of employment, material in personal records, medical
reports)

I wish to apply for access to documents concerning:

(Be as specific as possible and include a date range if appropriate)

FORM OF ACCESS

Please indicate for of access required:

Inspection of documents

Copy of documents

FEES AND CHARGES

Attached is a cheque/cash for the amount of \$_____ for a non personal application.

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.

Signature: _____

Date:

(OFFICE USE ONLY)

Received on: _____

Acknowledgement sent on: _____

Proof of Identity (if applicable)

Type: _____

Sighted:

Application Fee: _____

Processing Time: _____

FOI Reference No: _____

Deadline for Response: _____

Additional Charges: _____

TOTAL: _____

1. Type of Fee

Application fee under section 12(1)(e) of the FOI Act (for non personal information) **\$30.00**

2. Type of Charge

- a) Charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour) **\$30.00**
- b) Charge for access time supervised by staff (per hour, or pro rata for a part of an hour, plus the actual additional cost to the agency of any special arrangements (eg, hire of facilities or equipment) **\$30.00**
- c) Charges for photocopying:
 - i. Per hour, or pro rata for a part of an hour of staff time **\$30.00**
 - ii. Per A4 copy **\$0.20**
- d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour) **\$30.00**
- e) Charge for duplicating a tape, film or computer information **Actual Cost**
- f) Charge for delivery, packaging and postage **Actual Cost**

3. Advance Deposits

- a) Advance 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. **25%**
- b) Further advance deposit which may be required be an agency under section 18(4) of the Act, expressed as a percentage of the estimate charges which will be payable in excess of the application fee. **75%**

NOTES:

FOI Applicants

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 on behalf of another person, the agency will require authorization, usually in writing.

Your application will be dealt with as soon as practicable (and, in any case, within forty five (45) days) after it is received.

Further information can be obtained from the *Freedom of Information Act* 1992, available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone (08) 9321 7688).

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, or computer disk, a transcript of a recorded document or of words recorded in shorthand or encoded form, or written document in case of a document where 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 form.

Fees and Charges

There are no application fees or charges for personal information or amendment of personal information about the applicant (eg: family details, details of employment, material in personal records, medical reports etc). The basic application fee for non personal information is \$30.00 and 20 cents per A4 photocopies. There is also a charge of \$30.00 per staff time or pro rata for part of an hour for dealing with an application. If the charges are likely to exceed \$25.00, the Shire of Bruce Rock will give an estimate of charges and ask whether you wish to proceed with the application. **You must respond within 30 days if you wish to proceed.**

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

Lodgment of Applications

Applications may be lodged in the following ways:

By post:

Shire of Bruce Rock
PO Box 113
BRUCE ROCK WA 6418

In person:

Shire of Bruce Rock
54 Johnson Street
BRUCE ROCK WA 6418

By facsimile:

Shire of Bruce Rock
(08) 9061 1340