



Shire of
Bruce Rock
Where friends become family

Freedom of Information Statement 2023/24

Document Control

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|----------------|------------------|-------------------|--|-------------------------|-------------|
| July 2023 | June 2024 | | Manager of Governance and Community Services | Chief Executive Officer | Council |



Introduction

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

In accordance with section 94 of the Act, the Information Statement must include the following information:

1. The agency's functions and organisational structure.
2. A description of the ways in which the functions of the agency, and in particular decision-making functions, affect members of the public.
3. A description of arrangements that exist for public participation in the agency's formulation of policy and the performance of its functions.
4. A description of the kinds of documents that are usually held by the agency, including those that can be:
 - inspected at the agency under a written law, other than the Act;
 - purchased; and
 - obtained free of charge.
5. A description of the agency's arrangements to give members of the public access to the types of documents described in section 4 (above).
6. A description of the agency's procedures to give members of the public access to documents of the agency pursuant to a Freedom of Information (FOI) application made under the Act.
7. A description of the agency's procedures to amend personal information contained in documents of the agency.

This Information Statement has been developed to comply with the requirements of the Act, and is correct as at July 2023. 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's website at www.brucerock.wa.gov.au.

Enquiries may also be made on telephone (08) 9061 1377, Monday to Friday 8.30am to 4.30pm, or by email at admin@brucerock.wa.gov.au.

Acknowledgement of Country

The Shire of Bruce Rock acknowledges the Ballardong Noongar people as the Traditional Custodians of the land where we live. We pay our respect to Elders past and present.

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Strategic focus

The Shire of Bruce Rock's (Shire) Strategic Community Plan 2022-2032 (Plan) provides the framework under which the Shire provides its services to the community.

The Plan identifies four areas of strategic priority.

1. Community priorities

- 1.1. Our community is engaged and has a healthy lifestyle.
- 1.2. We provide inclusive community activities, events and initiatives.
- 1.3. The Shire facilities are maintained in a strategic manner to meet community needs.
- 1.4. We provide suitable support and emergency services planning, response and recovery.

4. Economic priorities

- 4.1. We assist the local community to grow.
- 4.2. We recognise roads are a key economic driver across the Shire.
- 4.3. Workers and their families can work and reside in the Shire.
- 4.4. Tourism helps diversify the local economy.

3. Environmental priorities

- 3.1. We maintain a high standard of environmental health and waste services.
- 3.2. The conservation of our natural environment and resources is a priority.

2. Governance priorities

- 2.1. Our organisation is well positioned and has capacity for the future.
- 2.2. Shire communication is regular, clear and transparent.
- 2.3. We have a proactive and well governed Shire.

This document contributes to the achievement of strategic governance priorities 4.2 and 4.3.

Organisational 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 comprises nine Councillors, one of whom is nominated as Shire President. As a group, they are the decision and policy making body of the Shire.

Each Councillor (including the President) is nominated for a four-year term. The next Local Government election is scheduled to be held in October 2023.

Consistent with changes introduced to the Local Government Act 1995, the Shire's Councillor number will be reduced from nine to seven following the October 2023 election.

A current list of Councillors is available on the Shire's website (www.brucerock.wa.gov.au).

Management

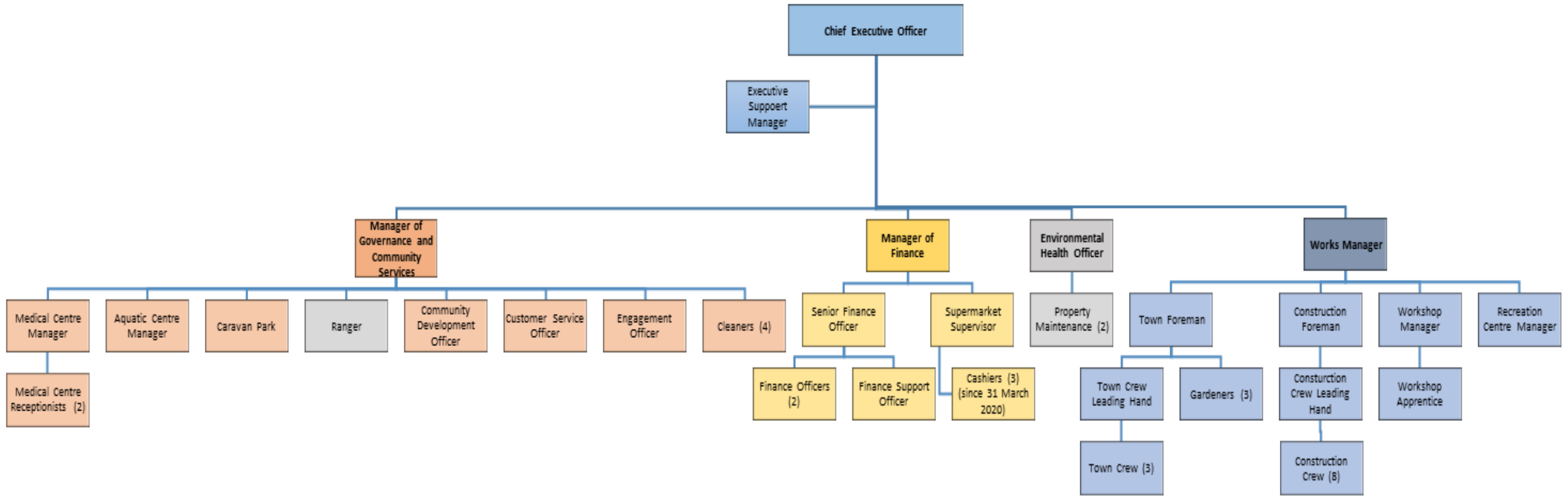
All staff employed by the Shire report to the Chief Executive Officer.

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

The Shire's Senior Management Team includes the following positions:

- Manager of Governance and Community Services
- Manager of Finance
- Manager of Works and Services
- Environmental Health Officer
- Executive Support Manager

The Shire's organisational structure is outlined in the following chart.



The responsibilities of each business unit are summarised in the following table.

| Business unit | Responsibilities | |
|---------------------------------------|--|---|
| Office of the Chief Executive Officer | <ul style="list-style-type: none"> • Managing the organisational structure. • Providing advice to Council. • Ensuring that Council decisions are implemented. • Delivering the strategic goals of Council. • Managing the day-to-day operation of the organisation. | <ul style="list-style-type: none"> • Economic development. • Workforce planning. • Integrated planning. • Strategic projects. • Advocacy. • Freedom of Information coordination. • Executive support services. |
| Governance and Community Services | <ul style="list-style-type: none"> • Development and implementation of governance arrangements. • Legislative compliance. • Human resources. • Administration. • Grant funding sourcing. • Procurement. • Record keeping. • Information technology. • Insurance. • Risk management. • Work Health and Safety. • Emergency management. • Community engagement and communication. | <ul style="list-style-type: none"> • Civic ceremonies. • Tourism. • Licencing (on behalf of the Department of Transport). • Dog and cat registration. • Ranger services. • Library. • Heritage. • Medical Centre. • Aquatic Centre. • Caravan Park. • Cemetery. • Cleaners. |
| Finance | <ul style="list-style-type: none"> • Council finances. • Accounts payable and receivable. • Budget. • Monthly and annual statements. • Asset management. • Long-term financial planning. • Financial audits. • Payroll. | |
| Environmental Health | <ul style="list-style-type: none"> • Town planning. • Building approvals. • Property maintenance. • Refuse site. • Environmental health. | |
| Works and Services | <ul style="list-style-type: none"> • Road works and maintenance. • Building maintenance. • Plant and equipment. • Gardens and recreation grounds. | |

Functions

Part 3 of the Act details the functions of Local Governments. Under the Act, the Shire has general, legislative and executive functions.

General functions

The Shire's general function is to provide for the good government of people living in its district. In performing this function, the Shire is required to:

- promote the economic, social and environmental sustainability of the Shire;
- plan for, and plan for mitigating, risks associated with climate change;
- consider potential long-term consequences and impacts on future generations in making decisions;
- recognise the particular interests of Aboriginal people;
- involve Aboriginal people in decision-making processes; and
- consider collaboration with other Local Governments.

Legislative functions

The Shire may make local laws that are necessary or convenient to enable the Shire to perform any of its functions. All local laws for the Shire are contained in the Local Laws Register at the Shire Administration Office.

Executive functions

The Shire is to administer its local laws, and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Act.

Decision making

Council makes decisions on a range of issues that affect the Bruce Rock community, including individuals and businesses, in the short, medium and long term. For instance, Council regularly makes decisions on the Shire's budget, investment in infrastructure (such as roads and housing), the management of land, the provision of amenities, and the collection of waste, just to mention a few matters that directly affect our community.

Decisions are made in a structured manner, as prescribed by the Act and outlined below.

Ordinary Council meetings

The Council is the policy and decision-making body of the Shire, with a focus on strategic direction. Council makes all its decisions at formal meetings.

The Council meets every third Thursday of each month, except for January. The Chief Executive Officer and senior staff members attend these meetings to assist Council in making informed decisions.

The Shire President chairs these meetings and, in his/her absence, the Deputy President.

Special Council meetings

Special Council meetings can be convened to consider urgent matters, or matters that involve special circumstances.

Electors' special meetings

A special meeting of the electors of the Shire is to be held on the request of not less than 5% of the number of electors, or one third of the number of Council members. The request is to specify the matters to be discussed at the meeting.

Electors' general meetings

The electors' general meeting is to be held once a year. Reports considered at these meetings may include confirmation of the previous year's meeting, the Annual Report, Annual Financial Statements, Auditors' reports for the previous financial year and other general business, as the Chairperson or the majority of electors determine.

Emergency powers

The Shire President has special emergency powers for decision and direction to the Chief Executive Officer.

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.

Council policies

The Council adopts, and regularly reviews, a Policy Manual that provides guidance for decision-making by Shire officers.

Public participation

Members of the public have several opportunities to participate in the formulation of the Shire's plans, policies and strategies, as well as to comment on the performance of the Shire's functions. The participation channels available to the public are outlined below.

Community consultation

The Council consults with its residents on particular issues that affect them and the Shire by way of advertising in local newspapers, calling public meetings and seeking responses through 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 Shire.

The contact details for Councillors are listed on the Shire website (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 Shire.

Council meetings

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, prior to the commencement of the Council meeting.

Meetings of Council and electors

Please refer to page 10.

Documents held

The Shire holds a wide range of documents in different formats. These include, but are not limited to, correspondence, file notes, memoranda, reports, policies, maps, registers, agendas, minutes, budgets and personal records.

The Shire is committed to the principle of transparency and, as such, will facilitate access to the information it holds, where possible and allowed by relevant legislation. Where the Shire does not incur a cost in providing access to information, the information will be provided free of charge.

The following table details the categories of documents that are available on the Shire website and those that are available for inspection at the Shire Administration Office.

| Document category | On website | At the Shire Office |
|--|------------|---------------------|
| Access to information by authorised persons, police and emergency services | | ✓ |
| Annual budget* | ✓ | |
| Annual budget (any)* | | ✓ |
| Annual reports* | ✓ | |
| Annual returns | | ✓ |
| Any 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* | | ✓ |
| Any proposed local law of which the Shire has given public notice* | ✓ | ✓ |
| Any subsidiary legislation made or adopted by the Shire under any written law (other than the Local Government Act 1995)* | | ✓ |
| Any text that is adopted by a local law or regulation (to operate as a local law), or would be adopted by a proposed local law of which the Shire has given public notice* | | ✓ |
| Any written law having a provision in respect of which the Shire has a power or duty to enforce* | | ✓ |

| Document category | On website | At the Shire Office |
|--|------------|---------------------|
| Code of Conduct (any)* | ✓ | |
| Confirmed Minutes of Council and Committee meetings (unless classified as confidential)* | ✓ | |
| Confirmed Minutes of Council and Committee meetings (any)(unless classified as confidential)* | | ✓ |
| Corporate Business Plan | ✓ | |
| Delegated authority register | | ✓ |
| Disability Access and Inclusion Plan | ✓ | |
| Documents produced by the Shire or a Committee for presentation at a Council or Committee meeting* | ✓ | |
| Documents produced by the Shire or a Committee for presentation at a Council or Committee meeting (any)* | | ✓ |
| Fees and charges* | ✓ | |
| Fees and charges (any)* | | ✓ |
| Gifts register* | ✓ | |
| Freedom of Information Statement | ✓ | |
| Leaflets and brochures on Shire programs and services | | ✓ |
| Local laws (consolidated version)* | ✓ | |
| Local laws made by the Shire (any)* | | ✓ |
| Map of the Shire, showing boundaries* | ✓ | |
| Minutes of electors' meetings* | ✓ | |
| Minutes of electors' meetings (any)* | | ✓ |
| Municipal heritage inventory | ✓ | |
| News and events | ✓ | |
| Notice papers and agendas for Council and Committee meetings* | ✓ | |
| Notice papers and agendas for Council and Committee meetings (any)* | | ✓ |
| Original septic plans for a property you own | | ✓ |
| Planning approvals and building licences for a property you own | | ✓ |
| Plans for the future of the Shire (any)* | | ✓ |
| Policy Manual | ✓ | |
| Rate records (any)* | | ✓ |
| Register of complaints* | | ✓ |
| Register of financial interests* | | ✓ |
| Register of owners and occupiers under section 4.32(6) of the Local Government Act 1995 and electoral rolls (any)* | | ✓ |

| Document category | On website | At the Shire Office |
|--|------------|---------------------|
| Regulations made by the Governor that operate as if they were local laws of the Shire (any)* | | ✓ |
| Reports and other documents tabled at a Council or Committee meeting (any)* | | ✓ |
| Reports on supplementary audits prepared under section 7.12AH(1) of the Local Government Act 1995* | | ✓ |
| Reports of reviews of local laws (any)* | | ✓ |
| Strategic Community Plan* | ✓ | |
| Tender register | | ✓ |
| Town Planning Scheme | ✓ | |
| 10-Year Long-term Financial Plan* | ✓ | |

* Required to be published on the Shire's website under section 5.96A of the Local Government Act 1995.

* Subject to the conditions set out in section 5.95, required to be available for inspection, free of charge, during Shire office hours under section 5.94 of the Local Government Act 1995.

Documents not listed above are not freely available to the public and access will be determined through making an FOI application to the Shire. Examples of such documents include, but are not limited to:

- internal Shire decision-making documents;
- correspondence to community members; and
- payroll information not related to you.

FOI process

Your rights under the Act

The Act gives you the legally enforceable right to:

- access records held by the Shire without needing to demonstrate any connection to, or reason for, seeking access to these records; and
- apply to have personal information we hold (that you believe is inaccurate) to be altered at no cost.

The Act also requires the Shire to make available certain information about the way it operates.

Records under the Act

The records you can seek access to under the Act include paper, sound, image and digital based records.

Application fees and charges

The following tables provide an overview of FOI application fees and charges.

Apart from the application fee for non-personal information, all charges are discretionary.

If the cost that is additional to the initial application fee is anticipated to exceed \$25, the Shire will provide you with a cost estimate. You must respond if you want to proceed with your FOI application within 30 days from the receipt of the cost estimate.

| Fees* | Amount |
|---|--------|
| Application fee (for non-personal information). | \$30 |
| Application fee for personal information. | No fee |

| Charges* | Amount |
|--|--------|
| Charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour). | \$30 |
| Charge for time taken by staff supervising the inspection of records by the applicant (per hour, or pro rata for a part of an hour). | \$30 |
| Charge for time taken by staff photocopying (per hour, or pro rata for a part of an hour). | \$30 |
| Charge per photocopy. | \$0.20 |
| 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 |

| Other costs | Amount |
|--|-------------|
| Duplicating tape, film or computer information. | Actual cost |
| Delivery, packaging and postage. | Actual cost |
| Hiring of facilities or equipment to access information. | Actual cost |

* These fees and charges are exempt from GST.

Charges can be waived or reduced by 25% for impecunious applicants. The Act does not define what constitutes being 'impecunious', leaving this at the discretion of the Shire. The Shire requires that such a claim be supported by written evidence, such as a letter from Centrelink.

Charges may also be reduced by 25% for applicants holding a valid pensioner concession card, as prescribed in the Rates and Charges (Rebates and Deferrals) Act 1992.

The waiver or reduction of charges only applies to processing costs, not the initial application fee of \$30 (if applying for non-personal information).

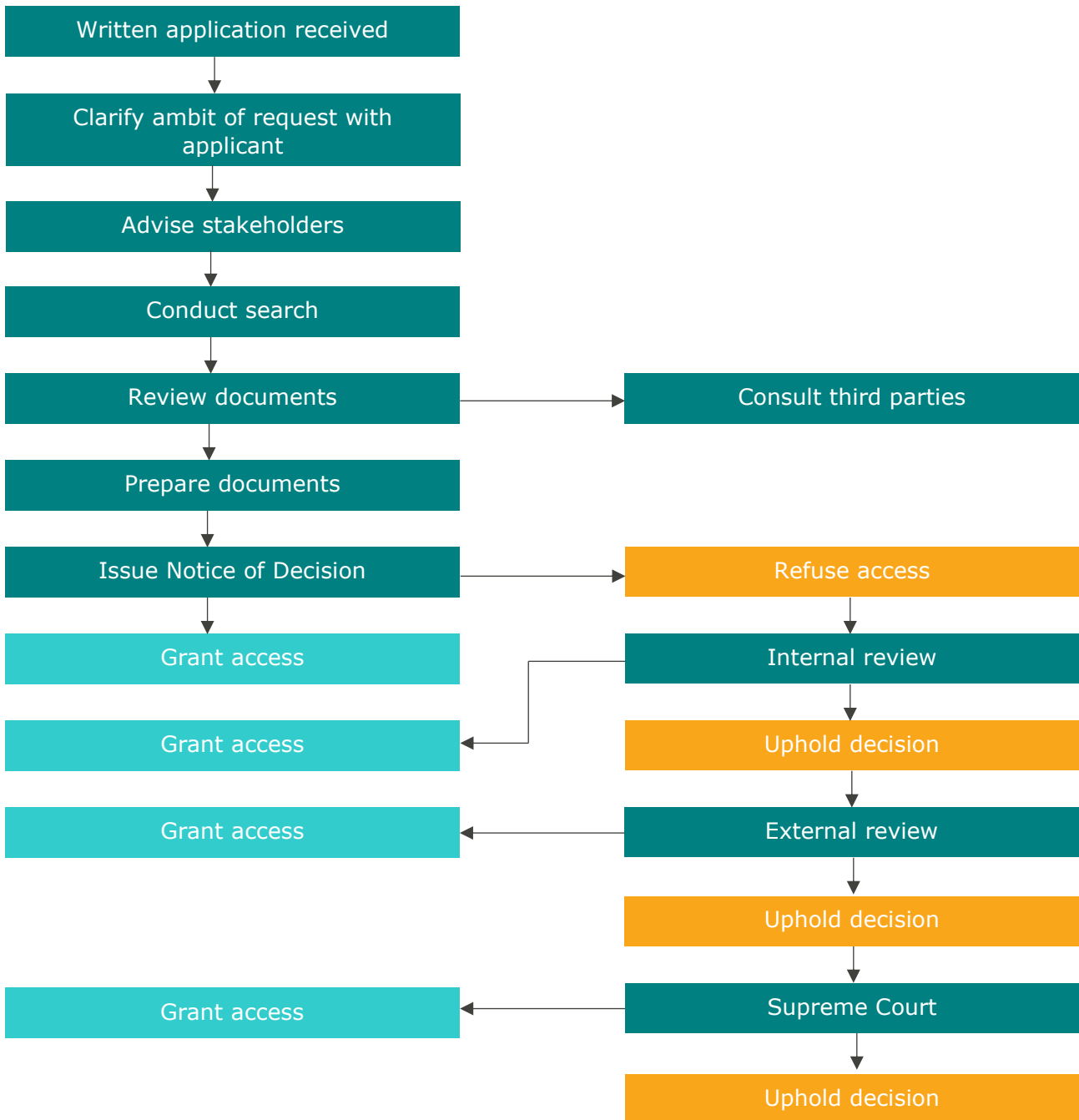
Under section 18 of the Act, the Shire may require an applicant to provide advance deposits of an estimated FOI application cost, as outlined in the table below.

| Advance deposits | Amount |
|--|--------|
| Initial advance deposit. | 25% |
| Further advance deposit, if deemed required by the Shire to meet the charges for dealing with the application. | 75% |

Making enquiries

Enquiries can be directed to the Freedom of Information Coordinator in person (at the Shire Administration Office), by phone or in writing (by post or email).

Application and assessment process flowchart



Lodging an application

You must lodge your application in writing. Your application must:

- give enough information to enable the identification of the documents sought; and
- give an Australian address to which notices can be sent.

The application can be lodged in the following ways:

- By post
Freedom of Information Coordinator
Shire of Bruce Rock
PO Box 113
Bruce Rock WA 6418
- In person
Freedom of Information Coordinator
Shire of Bruce Rock
54 Johnson Street
Bruce Rock WA 6418
- By email
admin@brucerock.wa.gov.au
Attention: Freedom of Information Coordinator

Third party consultation

The Shire is required to consult with third parties where a record contains the following information about a person who is not the applicant:

- personal information about an individual;
- information about the trade secrets of a person;
- information (other than trade secrets) that has a commercial value to that person; or
- information about the business, professional, commercial or financial affairs of a person.

There is no requirement to consult if the Shire:

- does not propose to grant access to the relevant record; or
- releases the record with the relevant personal, business, professional, commercial and financial information deleted from the record.

If the Shire takes reasonable steps to consult with a third party, but does not receive a response, the Shire must make its decision on access based on the information and facts before it.

If the views of a third party are obtained and the third party objects to disclosure, the onus remains with the Shire's decision-maker to determine whether the information is actually exempt from disclosure. The third party has review rights if the Shire decides to give access to a document, acting against the third party's claim that the document should be exempt from release.

Notice of Decision

The Shire is required to provide you with a Notice of Decision within 45 calendar days from the lodgement of your application. If your application involves a large search, or requires consultation with a significant number of third parties, the Shire will contact you to negotiate an extension to the 45 day limit.

The Notice of Decision will include the following information:

- The date on which the decision was made.
- The name and the designation of the officer who made the decision.
- The reason why documents are considered exempt, or why access is given to edited records.
- Information on your right to review, and the process to be followed to exercise those rights.

Access to records

Access to records can be granted in many ways including, for example, by way of inspection, a copy of a document, a copy of an audio or video tape, or a transcript of a recording. If any document is subject to copyright, the Shire will give access by way of inspection only.

Access refusal

Schedule 1 of the Act outlines the matters that may be exempt from release in response to an FOI request. These include matters relating to the following:

- Cabinet and Executive Council deliberations.
- Intergovernmental relations.
- Personal information.
- Commercial or business information.
- Law enforcement, public safety and property security.
- Deliberative processes of government.
- Legal professional privilege.
- Confidential communications.
- The State's economy.
- The State's financial and property affairs.
- Matters impairing the effective operation of the Shire.
- Information protected by certain statutory provisions.

The public interest test

Some of the exemptions provided in Schedule 1 of the Act, require the Shire's decision-maker to decide whether disclosing certain information would be, on balance, in the public interest. If the Shire considers that disclosure is, on balance, in the public interest, the Shire is required to provide access to that information, even if it would have otherwise been considered exempt from disclosure.

The public interest test is not concerned with the personal interest of the applicant or with public curiosity. The question is whether, on balance, giving access to the information would be of some benefit to the public generally.

The public interest test requires the decision-maker to identify and weight the relevant competing public interests for and against disclosure of the information, and to decide where the balance lies.

Internal review

If you are dissatisfied with the Shire's Notice of Decision, you have 30 calendar days in which to lodge an application for internal review.

The Shire's decision-maker for internal reviews is the Chief Executive Officer, who must respond to the request for review within 15 calendar days.

Applications for internal review must be made in writing, addressed to the Chief Executive Officer, and submitted in person, by post or email (ceo@brucerock.wa.gov.au).

External review

If you are dissatisfied with the outcome of the internal review conducted by the Chief Executive Officer, you have 60 calendar days to submit an application for external review to the Information Commissioner, who must respond to your request within 30 calendar days.

The request submitted to the Information Commissioner must:

- be made in writing;
- give particulars of the decision to which your complaint relates;
- attach a copy of the Shire's Notices of Decision; and
- give an address in Australia.

There is no charge for lodging a complaint with the Information Commissioner's Office.

The address for lodgement of a complaint is:

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

Email: info@foi.wa.gov.au

If you are a third party to an application for access to personal, commercial or business information concerning yourself, your complaint must be lodged within 30 days of being given written notice of a decision.

Appeal to the Supreme Court

All parties involved in an Information Commissioner's decision have the right to lodge an appeal against that decision with the Supreme Court. The right of appeal is limited to a question of law.

The timing and process to lodge an appeal is governed by the Rules of the Supreme Court 1971.

Personal information

Under the Act, you have the right to request the Shire to amend personal information it holds about you. This ensures information does not unfairly harm you, misrepresent facts about you, or give a misleading impression.

You can make an application to the Shire's Freedom of Information Coordinator to correct or amend any documentation containing your personal information. Your application must:

- be in writing;
- give enough details to enable the document that contains the information to be identified;
- give details of the matters in relation to which you believe the information is inaccurate, incomplete, out of date or misleading;
- give your reasons for holding that belief;
- give details of the amendment you want to have made, specifying whether you would like the amendment to be made by altering, striking out or deleting the information, or inserting a note in relation to the information;
- give an Australian address to which notices can be sent; and
- be lodged at the Shire's Administration Office.

Your application should also include some evidence or information to establish that the personal information that you seek to have amended is inaccurate, incomplete, out of date or misleading, as you claim.

The process to assess and review an application related to personal information is the same as that described to seek access to non-personal information.