



Shire of Donnybrook Balingup Freedom of Information Statement 2018 -19

This information Statement is published in accordance with the provisions of part 5 of the *Freedom of Information Act 1992*.

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1. INTRODUCTION

The purpose of this Information Statement, in accordance with requirements of part 5 of the *Freedom of Information Act 1992*, is to provide information to the public on:

- the structure and function of the Shire of Donnybrook Balingup
- the process and formulation of Council policy;
- documentation available to the public and how to obtain it.

2. THE STRUCTURE OF COUNCIL

2.1 Vision

A proud community enjoying our rural lifestyle, cultural heritage and natural environment.”

2.1 Council Structure

Council elections are held every two years. The current Council decision-making body consist of nine Councillors, including the Shire President, who is elected by the Council.

The structure of the Shire of Donnybrook Balingup is:

President:	Cr Brian Piesse
Deputy President:	Cr Leanne Wringe
Councillors:	Cr Anita Lindemann Cr Shane Atherton Cr Mike King Cr Fred Mills Cr Anne Mitchell Cr Dawn Tan Cr Ryan Van Der Heide
Chief Executive Officer:	Ben Rose
Manager Works and Services:	Damien Morgan
Manager Finance and Administration:	Greg Harris
Manager Development and Environmental Services:	Leigh Guthridge
Principal Planner:	Bob Wallin
Principal Environmental Health Officer	Jeff Somes
Manager Aged Care Services:	Bob Lowther
Community Development Team Leader:	Deb Vanallen

2.4 Council Meetings

Ordinary Meetings of Council are held on the fourth Wednesday of every month (with the exception of the December meeting which is held on the third Wednesday and January where there are no Ordinary Council Meetings) commencing at 5.00pm. Members of the public are welcome to attend. Meetings are mainly held in the Council Chamber, with some being held in other locations throughout the year – details are available on the Shire website (www.donnybrook-balingup.wa.gov.au).

2.5 Committees and Working Groups

A number of advisory committees and consultative groups, comprising of elected members, that may also include staff and the public, are established to investigate issues with in the community, and help manage emergency procedures and fire control.

Advisory Committees:

- Audit Committee
- Donnybrook Community Library Committee
- Local Emergency Management Advisory Committee
- Bushfire Management Advisory Committee
- Other committees as determined by Council

The minutes of these meetings are included in the agenda for the meeting of Council.

Working groups:

- Aged Care Services Community Reference Group

2.6 Delegations

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Delegation Register and are reviewed annually by Council. The *Local Government Act 1995* and associated Regulations requires Council to:

- a) determine policies to be applied by Council in exercising its discretionary powers;
- b) determine the type, range and scope of projects to be undertaken by Council; and
- c) develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of Council.

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.

3. DETAILS OF LEGISLATION ADMINISTERED

The Shire of Donnybrook Balingup is wholly or partly responsible for administering the following legislation and regulations –

- *Animal Welfare Act 2003*
- *Building Act 2011*
- *Building Regulations 2012*
- *Bush Fires Act 1954*
- *Bush Fire Regulations 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Cemeteries Act 1986*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Control of Vehicles (Off Road Areas) Regulations 1979*
- *Disability Services Act 1993*
- *Dog Act 1976*
- *Dog Regulations 1976*
- *Dog (Restricted Breeds) Regulations 2002*
- *Environmental Protection (Noise) Regulations 1997*
- *Freedom of Information Act 1992*
- *Freedom of Information Regulations 1993*
- *Food Act 2008*
- *Food Regulations 2009*
- *Hairdressing Establishment Regulations 1972*
- *Health (Miscellaneous Provisions) Act 1911*
- *Health (Air Handling and Water Systems) Regulations 1994*
- *Health (Aquatic Facilities) Regulations 2007*
- *Health (Asbestos) Regulations 1992*

- *Health Act (Carbon Monoxide) Regulations 1975*
- *Health (Cloth Materials) Regulations 1985*
- *Health (Garden Soil) Regulations 1998*
- *Health Act (Laundries and Bathrooms) Regulations*
- *Health (Pesticides) Regulations 2011*
- *Health (Poultry Manure) Regulations 2001*
- *Health (Public Buildings) Regulations 1992*
- *Health (Skin Penetration Procedure) Regulations 1998*
- *Health (Temporary Sanitary Conveniences) Regulations 1997*
- *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- *Heritage of Western Australia Act 1990*
- *Land Administration Act 1997*
- *Litter Act 1979*
- *Litter Regulations 1981*
- *Liquor Licensing Act 1988*
- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Audit) Regulations 1996*
- *Local Government (Constitution) Regulations 1998*
- *Local Government (Building Surveyors) Regulations 2008*
- *Local Government (Elections) Regulations 1997*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Functions & General) Regulations 1996*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Local Government (Uniform Local Provision) Regulations 1996*
- *Local Government Grants Act 1978*
- *Local Government Regulations*
- *Main Roads Act 1930*
- *Navigable Waters Regulations 1958*

- *Parks and Reserves Act 1895*
- *Planning & Development Act 2005*
- *Planning & Development (Consequential & Transitional) Act 2005*
- *Planning & Development Regulations 2009*
- *Planning & Development (Consequential) Regulations 2006*
- *Planning & Development (Transitional) Regulations 2006*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Residential Design Codes of WA 2002*
- *Sewerage, Lighting, ventilation and Construction Regulations 1971*
- *Strata Titles Act 1985*
- *Town Planning Regulation 1967*
- *Valuation of Land Act 1978*

The Shire of Donnybrook Balingup is wholly responsible for administering the following Shire of Donnybrook Balingup Local Laws and statutory instruments:

- Animals, Environment and Nuisance Local Law
- Bush Fire Brigades Local Law
- Cat Local Law
- Cemeteries Local Law
- Dog Local Law
- Outdoor Eating Areas Local Law
- Extractive Industries Local Law
- Fencing Local Laws
- Health Local Laws
- Parking and Parking Facilities Local Law
- Property Local Law
- Meeting Procedures Local Law
- Thoroughfares (Activities) and Trading in Thoroughfares and Public Places Local Law
- Waste Local Law
- Local Planning Scheme 7

4. SERVICES TO THE COMMUNITY

The Shire of Donnybrook Balingup provides for the good governance of the community in its district, including legislative and executive functions. The services of the Shire of Donnybrook Balingup are available to all customers, free from any form of discrimination. The functions and activities of the Shire of Donnybrook Balingup (including those contracted out to other organisations) can be broadly described as follows:

Function	Brief Description
Aged Care Services	The function of providing facilities and services for the aged.
Commercial Activities	The function of competing commercially or providing services to other councils or agencies on a fee for service basis. Includes undertaking activities on a consultancy or contract basis.
Community Relations	The function of establishing rapport with the community and raising and advancing Council's public image and its relationships with outside bodies, including the media and the public.
Community Services	The function of providing, operating or contracting services to assist local residents and the community.
Corporate Management	The function of applying broad systematic planning to define the corporate mission and determine methods of Council operation.
Council Properties	The function of acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by Council.
Customer Relations/Service	The function of planning, delivering, monitoring and evaluating services provided to customers by the council.
Development & Building Controls	The function of regulating and approving building and development applications for specific properties, buildings, fences, signs, antennae, etc. covered by the Building Code of Australia and the Town Planning and Development Act.
Economic Development	The function of improving the local economy through encouragement of industry, employment, tourism, regional development and trade.
Emergency Services	The function of preventing loss and minimising threats to life, property and the natural environment, from fire and other emergency situations.
Environmental Management	The function of managing, conserving and planning of air, soil and water qualities and environmentally sensitive areas such as remnant bush lands and threatened species.
Financial Management	The function of managing council's financial resources.
Governance	The function of managing the election of Council representatives, the boundaries of the Council districts, and the terms and conditions for Councillors.
Government Relations	The function of managing the relationship between the Council and other governments, particularly on issues which are not related to normal Council business such as Land Use and Planning or Environment Management.
Grants & Subsidies	The function of managing financial payments to Council from the State and Federal Governments and other agencies for specific purposes.
Human Resources	The function of managing the conditions of employment and administration of personnel at the Shire including consultants and volunteers.
Information Management	The function of managing Council's information resources, including the storage, retrieval, archives, processing and communications of all information in any format.
Information Services	The function of providing and managing public access library facilities and services.
Information Technology	The function of acquiring and managing communications and information technology and databases to support the business operations of the Council.

Function	Brief Description
Land Use and Planning	The function of establishing a medium to long term policy framework for the management of the natural and built environments.
Laws and Enforcement	The function of regulating, notifying, prosecuting, and applying penalties in relation to Council's regulatory role.
Parks and Reserves	The function of acquiring, managing, designing and constructing parks and reserves, either owned or controlled and managed by Council.
Plant, Equipment and Stores	The function of managing the purchase, hire or leasing of all plant and vehicles, and other equipment. Includes the management of Council's stores. Does not include the acquisition of information technology and telecommunications.
Public Health	The function of managing, monitoring and regulating activities to protect and improve public health under the terms of the Public Health Act, health codes, standards and regulations.
Rates and Valuations	The function of managing, regulating, setting and collecting Council income through the valuation of rateable land and other charges.
Recreation and Cultural Services	The function of the Council arranging, promoting or encouraging programs and events in visual arts, craft, music, performing arts, sports and recreation, cultural activities and services.
Risk Management	The function of managing and reducing the risk of loss of Council properties and equipment and risks to personnel.
Roads and Bridges	The construction, maintenance and management of roads and bridges within the Council area.
Sewerage and Drainage	The function of designing and constructing, maintaining and managing the drainage system, septic collection services, storm water and flood mitigation works.
Traffic and Transport	The function of planning for transport infrastructure and the efficient movement and parking of traffic. Encompasses all service/facilities above the road surface.
Youth Services	The function of providing services that promote the wellbeing and independence of youth.
Waste Management	The function of providing services by Council to ratepayers for the removal of solid waste, destruction and waste reduction.

5. PUBLIC PARTICIPATION

5.1 Council Meetings

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

These are:

- a) Deputations - With the permission of the Committee Chairperson or the President, a member of the public can address a Committee or Council on behalf of a group of residents.
- b) Residents are notified of some Development Applications requiring the approval of Council. A number of applications are exempted from public notification by the Local Planning Scheme 7. When an application is publicly notified, residents have the opportunity to write to Council expressing their view of the application and/or to subsequently personally address the Council before a decision is made.

- c) Petitions - Written petitions can be addressed to Council on any issue within Council's jurisdiction.
- d) Presentations – With prior notification and approval, a member of the public can address Council on any issue relevant to Council.
- d) Written Requests - A member of the public can write to Council on any Council policy, activity or service.
- e) Question Time – Time is made available at every Council Meeting for members of the public to ask questions and have them responded to by Council, unless the question is outside the legislation or deemed unreasonable.
- f) Elected Members - Members of the public can contact their elected members of Council to discuss any issue relevant to Council.

Public correspondence and applications on any matters to be considered by Council should be received at the Shire Office by 4.00pm on the Friday, 8 working days prior to the Council Meeting and should be addressed to the Chief Executive Officer.

5.2 Community Consultation

To ensure that the community's needs and expectations are met, community consultation is carried out on various issues that affect the Shire and can take the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews
- Meetings

Sufficient time is allocated to allow stakeholders and the community adequate time to respond to issues.

Advising the community and stakeholders of issues can take the form of:

- Media articles
- Local Newspaper advertisements
- Council publications (including website)
- Newsletters/direct mail outs
- Posters/flyers
- Information displays
- Public forums

A Community Consultation Policy is in place to ensure effective public participation is offered to appropriate stakeholders on Shire of Donnybrook Balingup projects and programs.

6.0 COUNCIL DOCUMENTS

6.1 Policies and Strategies

- Policy Manual - containing policies pertaining to:
 - Council
 - Administration
 - Finance
 - Engineering
 - Building
 - Health
 - Tourism
 - Fire Control
 - Town Planning
- Aged Friendly Communities Study Report
- Annual Financial Report
- Annual Report
- Balingup Village Green Master Plan
- Corporate Business Plan
- Disability Access & Inclusion Plan 2017-2022
- Donnybrook Cultural Plan
- Asset Management Plan
- Local Planning Strategy
- Local Planning Scheme No 7
- Municipal Heritage Inventory
- Strategic Community Plan 2017-2027
- Regional Tourism Development Strategy
- Townsite Expansion Strategy

6.2 Brochures/Booklets

Brochures and booklets are available on a range of topics relating to the Shire – e.g. Annual Financial Report, Annual Report, Strategic Community Plan; Environmental Health; Licensing and other topics of community interest.

6.3 Documents Available for inspection

The following documents are available for public inspection at the Council Offices or via our Website (www.donnybrook-balingup.wa.gov.au) free of charge. Copies may be subject to a photocopy charge of \$0.30 per A4 single page or \$0.50 per A4 double page.

<u>Document</u>	<u>Details</u>
Annual Budget	Council Offices and Website
Annual Report	Council Offices and Website

Audit Financial Statements	Council Offices and Website
Code of Conduct	Council Office and Website
Community Consultation Policy	Council Office and Website
Contract and Tender Policies	Council Office and Website
Council / Committee Agendas	Council Office and Website
Council / Committee Minutes	Council Office and Website
Freedom of Information Statement	Council Office and Website
Residents Electoral Roll (WAEC)	Council Office
Policy Manual	Council Office and Website
Rate Book	Council Office
Register of Fees and Charges levied by Council	Council Office and Website
Recommendations adopted by Council	Council Office and Website (recorded in minutes)
Register of Local Laws	Council Office and Website
Register of Interest (elected members)	Council Office
Register of Gifts	Council Office and Website
Register of Tenders	Council Office
Register of Burials	Council Office
Strategic / Management Plans	Council Office and Website

6.4 Other Information Requests

Requests for information not shown above will be considered in accordance with the *Freedom of Information Act* provisions. Under this legislation, applications must be submitted in written form and will be subject to an application fee, where applicable, unless the applicant is granted an exemption.

Should the application require copies of any documents inspected pursuant to a Freedom of Information request, standard charges will apply. It should be noted that some documents are for viewing only and cannot be copied as such copy would breach the *Copyright Act 1968*.

7. FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS

7.1 Applications

Freedom of Information access applications have to:

- a) be in writing;
- b) give enough information so that the documents requested can be identified;
- c) give an Australian address to which notices can be sent; and
- d) be lodged at the agency with any application fee payable (a fee is not payable for requests relating solely to personal information pertaining to the applicant).

Note: Proof of identification may be required.

Applications and enquiries should be addressed to the:

*Freedom of Information Officer
The Shire of Donnybrook Balingup
PO Box 94
DONNYBROOK WA 6239*

Phone: (08) 9780 4200 Email: shire@donnybrook.wa.gov.au

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

7.2 Charges

A scale of fees and charges is set under the Freedom of Information Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

• Personal information about the applicant	No fee and no charges
• Application fee (for non-personal information)	\$30.00
• Charge for time dealing with the applicant (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 A4	\$0.20
• Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
• Duplicating a tape, film or computer information	Actual cost
• Delivery, packaging and postage	Actual Cost

7.3 Deposits

- Advance deposits may be required in respect of the estimated charges 25%
- Further Advance deposit may be required to meet the Charges for dealing with the application 75%

For impecunious applications or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

7.4 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, a transcript of a recorded, shorthand or encoded document from which words can be produced.

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

7.6 Refusal of Access

Applicants who are dissatisfied with a decision of the Council are entitled to ask for an internal review by the Council. Application should be made in writing within 30 days of receiving the notice of decision.

You will be notified of the outcome of the review within 15 days. If you disagree with the result you then can apply to the Information Commissioner for an external review. An application for external review should be made within 60 days of receiving notice of the internal review decision.

8. AMENDMENT OF COUNCIL RECORDS

A member of the public may gain access to Council documents to seek amendments concerning their personal affairs by making a request under the *Local Government Act 1995*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to Council records, a member of the public must make a written application to the Freedom of Information Officer as indicated above outlining the records that he/she wishes to inspect.

Benjamin (Ben) ROSE
Chief Executive Officer