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Introduction

The *Freedom of Information Act 1992* (FOI Act) is designed to provide the public legal rights to access information held by local and public authorities that is not publicly available.

Part 5 of the FOI Act requires the Shire of Boddington (Shire) to prepare and publish an annual Information Statement. This Statement must:

- State the structure and functions of the Shire.
- Describe the ways in which functions of the Shire affect members of the public.
- Describe arrangements that allow the public to participate in the development of the Shire's policy and the performance of its functions.
- Describe the type of documents usually held by the Shire.
- Describe the arrangements for providing members of the public access to documents.
- Describe the arrangements for amending personal information.

About the Shire of Boddington

The Shire of Boddington is situated in the Peel region of Western Australia, approximately 123km south-east of Perth and 92kms south-east of Mandurah. The Shire has no separate wards and all seven Councillors are elected from a single district ward.

The Shire borders the local government authorities of Wandering and Williams with its main localities being Boddington, Ranford, Marradong, and Quindanning.

Vision

Boddington is well known for being:

A vibrant and connected community with excellent lifestyle and employment opportunities in a beautiful natural environment, just 90 minutes from Perth.

Values

Proactivity	Forward thinking and being positive
Dedication	The continual pursuit of excellence
Honesty	Acting with integrity and building trust
Transparency	Being open and accountable
Respect	Being tolerant, helpful and showing empathy and care for others
Cohesiveness	Teamwork, unity and share ownership

Aspirations

People	A connected, inclusive community with excellent access to local health services and residential care for the elderly.
Planet	Everyone is committed to climate action and our future sustainability.
Place	Attractive, liveable towns and rural communities with affordable, accessible housing for all stages of life.
Prosperity	The Shire is attracting growing numbers of investors, businesses, visitors and workers who choose to live local.
Performance	Local leaders are trusted and respected for listening to diverse community views and making well informed responsible decisions.

Legislation Administered

The principal legislation governing the operation of Western Australian local governments is the *Local Government Act 1995*. The Shire is also responsible for administering a number of state and commonwealth Acts and regulations. Some significant pieces of legislation include, but are not limited to:

- *Building Act 2011;*
- *Caravan Parks and Camping Grounds Act 1995;*
- *Cat Act 2011;*
- *Dog Act 1976;*
- *Equal Opportunity Act 1984;*
- *Food Act 2008;*
- *Freedom of Information Act 1992;*
- *Heritage of Western Australia Act 1990;*
- *Planning and Development Act 2005;*
- *Privacy Act 1998;*
- *Public Health Act 1902;*
- *Rates and Charges (Rebates & Deferments Act 1992;*
- *State Planning Commission Act 1985;*
- *State Records Act 2000;*
- *Work Health and Safety Act 2020;* and
- All other legislation relevant to Local Government functions.

Local governments also operate within a framework of delegated legislation, including orders and proclamations made by the Governor, by-laws, regulations, and ordinances made by other statutory authorities.

The *Local Government Act 1995* gives local governments the power to make local laws, which are generally used to establish and maintain the quality of life and amenity in keeping with community expectations. The Shire's current Local Laws are available on the Shire's website [here](#).

Structure and Function

The Shire of Boddington is a body corporate, constituted under Section 2.5 of the Local Government Act 1995. Its general function is to provide for the 'good government of persons in its district'. The Shire of Boddington Council comprises of seven Councillors including the Shire President. Councillors are elected for a four year term, and both the President and Deputy President are elected by Council following each ordinary Local Government election.

The day to day operation of the Shire is the responsibility of the Chief Executive Officer (CEO) who, with the Executive Leadership Team and staff, act on Council's decisions to develop and put into practice Council policies and decisions.

The Shire's directorates contain a number of specialised business units as follows:

- Office of the CEO – Executive Services, Community and Economic Development, Media and Communications
- Corporate Services – Financial Services, Records Management, Governance, Human Resources
- Development Services – Planning Services, Building Services, Environmental Health
- Infrastructure Services – Asset Management, Infrastructure Management Services, Waste Management Services

Shire of Boddington Organisational Structure



Details of Shire functions and decisions that can affect the public

The Shire's decisions impact on the everyday life of residents in many ways, due to the wide-ranging responsibilities and activities placed on local government under its general functions. The provision of roads and footpaths, drainage, parks, recreation and leisure facilities, libraries, welfare services, rubbish collection and disposal facilities, cultural services and environmental health control activities are all matters requiring decisions by Council at various levels of consideration. The Shire is required to provide these services in an efficient, cost effective manner and in accordance with the Local Government Act 1995 and other relevant legislation.

The Shire also makes key decisions relating to planning matters. It has responsibility to oversee protection of the Shire's natural environment and heritage. Whilst responsibility for some development decisions has been delegated to Shire staff, Council determines applications and prescribes standards for subdivision and development throughout the Shire.

Council is also required under the *Planning and Development Act 2005* to initially determine applications for the rezoning of land (such as Town Planning Schemes and Regional Scheme Amendments). Land and property usage is also often subject to a Council decision, for example, the operation of holiday homes and other home businesses. Council decisions aim to ensure that buildings within the Shire are constructed to the required standard.

The design, construction and maintenance of Shire owned buildings provide the Shire's customers with quality facilities in the most efficient and economical way. The Shire has developed a range of plans that guide and direct its actions into the future. Many of the issues that require a Council decision are subject to Policy Statements aimed at providing consistency in determinations, as well as indicating to the public the Council's position on a particular matter. A copy of the Shire's Policy Manual is available on our website [here](#).

Public Participation

The numerous activities and services that local governments provide impact their communities at various levels, and consequently public participation in the decision-making process is an important part in providing good governance. Where Council is required to make decisions, it does so through regular Council meetings. In some cases, Council has established Committees to assist with its decision-making responsibilities.

Members of the public can participate in the development of the Shire's plans, policies and strategies as well as comment on the Shire's performance through the following:

- Attending Council Meetings – Members of the public are welcome to attend Council meetings. There is an opportunity at Council Meetings for members of the public to ask questions.
 - Public Question Time – Any member of the public attending a Council meeting can ask questions on any matter relating to the ordinary business of the Shire or the function of the Council regardless of whether or not the matter in question is on the agenda.
 - Presentations and Deputations – Parties with a demonstrable interest in any item listed on a Council Meeting agenda for discussion may seek to present to Council at the time during the meeting allocated for this purpose. Any person or group wishing to be received as a deputation by Council may apply before the meeting to the CEO for approval.
 - Petitions – Written petitions may be presented to Council on any issue within Council's jurisdiction.
- Annual Electors Meeting – Section 5.27 of the *Local Government Act 1995* has a requirement to hold an annual general meeting of electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about Shire matters.
- Elected Members – In their role, Elected Members make themselves available to the community to assist with matters regarding the function of Council.
- In writing – A member of the public can write to the Shire regarding any policy, activity, service, or issue within the Shire's jurisdiction. Written requests can be made via:
 - Email: shire@boddington.wa.gov.au
 - Website: <https://boddington.wa.gov.au/contactus>
 - Mail: PO Box 4, Boddington, WA6390
 - Telephone: (08) 9883 4999
- Community Consultation – The Shire is committed to ensuring that the community is consulted on projects, plans, and proposals by advertising in local papers, the Shire's Facebook page and website, and on public notice boards, as well as organising public meetings and letters to the community.

Shire Documents

The Shire maintains comprehensive records of all its dealings including correspondence, file notes, reports, plans, sketches, maps, applications, notices, approvals, and documents pertaining to the keeping of records. Availability of information is subject to the provisions established in the *Freedom of Information Act 1992* and the *Local Government Act 1995*. The Shire is to assist members of the public to obtain access to documents promptly and at the lowest reasonable cost.

Section 5.94 of the Local Government Act 1995 details the type of documents that a local government is to make available for inspection and those where restrictions apply. Any member of the public may attend the Shire's Administration Office and request to view these documents. Many of these documents are freely available to the public via the Shire's website. Copies of documents can be provided upon payment of any relevant charges for production in accordance with the Shire's Fees and Charges.

The Shire creates and stores various documents, many of which are available for access freely outside of the FOI process; these include but are not limited to:

- Annual Reports
- Financial Statements
- Planning Schemes
- Policies
- Complaints Registers
- Gift Registers
- Corporate Business Plans
- Asset Management Plans
- Strategic Plans
- Local Laws
- Media Releases
- Maps
- Agendas and Minutes
- Applications
- Public Notices
- Code of Conduct
- FOI Information Statement
- Long Term Financial Plans

Freedom of Information (FOI)

The *Freedom of Information Act 1992* is an Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date, not misleading, and for related purposes.

The objects of the Act are to:

- Enable the public to participate more effectively in governing the State; and
- Make the persons and bodies that are responsible for State and local government more accountable to the public.

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These objects are achieved by:

- Creating a general right of access to State and local government documents; and
- Providing means to ensure that personal information held by State and local governments is accurate, complete, up to date, and not misleading; and
- Requiring that certain documents concerning State and local government operations be made available to the public.

It is the aim of the Shire of Boddington to make information available promptly and at the least possible cost, and whenever possible documents are to be provided outside of the FOI process. If the information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up to date, and not misleading.

The *Freedom of Information Act 1992* gives the public a right to access documents held by the Shire, subject to some limitations. Schedule 1 of the FOI Act recognises that some documents require a level of protection and are exempt.

The most commonly claimed exemptions are:

- Personal Information: Information that would reveal personal information about an individual.
- Business and Commercial Information: Information that would reveal trade secrets, information that has a commercial value, or information that reveals the financial affairs of a person.

- Deliberative Process: Information that would reveal a decision made during a deliberative process closed to the public.
- Legal Professional Privilege: Information that would reveal legal advice.
- Confidential Communications: Information that would reveal details of a confidential nature obtained in confidence and could be expected to prejudice the future supply of information.

FOI Applications

Prior to lodging a FOI application, the applicant is encouraged to check and ascertain if the information is available outside the FOI Act.

The FOI Act requires access applications to:

- Be in writing;
- Give enough information so that the documents requested can be identified;
- Give an Australian address which notices can be sent; and
- Be lodged at the Shire with any application fee payable.

Applications and enquiries should be directed to the Records Department via shire@boddington.wa.gov.au, PO Box 4 Boddington WA 6390, or in person at 39 Bannister Road Boddington WA 6390.

The Shire is required to acknowledge applications in writing, and applicants are to be notified of the decision within 45 calendar days. Notice of Decisions are to include details such as the date the decision was made, the name and designation of the officer who made the decision, and information on the rights of review and the procedures to be followed to exercise those rights.

An application form can be accessed on our website [here](#), as well as a copy being provided at the end of this document.

Under the FOI Act, a person can apply to the Shire for amendment of personal information. An application is to be lodged in writing and provide details and identification. There is no application fee or charge associated with an application for personal information about the applicant or the amendment of personal records.

FOI Fees and Charges

A scale of fees and charges are set out in the FOI Regulations. The fees and charges are as follows:

- | | |
|---|-------------|
| • Personal information about the applicant | No Charges |
| • Application fee for non-personal information | \$30.00 |
| • Charge time for dealing with the application (per hour, pro rata) | \$30.00 |
| • Access time supervised by staff (per hour, pro rata) | \$30.00 |
| • Photocopying staff time (per hour, pro rata) | \$30.00 |
| • Per photocopy | \$00.20 |
| • Transcribing from tape, film, or computer (per hour, pro rata) | \$30.00 |
| • Duplicating a tape, film. Or computer information | Actual Cost |
| • Delivery, packaging, and postage | Actual Cost |

FOI Access Arrangements

Access to documents may 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 words can be reproduced.

FOI Right of Review

Applicants who are dissatisfied with the Shire's decision may request an internal review. The internal review application should be made in writing within 30 calendar days after being provided with the Shire's Notice of Decision. The outcome of the review is to be provided to the applicant within 15 calendar days. There is no charge for an internal review.

The applicant can also apply to the Information Commissioner for an external review if they disagree with the result of the internal review. The external review application should be made in writing within 60 calendar days after being provided with the Shire's Notice of the Internal Review Decision. Applications requesting external review as a third party or following an application for amendment of personal information are to be lodged within 30 calendar days after being provided with the Notice of Internal Review Decision.

Additional Information

Any additional information can be found on the Office of the Information Commissioner's website www.oic.wa.gov.au or by contacting the Records Department via shire@boddington.wa.gov.au.