



# Information Statement



## Introduction

Part 5 of the *Freedom of Information (FOI) Act 1992* requires each government agency to prepare and publish an Information Statement annually. The Information Statement includes the following information:

- The City of Busselton (**the City**) vision
- Details of legislation administered
- Details of the City's structure and functions
- Details of decision making functions within the City
- Public participation in the formulation of policy and performance of the City's functions
- Documents held by the City
- The operation of FOI in the City

This document is available on the City's website.

Further information on FOI or enquiries about this document can be made by contacting:

### Freedom of Information Officer

City of Busselton

2 Southern Drive

BUSSELTON WA 6280

**Tel:** (08) 9781 0444

**Email:** [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

The City sits on Bibbulmun country that is called **Wadandi Boodja**.

The Wadandi Bibbulmun people are the Traditional Custodians, and have lived and breathed off this ancient land for over 40,000 years. It was and continues to be a place of plenty. The Aboriginal name for Busselton is Undalup, after the warrior and leader Undal.

## City Profile

The City of Busselton is widely known for its stunning beaches, tourist attractions and as a venue for significant events.

Situated 223kms from Perth, Western Australia's capital city, and covering an area of 1,454 square kilometres, the City of Busselton is a place where people can enjoy all the experiences that nature has to offer along with the benefits that come with living away from a busy capital City.

The City of Busselton is a progressive and important regional area. The area's population continues to grow, attracting both families and retirees, along with new businesses and investment. The City's estimated resident population sits at just over 40,000 and, according to the WA Tomorrow Population projections, will be in the vicinity of 60,000 by 2031. While growth brings with it economic and social benefits as well as new services and infrastructure, it also poses challenges as we seek to conserve our environment and maintain a sense of local identity and character.

## City's vision

### "Where environment, lifestyle and opportunity meet"

Aligned to our vision are four Key Themes - Environment, Lifestyle and Opportunity, with delivery of these underpinned by the fourth theme of Leadership.



### Environment

*An environment that is valued, conserved and enjoyed by current and future generations*



### Lifestyle

*A place that is relaxed, safe and friendly with services and facilities that support positive lifestyles and wellbeing*



### Opportunity

*A vibrant City with diverse opportunities and a prosperous economy*



### Leadership

*A Council that connects with the community and is accountable in its decision making*

## Our corporate values

Our corporate values are Listening, Considered Decision Making, Appreciation, Respect and Teamwork.

## Legislation Administered

The principal legislation governing the operation of Western Australian local governments is the *Local Government Act 1995* (WA). The City is also responsible to administer a number of State and Commonwealth Acts and Regulations. Some significant pieces of legislation include, but is not limited to, the following:

- *Aboriginal Heritage Act 1972*
- *Age Discrimination Act 2004* (Cth)
- *Agriculture and Related Resources Protection Act 1976*
- *Animal Welfare Act 2002*
- *Aquatic Resources Management Act 2016*
- *Auditor General Act 2006*
- *Australian Human Rights Commission Act 1986* (Cth)
- *Biodiversity Conservation Act 2016*
- *Building Act 2011*
- *Building and Construction Industry Training Fund and Levy Collection Act 1990*
- *Building Service (Complaint Resolution and Administration) Act 2011*
- *Building Services (Registration) Act 2011*
- *Building Services Levy Act 2011*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Charitable Collections Act 1946*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*
- *Conservation and Land Management Act 1984*
- *Contaminated Sites Act 2003*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code 1913*
- *Defamation Act 2005*
- *Disability Discrimination Act 1992* (Cth)
- *Disability Services Act 1993*
- *Dividing Fences Act 1961*
- *Dog Act 1974*
- *Electoral Act 1907*
- *Electronic Transactions Act 2011*
- *Environmental Protection Act 1986*
- *Emergency Management Act 2005*
- *Emergency Services Levy Act 2002*
- *Equal Opportunity Act 1984*
- *Evidence Act 1906*
- *Fair Work Act 2009* (Cth)
- *Food Act 2008*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Freedom of Information Act 1992*
- *Graffiti Vandalism Act 2016*
- *Health Act 1911*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage Act 2018*
- *Human Rights and Equal Opportunity Commission Act 1986* (Cth)
- *Human Rights (Sexual Conduct) Act 1994* (Cth)
- *Industrial Relations Act 1979*
- *Interpretation Act 1984*
- *Land Administration Act 1997*
- *Legal Deposit Act 2012*
- *Library Board of Western Australia Act 1951*
- *Limitation Act 2005*
- *Liquor Control Act 2008*
- *Local Government Industry Award 2010*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government Grants Act 1978*
- *Main Roads Act 1930*
- *Mental Health Act 2014*
- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*
- *Oaths, Affidavits and Statutory Declarations Act 2005*
- *Occupational Safety and Health Act 1984*
- *Parliamentary Commissioner Act 1971*
- *Planning and Development Act 2005*
- *Public Health Act 2016*
- *Public Interest Disclosure Act 2003*
- *Public Works Act 1902*
- *Racial Discrimination Act 1975* (Cth)
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Residential Tenancies Act 1987*
- *Retail Trading Hours Act 1987*
- *Road Traffic Act 1974*
- *Road Traffic Code 2000*
- *Salaries and Allowances Act 1975*
- *Sex Discrimination Act 1984* (Cth)

- *State Administrative Tribunal Act 2004*
- *State Records Act 2000*
- *State Records (Consequential Provisions) Act 2000*
- *Statistics Act 1907*
- *Strata Titles Act 1985*
- *Superannuation Act 2005 (Cth)*
- *Transfer of Land Act 1893*
- *Valuation of Land Act 1978*
- *Waste Avoidance and Resource Recovery Act 2007*
- *Work Health and Safety Act 2020*
- *Workers Compensation and Injury Management Act 1981*
- *Working with Children (Criminal Record Checking) Act 2004*

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 City's current Local Laws are available on the City's [website](#) and are listed below:

- *Busselton Regional Airport Local Law 2012*
- *City of Busselton Activities in Thoroughfares and Public Places and Trading Local Law 2015*
- *City of Busselton Dogs Local Law 2014*
- *City of Busselton Cemeteries Local Law 2015*
- *City of Busselton Holiday Homes Local Law 2012*
- *City of Busselton Jetties Local Law 2014*
- *City of Busselton Keeping and Control of Cats Local Law 2014*
- *City of Busselton Local Government Property Local Law 2010*
- *City of Busselton Parking Local Law 2020*
- *City of Busselton Standing Orders Local Law 2018*
- *City of Busselton Waste Local Law 2016*
- *Shire of Busselton Dust and Building Waste Control Local Law 2009*
- *Shire of Busselton Health Local Laws 1997*

## Functions and Structure of the City

### Function and Structure of the City

The City 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 City has 9 Councillors elected for four year terms. Both the Mayor and Deputy Mayor are elected by the Council following each ordinary Local Government election.

The City's operations are managed by the Chief Executive Officer, who is supported by an executive team. The Chief Executive Officer's role is to carry the ultimate responsibility for the efficient and effective utilisation of the City's resources in achieving the City's objectives and strategic direction. The executive team is made up of four Directors, who are highly qualified professionals, managing employees throughout the City and who assist the Chief Executive Officer in managing the City's operations and functions.

The City's directorates each contain a number of specialised business units:

- **Chief Executive Officer:** Executive Services.
- **Community and Commercial Services:** Commercial Services, Community Development & Recreational Services and Events & Cultural Services.
- **Engineering and Works Services:** Engineering & Technical Services, Operations Services and Waste & Fleet Services.
- **Finance and Corporate Services:** Governance & Corporate Services, Legal & Property Services, Finance Services and Information Services.
- **Planning and Development Services:** Development Services and Regulatory Services.

### How the City's decision making functions affect the community

The City's decisions impact on the everyday life of residents in many ways, due to the wide-ranging responsibilities and activities placed on local governments under its general function. 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 City also makes key decisions on the public in its control over planning matters. It has responsibility to oversee protection of the City's natural environment and heritage, while maintaining pace with a fast rate of urban development. Whilst responsibility for some development decisions has been delegated to City employees (detailed in the annual Register of Delegated Authority), Council determines applications and prescribes standards for subdivision and development throughout the City.

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 also aim to ensure that buildings within the City are constructed to the required standard.

The design, construction and maintenance of City owned buildings provide the City's customers with quality facilities in the most efficient and economical way. The City has also developed a range of plans that guide and direct its actions into the future. Copies of these plans are available from the City's Administration Centre or on the City's website. 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 list of the City's policies is available on the City's website at [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au), or alternatively available for viewing at all City libraries.

## Public participation

### Attending Council and committee meetings

Members of the public are welcome to attend Council and Committee meetings. There is an opportunity at Council meetings for members of the public to ask questions (refer to 'Public Question Time').

### Public question time

The allotted public question time during a Council meeting is 15 minutes and may be extended if circumstances require. Any member of the public attending a Council meeting can ask questions on any matter relating to the ordinary business of the City or the function of the Council regardless of whether or not the matter in question is on the agenda.

### Annual General Meeting of Electors

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 City matters generally. Resolutions from an annual general meeting of electors must be considered at a subsequent ordinary council meeting. However, such resolutions are in no way binding upon the Council.

### Presentations and Deputations

Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose. Any person or group wishing to be received as a deputation by the Council may apply, before the meeting, to the CEO for approval; or with the approval of the presiding member, at the meeting, address the Council.

### Petitions

Written petitions on any issue within the Council's jurisdiction are to be addressed to the Mayor. Petitions are tabled at the next available Council meeting and referred to the CEO for consideration and reporting.

### Elected members

In their role, Elected Members make themselves available to the community to assist with matters regarding the function of Council.

### Written requests

A member of the public can write to the City on the policy, activity, service or any issues within the City's jurisdiction.

### Community consultation

The City is committed to ensuring that the community is consulted on projects, plans and proposals by advertising in local papers, the City's website and on public notice boards, as well as organising public meetings and letters to the community.

## Information held by the City

### Types of Documents held by the City

The City maintains comprehensive records of all its dealings including correspondence, memorandum, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

Availability of information is subject to the provisions established in the *FOI Act 1992* and *the Local Government Act 1995* and may be free or subject to the City's Schedule of Fees and Charges. The City will assist members of the public to obtain access to documents promptly, at the lowest reasonable cost and ensure that personal information contained in documents is accurate, complete, up-to-date and not misleading.

Information is made available through a range of mediums including public statements, news releases, the City's website, advertisements placed in local and state-wide newspaper, public notice boards, library services, information sheets, individual correspondence, public and statutory documents and reports.

The list below provides examples of the types of information held by the City.

Common Seal Register	Creditor Payments
Gift Register	Fees and Charges
Business Continuity Plan	Fixed Asset Register
Citizenship Records	Contract and Tender Details
Civic Function Details	Purchase Orders
Code of Conduct	Invoice Information
Corporate Records	Gross Rental Valuations
Elected Member and Employee Gifts Registers	Property Fees and Charges
Register of Complaints	Property Rates
Delegated Authority Register	Rating Information
Council Agenda and Minutes	Owner Details
Council Committee agendas and minutes	Employee Records
FOI Information Statement	Training Records
Local Laws	Occupation Health and Safety Information
Primary and Annual Returns Records	Payroll
Recordkeeping Plan	Performance Management
Customer Service Charter	Recruitment
Policies	Workers Compensation and Rehabilitation Records
Electoral Rolls	Health Breaches and Infringements
Annual Financial Statements	Building Applications
Accounts	Building Licence Document
Budget Information	Compliance Infringements
Customer Information	Development Applications
Insurance Coverage	Aerial Photography
Bank Reconciliations	Property and Land Locality Information
Bank Guarantees Held	City Operated Building Maintenance Records
Debtors	Subdivision Applications
Swimming Pool Requirements and Inspections	City Operated Building Plans
Mapping Information	Asset Management Documents
Crossovers and Verge Treatments	Book and Collection Catalogues

Verge Bonds Associated with Building/Development	Access and Inclusion Plan
Economic Development	Leases and Licences
Property Heritage Register	Library Membership Details
Town Planning Schemes	Art Collection
Coastal Hazard Risk Management Plans	Community Safety Information
Geotechnical Reports (Subdivisions)	Emergency Management Matters
Engineering Services Subdivision Files	CCTV, Alarm and Access Control Systems
Parking Signage	Dog Registrations
Paths and Cycle Ways Details and Plans	Cat Registrations
Resurfacing and Reconstruction Details and Plans	Animal Pound Register
Roads and Drainage Details and Plans	Rangers Investigations and Reports
Streetscape Details and Plans	Graffiti Reporting
Street Lighting	Infringement Details
Traffic Safety Requirements	Bushfire Management Plan
Underground Power	Vehicle Impound Register
Crossovers Including Subsidy Requests	Funding Grants and Sponsorship Information
Car Parks	Information Brochures on Recreation Centres
Drainage	Sporting Clubs Database
Roads	Facility Bookings
Surveying	Advertising Information
Maintenance General Verge Area	Annual Reports
Irrigation Plans	Community Events
Fleet Management	Promotional Materials and Information
Waste Disposal Information	Media Releases
Plans – Septic Tank and Effluent Disposal Systems	

### Documents readily available to the public

Many documents are freely available to the public. Documents that are readily available, either for sale or free of charge can be obtained / viewed via the City's website or by contacting the City.

### Documents available for inspection

Section 5.94 of the *Local Government Act 1995* details the type of documents that a local government must make available for inspection and those where restrictions apply. Any member of the public may attend the City's Administration Building at 2 Southern Drive, Busselton and request to view these documents. Some of the documents are also available on the City's website. Copies of documents can be provided upon payment of any relevant charges for production in accordance with the City's Fees and Charges Schedule. Documents that are available for inspection include:

Register of Complaints	List of fees and charge
Register of Financial Interests	Local Laws
Register of Gifts	Confirmed minutes of council or committee meetings
Annual Reports	Minutes of electors' meetings
Annual Budgets	Codes of Conduct

### Other documents available

Owners may purchase copies of their own plans – site plan, floor plan and elevations.

## Freedom of Information

### What is Freedom of Information

The *FOI Act* gives the public a right to access documents held by the City, subject to some limitations. Documents accessible under the *FOI Act* include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form.

The objectives of the *FOI Act* are to:

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

The City gives effect to the *FOI Act* in a way that:

- Assists the public to obtain access to documents
- Allows access to documents to be obtained promptly and at the lowest reasonable cost and
- Assists the public to ensure that personal information contained in documents is accurate, complete, up to date and not misleading.

### The FOI Process

Prior to lodging an FOI Application, the applicant is encouraged to check and ascertain if the information is available outside the *FOI Act*.

The City has various documents that are publicly available on the City's website or at the Administration Building, 2 Southern Drive, Busselton.

### FOI Application

FOI applications must be in writing with the FOI application form completed, provide sufficient information to identify the requested documents, have an Australian address to where notices can be sent and be submitted with a \$30 application fee.

The completed application form together with the application fee can be delivered by:

#### Post

Freedom of Information Officer  
Locked Bag 1, Busselton WA 6280

#### In person

2 Southern Drive, Busselton WA 6280

#### Email

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

Application forms are available from the City's Administration Building (2 Southern Drive, Busselton) or the City's website [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au).

On receipt of a valid application and prescribed \$30 application fee, the City's Freedom of Information Officer will identify and review the documents requested to determine if any exemptions apply.

### Amendment of personal information

Under the *FOI Act*, a person can apply to the City for amendment of personal information if the person applying believes that the information is inaccurate, incomplete, out-of-date or misleading. An application must be lodged in writing, providing details, identification and, if necessary, documentation to support claims to amend personal information. There is no application fee or charge associated with an application for personal information about the applicant, or the amendment of personal records.

### Notice of Decision

A Notice of Decision will be issued by the City as soon as possible, within the statutory 45 days of receipt of a valid application. The Notice of Decision will include details such as:

- The date the decision was made;
- The name and the designation of the officer who made the decision;
- The reasons for claiming the document is exempt if access is refused; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

## FOI charges

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

General	
Personal information about the applicant	No fees and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro rata)	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	\$0.20
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
Deposits	
An advance deposit may be required in respect of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	25%

## Concessions

For impecunious applicants or applicants issued with a prescribed pensioner concession card, the charges payable are reduced by 25%. The reduction in fees does not apply to the application fee.

## Refusal of access

While the *FOI Act* provides a general right of access to documents, it is 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 (i.e. name, contact details, financial information).
- **Business and Commercial Information:** Information that would reveal trade secrets, information that has a commercial value or reveal 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.

## Internal review

Applicants who are dissatisfied with the City'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 City's Notice of Decision.

The outcome of the review will be provided to the applicant within 15 calendar days.

## External review

The applicant can apply to the Information Commissioner for an external review if the applicant disagrees with the result of the internal review.

The external review application should be made within 60 calendar days after being provided with the City's written Notice of the Internal Review Decision.

Applications requesting external review as a third party or following an application for amendment of personal information must be lodged within 30 calendar days after being provided with the written Notice of the Internal Review Decision.

## Appeals to the Supreme Court

The Information Commissioner's decisions are final and binding on the City, subject to an appeal to the Supreme Court of a question of law arising out of the Commissioner's decision.

The timeframe and process for lodging an appeal is governed by the *Rules of the Supreme Court 1971*. An appeal must be lodged within 21 days after the date of the Commissioner's decision.

The procedures relating to appeals to the Supreme Court are established by the court. Further information on lodging an appeal can be obtained by contacting the Supreme Court.

## Further information

Further information on FOI can be found on the Office of the Information Commissioner's website [www.oic.wa.gov.au](http://www.oic.wa.gov.au) or by contacting the office.

## Office of the Information Commissioner

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