



Information Statement



Contents

| | Page No. |
|--|----------|
| Introduction | 1 |
| The City's Vision and Values | 2 |
| Core Values..... | 2 |
| Strategic Focus | 2 |
| Legislative Requirements | 2 |
| Organisation Structure and Functions | 3 |
| Corporate Structure and Functions | 3 |
| How decisions affect the community | 4 |
| Public participation in the decision making process | 4 |
| Meetings..... | 4 |
| Special Council Meetings..... | 5 |
| Annual General Meeting of Electors | 5 |
| Special Meetings of Electors..... | 5 |
| Community Consultation and Participation | 5 |
| Documents held by the City of Bunbury | 5 |
| Access to Council Documents..... | 5 |
| Limitation to Access | 6 |
| Documents available outside of the FOI Act 1992 | 6 |
| Documents available for purchase | 7 |
| Public Notices | 7 |
| Library Facilities..... | 7 |
| FOI Procedures and Access Arrangements | 7 |
| FOI Operations | 7 |
| Freedom of Information Applications | 7 |
| Freedom of Information Charges | 8 |
| Access Arrangements | 8 |
| Notice of Decision | 8 |
| Refusal of Access | 8 |
| Personal Information..... | 8 |

Introduction

The *Freedom of Information Act* 1992 (the FOI Act) is designed 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.

In furthering these objectives, the FOI Act requires each agency to prepare and publish an annual information statement.

This City of Bunbury Freedom of Information Statement fulfils the City's requirements in accordance with the FOI Act.

All information is correct as at August 2018.

This information statements details:

- the structure and function of the City;
- ways in which the public can participate in the City's decision making processes; and
- how the public can gain access to City documents.

Copies of this document may be obtained from the City of Bunbury Customer Service Centre, 4 Stephen Street (PO Box 21), BUNBURY WA 6230 or from the City's website at www.bunbury.wa.gov.au. Enquiries may be made to the Freedom of Information (FOI) Coordinator on **9792 7233**, Monday to Friday from 8.30am to 5.00pm.

Mal Osborne
Chief Executive Officer

| | | | |
|--------------------------------------|---|--------------------|------------------|
| Document Owner: | Governance Department | | |
| Created Date: | 9 May 2014 | | |
| Related Guideline/Compliance: | Legislative Compliance – s.96 <i>Freedom of Information Act 1992</i> | | |
| Document | Date | Approved | Amendment |
| CP-023997 v2 | 21/08/18 | ELT | Annual Update |
| CP-023997 v1 | 28/11/17 | ELT | Annual Update |
| CP-023997 | 24/08/16 | Manager Governance | Annual update |

The City's Vision and Values

Bunbury is an accessible and inclusive city, where all people are valued equally.

The port city of Bunbury is one of the largest cities in Western Australia after the capital Perth. It is situated 175 kilometres south of Perth's central business district.

Due to its prominence as a port city, Bunbury has traditionally been recognised and reinforced as the capital of the South West region, and the focal point for commercial and industrial land development within the South West Region.

The City's current Strategic Community Plan: 2018-2028 was developed with comprehensive community engagement and sets out the community's vision, aspirations and objectives. The Plan provides the direction and outcomes the Council seeks to achieve for and with the community through until the year 2028.

The City's strategic direction is encapsulated and outlined through the following vision and values within the Strategic Community Plan 2018-2028.

Vision

Bunbury: welcoming and full of opportunities.

Core Values

The City of Bunbury aspires to act in accordance with the following values in all of its decisions and actions:

LEADERSHIP: empowering people to take responsibility for what they do and to strive to set an example for others to follow

INTEGRITY: establishing trust through openness and honesty

ACCOUNTABILITY: for our actions and performance

RESPECT: for others by listening, understanding and responding appropriately

INNOVATION: continually improving our services and processes through creative and progressive thinking and action

TEAMWORK: communicating and working co-operatively for the mutual benefit of all

Strategic Focus

As part of the Integrated Planning and Reporting Framework, the Council, in consultation with the community, undertakes a review of the Strategic Community Plan every two years and a major review every four years. A major review of the Strategic Community Plan,

through seeking community input and retesting the vision, was undertaken and finalised in March 2018.

As part of the review process, the City consulted with the community through a series of surveys and questionnaires, interactive workshops, and focus groups. The plan encompasses the views sought during this period and strives to be inclusive whilst balancing diverse views within our community. The Community's aspirations and priorities have been mapped into four key themes and goals and 19 high-level objectives.

The key themes and goals are:

Theme 1: Our community and culture

Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.

Theme 2: Our economy

Goal: A thriving and dynamic economy, that plays to its strengths, and confidently presents to the world.

Theme 3: Our places and spaces

Goal: A natural and built environment that reflects Bunbury's core values

Theme 4: Our City Goal: Civic leadership, partnerships and sound governance in delivering with and for the community

Legislative Requirements

The operations of local government within Western Australia are governed by the *Local Government Act 1995* and associated Regulations. In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

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 and other Acts of Parliament.

The *Local Government Act 1995* (LG Act) permits each local government to make local laws to assist in carrying out its functions and powers in its district. These laws deal with a wide range of community, environmental and governance issues.

The City of Bunbury operates under local laws which have been developed and introduced to help control certain types of industries and activities for the protection and benefit of residents. These laws are reviewed every eight years but can be reviewed and amended at any time.

City of Bunbury Local Laws

- City of Bunbury Standing Orders Local Law 2012 – *currently being reviewed*
- City of Bunbury Health Local Laws 2001
- Local Laws Relating to Dogs - *currently being reviewed*
- Advertising Devices Local Law - *currently being reviewed*
- Private Property Local Law - *currently being reviewed*
- Local Government and Public Property Local Law - *currently being reviewed*
- Parking and Parking Facilities Local Law - *currently being reviewed*
- Waste Local Law 2016

The City's local laws are available on the City's website at www.bunbury.wa.gov.au.

Organisation Structure and Functions

The general function of a local government is to provide for the good government of persons in its district.

The Bunbury City Council comprises of 12 Councillors plus the Mayor who are elected by the public for a four year term. The positions of Mayor and Councillors are determined by public vote.

Pursuant to the *Local Government Act 1995* Ordinary Elections are held every two years in October when the term of half the Councillors expires and every four years for the position of Mayor.

The next Ordinary Election will be held in October 2019.

The Mayor presides at meetings in accordance with the *Local Government Act 1995*, provides leadership and guidance to the community in the district, carries out civic and ceremonial duties and speaks on behalf of the City of Bunbury.

The Deputy Mayor performs the functions of the Mayor when authorised to do so under section 5.34 of the *Local Government Act 1995*.

A Councillor represents the interests of electors, ratepayers and residents of the City of Bunbury. A Councillor provides leadership and guidance to the community in the district, facilitates communication between the community and Council and participates in the City of Bunbury's decision-making processes within Council and committee meetings. Councillors also perform other functions given to a Council by the *Local Government Act 1995* or any other written law.

The current Elected Members of the City of Bunbury are:

His Worship the Mayor

Gary Brennan Term Expires 2021

Councillors

| | |
|------------------------------|-------------------|
| Jaysen Miguel (Deputy Mayor) | Term Expires 2021 |
| James Hayward | Term Expires 2021 |
| Karen Steele | Term Expires 2021 |
| Michelle Steck | Term Expires 2021 |
| Todd Brown | Term Expires 2021 |
| Tresslyn Smith | Term Expires 2021 |
| Brendan Kelly | Term Expires 2019 |
| Betty McCleary | Term Expires 2019 |
| Murray Cook | Term Expires 2019 |
| Sam Morris | Term Expires 2019 |
| Monique Warnock | Term Expires 2019 |

Corporate Structure and Functions

The operation of the City of Bunbury is managed by the Chief Executive Officer, who is supported by an Executive Leadership Team. The Chief Executive Officer's role is to carry the ultimate responsibility for the efficient and effective utilisation of the organisations' resources in achieving the Council's objectives and direction. The Executive Leadership Team is made up of Directors, who assist the Chief Executive Officer in managing the City's employees, operations and functions.

The City's Directorates are:

Office of the CEO (Corporate Governance, Finance, Insurance, Organisational Development and Human Resources)

Corporate and Community Services (Libraries and Cultural Development – including Bunbury Regional Art Galleries (BRAG), Parkfield Street Library, Withers Library, Public Art, Museum; Information, Communication and Technology – including Corporate Information, Customer Support, Information Technology; People & Place – including Tourism and Events, Visitor Centre, Bunbury Wildlife Park, Community Partnerships – Senior's Youth, Access and Inclusion; Public Relations and Stakeholder Engagement – including Marketing and Communications; Sport and Recreation – including South West Sports Centre (SWSC) and other City-owned facilities and grounds

Works and Services (Asset Management; City Facilities; Engineering and Civil Operations – including Airport Operations; Landscape and Open Space; Waste Services; Works Administration – including Procurement, Fleet, Administration and Depot Management; Works and Services Leadership)

Planning and Development Services (Community Law, Safety and Emergency Management – including Rangers, Community Law, and Safety and Emergency Management; Economic Development and Lands – including International Relations; Sustainability, Planning and Development – including Sustainability and Environmental Planning, Strategic Planning and Urban Design, Development Assessment and Compliance, Building Certification, and Development Engineering; Environmental Health

How decisions affect the community

The City has been entrusted with the responsibility to oversee the development and progression of its community. Local governments are required to make many decisions which can have an impact on the daily lives of its residents. Such decisions include the provision of roads and footpaths, drainage, parks, recreation and leisure facilities, libraries, refuse collection and disposal facilities, cultural services and environmental health control activities. These are all matters which can require decisions by Council at various levels of consideration.

Planning matters are also an area than can have a far reaching effect on its residents. The City of Bunbury strives to achieve a balanced approach to development that protects residential amenity, preserves heritage and provides clarity to developers.

The Council may delegate to the Chief Executive Officer the exercise of any of its powers or duties, and the Chief Executive Officer may delegate the same to any employee, in accordance with the *Local Government Act 1995*. These delegations are reviewed annually and detailed in the City's Delegation Register which is available on the City's website, www.bunbury.wa.gov.au.

The City has also developed a range of policies that guide and direct its actions now and into the future. A copy of the City's Policy Manual is available from the City's website at www.bunbury.wa.gov.au.

Public participation in the decision making process

The City of Bunbury is responsible for many decisions that impact upon the community and its residents at various levels. Council recognises that the community is an important resource and that community input is essential to assist the City to provide services and facilities that meet needs and expectations.

Where the Council is required to make decisions, it does so through regular Council meetings. In some cases Council may establish advisory committees to assist it in discharging the operations and duties of Council. The Council is also

represented on various statutory and non-statutory Boards and Committees. Details on committees, members and terms of reference are available on the City's website at www.bunbury.wa.gov.au.

Meetings

The Council conducts a fortnightly cycle of meetings from January to December, meeting every Tuesday. The first Tuesday is an open Council Briefing Session. The draft agenda for the following week's Ordinary Council meeting will be discussed at this meeting. The Briefing Session is an informal discussion forum of which no minutes are kept. The second week is the Ordinary Council Meeting where Council makes decisions on the items under discussion from the Briefing Session.

Formal decisions of Council are only made at the Ordinary Council Meeting. All decisions will be available in the minutes of the Meeting which are available on the City's website www.bunbury.wa.gov.au.

Members of the public are welcome to attend Council Briefing Sessions and Council Meetings.

All meetings of Council start at 5.30pm in the Council Chambers, 4 Stephen Street, Bunbury.

To assist members of the public to participate, the Council allows for public questions to be asked and deputations to be made at Ordinary Council Meetings.

Members of the public are requested to put questions in writing on the **Public Question Time – Council Meetings** form and are to be lodged:

- for complex questions requiring research, 5 working days prior to the meeting;
- for basic questions, by 12 Noon on the Monday immediately prior to the Ordinary Council Meeting;
- For questions to be taken on notice, not requiring an answer on the night, this form can be submitted up to 4pm on the day of the Meeting.

Public Question Time – Council Meeting forms are available from the City's website www.bunbury.wa.gov.au.

A limit of three (3) questions per submitter applies. If the question has not been submitted in writing before the meeting, a response may not be possible at the Meeting, and in this case the question will be taken on notice and a written response provided as soon as possible and a summary included in the next Council agenda/minutes.

A deputation (a group of people appointed to undertake a mission or take part in a formal process on behalf of a larger group) to speak for or against an item contained in the Council agenda may be requested by lodging a **Request for Deputation** form no later than noon on the Monday prior to the Ordinary Council meeting.

Request for Deputation forms are available from the City's website www.bunbury.wa.gov.au.

At the Ordinary Council Meeting, Council will resolve to either accept or reject a request for deputation on an individual basis. These are then recorded in the minutes of the Meeting.

At the Mayors discretion and on a case by case basis, a deputation may be accepted at a Briefing Session.

A deputation is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Elected Members. A period of 10 minutes is set aside for each deputation.

Questions and requests for deputations should be marked to the attention of the Chief Executive Officer and may be lodged on fax **9792 7184**, by post to PO Box 21, Bunbury WA 6231, emailed to records@bunbury.wa.gov.au or hand delivered to the Customer Service Centre, 4 Stephen Street, Bunbury.

Further participation in the decision-making process is also available through the submission of petitions, correspondence or direct contact with Elected Members.

Special Council Meetings

Where there is a need to meet urgently, either in the opinion of the Mayor or at least one third of the Elected Members, the CEO will give notice of a Special Council Meeting.

Annual General Meeting of Electors

The Annual General Meeting of Electors is held in either November or December of each year. There are two items of business required on the agenda:

1. acceptance of the Annual Report; and
2. general business.

A formal Notice of Meeting will be made via the Council's City Focus page in the Bunbury Herald and posted on notice boards in the City's Customer Service Centre, libraries and website.

Electors are requested to submit questions in advance of the commencement of the Meeting to allow any questions, where research is required to be answered on the night.

Special Meetings of Electors

In accordance with the provisions of Section 5.28 of the *Local Government Act 1995*, a Special Meeting of Electors is to be held on the request of not less than:

1. one hundred electors or 5% of the number of electors – whichever is the lesser; or
2. one third of the number of council members.

A request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with Regulations (*Local Government (Administration) Regulations 1996, Reg. 16*).

The request must be submitted to the Mayor.

Community Consultation and Participation

The City of Bunbury regularly invites the community to have their say on Council projects, plans for the future and policy development. The City offers a range of tools for the public to share their thoughts, which differ for each project. The City advertises opportunities for community input:

- in the City's weekly newspaper page City Focus – Bunbury Herald;
- via the fortnightly e-newsletters;
- on the City's Facebook page;
- on the City's Instagram page;
- Social Pinpoint; and
- on the City's website.

The City also provides the opportunity for the community to engage with Council in writing to the Chief Executive Officer, PO Box 21, Bunbury WA 6231, via email, records@bunbury.wa.gov.au or being involved in our household panel from which a selection of City and Bunbury Geographe residents and ratepayers are contacted regularly to provide feedback and comments on a range of topics or issues.

Outcomes of community consultation and engagement activities as and when they occur are available at the Administration Building, 4 Stephen Street, City and Withers Libraries, and South West Sports Centre.

Documents held by the City of Bunbury

Information and documents are held in the City's electronic and hardcopy systems. The City ensures that accurate and comprehensive records are centrally maintained. These documents may include correspondence, memoranda, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, fact sheets, registers, approvals and notices.

Access to Council Documents

The City creates, manages and stores records of the City's functions in accordance with the City's Record Keeping

Plan. The City is the sole keeper of these records, which is consistent with State Government Legislation.

Access to information held by the City is subject to provisions established in the *Freedom of Information Act 1992* and the *Local Government Act 1995*, some information held may be subject to fees and charges. In all instances the City will seek to provide access to information upon request except where restrictions apply as written in the *Freedom of Information Act 1992* and other relevant legislation.

Information is made available through a range of methods including public statements, press releases, City website, advertisements placed in local and state-wide newspapers, public notice boards, library service, information sheets and other publications.

Under section 5.95 of the *Local Government Act 1995*, the Chief Executive Officer or Council may determine that certain information held by the City is confidential or not current.

Limitation to Access

The most frequent reasons for limiting access to information are:

| | |
|------------------------------|---|
| Personal Information | Information that would reveal personal information about an individual (eg their name, contact details, signature etc) may be exempt under schedule 1 clause 3 of the FOI Act and section 5.95 (8) of the LG Act |
| Commercial Information | Information that would reveal trade secrets, information of a commercial value (eg documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (eg debts owed to the City) may be exempt under Schedule 1 Clause 4 of the FOI Act |
| Deliberative Process | Information that would reveal a decision made during a deliberative process closed to the public (eg confidential Council Meeting) may be exempt under Schedule 1 Clause 6 of the FOI Act and Section 5.23 of the LG Act |
| Legal Professional Privilege | Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the FOI Act |

Please refer to the *Freedom of Information Act 1992* for further reasons why the City may limit access to information.

Documents available outside of the FOI Act 1992

Pursuant to section 5.94 of the *Local Government Act 1995*, the City makes available for public inspection a number of documents outside of the FOI Act:

- Access and Inclusion Plan
- Advertising Information
- Annual Report
- Annual Budget
- Annual Financial Statements
- Annual Fees and Charges
- Asset Management Plan
- Creative City Strategy
- Corporate Business Plan
- Code of Conduct for Elected Members and Staff
- Building Licence document
- Delegation of Authority Register
- Development Approval/Determination
- Documents released for public comment
- Elected Members Details
- Emergency Management Plan
- Flood Management Strategy
- Grant Funding Programs
- Historical information*
- Information Pamphlets
- Information Statement
- Integrated Financial Report
- Local studies information and records*
- Local Laws
- Minutes of committee meetings
- Minutes and agendas of Council meetings
- Policy Manual
- Rates Record
- Recreation Master Plans
- Regional Tourism Strategy
- Register of Tenders
- Register of Financial Interests
- Register of Gifts and Travel
- Strategic Community Plan
- Statutory Notices
- Structure Plans
- Strategies
- Local Planning Scheme

*Available from the City Regional Library.

Limitations

| Document | Limitations |
|--------------------------------|--|
| Building Licence document/plan | Only the owner or mortgagee of a building, or their authorised representative, may inspect any plan or other document in relation to that building. A non-owner may inspect or obtain a copy subject to written approval by the owner. <i>*A search fee may be applicable for the building plan request process</i> |

| Document | Limitations |
|--|---|
| Development Approval/Determination | Only the owner or mortgagee of a property, or their authorised representative, may inspect any plan or other document in relation to that property. A non-owner may inspect or obtain a copy subject to written approval by the owner. <i>*a search fee may be applicable for the written planning advice request</i> |
| Documents released for public comment | These documents can be accessed via the Administration Building or via the City of Bunbury's website |
| Minutes of Committee Meetings and Council Meetings (includes Agendas, reports, etc that relate to the meeting) | A person's right to inspect information does not extend to the inspection of information where a meeting of Council, Committee or a part of such a meeting, to which the information refers is likely to be closed to members of the public. A person's right to inspect information does not extend where it relates to any debt owed to the City. |
| Statutory Notices | Statutory notices are placed on public notice boards located at the City's public libraries and the Administration Building. |

Documents available for purchase

The City of Bunbury has documents which are available for purchase according to the schedule of fees and charges regulated and set by Council.

Example of documents which may incur a charge:

| Document | Quantity | Price |
|---|----------|----------|
| Property Listings (<i>hardcopy of disc</i>) (subject to statutory declaration of not being used for commercial purpose) | each | \$284.00 |
| Building Plan Request search | initial | \$85.00 |
| Written Planning Advice (WPA) request | Each | \$73.00 |
| Financial Statements | each | \$43.00 |
| Reprint of Rate Notice | each | \$33.50 |
| Local Planning Policy Manual | each | \$134.00 |
| Town Planning Scheme Map | each | \$139.00 |

A copy of the City's full schedule of fees and charges is available on the City's website www.bunbury.wa.gov.au.

Public Notices

The City of Bunbury may be required to publish Statutory Notices. Documents pertaining to such Notices are placed

on public notice boards at the Administration Building, within the City Focus section of the Bunbury Herald and the public libraries within the district.

Library Facilities

The City operates two public libraries in partnership with the State Library of Western Australia. Membership is free, just call into either of the libraries with proof of your current residential address.

Library Locations

City/Regional Library

Parkfield Street
Bunbury
Telephone: (08) 9792 7190

Withers Branch Library

Hudson Road
Bunbury
Telephone: (08) 9792 7244

FOI Procedures and Access Arrangements

FOI Operations

The Western Australian *Freedom of Information Act 1992* gives applicants the right to apply for access to documents held by the City of Bunbury. An applicant's right to seek access cannot be affected by their reason for wishing to obtain access, and there is no need to demonstrate a reason.

The City is required to:

- assist in making an application
- assist in obtaining access to documents at a reasonable cost; and
- to ensure that personal information captured in documents is accurate, complete, up-to-date and not misleading.

While the Act provides general right of access to documents, it also recognises some documents require a level of protection, specifically those documents that meet the exemption criteria in schedule 1 of the FOI Act, which includes (but is not limited to):

- Personal information that identifies a third party;
- Information concerning trade secrets;
- Information of commercial value.

Freedom of Information Applications

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and

- be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator, PO Box 21, Bunbury WA 6231 or telephone **9792 7233**.

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

Freedom of Information Charges

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 set under the FOI Act and are as follows:

| Personal information about the applicant | <i>no fee and no charges</i> |
|--|------------------------------|
| 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 | \$0.20c |
| 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

| | |
|--|-----|
| 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 | 75% |

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

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 reproduced.

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 reason for claiming the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an **internal review** by the agency. 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.

Personal Information

If the City holds your personal information on record, which you believe may be inaccurate, incomplete, out-of-date or misleading; you can apply for the information to be amended. Applications should be made in writing and submitted to the FOI Coordinator, City of Bunbury, PO Box 21, Bunbury WA 6231 or email records@bunbury.wa.gov.au.