

FREEDOM OF INFORMATION STATEMENT 2025

Information Statement 2025

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Shire of
Plantagenet

INFORMATION
STATEMENT 2025

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1. Shire of Plantagenet Strategic Community Plan

1.1 Our Profile and History

The Shire of Plantagenet is located in the southern part of the Great Southern Region of Western Australia. Mount Barker, the Shire's commercial centre lies in the middle of the Shire. In addition to Mount Barker, the Shire includes the settlements of Kendenup, Narrikup, Rocky Gully and Porongurup.

The main economic activities of the region revolve around agriculture and food processing, with a strong basis in local supply chains. The economy of the Shire is changing and diversifying, with a move away from silviculture (tree farming) in recent years and the development of small businesses across other sectors.

Local attractions include the Porongurup Range (including the Granite Skywalk), Stirling Range, several wineries/cellar sales, a museum based within the original police station, St Werburgh's Chapel, Frost Park thoroughbred racing facility, Tower Hill/Pwakkenbak lookout, Roundhouse and Mitchell House Arts Centre.

The area has a proud Noongar heritage and has been home to noteworthy indigenous artists and sportspeople. European settlement of the area dates from the 1830s, with land used mainly for sheep grazing. Population was minimal until the early 1900s when land was subdivided. Gradual growth continued from the post-war years, particularly from the 1980s. Demographics are also changing, with a significant population of Hazara refugees settling in the area and raising young families.

1.2 Our Vision

Plantagenet, building a sustainable and respectful community, where the environment is preserved and natural beauty and diversity provide opportunities for all.

1.3 Our Mission

To enhance the quality of life for the people of Plantagenet and the region, through the provision of leadership, services and infrastructure.

1.4 Our Commitment to the Community

- Integrity through honesty, ethical behaviour and trustworthiness.
- Professionalism through understanding our roles and responsibilities, the need to work efficiently and strive for excellence.
- Supportiveness by being patient, caring and friendly.
- Responsibility by taking ownership.
- Customer focus by understanding needs, being proactive and responsive.

2. Legislative Framework

The operations of local government in Western Australia are governed by the Local Government Act 1995, various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments.

2.1 Legislation

Principal legislation that the Shire operates under includes:

- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Public Health Act 2016
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Building Act 2011
- Cat Act 2011
- Cemeteries Act 1986
- Dog Act 1976
- Food Act 2008
- Planning and Development Act 2005
- Rates and Charges (Rebates and Deferments) Act 1992
- Waste Avoidance and Resource Recovery Act 2007
- Work Health and Safety Act 2020

There is a wide range of additional legislation that provides powers and authorities and impose duties and obligations upon the Shire.

Each Act of Parliament generally has one or more Regulations which also impact on the Shire.

2.2 Local Laws

A local government may also make local laws that are necessary or convenient for it to perform any of its functions. The Shire of Plantagenet has adopted and administers the following local laws, which are available on the [Shire of Plantagenet's website](#):

- Cemeteries Local Law 2008
- Activities in Thoroughfares and Public Places Local Law 2008
- Bush Fire Brigades Local Law 2008
- Dogs Local Law 2008
- Extractive Industries Local law 2008
- Health Local Law 2008
- Local Government Property Local Law 2008
- Parking and Parking Facilities Local Law 2008
- Standing Orders Local Law 2008
- Landfill and Transfer Station Facilities Local Law 2024
- Pest Plants Local Law 1987

3. Organisational Structure

The Plantagenet Road District was gazetted on 24 January 1871 as one of 18 elected boards to manage roads and services in Western Australia, and initially included a reasonably large section of the Great Southern region. On 1 July 1961, it became the Shire of Plantagenet following the enactment of the *Local Government Act 1960*, which reformed all remaining road districts into shires.

3.1 The Council

The policy making or legislative powers of the Shire of Plantagenet rest with the Council.

Ordinary local government elections are held on the third Saturday of October of odd numbered years. Councillor Terms are for 4 years.

An extraordinary election may be necessary from time to time in accordance with processes prescribed by the Local Government Act 1995. Terms at an extraordinary election are for the balance of the vacancy being filled.

The Council consists of nine (9) councillors and each Councillor represents the entire Shire (i.e there are no wards).

A list of current Councillors is available on the Shire's [website](#).

The Council generally meets on the fourth Tuesday each month with the exception of January, in order to:

- Determine matters of policy;
- Exercise its discretion in determining matters that cannot be determined by staff;
- Receive information.

Meetings commence at 5pm and are open to the public.

Decisions that are binding on the Shire of Plantagenet can only be made by the Council when it meets collectively. Individually, the Councillors have no decision making power.

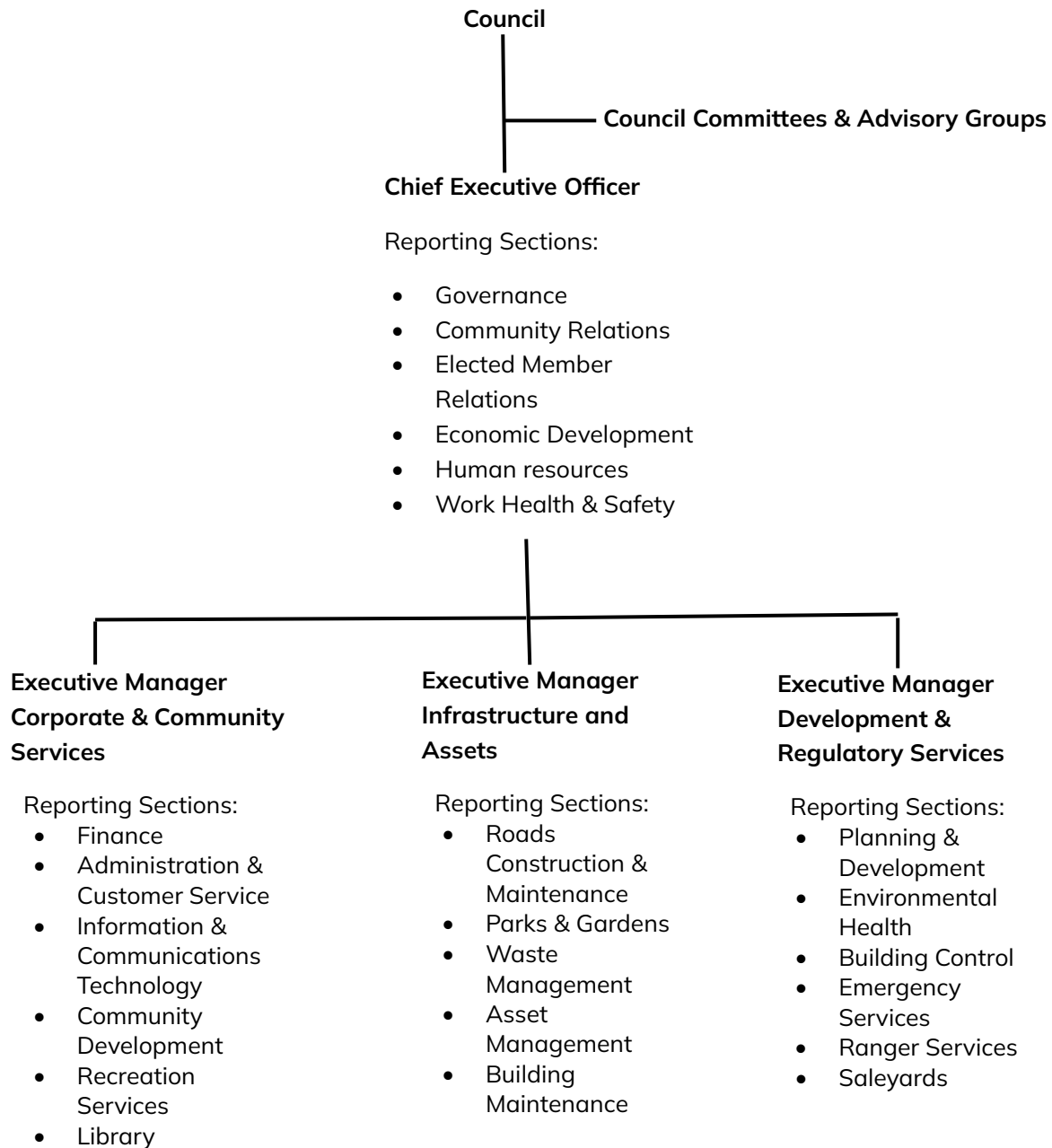
Council may delegate decision making powers to the CEO or a committee of the Council. However, the types of powers that may be delegated are limited by the Local Government Act and other legislation.

3.2 Management

The operations of the Shire are managed by the Chief Executive Officer (CEO) who is supported by an Executive Management Team.

The role of the CEO is to act as a conduit between Council and the administration of the Shire, and to carry ultimate responsibility for the efficient and effective utilisation of the resources available to the Shire. The CEO and staff report to Council at monthly meetings with recommendations that Council can accept, reject or substitute with an amended resolution.

The Executive Management Team consists of 3 Executive Managers who assist the CEO in managing the Shire's three (3) divisions:



4. Decision Making Functions

The Council of the Shire of Plantagenet has the responsibility to oversee the development and progression of the local community.

Matters requiring a decision that are brought before Council have an associated recommendation which has been prepared by the responsible staff member who is employed by the Shire. The recommendations are generally based on:

- Legislation
- Legal Responsibilities
- Adopted documents outlining strategic direction; policy etc
- Professional opinions

Council may modify, reject or adopt new resolutions after it considers the recommendations of the particular officer.

A range of policies have been developed by the Shire that guide and direct its actions now and into the future.

For many operational and day to day matters, Council has delegated decision making authority to the CEO. These delegations are reviewed and approved by the Council on an annual basis. The CEO may further delegate certain decision-making duties to Shire staff in accordance with the Local Government Act 1995.

In performing their roles as decision makers, Councillors, the CEO and Shire Officers are required to make decisions that have an impact on the daily lives of the community. These decisions might be about things like the provision of footpaths, control of animals, refuse collection, cultural events, planning matters, recreation facilities and the control of environmental health issues. The Shire strives to achieve a balanced and fair approach to the decision making to protect and develop the Shire amenities, preserve heritage, encourage economic growth, and to provide clarity to residents and businesses in the area.

5. Public Participation

5.1 Council Meetings

Members of the public have a number of opportunities to participate in Council Meetings:

a) Meetings Open to the Public

The Local Government Act 1995 provides that all Council Meetings are open to be public. The only exception to this rule is when the Council decides that certain parts of the meeting should be closed to the public (eg where the meeting is dealing with the personal affairs of any person). The grounds on which a meeting can be closed to the public are limited by law and specifically set out in the Act.

b) Public Question Time

The Local Government Act 1995 and the associated Local Government (administration) Regulations 1996 provide for a minimum period of 15 minutes to be set aside at the commencement of the Council Meetings to allow members of the public the opportunity to ask questions and receive responses. Specific details on meeting procedures can be found within the Regulations, Standing Orders Local Law 2008 and Council Policy.

c) Deputations and Presentations

Public participation in Council Meetings can be achieved in a more formalised process which relates to the Shire receiving petitions and/or deputations. The specific details of how these are presented to Council are contained in the Shire's Standing Orders Local Law 2008.

5.2 Committees

Public participation in Council affairs is obtained by the creation of committees which may (or may not) meet regularly. These committees generally make recommendations to Council via an Officers report.

Committees currently in existence and functioning are:

- Audit and Risk Management Committee
- Behaviour Complaints Committee
- Bushfire Advisory Committee
- Local Emergency Management Committee
- Roadwise Committee
- Saleyards Advisory Committee

Council may offer a particular community group or organisation a specific seat on a committee.

5.3 Annual and Special Electors Meetings

The Local Government Act 1995 also obligates the Shire to hold an annual meeting of electors within 56 days of the Shire acceptance of the Annual Report for the previous financial year.

The Annual Electors Meeting provides electors with an opportunity to discuss the contents of the Annual Report and any other general business.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors may be held following a request made to the Shire President for such a meeting by either:

- Not less than one hundred (100) electors or 5% of the number of electors, whichever is the lesser.
- One third of the number of Council Members.

Any 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 the requirements of the Local Government (Administration) Regulation 1996.

Notice of impending Annual and Special Electors Meetings are advertised in the local newspaper and on the Shire's website.

5.4 Other Avenues for Public Participation

There are a number of other ways to for members of the public to contribute including:

a) Community Consultation

The community may be asked to comment and have their say on particular issues. Some of these are statutory consultation requirements such as local laws review, strategic community plan consultation, development approvals etc. There are also many occasions where community consultation is not required but is sought to gain a wide consensus and could include matters such as recreation facilities, future planning etc.

b) Petitions

A petition is where there is a formal written request, signed by members of the community, appealing to the Council in respect to a particular issue. The subject of the petition must be something that the Council has the authority to deal with, or on which the Council has a decision-making role.

c) Written Requests

A member of the public can write to the Shire on any policy, activity or service of the Shire. A response will be provided in accordance with the Customer Service Charter. A copy of the Customer Service Charter can be found [here](#).

6. Documents held by the Shire of Plantagenet

6.1 Documents available Outside of Freedom of Information (FOI)

There are two (2) basic types of documents held by the Shire of Plantagenet. These can be broadly categorised as:

- Those available for inspection or purchase.
- Those which must be held confidentially due to their content, with access considered only through the provisions of the Freedom of Information Act 1992.

Any person can attend the office of the Shire of Plantagenet during office hours and free of charge inspect, subject to Section 5.95 of the Local Government Act 1995, any of the following in relation to the Shire of Plantagenet, whether or not current at the time of inspection, and in the form or medium in which it may at the time be held by the Shire:

- i. Code of Conduct
- ii. Register of Financial Interests.
- iii. Annual Report.
- iv. Annual Budget.
- v. Schedule of Fees and Charges.
- vi. Plan of Principal Activities (Strategic Community Plan/Corporate Business Plan).
- vii. Proposed Local Law of which the Shire has given Statewide Public Notice under Section 3.12 of the Local Government Act 1995.
- viii. Local Laws made by the Shire in accordance with Section 3.12 of the Local Government Act 1995.
- ix. Regulations made by the Governor under Section 9.60 of the Local Government Act 1995 that operates as if they were Local Laws of the Shire.
- x. Text that:
 - Is adopted (whether directly or indirectly) by a Local Law of the Shire or by a regulation that is to operate as if it were a Local Law of the Shire; or
 - Would be adopted by a proposed Local Law of which the Shire has given Statewide public notice under Sec. 3.12(3);
- xi. Subsidy legislation made or adopted by the Shire under any written law other than the Local Government Act 1995;
- xii. Any written law having a provision in respect of which the Shire has a power or duty to enforce; m) Rate record
- xiii. Confirmed minutes of Council or Committee Meetings
- xiv. Minutes of Electors Meetings
- xv. Notice papers and agenda relating to any Council or Committee Meeting and reports and other documents that have been:
 - Tabled at a Council or Committee Meeting; or

- Produced by the Shire of Narrogin or a Committee for presentation at a Council or Committee Meeting and which have been presented at a meeting;
- xvi. Report of a review of a Local Law prepared under Sec. 3.16(3) of the Local Government Act 1995
- xvii. Business plan prepared under Sec. 3.59 of the Local Government Act 1995;
- xviii. Register of Owners and Occupiers under Sec. 4.32(6) of the Local Government Act 1995 and Electoral Roll
- xix. Contract under Sec. 5.39 of the Local Government Act 1995 and variation of such contract;
- xx. Such other information relating to the Shire:
 - required by a provision of the Local Government Act 1995 to be available for public inspection; or
 - as may be prescribed.

However, it should be noted that the Local Government Act 1995 specifies a number of limitations on the rights of those wanting to inspect the Shire's information. Despite these limitations, nothing in the Local Government Act 1995 affects the operation of the Freedom of Information Act 1992 (FOI Act).

Specific finance, accounting, rating and valuation records are kept for varying lengths of time in accordance with the General Retention and Disposal Schedule for Local Government as prepared by the Records Management Office of the State Archives of Western Australia.

Other documents are also available for inspection free of charge at the administration office of the Council during office hours, including:

- Policy Manual;
- Delegations Register;
- Management Plans for public facilities and reserves;
- Community Strategic Plan;
- Corporate Business Plan;
- Burial Register;
- Cemetery Plan;
- Local Planning Scheme, maps and amendments.

Photocopies of the above documents are available at a set by Council in the annual fees and charges.

Alternatively, a copy of most of the documents listed above can be obtained from the Shire's website.

6.2 Documents which may be available under Freedom of Information (Provision)

The Freedom of Information Act 1992 (FOI Act) gives the general public a right to access documents held by the Shire of Plantagenet subject to limitations listed below:

The access provisions of the FOI Act do not apply to documents that:

- are available for purchase by the public or free distribution to the public
- are available for inspection under Part 5 of the Freedom of Information Act 1992 (information statements and internal manuals) or under another enactment
- can be inspected in the State Archives
- are publicly available library material held by agencies for reference purposes
- made or acquired by an art gallery, museum or library and preserved for public reference or exhibition purposes

When a Freedom of Information Act 1992 application is made for documents that relate to another government agency, the Freedom of Information application may be transferred to that agency.

Documents accessible under the Freedom of Information Act 1992 (Act includes paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form).

The Shire holds its general documents in both hard and electronic format. However, nearly all current accounting records, are held electronically and are backed up on a daily basis.

6.3 Personal Information

If applying for the amendment of personal information about yourself, you must provide details to show how or why the agency's record are inaccurate, incomplete, out of date or misleading.

No fees and charges apply for personal information or amendment of personal information about yourself.

6.4 Reasons for Refusal of Access

The most frequent reasons for refusal to provide access to information are;

1. Personal Information

Information that would reveal personal information about an individual (eg name, contact details, signature) may be exempt under Schedule 1 Clause 3 of the Freedom of Information Act 1992.

The Glossary, Schedule 2 of the Freedom of Information Act 1992 states that:
"personal information means information or an opinion, whether true or not, and whether recorded on a material form or not, about an individual, whether living or dead"

- Whose identity is apparent or can reasonably be ascertained from the information or opinion; or
- Who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.

2. 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 Shire) may be exempt under Schedule 1 Clause 4 of the Freedom of Information Act 1992.

3. 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 Freedom of Information Act 1992.

4. Legal Professional Privilege

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the Freedom of Information Act 1992.

7. Freedom of Information Process

7.1 Application, Assessment, Notice of Decision and Appeal

It is the aim of the Shire of Plantagenet to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the Freedom of Information Act 1992 provides the right to apply for documents held by the Council and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

7.2 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 Shire of Plantagenet Administration Centre with any application fee payable (\$30).

Applications and enquiries should be addressed to the Freedom of Information Coordinator by using the following:

By Telephone:	08 9892 1111
Post:	PO Box 48, Mount Barker WA 6324
In Person:	Lowood Road Mount Barker WA 6324
Email:	info@sop.wa.gov.au

7.3 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.

7.4 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 the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and/or
- information on the right to review and the procedures to be followed to exercise those rights.

7.5 Costs

Applications for documents, which are non-personal in nature require a \$30 application fee to be paid when the application is lodged. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of your request.

You can ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed the application fee, we must give you an estimate of charges and ask whether you want to proceed with the application. You must notify the Shire (within 30 days) of your intention to proceed. In some instances, the Shire may request an advance deposit. The fees, charges and possible reductions are set by the FOI Act and Regulations are as follows:

	Information Requested	Cost
n/a	Personal Information about the application	No Fee or charge
1	Application fee (for non-personal information)	\$30.00
2(a)	Charge for time dealing with the application (per hour or pro rata)	\$30.00
2(b)	Access time supervised by staff (per hour or pro rata)	\$30.00
2(c)	Photocopying staff time (per hour or pro rata)	\$30.00
2(c)	Per photocopy	\$0.20c
2(d)	Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
2(e)	Duplicating a tape, film or computer information	Actual Cost
2(f)	Delivery, packaging and postage	Actual Cost
3(a)	Advance deposit that may be required in respect of estimated charges	25%
3(b)	Further advance deposit may be required to meet the charges for dealing with the application	75%

7.6 Financial Hardship

The Regulations of the Freedom of Information Act 1992 Act provide that the applicable charge will be reduced by 25%, for an applicant who is:

- impecunious [financially disadvantaged], in the opinion of the Shire there is financial hardship; or
- the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the Rates and Charges (Rebates and Deferrals Act) 1992.

3(a)	For impecunious (financial hardship)	25% reduction
3(b)	For those with prescribed pensioner concession cards	25% reduction

7.7 Advance Deposit

Under section 18 of the Freedom of Information Act 1992 Act, an advance deposit may be required by the Shire. If a deposit is required, then it will be set at 25% of the estimated charges which will be payable in excess of the application fee.

Further advance deposits, up to 75% of the total charges payable in excess of the application fee, may also be sought by the Shire.

7.8 Cost estimates

If an agency estimates that the cost of dealing with an access application may exceed \$25, section 17 of the FOI Act requires agencies to issue the applicant with a cost estimate, outlining the basis on which the estimate has been made. This must be done before the agency finishes dealing with the application.

7.9 Right of Review

Applicants who are dissatisfied with a decision of the Shire Freedom of Information Officer are entitled to ask for an internal review by the Shire of Plantagenet. Application should be made in writing within 30 days of receiving the notice of decision. You should be notified of the outcome of the review within 15 days.

Internal Review Rights

If you are not satisfied with this decision, you have the right to apply for an internal review. An application for internal review must be lodged with this agency within 30 days after being given this notice of decision, and must be:

- in writing;
- provide particulars of the decision to be reviewed; and
- give an address in Australia.

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request. If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome of an application for internal review may result in either a confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days.

The address for lodgement of an internal review request is:

Chief Executive Officer
Shire of Plantagenet
PO Box 48
MOUNT BARKER WA 6324

or in person at:

Shire of Plantagenet
22-24 Lowood Road
MOUNT BARKER WA 6324

External Review Rights

If you are not satisfied with a decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of the decision. You are required to lodge your complaint with the Information Commissioner's office within 60 days of receiving notice.

A complaint to the Information Commissioner must:

- be in writing;
- have attached a copy of this decision; and
- give an address in Australia

There is no charge for lodging a complaint with the Information Commissioner's office. The address of the Information Commissioner is:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000
Country Callers 1800 621 244.

Should you have any further queries or require further information about your review rights at this stage, you may contact the Office of the Information Commissioner on (08) 6551 7888.