



**2016
FREEDOM OF INFORMATION
STATEMENT**

NOTE: This Information Statement is to be made available to the Freedom of Information Commissioner as soon as is practicable after the statement is approved.

This Information Statement is to be made available to the public via the Bunbury Harvey Regional Councils website.

Freedom of Information

Version 1

Policy Name	Freedom of Information Statement
Last Reviewed	March 2016
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Adopted by Council	
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Introduction

This Freedom of Information Statement fulfils the Bunbury Harvey Regional Councils (BHRC) obligations in accordance with the *Freedom of Information Act 1992* (FOI Act).

Section 3 of the FOI Act, makes it clear that the objects of the Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public.

Part 1, Section 3 of The Act states:

Objects of Act

- (1) *The objects of this Act are to —*
 - (a) *Enable the public to participate more effectively in governing the State; and*
 - (b) *Make the persons and bodies that are responsible for State and local government more accountable to the public.*
- (2) *The objects of this Act are to be achieved by —*
 - (a) *Creating a general right of access to State and local government documents; and*
 - (b) *Providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading; and*
 - (c) *Requiring that certain documents concerning State and local government operations be made available to the public.*
- (3) *Nothing in this Act is intended to prevent or discourage the publication of information, or the giving of access to documents (including documents containing exempt matter), or the amendment of personal information, otherwise than under this Act if that can properly be done or is permitted or required by law to be done.*

To this extent BHRC will give effect to this 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.
- Assist the public to ensure that personal information contained in documents held by BHRC is accurate, complete and up to date and not misleading.

This document has been prepared to meet the requirements of Part 5, *Sections 94 to 97 of the Freedom of Information Act 1992 (the Act)* and provides important information to the public on BHRC's:

- Structure and function.
- Strategic vision.
- Consultation strategies with its community.
- Relevant legislation and documents.
- The Freedom of Information (FOI) procedures and access arrangements.

As a commitment to facilitating the provision of information in an easily accessible manner, our Freedom of Information Statement is published on our website at www.bhrc.wa.gov.au.

This Information Statement is to be reviewed every 12 months.

Organisational Structure

Chief Executive Officer:

Tony Battersby
Current Address: Carmody Place
BUNBURY WA 6230
Postal Address: PO Box 21
BUNBURY WA 6231
Telephone: (08) 9792 7311
Mobile: 0407 990 659
Website: www.bhrc.wa.gov.au
Email: tbattersby@bunbury.wa.gov.au

Councillors:

Chair Cr Judy Jones (City of Bunbury)
Deputy Chair Cr Bill Adams (Shire of Harvey)
Cr Peter Monagle (Shire of Harvey)
Cr Murray Cook (City of Bunbury)
Cr Jaysen De San Miguel (City of Bunbury)
Cr James Hayward (Proxy – City of Bunbury)
Cr Joel McGuinness (Proxy – City of Bunbury)
Cr John Sabourne (Proxy – Shire of Harvey)
Cr Tania Jackson (Proxy – Shire of Harvey)

Administrative Information:

Current Address: Carmody Place
BUNBURY WA 6230
Postal Address: PO Box 21
BUNBURY WA 6231
Telephone: (08) 9792 7312
Website: www.bhrc.wa.gov.au
Email Administration: mpieterse@bunbury.wa.gov.au

Freedom of Information Coordinator:

Email FOI Coordinator: mllloyd@bunbury.wa.gov.au

Legislative Information:

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* 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.

BHRC was formed under Section 3.61 of the *Local Government Act 1995* Establishing regional local government where:

- (1) *Two or more local governments (referred to in this Division as the participants) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.*
- (2) *An application for the Minister's approval is to be —*
 - (a) *In a form approved for that purpose by the Minister and*
 - (b) *Accompanied by a copy of an agreement between the participants to establish the regional local government (referred to in this Division as the establishment agreement).*
- (3) *The participants are to supply the Minister any further information about the application that the Minister asks for.*
- (4) *If the Minister approves the application the Minister is to declare, by notice in the Gazette, that the regional local government is established —*
 - (a) *On the date*
 - (b) *Under the name and*
 - (c) *For the purpose set out in the notice.*

Background:

Bunbury-Harvey Regional Council (BHRC) was established in 1990 as a waste management authority to manage the municipal waste generated from both the City of Bunbury and the Shire of Harvey. BHRC own and operate the Stanley Road Waste Management Facility which includes a Class II landfill and recycling facilities and manage the Banksia Road Organics Processing Facility which was established in 2013. This facility processes organic food and garden waste collected from the councils of the Wellington Regional Group (Harvey, Bunbury, Dardanup, Capel & Donnybrook-Balingup).

The BHRC provides personnel to manage, supervise, operate and maintain both sites in accordance with the required Environmental Protection Licence and other relevant regulatory requirements.

Membership:

The two member councils of the BHRC are The City of Bunbury and The Shire of Harvey.

The Wellington Regional Group of Councils (WRG) is an informal grouping of seven Local Governments in the greater Bunbury area. This includes the local government areas of Bunbury, Harvey, Dardanup, Capel, Collie, Donnybrook-Balingup and Boyup Brook. The WRG has sought to overcome the lack of organisational capacity and economy of scales at the individual Council level by cooperating on a range of waste management projects. WRG owns the Banksia Road Organics Facility site that the BHRC operates, maintains and runs.

Guiding Plans:

BHRC is currently working to improve strategies, plans and policies to ensure its ability in the long term and which set the guiding policies and plans in the shorter term, and is developing new planning framework in line with the Integrated Planning Framework developed and legislated by the State Government (refer diagram overleaf).

Current Plans requiring council endorsement are:

- Strategic Community Plan
- Banksia Road Organics Processing Facility Business Plan
- Asset Management Plan

Current Plans already endorsed by Council:

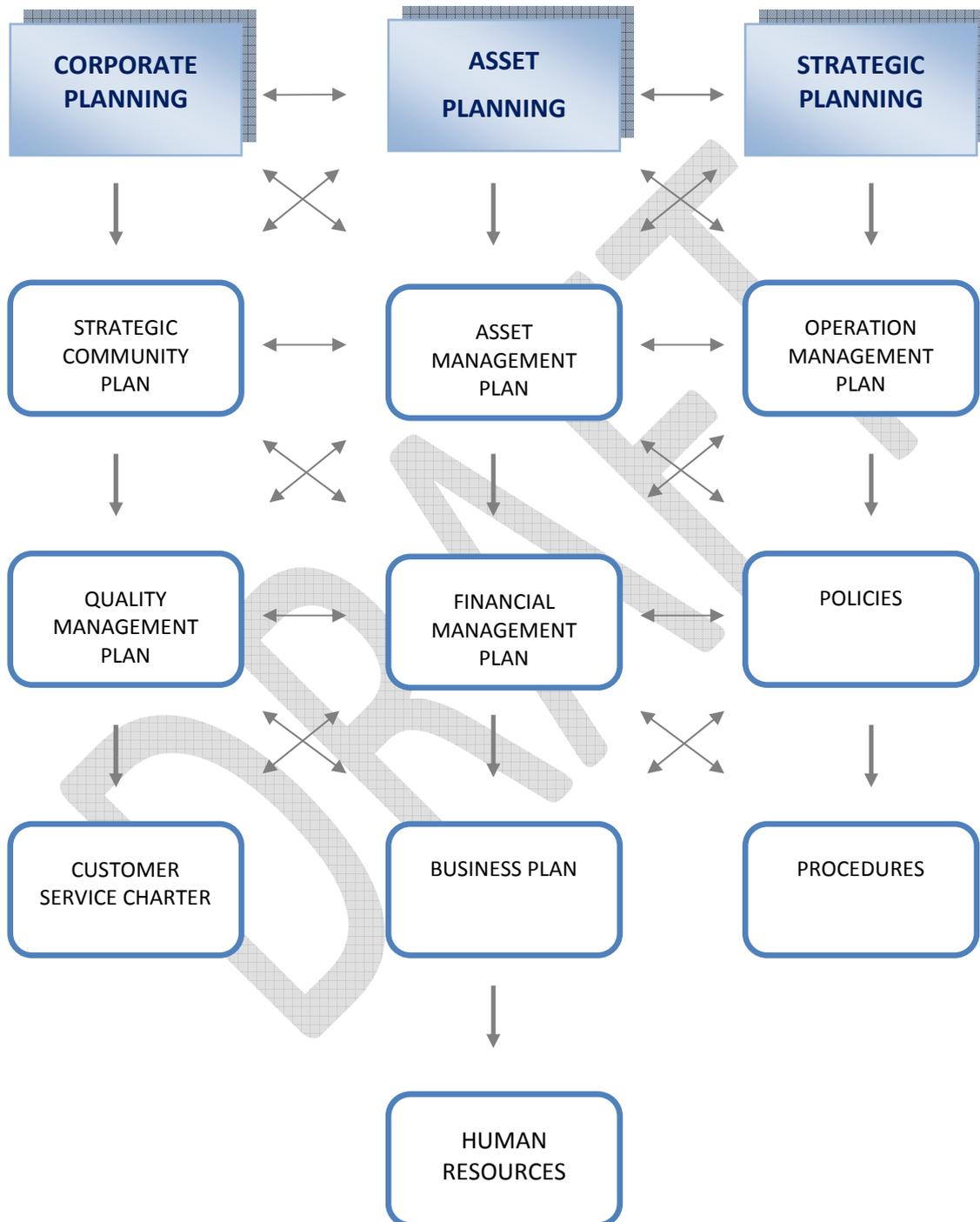
- Quality Management Systems (Council Resolution OC81023-1375)

Work is continuing on:

- Financial Plan
- Workforce Plan
- Policies and Procedures

BHRC will also make available via the website, access to the BHRC Policy Manual.

Integrated Planning Framework



Strategic Planning

The Strategic Community Plan sets the long term goals of the BHRC with Vision, Mission and Values Statements and the Priorities and Objectives.

Vision Statement

To be a leader in the development, implementation, and maintenance of innovative and sustainable waste reduction, recycling and collection services while managing waste facilities with best practice standards within an engaged community.

A key goal of this strategic community plan is to reduce the environmental impact of waste and maximise conservation of natural resources through reduced overall material use and increased materials and energy recovery.

Mission Statement

To ensure the delivery of an integrated, cost-effective and environmentally sound waste management system and to promote sustainable community programs and policies.

Intergenerational equity – ensuring that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

Leadership

With good leadership, employee wellbeing and performance are enhanced and consequently the organisation thrives and prospers. Leadership is a critical determinant of organisational effectiveness empowering people to help create change. This means that the essence of leadership is building and maintaining a team, and guiding that team towards desired results.

Team work

A team environment demands that you make responsible decisions; it requires you to take charge.

It requires you to develop excellent interpersonal skills to interact at a much different level with your team members.

Integrity

Acting with a level of trust, respect, honesty, hard work, communication and shared responsibility that is exhibited by its people.

Accountability

Ensuring the collection and management of solid waste and recovered materials in an environmentally sound manner and in accordance with regulatory requirements and the Department of Environment Licence conditions.

Respect

'Respect Yourself'

'Respect Others'

'Respect Our Environment'

Innovation

Embracing new and better ways to achieve improved results through creativity, inventiveness, teamwork, and the adoption of appropriate new processes and technology.

The Strategic Plan provides a blueprint for the future and sets the strategic direction for BHRC.

The Strategic Plan is delivered via seven goals:

- Provide effective and efficient waste transfer facilities.
- Provide best practice landfill and resource recovery infrastructure.
- Develop regional and strategic partnerships.
- Ensure services are sustainable through review, monitoring, innovation and improvement.
- Continue to lead in waste management.
- Provide a long term sustainable waste management service to the region.
- Implement changes to the Stanley Road trash and treasure shop to increase diversion from landfill and turn over towards best practice.

The objectives set out in the plan are to:

- Deliver sound and cost-effective solutions for waste management.
- Build community awareness of the need to minimize the production of waste, and the need to consider solid waste management from an environmental perspective.
- Ensure solid waste management best practices are deployed in the field.
- Effectively use our assets, tools, systems, and personnel.
- Provide the local agricultural industry with high quality organic compost to build up the soils with carbon and trace elements.
- Target diversion rates, increase total waste diverted from landfill from current rate of 35% to 50% and increase recovery rate through waste transfer station from current rate of 65% to 80% by 2026.

Consultation

BHRC maintains a program of community consultation through:

- Regular site tours
- Educational initiatives with schools
- Attendance and displays at:
 - Community events
 - Shopping centres
 - Festivals and shows
- Social Media:
 - Dedicated web site
 - Facebook
 - Instagram

BHRC's Website is regularly updated with news and information to keep the community informed and to provide them with the ability to have direct feedback through the 'contact us' button.

Social Media is monitored and updated regularly with news, pictures and hints on how to manage your waste. This forum is targeted mainly to younger members of the community to keep up to date with what is happening and to provide feedback in real time.

BHRC staffs are always available during operating hours for members of the community to call or discuss any issue or concern that they may have.

Council recognises that the community is an important resource and input is essential to assist the Council in providing services that meet the needs of the community.

Public Participation

Members of the public are welcome to attend Council meetings and the schedule of meetings is available on the website. Public Question Time is permitted at each Ordinary Council Meeting which allows members of the public to ask any question they have and be engaged in the Council. Questions are required to be put in writing and lodged 7 days before the meeting with the CEO.

Further participation is also available through direct contact with the CEO or Elected Members.

Decision Making

BHRC has the responsibility to maintain and continually improve the facilities that it provides for the safe disposal of waste. Local Governments are required to make decisions which may impact on its residents; such decisions include the provision for refuse disposal and/or recycle and disposal facilities. These are matters which require decisions by Council at differing levels of consideration.

In accordance with the *Local Government Act 1995*, the BHRC may delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or duties and the CEO may delegate the same to any employee. These delegations are to be detailed on the BHRC website under *Delegations Register* at www.bhrc@bunbury.wa.gov.au

Written Requests

Written requests on any matter of concern are accepted at any time and should be addressed to:

Chief Executive Officer
Bunbury Harvey Regional Council
PO Box 21
BUNBURY WA 6231

Documents

What is a document?

The definitions of 'document' and 'record' in the Glossary of the *FOI Act* extend to all manner of information, however recorded, in the possession of or under the control of an agency.

The FOI Act defines a 'document' as any:

- (a) Record
- (b) Part of a record
- (c) Copy, reproduction or duplicate of a record
- (d) Part of a copy, reproduction or duplicate of a record.

BHRC is required under State Government Legislation to properly store documents and records of the Councils functions. Accurate and comprehensive records are maintained and may include file notes, reports,

plans, maps and diagrams, documents pertaining to the keeping of records, applications, registers and notices.

Pursuant to section 5.94 of the *Local Government Act 1995*, BHRC intends to make available for public inspection a number of documents outside of the FOI Act. These include but are not limited to:

- Code of Conduct
- Annual Reports
- Annual Budgets
- Schedule of Fees and Charges
- Council Minutes and Agendas
- Strategic Community Plan
- Business Plans
- Emergency Management Plan
- Asset Management Plan
- Policy Register
- Delegated Authority Register

Documents held by BHRC may be located or stored in a variety of storage mediums including hard copy, computer disk, photograph, CD ROM, video tape or DVD.

These documents can be viewed by request and many will be available on the BHRC website.

All documents held by BHRC are subject to the General Disposal Authority for Local Government records which stipulates the length of time a record must be retained.

Freedom of Information Access

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

If a document is available for public viewing or can be inspected or purchased, a FOI application is therefore not required to view them.

If information is not routinely available, The Act provides the right to apply for documents held by BHRC.

Section 12 of The FOI Act requires that an application for access:

- *Be in writing.*
- *Give enough information to identify the documents.*
- *Give an Australian address for correspondence.*
- *Give any other information required under the regulations.*
- *Be lodged at an office of the agency with any application fee.*

An application may be lodged in person to:

Bunbury Harvey Regional Council
Carmody Place
BUNBURY WA 6230

By post:

Freedom of Information Coordinator
Bunbury Harvey Regional Council
PO Box 21
BUNBURY WA 6231

By email to:

Freedom of Information Coordinator
mlloyd@bunbury.wa.gov.au

Applications will be considered to have been lodged on the day they are received.

BHRC will endeavour to deal with access as soon as is reasonably practicable but in any event within 45 days of receiving the application. Failure to respond within 45 days will be considered a refusal to grant access and the applicant can then seek a review of that decision.

Summary of Time Limits

BHRC	Process application as soon as practicable (but in any event within 45 days) 15 calendar days to conduct internal review 30 calendar days to process application for amendment of personal information	S.13(1),(3) S.49(2) S.43(2)
Applicant	30 days to respond to estimate of charges or to pay a deposit 30 days to lodge internal review 60 days to lodge external review	S.19(1)(b) S.40(2) S.66(2)
Third Party	30 days to lodge internal review 30 days to lodge external review	S.40(2) S.66(3)
Information Commissioner	30 days to make a decision on a complaint unless Commissioner considers it impractical	S.76(3)
Supreme Court	Party may lodge and appeal on a point of law only within 21 days, subject to the Rules of the Supreme Court	S.85

Freedom of Information Charges

An application fee of \$30.00 is payable for applications which are not limited to personal information about the access applicant (these are often referred to as ‘applications for non-personal information’, even though they may contain personal information about third parties). There is no express discretion to waive or reduce the application fee.

Scale of Fees

A scale of fees and charges is set under the FOI Act Regulations and are as follows:

Personal information about the applicant	No Charge
Application Fee (for non-personal information)	\$30
Staff time dealing with the application, supervised access, photocopying, transcribing information from tape, film or computer (per hour or pro rata)	\$30
Photocopies	20 cents each
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost
Advanced Deposit (a) Percentage of estimated charges payable An application fee of \$30.00 is payable for applications which are not limited to personal information about the access applicant (these are often referred to as “applications for non-personal information”, even though they may contain personal information about third parties). There is no express discretion to waive or reduce the application fee (b) Further percentage of estimated charge may be required	25% 75%

Please Note: There are no fees or charges for internal or external review.

Freedom of Information Decisions, Access and Review

Access Arrangements

Section 10 of the FOI Act states:

- (1) *A person has a right to be given access to the documents of an agency (other than an exempt agency) subject to and in accordance with this Act.*
- (2) *Subject to this Act, a person's right to be given access is not affected by:*
 - (a) *Any reasons the person gives for wishing to obtain access; or*
 - (b) *The agency's belief as to what are the person's reasons for wishing to obtain access.*

Access to documents can be granted by way of inspection to a copy of a document, a copy of an audio or video tape, or computer disk, or a transcript of a recorded or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible, but in any case within 45 days, applicants will be provided with a notice of decision which will include details such as:

- The date on 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
- Information on the right to review and the procedures to be followed to exercise those rights.

Refusal of Access

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

Applicants will be notified of the outcome of the internal review within 15 days.

Applications should be made in writing and submitted to the:

Chief Executive Officer
Bunbury Harvey Regional Council
PO Box 21
BUNBURY WA 6231

If applicants disagree with the result, they can then apply to the Information Commissioner for an external review. Any application for external review should be made within 60 days of receiving notice of the internal review decision

The Commissioner is independent of executive government and reports directly to Parliament. A complaint to the Information Commissioner must:

- Be in writing and include an Australian address;
- Give particulars of the decision to be reviewed including details of the part(s) of the decision you want the Commissioner to review; and
- Include a copy of the internal review notice of decision sent to you by the agency. If you have not received the agency's internal review decision, attach a copy of the initial notice of decision. If the initial decision was made by the agency's principal officer or a Minister, include a copy of the initial notice of decision (as there is no avenue for internal review)

If you are the access applicant, you must apply for external review within 60 days after being given the agency's decision.

Applications for External Review can be lodged online at www.foi.wa.go.au or by mail addressed to:

Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

Personal Information

If BHRC holds your personal information on record, which you believe may be inaccurate, incomplete, and out of date or misleading, you can apply for the information to be amended, no charges apply.

Applications should be made in writing and submitted to the:

Chief Executive Officer
Bunbury Harvey Regional Council
PO Box 21
BUNBURY WA 6231

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Relevant Legislation

- Bushfires Act 1954
- Disability Services Act 1993
- Environmental Protection Act 1986
- Environmental Protection Regulations 1987
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004
- Environmental Protection (Noise) Regulations 1997
- Environmental Protection (Rural Landfill) Regulations 2002
- Environmental Protection (Unauthorised Discharges) Regulations 2004
- Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998
- Fire Brigades Regulations 1943
- Freedom of Information Act 1992
- Freedom of Information Regulations 1993
- Health Act 1911
- Health (Asbestos) Regulations 1992
- Health (Pesticides) Regulations 2011
- Health (Underground Water Supply) Regulations 1959
- Interpretations Act 1984
- Litter Regulations 1981
- Local Government Act 1995
- Local Government (Administration) Regulations 1996
- Local Government (Elections) Regulations 1997
- Local Government (Financial Management) Regulations 1996
- Local Government (Functions and General) Regulations 1996
- Local Government (Long Service Leave) Regulations 1977
- Local Government (Parking for People with Disabilities) Regulations 2014
- Local Government (Rules of Conduct) Regulations 2007
- Local Government (Miscellaneous Provisions) Act 1960
- Planning and Development Act 2005
- Rights in Water and Irrigation Regulations and Rules 2000
- Road Traffic (Vehicle Standards) Regulations and Rules 2002
- Soil and Land Conservation Regulations 1992
- Wildlife Conservation Regulations 1970

Further Reading

- QMS F-016 Freedom of Information Application Form