



INFORMATION STATEMENT 2019/2020

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1 Introduction

This document has been prepared in accordance with Part 5 Section 96 (1) of the *Freedom of Information Act 1992* (the FOI Act) which requires each government agency to prepare and publish an Information Statement annually.

This Information Statement must set out:

- the agency's mission statement
- details of legislation administered
- details of the agency structure
- details of decision making functions
- opportunities for public participation in the formulation of policy and performance of agency functions
- documents held by the agency
- The operation of FOI in the agency.

This document has been created to comply with that requirement and is correct as at 1 July 2019.

1.1 Copies of Information Statement

Copies of this document may be obtained free of charge from:

Shire of Brookton
14 White Street,
Brookton WA 6306

Email
mail@brookton.wa.gov.au

Further information in relation to the FOI Act and the Information Statement can be provided during business hours, by contacting:

Shire of Brookton on (08) 9642 1106 between Mondays through to Friday 8:00am to 4:15pm

2 Visions and Mission

Our mission

To sustain the balance of Brookton and to build a 'Bigger Better Brookton'.

3 The Structure and Function of the Shire of Brookton

On 10th September 1906, the Brookton Road Board met for the first time after Mr Samuel Williams led a move by local landowners to break away from the Beverley Road District. On 1st July 1961, it became the Shire of Brookton under the *Local Government Act, 1960*. The Shire presently is undivided and has 7 Councillors. The Councillors are elected for a term of four years.

3.1 Meetings

Most of the business of Council is conducted at ordinary meetings which are held in the Council Chambers every third Thursday of the month commencing at 5.00 pm. Members of the public are welcome to attend these meetings. The dates of these meetings can be found on the Council's website at: www.brookton.wa.gov.au.

Each Council meeting is guided by a formed agenda, which is available to the public at the Council's administration building on the Monday prior to the meeting. It is also available on the Shire's website on the Friday afternoon prior to the ordinary Council meeting. These meetings are conducted in accordance with standing orders - the Policy relating to the conduct of proceedings and the business of the Council.

The Council also hold a Corporate Briefing Forum (CBF) on the third Thursday of each month commencing at 3:00 pm. These meetings for the most part are 'closed' to members of the public and are considered confidential. The intent of a CBF is to offer an opportunity for the Elected Members to be briefed on various matters, including any issues that may be presented to the following Ordinary Council Meeting.

The public have the opportunity to ask questions or make statements on any subject at both the Ordinary Council Meetings and any other Council or Committee Meetings that are advertised and open to the members of the public.

3.2 Committees, Advisory and Consultative Groups

There are a number of Committees, Advisory and Consultative Groups whereby Elected Members, Shire Employees and members of the public are currently represented.

Following is a list of these groups:

- WALGA Central Country Zone (CCZ)
- WALGA Annual General Meeting (AGM)
- Main Roads WA - Wheatbelt South Regional Road Group
- Brookton District School Board
- Yenyening Lakes Management Group
- Shire of Brookton Audit (Finance) and Risk Committee
- Shire of Brookton Employment Committee
- Shire of Brookton Bushfire Advisory Committee (BFAC)
- Shire of Brookton Local Emergency Management Committee (LEMC)

- Innovations Advisory Group (IAG)
- Community Enterprise Advisory Group (CEAG)
- Business and Economic Advisory Reference Group (BEAR)
- Brookton Recreation Advisory Group (BRAG)
- Natural Resource Management Group (NRM)

3.3 Organisational Structure

The Community elects the members of the Council who make decisions on its behalf. The Shire of Brookton has an elected Shire President and six Councillors. All seven (7) elected Members represent the whole Shire of Brookton. There are no wards in the Shire of Brookton

3.3.1 Role of the Shire President

The Shire President is to:

- presides at meetings in accordance with the *Local Government Act 1995*
- provides leadership and guidance to the community in the Shire
- carries out civic and ceremonial duties on behalf of the Shire of Brookton
- speaks on behalf of the Shire of Brookton
- performs such other functions as are given to the Shire President by the Local Government Act or any other written law
- liaise with the CEO on the Shire of Brookton's affairs and the performance of its functions.

3.3.2 Role of the Deputy Shire President

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

3.3.3 Role of Councillors

- represents the interests of electors, ratepayers and residents of the district
- provides leadership and guidance to the community in the Shire
- facilitates communication between the community and the Council
- participates in the Shire of Brookton's decision-making processes at Council and committee meetings
- performs such other functions as are given to a Councillor by the *Local Government Act 1995* or any other written law

4 Public Participation

4.1 Council Meetings and Elected Members Briefing Sessions

Members of the public are permitted to speak, ask questions and make public statements on any subject including those on the agenda. There is one question time session, at the beginning of the meeting.

4.2 Deputations

With the permission of the Shire President or Chief Executive Officer, a member of the public can personally, or on behalf of a resident, or group of residents, address Council at an Ordinary Council Meeting.

4.3 Petitions

Written petitions can be presented to Council through an Elected Member or by mail on any issue within the Council's jurisdiction. A petition must comply with the Shire Policy "Standing Order & Meeting Protocol Local Government Council Meetings".

4.4 Special Electors Meetings

In accordance with Section 5.28 (1)(a) and (b), a Special Electors Meeting may be called at the request of a minimum of 100 electors or 5% of the number of electors, whichever is the lesser number; or a third of the number of Council members.

4.5 Electors Meetings

An Annual Electors Meeting is held by the Shire of Brookton each year and the Community are encouraged to attend.

4.6 Written Requests

Any member of the community may write to the Shire of Brookton at any time on any matter. It will be considered by the Shire Administration and/or the Council and a decision and response will be provided.

4.7 Elected Members

Ratepayers may contact the Shire President or Councillors to discuss issues or obtain advice on matters relating to the Shire of Brookton.

4.8 Community Consultation

The Council consults with its residents on particular issues by way of advertising in the Brookton Telegraph, calling public meetings and seeking responses to surveys and questionnaires. The Shire also uses Social Media, such as Facebook, to communicate with residents and visitors.

4.9 Public Participation

Council engages with stakeholders, as much as it can through various mediums. The Shire tries to enable and empower Community members to have greater influence enhancing the Shire. The Shire supports a consistent, transparent and inclusive approach to gaining input on matters affecting the local

community.

A full set of Council policies can be accessed from Shire's website at www.brookton.wa.gov.au

5 Administration and Statutory Responsibilities

The Shires primary responsibilities are set out in the Local Government Act 1995. The Shire is also subject to further obligations and responsibilities under other State legislation. The Parliamentary Counsel's Office maintains a register of all Western Australian legislation.

5.1 Local Laws

Under the Local Government Act the Shire has the power to make and administer local laws in relation to matters which come under its functions as set out in the Act or other written law which expressly applies to local government. Local laws regulate and relate to activities which may be conducted within the area of the Shire.

The Shire have Local Laws on the following.

These laws include:

- Cemeteries Local Law 2000
- By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades 1993
- Pest Plants Local Law 2012
- Local Government Property Local Law 2012
- Extractive Industries Local Law 2011
- Dogs Local Law 2001
- Health Local Laws 2000
- Thoroughfare and Public Places Local Law 2012
- Brookton Draft Animals Local Law
- Proposed Health Local Law 2015

Local Laws can be accessed from Shire's website at www.brookton.wa.gov.au

6 Access to Council Documents

6.1 Records Services

Record holds current files and inactive files generated by staff and correspondents. Inwards correspondence is recorded in a file and correspondence system on the Shire's Computer System. A copy of Council minutes are held within Records Services and are also available on the Shire's website at www.brookton.wa.gov.au.

6.2 Shire of Brookton Library

The Shire of Brookton Library is open to the public (except weekends, Public Holidays and the necessity for other timed closures which are advertised) and is located at 14 White St, Brookton within the Administration Building.

7 Documents Held by the Shire

The Shire produces a number of documents available for public inspection at the Administration centre. Section 5.94 of the Local Government Act sets out the documents that are to be made available for inspection at any local government and the limitation on their release. Many of these documents may also be viewed through the Shire's website at www.brookton.wa.gov.au.

7.1 Documents Available for Inspection under the *Local Government Act 1995*

The following documents are freely available for inspection at the Shire or on its website:

- any code of conduct;
 - any register of complaints referred to in section 5.121;
- any register of financial interests;
- any register of gifts;
- any annual report;
- any annual budget;
- any list of fees and charges imposed under section 6.16;
- any plan for the future of the district made in accordance with section 5.56;
- any proposed local law of which the local government has given local public notice under section 3.12(3);
- any local law made by the local government in accordance with section 3.12;
- any regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government;
- any text that is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or would be adopted by a proposed local law of which the local government has given local public notice under section 3.12(3);
- any subsidiary legislation made or adopted by the local government under any written law other than under this Act;
- any written law having a provision in respect of which the local government has a power or duty to enforce;
- any rate record;
- any confirmed minutes of Council or committee meetings;
- any minutes of electors' meetings;
- any 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 local government or a committee for presentation at a Council or committee meeting and which have been presented at the meeting;
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59;
- any register of owners and occupiers under section 4.32(6) and electoral rolls;
- a report on a supplementary audit prepared under section 7.12AH(1);
- Such other information relating to the local government required by a provision of this Act to be available for public inspection; or as may be prescribed.

7.2 Documents Available for Purchase

Request for reproductions of public documents may incur charges as per the Shire's published Fees and Charges schedule.

7.3 Corporate Documents Held by the Shire

The Shire maintains comprehensive Shire records of its dealings. These records generally relate to various properties and activities within the Shire. These documents may include applications, approvals and notices, correspondence, file notes, reports, plans, maps, diagrams, photographs and recordings.

7.4 Historical Documents Held by the Shire

The Shire maintains certain documents of historical interest as part of its local history collection at its Brookton Library facility: Brookton Library 14 White Street Brookton WA 6306.

The Shire doesn't hold a lot of documents of historical interest but does have the listing of the former elected members, Shire Presidents & Shire Clerks/CEO's. The records of the Cemetery are also held at the Shire.

People are welcome to view these honour boards during office hours.

In addition, the Brookton Historical Society holds documents & articles that are of historical interest. People researching family history and trees should contact the Shire & discuss their searches.

7.5 Documents Held in Archives

The Shire archived records are located in offsite storage. Retrieval of these records may require research and time to locate. Requests for some archived records may result in costs to the applicant as outlined in the Shire published schedule of fees and charges or as stipulated in Schedule 1 to the Regulations under the State FOI Act.

7.6 Access to Information by Police Officers

Where a WA Police Officer requests access to Shire documents, access will be provided upon production of the Order to Produce a Business Record or Court Order.

Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the Shire.

8 Freedom of Information Act 1992 (FOI Act)

The Freedom of Information Act 1992 (The FOI Act) provides a general right of access to documents held by the Shire. It also enables the public to ensure that personal information held by the Shire is accurate, complete and up to date. The Shire's aim is to be an open and friendly Council, promoting public participation in all decision making. The Shire endeavours to seek ways certain documents concerning government operations can be made available to the public. Where appropriate and possible, documents may be provided outside of the Freedom of Information process.

8.1 Overview

The FOI Act enables people to participate more effectively in governing the State and to make state and local government more accountable to the public. This section is provided to give a brief understanding of its processes and is not all encompassing. Further details can be obtained from the Office of the Freedom of Information Commissioner.

8.2 Objects and Intent

The objects of the FOI Act are achieved in three ways:

1. by creating a general right of access to state and local government documents;
2. by providing means to ensure that personal information held by state and local governments is accurate, complete, up to date and not misleading; and
3. by requiring that certain documents concerning state and local government operations be made available to the public (information statements and internal manuals).

8.3 Principles of Administration

The Shire of Brookton will administer the FOI Act in a way that:

1. assists people to obtain access to documents;
2. allows access to documents to be obtained promptly and at the lowest reasonable cost; and
3. assists people to ensure that personal information contained in documents is accurate, complete, up to date and not misleading.

8.4 Right of Access

A person has a right of access (subject to the FOI Act) to documents and that right is not to be affected by any reasons the person gives, or the Shire's beliefs as to what the person's reasons are, for requiring access.

8.5 Application of the FOI Act

There are only a few State Government departments and authorities to which the FOI Act does not apply. It does not apply to Parliament or any other body listed in Schedule 2 of the FOI Act. It applies to courts only in respect of their administrative functions. It applies to all other agencies. The FOI Act applies to documents in the possession of a Minister provided they relate to the affairs of an agency. Documents relating to party matters or to a Minister in his or her capacity as a Member of Parliament are not subject to the provisions of the FOI Act.

The FOI Act applies to all documents and records in the possession of an agency, whether written or electronically stored. The term record includes, but is not limited to, maps, plans, diagrams, graphs,

drawings, photographs, films, videos, sound recordings and encoded information.

8.6 Consultation with Third Parties

The FOI Act recognises the need to balance access to information in the possession of government agencies against the need to protect both personal privacy and sensitive information relating to business or commercial affairs. Where an applicant requests access to a document which contains personal or business/commercial information relating to another person, the Shire may not give access to the document unless it has taken steps to consult with the third party as to whether the document is exempt. The third party affected will offer views as to whether the document should be released. However, the decision lies with the agency. The decision maker must take into account the third party's views, but is not bound by them. The third party can seek a review of the decision to give access.

8.7 Exemptions

Exemptions are based on what is essential to maintain the system of government and what is necessary for the protection of essential public interests and of private and business affairs of persons and organisations. The FOI Act makes provision for documents falling various categories to be protected from disclosure in certain circumstances pertinent to Local Government:

- inter-governmental relations;
- personal information;
- commercial or business information;
- law enforcement, public safety and property security;
- deliberative processes;
- legal professional privilege;
- confidential communications;
- contempt of parliament or court;
- information protected by certain secrecy provisions under law; and

Exemptions will only be claimed where the relevant information is genuinely sensitive. Even if a document is technically exempt, access to it will not be refused automatically. This approach is consistent with the intent and spirit of the FOI Act.

9 Freedom of Information Application Procedure

9.1 How the Application is made

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

If information is not routinely available, the FOI Act provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

9.2 Freedom of Information Applications

To satisfy the requirements of section 12 of the FOI Act, an access application has to:

- be in writing;
- give enough information so that the requested information can be identified;
- give an address in Australia where notices can be sent; and

- be lodged with the FOI Officer at the Shire of Brookton by either:

Mail
Shire of Brookton
PO Box 42 Brookton WA 6306

in Person
14 White Street
Brookton WA 6306

Applicants may choose to use an application form (shown in appendix III) which is available at the Council Administration Building to assist them in preparing a written access application or submit their own providing it complies with the abovementioned requirements.

Access applications will be acknowledged in writing and the applicant will be notified of the decision within 45 (calendar) days of Council receiving a properly completed application accompanied by an application fee (where the application is for non-personal information).

9.3 Freedom of Information charges

A scale of fees and charges are set under the FOI Act regulations. Apart from the application fee for non-personal information, all charges are discretionary. The charges are as follows.

Type of Fee	Amount
Personal information about the applicant	No fee
Application fee (for non-personal information)	\$30.00
Type of charge	
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
Photocopy	Per 20 cents
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 of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

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

There are no fees or charges associated with FOI applications for personal information about the applicant. Fees and charges only apply for non-personal information.

9.4 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.

9.5 Notice of Decision

As soon as possible, but in any case, within 45 days the applicant 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
- Information on the right to review and the procedures to be followed to exercise those rights.

9.6 Refusal of Access

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

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

If an applicant disagrees with the result, he or she may apply to the Information Commissioner for an external review.

10 FOI Responsibilities of the Shire

10.1 Principal Officer

The Principal Officer for the Shire is the CEO, who is responsible for the internal review process. If the CEO may determine is no right of internal review. If this occurs the applicant may make an application for external review to the Information Commissioner.

10.2 Officer Responsibilities

The FOI Officer is the Manager of Corporate Services. This Officer manages and coordinates all FOI activities and liaises with the CEO. The FOI Officer shall:

1. record all work flow and time management details;
2. locate and collate all documents relating to an FOI request;
3. calculate projected costs, final costs and time spent processing the application, in conjunction with the decision maker;
4. keep statistics for the FOI Commissioner; and
5. prepare notice of decision which must include:
 - a) the date of the decision;
 - b) the name and designation of the decision maker;
 - c) reasons for deleting matter;
 - d) reasons for deferring access;
 - e) arrangements for giving access;
 - f) reasons for refusing access;
 - g) the amount and basis for calculation of any charge; and
 - h) rights of review.

10.3 Decision Makers Responsibilities

Decision makers need to be identified by name and designation in the Notice of Reasons and are accountable for these decisions. Officers cannot review their own decisions, or decisions to which they have been a party. The decision maker can decide to:

1. give access;
2. give access to an edited copy;
3. refuse to deal with the application;
4. refuse access;
5. defer access;
6. give access to a suitably qualified person; and
7. Impose a charge and advise the Coordinator.

10.4 Freedom of Information Management Structure

Principal Officer: Chief Executive Officer
FOI Officer – Manager Corporate and Community

10.5 Review of a Decision

The FOI Act gives a person the right to apply for a review of a decision, internally by the Principal Officer in the first instance, then externally by the Information Commissioner.

10.6 Amendment of Personal Information Procedure

If the Shire holds personal information about you which you believe is inaccurate, incomplete, and out of date or misleading, you can apply for this to be amended. Applications must be made in writing and submitted to the FOI Officer. There is no application fee or charges associated with an application for personal information about the applicant, or the amendment of personal records.

VERSION CONTROL	
VERSION 1.0	December 2019

Appendix 1

Freedom of Information (Procedures & Access Arrangements)

The *Freedom of Information Act 1992* gives the public the right to apply for access to documents held by the Shire of Brookton (subject to some limitations). It is an individual's responsibility to ensure that personal information held by the Shire is accurate, complete and up-to-date.

Documents accessible under the Freedom of Information Act (FOI) include (but are not limited to):

- Paper records
- Maps, plans and drawings
- Electronic records including emails.

Access rights do not apply to documents that are already publicly available.

While the FOI Act provides a 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 Act, which includes (but is not limited to);

- Personal information that identifies a third party
- Information concerning trade secrets
- Information of commercial value
- Any documents, which if released, would have a detrimental effect on the functioning of the Shire or would harm the interests of private individuals or commercial organisations.

More examples of exemptions can be found on the [Office of Information Commissioner website](http://www.oic.wa.gov.au/en-au). (www.oic.wa.gov.au/en-au)

Information statement – This is available on the Shire Website

Freedom of Information application process

To access documents under FOI, the application has to;

- Be in writing (you may use the Shire's application form or alternatively write to the Shire requesting the documentation).
- Include specific details to identify the requested documents. General requests, such as 'all documents' for an unspecified period of time can involve unnecessary resources, be time consuming and costly to the applicant.
- Have an Australian Address and telephone number.

Fees

There are no fees if the application is for personal information relating to the applicant. A fee of \$30.00 is required for other applications and there may be additional charges for dealing with the request if the search for documents is extensive and ancillary costs need to be applied.

Please refer to the Shire of Brookton's Fees and Charges Schedule.

Decision

The FOI Act provides a 45-day time-frame from the date an application is received to the Shire handing down its notice of decision.

Once the Shire receives a valid application, a search will be conducted to identify the requested documents.

The documents will be reviewed against the exemptions set out under the Schedule 1 of the FOI Act. If and where required, the Shire will consult with third parties.

The notice of decision will detail:

- The process undertaken
- The documents identified as falling within the scope of the application
- Any information that is withheld (due to exemptions)
- The options available to the applicant should the applicant be dissatisfied with the decision.

Should you have any queries about the process or the information statement, please contact the Shire Administration Office.

Freedom of Information – FAQ's

Can I get the owner details of my neighbour regarding a fence issue or other property query?

- This is not supported by FOI. A person can request the owner details of an adjoin property subject to completing a statutory declaration stating the reason and purpose for the request (some conditions apply).

Can I get the contact details of the person complaining about construction works on my property?

- This information is considered personal information about a third party and is exempt under clause 3 of the FOI Act.

I was a victim of a dog attack recently; can I have the dog owner's contact details?

- As above – Schedule 1 (clause 3)
Personal Information – Matter is exempt if its disclosure would reveal personal information about an individual (whether living or dead)

Why was a decision made without consultation?

- The intent of the FOI Act is to provide documentation, not to answer specific questions.

Appendix 2

APPLICATION FOR ACCESS TO DOCUMENTS

(Under Freedom of Information Act 1992, S.12)

DETAILS OF APPLICATION

Surname: _____

Given name(s): _____

Australian Postal Address: _____

Postcode: _____ Telephone Number: _____

If application is on behalf of an organisation

Name of Organisation/Business: _____

Type of Request (Please Tick Appropriate Box)

Personal Information relating to the application Non-Personal Documents

DOCUMENTS DETAILS

I am applying for access to documents(s) concerning (Please be as specific as possible)

FORM OF ACCESS (Please Tick Appropriate Box)

I wish to inspect the document(s)

Yes

No

I require a copy of the document(s)

Yes

No

I require access in another form

Yes

No

(Specify) _____

Attached is a cheque/cash to the amount of \$_____ to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply – See Freedom of Information Procedures and Access Arrangements Form. If you consider you are entitled to a reduction submit a request with copies of documents, which support your application for a fee reduction.

For more information, please visit the Office of the Information Commission website.

I am requesting a reduction in fees and charges

Yes

No

Note

Your completed application form can be lodged;

- By Post – FOI, Shire of Brookton – PO Box 42 Brookton WA 6306
- In person – Shire of Brookton, 14 White Street Brookton, 6306
- By email – mail@brookton.wa.gov.au

Application Forms can be obtained via the Shire Website, www.brookton.wa.gov.au or from the Shire Administration Office.

APPLICANTS SIGNATURE: _____ DATE: ____/____/____