

Request for Owner Information Information Sheet and Application Form



01/04/2019

Purpose

This information sheet details the restrictions and regulations to the release of owner information for properties within the Shire of Augusta Margaret River.

Restrictions on Owner Information

Local Government (Administration) amendment Regulations 2011

The release of information by the Shire is restricted in line with section 29B of the regulations gazetted 27 February 2014. The regulations were developed in response to ratepayer concerns that their personal information was being freely provided by local governments to organisations and members of the public, without any privacy protection mechanisms in place.

The effect of this regulation is that a local government is not required to provide full copies of any rates record or register of owners and occupiers or electoral rolls unless the local government is satisfied that the information will not be used for commercial purposes. **The regulation provides the local government with the power to ask the requester to sign a statutory declaration stating they will not use the information for this purpose.** It is an offence under section 169 of the Criminal code 1913 (WA) to make a false statement in a statutory declaration carrying a maximum penalty of 2 years imprisonment and a fine of \$24,000.

A commercial purpose is defined as the use of a public record for the purpose of:

- sale or resale; or
- producing a document containing all or part of the copy, printout or photograph for sale; or
- obtaining of names and addresses from such records for the purpose of solicitation; or
- for any purpose in which the purchaser can reasonable anticipate the receipt of monetary gain from the direct or indirect use of such public records.

Local Government (Administration) amendment Regulations 2011

Section 5.96 29B Copies of certain information not to be provided

A local government must not make available to a person copies of information referred to in section 5.94(m) or (s) unless -

(a) the request for the information is made in the manner and form approved by the CEO of the local government; and

(b) the CEO of the local government is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

This amendment will ensure that statutory declarations will not be required if the CEO is otherwise satisfied that the information is not to be used for a commercial purpose. It also highlights the fact that it is not the completion of the statutory declaration that determines the information's release, but a decision of the CEO that the proposed use complies with the Act.

Application Form

Please complete and return the application form to Po Box 61, Margaret River or email to amrshire@amrshire.wa.gov.au for your request to be considered.

Document and Version Control Table		
Responsible Directorate	Corporate and Community Services	
Prepared by	Vicki Scott, Coordinator Revenue and Customer Service	
Approved by Director	Vicki Scott, Coordinator Revenue and Customer Service	
Version	Date Issued	Brief Description
1.0	01/04/2019	Initial issue

Request for Owner Information Application Form



01/04/2019

Revenue Business Unit
FIN/266

APPLICANT DETAILS

Name of Organisation or Individual

Organisation contact:

Postal Address:

Applicants Property address (if applicable):

Phone No:

Email/website address:

1. What do you need the information for?

- Community consultation
- *Neighbour details for Dividing Fences
- Other uses not listed
- Government Utilities Contractor
- Owners in specific area for a project or workshop

*Please note: On consideration of this application the Shire may determine that a Statutory Declaration will be required (except requests under the Dividing Fences Act).

2. What is the Street address(s) or lot number(s) of the property (s) you require the owner information for?

3. Why do you need this information and how will this information be used?

4. What benefit will be gained from this information?

5. Will this information be provided to another person or organisation for any purpose?, (including the compiling of mailing lists on your behalf) and if so for what purpose?.

APPLICANTS DECLARATION	
I, _____ confirm that I have read and understand the restrictions on the release of owner information by the Shire of Augusta Margaret River and declare that the information contained within the application form is true and correct and submit for consideration and approval.	
Statutory Declaration attached <input type="checkbox"/> Yes <input type="checkbox"/> No	
Signed:	Name:
Position:	Date:

REVENUE TEAM RECOMMENDATION	
The Revenue Business Unit has reviewed the application and recommends the application be: Approved <input type="checkbox"/> Not Approved <input type="checkbox"/> (reason):	
Officer:	Date:

***The Shire may determine that a Statutory Declaration will be required to support this application.**

CHIEF EXECUTIVE OFFICER or DELEGATED OFFICER	
I have assessed the request for release of owner information under s5.96 of the Local Government Act and the reasons as stated in this application and determined the following:	
<input type="checkbox"/> Approve the request for release of information <input type="checkbox"/> Not approved	
Name:	Date:
Signed:	<input type="checkbox"/> Signed in accordance with Delegation 37

REVENUE TEAM	
Assessment Numbers:	_____
Information Released:	Records linked to applicant and surrounding land owner assessments. <input type="checkbox"/> Post <input type="checkbox"/> Email Approval Code _____
Not Approved:	Applicant Notified by <input type="checkbox"/> Post <input type="checkbox"/> Email
Officer Name:	Date: