

# Request for Owner Postal Information Information Sheet



18/06/2020

## Purpose

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

On approval of the request for owner postal information application, only the owners name and postal address will be released.

## 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](mailto:amrshire@amrshire.wa.gov.au) for your request to be considered.

### Document and Version Control Table

<b>Responsible Directorate</b>	Corporate and Community Services	
<b>Prepared by</b>	Vicki Scott, Coordinator Revenue and Customer Service	
<b>Approved by Director</b>	Vicki Scott, Coordinator Revenue and Customer Service	
<b>Version</b>	<b>Date Issued</b>	<b>Brief Description</b>
1.0	01/04/2019	Initial issue
1.1	18/06/2020	Updated