



FREEDOM OF INFORMATION

INFORMATION STATEMENT

This Information Statement is published by Council in accordance with the requirements of Freedom of Information Legislation.

An updated Information Statement will be published annually.

Council is pleased to comply with the Legislation and welcomes enquiries.



FREEDOM OF INFORMATION

GUIDELINES

(Reviewed 24 November 2015)

AIM:

To provide public access to documents and to enable the public to ensure that personal information contained in documents is accurate, complete, up-to-date and not misleading.

OBJECTIVE:

To enable and encourage more effective public participation in the business of Government – To make state and Local Governments more open and accountable to those they service, ie. General right of access.

NOTE:

FOI does not apply to documents normally or freely available within the organization, ie Minutes, Library materials, etc.

REQUIREMENTS OF COUNCIL:

Council must publish an Information Statement noting the types of information held by the organization.

Council must also publish an Internal Statement detailing Policy or Administrative documents connected with functions which have wide public effect, eg Policy Manual, Local Laws, etc.

Manuals are to be available for inspection or purchase by the Public.

An annual Report must be forwarded to the Information Commissioner on 30 June each year, detailing applications received during the year.

Council is to assist in obtaining documents promptly and at the lowest reasonable cost.

1. ACCESS:

A person's right to access is not to be affected by any reason the person gives, or the Council believes as to what the person's reasons are for wanting access.

a. Forms of Access:

Access is to be provided, if possible, in format requested by the Applicant. The format can be, but is not limited to:

- Inspection of documents
- Copy of documents
- Viewing of videos, films
- Copy of film, video, sound recording
- Transcript of sound recording
- Transcript of shorthand notes or encoded information
- Computer printout
- Magnetic data

b. Procedure:

Application in writing stating specific details, accompanied by the application fee (\$33) and proof of identification if necessary.

Council has 45 days from receipt of application to make a decision on whether or not to allow access.

Applicant advised of decision on access. If approved, applicant is notified of fee and has 30 days in which to pay. Payment must be made before documents can be collected. If access has been refused, the applicant has 30 days in which to lodge an Internal Review.

If an Internal Review is lodged, Council has 15 days to review the initial decision. Applicant, if unsatisfied with the result of the Internal Review, may lodge a Second Review with the Information Commission within 60 days. The Commissioner has an additional 30 days to review the decisions and advise the applicant accordingly.

c. Refusal of Access:

Access may be refused:

- If document is exempt
- If the document is not a document of the Council
- If the document is of a private collection (if the owner objects); or
- If the application would require a substantial diversion of resources.

A written notice of refusal must be forwarded to the applicant.

d. Deferral of Access:

Access to documents may be deferred. The actual date of access is deferred, not the decision to grant access. Applies to documents awaiting submission to Parliament, or awaiting publication.

e. Consultation with Third Parties:

Third parties must be consulted when documents contain personal information about an individual, or commercial or business information. Third parties have no power to veto a decision, they only assist in the determination of sensitivity. Third parties are to be notified in writing if decision to access is granted contrary to their view.

f. Transfer to other Agencies:

Access should not necessarily be denied because a document contains some exempt material. Where possible, exempt material should be deleted from a copy of the document and access given to the edited version, if this is acceptable to the applicant.

There are 15 exemptions:

- (1) Cabinet and Executive Council – Agenda, Minutes of an Executive Body; policy options or recommendations of an Executive Body; communication between Ministers on matters relating to formulation of Government policy; a Brief for submission; and a draft of a proposed enactment.

- (II) Inter-Governmental Relations – Applies to WA Government’s relations with certain other Governments. It does NOT apply to the WA Government’s relations with Local Government.
- (III) Personal Information – information sought which contains personal information about someone other than the applicant and the person concerned has not consented to the release of that information.

Personal information includes financial details; marital status; medical information; academic information; and records relating to performance kept by an employer. Special provisions relate to persons under 16, and persons who are intellectually handicapped.

The exemption cannot be used to stop an applicant obtaining information about themselves.

- (IV) Commercial or Business Information – information concerning trade secrets; information of commercial value; or information concerning the business, professional, commercial or financial affairs of a third party.

Consultation with third party must occur to establish if material contains the above. Access may be given to documents with exempt material deleted.

- (V) Law Enforcement, Public Safety, and Property Security – an agency may decline to confirm or deny the existence of documents relating to civil and regulatory laws.

Information which would reveal any contravention or possible contravention of the law; enable the existence or identify any confidential source of information being discovered; or endanger the security of any property, is exempt.

- (VI) Deliberative Processes – documents concerning decision making and policy making processes of an agency. It covers advice, etc. to be recorded for the purpose of deliberative process. It does not apply to internal manuals, material that is merely factual or statistical; and material which has been in existence for at least 10 years, eg some accounting records; studies; surveys; reports on equipment.

- (VII) Legal Professional Privilege – documents which would be protected in legal proceedings cannot be obtained under FOI. This includes legal advice provided to a client by his legal advisor; and documents for likely or pending Legislation.

- (VIII) Confidential Communications – matter is exempt if its disclosure would reveal information of a confidential nature obtained in confidence; and could reasonably be expected to prejudice future supply of information of that kind to the agency.

Marking a document “Private and Confidential” will not conclusively establish the document’s confidentiality. All circumstances under which a document was received and retained will be taken into account.

- (IX) State’s Economy – disclosure of information which hinders or defeats Government economic Policies, or makes it difficult to put those Policies into effect.
- (X) State’s Financial or Property Affairs – Matters relating to financial or property affairs; information that has a commercial value; information relating to research.

- (XI) Effective Operation of Agencies – information on methods or procedures for conduct of tests, examinations or audits; assessment of personnel; or conduct of Industrial Relations.
- (XII) Contempt of Parliament or Court – documents which have traditionally been protected from public disclosure by the Parliament and Courts under their power to regulate their own proceedings.
- (XIII) Adoption or Artificial conception – Information relating to adoption and information relating to participation in artificial fertilisation procedures or to a person born as a result of those procedures.
- (XIV) Secrecy Provisions – Information contained in various sections of the equal Opportunity Act 1984; Legal Aid Commission Act 1976; or Parliamentary Commissioner Act 1971.
- (XV) Precious Metal Transactions – Material is exempt under this provision if its disclosure would reveal information about certain transactions relating to gold or other precious metal and involving Gold Corporation.

3. PUBLIC INTEREST

Provisions apply to Exemptions (II, III, IV, V, VI, VIII, IX, X, and XI. In all of these exemptions except VI, the material concerned is NOT exempt if its disclosure “would, on balance, be in the public interest”. Material relating to Clause 6 is exempt if certain conditions are met, and disclosure would be contrary to the public interest.

Factors in favour of disclosure:

Serious interest by the community, if it will inform and contribute to public debate, if it will assist public understanding of the processes of Government.

Factors against disclosure:

Need to protect integrity of decision-making processes; if it will lead to ill-informed speculation; if it will affect deliberations at senior levels.

The protection of an agency or official from embarrassment or criticism or the threat of defamation action are NOT sufficient reasons to refuse to release a document on the ground that disclosure would be contrary to the public interest.

4. AMENDMENT OF PERSONAL INFORMATION:

An individual may apply to have a document amended if it contains inaccurate, incomplete, out-of-date, or misleading personal information.

Applications must be in writing and provide all details and documentation in support of their claim. In addition, they must indicate how they wish the amendment to be made, eg deletion, alteration, insertion, etc.

5. FEES/CHARGES:

Application fee	\$33
Charge per hour dealing with application	\$33

Photocopying	\$33/hour and 20c/copy
Delivery, Postage	Actual Cost
Duplication tape, film, computer info.	Actual Cost
Transcribing information	\$33/hour
Advance deposits	25%

If estimated fees are greater than \$25, the applicant must be notified and asked if they wish to proceed with the application. The applicant must respond within 30 days.

Fees are to be paid BEFORE access.

No fees are payable for access to own personal information.

No charge for an applicant who is impecunious.

24% reduction in fee for an applicant in possession of a valid pensioner concession card.

6. GENERAL:

It is important to note the liability of decision-makers in allowing access to information:

- No action for defamation or breach of confidence against an Officer;
- Giving access is NOT an authorisation or approval for documents to be published;
- Not guilty of an offence for making a decision or giving access.

This information can be obtained from the Office of the Information Commissioner, Albert Facey House, 469 Wellington Street, PERTH WA 6000. Phone: (08) 6551-7888 The Freedom of Information Act is available from the website www.foi.wa.gov.au – under the Useful Resources tab.

IAN CURLEY
CHIEF EXECUTIVE OFFICER

SHIRE OF WAROONA

STRUCTURE AND FUNCTIONS OF COUNCIL

Council:

Councils, consisting of the President and 7 Councillors, is the decision making body on all policy matters. Ordinary meetings of Council are held on the fourth Tuesday of every month commencing at 4.00 pm and members of the public are welcome to attend.

General Purpose: Whole Council 4th Tuesday Each Month

Public Access to Agendas: Members of the public are entitled to view or obtain a copy of Agendas and other documents prepared for a Meeting of Council at the same time they are available to Council or Committee members.

Public Access to Unconfirmed Minutes: Similar rights to the above exist. In the case of Council meetings within 10 business days after the meeting. In the case of Committee Meetings - 5 business days after the meeting.

Other Committees:

A number of other committees, some comprising elected members, and advisory committees and consultative groups (that may also include staff and the public), are established from time to time to investigate particular issues.

Currently these are:

Council Members Only

- Works & Services Committee
- Occupational Safety & Health Committee
- Council Staff Management Committee
- Finance & Audit Committee
- Waroona Tourism and Visitor Centre Working Group
- Recreation Advisory Committee
- Waste Management Advisory Committee
- Small Grants & Awards Committee
- Waroona Cemetery Development Working Group
- Waroona Health & Medical Committee

Council Representation Only

- Bush Fire Advisory Committee
- Local Emergency Management Committee
- Preston Beach Progress Association
- Lake Clifton/Herron Progress & Sports Association
- Wagerup Community Consultative Network
- Peel Zone – Western Australian Local Government Association
- Peel Region Planning Committee
- Regional Road (Sub) Group (South West)

- COASTSWAP
- Peel Joint Development Assessment Panel
- Waroona Roadwise
- Waroona Interagency Committee
- Harvey River Task Force
- Alcoa Waroona Sustainability Fund
- Coolup Land Conservation District Committee
- Peel Mosquito Management Group
- Waroona Historical Society
- Long Term Residue Management Committee
- Peel Trails Group
- Lesueur Community Consultative Committee
- Peel Regional Leaders Forum
- Peron Naturaliste Partnership
- Alcoa Wagerup Environmental Improvement Plan Stakeholder Reference Group
- Willowdale Mine Environmental Improvement Plan Stakeholder Reference Group.

Delegations:

The Chief Executive Officer and other Officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters which are subject to ongoing development. These delegations are listed in the Policy Manual and are reviewed annually by Council.

In keeping with the legislative requirement, Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

Council has a number of Policies which enable matters to be dealt with on a consistent basis.

Services for the Community:

Council makes decision on issues relating to services that are provided for members of the public. These services currently include:

Roads/Footpath/Kerbing	Stormwater Drainage
Traffic Control Devices	Cycle Tracks
Parking Bays/Street Closures	Street Lighting
Street Sweeping	Street Tree Planting
Litter Bins	Garbage Collection
Public Toilets	Bus Shelters
Public Seating	Public Libraries
Parks and Reserves	Playground Equipment
Community Halls & Centres	Child Care Centres
Home and Community Care	Cemeteries
Planning Controls	Parking Controls
Environmental Health Matters	Animal Control
Recreation/Sporting Facilities	Special Needs Programmes
Community Information Service	Citizenship Ceremonies
Pest Control	Fire Prevention
Refuse Sites	Building Control
Coastal Management	Extractive Industries Control

Council Meetings:

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

1. **Deputations** - With the permission of the Committee Chairman or the President, members of the public can address a Committee or Council personally or on behalf of a group of residents.
2. Residents are notified of some Development Applications requiring the approval of Council. When an application is publicly notified, residents have the opportunity to write to Council expressing their view of the application.
3. **Petitions** - Written petitions can be addressed to Council on any issue within Councils jurisdiction.
4. **Written Requests** - A member of the public can write to Council on any Council policy, activity or service.
5. **Elected Members** - Members of the public can contact their Elected Members to discuss any issue relevant to Council.
6. All council meetings and meeting of committees to which a power or duty has been delegated (including management committee meetings) are be open to the public. Meetings of committee with delegated authority are open regardless of whether a power or duty is to be exercised or discharged at the meeting.

Meeting can be closed in certain prescribed circumstances. These include when a meeting is dealing with:

- a matter affecting an employee;
- the personal affairs of any person;
- a contract;
- legal advice;
- trade secrets;
- commercially sensitive information;
- matters which could impair law enforcement or endanger the security of local government property.

7. Members of the public are entitled to ask questions and have them responded to at:
 - a) every council meeting (whether Ordinary or Special); and
 - b) every meeting of a committee with delegated powers or duties.

Community Consultation:

Council consults with local residents on particular issues as determined from time to time.

Documents available for inspection:

The following documents are available for public inspection at the Council office free of charge to ratepayers. Copies of these documents may be purchased and the charges are shown below:

DOCUMENT	FEE
Council Minutes	Counter Sales \$5 per set, \$88.00 annually or 40c/A4page
Council Budget	\$11.00 or 40c/A4page
Annual Report	\$6
Council Local Laws	40c/A4 page
Annual Financial Statements	\$6
Rate Book	full print out \$110.00 Filtered rate book \$55.00
Building Application Register	40c/A4 page
Register of Fees & Charges levied by Council	40c/A4 page

Other Information Requests:

Requests for other information, not shown above, will be considered in accordance with the Freedom of Information Legislation. Under this Legislation, an application fee must be forwarded with the completed request form as provided for in the Legislation, unless the applicant is granted an exemption.

Should the applicant require copies of any documents inspected pursuant to a Freedom of Information request, the charges set out above will apply. It should be noted that some documents are for viewing only and documents cannot be copied which would breach the Copyright Act.

Application fees only apply when non personal information is requested.

Freedom of Information Request Forms should be addressed to:

The Freedom of Information Officer
Shire of Waroona
PO Box 20
WAROONA WA 6215

Forms are available at the Council Office.

Applications will be responded to as soon as possible within the statutory 45 days of Council receiving the properly completed Freedom of Information Request For, together with the application fees,

Amendment of Council Records:

A member of the public may gain access to Council documents to seek amendments concerning their personal affairs by making a request under Freedom of Information Legislation. A member of the public may then request a correct to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a member of the public must complete a Freedom of Information Request Form as indicated above, outlining the records that he/she wishes to inspect.

IAN CURLEY
CHIEF EXECUTIVE OFFICER



SHIRE OF WAROONA

Time Limits Under the Freedom of Information Act

Agencies/ Applicants	15 days	30 days	45 days	60 days
-------------------------	------------	------------	------------	------------

Agencies Timeline commences from receipt of application

Access to documents

Deal with application _____

Deal with application transferred
From another agency _____

Amendment of personal
Information

Deal with application _____

Deal with application transferred
from another agency _____

Internal review

Deal with application _____

External review

Commissioner's decision on
Complaint

Timeline commences from receipt
By transferring agency.

Applicants Timeline commences from receipt of notice of decision.

Internal review

Lodge application (access) _____

Lodge application (amendment) _____

External review

Complaint by applicant _____

Complaint by third party

Note: Timeline may be varied in certain circumstances

Time limits for lodging appeals to the Supreme Court are established under the Rules of Court.



APPLICATION FOR ACCESS TO DOCUMENTS
(under Freedom of Information Act, 1992, S.12)

DETAILS OF APPLICATION

SURNAME: _____

GIVEN NAMES: _____

AUSTRALIAN POSTAL ADDRESS: _____

POSTCODE : _____ TELEPHONE (S): _____

If an application is on behalf of an organisation:

NAME OF ORGANISATION/BUSINESS: _____

DETAILS OF REQUEST

Personal Documents Non-personal documents

I am applying for access to document (s) concerning _____

FORM OF ACCESS

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) _____

FEES AND CHARGES

Attached is a cheque/cash to the amount of \$33.00 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 notes attached. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria in the notes and support your application fee for a reduction.

I am requesting a reduction in fees and charges Yes No

APPLICANTS SIGNATURE _____ Date: _____



SHIRE OF WAROONA

NOTES

FOI APPLICATION

- Please provide sufficient information to enable the correct document (s) to be identified.
- The Council may request proof of your identity. (Any TWO of: Passport, Birth Extract, Drivers License, Credit Card or similar).
- If you are seeking access to a document (s) on behalf of another person, the Council will require authorisation in writing from that person.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- Further information can be obtained from the Office of the Information Commissioner, Albert Facey House, 469 Wellington Street, PERTH WA 6000. Phone: (08) 6551-7888 The Freedom of Information Act is available from the website www.foi.wa.gov.au – under the Useful Resources tab.

FORMS OF ACCESS

You can request access to documents 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 document or of words recorded in shorthand or encoded form, or a written document in the case of a document form which words can be reproduced in written form.

Where the agency is unable to grant access in the form requested, access may be given in a different form.

FEES AND CHARGES

Application Fee	\$33.00 inc GST
Charge dealing with application	\$33.00 inc GST / hr
Charge supervision access	\$33.00 inc GST / hr
Photocopying	\$33.00 inc GST / hr + 20c/copy
Delivery, package and postage	Actual Cost
Advance deposit	25% of estimated charges



SHIRE OF WAROONA

LODGEMENT OF APPLICATION

Applications may be lodged –

- By post, addressed to: Chief Executive Officer
Shire of Waroona
PO Box 20
WAROONA WA 6215

Or

- In person at: Shire of Waroona
52 Hesse Street
WAROONA WA 6215

SHIRE OF WAROONA

**ACKNOWLEDGEMENT OF FREEDOM OF INFORMATION APPLICATION
(Under Freedom of Information Act 1992)**

FOI Ref. No. _____

Dear

Thank you for your Freedom of Information application received on _____
Seeking access to documents concerning _____

Your application will be dealt with as soon as possible, and in any case, by _____
(i.e. within 45 days of the date of receipt).

If any additional information is needed to assist the Shire of Waroona to deal with the application we shall contact you within the next few days.

Yours sincerely

**IAN CURLEY
CHIEF EXECUTIVE OFFICER**

Date: _____



SHIRE OF WAROONA

**NOTICE TO APPLICANT – ACCESS TO DOCUMENTS GRANTED
(Under Freedom of Information Act 1992, S.13)**

FOI Ref. No. _____

Dear

Thank you for your Freedom of Information application received on _____
Seeking access to documents concerning _____

I am pleased to inform you that you may have access to the following document (s) in the form you requested:

The decision regarding access was made on _____
By _____
Copies of the document (s) are enclosed.
Access will be given by _____

The charge for access is \$. Access will be provided upon payment of the charge. Information regarding payment is included in the attached notes.

The charge has been calculated on the following basis:

If you wish to contest the amount of the charge, you have a right to have the decision reviewed. Details of the review process are set out in the attached notes.

Yours sincerely

**IAN CURLEY
CHIEF EXECUTIVE OFFICER/FOI CO-ORDINATOR**



SHIRE OF WAROONA

**NOTICE TO APPLICANT – ACCESS TO DOCUMENTS REFUSED
(Under Freedom of Information Act 1992, S.23)**

FOI Ref. No. _____

Dear

Thank you for your Freedom of Information application received on _____
Seeking access to documents concerning _____

It was decided on _____ by _____

That you may not have access to the document (s) described below for the reasons given:

If you wish to contest the decision to refuse access to the document (s), you have a right to have the decision reviewed. Details of the review process are set out in the attached notes.

Yours sincerely

**IAN CURLEY
CHIEF EXECUTIVE OFFICER/FOI CO-ORDINATOR**



SHIRE OF WAROONA

**APPLICATION FOR INTERNAL REVIEW OF A DECISION
(Under Freedom of Information Act 1992, s.40 OR 54)**

DETAILS OF APPLICANT

SURNAME: _____

GIVEN NAMES: _____

AUSTRALIAN POSTAL ADDRESS: _____

POSTCODE: _____ TELEPHONE NUMBER(s) _____

FOI Ref. No. _____

I am unhappy with a decision made by the Shire of Waroona and therefore seek a review of this decision because:

- I have submitted an application for access to documents in accordance with the Freedom of Information Act and:
- I have been given access to an edited copy.
 - The agency has refused to deal with my access application.
 - I have been refused access to a document.
 - I have been given access to a document but access has been deferred.
 - I have been given access via a suitably qualified person under S.28 or access has been withheld by that person.
 - I consider that I have been charged too much.

OR

- I am a third party specified in the documents and:
- I have not been consulted about giving access and disagree with the decision to give access to the documents.
 - I have been consulted but I disagree with the decision to give access to the documents.

OR



SHIRE OF WAROONA

- I have submitted an application for amendment of personal information and:
- The agency has refused to make the requested amendment.
- The agency had refused to make a notation or attachment to the information.

COMMENTS:

You may include an additional comment you wish to be considered in the review of the decision (include additional pages if necessary).

APPLICANTS SIGNATURE _____ Date: _____

ADVICE OF DECISION:

The Shire of Waroona will undertake an internal review and advise you of its decision within 15 days of receipt of this application.

LODGEMENT OF APPLICATIONS:

Applications may be lodged:

- By post, addressed to: Chief Executive Officer
Shire of Waroona
PO Box 20
WAROONA WA 6215

Or

- In person at: Shire of Waroona
52 Hesse Street
WAROONA WA 6215