



This edition published 31 July 2020

Freedom of Information Statement

1.0 Introduction

This Information Statement is published by the Shire of Wiluna in accordance with the requirements of Section 96(1) of the Freedom of Information Act 1992.

1.1 Freedom of Information Act 1992

The Freedom of Information Act grants you a legally enforceable right to access records (which are not otherwise exempt) held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.

It gives you the right to apply for your personal information and amend where you believe them to be inaccurate, incomplete, out-of-date or misleading.

It requires that the Shire of Wiluna allows access to documents concerning its operations and that they be made available to the public.

The Act also makes it possible for you to apply for any record of information held by the Shire of Wiluna.

1.2 Structure and Functions of the Shire of Wiluna

The Shire of Wiluna is a body corporate constituted under the Local Government Act 1995 (WA).

It is governed by a Council comprised of 7 elected members. A half-Council election is held every two years (ie. in October of each odd-numbered year). Generally speaking (that is, except for Councillors who are elected to fill casual vacancies), the elected members serve for four-year terms of office.

To view details of the current elected members, click [here](#).

The Council is required to employ a Chief Executive Officer (CEO) who is responsible for the day-to-day operations of the organisation, acting as the principal adviser to the Council, and carrying out various statutory responsibilities derived directly from the Local Government Act and from other legislation.

The CEO is responsible for employing such other staff (within the constraints of the budget) as he or she requires to ensure that the Shire's services are efficiently delivered and that the Shire is well-administered in compliance with the legislation.

The general function of a local government is to provide for the good government of persons in its district.¹

More specifically, the functions of the Shire of Wiluna include (but are not limited to) the following:

- Strategic planning
- Maintenance of a network of approximately 1,970 kilometres of local streets and roads
- Operation of a public library
- Maintenance and operation of the Wiluna Aerodrome
- Emergency planning and recovery
- Fire prevention (and administration of the Wiluna Bush Fire Brigade)
- Animal Control (including dog and cat registration)
- Public health (septic installation approvals, food premises inspections, swimming pool inspections)
- Pest control
- Refuse and Liquid Waste Site operation and maintenance
- Refuse collection
- Operation of an effluent system
- Town planning
- Development (ie. planning, building and demolition) approvals
- Cemetery operation and maintenance
- Operation and maintenance of public conveniences
- Provision and maintenance of footpaths and street furniture
- Provision, operation and maintenance of community infrastructure including
 - Moonlight Hall function Centre
 - Wiluna Oval and Changerooms
 - Wiluna Swimming Pool
 - Gymnasium
 - Wiluna Youth Centre
 - Wiluna Sports Courts
 - Various parks and playgrounds
- Radio rebroadcasting (ABC Regional, ABC National, Red FM, Triple J)
- Economic development
- Provision of tourism services and infrastructure
- Area promotion
- Provision, operation and maintenance of the Canning-Gunbarrel Discovery Centre
- Operation of the [Tjukurba Art Gallery](#)
- Provision of youth programs, after-school programs and vacation programs
- Provision of recreation and leisure activities
- Organisation of community events (Australia Day, ANZAC Day, NAIDOC week, Christmas party, etc)
- Advocacy on behalf of the district and its community to the other (ie. state and federal) spheres of government and their various agencies.

¹ Subsection 3.1 (1) of the Local Government Act 1995.

1.3 Decision-making

Council meetings are held monthly (except in January). Click [here](#) for a schedule of Council meeting dates/times.

Meeting agendas are available on the Shire's website by clicking [here](#). All meetings are open to the public to attend and there is some time set aside at the beginning of each Council meeting for public questions.

Meetings may be closed to the public to consider a range of confidential matters that are set out in subsection 5.23 (2) of the Local Government Act 1995.

To influence Council decisions or participate in formulation of the Shire's policy, members of the public can:

- Write to the CEO (PO Box 38, WILUNA WA 6646 or email reception@wiluna.wa.gov.au)
- Petition the Council (petitions should be sent to the CEO as described above)
- Apply to the CEO to wait upon the Council as a deputation.
- Attend a public consultation event. Details of public consultation events will be published in a public notice on the Shire's website. Public notices can be accessed by clicking [here](#)
- Make a written submission in response to any public notice published from time-to-time inviting public submissions in relation to a variety of matters. Local public notices will be published in the *Wiluna Wire*, on the Shire's noticeboard and on the Shire's website. Statewide public notices will be published in the *West Australian*, on the Shire's noticeboard and on the Shire's website. Current public notices can be accessed by clicking [here](#)

In the case of some decisions, an affected party can appeal to the State Administrative Tribunal. For more information or to apply for a review of a decision, visit the [State Administrative Tribunal website](#).

Complaints can also be made to the Ombudsman of Western Australia. For more information or to lodge a complaint with the Ombudsman, visit the [Ombudsman Western Australia website](#).

1.4 Publicly Available Information

The Freedom of Information Act does not apply to documents that are already publicly available either for purchase or for free distribution.

The Shire of Wiluna has quite a lot of documents that are publicly available, including (but not limited to):

- Minutes
- Agendas
- Meeting schedules
- Tender Register
- Register of financial interests
- Annual Reports
- Budgets

- Community Strategic Plan
- Shire of Wiluna Corporate Business Plan
- Forward Capital Works Plan
- Disability Access and Inclusion Plan
- Local Emergency Arrangements
- Gift Registers
- Shire of Wiluna Local Laws
- Shire of Wiluna Local Planning Strategy
- Shire of Wiluna Local Planning Scheme No. 2
- Wiluna South Local Structure Plan
- Shire of Wiluna Policy Manual
- Tourist Information
- *Wiluna Wire* (community newsletter)

The Shire has a public Document Centre that can be accessed from links on its website.

So before contemplating a Freedom of Information application, it may be advisable to check if the sought document(s) is/are available from the Shire's website by clicking [here](#).

The Shire also operates a public library where books can be read. Most of the books are also able to be borrowed.

Documents that are publicly available are free of charge in electronic form or may be purchased in printed form.

The Shire of Wiluna's Canning-Gunbarrel Discovery Centre sells maps, tourist guides and other books (amongst other merchandise).

1.5 FOI Applications for access to documents

To be a valid application, the FOI Act requires that an application must:

- be in writing;
- give enough information to identify the documents;
- give an Australian address for correspondence;
- be accompanied by the application fee;
- be lodged at the office of the agency;
- give any other information required under regulations

A form is available to assist you in submitting an appropriate application; otherwise, any written application that contains the information set out immediately above would be sufficient.

The Shire of Wiluna may request proof of your identity, e.g. current driver's licence.

If you are seeking access to a document(s) on behalf of another person, an authorisation in writing will be required.

Your application will be dealt with as soon as practicable (within 45 days) after it is received.

The role of the Shire of Wiluna's Freedom of Information Officer is fulfilled by the Deputy CEO. Applications can be lodged:

- By hand delivery: Shire of Wiluna Administration Centre
70 Wotton Street
WILUNA WA 6646
- By post: Shire of Wiluna
ATTENTION: FOI Officer
PO Box 38
WILUNA WA 6646
- By email: dceo@wiluna.wa.gov.au

An application for non-personal information is not considered to be lodged until the application fee has been paid.

1.6 Freedom of Information Fees and Charges

No fee or charge is applicable to applications for personal information or amendment of personal information.

The scale of fees and charges applicable under the FOI Regulations are as follows:

Fees (GST Exempt)

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|--|--------|
| a. Application fee (for applications for non-personal information) | \$30 |
| b. Application fee for personal information | No Fee |

Charges (GST applicable)

- | | |
|--|-------------|
| c. Staff time dealing with the application, supervised access, photocopying, transcribing information from tape etc (per hour or pro rata for part of an hour) | \$30 |
| d. Photocopies (per copy) | \$0.20 |
| e. Duplicating a tape, film or computer information | Actual Cost |
| f. Delivery, packaging and postage | Actual Cost |

Advance Deposits

- | | |
|--|-----|
| g. Percentage of estimated charges payable | 25% |
| h. Further advance deposit as a percentage of estimated charges may be required (for large applications) | 75% |

No fees or charges for internal or external review.

1.7 Applications for amendment of personal information

Applications for amendment of personal information can be lodged in the same way as applications for access to documents, as set out in section 1.5 of this document.

Such applications will be dealt with by the Shire's FOI Officer, who may seek documentary confirmation of the information which is sought to be corrected.

1.8 What Happens Once Your Application Has Been Processed

Once all information/records have been assessed, you will be provided with "Final Notice of Decision". This notice will detail the process undertaken with your application, the documents identified as falling within the scope of your application, what if any information is to be withheld (due to exemptions) and the options you have available should you be dissatisfied with the decision.

Copies of the released documents may also be included with the decision or will be provided shortly thereafter.

1.9 Internal Review

If you are dissatisfied by a decision concerning your application, then you can apply to the Shire for an Internal Review of this decision. To apply for an Internal Review:

- You must make an application in writing or fill in an internal review application form and lodge it with the Shire within thirty (30) days of being given notice of the decision.
- The lodgement must give details of the decision you wish to have reviewed and given address in Australia to which notices can be sent.
- The Shire will then conduct a review within 15 calendar days once the review application is received.

If you are still dissatisfied after the Internal Review has been completed, you may seek an external review by the Information Commissioner. This request must be made in writing to the Information Commissioner giving details of the decision to which your complaint relates.

Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

1.10 Form 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, or a written document in case of a document where words can be reproduced in written form.

Further information can be obtained from the Shire of Wiluna reception. The contact number is (08) 9981 8000 or email reception@wiluna.wa.gov.au

If you want a Freedom of Information application form, you can download a form from the Shire of Wiluna's website by clicking [here](#).

The Freedom of Information Act 1992 is available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone: (08) 6552 6000). Or alternatively, you can download a free copy of the Freedom of Information Act from the State Law Publisher's website by clicking [here](#).