



FREEDOM OF INFORMATION STATEMENT

June 2025

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1. Information Statement – FOI Act

This document has been prepared and published in accordance with the requirements of Part 5, ***Freedom of Information Act 1992*** (the **FOI Act**). Section 96(1) of this Act requires each agency to prepare an Information Statement - the Shire of Coolgardie (the Shire) is such an agency.

The Shire is committed to open and accountable government. Access to information held by the Shire is available from the Shire Libraries, the Shire offices, on its website, by telephone and email or by post.

The Statement is reviewed and published annually, in accordance with the Act.

2. Introduction

The Western Australian FOI Act is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

The Act provides the right to apply for access to documents held by State Public Sector agencies which includes local governments.

This document has been prepared in accordance with Part 5 Section 96 (1) of 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 those requirements and is correct as **adopted by Council** on **24th June 2025**.

Agencies are required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up to date and not misleading. The right to apply is not affected by any reasons for wishing to obtain access, or the agency's belief as to what the reasons are for applying.

The Act also requires each agency to prepare and publish an annual information statement which details the process of applying for information under the Act, as well as information that the Shire of Coolgardie provides outside the Act.

Please note that the information contained in this Information Statement is a general guide and should not be substituted for the FOI Act and Regulations. This document can be provided in hard copy upon request, and an electronic copy can be accessed via the Shire of Coolgardie's website **coolgardie.wa.gov.au**.

3. Shire's Information Access Intention

The Shire will release at cost or free of charge unclassified Shire information and/or documentation that is of public interest to residents and other stakeholders. Access to all such permissible information should be made outside the confines of the FOI Act.

If no public access is available to the desired documents, the Shire will comply with the objectives of the FOI Act and will make available documents when able under the Act. However, the Shire also has a duty to protect the privacy of its residents, commercial interest of businesses within the Shire, and has a need to maintain the integrity of the Shire's ongoing lawful investigative and decision-making processes.

In these instances, permissible exemptions will be applied to protect these activities and access may be refused to such classification of documents.

4. Council Structure

The Shire's Council consists of seven (7) Council Members, including the Shire President who is elected by the Council.

Local government elections, for the purposes of electing Council Members, are held every two years. Council Members are elected for a four-year term, thus ensuring continuity of knowledge and experience of at least half the Council Members after each election.

Council Members provide guidance to the community, facilitate communication between the community and Council, and participate in the decision-making processes of Council that shape the direction of the Shire. Collectively, Council Members are responsible for determining Council policies for the Shire, strategic direction, determining the projects that the Shire undertakes, and oversight of the budget for the Shire of Coolgardie.

In addition, the Council appoints and manages the performance of the Chief Executive Officer.

A current list of the Council Members of the Shire of Coolgardie is available at coolgardie.wa.gov.au.

5. Organisational Structure

The Shire's operations are managed by the Chief Executive Officer who is supported by an Executive Management Team. The CEO is engaged by the Council, but the CEO engages and manages all other employees. The role of CEO is to act as a conduit between Council and the administration of the Shire, and to carry ultimate responsibility for the efficient and effective utilisation of the resources available to the Shire.

The CEO and other Shire Officers report to Council at monthly meetings with recommendations that Council can accept, reject or substitute with an amended resolution. In addition, the CEO, some employees, and other persons hold delegated authority from Council or the CEO to determine a range of matters under various legislation.

The Shire's Executive Management Team consists of the Chief Executive Officer, Director Corporate Services, Director Community and Development, and Director Governance and Administration.

6. Legislative Environment

The Shire is responsible for complying with, or ensuring compliance with, a vast range of Federal and State legislation. It is estimated that directly, or indirectly, the Shire is engaged with more than 200 Acts, and includes the following:

- Aboriginal Heritage Act 1972
- Age Discrimination Act 2004 (Cth)
- Agriculture and Related Resources Protection Act 1976
- Animal Welfare Act 2002
- Aquatic Resources Management Act 2016
- Auditor General Act 2006
- Australian Human Rights Commission Act 1986 (Cth)
- Biodiversity Conservation Act 2016
- Building Act 2011
- Building and Construction Industry Training Fund and Levy Collection Act 1990
- Building Service (Complaint Resolution and Administration) Act 2011
- Building Services (Registration) Act 2011
- Building Services Levy Act 2011
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Cat Act 2011
- Charitable Collections Act 1946
- Commercial Tenancy (Retail Shops) Agreements Act 1985
- Conservation and Land Management Act 1984
- Contaminated Sites Act 2003
- Control of Vehicles (Off Road Areas) Act 1978
- Corruption, Crime and Misconduct Act 2003
- Criminal Code 1913
- Defamation Act 2005
- Disability Discrimination Act 1992 (Cth)
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1974
- Electoral Act 1907
- Electronic Transactions Act 2011
- Environmental Protection Act 1986
- Emergency Management Act 2005
- Emergency Services Levy Act 2002
- Equal Opportunity Act 1984
- Evidence Act 1906
- Fair Work Act 2009 (Cth)
- Food Act 2008
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Freedom of Information Act 1992
- Graffiti Vandalism Act 2016
- Health Act 1911
- Health (Miscellaneous Provisions) Act 1911

- Heritage Act 2018
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Human Rights (Sexual Conduct) Act 1994 (Cth)
- Industrial Relations Act 1979
- Interpretation Act 1984
- Land Administration Act 1997
- Legal Deposit Act 2012
- Library Board of Western Australia Act 1951
- Limitation Act 2005
- Liquor Control Act 2008
- Local Government Industry Award 2010
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Grants Act 1978
- Main Roads Act 1930
- Mental Health Act 2014
- National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018
- Oaths, Affidavits and Statutory Declarations Act 2005
- Workplace Health and Safety Act 2020
- Parliamentary Commissioner Act 1971
- Planning and Development Act 2005
- Public Health Act 2016
- Public Interest Disclosure Act
- Public Works Act 1902
- Racial Discrimination Act 1975 (Cth)
- Rates and Charges (Rebates and Deferments) Act 1992
- Residential Tenancies Act 1987
- Retail Trading Hours Act 1987
- Road Traffic Act 1974
- Road Traffic Code 2000
- Salaries and Allowances Act 1975
- Sex Discrimination Act 1984 (Cth)
- State Administrative Tribunal Act 2004
- State Records Act 2000
- State Records (Consequential Provisions) Act 2000
- Statistics Act 1907
- Strata Titles Act 1985
- Superannuation Act 2005 (Cth)
- Transfer of Land Act 1893
- Valuation of Land Act 1978
- Waste Avoidance and Resource Recovery Act 2007
- Work Health and Safety Act 2020
- Workers Compensation and Injury Management Act 2023
- Working with Children (Criminal Record Checking) Act 2004

In addition, the Shire has adopted (and is currently reviewing, as well as repealing in some cases) Local Laws adopted under various Acts:

- Shire of Coolgardie Bush Fire Brigades Local Law
- Shire of Coolgardie Cats Local Law
- Shire of Coolgardie Cemeteries Local Law
- Shire of Coolgardie Dogs Local Law
- Shire of Coolgardie Fencing Amendment Local Law
- Shire of Coolgardie Public Places and Local Government Property Local Law
- Shire of Coolgardie Meeting Procedures Local Law
- Shire of Coolgardie Parking Local Law

7. Decision Making by the Shire of Coolgardie

The Shire has been entrusted with the responsibility to oversee the development and progression of the local communities.

Council delegates decision-making authority to the CEO in some instances, and the CEO may sub-delegate certain decision-making duties to Shire employees (or others) in accordance with the *Local Government Act 1995*, and other Acts. These delegations are reviewed and approved by Council on an annual basis.

A range of policies have been developed by the Shire that guide and direct its actions now and into the future. All current Council policies can be viewed on the Shire of Coolgardie website.

In performing their roles as decision makers, Council Members, the CEO, and employees are required to make decisions that have an impact on the daily lives of residents, ratepayers and stakeholders of the Shire of Coolgardie. These decisions might include the provision of footpaths, control of animals, collection of waste, cultural events, planning matters, recreation facilities, and control of environmental health issues.

The Shire strives to achieve a balanced and fair approach to decision making to protect and develop the amenities of the Shire, preserve heritage, encourage economic growth, and provide clarity to residents and businesses in the area.

7.1 Public participation in the decision-making process

The Shire recognises that the community is an important resource when making decisions, and that community input is essential to assist the Shire in choosing a path that caters for the current and future needs and expectations of the community.

7.2 Council Meetings

Meetings of Council are held on the fourth Tuesday of the month at 4.30pm, except for December, when the meeting may be held earlier in the month, and January when a meeting is not usually held. Meetings alternate between the Coolgardie Council Chambers and the Kambalda Recreation Facility Function Room.

During States of Emergency the Council may conduct meetings by electronic means, or individual Council Members may “attend” meetings by electronic means when required. In addition, Council may also conduct electronic meetings, if so approved.

In such circumstances the Shire will endeavour to provide public notice and to advise the ways in which the public may view the meeting.

Effective 1st January 2025, there is a requirement for all Class 3 Local Governments (Shire of Coolgardie) to audio record Council Meetings and upload the recordings to the Shire's website.

Minutes of meetings are available at the Shire Offices, town libraries and the Shire's website [**coolgardie.wa.gov.au**](http://coolgardie.wa.gov.au).

Members of the public are welcome to attend Council Meetings. A complete list of Council Meeting dates for the year are available on the Shire of Coolgardie website [**coolgardie.wa.gov.au/council-meetings.aspx**](http://coolgardie.wa.gov.au/council-meetings.aspx)

On occasions there may be a Special Meeting of Council if a matter of urgency arises. Any notice of Special Council Meeting, or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

7.3 Public Question Time

To assist members of the public to participate in the decision-making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each Council meeting.

Should there be a series of questions, the period may be extended at the discretion of the Presiding Member (usually the Shire President).

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting, a written answer will be provided after the necessary research has been carried out. The CEO will endeavour to provide the answers prior to the next meeting of Council.

7.4 Deputations

Should a group of people wish to engage or make a formal representation to Council on behalf of a larger group in relation to an item contained in the Council Meeting agenda, they may apply in writing to the CEO.

The CEO will send the written request to the Shire President, who may then either approve the request or refer it to Council for a decision on whether to receive the deputation. If approved, the CEO will invite the deputant to attend a Council Meeting.

Questions and requests for deputations should be marked for the attention of the Chief Executive Officer and either:

- posted to Shire of Coolgardie, PO Box 138, Kambalda, WA 6442, or
- hand-delivered to the Shire of Coolgardie reception at Irish Mulga Drive Kambalda or to the Shire office at Bayley Street, Coolgardie, or
- emailed to [**mail@coolgardie.wa.gov.au**](mailto:mail@coolgardie.wa.gov.au).

7.5 Annual General Meeting of Electors

The Annual General Meeting of Electors is held to discuss the Shire's Annual Report for the past financial year and discuss general business of the Shire.

A formal Public Notice of Meeting is advertised in advance of the date of the meeting. The meeting is generally held early each calendar year.

7.6 Special Meetings of Electors

In accordance with s5.28 of the *Local Government Act 1995*, a Special Meeting of Electors may be held following a request made to the Shire President for such a meeting by:

- not less than 300 hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of Council Members.

Any request of this nature is to specify the matters to be discussed at the Special Meeting, and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

7.7 Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the Shire President and made by registered electors of the Shire of Coolgardie.

The petition needs to state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. It also needs to contain a summary of the reasons for the request and state the name and address of the person who is putting forward the petition.

Further details regarding the requirements for some specific types of petitions can be found in the *Local Government Act 1995* and the *Local Government (Constitution) Regulations 1996*.

The Shire's Meeting Procedures Local Law also addresses petitions (clause 6.10).

8. Community Consultation & Participation

The Shire regularly invites the community to participate in decision making. There are a range of tools that the Shire uses to engage with the public and the methods used vary according to the requirements of each consultation process, and some processes need to meet legislative requirements.

Opportunities for input into Shire decisions and processes are advertised according to their needs on some or all the following:

- Shire of Coolgardie website coolgardie.wa.gov.au
- Kambalda and Coolgardie Shire office noticeboards
- Library and recreation centre notice boards
- Other public noticeboards, where possible and appropriate
- Shire's Facebook page
- Regional newspapers and newsletters
- West Australian Newspaper

Community members also have the opportunity to engage with the Shire at any time in the following ways:

- In-person at the Shire's Administration offices in Kambalda and Coolgardie between the hours of 8:30am and 4:30pm
- Telephone 08 9080 2111
- Email mail@coolgardie.wa.gov.au.

9. Documents held by the Shire of Coolgardie

Records of the Shire's activities are centrally stored by the Shire in accordance with the *Local Government Act 1995* and *State Records Act 2000*. Such records include correspondence, memoranda, notes, recordings, reports, plans, sketches, maps, diagrams, applications, fact sheets, registers, approvals, notices, agendas and minutes.

In accordance with section 5.94 of the *Local Government Act 1995*, certain documents are made available by the Shire for public inspection without an application under the FOI Act being necessary, many of which are available on the Shire's website coolgardie.wa.gov.au.

Such documents include, but are not limited to:

- Council Records – Agendas and Minutes
- Code of Conduct
- Shire of Coolgardie Policies
- Register of Financial Interests
- Various other Registers including Gift Register and Election Gifts Register
- Annual Reports
- Annual Budget and Schedule of Fees and Charges
- FOI Statement
- Integrated Planning and Reporting - Strategic Community Plan, Strategic Resource Plan, Corporate Business Plan, Workforce Plan
- Register of Burials
- Register of Tenders
- Register of Local Laws
- Municipal Heritage Inventory
- Disability Access and Inclusion Plan

10. FOI Procedures

It is the Shire's aim to make information available promptly and at the least cost possible. Therefore, wherever appropriate and lawful, documents will be provided outside of the FOI process.

Where information is not freely available through one of the methods available outside of FOI, the FOI Act provides the right to apply for access to information held by, or believed to be held by, the Shire of Coolgardie.

It should be noted that some documents are for viewing only and cannot be copied as they are subject to the *Copyright Act 1968*.

10.1 What information can I request?

The kinds of documents which may be requested for access include paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information.

Access may be applied for personal information that is contained in agency documents and may be corrected if it is incorrect, inaccurate, out of date, or misleading. Personal information is information about a person whilst non-personal information is information concerning other people.

Documents which protect essential public interests, personal information about other people or the commercial or business affairs of others are among those documents which may not be released. An edited copy of a document may be provided if it contains some information considered to be exempt under the FOI Act.

10.2 How do I make an FOI application?

No special forms are required – a letter or email will suffice, but the Shire can provide an application form if needed.

In an FOI application, the applicant should identify or describe the documents concerned, providing enough information to facilitate the identification of the documents sought. If applying for amendment of personal information, please provide details to show how or why the agency's records are inaccurate, incomplete, out of date or misleading. Ideally a request should be concise to narrow the field of search.

Costs may apply for applications with a wide scope or requiring a high level of research.

Applications should specify an address in Australia where notices and correspondence can be sent and, if possible, include a contact telephone number or email address in case the Shire needs to contact the applicant.

Written FOI applications or related enquiries may be sent to:

- Freedom of Information Officer, PO Box 138, Kambalda, WA 6442, or
- mail@coolgardie.wa.gov.au

Applications will be acknowledged in writing and applicants notified of the decision within 45 days.

10.3 Are there any costs involved?

No fees or charges apply for personal information or amendment of personal information requests. Applications for other documents (ie, which are non-personal in nature) require a \$33 application fee to be paid when the application is lodged. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of a request.

Applicants may ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed \$25 the agency must provide an estimate of charges and ask whether the applicant wants to proceed with the application.

Applicants must notify the Shire (within 30 days) of their intention to proceed. In some instances, the Shire may request an advance deposit. The fees, charges, deposits, and possible reductions are set by the FOI Act and are as follows:

| | |
|---|--------------------------|
| • Personal information about the applicant | No fee and no charges |
| • Application fee (for non-personal information) | \$33.00 |
| • Charge for time dealing with the application (per hour or pro rata) | \$33.00 |
| • Access time supervised by staff (per hour or pro rata) | \$33.00 |
| • Photocopying staff time (per hour or pro rata) | \$33.00 |
| • Per photocopy | \$0.20c |
| • Transcribing from tape, film or computer (per hour or pro rata) | \$33.00 |
| • Duplicating a tape, film or computer information | Actual cost |
| • Advance deposit that may be required in respect of estimated charges | 25% of estimated charges |
| • Further advance deposit that may be required to meet the charges for dealing with the application | 75% of estimated charges |
| • For impecunious applicants the charge payable is reduced by | 25% |
| • For those issued with prescribed pensioner concession cards the charge payable is reduced by | 25% |

10.4 In what way can charges be minimised or removed?

The FOI Act requires the Shire to help applicants with their application if they are having difficulty defining the documents they are seeking.

The Shire may describe the kinds of documents and records kept, helping to narrow the scope of an application. By reducing the scope of an application, it will reduce the work for the Shire and the cost to the applicant. The Shire may refuse to deal with a large request.

10.5 What happens after I have lodged my application?

Once the Shire has received a valid application, it has a maximum period of 45 calendar days to deal with the application and to decide whether access is provided to the documents.

If the period is not enough for research to be carried out and a decision subsequently provided, the applicant will be informed and a negotiated time will be determined.

10.6 What if the documents are needed urgently?

If a decision is required on an application by a certain time, this information should be included in the written FOI application, or the applicant should approach the Shire about the desired timeframe after the application has been submitted. Applicants may be able to negotiate a shorter (or longer, as the case may be) period for response with the Shire.

10.7 How and when will I know the Shire's decision?

The Shire of Coolgardie must provide an applicant with a written Notice of Decision advising whether access will be provided to all or some of the documents requested. The Notice of Decision will include details such as:

- the date on which the decision was made
- the name and the designation of the officer who made the decision
- if access is refused, the reason for the refusal or where the document is exempt, and
- information on the rights of review and the procedures to be followed to exercise those rights.

The Notice of Decision will be provided as soon as possible, but in any case, within 45 days. If the Shire refuses access to any documents or parts of any documents, the written notice must provide the reasons for the decision. It must also explain rights of review.

10.8 Amendment of Personal Information

Applicants have the right to amend personal information held by the Shire of Coolgardie, which the applicant considers incomplete, inaccurate, misleading, or not up to date. Applicants must provide details and, if necessary, documentation to support any claim on the information sought to be amended.

In addition, the applicant must indicate how the amendment is to be made, which may include:

- altering information
- striking out or deleting information
- inserting information, or
- inserting a note in relation to the information

There is no application fee or charge associated with an application for personal information about the applicant or the amendment of personal records.

10.9 Rights of Review

Internal Review

If an applicant is dissatisfied with the Shire's decision, they are entitled to request an internal review by the Shire.

An applicant has 30 days from the date of receipt of the Notice of Decision to make an application for an internal review. Such a request needs to be in writing to the Shire's FOI Officer and should identify the part of the decision that is disagreed with, as well as the reason why the applicant is dissatisfied with it.

The Shire then has 15 calendar days to conduct a review and notify the applicant of the outcome. Another Shire officer, who is not subordinate to the original decision-maker, must make the decision on internal review. If the decision was made by the Chief Executive Officer, then an internal review would not be available. In this instance, the applicant may apply to the Information Commissioner for an external review.

External Review

If an applicant disagrees with the outcome of the internal review, they may request the Information Commissioner for an external review.

An application for external review should be made within 60 days of receiving the Shire's notice of internal review decision. Third parties who object to disclosure of their information must apply for external review within 30 days after being given the Shire's decision.

The application for external review may be made in a letter or by completing a form available from the Office of the Information Commissioner's website oic.wa.gov.au.

Applicants must provide an address to which notices can be sent, give particulars of the decision to be reviewed, include a copy of that decision, and lodge the application at the Office of the Information Commissioner.

The Information Commissioner is appointed by the Governor as an independent statutory officer who is responsible directly to Parliament. Therefore, complaints lodged with the Information Commissioner are subject to impartial review based on the merits of each case and the relevant provisions of the FOI Act.

11. Appeals to Supreme Court

Information Commissioner decisions are typically considered final and binding, but they can be appealed to the Supreme Court on a question of law. This means that if an applicant believes the Commissioner made an error in interpreting or applying the law, they can seek review by the Supreme Court.

The timeframe and process for lodging an appeal is governed by the *Rules of the Supreme Court 1971*. An appeal must be lodged within 21 days after the date of the Commissioner's decision.

The procedures relating to appeals to the Supreme Court are established by the court. Further information on lodging an appeal can be obtained by contacting the Supreme Court.

12. Further information

Further information can be obtained from the Shire's Freedom of Information Officer on 08 9080 2111, Monday to Friday from 8.00am to 4.00pm.

Alternatively, the Office of the Information Commissioner may be contacted:

- Telephone: (08) 6551 7888 or 1800 621 244 (toll free for WA country callers)
- Email: info@foi.wa.gov.au
- Website: foi.wa.gov.au
- Address: Albert Facey House, 469 Wellington Street, Perth WA 6000