



SHIRE OF WYNDHAM | EAST KIMBERLEY

# INFORMATION STATEMENT

2019 - 2020

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# 1 INTRODUCTION

The objects of the *Freedom of Information Act 1992* ('FOI Act') are to:

- A. Enable the public to participate more effectively in the governing of the State; and
- B. Make the persons and bodies that are responsible for State and local government more accountable to the public.

Under Part 5, section 96 of the FOI Act, the Shire of Wyndham East Kimberley is required to publish an Information Statement annually. This provides a guide to the information sources of the Shire of Wyndham East Kimberley including its functions, responsibilities and structure.

The Information Statement includes information on:

- The structure and functions of the Shire;
- Decision-making functions;
- Community participation in formulation of the Shire's decisions and performance of the Shire's functions;
- Description of the type of documents generated and held by the Shire of Wyndham East Kimberley as well as which documents may be viewed, purchased or obtained free of charge;
- How to access documents and personal information held by the Shire of Wyndham East Kimberley; and
- How to amend personal information in documents held by the Shire of Wyndham East Kimberley.

This document can be obtained by accessing the Shire's website:  
<https://www.swek.wa.gov.au/council/freedom-of-information.aspx>

Further information can be provided by contacting the Freedom of Information Coordinator

Shire of Wyndham East Kimberley  
Po Box 614  
Kununurra  
WA 6743

Telephone: (08) 9168 4100

Email: [mail@swek.wa.gov.au](mailto:mail@swek.wa.gov.au)

This information is correct as at June 2020.

## 2 SHIRE OF WYNDHAM EAST KIMBERLEY'S VISION, MISSION AND VALUES

### Our Vision

For the East Kimberley to be a thriving community with opportunities for all.

### Our Mission

To enable the East Kimberley to develop in a manner that will achieve social, cultural, economic and environmental benefits for all.

### Our Values

**Inclusivity** - We recognise the diversity of our community and want to ensure that everyone can actively participate in community life.

**Unity** - We will work collaboratively with the community, united in a common purpose.

**Sustainability** - Ensure that the aspirations of the community can be met within budget in order to remain socially, environmentally and financially sustainable.

**Responsibility for our own future** - We will actively participate in providing input to decision making at a state and national level on issues that affect our region.

**Leadership** - We will listen to the community's concerns and advocate for issues that are important to residents.



# Focus Areas and Goals

Focus Areas and Goals of the Shire of Wyndham East Kimberley:

## 1 Healthy vibrant active communities



PEOPLE

*Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.*

Goals:

- 1.1 Bring community together and promote our rich culture and heritage
- 1.2 Increase community participation in sporting, recreation and leisure activities
- 1.3 Promote quality education, health, childcare, aged care and youth services

## 2 Enhancing the environment



PLACE

*We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.*

Goals:

- 2.1 Conserve the Shire's unique natural environment for the enjoyment of current and future generations
- 2.2 Provide sustainable public infrastructure that serves the current and future needs of the community
- 2.3 Make towns safe and inviting for locals and visitors

## 3 Economic prosperity



PROSPERITY

*For the Shire to be open for business with a growing and successful economy and jobs for all.*

Goals:

- 3.1 To deliver the critical infrastructure that will create the conditions for economic growth across the Shire
- 3.2 To be business friendly and the Shire of choice for inward investment in the Kimberley
- 3.3 Develop and retain skilled people that business needs to succeed

## 4 Civic leadership



GOVERNANCE

*We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.*

Goals:

- 4.1 Effective representation through advocacy at a regional, state and national level
- 4.2 Good decision making through engagement with the community
- 4.3 Ensure a strong and progressive organisation delivering customer focused services
- 4.4 Sustainably maintain the Shire's financial viability

### 3 CODE OF CONDUCT – COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

Section 5.103 of the *Local Government Act 1995* provides that every local government is to prepare a code of conduct which is to be observed by members of the Council and Shire employees.

In accordance with the Code of Conduct Council members, Committee Members and Employees shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially in the public interest; or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the council members and/or employees of the Shire (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

In accordance with the Local Government Act 1995, s2.8 the Shire President speaks on behalf of the local government, and is the only person to make public comment on behalf of the Shire. If the Shire President agrees the CEO can be a spokesperson for the Shire.

## 4 STRUCTURE AND FUNCTIONS

The Shire of Wyndham East Kimberley is established under and operates in accordance with the *Local Government Act 1995* and is the local government covering the district of the East Kimberley.

The general function of a local government is to provide for the good government of persons in its district. The intention of the *Local Government Act 1995* is to inform efficient and effective decision-making, greater community participation in the decisions and affairs of the local government as well as foster operational transparency and accountability. In carrying out its functions, the local government is to use its best endeavours to meet the current and future needs of generations by integrating environmental protection, social advancement and economic prosperity.

All local governments in Western Australia are independent corporate bodies constituted under the *Local Government Act 1995* (the Act). The Council of the Shire of Wyndham East Kimberley is the overall decision-making body. The Council employs a Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council.

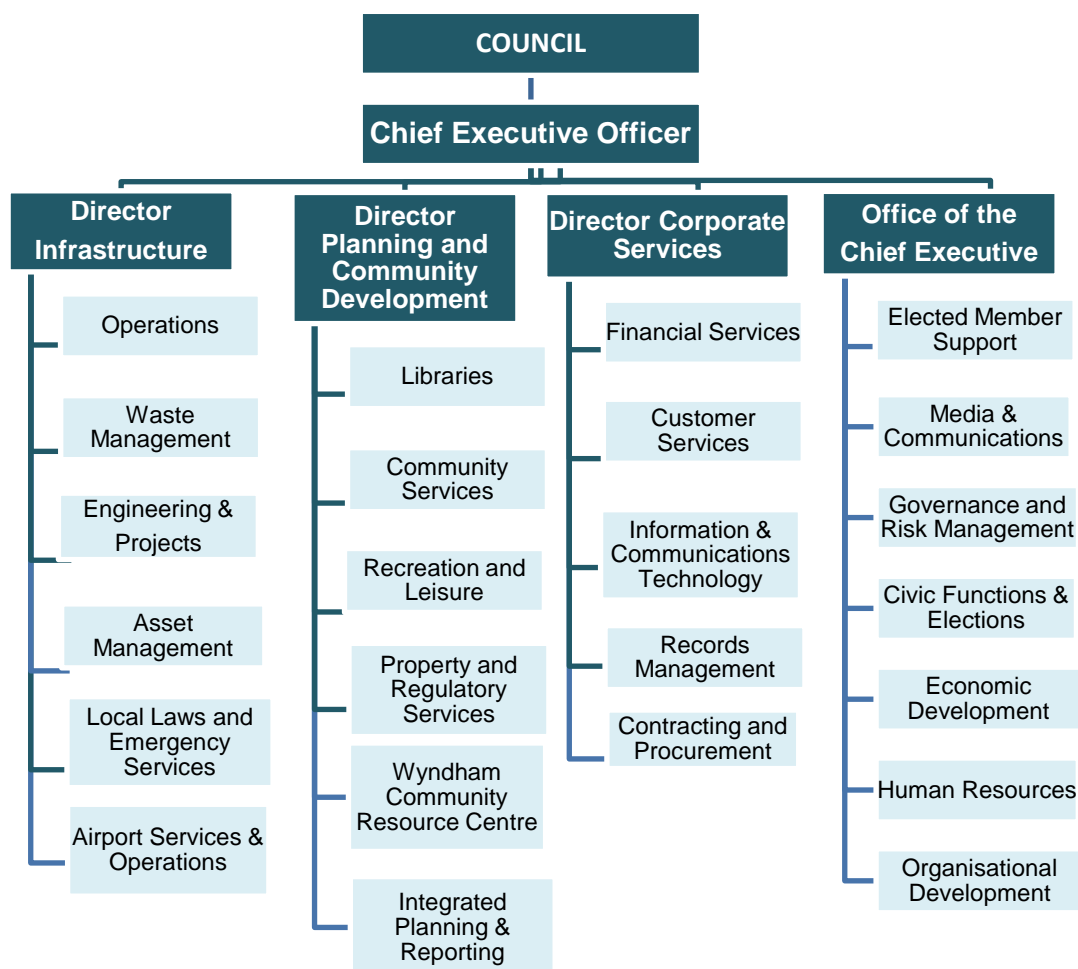
### **Chief Executive Officer**

The CEO's Office is responsible for the overall management of the Shire of Wyndham East Kimberley at an operational and strategic level.

The Chief Executive Officer acts as the conduit between the elected members and the employees of the local government. All other employees ultimately receive their direction from and are responsible to the Chief Executive Officer. Elected members acting individually do not have the authority to influence the activities, duties and operations of employees directly. The Chief Executive Officer is the chief non-elected officer and in accordance with the *Local Government Act 1995* s5.41 has the following functions:

- Advise the council in relation to the functions of a local government under this Act and other written laws; and
- Ensure that advice and information is available to the council so that informed decisions can be made; and
- Cause council decisions to be implemented; and
- Manage the day to day operations of the local government; and
- Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- Speak on behalf of the local government if the mayor or president agrees; and
- Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.





To deliver services to the community, the Shire’s organisational structure is grouped into four operational and functional directorates which are guided through the leadership of the CEO.

Within each directorate are several service-specific units that are responsible and accountable for delivering services and implementing the Corporate Business Plan in accordance with their specific expertise.

Infrastructure	Planning and Community Development	Corporate Services	Office of the Chief Executive
<ul style="list-style-type: none"> <li>▪ Asset Management</li> <li>▪ Project Management</li> <li>▪ Depot and Plant</li> <li>▪ Roads and Bridges</li> <li>▪ Drainage Systems</li> <li>▪ Parks, Ovals and Reserves</li> <li>▪ Footpaths, Trails and Cycle ways</li> <li>▪ Play Spaces</li> <li>▪ Waste Management</li> <li>▪ Airport Management</li> <li>▪ Ranger Services</li> <li>▪ Emergency Services</li> <li>▪ Property Management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community Development</li> <li>▪ Kununurra Library</li> <li>▪ Strategic and Land Use Planning</li> <li>▪ Disability Access</li> <li>▪ Youth Services</li> <li>▪ Recreation and Leisure</li> <li>▪ Building Services</li> <li>▪ Facility Management</li> <li>▪ Environmental Health</li> <li>▪ Integrated Planning &amp; Reporting</li> </ul>	<ul style="list-style-type: none"> <li>▪ Corporate Services</li> <li>▪ Information &amp; Communications Technology</li> <li>▪ Financial Services</li> <li>▪ Records Management</li> <li>▪ Customer Services</li> <li>▪ Contracting &amp; Procurement</li> <li>▪ Insurance</li> <li>▪ Wyndham Library</li> <li>▪ Wyndham Office Services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Office of the Chief Executive</li> <li>▪ Council Secretariat</li> <li>▪ Economic Development</li> <li>▪ Media &amp; Communications</li> <li>▪ Governance</li> <li>▪ Risk Management</li> <li>▪ Occupational Health and Safety</li> <li>▪ Civic Functions</li> <li>▪ Elections</li> <li>▪ Organisational Development</li> </ul>

## 5 SHIRE OF WYNDHAM EAST KIMBERLEY COUNCIL

The Shire of Wyndham East Kimberley is served by 9 Elected Members including the Shire President and Deputy Shire President, in a single ward structure.

Local Government Elections are held every two years, on the third Saturday of October, to elect a minimum of four Councillors at each election. Councillors vote to elect the Shire President and Deputy President.

Elected members are ratepayers or residents who work for the community and provide an avenue for public participation and input on important decisions which affect the community and Shire. Residents can contact the councillors to discuss any issues relevant to Council.

Decisions are made by the Council in accordance with the *Local Government Act 1995*. More information relating to current elected members can be found on the Shire of Wyndham East Kimberley website at [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

### 5.1 Role of the Council

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- Governs the local government's affairs;
- Is responsible for the performance of the local government's functions;
- Oversee the allocation of the local government's finances and resources; and
- Determine the local government's policies.

### 5.2 Role of the Shire President

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- Presides at meetings in accordance with this Act;
- Provides leadership and guidance to the community in the district;
- Carries out civic and ceremonial duties on behalf of the local government;
- Speaks on behalf of the local government;
- Performs such other functions as are given to the mayor or president by this Act or any other written law; and
- Liaises with the CEO on the local government's affairs and the performance of its functions.

### 5.3 Role of the Councillors

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- Represents the interests of electors, ratepayers and residents of the district;
- Provides leadership and guidance to the community in the district;
- Facilitates communication between the community and the council;
- Participates in the local government's decision-making processes at council and committee meetings; and
- Performs such other functions as are given to councillor by this Act or any other written law.

## 6 DECISION-MAKING STRUCTURE

### 6.1 The Framework

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The *Local Government Act 1995* provides for a system of local government by creating a constitution for elected local government in the State, describing the functions of local governments, providing for the conduct of elections and providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.

The *Local Government Act 1995 and Local Government (Administration) Regulations 1996* informs the decision-making structure of the local government.

The *Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016* is the local laws by which Council and Committee meetings are run. They relate to the conduct of proceedings of the business of the Council and Committee meetings.

A copy of the *Meeting Procedures Local Law 2016* is available for perusal on the Shire of Wyndham East Kimberley's website site <https://www.swek.wa.gov.au/documents/local-laws>

### 6.2 Ordinary and Special Council Meetings

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Ordinary Council Meetings generally take place on the fourth Tuesday of each month. From time to time a Special Meeting of Council may be called to consider matters that cannot wait until the next scheduled Ordinary Meeting of Council. Special Council Meetings are advertised in the local newspaper and/or via community notices.

Council Meetings generally commence at 5:00 pm and are open to the public unless items of a confidential nature are being discussed. In these circumstances, a resolution will be passed by the Council, and members of the public, members of the press and non-essential personnel will be asked to leave the meeting.

The agenda for each meeting sets out the items of business to be considered and the order in which they will be dealt with. The *Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016* prescribes how meetings of Council are to be conducted.

### 6.3 Annual General Meeting of Electors

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Every financial year the Shire must hold a General Elector's Meeting at which the Shire's Annual Report is presented. Matters discussed at the Elector's Meeting include the contents of the annual report for the previous financial year and any other general business.

Members of the public are encouraged to attend this meeting as it provides an opportunity to ask questions and raise issues with the elected members.

#### 6.4 Agenda and Minutes for Council and Electors Meetings

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Agendas of Council Electors and Committee Meetings are on public display at the Shire Administration Buildings located in Kununurra and Wyndham. Agendas can be viewed on the Shire's website at <https://www.swek.wa.gov.au/council-meetings/>. Council Agendas are generally available from the Friday prior to the Council Meeting.

Minutes of Council, Electors and Committee meetings are made available within 10 working days of the meeting. They also on display at the Shire Administration Buildings located in Kununurra and Wyndham and can also be viewed on the Shire's website – [www.swek.wa.gov.au/publications](http://www.swek.wa.gov.au/publications)

#### 6.5 Audit (Finance and Risk) Committee Meetings

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Audit (Finance and Risk) Committee Meetings are held quarterly – generally in February, May, August and November. The Audit (Finance and Risk) Committee meetings are scheduled so that should any matters arise that need to be discussed at a Council Briefing or reported to Council, those matters can be dealt within the same month.

#### 6.6 Confidential Briefings

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Confidential briefings generally occur on the second Tuesday of the month and are not open to members of the public. They are an opportunity for officers to present to Council on future projects and/or strategies that may result in a formal report to Council.

## 7 PUBLIC PARTICIPATION

### 7.1 Community Consultation

The Council consults the community to seek their views on a number of projects in which it is involved in. Council can seek these views in a number of ways, including advertising in local papers, calling public meetings, and seeking responses to surveys and questionnaires.

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.

Council's approach to community engagement is based on the International Association of Public Participation's (IAP2) Spectrum. The level of engagement should be determined by considering the issue, problem or opportunity requiring community engagement, the objectives to be achieved by engaging and the extent that the community can assist Council to make decisions.

#### The IAP2 Public Participation Spectrum:

	Inform	Consult	Involve	Collaborate	Empower
<b>Community Participation Goal</b>	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain feedback on analysis, alternatives and / or solutions.	To work directly with the public throughout the process to ensure that public concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
<b>Promise to the Community</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge aspirations and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are reflected in the alternatives developed and provide feedback on how community input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
<b>Example Techniques</b>	Fact Sheets, Websites, Open Houses.	Public Comments, Focus Groups, Surveys, Public Meetings.	Workshops, Deliberative polling.	Advisory Committees, Consensus Decision Making.	Citizen Juries, Ballots, Delegated decision.

## 7.2 Public Notices and Advertising

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There are a number of sections within the *Local Government Act 1995* that require the Shire to provide notice to the community. This can be in relation to a proposed decision or a decision that has been passed. In such instances, the Shire will provide such notice on public notice boards in the Shire Administration Buildings in Kununurra and Wyndham, the Kununurra Library, on the Shire's public website ([www.swek.wa.gov.au](http://www.swek.wa.gov.au)), on the Shire's Facebook page and in state or local newspapers.

Where local public notice is required, it shall be undertaken in the Kimberley Echo newspaper.

Where state-wide public notice is required, it shall be undertaken through the West Australian newspaper.

## 7.3 Deputations

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In accordance with the Shire of Wyndham East Kimberley *Meeting Procedures Local Law 2016*, any person or group can make a deputation at a Committee or Council meeting.

Where a member of the community has an interest in an item listed for discussion at a Council or Committee meeting, upon prior written application to the Chief Executive Officer, they are entitled to give a deputation.

Such deputations shall consist of no more than five (5) persons with only two (2) who may address the meeting for a period not exceeding 10 minutes without the agreement of the Council. Further details regarding deputations are contained in clause 6.9 of Council's *Meeting Procedure Local Law 2016*, which can be found on the Shire's website.

## 7.4 Public Question Time

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In accordance with the *Local Government (Administration) Regulations 1996*, a minimum of 15 minutes is available for public question time for each Committee and Council meetings. Public Question Time enables a member of the public to put to the Council or Committee, via the Chair, a question concerning the business of the Shire of Wyndham East Kimberley.

Only questions relating to matters affecting the Council will be considered at an Ordinary Council Meeting. At a Special Council Meeting, only questions that relate to the purpose of the meeting will be considered.

Information regarding public question time, along with the public question form, can be found on the Shire's website <https://www.swek.wa.gov.au/council-meetings/>

## 7.5 Petitions

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A petition is defined as a formal written request, signed by members of the public, appealing to an authority for some cause. The cause or subject of the submission must be something that the Council has the authority to deal with or has a decision-making role.

Written petitions are to be addressed to the President on any issue within Council's jurisdiction. The Council's *Meeting Procedures Local Law 2016* outlines the process for presenting petitions in clause 6.10.

## 7.6 Written Requests

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A member of the public can write to the Shire on any council policy, activity or service of the Council. A response will be provided in accordance with the Shire's Customer Service Policy (CP CS-3281) and Complaints Management Policy (CP CS-3280).

These documents can be found on the Shire's website:

<https://www.swek.wa.gov.au/council/publications/shire-policies.aspx>

## 8 FREEDOM OF INFORMATION

### 8.1 What is Freedom of Information?

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The *Freedom of Information Act 1992* (the FOI Act) is an Act to provide for public access to documents and to enable the public to ensure that personal information in documents held by the Shire is accurate. Under the FOI Act, the right to access applies to documents held by most State government agencies, Ministers and local government. These bodies are referred to as “agencies”.

The type of documents accessible under the FOI Act include paper records, plans, drawings, photographs, tape recordings, films, videotapes or electronic documents. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost.

Individuals can also apply to have personal information about them listed in any government documents amended if that information is inaccurate, incomplete, out of date or misleading.

There are two main categories of documents held by the Shire of Wyndham East Kimberley, those available for inspection or purchase outside of the FOI Act and those through their content must be held confidentially and public access considered only through the provision of the FOI Act. Wherever possible the Shire of Wyndham East Kimberley is required to provide access to documents outside of the FOI process.

People have the right of access to documents held by Ministers, State Government departments, local governments and other statutory authorities and can apply for access to the documents of an agency or local government. This right is not affected by any reason the person has for wishing to obtain access or the local government’s belief as to what the reasons are for wishing to obtain access.

The agency does have the right to refuse access to documents, or certain information in them, if that information is deemed exempt under the FOI Act. These exemptions include:

- personal information about individuals other than your own personal information;
- the protection of essential public interest;
- commercial information that would reveal trade secrets or information of a commercial value;
- documents that are covered by legal professional privilege;
- the deliberate processes of local government.

It is the Shire’s intention to provide access to requested documents, wherever possible, in the ordinary course of daily work provided that in so doing no harm is inflicted upon the rights or interests of private individuals or commercial organisations. Where requested documents are of a sensitive nature, the application will be dealt with under the provisions of the Act considering all parties concerned. It is our belief that that this strategy will facilitate the provision of information to the public in a prompt and cost-effective manner whilst still observing the need to preserve the confidentiality of classified information.

### 8.2 Documents Available Outside the FOI Act

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The Shire of Wyndham East Kimberley is required under the *Local Government Act 1995* to make available for inspection to the public the following documents.

- Code of Conduct
- Annual Budget
- Annual Financial Statements
- Schedule of Fees and Charges



- Strategic Community Plan
- Corporate Business Plan
- Local Laws (including amendment of text or appeals of local laws)
- Rates Records – Rate Book
- Rate differential or minimum rate notice
- Notice Papers, Agendas and Minutes of Committee Meetings and Council Meetings (including confirmed minutes that relate to the meeting(s))
  - Limitation – Access does not extend to the inspection where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, was closed to members of the public. Nor does it extend where it relates to any debt owed to the City.
- Minutes of Electors’ Meetings
- Electoral Roll – Shire of Wyndham East Kimberley Owner and Occupiers or Consolidated Roll
- Registers – Tenders, Gifts, Complaints
- Policy for attendance at events
- Information Statement
- Training completed by council members
- Documents released for public comment
- Delegated Authority (and decisions made under Delegation)
- Building and Development Applications via Search and Retrieval Application and subject to fees
- Map of the District
- Shire of Wyndham East Kimberley Enterprise Agreement

You can request to view these documents by attending the Shire’s Administration office and copies can be obtained upon payment of the relevant charges for production. Many of these documents can also be found on the Shire’s website at [www.swek.wa.gov.au](http://www.swek.wa.gov.au).

## 8.3 Documents Available Under the FOI Act

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### 8.3.1 How to Apply

For access to documents other than those listed as accessible outside the FOI Act a Freedom of Information application must be submitted. This application will be subject to legislation regarding the *Freedom of Information Act 1992* as outlined in this information statement.

A Freedom of Information application must be in writing and include an Australian address to where notices can be sent. It is beneficial to include as much information as possible as outlined on the application form including your full name, telephone contact and email address.

A prescribed fee of \$30 will be applicable upon submission of the application in order for the Information Coordinator to begin the document assessment process. The identified documents will then be reviewed to determine if any exemptions apply. The response to the original application must be provided to the applicant in the shortest possible time (or within 45 days) at the lowest reasonable cost.

The application should include enough information to clearly identify the requested documents. Try to include information such as subject matter, clearly defined dates where possible and the types of documents required.

You can contact the Shire's Freedom of Information Coordinator (the Director Corporate Services) prior to completing your application for assistance to clarify and/or reduce your scope. The Shire can refuse to deal with any application that it considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations. The agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it (*Freedom of Information Act 1992, Part 2, Div. 2 s.20(1& 2)*).

Application forms can be collected in person from the Shire Administration office or downloaded from the Shire website. Forms can be submitted in person or by mail and the application must include the prescribed payment to be considered valid.

The Shire of Wyndham East Kimberley  
 Freedom of Information Coordinator  
 20 Coolibah Drive  
 PO Box 614  
 KUNUNURRA WA 6743

Phone: 08-9168 4100  
 Email: [mail@swek.wa.gov.au](mailto:mail@swek.wa.gov.au)  
 Website: [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

### 8.3.2 Fees and Charges

No fees or charges apply for information relating to personal information or the amendment of personal information. All other applications are subject to the prescribed application fee.

FEES AND CHARGES	FEE
<b>FEES (GST EXEMPT)</b>	
Application fee for non-personal information (Mandatory)	\$30.00
Application fee for personal information	No Fee
<b>CHARGES (GST APPLICABLE)</b>	
Charge for staff dealing with application and photocopying	\$30.00 / hr
Supervised access to records for inspection only	\$30.00 / hr
Transcribing information from tape, film or computer	\$30.00 / hr
Photocopying	\$0.20 / page
Duplicating a tape, CD, DVD or computer information	Actual Cost
Delivery, packing and postage	Actual Cost
<b>DEPOSITS</b>	
An advance deposit may be required	25%
An additional advance deposit may be required for large applications	75%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards (apart from the application fee), the charge payable is reduced by 25%.

There are no application fees or charges for internal or external reviews.

#### 8.3.3 Notice of Decision (s.49)

A “Notice of Decision” will be provided by the chief decision-maker at the Shire. This “Notice of Decision” will advise the outcome of your application. If the outcome is positive, it will also include information as to how to obtain the required documents. If access is refused or only partial access is granted, the “Notice of Decision” will outline the reasons as to why you have been denied access to any or all documents.

#### 8.3.4 Decision and Reasons for Decision (s.49)

The FOI Act allows agencies to refuse access without confirming or denying the existence of a document in certain narrow circumstances. These are where a document, if it existed, would be exempt under section 33 (documents affecting national security, defence or international relations) or section 37(1) (documents affecting enforcement of law and protection of public safety).

#### 8.3.5 Your Review Rights – Internal Review (s.39)

If you are dissatisfied with the Shire’s decision (which is deemed to be a refusal to grant access), you may apply for internal review or seek the Information Commissioner review the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

#### 8.3.6 Decision and Reasons for Decision (s.49)

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review the decision. An application for review by the Information Commissioner must be made in writing within 60 days after being given the agency's decision, and be lodged in one of the following ways:

Online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
In-person: Level 3, 175 Pitt Street, Sydney NSW.

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website.

Go to [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

#### 8.3.7 Appeals to the Supreme Court (s.85)

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.

## 8.4 Time Limits

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### 8.4.1 Notice of Decision

Must be issued within 45 calendar days from when the application was received. Should the application be unusually large, or require consultation with a significant number of third parties, consultation with the Applicant to arrange an agreed period of extension should take place as soon as is practicable within the assessment process.

### 8.4.2 Internal Review

Must be lodged within 30 calendar days by the applicant if they are dissatisfied with the Shire's Notice of Decision. The Shire in turn must respond within 15 days upon receipt of the Internal Review application.

### 8.4.3 External Review

Must be lodged within 60 calendar days by the applicant if they are dissatisfied with the Shire's Internal Review decision. The Information Commissioner in turn must respond within 30 days upon receipt of the External Review application.

## 8.5 Amending Personal Information

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The FOI Act allows you to seek amendment of personal information held by the Shire. This ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression or is incorrect or inaccurate. Applications must be provided to the Shire administration office in writing to request a correction, amendment or annotation to the documents containing an individual's personal information.

The written application must include:

- the details, and if necessary, documentation to support claims that the information the Applicant seeks to amend is inaccurate, incomplete, out of date or misleading
- direction from the applicant as to whether they require the amendment to the information to be made by altering, striking out or deleting the information or inserting information or a note in relation to the information.

The agency can refuse to annotate a record if they consider the annotation to be voluminous, defamatory or irrelevant. They can also attach their own comments to the annotation.

The Shire will inform the applicant of its decision and the reasons for arriving at that decision, together with rights of review if dissatisfied with the Shire's decision.

*The Privacy Act 1988* also provided you with rights to request that Ministers and agencies change information they hold about you. These rights are separate from your rights under the FOI Act.

## 9 CHANGE OF ADDRESS / DETAILS REQUEST

If you are a current ratepayer, creditor or debtor within the Shire of Wyndham East Kimberley and you require to amend any details of where your notices and accounts are sent, a 'Change of Address / Details Request' form must be completed and returned to the Shire administration office.

The form can be downloaded from the Shire's website at <http://www.swek.wa.gov.au> under Find a Form or you can request a copy either in person or by email directly from the Shire administration office.