



Shire of
Collie
Explore. Discover. Connect.

Freedom of Information Statement 2023 – 2024

This Information Statement is published in accordance with the provisions of part 5
of the *Freedom of information Act 1992*

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1. OVERVIEW

1.1 Introduction — The Information Statement

Section 96(1) of the *Freedom of Information Act (1992)* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- The Agency's Commitment to Community.
- 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 Freedom of Information in the agency.

This document has been prepared for the Shire of Collie to satisfy Part 5 of the Act.

Copies of this document may be obtained from:

The Chief Executive Officer
Shire of Collie
Locked Bag 6225
COLLIE WA 6225

It is also available on the Shire of Collie website at www.collie.wa.gov.au/freedom-of-information.

Enquiries may be made to the office or by telephoning (08) 9734 9000 Monday to Friday from 8.30am to 4.30pm or by e-mail to colshire@collie.wa.gov.au

Please note this statement will be reviewed in November 2023

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1.2 Introduction — The Shire of Collie and enabling Legislation.

The Shire of Collie is a medium sized local authority covering an area of 1,685 sq km, situated in the South West of Western Australia. Collie is a community with a rich heritage which has been derived from a unique mix of industrial, environmental, and social history. The breakup of Collie as a Local Government area highlights this with approximately 80% of the Local Government being taken up with State Forest, which leaves only the remaining 20% to be utilized for significant industrial activities and urban or rural developments.

Coal Mining, Power Generation and Bauxite Refining are key industries in the Collie area, employing more than 2,000 people directly in an average year. This number can as much as double in years when construction or expansion works are undertaken in one of the three major industries.

The Collie Community embraces and encourages the development of these industries, recognising their importance to not only Collie, but the South West and Western Australia. In saying this, the Council and the Community are also very keen to be informed, consulted, and recognised by these major industries with respect to the role they play in an environmental, social, and economic sense. The Council is especially eager to promote partnerships and long term mutually beneficial relationships with industry, which will provide benefit back to the Community of Collie.

Council has a full meeting every second Tuesday of the month commencing at 7.30pm, at which the public are welcome and are provided with an opportunity to ask questions of the Council. In addition, the Council has several advisory committees which meet monthly and provide recommendations to Council on various matters.

The Shire of Collie is constituted as a Local Authority under the *Local Government Act, 1995*. The general function of a Local Government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities.

Using its legislative powers, a Local Government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law or are necessary or convenient to be so prescribed for it to perform any of its functions under the Local Government Act.

The Local Government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act, including the provisions of services and facilities.

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1.3 Our Vision, Values and Commitment to Community

Our Vision

Collie - *A progressive community, rich in opportunities and as diverse as its heritage and landscape.*

Our Values

The core values at the heart of the Council's commitment to the community are:

Integrity

Transparency

Accountability

Collaboration

Respect

Our Commitment to Community

We will lead the delivery of our vision.

We will support local business wherever possible.

We will consult and engage with our community on issues that affect them.

We will encourage, welcome and value feedback.

We will encourage, support and advocate for our community.

1.4 Local Government Structure

The Council and Elected Members

The Council comprises 11 elected members, including the Shire President, who is elected by the Council. The Elected Members are chosen democratically, every two years, by the community and act in a voluntary capacity to represent the whole district of the Shire of Collie.

Decisions are made as a consensus of the Council in accordance with the *Local Government Act, 1995*.

Role of the Council

The roles of the Council and Elected Members/Councillors are as follows -

The Council:

- 1) Directs and controls the Local Government's affairs.
- 2) is responsible for the performance of the Local Government's functions.
- 3) Oversees the allocation of the Local Government's finances and resources; and
- 4) Determines the Local Government's policies.

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Role of the Shire President:

- 1) Presides at meetings in accordance with this Act.
- 2) Provides leadership and guidance to the community in the district.
- 3) Speaks on behalf of the Local Government; and
- 4) Liaises with the Chief Executive Officer on the Local Government's affairs and the performance of its functions.

A Councillor:

- 1) Represents the interests of electors, ratepayers, and residents of the district.
- 2) Provides leadership and guidance to the community in the district.
- 3) Facilitates communication between the community and the Council; and
- 4) Participates in the Local Government's decision-making processes at Council and Committee Meetings.

The Council employs a Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council.

The organisation is structured into three operational areas: Corporate Services, Development Services and Technical Services. The Directors from these areas, together with the Chief Executive Officer, comprise the Executive Management Team.

The following information outlines the role and key functions of the Chief Executive Officer and each operating area.

CHIEF EXECUTIVE OFFICER

Objectives of this Position

- To implement the strategic goals and objectives of the organisation.
- To lead the Senior Management Group in managing the people, infrastructure, and assets of the Shire.

Within Section

- Manage and lead the Senior Management Group.
- Meet corporate objectives.
- Ensure that delegations are exercised within statutory requirements, Council Policies, and strategic objectives.
- Lead the organisation in providing an elevated level of service to the Community and Elected Members.

Within Organisation

- Administer the Legal and Statutory obligations of the Council's operation and be the chief adviser to Council on these matters.
- Foster a Corporate approach within the Senior Management Group to use budgets to ensure effective financial controls operate within and across each functional area.

DIRECTOR OF CORPORATE SERVICES

Objectives of this Position

- To work in close liaison with the Chief Executive Officer in the day-to-day management of the Corporate Services section of Council's operations.

Within Section

- Manage Council's Corporate Services section incorporating financial services, information technology & management, library services, administrative functions, recreation centre & community services.

Within Organisation

- Provides assistance, advice and information to the CEO, senior staff and Council on Corporate Service matters affecting the Shire of Collie.

DIRECTOR OF TECHNICAL SERVICES

Objectives of this Position

- To provide professional engineering advice and direction as it relates to the management of Council's Road & Infrastructure Assets.

Within Section

- Manage Council's Engineering Services section incorporating road assets, drainage, footpaths, parks & gardens, plant & vehicle management, waste management.

Within Organisation

- Provides assistance, advice and information to the Council and other senior staff on Engineering Service matters affecting the Shire of Collie.

DIRECTOR OF DEVELOPMENT SERVICES

Objectives of this Position

- To provide professional advice and direction as it relates to the management of Council's town planning, environmental health, building and ranger services functions.

Within Section

- Manage Council's Development Services section incorporating the functions of town planning, environmental health, building and ranger services.

Within Organisation

- Provides assistance, advice and information to the Council and other senior staff on town planning, environmental health, building and ranger related matters which affect the Shire of Collie.

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1.5 Council Meetings and Decision-Making Structure

The Council has established a register of delegations of authority to the Chief Executive Officer, who in turn has delegated certain functions to the Directors.

The Council currently meets the second Tuesday of every month.

Several Statutory Committees have been established and are also detailed hereunder:

Shire of Collie Committees

- Audit Committee
- Bush Fires Advisory Committee
- Chief Executive Officer Review Committee
- Community Safety and Wellbeing Committee
- Local Emergency Management Committee
- Tourism and Marketing Advisory Committee

Commented [SC1]: Have you confirmed and updated these lists? I didn't think we had a House panel any longer?

Shire of Collie Panels

- Plant Panel
- Sports Panel
- Trails Panel

Shire of Collie Working Groups

- Recreation Facilities and Open Space Strategy Working Group
- Environment Working Group
- Indoor Pool Project Working Group
- Christmas Decorations Working Group

Commented [SC2]: Indoor pool group, christmas group etc?

Shire of Collie Represented Groups

- Bunbury Geographe Tourism Partnership
- Bunbury Geographe Sub-Regional Steering Group
- Collie Chamber of Commerce and Industry
- Collie Health Service Advisory Committee
- Collie River Valley Marketing Inc.
- Collie Visitor Centre
- Cooperative Research Program
- Development Assessment Panel
- Just Transitions Working Group
- Motoring South West
- Renergi Project Working Group
- Regional Road Group
- South West Zone of WA Local Government Association
- Trails Reference Group

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1.6 Legislation Administered by the Shire of Collie

The Shire of Collie is established under the *Local Government Act 1995* and has the responsibility for the administration of this act within the municipality.

Other major legislation which the Shire of Collie is wholly or partly responsible for administering are:

- *Agriculture and Related Resources Protection Act 1976*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Shire of Collie Town Planning Scheme*
- *Cemeteries Act 1986*
- *Disability Discrimination Act 1992*
- *Dog Act 1976*
- *Equal Employment Opportunity Act 1984*
- *Environmental Protection Act 1986*
- *Food Act 2008*
- *Freedom of Information Act 1992*
- *Health Act 1911*
- *Heritage Act 2018*
- *Industrial Awards*
- *Land Administration Act 1997*
- *Library Board of Western Australia Act 1951*
- *Litter Act 1979*
- *Liquor Control Act 1988*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Main Roads Act 1930*
- *Work Health and Safety Act 2020*
- *Public Interest Disclosure Act 2003*
- *Racial Discrimination Act 1975*
- *State Records Act 2000*
- *Strata Titles Act 1985*
- *Planning and Development Act 2005*
- *Disability Services Act 1993*
- *Workers Compensation and Assistance Act 1981*

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1.7 Public Participation

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

- Deputations:
Requests for deputations must be made to the Chief Executive Officer at last 7 Days prior to a Council/Committee meeting to enable notice to be given in the appropriate meeting agenda. Further particulars relating to deputations are available by viewing Council's Standing Orders Local law.
- Public Question Time
Members of the public are able to ask questions (preferably in writing) on any matter affecting the Shire in the time set aside for this purpose at meetings of the Council and Committees open to the public.
- Petitions
Written petitions to be presented to the Council must be addressed to the Shire President and comply with Council's requirements detailed within its Standing Orders Local Law.
- Written Requests
A member of the public can write to the Council on any policy, activity, or service of the Shire.
- Elected Members
Members of the public can contact the Elected Members of the Council to discuss any issue relevant to the Shire.
- Community Consultation
The Shire of Collie has an extensive Communication Policy which Council adopted in 2018. This is available by contacting the Shire of Collie administration office.

1.8 Documents held by the Shire of Collie

The following documents are available for inspection by members of the public on the Shire of Collie website or in person at the Shire of Collie administration office:

- Annual Financial Statement – at least seven days prior to the Annual General Meeting
- Annual Budget
- Freedom of Information (FOI) Information Statement
- Register for Delegated Authority
- Shire of Collie Town Planning Scheme
- Policy Manual
- Tender Register (*Local Government Act 1995 Local Government (Functions and General) Regulations 1996 No. 17*)

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- Code of Conduct
- Register of Financial Interests
- Annual Report
- Schedule of Fees and Charges
- Proposed Local Laws
- Local Laws made by the Local Government in accordance with section 3.12 of the *Local Government Act 1995* regarding.
 - Health
 - Cemeteries
 - Fencing
 - Dogs
 - Bushfires
 - Standing Orders
 - Trading in Thoroughfares & Public Places
- Regulations made by the Government under Section 9.36 of the *Local Government Act 1995* that operates as if they were local laws of the local government.
- Any written law having a provision in respect of which the local government has a power or duty to enforce.
- Rates records
- Confirmed Minutes of Council or Committee meetings
- Minutes of Electors' meetings
- Notice papers and Agenda relating to any Council and Committee meeting and reports and other documents that have been either tabled at a Council or Committee meeting or produced by the Local Government or a Committee for presentation at a Council or Committee meeting and which have been presented at the meeting.
- Report of a review of a local law prepared under Section 3.16 (3) of the *Local Government Act 1995*
- Business plan prepared under Section 3.59 of the *Local Government Act 1995*
- Register of owners and occupiers under Section 4.32 (6) of the *Local Government Act 1995* and electoral rolls
- Contract under Section 5.39 of the *Local Government Act 1995* and variation of such contract
- Such other information relating to the Local Government:
 - Required by a provision of this Act to be available for public inspection; or
As may be prescribed; in the form or medium in which it may for the time be held by the Local Government.

Available via Freedom of Information Act

While the Shire of Collie endeavours to respond to information requests informally, Freedom of Information Legislation may be used to request access to information not available by any other means.

The Shire is to administer the Act in a way that:

- 1) Assists the public to obtain access to documents.
- 2) Allows access to documents to be obtained promptly and at the lowest reasonable costs.
- 3) Assists the public to ensure that personal information contained in documents is accurate, complete, up to date and is not misleading.

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- 4) While the Act provides for general right of access to documents it also recognizes that some documents require protection — these exemptions are listed in Schedule 1 of the Act and includes:
- Personal information.
 - Information concerning trade secrets.
 - Other commercially valuable information; or
 - Any other information concerning the business, professional, commercial, or financial affairs of a third party who is not the applicant.

Access to the Shire of Collie records (Personal or Non-Personal), can be made by application to the Freedom of Information Coordinator (the Chief Executive Officer), stationed at the Council's Administration Centre (Refer Section 11— Operation of Freedom of Information Processes).

Retention and Disposal of Council Records

All the Council's records are retained in accordance with the State Records Advisory Council approved Local Government Retention and Disposal Schedule. This schedule stipulates how long a record must be kept and is available for inspection.

1.9 Code of Conduct — Elected Members and Staff

Section 5.103 of the *Local Government Act 1995* stipulates that every Local Government is to prepare a code of conduct which is to be observed by members of the Council and Staff.

In relation to information Elected Members and employees have a responsibility to ensure that:

- As an Elected Member of the Council there is respect for the decision-making processes of the Council which are based on a decision of the majority of the Council.
- Information of a confidential nature ought not to be communicated until it is no longer treated as confidential.
- Information relating to decisions of the Council must only be communicated in an official capacity by a designated officer of the Shire of Collie.
- Information concerning adopted policies, procedures and decisions of the Shire of Collie is conveyed accurately.

In addition, Elected Members are required to comply with the *Local Government (Rules of Conduct) Regulations 2007*.

Commented [SC3]: This perhaps should be Shire records. Shire and Council are often used interchangeably but shouldn't be. Double check?

2. OPERATION OF FREEDOM OF INFORMATION PROCESSES

2.1 The Freedom of Information Process

What is the *Freedom of Information Act* all about?

- It gives you the legally enforceable right to access records 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 to have personal information we hold, that you believe is inaccurate, altered (at no cost).
- It obliges the Shire of Collie to make available certain information about the way it operates.

What are considered to be Records?

A record is information however recorded and includes:

- anything on which there is writing or Braille.
- a map, plan, diagram, or graph.
- a drawing, pictorial or graphic work, or photograph.
- anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them.
- anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

What are the costs involved?

The costs may vary from one application to another depending upon the information required. An initial application fee of \$30.00 (for non-personal requests, personal requests are gratis) is payable on lodgement of the approved application form or written application. Charges also apply at the rate of \$30.00 per hour for processing, supervision, transcribing and photocopying time. Photocopying charges of 30 cents apply for each copy. Additional charges may apply in respect of the provision and delivery of information.

Who can I contact to make enquiries?

You may ring the Shire of Collie Freedom of Information Coordinator on 9734 9000 between the hours of 8.30am and 4.30pm Monday to Friday if you have any queries. Alternatively, you can send an email to colshire@collie.wa.gov.au

How do I lodge an application?

Whilst you need to lodge your application in writing, the way you do so is up to you. For example, a letter will do, or, for your convenience, you can consider using the Shire's application form as outlined in section 2.3 of this document and lodge:

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By post, addressed to:

FOI Coordinator
Shire of Collie
Locked Bag 6225
COLLIE WA 6225

In person, at:

Shire of Collie
Shire of Collie Administration Centre
87 Throssell Road
COLLIE WA 6225

By email to: colshire@collie.wa.gov.au

What can I do if I am denied access to something?

The *Freedom of Information Act* provides for a review and appeal process. You may seek an Internal Review or if you are still not satisfied with a review by the Information Commissioner and still further you can appeal to the Supreme Court.

- **The Internal Review** - If you are dissatisfied by a decision that we have made concerning your application, you can apply to the Shire for an internal review of its decision. To apply for an internal review, you must put your request in writing and lodge it with the Council within thirty (30) days of being notified of the original decision. There is no charge for an internal review.
- **External Review by the Information Commissioner** - If you are still dissatisfied after the internal review has been completed, you may seek a review by the Information Commissioner. This request must be made in writing giving the Information Commissioner details of the decision to which your complaint relates.
- **Appeals to the Supreme Court** - 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.

Freedom of Information Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- Proof of your identity may be required, e.g., current drivers' license.
- If you are seeking access to document(s) on behalf of another person, the Shire of Collie will require authorization, usually in writing.
- Your application will be dealt with as soon as practicable (within 45 days) after it is received.
- Further information can be obtained from the Freedom of Information Coordinator (Telephone (08) 9734 9000).

The *Freedom of Information Act 1992* is available for purchase from the State Law Publisher, 10 William Street, Perth (Telephone (08) 9426 0000) or can be accessed electronically, free of charge, from the State Law Publisher's website —

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html

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Forms of Access

You can request access to documents by way of inspection or a copy of the record/s.

Records can be provided as printed hardcopies, on USB or as PDF attachments to an email.

Where there is a significant number or size of records it will be sent via a Server Download Site similar to Dropbox.

Freedom of Information Scale of Fees and Charges

1.	Type of Fee	
	Application fee under Section 12 (1)(e) of the FOI Act (for non-personal information)	\$30.00
2.	Type of Charge	
	(a) Charge for time taken by Staff dealing with the application (per hours, or Pro rata for a part of an hour).	\$30.00
	(b) Charge for access time supervised by Staff (per hour, or pro rata for a part of an hour, plus the actual additional costs to the agency of any special arrangements (e.g.: hire of facilities or equipment).	\$30.00
	(c) Charges for photocopying: <ul style="list-style-type: none">per hour, or pro rata for a part of an hour of Staff timeper A4 copy (black and white)per A4 colour photocopyper A3 colour photocopyper black and white oversized copies e.g. A2	\$30.00 \$.30 \$ 2.00 \$ 3.00 \$ 7.50
	(d) Charge for time taken by Staff transcribing information from a tape or other Device (per hour, or pro rata for a part of an hour)	\$30.00
	(e) Charge for duplicating a tape, film, or computer information	Actual Cost
	(f) Charge to delivery, packaging, and postage	Actual Cost
3.	Deposits	
	Advance deposit which may be required in respect of the estimated charge	25%
	Further advance deposit may be required to meet the charges for dealing with the application	75%

2.2 Access Arrangements

Access to documents can be granted 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, shorthand or encoded document from which words can be produced.

2.3 Notice of Decision

As soon as practicable but within 45 days you will be provided with a notice of decision which 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 reasons for claiming the document are exempt.
- Information on the rights of review and the procedures to be followed to exercise those rights.

2.4 Refusal of Access

Applications who are dissatisfied with a decision of the Shire are entitled to ask for an internal review by the Shire. Your application should be made in writing within 30 days of receiving the notice of decision.

You will be notified of the outcome of the review within 15 days. If you disagree with the result, you can then apply to the Information Commissioner for an external review. An application for external review should be made within 60 days of receiving notice of the internal review decision.

2.5 Attachment - Shire of Collie Freedom of Information Application Form

Applicant Details

Company Name (if applicable)

Surname

Given Name/s

Phone

Mobile Phone

Email

Postal Address

Applicant Agent's Details (if applicable)

Company Name (if applicable)

Surname

Given Name/s

Phone

Mobile Phone

Email

Postal Address

Applicant Signature

Request Details

Applicant should provide as detailed a description as possible of the document/s sought to enable the Shire to easily identify, locate, and provide the information requested.

Service Options (tick to select)

- ☐ I require 3rd party names and details.
- ☐ I require to view the documents in person

Preferred format to receive documents.

- ☐ Hardcopy – Photocopies (fees may apply, see below)
- ☐ Soft copy – PDF via email

Fees and Charges

\$30 FOI Application Fee

- ☐ Claim Fee Exemption (state grounds for exemption below)

Additional costs may be applied to process documents for your application, in line with the Western Australian Freedom of Information Regulations. These include:

A fee of \$30 per hour of part thereof for:

- Consulting with third parties if necessary
- Examining documents and making decisions about access
- Physically processing documents e.g.: deleting exempt matter where appropriate
- Delivery, packaging, and postage
- Providing access in the manner requested by the applicant.
- Supervised access to documents

Photocopying Charges:

- 30c per black and white photocopy
- \$2.00 per A4 colour photocopy
- \$3.00 per A3 colour photocopy
- \$7.50 for black and white oversized copies e.g. A2

OFFICE USE ONLY

Date Received		Date to completed by		
Completion Date		Days to complete.		
If late, for what reasons:				
Services Charged	Copies	PDF	Hrs	Fee
		Actuals:	Hrs	Cost

IMPORTANT INFORMATION RELATING TO APPLICATIONS

Applications

- Please be specific and provide as much information as possible to enable us to identify the relevant documents you seek. Ill-defined requests, broad sweeping requests (fishing expeditions) or large requests that divert substantial resources can be refused under the Act.
- If your FOI request is on behalf of another person, we will require written authorization from that person.
- An application will be processed as soon as possible and within 45 days after it is validated.
- A copy of the *Freedom of Information Act 1992* is available from http://www.slp.wa.gov.au/legislation/agency.nsf/foi_main_mrtile_353_homepage.html
- Further information can be obtained by calling 08 9734 9000, emailing colshire@collie.wa.gov.au or post to Shire of Collie, Locked Bag 6225, Collie WA 6225.

Forms of Access

You may request photocopies of documents, electronic copies in PDF format or to view documents at the Shire of Collie Administration building. Please note that direct viewing of documents can limit access to some documents due to 3rd party privacy issues.

Fees and Charges

- No fees or charges are applicable for accessing personal information or to amend personal information.
- An application fee of \$30 is applicable for access applications for non-personal information.
- Charges apply for copying of documents, labour, postage, arrangements for access of for reproductions larger than A3.
- No fees are applicable for an internal or external FOI determination review.

Lodgement of Applications

Applications and fee may be lodged with the Shire of Collie by:

- Post – CEO, Shire of Collie. Locked Bag 6225, Collie WA 6225
- Email: colshire@collie.wa.gov.au