



Shire of Donnybrook Balingup

Information Statement 2023-2024



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CONTENTS

1. INTRODUCTION	3
2. WELCOME TO THE SHIRE	4
3. YOUR COUNCIL	4
3.1 COUNCIL AND EXECUTIVE OVERVIEW	4
3.2 ORGANISATIONAL STRUCTURE	5
3.3 COUNCIL MEETINGS	5
3.4 DELEGATION	6
3.5 COMMITTEES AND WORKING GROUPS	6
3.6 ADMINISTERED LEGISLATION	8
3.7 LOCAL LAWS	9
4. SHIRE SERVICES	10
5. PUBLIC PARTICIPATION	12
6. DOCUMENTATION	13
6.1 COUNCIL DOCUMENTS	13
7. FREEDOM OF INFORMATION	15
7.1 WHAT IS IT	15
7.2 HOW TO APPLY	15
7.3 FREEDOM OF INFORMATION FEES AND CHARGES	17
7.4 TYPES OF ACCESS	17
7.5 WHAT HAPPENS NEXT	18
7.6 REFUSAL OF ACCESS	18

This Information Statement is published by the Shire of Donnybrook Balingup (the Shire) in accordance with the requirements of the *Freedom of Information Act 1992* (FOI Act).

1. INTRODUCTION

The FOI Act provides a process for public access to government documents, and for the public to ensure that personal information contained in documents is accurate, complete, up to date and not misleading.

Part 5 of the FOI Act requires government agencies, including local governments, to prepare and publish an Information Statement. The Information Statement is also required to be updated annually and contain:

- The structure and functions of the Shire;
- The ways in which the functions (including, in particular, the decision-making function) of the Shire affect members of the public;
- The arrangements that exist to enable members of the public to participate in the formulation of the Shire's policy and the performance of the Shire's functions;
- A description of the kinds of documents that are usually held by the Shire;
- The arrangements and procedures for giving members of the public access to documents; and
- The arrangements for amending personal information in documents held by the Shire.

This Information Statement is available from the Shire Administration Office and on the Shire's website at www.donnybrook-balingup.wa.gov.au

It is available in alternative formats upon request. Enquiries can be made by contacting the Shire's Freedom of Information Coordinator on (08) 9780 4200 during office hours Monday to Friday, or via email to shire@donnybrook.wa.gov.au

The FOI Act and regulations are available on the Western Australian Legislation website at www.legislation.wa.gov.au

Further information and advice regarding Freedom of Information can also be found on the Office of the Information Commissioner's website at www.oic.wa.gov.au or by calling (08) 9220 7888.

2. WELCOME TO THE SHIRE

Our vision:

'A proud community enjoying our rural lifestyle, cultural heritage, and natural environment'.

The Shire is situated in the southwest of Western Australia in a picturesque area surrounded by stunning forests, winding rivers, rolling hills, vineyards and lush orchards.

Located 213 kilometres south of the state capital of Perth, the Shire covers 1,541 square kilometres of farmland, forests, mining leases and Crown land. The district includes the town sites of Donnybrook, Balingup and Kirup and the localities of Argyle, Brookhampton, Lowden, Mullalyup, Mumballup, Newlands, Noggerup and Yabberup. The current population is approximately 6,155 (ABS, 2021).

Due to the healthy local economy, and the benefit of several diverse industries nearby, the Shire is one of the fastest growing rural locations in the area. Local industries include farming (fruit, vegetables, sheep and cattle), viticulture, horticulture, sandstone quarrying and a burgeoning tourism market.

3. YOUR COUNCIL

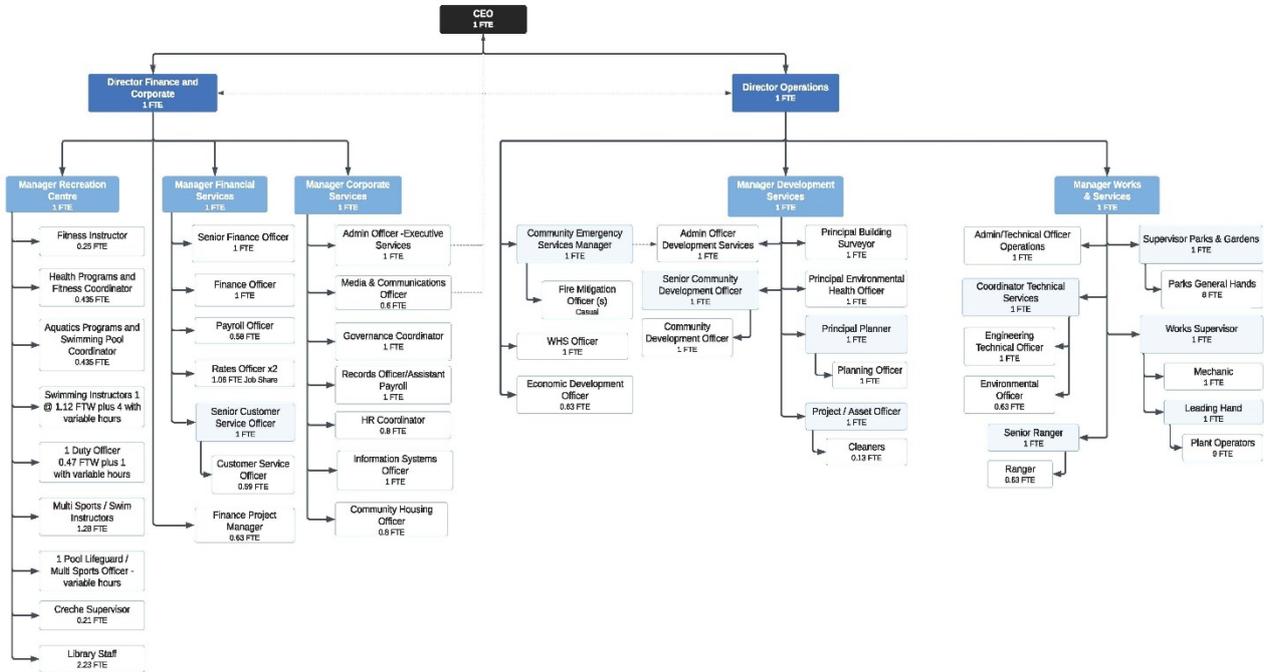
3.1. Council and Executive Overview

Local governments operate within a framework of statutes and other legislation. The primary function of the Shire is to provide services and facilities, through transparent and accountable governance, to the local community living and working within the district. The *Local Government Act 1995* provides for general, legislative and executive functions for the Shire to achieve this.

The Chief Executive Officer (CEO) is responsible for the day-to-day operations of the Shire Administration. This includes enacting Council resolutions and policies, and implementing programs and procedures to meet objectives.

The Council is responsible for the strategic direction and key decision making for the Shire. This includes making local laws that are necessary to undertake the Shire's regulatory duties & functions, as well as developing Council Plans to provide forward planning of objectives to meet the expectations of the local community.

3.2. Organisational Structure



3.3. Council Meetings

The Shire has responsibility for decision making assigned under a wide range of legislation. Each power or duty described in legislation requires local government to fulfil a mandatory duty or use a discretionary power to make these decisions.

Council meetings are a key facet of decision making for the Shire. Elected by the local community, Council members consider and make resolutions on items at an Ordinary Council meeting held every fourth Wednesday of each month (except December which is held on the third Wednesday). There are also other Special Council Meetings held that are advertised to the public as required throughout the year. Meetings are held in the Council Chamber next to the Shire Administration Office, except where otherwise advertised. Council Meetings are open to the public to attend.

As of July 2022, the Shire implemented a Policy to livestream Council Meetings at every opportunity, where technically possible, unless the Council makes a resolution to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*. The primary purpose of these streams is to be open and transparent, giving the public greater access to Council decisions, debates and discussions, by eliminating geographic and/or personal barriers that may prevent physical attendance at a Council Meeting.

Some external locations that the Council visits do not have livestreaming or recording facilities. The public are invited by way of advertisement to visit these locations with the Council should they be

interested in the meeting topics. Alternatively, documented Meeting Minutes are published online as soon as practicable after all Council meetings.

3.4. Delegation

Delegation is the process that enables local governments to delegate its power or duties, enabling efficient and effective strategic, financial, resource and operational management decisions to be made.

The CEO and other staff have delegated authority from the Council to make decisions on a number of specific administration and policy related matters. Some duties are also sub-delegated by the CEO to staff where permitted and appropriate. Each delegation details a specific function and includes any conditions that apply. All delegations are listed in the Shire's Delegations Register which is reviewed annually by Council. The current Delegations Register can be found on the Shire's website at www.donnybrook-balingup.wa.gov.au

3.5. Committees and Working Groups

There are several advisory committees and consultative groups that are made up of Council members and may also include staff and members of the public. They are established to fulfill legislative duties, investigate community issues, assist in local emergency management arrangements, and collaborate with other local governments and organisations. Council appoint delegates to committees when deemed necessary and where required by legislation.

Committees of Council:

- **Audit and Risk Management Committee**

Established by Council as required by section 7.1A. of the *Local Government Act 1995*. The Shire CEO and employees are not able to be members of the Committee. The Committee meets with the Shire's appointed external Auditor at least once per year.

External Committees and Advisory Groups:

- **Bushfire Advisory Committee**

Established pursuant to the *Bushfires Act 1954* to provide advice to Council regarding all matters relating to bushfire control, prevention, and management.

- **The Donnybrook School Community Resource Library Management Committee**
A committee established via an agreement executed between the Shire and the Minister for Education in 2019 for the purpose of facilitating the management and control the Donnybrook Community Library.
- **Local Emergency Management Committee (LEMC)**
Established pursuant to the *Local Emergency Management Act 2005* to assist Council and ensure local emergency management arrangements are established.
- **South West Country Zone**
An association of 12 south west local governments that meet to consider WA Local Government Association initiatives.
- **Regional Road Group (RRG)**
The group prioritises and resolves projects for the allocation of monies received from State and Federal Government.
- **Warren Blackwood Alliance of Councils (WBAC)**
A voluntary regional organisation of Councils representing the Shires of Bridgetown-Greenbushes, Boyup Brook, Donnybrook Balingup, Manjimup and Nannup. The WBAC acts as an advocacy group by supporting or undertaking significant projects relating to promoting economic development and diversity and encouraging regional population growth.

Reference and Working Groups:

- **Aged Care Community Reference Group**
To assist the due diligence review of the provision of aged care services delivered by the Shire.
- **Warren Blackwood Climate Change Impact Reference Group**
To establish the basis of a Warren Blackwood Alliance of Councils sub-regional climate change impact policy, that includes recommendations for practical and achievable adaption and mitigation strategies applicable to WBAC and member local governments.

Ministerial Appointments:

- **Development Assessment Panels (DAP)**

Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* requires Council to nominate delegates to determine development applications that meet a certain threshold value. Each DAP comprises of five members, three specialist members and two local government members.

3.6. Administered Legislation

As a government body, Council functions, financial management, general day-to-day operations, and the conduct of the Shire employees are subject to multiple legislation.

The principal legislation governing the operation of all Western Australian local governments is the *Local Government Act 1995*. The Shire is wholly or partly responsible for administering a wide range of legislation, including the following statutes and their subsidiary legislation:

- *Animal Welfare Act 2003*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Cemeteries Act 1986*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Disability Services Act 1993*
- *Dog Act 1976*
- *Environmental Protection Act 1986*
- *Food Act 2008*
- *Freedom of Information Act 1992*
- *Graffiti Vandalism Act 2016*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage of Western Australia Act 1990*
- *Land Administration Act 1997*
- *Litter Act 1979*
- *Liquor Licensing Act 1988*
- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government Grants Act 1978*
- *Main Roads Act 1930*
- *Parks and Reserves Act 1895*
- *Planning & Development Act 2005*
- *Planning and Development (Consequential and Transitional) Act 2005*
- *Public Health Act 2016*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Residential Design Codes of WA 2002*
- *Strata Titles Act 1985*
- *Valuation of Land Act 1978*

The above legislation is publicly available for viewing and download from the Western Australian Legislation website at www.legislation.wa.gov.au

3.7. Local Laws

The *Local Government Act 1995* enables local governments to make local laws on a broad range of areas considered relevant to the good governance of the district. They are necessary to provide standards on various issues including activities on thoroughfares and public places, keeping of dogs & cats, public health, and waste management. The local community must be consulted as part of making and amending local laws.

The Shire's current local laws include:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law (Consolidated 2017)
- Animals, Environment, and Nuisance Local Law (2017)
- Bush Fire Brigades Local Law (Consolidated 2017)
- Cat Local Law (Consolidated 2017)
- Cemeteries Local Law (Consolidated 2017)
- Dogs Local Law 2017
- Extractive Industries Local Law (Consolidated 2016)
- Fencing Local Law (Consolidated 2016)
- Health Local Law (2017)
- Local Government Property Local Law (2015)
- Meeting Procedures Local Law (2017)
- Outdoor Eating Areas Local Law (2013)
- Parking and Parking Facilities Local Law 2008
- Waste Local Law 2017

The Shire's local laws and related documents are available on the Shire's website at www.donnybrook-balingup.wa.gov.au

4. SHIRE SERVICES

The Shire operates various services to meet legislative requirements and community expectations for the local district. They are designed to be an efficient and effective use of available resources and are reviewed on an ongoing basis to ensure suitability and determine areas for improvement. The services of the Shire are available to all customers, free from any form of discrimination.

The services and activities of the Shire, including those contracted out, can be broadly described as follows:

Aged Care Services	<i>Provides facilities and services for and to the aged.</i>
Commercial Activities	<i>Competes commercially or provides services to other Shires or agencies on a fee-for-service basis. Includes undertaking activities on a consultancy or contract basis.</i>
Community Engagement	<i>Establishes rapport with the community and advances the Shire's public image and relations with outside bodies, including the media and the public.</i>
Community Services	<i>Provides, operates, manages and/or contracts services to assist residents and the community, including public access library facilities and youth programs.</i>
Corporate Management	<i>Applies broad systematic planning to define the corporate mission, and determine methods, of Shire operations.</i>
Council Property Management	<i>Acquires, constructs, designs, develops, disposes of, and maintains facilities and/or premises owned, leased, or managed by the Shire.</i>
Customer Service	<i>Plans, delivers, monitors, and evaluates services provided to customers by the Shire.</i>
Development Services	<i>Regulates and approves building, planning and development applications for specific properties, buildings, fences, signs, etc. as required by relevant legislation.</i>
Economic Development	<i>Improves the local economy through encouragement of industry, employment, tourism, regional development, and trade.</i>
Emergency Services	<i>Prevents loss and minimises threats to life, property, and the natural environment from fire and other emergency situations.</i>
Environmental Management	<i>Manages, conserves and plans air, soil, and water quality in environmentally sensitive areas, such as remnant bushlands and threatened species.</i>
Financial Management	<i>Manages the Shire's financial resources in accordance with applicable legislation, policy and guidelines.</i>
Governance	<i>Manages the election of Council Members, compliance, document control, policy and procedures, insurance, leases, licences & agreements, delegations, land administration, Freedom of Information.</i>
Government Relations	<i>Manages the relationships between the Shire and other government agencies, including at local, State and Federal levels.</i>
Grants and Subsidies	<i>Manages financial payments to the Shire from the State and Federal Governments and other agencies.</i>

Information Statement 2023-2024

Freedom of Information Act 1992 Current 22 November 2023



Human Resources	<i>Manages staff recruitment and employment conditions at the Shire, including volunteers.</i>
Records Management	<i>Manages the Shire's records, including the storage, retrieval, archival and processing of all records in any format.</i>
Media & Communication	<i>Manages the Shire's communications efforts, inclusive of marketing and public relations.</i>
Information Technology	<i>Acquires and manages communications and information technology and databases to support the operations of the Shire.</i>
Land Use and Planning	<i>Establishes a medium to long term policy framework for the management of the natural and built environments.</i>
Laws and Enforcement	<i>Regulates, notifies, prosecutes and applies penalties in accordance with legislation.</i>
Parks and Reserves	<i>Manages, designs, and constructs parks and reserves, either owned or controlled and managed by the Shire.</i>
Plant & Equipment	<i>Manages the purchasing, hiring or leasing of all plant and vehicles and other equipment.</i>
Public Health	<i>Manages, monitors and regulates activities in accordance with legislation to protect and improve public health under the terms of the Public Health Act, health codes, standards, and regulations.</i>
Property Rates	<i>Manages the property rates process in accordance with the valuation of rateable land in the Shire district, along with applicable levies and service charges.</i>
Sporting & Recreation Facilities	<i>Provision and maintenance of community sporting and recreation facilities. Arranging, promoting and encouraging programs and events in visual arts, crafts, music, performing arts, sports and recreation, cultural activities and services.</i>
Risk Management	<i>Manages organisational risk at a strategic, operational and project context level. Includes the application of established risk management methodology to identify, analyse, evaluate, treat, monitor and review risks.</i>
Works & Services	<i>Constructs, maintains and manages local infrastructure including roads, parking bays, footpaths, verges, bridges, drainage, kerbing and culverts.</i>
Waste Management	<i>Provides services to ratepayers, residents and local businesses for the removal and disposal of waste, including various recycling initiatives and education.</i>

5. PUBLIC PARTICIPATION

Local Governments provide many functions and services that affect the greater community, and in turn, public participation is a key component of good governance. Members of the public have opportunities to put forward their views and submit questions on particular issues before the Council. These include:

a) Deputations

In circumstances where a member of the community has an interest in an item listed for discussion at a Council Meeting, upon prior written application to the Chief Executive Officer or with approval from the Presiding Member, that community member may be invited to give a deputation. Deputations shall consist of no more than five (5) persons with only two (2) that may address the meeting for a period not exceeding 10 minutes. Deputations are separate from Public Question Time, and include the following:

- i. Petitions: Written petitions may be addressed to Council on any issue within the Council's jurisdiction.
- ii. Presentations: With prior notification and approval, a member of the public may address Council on any issue relevant to Council.

b) Development Applications

Residents are notified of some Development Applications requiring approval from the Council. Several applications are exempt from public notification by the Local Planning Scheme 7. When an application is publicly notified, residents have the opportunity to write to Council expressing their views of the application, and/or to subsequently personally address the Council before a decision is made.

c) Elected Members

Members of the public are able to contact their elected members of Council to discuss any issues relevant to Council.

d) Public Question Time

15 minutes of Council Meetings are allocated to public question time, where the community may initially ask up to two (2) questions with an initial limit of two (2) minutes per person. It is preferred that these questions are presented to the Chairperson or President in writing prior to the start of the meeting. If there are questions that extend beyond the allotted 15 minutes, Council may approve a motion to extend the time. If this motion is not put forward or the question is unable to be answered at the meeting, the question(s) may be taken on notice. These questions may only be regarding any matters or issues relevant to Council.

To ensure that the Community's needs and expectations are met, community consultation is carried out on various issues that affect the Shire. This can take the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews
- Meetings

Sufficient time is also allocated to allow stakeholders and the community adequate time to respond to issues. Advising the community and stakeholders of issues can take the form of:

- Media articles
- Local newspaper advertisements
- Council publications (includes website)
- Newsletters / direct mail-outs
- Posters / flyers
- Information displays
- Public forums

A Community Consultation Policy is in place to ensure effective public participation is offered to appropriate stakeholders on Shire projects and programs.

6. DOCUMENTATION

6.1. Council Documents

There are several documents that the Shire creates and utilises. The purpose of explaining the documents held by the Shire is to provide the public with information that can assist them in determining what kinds of documents are held and whether a Freedom of Information request is necessary to access them.

Below are titles of current documents:

- Aged Friendly Communities Study Report
- Annual Financial Report
- Annual Report
- Balingup Village Green Master Plan
- Council Plan 2022 - 2032
- Disability Access and Inclusion Plan 2023-2028
- Donnybrook Cultural Plan
- Asset Management Plan
- Reserve Fund Plan
- Borrowings Plan
- Local Planning Strategy
- Local Planning Scheme No. 7
- Municipal Heritage Inventory
- Regional Tourism Development Strategy
- Townsite Expansion Strategy

Documents Available for Public Inspection:

The following documents are available for public inspection at the Shire Administration Office or via our website free of charge. Copies may be subject to a photocopy charge.

- *Annual Budget*
Shire Administration Office and Website
- *Annual Report*
Shire Administration Office and Website
- *Audit Financial Statements*
Shire Administration Office and Website
- *Code of Conduct*
Shire Administration Office and Website
- *Council / Committee Agendas*
Shire Administration Office and Website
- *Council / Committee Minutes*
Shire Administration Office and Website
- *Freedom of Information Statement*
Shire Administration Office and Website
- *Residents Electoral Roll (WAEC)*
Shire Administration Office
- *Policies*
Shire Administration Office and Website
- *Delegations Register*
Shire Administration Office and Website
- *Register of Certain Complaints of Minor Breach*
Shire Administration Office and Website
- *Lease Register*
Shire Administration Office and Website
- *Rate Book*
Shire Administration Office
- *Fees and Charges*
Shire Administration Office and Website
- *Resolutions adopted by Council*
Shire Administration Office and Website
(recorded in minutes)
- *Local Laws*
Shire Administration Office and Website
- *Register of Primary & Annual Returns (Elected Members and Designated Employees)*
Shire Administration Office (full Register) and Website (Register list only)
- *Gifts and Travel Contributions Register*
Shire Administration Office and Website
- *Register of Tenders*
Shire Administration Office and Website
- *Register of Burials*
Shire Administration Office
- *Strategic / Management Plans*
Shire Administration Office and Website

Other Information Requests:

Requests for information not shown above will be considered in accordance with the FOI Act provisions. Under this legislation, applications must be submitted in written form and will be subject to an application fee, where applicable (unless the applicant is granted an exemption).

Should an application require copies of any documents pursuant to a FOI request, standard charges will apply. It should be noted that some documents are for viewing only and cannot be copied, as such copies would breach the *Copyright Act 1968*.

7. FREEDOM OF INFORMATION

7.1. What is it?

The FOI Act provides a general right of access to documents held by a local government body or agency. It provides the public with the assurance that personal information held by the Shire is accurate, complete, and up to date.

The FOI Act is designed to make State and Local Government agencies more open and accountable by:

- Enabling the public to participate more effectively in the governing within the Shire; and
- Making the persons and bodies that are responsible for State and Local Government more accountable to the public.

The Shire gives effect to the FOI Act by:

- Creating a general right to access documents held by the Shire (subject to exemptions due to the sensitivity of the documents); and
- Allows access to the documents promptly and at the lowest reasonable cost; and
- Assisting the public to ensure that personal information held by the Shire is accurate, complete, up to date, and not misleading; and
- Ensuring certain documents concerning government operations are made available to the public, meaning that wherever possible, documents will be provided outside of the Freedom of Information process.

7.2. How to Apply

Before lodging a Freedom of Information application with the Shire, you should first check to see if the information you are looking for is available outside of the FOI Act.

There are various documents available for public inspection at the Shire Administration Office at 1 Collins Street, Donnybrook, free of charge. Other types of documents are also readily available on the Shire website at www.donnybrook-balingup.wa.gov.au

Submitting Your Request:

Upon receipt of a written application alongside the payment of the prescribed \$30.00 application fee, the Shire's Freedom of Information (FOI) Coordinator will begin to identify the documents requested. These documents will then be reviewed to determine if any exemptions apply under Schedule 1 of the FOI Act. The requested documents will be provided within the shortest possible time (within 45 days) at the lowest reasonable cost.

Amending Personal Information:

If the Shire holds any personal information about you which you believe is incorrect, incomplete, out of date, or misleading, you can apply to have it amended. Applications for these amendments must be made in writing and submitted to the FOI Coordinator. There is no fee or charge associated with an application for personal information about the applicant, or the amendment of personal records.

Lodging a Freedom of Information Application:

An application is required to:

- Be made in writing; and
- Give enough information so that the documents requested can be identified; and
- Give an Australian address to which notices can be sent; and
- Be lodged at the agency with any application fee payable (except for where the request relates solely to the applicant).

Please be advised that proof of identification may be required.

Where does it go?

Requests can be submitted to the Shire in the following ways:

- By Post:
Freedom of Information Coordinator
Shire of Donnybrook Balingup
PO Box 94, Donnybrook WA 6239
- In Person:
1 Bentley Street, Donnybrook, WA 6239
- Via Email:
shire@donnybrook.wa.gov.au
- The Shire's Freedom of Information Coordinator can be contacted during Office hours via phone on (08) 9780 4200 for further details and enquiries.

7.3. Freedom of Information Fees & Charges

A scale of fees and charges is set in accordance with Schedule 1 of the *Freedom of Information Regulations 1993*. Aside from the application fee for non-personal information under s. 12(1)(e) of the FOI Act (information that does not directly relate to the applicant), all charges are discretionary. The current fees & charges are as follows:

Personal information about the applicant

No fees or charges

FOI Photocopying Charge

Per A4 page, Black & White, single sided

\$0.20

FOI Application fee (for non-personal information)

\$30.00

Duplicating a tape, film or computer information

Actual cost

FOI Investigative Charge

Charge for time dealing with the application; access time supervised by staff; staff photocopying time; staff transcribing time; (per hour, or pro rata for part hour) \$30.00

Delivery, packaging, and postage

Actual Cost

Deposits

- Advance deposits may be required in respect of the estimated charges: 25%
- Further advance deposits may be required to meet the charges for dealing with a particular application: 75%

7.4. Types of Access

Access to documents can be granted in the following ways:

- Physical document inspections; or
- A copy of a document; or
- A copy of an audio or video recording; or
- A digital file; or
- A transcript (from a recorded, shorthand, or encoded document from which words can be produced).

Where access to documents is sought by way of physical inspection, a suitably delegated Shire employee shall supervise the inspection, and a fee will be charged (see the FOI Charges).

When access to information in the form requested is unavailable, access may be provided in a different form.

7.5. What happens next?

Once all information and records have been assessed, you will be provided with a “Notice of Decision”. This notice will detail the process undertaken with your application, including details such as:

- The date which the decision was made; and
- The name and the designation of the officer who made this decision; and
- If access is refused, the reasons for claiming why the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise these rights; and
- Options you have available should you be dissatisfied with the decision.

Should your application be approved, copies of the released documents may be included with the decision or will be provided shortly thereafter.

7.6. Refusal of Access

Whilst the FOI Act provides a general right of access to documents, Schedule 1 of the FOI Act recognises that some documents require a level of protection and security.

These include, but are not limited to:

- Personal information about other individuals; and/or
- Commercially valuable information, or information concerning trade secrets; and/or
- Legal advice; and/or
- Information that would reveal a decision made during a deliberative process that has been closed to the public; and/or
- Confidential communications; and/or
- Law enforcement, public safety, and property security.

The Shire is required to give full reasons for denying access to documents in the applicant’s Notice of Decision. Should you be dissatisfied with the decision of the Shire, you are entitled to ask for an internal review by the Shire. Please be advised that there is no right to an internal review of a decision made by the Shire CEO.

Applications should be made within 30 days of receiving the Notice of Decision. You will be notified of the outcome of the review within 15 days from sending in your review application.

Information Statement 2023-2024

Freedom of Information Act 1992

22 November 2023



If you disagree with the results, then you may 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.

Further information and advice regarding FOI and the application process can be found on the Office of the Information Commissioner's website at www.oic.wa.gov.au or by calling (08) 9220 7888.