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happen

## Shire of Esperance

# Information Statement 2022/2023

<b>Document Custodian</b>	Information Management Coordinator
<b>Document Number</b>	D12/249[v12]

## INTRODUCTION

This document has been prepared in accordance with Part 5 Section 96 (1) of the *Freedom of Information Act 1992* (the FOI Act) which requires each government agency to prepare and publish an Information Statement annually.

This Information Statement must set out:

- the agency's mission statement
- details of legislation administered
- details of the agency structure
- details of decision-making functions
- opportunities for public participation in the formulation of policy and performance of agency functions
- documents held by the agency
- the operation of FOI in the agency.

This document has been created to comply with that requirement and is correct as at 30 July 2023.

Further information in relation to the FOI Act and this statement can be provided during business hours, by contacting:

**Freedom of Information Coordinator**

(08) 9071 0666

shire@esperance.wa.gov.au

Monday to Friday 9am to 5pm

This Information Statement often refers to information that is available on the Shire of Esperance website, [www.esperance.wa.gov.au](http://www.esperance.wa.gov.au).

The website also contains up to date information about the Shire of Esperance and its operations.

## Welcome to Country

The Shire of Esperance acknowledges the Kapa Kurl Wudjari people of the Nyungar nation and Ngadju people, who are the traditional custodians of this land, and their continuing connection to land, waters and community. We pay our respect to their Elders past, present and emerging and we extend that respect to other Aboriginal Australians today.

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# 1 PROFILE OF THE SHIRE OF ESPERANCE

*Named Kepa Kurl by Nyungar people, meaning “where the water lies like a boomerang”, and named Esperance Bay by French navigator Antoine Raymond Joseph de Bruni d’Entrecasteaux in 1792, meaning “hope or promise”, history and heritage serve as an important aspect of Esperance’s identity.*

Located on the south coast of Western Australia, Esperance is close to 700 km from Perth, accessible via a 90 minute flight or 7.5 hour drive. One of the more remote settlements, the Shire covers 44,000 km<sup>2</sup> of land, with 12,950 km<sup>2</sup> of agricultural land, and five national parks and reserves covering 5,900 km<sup>2</sup>.

Aboriginal People are thought to have lived on country for perhaps as long as 50,000 years. Today, Aboriginal and Torres Strait Islander People make up 4.1% of the local population. Strong traditional ties to land have created a significant range of native title claims and determinations, including Esperance Nyungar, managed by Esperance Tjaltjraak Native Title Aboriginal Corporation, and Ngadju, managed by Ngadju Native Title Aboriginal Corporation.

European settlement first occurred in 1864 when the pioneering Dempster Brothers drove sheep, cattle and horses from Northam to establish the Esperance Bay Pastoral Station. The township of Esperance was gazetted in the 1890s to accommodate the growing Eastern Goldfields. By the 1960s the Esperance sand-plain had transformed Esperance into a major agricultural region. On 1 July 1961, it became a shire under the Local Government Act 1960.

The agricultural sector continues to thrive today with the Esperance township, rural settlements and farms home to over 14,000 residents. Serving as a sub-regional centre within the wider Goldfields-Esperance Region, there were 6,171 jobs in Esperance as at the 2016 ABS Census. The Gross Regional Product was reported at \$1.164 billion in June 2020 with the main employment sector being Agriculture, Forestry and Fishing, followed by Retail Trade.

Captivating coastline to rival any in the world, the picturesque Recherche Archipelago with some 100 uninhabited islands, and iconic kangaroos on pristine white beaches help to attract large numbers of visitors.

Management of the coast, coastal reserves and facilities remains a focus of the Shire, including the need to balance recreational and tourism activities with conservation and protection measures. Recognising the importance of Esperance’s natural assets, the Shire has endorsed a position on climate change, in addition to signing up to the Cities Power Partnership.

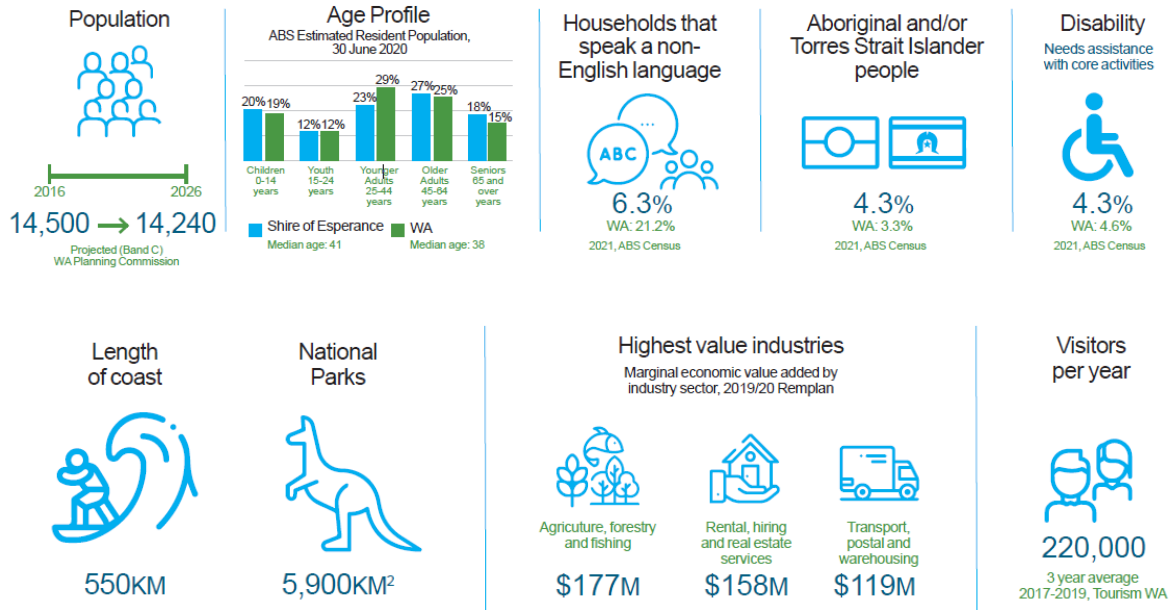
For a more in depth look at the rich history of Esperance visit the [Esperance Museum](#) or view the Local Heritage Survey.

To view the Local Heritage Survey, please visit: <https://www.esperance.wa.gov.au/local-heritage-survey>.



The Shire Administration Building through the years: 1896 - 1898 - 1965 – 1992

## Local Information








## Future

Local Government performs a significant role in every community, even more so in regional areas where the delivery of vital services and infrastructure keeps communities together.

The Shire of Esperance Council Plan 2022 to 2032 (the Plan) delivers instructions from the community to the Esperance Council and Shire staff. The Plan speaks to community hopes and aspirations, lays out how objectives will be achieved and resourced, and how success will be measured and reported. The Plan merges and simplifies the Shire's Strategic Community Plan and Corporate Business Plan. It is designed to be a practical document that people can flick through, and understand infographics and dot points about where the Shire is headed, quickly and easily.

There are five core performance areas in this plan - people, planet, place, prosperity and performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Esperance. For each area, there is an overarching aspirational statement and desired outcomes, summarised below.

	 People	 Planet	 Place	 Prosperity	 Performance
<b>ASPIRATION</b>	A healthy, inclusive, active and safe place to live	Our natural environment is conserved for everyone to enjoy	High quality planning and infrastructure serves local needs	Growing and thriving, Esperance is a great place to live, work, invest and visit	We have a clear direction for the future and a robust plan to make it happen
<b>OUTCOMES</b>	<ol style="list-style-type: none"> <li>1. A safe community.</li> <li>2. A healthy and active community.</li> <li>3. A welcoming, inclusive and connected community.</li> </ol>	<ol style="list-style-type: none"> <li>4. The natural environment is valued, protected and enjoyed.</li> <li>5. Shared responsibility for climate action and sustainability.</li> <li>6. Greater community readiness and resilience to cope with natural disasters and emergencies.</li> </ol>	<ol style="list-style-type: none"> <li>7. Responsible planning and development.</li> <li>8. Access to adequate, safe and affordable housing for everyone.</li> <li>9. Attractive and welcoming places.</li> <li>10. Safe, affordable, accessible and sustainable transport systems.</li> </ol>	<ol style="list-style-type: none"> <li>11. Access to quality education and lifelong learning opportunities.</li> <li>12. A prosperous and diverse economy.</li> <li>13. A vibrant and welcoming tourism destination.</li> </ol>	<ol style="list-style-type: none"> <li>14. Community confidence and trust in Council.</li> <li>15. Operational excellence and financial sustainability.</li> <li>16. A well informed and engaged community.</li> </ol>

## 2 VISION AND MISSION STATEMENTS

### Our Vision

*“Esperance, together we make it happen.”*

### Corporate Mission Statement

*“The Shire of Esperance exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.”*

## 3 LEGISLATIVE FRAMEWORK

The operations of local government in Western Australia are governed by the Local Government Act 1995 (the LG Act), the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments.

### Legislation

There is a wide range of other legislation that provides powers and authorities that imposes duties and obligations upon the Shire. Each Act of Parliament generally has one or more related Regulations which also impact on the Shire.

- Building Act 2011 and associated regulations
- Building Code of Australia
- Bush Fires Act 1954 and associated regulations
- Caravan Parks and Camping Grounds Act 1995 and associated regulations
- Cat Act 2011 and associated regulations
- Cemeteries Act 1986
- Commercial Tenancy (Retail Shops) Agreements Act 1985
- Control of Vehicles (Off-Road Areas) Act 1978
- Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004
- Dividing Fences Act 1961
- Dog Act 1976 and associated regulations
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Fire Brigades Act 1942 and associated regulations
- Food Act 2008 and associated regulations
- Freedom of Information Act 1992
- Health Act (Miscellaneous Provisions 1911) and associated regulations
- Heritage Act 2018
- Interpretation Act 1984
- Land Administration Act 1997
- Library Board of Western Australia Act 1951 and Public Libraries Regulations 1985
- Liquor Licensing Act 1988 and associated regulations
- Litter Act 1979 and associated regulations
- Main Roads Act 1930
- Planning and Development Act 2005
- Public Health Act 2016
- Rates and Charges (Rebates and Deferments) Act 1992

- Residential Tenancies Act 1987
- Strata Titles Act 1985
- Tobacco Products Control Act 2006 and associated regulations
- Valuation of Land Act 1978
- Waste Avoidance and Resource Recovery Act 2007
- Work Health and Safety Act 2020 and associated regulations

Confirmation of current Acts and Regulations by referring to the Department of Justice Parliamentary Council's Office website at <https://www.legislation.wa.gov.au/legislation/statutes.nsf/home.html>.

### **Local Laws**

The powers of local government to provide services and facilities and make local laws are derived from legislation passed in State Parliament. Many of the enabling and principal legislation for the Council is the Local Government Act 1995. The Shire's local laws are –

- Activities in Thoroughfares and Public Places and Trading Local Law 2016
- Bushfire Brigades Local Law 2002
- Cat Local Law 2022
- Cemeteries Local Law 2023
- Dogs Local Law 2022
- Extractive Industries Local Law 2001
- Fencing Local Law 2018
- Health Local Law 2002 (as amended June 2011)
- Local Government Property Local Law 2021(as amended October 2009)
- Parking Facilities Local Law 2002 (as amended December 2021)
- Private Property Local Law 2003 (as amended August 2007)
- Repeal Local Law 2015
- Standing Orders Local Law 2015

For more details, including any changes since the publication of this statement, visit: <https://www.esperance.wa.gov.au/local-laws>.

## **4 DECISION MAKING**

### **4.1 Council Structure**

The Shire of Esperance is a local government authority under the Local Government Act (WA) 1995 (Local Government Act). This Act, and associated Regulations, set out many of the rules that govern the decision-making process and structures of Council.

The Esperance Shire Council is an elected body. The full Council comprises nine (9) sitting members, including the Shire President. The Councillors represent the residents from the two electoral wards of Esperance - Town and Rural.

Local government elections are held every two years, and Councillors are elected for a four-year term. This requirement ensures that half the previous Council always remains between elections. The Shire President is popularly elected every 4 years. The next Local Government election will be held in 2023.

For the names and contact details of the current Esperance Shier Council, visit: <https://www.esperance.wa.gov.au/elected-members>. To view a map of the Electoral Ward Boundaries, please visit:



<https://maps.esperance.wa.gov.au/?project=Esperance%20Public&module=General%20Enquiry&startToken=3bf5eb78-b854-4d0c-b658-f49216462d93>.

## 4.2 Management Structure

The management structure of the Shire of Esperance reflects its status as a local authority.

The *Local Government Act* Grants Council the authority to make determinations on a wide range of local affairs. Council may delegate its decision-making functions to constituted Committees or the Chief Executive Officer.

The Esperance Shire Council is charged with the collective responsibility for the good governance of the Shire of Esperance. Having been elected by the local community, the Council and individual Councillors are responsible to the electorate for these decisions. Furthermore, the Council is bound by the various requirements of the *Local Government Act* and Regulations.

The Chief Executive Officer is charged with responsibility for the administration of the Shire of Esperance. This involves implementing the decisions of Council in a timely and efficient manner. The Chief Executive Officer and staff report to Council with recommendations that Council can accept, reject or substitute with an amended resolution. Council delegates authority to the Chief Executive Officer in some instances, and the Chief Executive Officer may delegate decision-making functions to officers within the Shire of Esperance administration.

Council, in keeping with legislative requirements, is responsible for:

- Determining policies to be applied by Council in exercising its discretionary powers;
- Determining the type, range and scope of projects to be undertaken by Council;
- Developing comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire of Esperance.

All staff employed by the Shire are responsible to and report to the Chief Executive Officer. The organisation is structured into three (3) directorates. The three (3) directors, together with the Chief Executive Officer comprise the Executive Management Team.

The Executive Management Team provide leadership and direction to staff who ensure vital services and facilities are available to the community. The Team is responsible for advising and supporting Council as they develop strategic direction that is aligned with the Strategic Community Plan and to see its vision come to fruition.

The critical role of the Team is to make informed and professional decisions that are transparent, researched and consistent with local government objectives. These decisions will guide the organisation in matching the levels of service and resources requested against organisational capacity while meeting the expectations of our community.

To find out more about the Shire of Esperance's key operational areas visit:

<https://www.esperance.wa.gov.au/executive-team>.



## 5 PUBLIC PARTICIPATION

### 5.1 Council Meetings

The public is invited to participate in the majority of Council meetings. This participation is generally by way of public question time at the start of each meeting where the public may ask questions on any matter of interest to them. Alternatively, a member of the public may make a submission regarding an item listed for discussion on the agenda. The public question time and submissions are held at the start of each meeting. In most instances the public may remain in attendance for the duration of the meeting.

On occasion it may be necessary for a meeting, or part of a meeting, to remain closed to the public. The minutes of the meeting will contain the reason for closing and some reports may not be made available if the meeting is closed to the public.

To find out about when Ordinary Council Meetings, Public Question Time and other committee meetings are held, and to download the minutes and agendas visit:

<https://www.esperance.wa.gov.au/council-meetings>.

### 5.2 Working Parties, Committees & Consultative Groups

Under the *Local Government Act 1995*, Council has the power to establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Councillors, Shire staff and members of the public are able to nominate or be selected as representatives for a variety of Shire related committees, consultative groups and other external organisations, including those listed below. Minutes from the meetings of Council committees are recorded in the Ordinary Council agendas and minutes.

Expressions of Interest for community members to join committees are called once Council has reviewed its committees following each Council Election, and if vacancies arise.

To learn more about the Esperance Shire Council committees and working groups, visit:

<https://www.esperance.wa.gov.au/council-committees>.

### 5.3 Electors' Meetings

Pursuant to Section 5.27 of the *Local Government Act*, a general meeting of the electors of a district is to be held once every financial year. The Shire of Esperance usually holds its annual Electors' Meeting in the latter part of the calendar year and is advertised via public notice.

Pursuant to Section 5.28 of the *Local Government Act*, a special meeting of the electors is to be held on the request of not less than

- 100 electors or 5% of the number of electors – whichever is the lesser number; or
- 1/3 of the number of Council Members

The request must specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with the regulations and is to be sent to the Shire President.

### 5.4 Community Consultation

In some instances, the Shire of Esperance is required to either give public notice of its intention to take a certain course of action or provide a period of public consultation prior to

taking that course of action. The process for consultation will be set out in the legislation requiring the Shire of Esperance to advertise or consult.

The public may be consulted using surveys, workshops, community forums and other processes. The Shire of Esperance administration consults the community in this manner as directed by Council. Community consultation is used to ascertain the needs and wishes of the community as they relate to a certain project or development. The information from community consultation is collated and reported to Council.

Community members are actively encouraged to phone, email or message ideas, suggestions and concerns they have on services in our community.

Learn about public consultation for planning and major projects in the Shire of Esperance. Follow this link to website page for more details

<https://www.esperance.wa.gov.au/community-engagement> and  
<https://www.esperance.wa.gov.au/current-project-information>

## 5.5 Notice & Advertising

In many instances the Shire of Esperance is required by the Local Government Act to provide notice of its intention to take a particular course of action or decision. In other instances, the Shire of Esperance will advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to comment or object.

Current notices are maintained at the Shire of Esperance website and are also placed in the local newspaper. Should you have regular dealings with Council it is strongly recommended that you monitor these notices by visiting <https://www.esperance.wa.gov.au/public-notices>

Please note that for the Shire of Esperance:

- Local public notice is given by advertising the notice in the Esperance Weekender or Kalgoorlie Miner newspapers, as well as displaying the notice on the display boards outside the Shire Administration Building and Esperance Public Library.
- State-wide public notice is given by advertising the notice in the West Australian newspaper as well as displaying the notice on the display boards outside the Shire Administration Building and Esperance Public Library

For more details, visit: <https://www.esperance.wa.gov.au/news-and-information>

## 5.6 Policies of Council

In order to provide guidance for the Officers of the Shire, the Council adopts policies which are included in the Policy Manual and provide the basis for decision making.

For more details, visit: <https://www.esperance.wa.gov.au/council-policies>.

## 5.7 Petitions

Any individual or group may petition the Shire of Esperance Council to take action on a matter of community concern. The subject of a petition should be a matter which the Council has the power to act. For example, an individual or group may petition to change a decision, policy or Local Law.

Part 3.6 of the Shire of Esperance Standing Orders Local Law 2015 prescribes the submission requirements for a petition. For more details, visit:

<https://www.esperance.wa.gov.au/local-laws>

## 5.8 Publications

Where the Shire of Esperance is required or has decided to make certain documents available to the public, then those documents will be available in their most recent format at the Shire of Esperance website.

For more details, visit: <https://www.esperance.wa.gov.au/council-publications>.

## 5.9 Presentations

With prior notification and approval by the Chief Executive Officer, members of the public can address Council on any matter on the Council Meeting Agenda.

For more details, visit: <https://www.esperance.wa.gov.au/council-meetings#accordion-0-0>

## 5.10 Written Requests

A member of the public can write to the Shire on any policy, activity, or service of the Council.

# 6 DOCUMENTS HELD BY THE SHIRE OF ESPERANCE

Under the State Records Act 2000 the Shire is required to have an approved recordkeeping plan. This plan sets out how records are created, how records will be managed, and for what period of time the Shire is required to retain records before they are destroyed. The Shire's Recordkeeping Plan was approved by the State Records Commission in March 2017 and is updated regularly in accordance with Section 28(5) of the State Records Act 2000 to provide an accurate reflection of any organisational or legislative changes. In April 2022 the Commission approved the continuation of the existing Plan until 17 March 2024.

Standards for record keeping across government have been set by the State Records Commission of WA in accordance with the State Records Act 2000. The General Retention and Disposal Schedule for Local Government has been developed to provide consistency throughout Local Government in the disposal and archival of all records.

The Shire utilises an electronic document and records management systems (EDRMS), which is used manage corporate information in the form of electronic, hard copy and digitised records. Documents in the EDRMS are contained in subject-specific files that are divided into categories based on our organisational functions and activities.

The Shire also maintains a number of other functional corporate databases and information systems to record ratepayer, client and business information and other data, and in some cases, these are integrated with the EDRMS.

## 6.1 Types of documents

The Shire creates and stores records during the performance of its functions. Below are broad categories of the types of documents held by the Shire and are to be considered as a guide only.

- Audit reports.
- Business plans.
- Compliance documents, including standard operating procedures and plans.
- Finance and accounting documents.

- General correspondence.
- Human resources documents and contracts.
- Incident reports.
- Industrial agreements.
- Land based documents relating to roads, developments, subdivisions, building permits, storm water drainage, and other similar types of work
- Memorandums of understanding, contracts, deeds, leases and agreements.
- Minutes, agendas, notice papers and reports of meetings
- Records relating to the administrative operations of the Shire.
- Research reports.
- Strategy and policy documents.
- Submissions to other government agencies and authorities.

## 6.2 Documents for Public Inspection or Purchase

The Shire of Esperance will ensure that as much of this information as possible is made available through the Shire of Esperance website; or alternatively these documents can be made available by attending the Shire of Esperance Administration Office in person or telephoning (08) 9071 0666.

These documents can be made available to the public in the form or medium in which it may for the time be held by the local government.

- Annual budgets
- Agendas and confirmed minutes of Council and Committee meetings, any notice papers and reports (excluding confidential items);
- Annual electors meeting minutes
- Annual financial statements
- Annual reports
- Building approvals and plans (*only with written consent from the owner*)
- Cemetery burial registers and maps
- Code of conduct for elected members and employees
- Community participation and consultation guidelines
- Esperance Council Plan 2022 - 2032
- Delegations register
- Electoral gift register
- Electoral rolls
- Emergency Management Plan
- Firebreak Notice
- Financial Interests register
- Financial Statements
- Freedom of Information Statement
- Guidelines, checklists and frequently asked questions (FAQ's)
- Local Emergency Management Plan
- Local laws
- Local Planning Scheme No. 24 (LPS 24) & scheme amendments
- Local Planning Strategy
- Long Term Financial Plan 2022 - 2032
- Operational & Strategic plans
- Policy manual
- Precinct plans
- Rates record (ownership details only)
- Register of financial interests
- Register of gifts and contributions to travel
- Schedule of fees and charges
- Standard Operating Procedures (some limitations)
- Structure Plans (also known as Outline Development Plans or Subdivision Guide Plans)
- Tender register

Note: Some restrictions on inspection apply and charges may apply for copies of certain documents, as per the Fees and Charges schedule. Predominantly the above can be viewed via the Shire's website, visit:

<https://www.esperance.wa.gov.au/>.

Access to information that is not otherwise listed as available in this statement may need to be accessed by way of an application under the Freedom of Information (FOI) Act.

## 7 WA FREEDOM OF INFORMATION ACT 1992

The **Western Australian Freedom of Information Act 1992** (the FOI Act) gives you the right to apply for access to documents held by State Public Sector agencies which include: Government Departments; Local Authorities; Statutory Authorities and Ministers.

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

### 7.1 Freedom of Information Operations

It is the aim of the Shire to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the Western Australian *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

### 7.2 Freedom of Information Applications

If you are considering making an application for access to documents, we encourage you to first make contact with the FOI Coordinator on the below contact details, who will ensure that advice is provided to help you to make a valid application. Documents potentially may even be made available without having to make an application under the FOI Act.

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Shire with any application fee payable.

FOI applications and enquiries should be addressed to:

#### **Freedom of Information Officer**

Shire of Esperance	Telephone: (08) 9071 0666
PO Box 507	Facsimile: (08) 9071 0600
<b>ESPERANCE WA 6450</b>	Email: shire@esperance.wa.gov.au

To contact the FOI Coordinator via the Shire website, visit:

<https://www.esperance.wa.gov.au/contact>.

Applications will be acknowledged in writing and the applicant will be notified of the decision within 45 (calendar) days.

A FOI Application Form has been created to assist you make a valid application. It is available on the Shire website, visit: <https://www.esperance.wa.gov.au/freedom-information>.

#### 7.2.1 Documents that can be accessed under the FOI Act

The right of access under the FOI Act is a right to access documents, rather than information. The Shire is not required to create new documents for the sole purpose of providing applicants the information they seek. Decisions under the FOI Act relate to access to documents rather than provide interpretations, clarifications or answers to questions.

The FOI Act defines the word 'document' and 'record' of the Shire as: -

- Any paper or other material, including affixed papers on which there is writing;
- Any map, plan, diagram or graph;
- Any drawing pictorial or graphic work, or photograph;
- Any paper or other material on which there are marks, figures, symbols, or perforation having a meaning for persons qualified to interpret them;
- Any article of material from which sounds, images or writing can be reproduced whether or not with the aid of some other article or device; or
- Any article on which information has been stored or recorded, either mechanically, magnetically or electronically that is in the possession or under the control of the Shire including a document to which the Shire is entitled access and a document that is in the possession or under the control of an employee of the Shire in his or her capacity as such an employee.

### 7.2.2 Amendment of personal information

Under the FOI Act, staff, ratepayers, and the general public may apply to have personal information about themselves held by the Shire amended, if they believe it is incomplete, incorrect, out of date or misleading. Requests to have documents amended should be directed **in writing** to the FOI Officer.

Receipt of application must be acknowledged in writing by the FOI Officer. An Amendment to Personal Information FOI Application Form has been created to assist you make a valid application. It is available on the Shire website, visit:  
<https://www.esperance.wa.gov.au/freedom-information>.

The decision to allow or refuse amendment of personal information is to be made by the FOI Officer in consultation with the relevant unit manager, depending on the nature of the request.

The Shire is required to give the applicant written notice of its decision within 30 days (Section 49(2) FOI Act). The notice is to give details of approved amendment or a statement of reason for the decision to refuse amendment of the personal information.

A simple name and/or address change is handled through our usual process, upon completion of a Change of Contact Details form and/or supply of proof of change.

### 7.2.3 Are there any costs involved?

No fees or charges apply for personal information or amendment of personal information about you (e.g., your personal details or details of employment etc.).

Otherwise, applications for other documents (i.e., those which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged, and there may be other discretionary charges imposed by the Shire as follows: -

- \$30 per hour of staff time (or pro rata for part of an hour) for dealing with an application (agencies cannot charge for locating the documents within the scope of your request);
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents, or the time taken by staff to prepare a transcript from a tape or make photocopies;
- 20 cents per photocopy; and
- Actual costs incurred by the Shire for preparing a copy of a tape, film, or computerised information, or arranging delivery, packaging, and postage of documents.



## 7.2.4 Timeframe for responding to a request

Once the Shire receives a valid application from you, the Shire has a **maximum of 45 (calendar) days** to make a decision.

On average the time taken by agencies is less than this permitted period.

## 7.2.5 How will I be Advised of the Outcome?

### Notice of Decision

As soon as possible but in any case, within 45 (calendar) days the applicant will be provided with a notice of decision which will include details such as:

- the date which the decision was made;
- the name and the designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; or
- information on the right to review and the procedures to be followed to exercise those rights.

## 7.2.6 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 reproduced.

Access to some documents can only be granted by way of inspection due to copyright.

## 7.2.7 Can I ask for a review of the decision?

Yes. You will be advised of your rights of internal and external review in the decision sent to you by the Shire. There are no charges for the conduct of reviews.

## 7.2.8 Right of review

### Internal Review Rights

If you are not satisfied with this decision, you have a right to apply for an internal review.

An application for internal review must be lodged with this Shire within **30 (calendar) days** after being given this written notice of decision, and must: -

- Be in writing;
- Provide particulars of the decision to be reviewed; and
- Give an address in Australia.

There is no lodgement fee for an application for internal review and there is no charge for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome for an application for internal review may result in a confirmation, variation, or reversal of the initial decision under review.

You will be advised of the outcome within **15 (calendar) days**.

The address for lodgement of an internal review is:

Chief Executive Officer

Shire of Esperance  
PO Box 507  
**ESPERANCE WA 6450**

Email: [shire@esperance.wa.gov.au](mailto:shire@esperance.wa.gov.au)

### External Review

If you are not satisfied with this decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of that decision. You are required to lodge your complaint with the Information Commissioner's office within **60 (calendar) days** of receiving this notice.

A complaint to the Information Commissioner must: -

- Be in writing;
- Have attached to it a copy of this decision; and
- Give an address in Australia.

There is no charge for lodging a complaint with the Information Commissioner's office.

The address of the Information Commissioner is:

**Office of the Information Commissioner**  
Albert Facey House  
469 Wellington Street  
**Perth WA 6000**

Should you have any further queries or require any further information about your review rights at this stage, you may contact the Office of the Information Commissioner on (08) 9220 7888.

Persons requiring further information regarding FOI in general are invited to contact:

### Freedom of Information Officer

Shire of Esperance	Telephone:	(08) 9071 0666
PO Box 507	Facsimile:	(08) 9071 0600
<b>ESPERANCE WA 6450</b>	Email:	<a href="mailto:shire@esperance.wa.gov.au">shire@esperance.wa.gov.au</a>

To contact the FOI Coordinator via the Shire website, visit:

<https://www.esperance.wa.gov.au/contact>.