



SHIRE OF ESPERANCE

FOI Information Statement 2026/2027

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Revision History

Date	Version	CM Reference	Reason for Change	Next Review
2010/2011	1	CT11-679	Original creation of documentation in CM Olde.	2012
2011/2012		CT11-778[v1]	Review and update of the information – addition of external review rights.	2013
2012/2013		D12/249[v1]	Migration of Draft document to the Shire's new version of their electronic document record management system Content Manager 9.4 and review and update of the information.	2013
2012/2013		D12/249[v2]	Review and update of the information including amendment of legislation.	2014
2013/2014		D12/249[v3]	Draft Annual review and update of information – change of CEO, amendment of legislation, minor direct. Responsible changes and Information Commissioner address details.	2015
2014/2015		D12/249[v4]	Reviewed and Update of the information – amendment of mission statement, legislation, Shire street address, meeting time, structure/function of the Shire and Councillor details.	2016
2015/2016		D12/249[v5]	Review and update of the information – new organisational structure included, councillors updated, regulations administered by the Shire updated and FOI operations statement updated. Black and White Signed Version.	2016
2015/2016		D12/249[v6]	Final coloured PDF version of the 2015/2016 Information Statement.	2017

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2016/2017		D12/249[v7]	Review and update of the information – Local Laws updated, Elected Members update, FOI operations statement modified.	2018
2017/2018 & 2018/2019		D12/249[v8]	Review and update of the information	2020
2019/2020		D12/249[v9]	Review and update of the information – new template and complete rewrite of the document.	2021
2020/2021		D12/249[v10]	Review and update of the information	2022
2021/2022		D12/249[v11]	Review and update of the information	2023
2022/2023		D12/249[v12]	Review and update of the information	2024
2026/2027		D12/249[v13]	New template and complete rewrite of the document.	2027

Acknowledgment of Country

The Shire of Esperance acknowledges the Kepa 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.

Copyright and Disclaimer



For Disclaimer and Privacy information, please scan the QR code or visit <https://www.esperance.wa.gov.au/disclaimer.aspx>

Requests for further authorisation should be directed to the –
Shire of Esperance
PO Box 507
Esperance WA 6450
shire@esperance.wa.gov.au

1. Document Details

Document Details	Information
Document Custodian	Information Management Coordinator
Document Number	D12/249[v13]
Document Reviewed	July 2026

2. Introduction

In accordance with Part 5 Section 96 (1) of the Freedom of Information Act 1992 (the FOI Act), each government agency is required to prepare and publish an Information Statement annually. This document has been prepared to ensure the Shire meets its obligations under the FOI Act and is correct as of the Document Reviewed date.

The Information Statement supports the FOI Act, to -

- Ensure accountability of government agencies.
- Enable public access to information and documents.
- Ensure an individual's right, to apply for the amendment of inaccurate, out of date or misleading personal information.
- Require that certain documents concerning government operations be made to the public.

The 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 Information Statement is available at request from the Freedom of Information Coordinator, or via the Shire of Esperance website.

<https://www.esperance.wa.gov.au/council/publications-documents/freedom-of-information.aspx>.

Enquiries relating to the FOI Act and this statement can be made by contacting -

Freedom of Information Coordinator

Phone: (08) 9071 0666

Email: shire@esperance.wa.gov.au

3. Vision and Purpose

3.1. Our Vision

“Esperance, together we make it happen.”

3.2. Our Purpose

“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.”

4. 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 provide powers and responsibilities to local government.

4.1. Legislation

There is a wide range of legislation and regulations that provide powers and authorities and/or impose duties and obligations to the Shire. These include -

- Agriculture and Related Resources Protection Act 1976
- Biosecurity and Agricultural Management Act 2007
- Building Act 2011 and associated regulations
- Building and Construction Industry Training Fund and Levy Collection Act 1990
- Building Service (Compliant Resolution and Administration) Act 2011
- 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
- Child Care Services Act 2007
- Commercial Tenancy (Retail Shops) Agreements Act 1985
- Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1976 and associated regulations
- Dog Amendment (Stop Puppy Farming) Act 2021
- Emergency Management Act 2005
- Emergency Services Levy Act 2002
- Environmental Protection Act 1986 and associated regulations
- Fines, Penalties and Infringement Notices Enforcement Act 1994

- Firearms Act 2024
- Food Act 2008 and associated regulations
- Freedom of Information Act 1992 and associated regulations
- Graffiti Vandalism Act 2016
- Health Act (Miscellaneous Provisions 1911) and associated regulations
- Heritage Act 2018
- Jetties Act 1926
- Land Administration Act 1997
- Liquor Control Act 1988 and associated regulations
- Litter Act 1979 and associated regulations
- Local Government Act 1995 and associated regulations
- Local Government Amendment Act 2023 and associated regulations
- Local Government Grants Act 1978
- Local Government (Miscellaneous Provisions) Act 1960
- Mining Act 1978
- Parks and Reserves Act 1895
- Planning and Development Act 2005 and associated regulations
- Public Health Act 2016
- Public Works Act 1902
- Radiation Safety Act 1975 and associated regulations
- Rates and Charges (Rebates and Deferments) Act 1992
- Rights in Water and Irrigation Act 1914
- Road Traffic (Administration) Act 2008
- Road Traffic Act 1974
- Road Traffic Act 2020
- Strata Titles Act 1985
- Surveillance Devices Act 1998
- Telecommunications Act (Commonwealth) 1997
- Telecommunications (Low Impact Facilities) Determination 2018 (Commonwealth)
- Transfer of Land Act 1893
- Valuation of Land Act 1978
- Waste Avoidance and Resource Recovery Act 2007
- Water Services Act 2012

Confirmation of current Acts and Regulations can be found by referring to the Department of Justice Parliamentary Council's Office website.

<https://www.wa.gov.au/organisation/departments/department-of-justice/parliamentary-councils-office>

4.2. 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
- Bushfire Brigades Local Law
- Cat Local Law
- Cemeteries Local Law
- Dog Local Law
- Extractive Industries Local Law
- Fencing Local Law
- Health Local Law
- Local Government Property Local Law
- Parking Facilities Local Law
- Private Property Local Law
- Standing Orders Local Law
- Waste Local Law

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

5. Organisational Structure and Functions

5.1. Organisational Structure

The day to day running of Shire operations is the responsibility of the Chief Executive Officer who, along with the Executive Management Team and staff, act on the Council's decisions by developing and putting into practice council policies and resolutions.



5.2. Organisational Functions

The functions of the Shire are to provide services and facilities, by proper and democratic government, in an efficient and cost-effective manner, subject to the Act and other legislation that provide the powers and directions for local government. Under the Act the Shire has general, legislative and executive functions.

- **General Functions** - The general function of a local government is to provide for the good government of people living and working within its district.
- **Legislative Functions** - A local government may make local laws that are necessary or convenient for it to perform any of its functions.
- **Executive Functions** - A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

6. Decision Making

6.1. 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, and the Shire Deputy President is elected by Council vote every 2 years. The next Local Government election will be held in 2027.

For the names and contact details of the current Esperance Shire Council, visit <https://www.esperance.wa.gov.au/profiles/elected-members>.

To view a map of the Electoral Ward Boundaries, visit <https://www.esperance.wa.gov.au/documents/1598/electoral-ward-boundary-town-ward> or <https://www.esperance.wa.gov.au/documents/1599/electoral-ward-boundary-rural-ward>.

6.2. Management Structure

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

The *Local Government Act 1995 (the LG 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.

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 services and facilities are available to the community. They are also 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 Executive Management 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 Executive Management Team, visit <https://www.esperance.wa.gov.au/profiles/executive-team>.

7. Public Participation

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions. Members of the public can participate in the following ways.

7.1. Council Meetings

Members of the public are encouraged to participate in most Council meetings. This participation is generally by way of public question time, 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 this is held at the start of the meeting. Public question time is held at the start and end 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. When this occurs, the minutes of the meeting will contain the reason for closing and corresponding reports may not be made available to the public except for the resolution.

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/>.

7.2. Working Parties, Committees and Consultative Groups

Under the *Local Government Act 1995 (the LG Act)*, 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 can nominate or be selected as representatives for a variety of Shire related committees, consultative groups and other external organisations. 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/your-council/your-council/your-council-committees-and-working-groups.aspx>.

7.3. Electors' Meetings

Pursuant to Section 5.27 of the *Local Government Act 1995 (the LG 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 1995 (the LG 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.

7.4. Community Consultation

The Shire is committed to ensuring quality community consultation for Shire projects, plans and proposals. Each consultation is customised depending on the context, place, timeframe and legislative requirements. Consultation may occur through submissions, surveys, workshops, community forums or other processes.

Community engagement is promoted on the Shire's website, and in other places when required (e.g. social media, print advertising public notice boards). The

information from community consultation is collated and used for the purpose of understanding community views and informing planning, policy and service delivery.

Community members are encouraged to engage with the Shire if they have any ideas, suggestions or concerns regarding Shire services. This can be done via phone, email or private message or post.

To learn more about public consultation and for current major projects in the Shire of Esperance, visit <https://www.esperance.wa.gov.au/council/community-engagement> or <https://www.esperance.wa.gov.au/council/projects>.

7.5. Notice and Advertising

In many instances the Shire of Esperance is required by the *Local Government Act 1995 (the LG 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 to provide the community with an opportunity to comment or object.

Current public notices are maintained on the Shire of Esperance website and are displayed on the display boards outside the Shire Administration Building and Esperance Public Library. In addition, local public notices are advertised in the local newspapers, whereas state-wide public notices are advertised in the State newspaper.

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

7.6. 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 laws.

7.7. Written Requests

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

7.8. Council Members

Members of the public can contact Councillors to discuss any policy, activity, function or service relevant to the Council. Council welcome community input on important decisions which affect the way you live. For Councillor contact details, visit <https://www.esperance.wa.gov.au/profiles/elected-members>.

8. Documents held by the Shire of Esperance

The Shire creates, receives and manages a vast number of records during the performance of its functions. All corporate records are managed in accordance with the Shires approved Record Keeping Plan and legislative requirements. Below are some examples of the types of documents held by the Shire.

- Audit reports.
- Business plans.
- Compliance documents, including standard operating procedures and plans.
- File notes.
- Finance and accounting documents.
- General correspondence.
- Human resources documents and contracts.
- Incident reports.
- Industrial agreements.
- 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.

9. Documents for Public Inspection

Section 5.94 and 5.96A of the Local Government Act 1995 lists a number of documents to be made available for inspection. Where this information is not available on the Shire of Esperance website these documents can be made available by attending the Shire of Esperance Administration Office in person during office hours.

- Any code of conduct
- Any register of financial interest
- Any register of gifts
- Any annual report
- Any annual budget
- An up-to-date list of fees and charges imposed under section 6.16.
- Any plan for the future of the district made in accordance with section 5.56.
- Any proposed local law of which the local government has given local public notice.
- An up-to-date consolidated version of any local law made by the local government in accordance with section 3.12.

- Any regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government.
- Any subsidiary legislation made or adopted by the local government under any written law other than under this Act.
- Any written law having a provision in respect of which the local government has a power or duty to enforce;
- Any rate record.
- Any confirmed minutes of council or committee meetings.
- Any minutes of electors' meetings.
- Any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been, 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.
- Any report of a review of a local law prepared under section 3.16(3).
- Any business plan prepared under section 3.59.
- Any register of owners and occupiers under section 4.32(6) and electoral rolls.
- A map of the district showing the district boundaries and, if the district is divided into wards, the ward boundaries.

Note - Some restrictions on inspection apply and charges may apply for copies of 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/council/publications-documents>.

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*.

10. WA Freedom of Information Act 1992

10.1. Freedom of Information Operations

The Western Australian *Freedom of Information Act 1992 (the FOI Act)* gives individuals the right to amend their personal information and creates a general right of 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.

10.2. 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.

Access applications must –

- be in writing, using the application form available on the Shire of Esperance website;
- 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 applicable 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

ESPERANCE WA 6450 Email: shire@esperance.wa.gov.au

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

The Shire FOI Application Form is available on the Shire website, visit <https://www.esperance.wa.gov.au/council/publications-documents/freedom-of-information.aspx>.

10.2.1. What can be requested under the FOI Act

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.

10.2.2. What can't be accessed under the FOI Act

The right of access created under the FOI Act is a right to access documents, rather than information. Under the Act, the Shire is not required to create new documents for the sole purpose of providing applicants the information they seek, nor provide interpretations, clarifications or answers to questions.

The FOI Act also includes clauses for exemption to the release of certain documents or information in documents. These include –

- Personal information.
- Business and Commercial Information.
- Deliberate Processes of Government.
- Legal Professional Privilege.
- Confidential Communications.

More information can be found on the Office of the Information Commissioners website, visit <https://www.wa.gov.au/organisation/office-of-the-information-commissioner/foi-exemptions-office-of-the-information-commissioner>.

10.2.3. Amendments of Personal Information

Under the FOI Act, an individual 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.

The Shire Amendment to Personal Information Application Form is available on the Shire website, visit <https://www.esperance.wa.gov.au/council/publications-documents/freedom-of-information.aspx>.

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.

10.2.4. Are there any costs involved?

A scale of fees and charges (set under the Act's Regulations) exists. Apart from the application fee for non-personal information, all charges are discretionary. The charges are as follows –

Fees and Charges Description	Cost
Application fee (for personal information about the applicant)	No Fee
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro-rata)	\$30.00
Access time supervised by staff (per hour, or pro-rata)	\$30.00
Photocopying - staff time (per hour, or pro-rata)	\$30.00
Per photocopy	\$0.20
Transcribing from tape, film or computer (per hour, or pro-rata)	Actual Cost
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

10.2.5. 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.

10.2.6. 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.

10.2.7. Right of Review – Internal Review

If you are not satisfied with the Notice of 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 Australian residential address.

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

Or, Email: shire@esperance.wa.gov.au

10.2.8. Right of Review – External Review

If you are not satisfied with the decision made from internal review, 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 your original Notice of Decision.

A complaint to the Information Commissioner must –

- Be in writing;
- Provide particulars of the decision to be reviewed;
- Have attached to it a copy of the decision; and
- Give an Australian residential address.

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

More information can be found on the Office of the Information Commissioner website, visit <https://www.wa.gov.au/organisation/office-of-the-information-commissioner/apply-oic-wa-foi-external-review>.

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) 6551 7888.