



Shire of Northam
Heritage, Commerce and Lifestyle

Information Statement

Last updated October 2024

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Introduction

Part 5 of the Freedom of Information (FOI) Act 1992 requires each government agency to prepare and publish an Information Statement annually. The Information Statement must include the following information:

- The Shire of Northam ("the Shire") mission statement
- Details of legislation administered
- Details of the Shire's structure and functions
- Details of decision-making functions within the Shire
- Public participation in the formulation of policy and performance of the Shire's functions
- Documents held by the Shire
- The operation of FOI in the Shire

This document is the Shire's Information Statement and is also available on the Shire's website.

Further information on FOI or enquiries about this document may be made by contacting:

Governance Coordinator (FOI Officer)
Shire of Northam
395 Fitzgerald Street
NORTHAM WA 6401

Shire's Vision

The Shire of Northam is a vibrant growing community that is safe, caring and inclusive. We are recognised as a community that values our heritage, preserves our environment and promotes our commerce.

Our Mission

The Shire of Northam exists to deliver responsive, sustainable services in a manner that preserves and enhances our environment and lifestyle while respecting our heritage and facilitating economic growth.

Our Values

- SAFE - Focus on importance of safety in the organisation.
- OPEN - Engage in two-way communication, with transparency and trust.
- ACCOUNTABLE - Know what you are responsible for, take ownership and deliver accordingly.
- RESPECTFUL - Demonstrate respect for other's skills, knowledge and differing value systems.

The Shire's Vision is further described by five core performance areas:



PEOPLE

A healthy, connected and safe community with access to quality services.



PLANET

Leading in sustainability.



PLACE

Responsibly planned towns and rural communities.



PROSPERITY

A diverse and growing economy



PERFORMANCE

Open and accountable leadership with effective governance.

Organisational Structure & Functions

Organisational Structure

In accordance with the Local Government Act 1995 Section 5.2, Council determines that the organisational structure of the Shire of Northam shall be:



To ensure the efficient, effective, and orderly administration of the Shire, the Chief Executive Officer shall, within established budget parameters, determine:

- i. the operational responsibilities of each of the Directorates and the subsequent substructure sections within the respective Directorates to fulfil these responsibilities; and
- ii. the sub-structure of each Section including the number of full-time equivalent positions required to ensure the efficient and effective delivery of operational outcomes.

The Shire's directorates each contain a number of specialised business units:

- **Office of the Chief Executive Officer:** Economic Development, Governance, Human Resources, Communications and Engagement, Events.
- **Engineering Services:** Maintenance, Drainage, Construction, Parks and Gardens, Assets, Fleet and Stores.
- **Corporate Services:** Finance, Procurement, Customer Service, Information Technology, Recreation and Aged Care Services.
- **Development & Community Services:** Planning, Environment, Emergency Services, Building, Environmental Health, Rangers, Community Development and Library Services.

Functions of the Shire

Local governments operate within a framework of delegated legislation, including orders and proclamations made by the Governor, by-laws, regulations and ordinances made by other statutory authorities.

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 Local Government Act 1995 (LG Act) and other legislation that provide the powers and directions for local government.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity.

Under the LG Act, the Shire has general, legislative and executive functions:

General Functions

Section 3.1

The general function of a local government is to provide for the good government of people living and working within its district.

Legislative Functions

Section 3.5

A local government may make local laws that are necessary or convenient for it to perform any of its functions.

Executive Functions

Section 3.18

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 relating to, performing its functions.

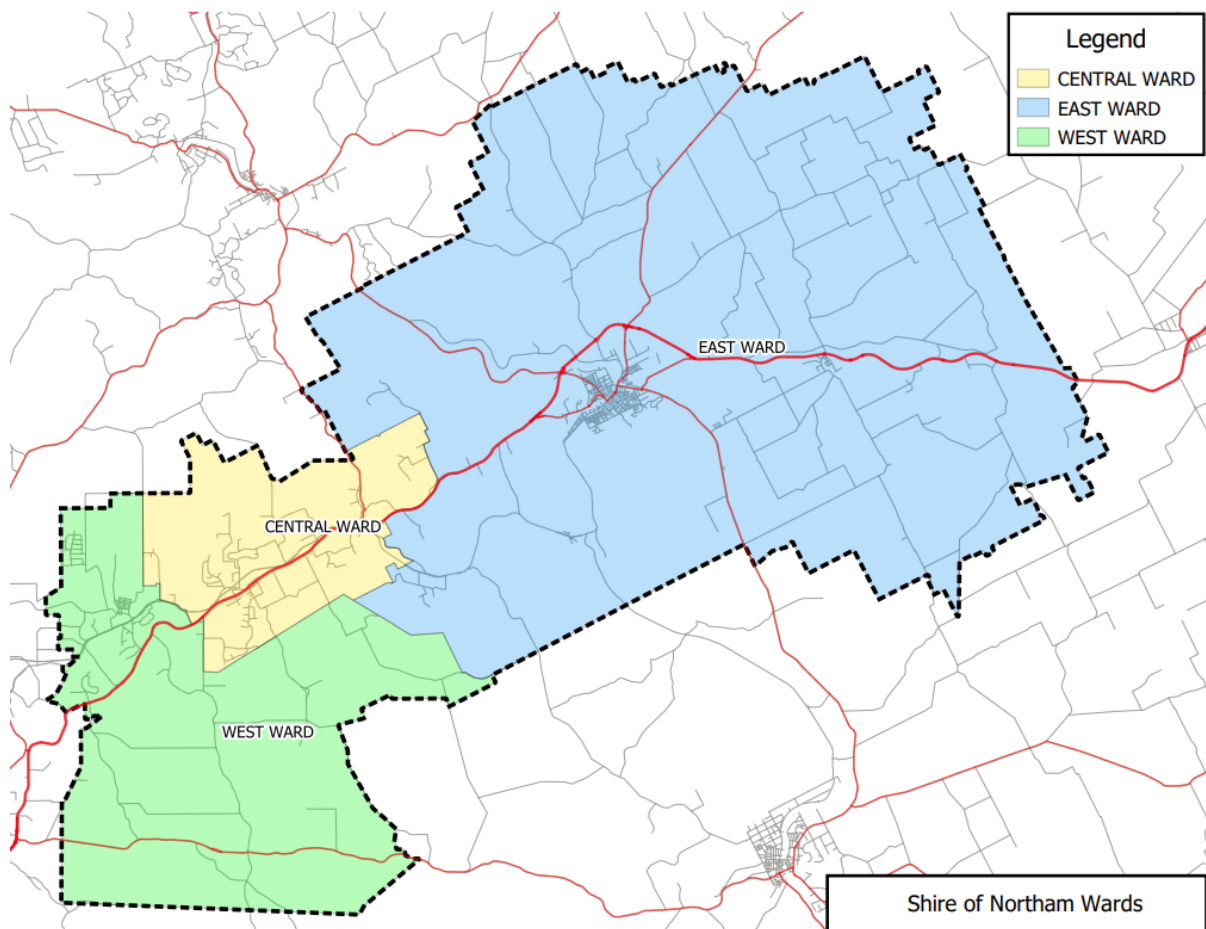
Council

The Shire has 9 Council (Elected) Members including one President elected by the community.

The specific role of Council Members is to:

- Represent the interests of electors, ratepayers and residents of the Shire.
- Provide leadership and guidance to the community.
- Facilitate communication between the community and Council.
- Participate in the local government's decision-making processes at Council and committee meetings.

The Shire of Northam is divided into three (3) wards:



Decision Making

Ordinary Council meetings

The Council consists of 9 Council (Elected) Members, which includes the President. The Council is the policy and decision-making body for the Shire with a focus on strategic direction. The CEO and Executive Managers of the directorates also attend Council meetings to assist the Council Members in making informed decisions.

Special meetings of Council

Special meetings are convened to consider an urgent matter or a matter that involves special circumstances. Special meetings are conducted in a similar way as the Ordinary Council meetings.

Electors' General meetings

The Electors' General Meeting occurs once every financial year. Reports that are submitted include the Annual Report, Annual Financial Statements, Auditor's Report for the previous financial year, and other general business.

Special Electors' meetings

A Special Electors' meeting occurs if a petition, signed by at least 100 eligible electors, is submitted to the Council requesting that meeting be held on a particular matter.

Delegated Authority

Section 5.42 of the Local Government Act 1995 allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee.

The Delegated Authority Register details which authorities have been delegated by Council to the Chief Executive Officer. The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information/indication purposes only and may change from time to time at the discretion of the Chief Executive Officer. The register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

Committees

The Shire has several Committees that meet on a regular basis to oversee operations and make recommendations to the Council in their specific areas of responsibility. The relevant Executive Manager and other senior members of the directorates attend the meeting according to the business to be considered.

Audit and Risk Management Committee

The primary objective of the Audit and Risk Management Committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee will also oversee critical areas including risk management and internal audit.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of local government's financial accounting systems and compliance with legislation.

The committee is to facilitate:

- the enhancement of the credibility and objectivity of external and internal financial reporting;
- compliance with laws and regulations as well as use of best practise guidelines relative to auditing:
 - the coordination of the internal audit
 - function with the external audit;
- effective oversight of financial and other risks and the protection of Council assets;
- the provision of an effective means of communication between the external auditor, the CEO and the Council.

Bush Fire Advisory Committee (BFAC)

Northam Bush Fire Advisory Committee is established pursuant to Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954 within the local government boundaries of the Shire of Northam. The committee's objective is to provide efficient and responsive fire service and as a committee to advise on matters relating to bush fire, and make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources.

Chief Executive Officer (CEO) Review & Selection Committee

The primary objective of the Shire of Northam CEO Review & Selection Committee is to make recommendations to Council on the Shire of Northam's CEO's salary and performance, employment of the CEO and any other matters referred by Council.

Community Grants Assessment Committee

The purpose of the Community Grants Assessment Committee is to oversee and make determinations on all matters associated with the Community Grants Program.

Public Participation

Attending Council and Committee meetings

The procedures for conducting Council and Committee meetings are governed by the *Shire of Northam Standing Orders Amendment Local Law 2018*.

Members of the public are welcome to attend Council and Committee meetings. There is an opportunity at Council meetings for members of the public to ask questions (refer to 'Public Question Time') and an opportunity at Committee meetings for members of the public to make a deputation (refer to 'Deputations').

The Council meetings are also live-streamed and recorded and can be viewed by members of the public via YouTube or the Shire's website.

Public question time

The allotted public question time during a Council meeting is 15 minutes and may be extended if circumstances require. A submission form must be completed by the speaker in advance, with sufficient time for complex questions to be researched and a response provided.

Any member of the public attending a Council meeting can ask up to three questions on any matter relating to the ordinary business of the Shire of Northam or the function of the Council regardless of whether or not the matter in question is on the agenda.

Deputations

Members of the public can make a 10 minute deputation (statement) at Council meetings and committee meetings which are open to members of the public. [The Deputation Submission Form](#) should be completed prior to the commencement of the meeting.

Council Members

In their role, Council (Elected) Members make themselves available to the community to assist with matters regarding the function of Council.

Written requests

A member of the public can write to the Shire on the policy, activity, service or any issues within the Shire's jurisdiction.

Community consultation

The Shire is committed to ensuring that the community is consulted on projects, plans and proposals by advertising in local papers, the Shire's website and on public notice boards, as well as organising public meetings,

letters to the community and communication through the local ward Council Members.

The Shire's "Advertising of Planning Proposals" Policy provides a framework to ensure that our community and stakeholders are effectively consulted prior to decision making on planning proposals. The outcomes of community consultation are reported to Council and are recorded in the Council minutes.

Petitions

Petitions can be submitted in a hard copy format. Electors may petition the Council to take action on a matter, but certain conditions must be met to ensure authenticity. Any Council Member or the CEO can present the petition at an Ordinary Council Meeting. The matter is then referred to the relevant directorates. Officers from that directorate are responsible for contacting the lead petitioner to deal with the matter.

A bona fide petition requires is to:

- be addressed to the President;
- be made by electors of the district;
- state the request on each page of the petition;
- contain the name, address and signature of each elector making the request, and the date each elector signed;
- contain a summary of the reasons for the request; and
- state the name of the person to whom, and an address at which, notice to the petitioners can be given.

Legislative Requirements

The principle legislation governing the operation of Western Australian local governments is the Local Government Act 1995 (WA). The Shire is also responsible to administer a number of State and Commonwealth Acts and Regulations. Some significant pieces of legislation include, but is not limited to, the following:

- *Aboriginal Heritage Act 1972*
- *Age Discrimination Act 2004 (Cth)*
- *Agriculture and Related Resources Protection Act 1976*
- *Animal Welfare Act 2002*
- *Aquatic Resources Management Act 2016*
- *Auditor General Act 2006*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Biodiversity Conservation Act 2016*
- *Building Act 2011*
- *Building and Construction*

- Industry Training Fund and Levy Collection Act 1990
- Building Service (Complaint Resolution and Administration) Act 2011
- Building Services (Registration) Act 2011
- Building Services Levy Act 2011
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Cat Act 2011
- Charitable Collections Act 1946
- Commercial Tenancy (Retail Shops) Agreements Act 1985
- Conservation and Land Management Act 1984
- Contaminated Sites Act 2003
- Control of Vehicles (Off Road Areas) Act 1978
- Corruption, Crime and Misconduct Act 2003
- Criminal Code 1913
- Defamation Act 2005
- Disability Discrimination Act 1992 (Cth)
- Disability Services Act 1993
- Dividing Fences Act 1961
- Dog Act 1974
- Electoral Act 1907
- Electronic Transactions Act 2011
- Environmental Protection Act 1986
- Emergency Management Act 2005
- Emergency Services Levy Act 2002
- Equal Opportunity Act 1984
- Evidence Act 1906
- Fair Work Act 2009 (Cth)
- Food Act 2008
- Fines, Penalties and Infringement Notices Enforcement Act 1994
- Freedom of Information Act 1992
- Graffiti Vandalism Act 2016
- Health Act 1911
- Health (Miscellaneous Provisions) Act 1911
- Heritage Act 2018
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Human Rights (Sexual Conduct) Act 1994 (Cth)
- Industrial Relations Act 1979
- Interpretation Act 1984
- Land Administration Act 1997
- Legal Deposit Act 2012
- Library Board of Western Australia Act 1951
- Limitation Act 2005
- Liquor Control Act 2008
- Local Government Industry Award 2010
- Local Government (Miscellaneous Provisions) Act 1960

- *Local Government Grants Act 1978*
- *Main Roads Act 1930*
- *Mental Health Act 2014*
- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*
- *Oaths, Affidavits and Statutory Declarations Act 2005*
- *Occupational Safety and Health Act 1984*
- *Parliamentary Commissioner Act 1971*
- *Planning and Development Act 2005*
- *Public Health Act 2016*
- *Public Interest Disclosure Act 2003*
- *Public Works Act 1902*
- *Racial Discrimination Act 1975 (Cth)*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Residential Tenancies Act 1987*
- *Retail Trading Hours Act 1987*
- *Road Traffic Act 1974*
- *Road Traffic Code 2000*
- *Salaries and Allowances Act 1975*
- *Sex Discrimination Act 1984 (Cth)*
- *State Administrative Tribunal Act 2004*
- *State Records Act 2000*
- *State Records (Consequential Provisions) Act 2000*
- *Statistics Act 1907*
- *Strata Titles Act 1985*
- *Superannuation Act 2005 (Cth)*
- *Transfer of Land Act 1893*
- *Valuation of Land Act 1978*
- *Waste Avoidance and Resource Recovery Act 2007*
- *Work Health and Safety Act 2020*
- *Workers Compensation and Injury Management Act 1981*
- *Working with Children (Criminal Record Checking) Act 2004*

Local Laws

Under the Local Government Act 1995 and other legislation, the Shire has power to make local laws to regulate and manage activities throughout the Shire. These local laws are enforceable through the courts.

Below is a list of the local laws of the Shire.

- *Activities In Thoroughfares Amendment Local Law 2018*
- *Cemeteries Amendment Local Law 2017*
- *Cat Local Law 2019*

- Dogs Amendment Local Law 2018
- Establishment, Maintenance and Equipment of Bush Fire Brigades 1982
- Extractive Industry Amendment Local Law 2018
- Fencing Local Law 2019
- Health Amendment Local Law 2018 and JSC Undertaking
- Local Government Property Local Law 2008
- Operation of Waste Disposal Facilities Local Law 2008
- Parking Local Law 2019
- Pest Plant Local law 2019
- Repeal Local Law 2008 Standing Orders Amendment Local Law 2018
- Waste Local Law 2020

Copies of the Shire's local laws are available on the [Shire's website](#).

Information held by the Shire

The Shire maintains comprehensive records of all its dealings including correspondence, memorandums, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

Availability of information is subject to the provisions established in the Freedom of Information Act 1992 and the Local Government Act 1995 and may be free or subject to the Shire's Schedule of Fees and Charges. The Shire will assist members of the public to obtain access to documents promptly, at the lowest reasonable cost and ensure that personal information contained in documents is accurate, complete, up-to-date and not misleading.

Information is made available through a range of mediums including public statements, news releases, the Shire's website and social media channels, advertisements placed in local and state-wide newspapers, public notice boards, library services, information sheets, individual correspondence, public and statutory documents and reports.

The list below provides a summary of key information held by the Shire.

- Common Seal Register
- Creditor Payments
- Gift Register
- Fees and Charges
- Business Continuity Plan
- Fixed Asset Register
- Citizenship Records
- Contract and Tender Details
- Civic Function Details
- Purchase Orders
- Code of Conduct
- Invoice Information
- Corporate Records
- Gross Rental Valuations
- Elected Member and Employee Gifts Registers

- Property Fees and Charges
- Register of Complaints
- Property Rates
- Delegated Authority Register
- Rating Information
- Council Agenda and Minutes
- Owner Details
- Council Committee agendas and minutes
- Employee Records
- FOI Information Statement
- Training Records
- Local Laws
- Occupation Health and Safety Information
- Primary and Annual Returns Records
- Payroll
- Recordkeeping Plan
- Performance Management
- Customer Service Charter
- Recruitment
- Policies
- Workers Compensation and Rehabilitation Records
- Electoral Rolls
- Health Breaches and Infringements
- Annual Financial Statements
- Building Applications
- Accounts
- Building Licence Document
- Budget Information
- Compliance Infringements
- Customer Information
- Development Applications
- Insurance Coverage
- Aerial Photography
- Bank Reconciliations
- Property and Land Locality Information
- Bank Guarantees Held
- Shire Operated Building Maintenance Records
- Debtors
- Subdivision Applications
- Swimming Pool Requirements and Inspections
- Shire Operated Building Plans
- Mapping Information
- Asset Management Documents
- Crossovers and Verge Treatments
- Book and Collection Catalogues
- Verge Bonds Associated with Building/Development
- Access and Inclusion Plan
- Economic Development
- Leases and Licences
- Property Heritage Register
- Library Membership Details
- Town Planning Schemes
- Art Collection
- Community Safety Information
- Geotechnical Reports (Subdivisions)
- Emergency Management Matters
- Engineering Services Subdivision Files
- CCTV, Alarm and Access Control Systems
- Parking Signage
- Dog Registrations
- Paths and Cycle Ways Details and Plans
- Cat Registrations

- Resurfacing and Reconstruction Details and Plans
- Animal Pound Register
- Roads and Drainage Details and Plans
- Rangers Investigations and Reports
- Streetscape Details and Plans
- Graffiti Reporting
- Street Lighting
- Infringement Details
- Traffic Safety Requirements
- Bushfire Management Plan
- Underground Power
- Vehicle Impound Register
- Crossovers Including Subsidy Requests
- Funding Grants and Sponsorship Information
- Car Parks
- Information Brochures on Recreation Centres
- Drainage
- Sporting Clubs Database
- Roads
- Facility Bookings
- Surveying
- Advertising Information
- Maintenance General Verge Area
- Annual Reports
- Irrigation Plans
- Community Events
- Fleet Management
- Promotional Materials and Information
- Waste Disposal Information
- Media Releases
- Plans – Septic Tank and Effluent Disposal Systems

Documents available outside of FOI Act 1992

Section 5.94 of the Local Government Act 1995 details the type of documents that a local government must make available for inspection and those where restrictions apply. Any member of the public may attend the Shire's Administration Centre, 395 Fitzgerald Street, Northam and request to view these documents. Some of the documents are also available on the Shire's website. Copies of documents can be provided upon payment of any relevant charges for production in accordance with the Shire's Fees and Charges Schedule.

Documents that are available for inspections are as follows:

- Register of Complaints
- List of fees and charge
- Register of Financial Interests
- Local Laws
- Register of Gifts
- Confirmed minutes of council or committee meetings
- Annual Reports
- Minutes of electors' meetings
- Annual Budgets
- Codes of Conduct
- Council policies

Limitation to access

Limitation to access applies to the inspections of the following documents.

- Building licence document/plan
 - » Only the owner or mortgagee of a building, or their authorised representative, may inspect any plan or other document relating to that building
 - » A non-owner may inspect or obtain a copy subject to the written approval by the owner.
- Minutes of Council/Committee meetings (includes agendas, reports and documents relating to the meeting)
 - » A person's right to inspect information does not extend to the inspection of information where the agenda of the meeting is closed to members of the public or if it relates to any debt owed to the Shire

Refer to the following section:

Freedom of Information: Refusal of Access for additional information on access refusal.

Freedom of Information

What is Freedom of Information

The FOI Act gives the public a right to access documents held by the Shire, subject to some limitations. Documents accessible under the Act include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form.

The objectives of the FOI Act are to:

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

The Shire gives effect to the FOI Act in a way that:

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

The FOI process

Prior to lodging an FOI application, the applicant is encouraged to check and ascertain if the information is available outside the FOI Act.

The Shire has various documents that are publicly available on the Shire's website or at the Administration Centre, 395 Fitzgerald Street, Northam.

FOI application

FOI applications must be in writing with the FOI application form completed, provide sufficient information to identify the requested documents, have an Australian address to where notices can be sent and be submitted with a \$30 application fee.

The completed application form together with the application fee can be delivered by:

Post

Freedom of Information Officer
PO Box 613
NORTHAM WA 6401

In person

395 Fitzgerald Street, Northam

Email

records@northam.wa.gov.au

Application forms are available from the Shire's Administration Centre (395 Fitzgerald Street, Northam) or available via the Shire's website www.northam.wa.gov.au.

Upon receipt of a valid application and prescribed \$30 application fee, the Shire's Freedom of Information Officer will identify and review the documents requested to determine if any exemptions apply.

Amendment of personal information

Under the FOI Act, a person can apply to the Shire for amendment of personal information if the person applying believes that the information is inaccurate, incomplete, out-of-date or misleading. An application must be lodged in writing, providing details, identification and, if necessary, documentation to support claims to amend personal information. There is no application fee or charge associated with an application for personal information about the applicant, or the amendment of personal records.

Notice of Decision

A Notice of Decision will be issued by the Shire as soon as possible, within the statutory 45 days of receipt of a valid application. The Notice of Decision will include details such as:

- The date the decision was made;

- The name and the designation of the officer who made the decision;
- The reasons for claiming the document is exempt if access is refused; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

FOI charges

A scale of fees and charges are set out in the FOI Regulations and are as follows:

General	
Personal information about the applicant	No fees and no charges
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)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost
Deposits	
An advance deposit may be required in respect of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

Concessions

For impecunious applicants or applicants issued with a prescribed pensioner concession card, the charges payable are reduced by 25%. The reduction in fees does not apply to the application fee.

Refusal of access

While the FOI Act provides a general right of access to documents, it is subject to some limitations. Schedule 1 of the FOI Act recognises that some documents require a level of protection and are exempt.

The most commonly claimed exemptions are:

- Personal Information
 - » Information that would reveal personal information about an individual (i.e. name, contact details).
- Business and Commercial Information
 - » Information that would reveal trade secrets, information that has a commercial value or reveal the financial affairs of a person.
- Deliberative Process
 - » Information that would reveal a decision made during a deliberative process closed to the public.
- Legal Professional Privilege
 - » Information that would reveal legal advice.
- Confidential Communications
 - » Information that would reveal details of a confidential nature obtained in confidence and could be expected to prejudice the future supply of information.

Internal review

Applicants who are dissatisfied with the Shire's decision are entitled to request an internal review.

The internal review application should be made in writing within 30 calendar days after being provided with the Shire's Notice of Decision.

The outcome of the review will be provided to the applicant within 15 calendar days.

External review

The applicant can apply to the Information Commissioner for an external review in the event that the applicant disagrees with the result of the internal review.

The external review application should be made within 60 calendar days after being provided with the Shire's written Notice of the Internal Review Decision.

Applications requesting external review as a third party or following an application for amendment of personal information must be lodged within 30 calendar days after being provided with the written Notice of the Internal Review Decision.

Appeals to the Supreme Court

The Information Commissioner's decisions are final and binding on the Shire, subject to an appeal to the Supreme Court of a question of law arising out of the Commissioner's decision.

The timeframe and process for lodging an appeal is governed by the Rules of the Supreme Court 1971. An appeal must be lodged within 21 days after the date of the Commissioner's decision.

The procedures relating to appeals to the Supreme Court are established by the court. Further information on lodging an appeal can be obtained by contacting the Supreme Court.

Further information

Further information on FOI can be found on the Office of the Information Commissioner's website www.oic.wa.gov.au or by contacting the office.

Office of the Information Commissioner

Albert Facey House
469 Wellington Street
Perth WA 6000
Tel: (08) 6551 7888
Email: info@foi.wa.gov.au