



Freedom of Information Statement

2024 - 2025

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INTRODUCTION

The *Freedom of Information Act 1992 (WA)* gives the public a right to access Western Australian government documents, subject to some limitations. The Department of Local Government, Sport and Cultural Industries take its obligations under the Act seriously and is committed to complying with the aims of the Act.

The aims of the *Freedom of Information Act 1992 (WA)* are to:

- enable the public to participate more effectively in governing the State, and
- make the persons and bodies that are responsible for State and local government more accountable to the public.

They are to be achieved by:

- creating a general right of access to State and local government documents
- providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading, and
- requiring certain documents concerning State and local government operations be made available to the public.

This document has been prepared for the Shire of Lake Grace to satisfy Part 5 of the Freedom of Information Act 1992, and is correct as at September 2024. Copies of this document may be obtained from:

The FOI Coordinator
Shire of Lake Grace
1 Bishop Street
LAKE GRACE WA 6353

Telephone (08) 9890 2500
Fax (08) 9890 2599
Email shire@lakegrace.wa.gov.au

For further information the Shire office may be contacted, Monday to Friday between the hours 8:30am – 4:00pm or via the Shire's website www.lakegrace.wa.gov.au

MISSION STATEMENT:

VISION

“A safe, inclusive and growing community embracing opportunity”

THE SHIRE OF LAKE GRACE STRATEGIC COMMUNITY PLAN “ASPIRE 2033”

1. Economic Objective

A prosperous agricultural based economy, supporting diversification of industry

2. Environment Objective

Protect and enhance our natural and built environment

3. Social Objective

A valued, healthy and inclusive community and life-style

4. Leadership Objective

Strong governance and leadership, demonstrating fair and equitable community values

COUNCIL ORGANISATION STRUCTURE

The current Council decision making body consists of 7 Councillors, including the Shire President who is elected by the Council. Council meets on the third Wednesday of the months February to December. A meeting in the month of January will only be held when it is called under provisions of Section 5.4 of the Local Government Act 1995.

Minutes of meetings are available at the Shire offices, town libraries and the shire’s website www.lakegrace.wa.gov.au.



SHIRE OF LAKE GRACE – ORGANISATION CHART



COUNCIL AND COMMITTEE MEETINGS

Council Meetings

Council Meetings afford members of the public the opportunity to ask Elected Members and staff questions about Shire matters generally.

Committees of Council

The Shire of Lake Grace has committees and working groups that meet on a regular or semi-regular basis to oversee operations and make recommendations to the Council in their specific areas of responsibility. Council advertises for community member vacancies on Council Committees when required. A full list of Council's committees can be accessed on the Shire's website <https://www.lakegrace.wa.gov.au/council/your-council/Committees-of-Council.aspx>

Council Committees include:

- Audit Committee
- Bushfire Advisory Committee
- Lake Grace Library and Community Resource Centre Management Committee
- Local Emergency Management Committee
- Shire of Lake Grace Tourism Advisory Committee
- Newdegate Library and Community Resource Centre Management Committee
- Newdegate Swimming Pool Management Committee

Other Committees:

- Integrated Planning Asset Management Advisory Group

DELEGATIONS

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters which are subject to ongoing development. These delegations are detailed in the Delegations Register and are reviewed annually by Council.

The *Local Government Act 1995* and associated Regulations requires Council to;

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

In keeping with the legislative requirement, Council determines the strategic direction of the Shire, including the development of key policies and the allocation of resources to works and services. Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

LEGISLATION ADMINISTERED

The Shire of Lake Grace is enabled and functions under the *Local Government Act 1995*.

The Shire of Lake Grace is wholly or partly responsible for administering the following Legislations and Regulations:

Animal Welfare Act 2003
Biosecurity and Agriculture Management Act 2007
Building Act 2011
Building Regulations 2012
Bush Fires Act 1954
Bush Fire Regulations 1954
Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997
Cat Act 2011
Cat Regulations 2012
Cemeteries Act 1986
Conservation and Land Management Act 1984
Contaminated Sites Act 2003
Corruption, Crime and Misconduct Act 2003
Control of Vehicles (Off Road Areas) Act 1978
Control of Vehicles (Off Road Areas) Regulations 1979
Disability Services Act 1993
Dividing Fences Act 1961
Dog Act 1976
Dog Regulations 1976
Dog (Restricted Breeds) Regulations 2002
Environmental Protection (Noise) Regulations 1997
Equal Opportunity Act 1984
Explosives and Dangerous Goods Act 1961
Freedom of Information Act 1992
Freedom of Information Regulations 1993
Food Act 2008
Food Regulations 2009
Hairdressing Establishment Regulations 1972
Health Act 1911
Health (Air Handling & Water Systems) Regulations 1994
Health (Aquatic Facilities) Regulations 2007
Health (Asbestos) Regulations 1992
Health Act (Carbon Monoxide) Regulations 1975
Health (Cloth Materials) Regulations 1985
Health (Garden Soil) Regulations 1998
Health Act (Laundries & Bathrooms) Regulations
Health Act (Miscellaneous Provisions) Act 1911

Health (Pesticides) Regulations 2011
Health (Poultry Manure) Regulations 2001
Health (Public Buildings) Regulations 1992
Health (Skin Penetration Procedure) Regulations 1998
Health (Temporary Sanitary Conveniences) Regulations 1997
Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste Regulations 1974
Heritage of Western Australia Act 1990
Land Administration Act 1997
Litter Act 1979
Litter Regulations 1981
Liquor Licensing Act 1988
Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Audit) Regulations 1996
Local Government (Constitution) Regulations 1998
Local Government (Building Surveyors) Regulations 2008
Local Government (Elections) Regulations 1997
Local Government (Financial Management) Regulations 1996
Local Government (Functions & General) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960
Local Government (Rules of Conduct) Regulations 2007
Local Government (Uniform Local Provision) Regulations 1996
Local Government Grants Act 1978
Main Roads Act 1930
Navigable Water Regulations 1958
Parks & Reserves Act 1895
Planning & Development Act 2005
Planning & Development (Consequential & Transitional) Act 2005
Planning & Development Regulations 2009
Planning & Development (Consequential) Regulations 2006
Planning & Development (Transitional) Regulations 2006
Public Health Act 2016
Public Interest Disclosure Act 2003
Rates & Charges (Rebate & Deferrals) Act 1992
Residential Design Codes of WA 2002
Sewerage, Lighting, Ventilation & Construction Regulations 1971
Strata Titles Act 1985
Town Planning Regulation 1967
Valuation of Land Act 1978

The Shire of Lake Grace is also wholly responsible for administering the following Shire of Lake Grace Local Laws:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- Animals Environment Nuisance Local Law
- Bushfire Brigade Local Law
- Dogs Local Law
- Extractive Industries Local Law
- Fencing Local Laws
- Health Local Laws
- Lake Grace Newdegate Lake King and Varley Public Cemeteries Local Law
- Local Government Property Local Laws
- Standing Orders Local Law
- Local Planning Scheme No. 4

SERVICES TO THE COMMUNITY

The Shire of Lake Grace is responsible for providing good governance, including legislative and executive functions. The services are provided to maintain a pleasant and safe environment for its residents and ratepayers by:

The activities and functions of the Shire are described as follows:

Animal Control	Parks and Reserves
Development and Building Control	Pest Control
Bus Shelters	Playground Equipment
Cemeteries	Public Seating & Public Toilets
Citizenship Ceremonies	Recreational/Sporting Facilities
Community Development	Refuse Sites & Waste Management
Community Halls and Centres	Roads/Kerbing
Community Information Service	Seniors Program
Community Support Program	Parking Bays/Street Closures
Development and Building Control	Street Lighting
Dual Use Paths	Stormwater Drainage
Environmental Health Matters	Street Sweeping
Extractive Industries Control	Street Tree Planting
Fire Prevention	Tourism

Footpaths	Town Planning
Grants and Subsidies	Traffic Control Devices
Medical Centres	Youth Program

PUBLIC PARTICIPATION

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

Deputations - a member of the public can apply to address Council personally or on behalf of a group of residents. The application must be in writing addressed to the Chief Executive Officer. The Presiding person then may approve the request or refer the request to the Council/Committee for approval.

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.

Residents are notified of some Development Applications requiring the approval of Council. When an application is publicly notified, residents can write to Council expressing their view of the application.

Petitions - written petitions can be addressed to Council on any issue within Council's jurisdiction. Petitions are required to be addressed to the Shire President according to *Standing Orders Local Law 2.5*.

Written Requests—a member of the public can write to the Shire on any Council policy, activity or service.

Public Question Time – Time is made available at every Council Meeting for members of the public to ask questions and have them responded to by Council, unless the question is outside the legislation or deemed unreasonable.

Elected Members—members of the public can contact their Elected Members to discuss any issue relevant to Council.

Notifications/Advertising – Residents may be notified of issues by advertising in the local newspaper, written notification or an onsite sign. Residents then have the opportunity to write to the Shire expressing their views.

Public correspondence and applications on any matters to be considered by Council must be received at the Shire Office 20 working days prior to the Council Meeting and should be addressed to the Chief Executive Officer.

COMMUNITY CONSULTATION

The Shire consults with local residents on particular issues as determined from time to time in accordance with its Community Strategic Plan to ensure all the community's needs and expectations are met and can be in the form of:

- Public Forums
- Submissions
- Media
- Telephone
- Interviews
- Surveys

Advising the community and stakeholders of issues can take the form of:

- Media releases
- Local Newspaper advertisements
- Council publications (including electronic media and website)
- Social media
- Newsletter/direct mail outs
- Posters/flyers
- Information displays
- Public forums

COUNCIL DOCUMENTS

The Shire of Lake Grace holds records relating to various functions of the Shire as described below:

- Integrated Planning and Reporting publications;
 - Asset Management Plan
 - Corporate Business Plan
 - Strategic Community Plan
 - Strategic Resource Plan
 - Workforce Plan
- Council / Committee Agendas and Minutes
- Customer Service Charter
- Disability Access and Inclusion Plan
- Equal Employment Opportunity Management Plan
- Local Emergency Management Plan
- Local Laws and Local Law Enforcement
- Municipal Heritage Inventory
- Policy Manual
- Recordkeeping & Disaster Recovery Plan
- Risk Management
- Town Planning Scheme Plan
- Waste Management Plan

DOCUMENTS AVAILABLE FOR INSPECTION

The following documents are available for public inspection at the Shire Office, free of charge to ratepayers. Copies of these documents may be purchased and the charges are shown below. Some of these documents are also available on the Shire's website.

COUNCIL DOCUMENTS AVAILABLE FOR INSPECTION

DOCUMENT	FEE
Annual Budget	Council Office & Website
Annual Report inclusive of Annual Financial Report	Council Office & Website
Council / Committee Agendas & Minutes	Council Office & Website
Customer Charter Customer Service Charter Wastewater Services for Lake Grace Townsite Sewerage Scheme	Council Office & Website
Disability Access & Inclusion Plan	Council Office & Website
Policy Manual	Council Office & Website
Freedom of Information Statement	Council Office & Website
Integrated Planning and Reporting Strategic Community Plan Strategic Resource Plan Corporate Business Plan Workforce Plan	Council Office & Website
Register of Burials Register of Gifts and Travel Contributions Register of Interest (Elected Members) Register of Tenders	Council Office & Website
Register of Fees and Charges levied by Council Register of Local Laws	Council Office & Website
Shire of Lake Grace Heritage Building Inventory	Council Office & Website

Other Information Requests

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

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

FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS

Refer: Appendix 1 Flowchart - Dealing with an FOI application

FOI Operations Obtaining Documents outside of Freedom of Information

Where possible the Shire of Lake Grace will release documents outside of the Freedom of Information process. However, at times some documents can only be obtained under Freedom of Information.

Documents may comprise any written material, plans, drawings, photographs, tape recordings, films, and videotapes.

APPLICATIONS

Valid Access Application

Under the *Freedom of Information Act section 12* requirements for a valid Freedom of Information Access Applications must:

- be in writing
- give enough information so that the documents requested can be identified (be as specific as possible; include dates or date ranges; include keywords; include as much details as possible to identify the requested documents)
- give an Australian address to which notices can be sent preferably including a contact telephone number, email address, fax number
- be lodged with the Shire of Lake Grace, and
- be accompanied by the application fee of \$30 (if one is applicable).

If your application does not comply with the requirements of section 12 the Shire of Lake Grace has to take reasonable steps to help you to change your application so that it complies with those requirements (section 11)

If you ask for access to 'everything' on a particular subject, the Shire of Lake Grace may ask you to narrow the scope of your application to reduce the work involved in dealing with it. The Shire of Lake Grace is permitted to refuse to deal with your application if dealing with it would divert a substantial and unreasonable portion of its resources away from its other operations

Applications and enquiries should be addressed to:

Freedom of Information Coordinator
Shire of Lake Grace,
PO Box 50, Lake Grace, WA 6353
(08) 9890 2500
or email shire@lakegrace.wa.gov.au

FEES AND CHARGES

Calculating Charges

Applicants are entitled to have access to documents at the lowest reasonable cost (section 4). The *Freedom Of Information Act (FOI) and Freedom Of Information Regulations* outline the charges the Shire of Lake Grace can impose for dealing with an access application (section 16, regulations 3 and 5 and Schedule 1 to the Regulations).

The fees and charges are as follows:

- Personal information - No fees or charges apply for applications that are limited to personal information about the applicant only.

Personal Information is defined as any information or opinion, whether true or not, about an individual, whether living or dead, that can identify or reasonably identify that person.

Applications for Personal Information can only be made by that individual and not a third party. Certified proof of identity will be required prior to processing an application for Personal Information.

- Non-personal information - \$30

Documents that are not directly about the applicant are considered to be non-personal information and a \$30 application fee is payable. Where documents contain the names of third parties, those parties must be consulted prior to the documents being released.

The Information Commissioner has found that charges may be imposed for:

- consulting with third parties, if necessary;
- examining documents, exercising judgment and making decisions on access;
- deleting exempt matter where appropriate;
- preparing a notice of decision; and
- providing access in the manner required.

The Shire of Lake Grace is not entitled to impose a charge for searching for documents. Although section 16(1) of the FOI Act clearly contemplates that a charge for conducting a routine search may be required to be paid by an applicant, no charge for searching for documents is presently prescribed by the FOI Regulations.

Charges

The Shire of Lake Grace may apply charges when processing a Freedom of Information application. All charges are calculated on an hourly (or pro-rata) rate and are discretionary. The following charges may be applicable:

• Personal information about the applicant	No fee or charges
• Application fee (for non-personal information)	\$30.00
• Charge for time dealing with the applicant (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 A4	\$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

Estimate of charges

In cases where charges are expected to exceed \$25, applicants will be provided with an estimate of charges as soon as possible. The Shire of Lake Grace has the right to request a deposit of between 25-75 per cent of the estimate. Where charges are applied, no documents will be released to the applicant until all charges are paid.

There is a 25 per cent reduction in charges for financially disadvantaged applicants or those in receipt of health or social welfare benefits. Proof of evidence will be required.

Deposits

Advance deposit may be required of the estimated charges 25%

Further advance deposit may be required to meet the charges for dealing with the application 75%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%

Payment Processing

Payment may be made by cash, cheque or electronic transfer. All cheques must be made out to: Shire of Lake Grace. Online banking details are available on request.

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.

NOTICE OF DECISION

As soon as possible but in any case, within 45 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

Information on the right to review and the procedures to be followed to exercise those rights as soon as possible, but within 45 days of an application being deemed valid, applicants will be provided with a Notice of Decision. This notice is designed to enable the applicant to understand what information was taken into account when making the decision and will include details such as:

- the date on which the decision was made
- the name and designation of the officer who made the decision
- details of any charges
- information on the right of review and the procedures to be followed to exercise those rights, and
- reasons for the type of access allowed or for refusal to documents.

REFUSAL OF ACCESS

Not all documents held by the Shire of Lake Grace will be able to be released with access being refused on a range of grounds. Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. Application should be made in writing within 30 days of receiving the notice of decision. These grounds are set out in the Freedom of Information Act. If this is the case the Notice of Decision will provide the reason for refusal of access.

RIGHT OF REVIEW

Applicants have the right of review if they do not agree with a decision made by the department's decision maker. In the first instance, Shire of Lake Grace will conduct an internal review. There are no fees or charges for requesting an internal review.

A request for an internal review must be received within 30 days of the receipt of the Notice of Decision and must set out the parts of the decision to be reviewed. An independent

decision maker will deal with the application for internal review. The outcome of an internal review may result in a confirmation, variation or reversal of the initial decision under review. Applicants will be advised of the outcome of the review within 15 days.

If the applicant disagrees with the result of the internal review, an applicant can request an external review from the Office of the Information Commissioner on contact details below. There are no fees or charges for requesting an external review.

All review rights and procedures to exercise those rights are set out in the Notice of Decision.

DELIVERY OF DOCUMENTS

Arrangements for access to the documents are negotiable between the Shire of Lake Grace and the applicant. Where a large number of documents are to be released and there is no charge for photocopying, the documents may be provided on a USB drive.

AMENDMENT OF PERSONAL INFORMATION

Applicants have the right to amend personal information held by the DLGC, which the applicant considers incomplete, inaccurate, misleading, or not up to date.

Applicants must provide details and, if necessary, documentation to support any claim on the information sought to be amended. In addition, the applicant must indicate how the amendment is to be made, which may include:

- altering information
- striking out or deleting information
- inserting information, or
- inserting a note in relation to the information

AMENDMENT TO SHIRE RECORDS

A member of the public may gain access to Shire documents to seek amendments concerning their personal affairs by making a request under the *Local Government Act 1995*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to Shire records, a member of the public must make a written application to the Freedom of Information Coordinator as indicated above outlining the records that Applicant wishes to inspect.

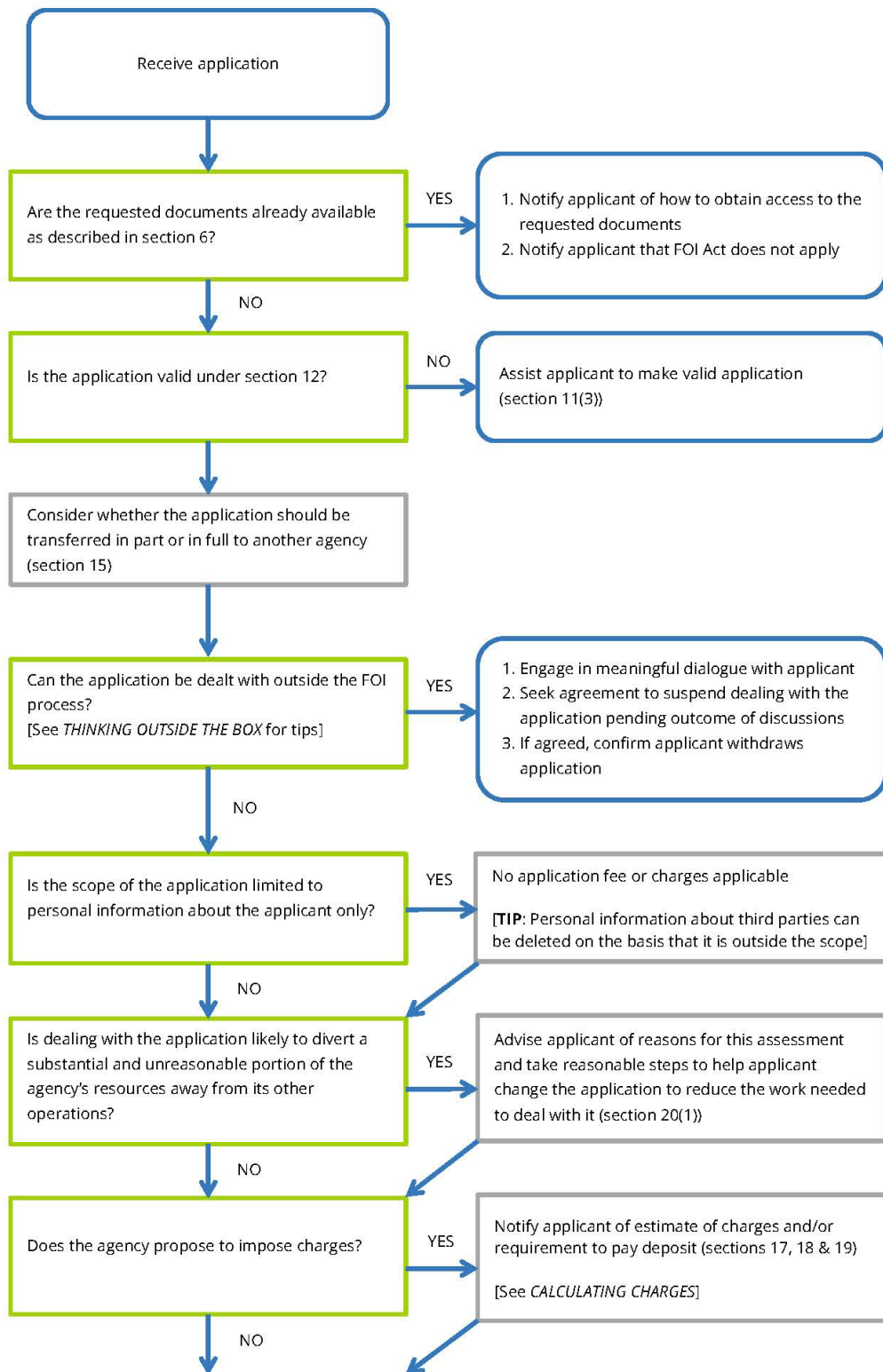
Alan George
CHIEF EXECUTIVE OFFICER

APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION



Office of the
Information Commissioner

Freedom of information for Western Australia



APPENDIX 1 FLOWCHART - DEALING WITH AN FOI APPLICATION



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