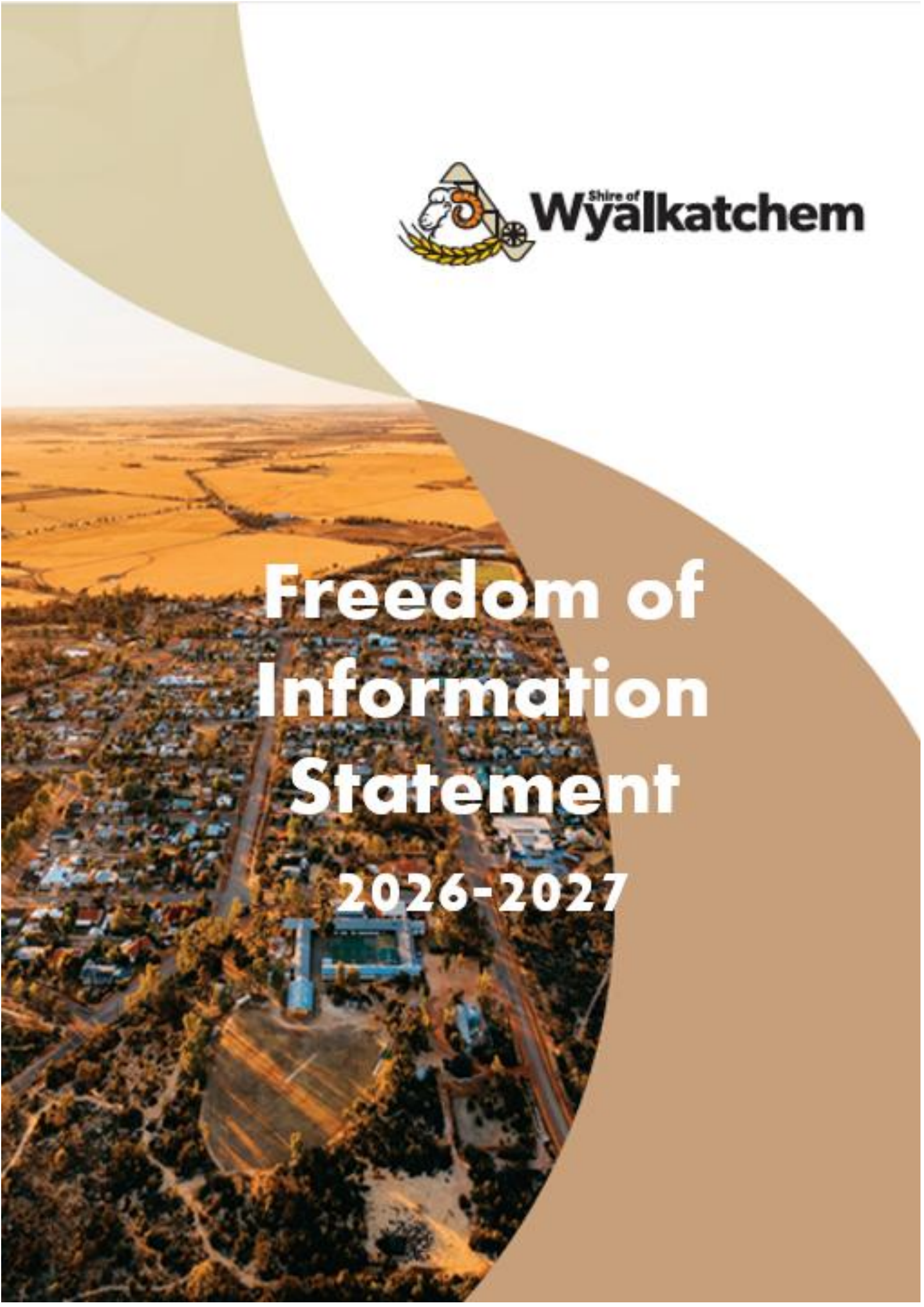
Shire of Wyalkatchem



Freedom of Information Statement

2026-2027

This Information Statement is published by the Shire of Wyalkatchem in accordance with the requirements of the:

Freedom of Information Act 1992

Local Government Act 1995

Table of Contents

1. Introduction 3

2. Mission Statement 3

3. Legislative Environment 3

4. Council Structure and Functions 4

4.1 Overview of the Shire of Wyalkatchem Structure 4

5. **Council Functions** 4

6. Decision making Functions affecting the Public 4

6.1 Elected Representatives 5

6.2 The Role of Councillors 5

6.3 The Role of the Shire President 5

6.4 Chief Executive Officer 5

6.5 Council staff 6

7. **Public Participation in the Formulation of Policy and Performance of Agency Functions** 6

8. **Access to Council Documents Outside of FOI** 7

8.1 Documents available for inspection free of charge are: 7

9. **FOI – Public Access and Procedures** 8

9.1 Freedom of Information Applications 8

9.2 Acknowledgement of your Application 8

9.3 Access to Non-Personal Information 8

9.4 Accessing your Personal Information 9

9.5 Charges 9

9.6 Fees and Charges 10

9.7 Exempt Information 10

9.8 Access Arrangements 11

9.9 Notice of Decision 11

9.10 Internal Review 11

9.11 External Review 11

10. Appendix 1 - Local Laws Register 12

Appendix 2. - Freedom of Information Request Form 13





1. Introduction

The *Freedom of Information Act 1992* ("FOI Act") provides for public access to documents, and for the public to ensure that personal information in documents is accurate, complete, up to date, and not misleading.

Part 5 of the FOI Act requires the Shire of Wyalkatchem (the "Shire") to prepare and publish an annual Information Statement. This document has been created to comply with that requirement.

The Shire's Information Statement is published on the Shire's website at:
www.wyalkatchem.wa.gov.au
This document can be provided in alternative formats upon request.

Further information can be provided, between Mondays and Fridays, by contacting the FOI Coordinator via:
Phone: (08) 9681 1166
Email: general@wyalkatchem.wa.gov.au

2. Mission Statement

COUNCIL'S VISION
A well serviced and growing community; where quality of life, opportunity and a strong sense of belonging is important.

OUR PURPOSE
The Council of Wyalkatchem works with the community to protect and enhance the quality of life for current and future generations.

3. Legislative Environment

The Shire has enacted a number of local laws that govern activities on land that is owned or managed by the Shire, as well as certain activities conducted on private land within the Shire.
Local governments may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the *Local Government Act 1995.*

Wyalkatchem local laws are detailed in *Appendix 1. Local Laws Register*

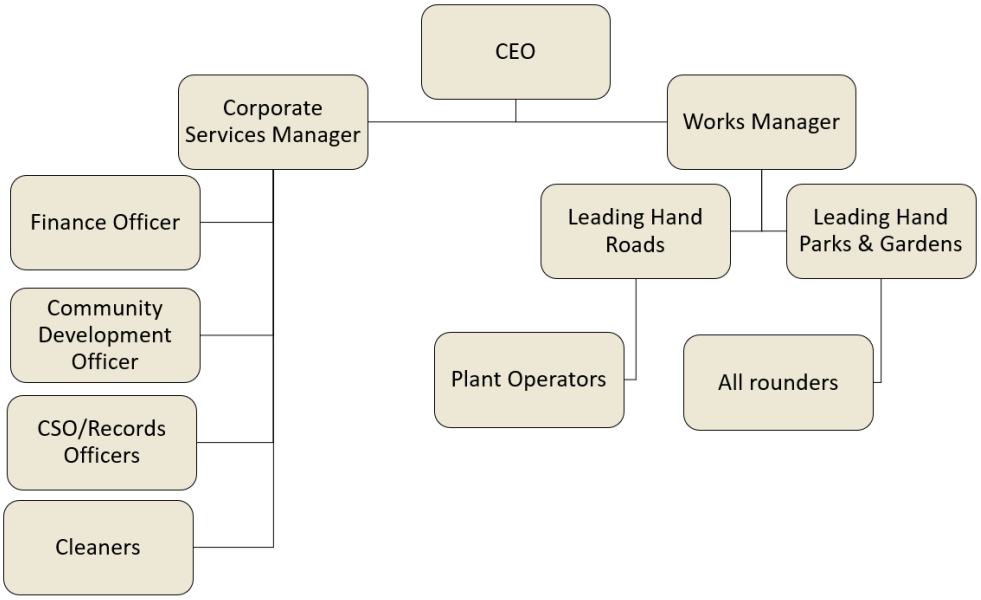
For information on relevant Western Australian State Government Acts and regulations, refer to: **www.legislation.wa.gov.au**





4. Council Structure and Functions

4.1 Overview of the Shire of Wyalkatchem Structure



The Council is the governing body of the local government comprised of seven elected members (Councillors).

The role of the Council is defined in the *Local Government Act 1995,* as:

- To direct and control the local government's affairs; and
- To be responsible for the performance of the Local Governments functions.

5. Council Functions

The Council has a number of functions and roles within the Shire including:

- Building and environmental health;
- Natural resource management;
- Animal management services;
- Medical provider services;
- Fire and emergency;
- Community grants;
- Consultation, engagement and communication by Council.

For further information, contact the Shire on 9681 1166.

6. Decision making Functions affecting the Public

Local governments are comprised of elected representatives (councillors) and

administration (council staff).

6.1 Elected Representatives

Councillors are democratically elected by the residents and ratepayers of the Shire of Wyalkatchem. They take an Oath of Office to carry out this role impartially, to the best of their ability, and in the best interests of the community.

An elected council sets the overall direction for the shire through long-term planning and decision making. It adopts a strategic view of the future it wishes to achieve for its community and makes plans and policies to achieve this.

The Council is responsible for appointing the Chief Executive Officer (CEO).

6.2 The Role of Councillors

The role of councillors is set out in the *Local Government Act 1995* which provides clarity and guidance to councils, councillors and constituents about what is expected of councillors.

There are several key elements to the role of a councillor and they include;

- participating in high level decision-making;
- setting the strategic direction of the council, and
- representing the local community.

Councillors do not have the authority to act or make decisions as individuals. The role of a councillor does not include those functions performed by the Chief Executive Officer.

Members of the public can contact the Shire's Councillors (including the Shire President) to discuss any issue relevant to the Council. Councillor contact details are available on the Shire's website, in the Wyalkatchem Telephone and Business Directory or by contacting the Shire during office hours.

6.3 The Role of the Shire President

The President is the figurehead of the Council elected by fellow councillors for a two-year term. Presidents may be re-elected at the discretion of the Council.

The President actively promotes and develops opportunities for the Shire.

6.4 Chief Executive Officer

The CEO is the only staff member who is appointed by the Council. The CEO is responsible for managing the Council and ensuring that council decisions are implemented.

The CEO is also responsible for supporting the Shire President and managing the interactions between councillors and council staff.





6.5 Council staff

Council staff are responsible for the delivery of council services and functions, providing advice, implementing Council's direction.

7. Public Participation in the Formulation of Policy and Performance of Agency Functions

Council Meetings - members of the public are permitted, under the *Shire of Wyalkatchem Standing Orders*, to address meetings of Council on any subject which is within the Council jurisdiction. Council have set aside 15 minutes time at the commencement of meetings (Public Question Time) to accept questions from the public.

Committee Meetings - members of the public are permitted to address topics listed on the agenda for that meeting. In order to make an address it is preferred that a person give written notice of their intention to do.

Advertising - The Shire is committed to advising ratepayers and residents of matters affecting them through regular advertising in local newspapers, mail drops, noticeboards and the website.

Community Forums - advertised and held as required.

Community Surveys - advertised and held as required.

Written petitions - can be presented to Council on any subject within Council's jurisdiction. Council will receive each petition and may refer it to Administration for research and advice before making a decision.

Electors Meetings - In accordance with Section 5.27 of the *Local Government Act 1995*, an Electors' General Meeting is held each financial year, with notification being provided in the local newspapers. All residents are encouraged to attend and have an opportunity to give their opinions on any issue at either the Annual Meeting of Electors or Special Meetings of Electors.

Elected Members - The public can contact the Shire President or Councillors to discuss any issue relevant to Council.

Written/email communication - Any member of the community may write to the Shire of Wyalkatchem at any time on any matter. Any matter raised will be considered by Administration and/or Council and a decision and response provided.



Correspondence should be addressed to:
Chief Executive Officer
Shire of Wyalkatchem
PO Box 224
Wyalkatchem WA 6485
Or by email to general@wyalkatchem.wa.gov.au

8. Access to Council Documents Outside of FOI

Documents (listed below) are held by the Shire of Wyalkatchem and are available at the Administration building located on the corner of Honour Avenue/Flint Street. Other documents may be made available upon request, for inspection or purchase, but any exempt matter from those copies may be deleted s.97 (1)

8.1 Documents available for inspection free of charge are:

- Confirmed public Minutes of Council and Committee Meetings
- Annual Budget
- Schedule of Fees & Charges
- Rates records
- Annual Report
- Annual Financial Report / Statements
- Monthly Financial Statements
- Delegation Register
- Financial Interest Register
- Local Laws and proposed local laws
- Policy Manual
- Code of Conduct
- Strategic Plans
- Freedom of Information Statement
- Recordkeeping Plan
- Disability Services Plan
- Municipal Inventory
- Community Directory
- Plan for the Future
- Electoral Rolls
- Town Planning Documents/Maps
- Shire Maps

And any other documents as set out in the *Local Government Act 1995*.

Some documents are subject to fees and charges. A full copy of the latest fees and charges can be found on our website.



9. FOI – Public Access and Procedures

The *Freedom of Information Act 1992 Act* enables the public to participate more effectively in governing the State and make The Shire of Wyalkatchem more accountable to the public. The Shire of Wyalkatchem aims to make information available promptly and at the least possible cost.

The Act has exemption provisions to protect from disclosure, documents that would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations.

9.1 Freedom of Information Applications

Section 12(1) of the Act states that an application must:

- 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 agency with any application fee payable.

If you are seeking information that is defined as 'non-personal information', the application fee is $30.00.

Applications and enquiries under the Act should be addressed to:
Freedom of Information Officer
Shire of Wyalkatchem
PO Box 224
Wyalkatchem WA 6485

or email: general@wyalkatchem.wa.gov.au

9.2 Acknowledgement of your Application

Applications will be acknowledged in writing and you will be notified of the decision on any application made within 45 calendar days of receipt.

The Shire of Wyalkatchem may contact you to clarify the documents you are seeking, to reduce the scope of your access application, or to seek additional time to deal with your access application. Meaningful dialogue is in everyone's interests. It may assist you to get the documents you are really seeking and help the officer to deal with your application efficiently.

9.3 Access to Non-Personal Information

Information applications for access to "non-personal information" must be accompanied by a $30.00 application fee. Additional charges may be imposed for extraordinary applications



9.4 Accessing your Personal Information

Applications for access to, and amendment of, “personal information” are free. Amendment of Personal Information If you believe that “personal information” held by The Shire of Wyalkatchem about you is inaccurate, incomplete, out-of-date or misleading you may apply to have the information amended. No fees or charges apply.
Under section 46 (1) of the Act, an application for amendment must:

- be in writing;
- give enough details to enable the document that contains the information be identified;
- give details of the matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading;
- give the person’s reasons for holding that belief;
- give details of the amendment you wish to have made;
- give an address in Australia to which notices under the Act can be sent; and
- be lodged at an office of the agency.

Under section 46 (2) of the Act the application has to also state whether you would like the amendment to be made by:

- altering information;
- striking out or deleting information;
- inserting information; or
- inserting a note in relation to information.

An FOI Request Form must be completed and submitted to the FOI Officer as part of the application process (See Appendix 2).

9.5 Charges

The Shire of Wyalkatchem may impose charges and require that you pay a deposit to deal with your access application. Any charges are separate from the required application fee. You may ask for an estimate of charges when you make your access application.

The Shire of Wyalkatchem will notify you of any charges and ask if you want to proceed with the application. You must respond to the notice about charges and advise of your intention to proceed within 30 days after being given the notice. If you do not, you will be taken to have withdrawn your access application.

In some instances, The Shire of Wyalkatchem may advise that you are required to pay a deposit. If you do not pay the deposit within 30 days after being given the notice, you will be taken to have withdrawn your access application. You can seek review of an agency’s decision to impose a charge or require a deposit that you think is unreasonable.

9.6 Fees and Charges

The following is a scale of fees and charges set under the FOI Regulations. However, apart from the application fee for non-personal information, all charges are discretionary.

Charge description	Fee payable
Personal information	**No fee payable**
Application fee for non-personal information	**$30 (payable by cheque or money order)**
Charge for time taken by staff dealing with the application	**$30 per hour or pro-rata for part of an hour**
Charge for access time supervised by staff	**$30 per hour or pro-rata plus the actual additional cost to the agency of any special arrangements (e.g. hire of facilities or equipment)**
Charges for photo copying	**$30 per hour or pro-rata for part of an hour plus 20c per photocopy**
Charge for time taken by staff transcribing information from a tape or other device	**$30 per hour or pro-rata for part of an hour**
Charge for duplicating a tape, film or computer information	**Actual cost**
Charge for delivery, packaging and postage	**Actual cost**

Under the FOI Act, we can also request:

- Advance deposit of the estimated charges - 25%
- Further advance deposit to meet charges for dealing with the application - 75%
- For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, these charges are reduced by 25%.

9.7 Exempt Information

Some documents are protected from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government. Schedule 1 of the Act sets out fifteen types of exemptions.

Documents provided to you under the Act may have exempt information removed in the form of a redaction, and your Notice of Decision will detail which exemptions have been applied.



9.8 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; or a transcript of a recorded, shorthand, digital or encoded document from which words can be reproduced.

The State Government's Landgate is the official custodian of land ownership information.

It is recommended that a title search be conducted through Landgate if this type of information is sought.

9.9 Notice of Decision

If you make an FOI application, The Shire of Wyalkatchem will provide a written "Notice of Decision" in accordance with Section 30 of the Act outlining the decision within 45 calendar days, unless additional time provisions apply.
The Notice of Decision will include details of:

- Date of decision;
- Level of access to documents you have been provided;
- Reasons for denial of access, if applicable;
- Reasons for exemptions, and which exemptions apply;
- Applicable charges; and
- Your right to review and related procedure.

9.10 Internal Review

If you are not satisfied with a decision made by The Shire of Wyalkatchem, you have the right to apply for an internal review. There are no charges for an Internal Review. Applications should be made in writing within 30 days of receiving notice of the decision. The applicants will be notified of the outcome of the review within 15 days.

9.11 External Review

After an internal review has taken place, if you are not satisfied with the review decision, you have the right to lodge a complaint with the Information Commissioner seeking external review of that decision. You are required to apply in writing within 60 days of receiving the Internal Review Notice of Decision. There is no charge for lodging a complaint with the Information Commissioner's Office.

A complaint to the Information Commissioner must:
be in writing;
give details of the part(s) of the decision you want the Commissioner to review;
include a copy of the agency decisions; and
provide a postal address in Australia.

The address of the Office of the Information Commissioner is:
Albert Facey House
469 Wellington Street
PERTH WA 6000

10. Appendix 1 - Local Laws Register

Bushfire Brigades
Date 19-07-2024
Government Gazette page: 1747

Dogs Local Law 2023
Date: 13-03-2023
Government Gazette page: 491

Cats Local Law 2023
Date: 7-11-2023
Government Gazette page: 3647

Public Places and Local Government Property Local Law 2023
Date: 7-11-2023
Government Gazette page: 3649

Health Local Laws 2002
Date: 3-5-2002
Government Gazette page: 2221

Standing Orders
Date: 2-2-1999
Government Gazette page: 352

Fencing
Date: 29-10-1982
Government Gazette page: 4353

Pest Plants
Local Government: Wyalkatchem, Shire of
Date: 26-2-1982
Government Gazette page: 678

Appendix 2. - Freedom of Information Request Form

Shire of Wyalkatchem
PO Box 224, Wyalkatchem WA 6485

general@wyalkatchem.wa.gov.au

APPLICATION FOR ACCESS TO DOCUMENTS
(Under *Freedom of Information Act 1992*)

DETAILS OF APPLICATION

Name:
Australian Postal Address:
Telephone Number:
Email:
If application is on behalf of an organisation Name of Organisation/Business:
TYPE OF REQUEST (PLEASE TICK APPROPRIATE BOX) ☐ Personal Documents ☐ Non-Personal Documents

DOCUMENT DETAILS

I am applying for access to document(s) concerning:

_____

_____

_____

Please provide sufficient information to enable the correct document(s) to be identified.

FORM OF ACCESS (PLEASE TICK APPROPRIATE BOX)

I wish to inspect the document (s)	YES	NO
I require a copy of the document (s)	YES	NO
I require access in another form	YES	NO
(Specify)		

You can request access to documents by way of inspection, a copy of a document, a copy of an audio and video tape, or a transcript. Where the agency is unable to grant access in the form requested, access may be given in a different form.

FEES AND CHARGES

Attached is a bank cheque /cash/money order to the amount of **$30** to cover the application fee. I understand that before I obtain access to documents, I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases, a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents, which address the criteria on the back of this form and support your application for a fee reduction**.**

FOI Applications

If you are placing an FOI request for personal information, the Shire of Wyalkatchem will require proof of your identify. If not presented in person, then copies will need to be certified by an authorised witness as per the Oaths Affidavits and Statutory Declarations Act 2005 or an Accountant, General Practitioner, Pharmacist or a teacher.

If you are seeking access to a document(s) on behalf of another person, the Shire of Wyalkatchem will require authorisation in writing.

Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.

Further information can be obtained from The Office of the Information Commissioner Western Australia on 6551 7888 or website at http://www.foi.wa.gov.au

FEES AND CHARGES

The following is a scale of fees and charges set under the FOI Regulations. However, apart from the application fee for non-personal information, all charges are discretionary.

Charge description	Fee payable
Personal information	No fee payable
Application fee for non-personal information	$30 (payable by cheque or money order)
Charge for time taken by staff dealing with the application	$30 per hour or pro-rata for part of an hour
Charge for access time supervised by staff	$30 per hour or pro-rata plus the actual additional cost to the agency of any special arrangements (e.g. hire of facilities or equipment)
Charges for photocopying	$30 per hour or pro-rata for part of an hour plus 20c per photocopy
Charge for time taken by staff transcribing information from a tape or other device	$30 per hour or pro-rata for part of an hour
Charge for duplicating a tape, film or computer information	Actual cost
Charge for delivery, packaging and postage	Actual cost

Under the FOI Act, we can also request:

- **Advance deposit of the estimated charges - 25%**
- **Further advance deposit to meet charges for dealing with the application - 75%**
- **For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, these charges are reduced by 25%.**