



City of Perth

# Information Statement 2016 2017

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## Introduction

Under Part 5 of the Freedom of Information Act 1992 (“FOI Act”), the City of Perth is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as at 16 November 2016.

This document can be provided in alternative formats upon request, and a copy of the Statement can be accessed via the City’s website at:

<http://www.perth.wa.gov.au/council/finance-and-corporate-documents/freedom-information>

Further information can be provided, between Mondays and Fridays (8.30am-5pm), by contacting the FOI Coordinator via:

Phone: (08) 9461 3428

Fax: (08) 9461 3083

Email: [info.city@cityofperth.wa.gov.au](mailto:info.city@cityofperth.wa.gov.au)

# Structure of the City

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

## City of Perth Management Structure



# Functions of the City

The City of Perth incorporates the Perth Central Business District, Crawley and Northbridge, as well as extensive portions of East Perth, West Perth, and a small portion of Nedlands.

The functions of the City of Perth 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 and other legislation that provide the powers and directions for local government.

Under the Local Government Act 1995, the City has general, legislative and executive functions.

## General Functions

*Section 3.1 of the Local Government Act 1995*

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 of the Local Government Act 1995*

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 of the Local Government Act 1995*

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.

# Public Participation

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

## Council Meetings

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

## Committee Meetings

In accordance with the Local Government Act 1995, the Council has established a number of Committees to support the operations of the Council.

The Committees are:

- Audit & Risk Committee
- CEO Performance Review Committee
- Design Advisory Committee
- Finance & Administration Committee
- Marketing Sponsorship and International Engagement Committee
- Planning Committee
- Works & Urban Development Committee

## Deputations

In accordance with the City of Perth Standing Orders Local Law, a member of the public can address one of the Council's Committees personally, or on behalf of a resident or group of residents. A deputation may relate to an item on a Committee meeting agenda, or a matter concerning the affairs of the City generally.

## Elected Members

Members of the public can contact the City's Elected Members (including the Lord Mayor) to discuss any issue relevant to the Council.

## Notifications / Advertising

Residents may be notified of issues by advertising in the local newspaper, written notification or an on-site sign. Residents then have the opportunity to write to the City expressing their views.

### **Development Application advertising**

Where a development application does not comply with the provisions of the City Planning Scheme or involves an unlisted land use, the City may give written notice of the proposal to affected owners and/or occupiers, or the City may direct the applicant to advertise the application in any manner that it considers to be appropriate.

## Petitions

Written petitions can be presented to the Council on any issue within the Council's jurisdiction.

## Public Question Time

Members of the public are able to ask questions (preferably in writing) on any matter affecting the City in the time set aside for this purpose at meetings of the Council and Committee meetings that are open to the public.

## Written Requests

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

# Documents held by the City of Perth

The City holds records relating to various functions of the City as described below.

Function	Description
Commercial Activities	Competing commercially or providing services to other councils or agencies on a fee for service basis.
Community Relations	Establishing rapport with the community and raising and advancing Council's public image and its relationships with outside bodies, including the media and the public.
Community Services	Providing, operating or contracting services to assist local residents and the community.
Corporate Management	Applying broad systematic planning to define the corporate mission and determine methods of the City's operation.
Council Properties	Acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by Council.
Customer Service	Planning, monitoring and evaluating services provided to customers by the City.
Development and Building Controls	Regulating and approving building and development applications for specific properties.
Economic Development	Improving the local economy through encouragement of industry, employment, tourism, regional development and trade.
Emergency Services	Preventing loss and minimising threats to life, property and the natural environment, from fire and other emergency situations.
Environmental Management	Managing, conserving and planning of air, soil and water qualities, and environmentally sensitive areas such as remnant bushlands and threatened species.
Financial Management	Managing the City's financial resources.
Governance	Managing the election of Council representatives, the boundaries of the City district, and the terms of office for Elected Members.
Government Relations	Managing the relationship between Council and other governments, particularly on issues which are not related to normal Council business.
Grants and Subsidies	Managing financial payments to, and from, the City for specific purposes.
Human Resources	Managing the conditions of employment and administration of personnel at the City.
Information Management	Managing the City's information resources, including the storage, retrieval, archives, processing and communications of all information regardless of format.

Function	Description
Information Technology	Acquiring and managing communications and information technology and databases to support the business operations of the City.
Land Use and Planning	Establishing a medium to long term policy framework for the management of the natural and built environments.
Laws and Enforcement	Regulating, notifying, prosecuting, and applying penalties in relation to the City's regulatory role.
Legal Services	Providing legal services to the City.
Parks and Reserves	Acquiring, managing, designing and constructing parks and reserves either owned or controlled and managed by the City.
Plant, Equipment and Stores	Purchasing, hiring or leasing of all plant and vehicles, and other equipment. Includes the management of the City's stores.
Public Health	Managing, monitoring and regulating activities to protect and improve public health in accordance with relevant legislation, health codes and standards.
Rates and Valuations	Managing, regulating, setting and collecting income through the valuation of rateable land and other charges.
Recreation and Cultural Services	Arranging, promoting or encouraging programs and events in recreation and cultural activities and services.
Risk Management	Managing and reducing the risk of loss of City properties and equipment, and risks to personnel.
Roads	Providing road construction, maintenance of roads and associated street services to property owners within the City area.
Sewerage and Drainage	Designing, constructing, maintaining and managing the liquid waste system, including drainage, sewerage collection and treatment, stormwater and flood mitigation works.
Traffic and Transport	Planning for transport infrastructure and the efficient movement and parking of traffic.
Waste Management	Providing services to ratepayers for the removal of solid waste, destruction and waste reduction.
Water Supply	Managing the design, construction, maintenance and management of water supplies, either by the City or by service providers.

Of particular note:

### **Council Minutes**

Under the *Local Government Act 1995* Council and Committee Minutes are available for free inspection at the City's offices and library. Copies are also available on the City's website. Copies of the Minutes and related searches conducted by City of Perth staff will incur charges.

Minutes covering the previous ten years are located in hardcopy and microfilm at the City's offices, with Minutes from January 1990 onwards also available electronically. Minutes prior to this are located with the State Records Office.

### **Rates Books**

Currently City of Perth rates information is listed by Assessment Number or property address, however, up until 1994 Rates information was listed by Ward (for example: central, west, coastal) and then by property address, due to Ward boundaries changing over time. When searching for historical rates information the property address, lot number, and where possible the Ward name are required to retrieve the relevant information.

City of Perth Rates Books from 1880 to 1946 have been microfilmed, copies of the film is available at the State Records Office or the City of Perth. Access to this information is free, however, copying charges apply.

City of Perth Rates Books dating back to 1947 are stored in hardcopy at the City's offsite storage facility. Fees apply for the retrieval of Rates Books.

### **Building/Development Applications**

As the authority responsible for granting planning approval and issuing building licences for land zoned under the City Planning Scheme, the City of Perth has a vast record of drawings and plans of buildings within the City area. The drawings and plans can include site plans, floor plans, elevations, sections, and detailed technical drawings (such as mechanical, hydraulic, structural and architectural drawings) and in some cases perspective drawings or photo montage images.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured.

### **Municipal Heritage Inventory**

Under the *Heritage of Western Australia Act 1990* the City of Perth is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the City of Perth boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status, and a digital photo of each building. Access to place records on the adopted inventory is free of charge.

### **Town Records (Pre- and Post-1994)**

In 1994 the City of Perth was restructured resulting in changes to the City's boundaries. For access to records created *prior to 1 July 1994* relating to properties, roads, reserves and other matters that now fall within the boundaries of the Towns of *Cambridge*, *Victoria Park* and the City of *Vincent*, contact the City of Perth. Access to historical Building/Development Applications should be directed through the respective Towns / City of Vincent.

### **Town Records (Pre– and Post–1994) Continued**

For access to records *created on or after 1 July 1994* relating to properties, roads, reserves and other matters that now fall within the boundaries of the Towns of *Cambridge*, *Victoria Park* and the City of *Vincent*, contact the respective Towns / City of Vincent directly.

### **History Centre Collection (City of Perth Public Library)**

The History Centre Collection contains materials which relate to the history and development of the City of Perth municipal area, including microfiche of City of Perth Rates Books from 1880 to 1946. It is located in the City of Perth Library and access is free of charge. This is a reference collection ensuring that materials are available when you visit. Some materials may be restricted for conservation/preservation reasons.

## Access to Council Documents

Availability of information is subject to provisions established in legislation such as the Freedom of Information Act 1992 and the Local Government Act 1995 and may be free, or subject to fees and charges. The City will, in all instances, seek to provide access to information upon request except where there may be issues under the Privacy Act 1998 or FOI Act, or other relevant legislation.

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

### Documents available outside of the FOI Act

The following documents are available for public inspection at the City's Customer Service Counter at Council House, 27 St Georges Terrace Perth:

- Annual budget
- Annual financial statements
- Business plans (prepared under Section 3.59 of the Local Government Act 1995)
- Annual report
- City Planning Scheme and Planning Policies
- Code of Conduct
- Corporate Asset Management Plan
- Corporate Business Plan
- Documents released for public comment
- Electoral Roll – City of Perth Owner and Occupiers or Consolidated Roll
- FOI Information Statement
- Local Laws (including reports or proposals relating to Local Laws)
- Long Term Financial Plan
- Media Releases
- Minutes of Committee Meetings and Council Meetings (confirmed minutes that relate to the meeting)
  - Limitation: Access does not extend to the inspection where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, was closed to members of the public. Nor does it extend where it relates to any debt owed to the City.
- Policy Manual
- Rates records
- Registers – such as Debentures, Delegated Authority (and decisions made under Delegation), Financial Interests, Gifts, Owners and Occupiers and Tenders
- Schedule of fees and charges
- Statutory Notices
- Strategic Community Plan
- Workforce Plan

## Documents available under the FOI Act

Access to documents other than those listed as accessible outside the FOI Act must be via a Freedom of Information Application.

## City of Subiaco Records

### Resulting from boundary change in 2015

Copies of records were transferred from the City of Subiaco in 2015 to assist with the implementation of the new City of Perth Act in 2016.

- Where access is sought to records that relate to properties or assets falling within the boundary change area prior to 30 June 2016, applications should be lodged with the City of Subiaco.
- Where access is sought to records that relate to properties or assets falling within the boundary change from 1 July 2016, applications should be lodged with the City of Perth.

## Access to Information by Police Officers

Where a WA Police Officer requests access to City of Perth documents, access will be provided:

- Upon production of the Certificate of Authority (Warrant Card) of the Police Officer concerned; and/or
- With the signature of the Police Officer concerned on a statement identifying the document(s) requested and verifying that they are required for a bona fide police enquiry or investigation.

Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the City of Perth.

# Freedom of Information Access

## Right to Access Documents

The Western Australian Freedom of Information Act 1992 (FOI Act) gives Applicants a legally enforceable right to apply for access to documents held by the City of Perth.

An applicant's right to seek access cannot be affected by their reasons for wishing to obtain access, and there is no need to demonstrate such.

The City is required to:

- Assist those in making an application;
- Assist those in obtaining access to documents at a reasonable cost; and,
- Ensure that personal information captured in documents is accurate, complete, up-to-date, and not misleading.

While the Act provides a general right of access to documents it also recognises some documents require a level of protection, which is applied to those documents that meet the exemption criteria in Schedule 1 of the FOI Act 1992.

The most frequent reasons for refusal to provide access to information are:

### **Personal Information**

Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the FOI Act and s5.95 (8) of the Local Government Act 1995.

### **Commercial Information**

Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the City) may be exempt under Schedule 1 Clause 4 of the FOI Act.

### **Deliberative Process**

Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the FOI Act and s5.23 of the Local Government Act 1995.

### **Legal Professional Privilege**

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the FOI Act.

## Lodging Applications

### FOI Application forms are available from:

- The City's Customer Service Counter (Council House, 27 St Georges Terrace, Perth);
- The City's website (<http://www.perth.wa.gov.au/council/finance-and-corporate-documents/freedom-information>); or
- The FOI Coordinator.

### Access applications 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 with the City with any applicable fee payable.

Proof of identity may be required. If access to documents is sought on behalf of another person, the City of Perth will require written authorisation.

### FOI applications can be lodged by:

Mail: FOI Coordinator – City of Perth

GPO Box C120

PERTH WA 6839

Fax: (08) 9461 3083

E-mail: [info.city@cityofperth.wa.gov.au](mailto:info.city@cityofperth.wa.gov.au)

A FOI Application Form is attached at the end of this document. The use of this form is optional.

## Time Limits

- The City will consider the application officially lodged when the application fee has been paid and both parties agree on a manageable scope.
- A Notice of Decision must be issued within 45 days from when the application was received. The City aims to respond as soon as practicable to any application and will negotiate with the Applicant on an extension to the 45 day limit should the application be unusually large, or require consultation with a significant number of Third Parties.
- The Applicant has 30 days in which to lodge an application for an Internal Review if dissatisfied with the City's Notice of Decision. The City must respond within 15 days.
- The Applicant has 60 days in which to lodge an application for an External Review if dissatisfied with the City's Internal Review decision. The Information Commissioner must respond within 30 days.

**NOTE:** All time limits are in calendar days

## Charges

Listed below are a scale of fees and charges set under the FOI Regulations. Apart from the application fee, all charges are discretionary and are set by the Council as part of the annual review of Fees and Charges.

As outlined in s16 of the FOI Act charges may be waived or reduced if the applicant is impecunious and can provide evidence of this.

The charges are as follows:

### Regulatory Charges

- |  |         |
|--|---------|
| • Application fee for personal information (about the applicant) | No fees |
| • Application fee for non-personal information                   | \$30.00 |

### Council Charges

- |   |             |
|---|-------------|
| • Processing the application (per hour, pro rata)               | \$30.00     |
| • Access time supervised by staff (per hour, pro rata)          | \$30.00     |
| • Photocopying staff time (per hour, pro rata)                  | \$30.00     |
| • Per Photocopy (per page)                                      | \$ 0.20     |
| • Transcribing from tape, film or computer (per hour, pro rata) | \$30.00     |
| • Duplicating a tape, film or computer information              | Actual Cost |
| • Delivery, packaging and postage                               | Actual Cost |

### Deposits

Under s17 of the FOI Act, the City is required to provide the Applicant with an estimated cost should the charges for dealing with the application exceed \$25.00.

An advance deposit of 25% of the estimated cost may be required as a sign of good faith that full payment will be provided once the Notice of Decision is issued.

### GST

All charges, outlined above, are exempt from GST under Determination No 2 2000, made by the Federal Treasurer (Exempt Fees and Charges) Part 5 (Western Australia), page 203.

## Notice of Decision

A Notice of Decision will include details such as:

- The date on which the decision was made;
- The name and the designation of the officer who made the decision;
- The reason why a document is considered exempt, or the fact that access is given to an edited document; and
- Information on the right of review and the procedures to be followed to exercise those rights.

## Access Arrangements

Access to documents can be by way of:

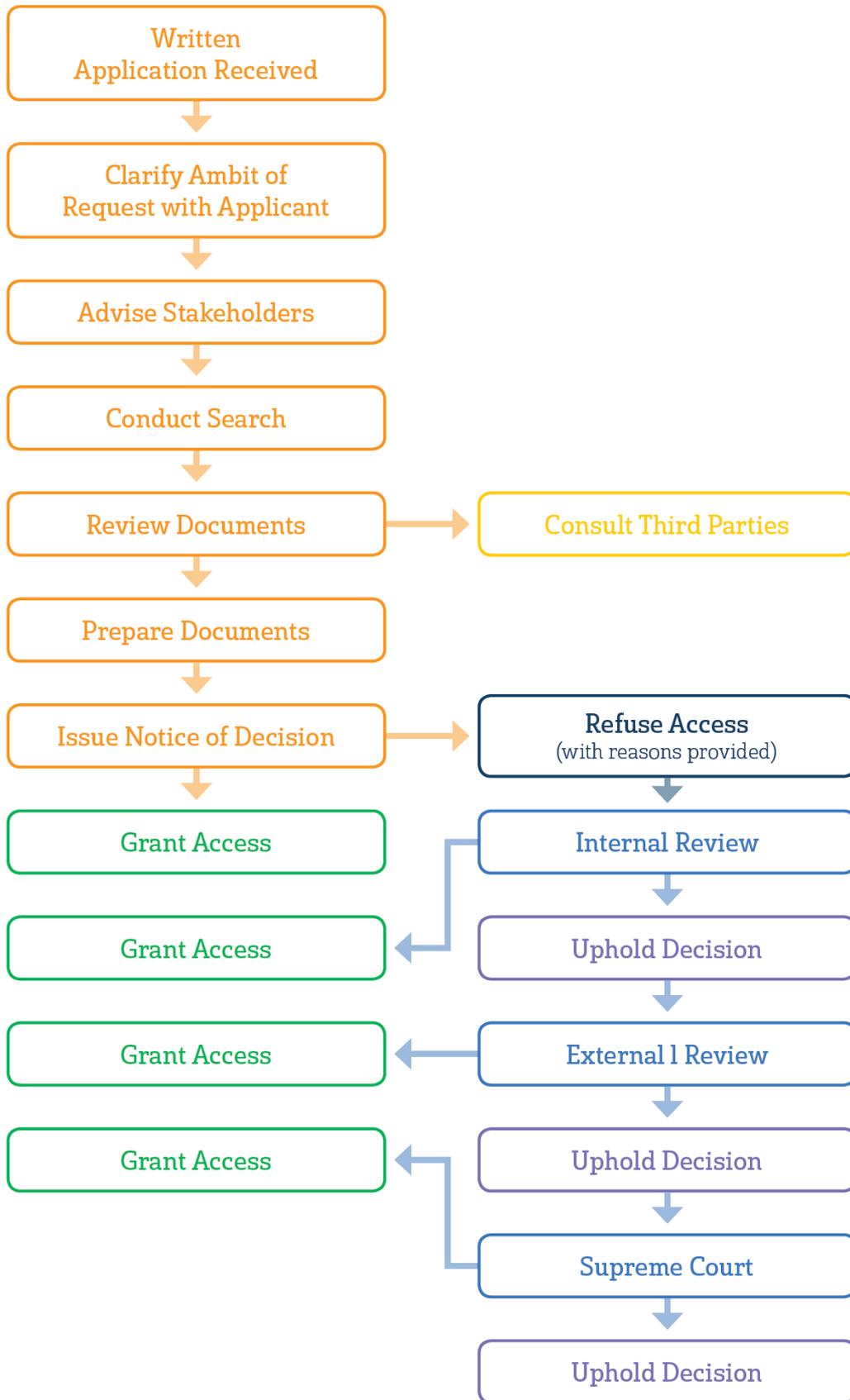
- Inspection;
- A copy of a document;
- A copy of an audio or video recording, or computer disk; or
- A transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form.

## Review Process

The FOI Act provides for a review and appeal process, as follows:

- *Internal Review:* If dissatisfied with the City's decision an application for an internal review can be lodged. Internal review applications must be in writing and lodged with the City within thirty (30) days of being notified of the original decision. There is no charge for an internal review.
- *External Review by the Information Commissioner:* If still dissatisfied with the City's decision after the internal review has been completed, a review by the Information Commissioner can be sought. External review requests must be made in writing to the Information Commissioner and give details of the application and decision to which the request relates.
- *Appeals to the Supreme Court:* Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application, and the payment of a deposit on account of charges.

## FOI Process



## Amending Personal Information

The right to amend personal information held by the City ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression.

An application can be made to the FOI Coordinator to correct or amend any documents containing an individual's personal information.

The application must be in writing, providing details and, if necessary, documentation to support claims that the information the Applicant seeks to have amended is inaccurate, incomplete, out-of-date or misleading.

Furthermore, Applicants must indicate whether they wish the amendment to the information to be made by altering, striking out or deleting the information or inserting information or a note in relation to the information.

If the City decides to amend the information it will usually alter the record, or add a further note in relation to the record.

The City will inform the Applicant of its decision, and reasons for arriving at that decision, together with rights of review if dissatisfied with the City's decision.