

CITY OF SOUTH PERTH

INFORMATION STATEMENT

March 2022



City of
South Perth



This Information Statement is published by the City of South Perth in accordance with the requirements of the *Freedom of Information Act 1992*.

Disclaimer

The information contained within this publication is considered to be correct at the time of printing. The information has been compiled with care, but no warranty, expressed or implied, is given to the accuracy, correctness or completeness of the information, or for any advice given, or omissions.

Readers relying on the content of this document do so entirely at their own risk and should seek their own independent investment advice and undertake such investigations as they see fit to enable them to come to their own conclusions.

This document is available in alternative formats upon request.

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Introduction

Part 5 of the *Freedom of Information Act 1992* requires each government agency, including local governments to prepare and publish an Information Statement annually.

This information statement must include the following information:

1. The City of South Perth (“the City”) vision statement
2. Details of legislation administered
3. Details of the City’s structure and functions
4. Details of decision making functions within the City
5. Opportunities for public participation in the formulation of policy and performance of the City’s functions
6. Documents held by the City
7. The operation of Freedom of Information (FOI) in the City.

This document is the City’s Information Statement and is available on the City’s website www.southperth.wa.gov.au.

Further information on Freedom of Information applications or enquiries about this document may be made by contacting:

Manager Governance
Civic Centre
Cnr Sandgate St & South Tce
SOUTH PERTH WA 6151
Phone: 9474 0777
Fax: 9474 2425

Freedom of Information Legislation

Should you wish to obtain a copy of the *Freedom of Information Act 1992* or associated regulations please visit the State Law Publisher Website at www.slp.wa.gov.au where a full copy of all State Legislation is available.

Further information about Freedom of Information can also be found on the Freedom of Information Commissioner’s website www.oic.wa.gov.au.

City of South Perth

Our City

The South Perth area is the country of Beeloo Noongar people, or river people. Noongar people who used this area were known as Gareen and their place was Gareenup.

The City of South Perth is a local government area in the inner southern suburbs of the Western Australian capital city of Perth, about 4 kilometres south of Perth's Central Business District (CBD).

The City covers nearly 20 square kilometres and is situated across the Swan River from the Perth CBD. The City is bounded by the Swan and Canning Rivers and is widely recognised for its aesthetic appeal and amenity. There are many major attractions in the City which include Mindeerup, Sir James Mitchell Park, the Old Mill, Ferry Tram, Perth Zoo, Royal Perth Golf Club, Collier Park Golf Club, Mends Street, Angelo Street and Preston Street precincts and the Waterford Plaza Shopping Centre.

The City also includes:

- 466 hectares of reserves
- Over 20,000 street trees
- 47 Playgrounds
- 8 391 hectares of reserves
- 199km of roads
- 279km pathways

The City has an estimated population of 46,703 expected to grow to 54,282 by 2031.

Our History

The Government of Western Australia first gazetted South Perth as a Roads Board on 19 June 1892. The South Perth Roads Board held its first Meeting on 19 September 1892. Ten years later the Roads Board became a Municipality before reverting back to its original status as a Roads Board in 1922. South Perth was proclaimed as a City on 1 July 1952.

The area comprising South Perth has changed since originally being gazetted as a Roads Board. In 1955, the State Government transferred a large portion of southern South Perth (Waterford, Manning and Salter Point) from the administration of the Canning Roads Board to the City of South Perth.

The City provides historical information (local studies material, archives, newspapers, oral history and photographs) through the Local Studies Collection held at the South Perth Library.

Our Values



Our Future

The City is preparing for significant and sustained growth. As Perth's population continues to grow, the City faces planning opportunities and challenges. By 2031, the City's population is forecast to grow from an estimated 46,703 to 54,282 with the estimated number of dwellings expected to increase from approximately 21,755 to 25,070. A number of plans and strategies have been and continue to be developed and implemented by the City in response to this projected growth.

Our Vision

A City of active places and beautiful spaces. A connected community with easily accessible, vibrant neighbourhoods and a unique, sustainable natural environment.

Strategic Direction

The City's strategic direction is based on the Strategic Community Plan 2021-2031 which builds on our previous Strategic Community Plan 2017-2027. In consideration of the feedback received from the community and stakeholders, the priorities and aspirations have been grouped into four broad categories to form the strategic directions for the Strategic Community Plan 2021-2031.

The strategic directions for the City are:

- Community - Our diverse community is inclusive, safe, connected and engaged
- Economy - A thriving City activated by attractions and opportunities that encourage investment and economic development
- Environment (Built and Natural) – Sustainable, liveable, diverse, and welcoming neighbourhoods that respect and value the natural and built environment
- Leadership - A local government that is receptive and proactive in meeting the needs of our community

Local Government Structure

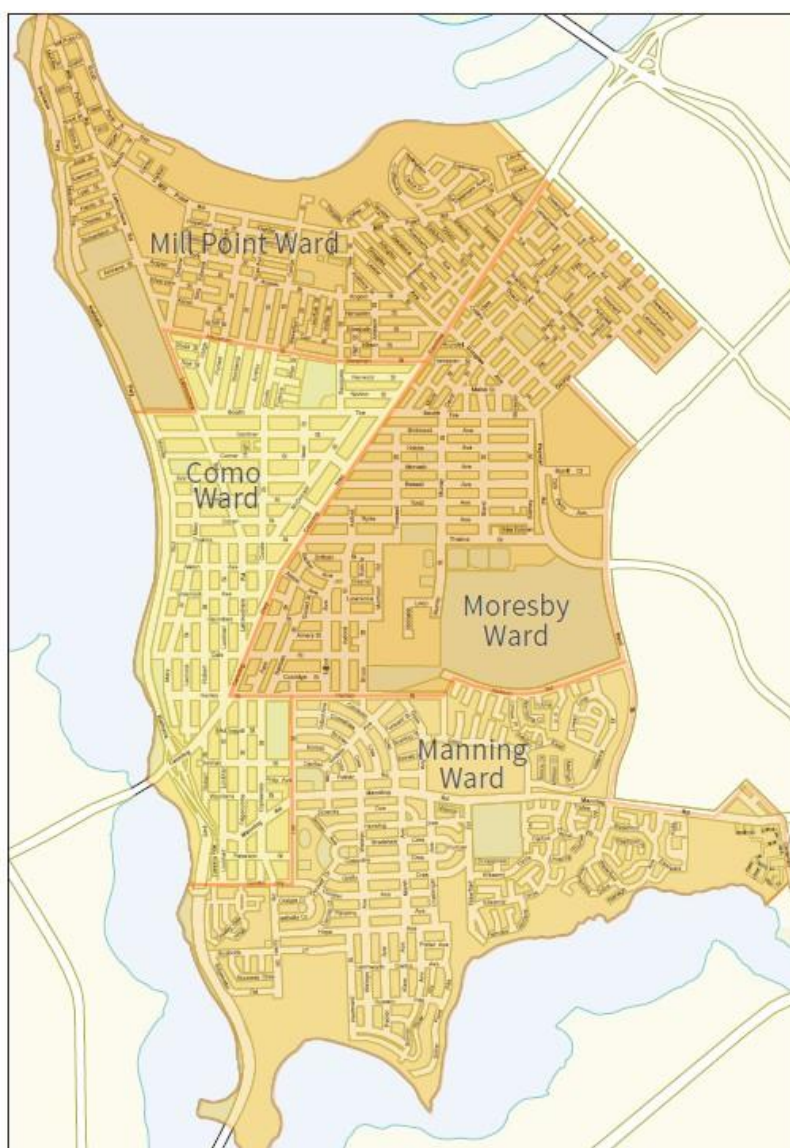
City of South Perth

The City of South Perth is a local government authority established under the *Local Government Act 1995* (the Act). The Act set out the structure, powers and functions of local governments which include executive and legislative functions.

The City of South Perth covers an area of nearly 20km² divided into four wards. Each ward is represented by two elected members and presided over by a popularly elected mayor.

Elected members are elected for four-year terms with council elections held every two years on the third Saturday in October, for half of the council members.

The next ordinary elections are due in October 2023.



Organisational Structure

The Executive Management Team, comprising the Chief Executive Officer (CEO) and three Directors, provides high-level strategic direction and decision-making skills to the City and Council. They are responsible for implementing Council decisions, managing the daily operations of the City and strategic and financial planning to ensure operational sustainability, accountability and effective service delivery to the community.

The CEO, who is responsible for administering the City, may delegate certain functions to nominated officer positions within the City Administration. These delegations are reviewed each financial year.

OUR ORGANISATIONAL STRUCTURE



Elected Members for the City of South Perth

The role of the Council is to govern the affairs and performance of the local government. Council members are elected by the community to represent community interests, facilitate communication, participate in decision-making processes and guide the future direction of the City.

The Mayor’s role is significant as a community leader and Council spokesperson. The Mayor is responsible for the efficient and fair chairing of Council meetings, acting as the key spokesperson and representing the Council at government, civic and ceremonial functions.

The Council is responsible for the performance of the City’s functions as well as providing leadership through:

- Governing the City’s affairs
- Determining the policies of the City
- Overseeing the allocation of the City’s finances and resources.



Mayor Greg Milner

Como Ward



Cr Glenn Cridland



Cr Car Celedin



Cr Stephen Russell



Cr Jennifer Nevard

Moresby Ward

Manning Ward



Cr Brender-A-Brandis



Deputy Mayor
Blake D'Souza

Mill Point Ward



Cr Mary Choy



Cr Ken Manolas

Decision Making

Council Meetings

Public participation in the affairs of local government is set out in the *Local Government Act 1995* and members of the public are encouraged to attend Council meetings as this is where major decisions affecting the City's affairs are made. The dates of Council meetings are advertised on the City's website and on the notice board outside the Civic Centre.

Council Agenda Briefing

Council Agenda Briefings are generally held on the third Tuesday of each month from February to December inclusive. Briefings provide an opportunity for Elected Members to be briefed on reports that are scheduled for a resolution at the next Ordinary Council Meeting and provide the opportunity for Members to ask questions or seek clarification from relevant officers.

As these Council Agenda Briefings are outside the statutory framework of the *Local Government Act 1995* and are not intended to replace Ordinary Council meetings, Council cannot make decisions at a Council Agenda Briefing. Elected Members must not indicate their voting intentions at a Council Agenda Briefing. Council Agenda Briefings are generally open to the public unless an Item is one to which section 5.23(2) of the *Local Government Act 1995* may apply.

Ordinary Council Meeting

Ordinary Council meetings are generally held on the fourth Tuesday of each month from February to December inclusive. Ordinary Council meetings are guided by the *Local Government Act 1995* and the City's Standing Orders Local Law 2007. In most instances the public may remain in attendance for the duration of an Ordinary Council meeting, unless an Item is one to which section 5.23(2) of the *Local Government Act 1995* may apply.

Special Council Meetings

The City may hold a Special Council Meeting to consider items that require a Council decision before the scheduled Ordinary Council Meeting. Special Council Meetings are advertised in accordance with the *Local Government Act 1995* with the Mayor presiding.

Public Participation

Electors' General Meeting

Each year, the City holds an Electors' General Meeting to receive the City's Annual Report, Financial Statements and the Auditor's Report. The meeting is generally held in December each year.

Electors' Special Meeting

In addition to the Special Meetings of Council and the Electors' General Meeting, the *Local Government Act 1995* and Local Government (Administration) Regulations 1996 provides that 100 electors of the district, or five per cent of the total number of electors of the district, can request Council to hold a special meeting on specific matters to be discussed.

Deputations (statements) at Council Agenda Briefings

Any person or group who completes and submits, with at least 24 hours' notice, a 'Request for a Deputation to Address Council' form may make a Deputation at a Council Agenda Briefing session. Electronic presentations in support of the Deputation shall be received via email no later than 12pm on the day of the Council Agenda Briefing.

Deputations may be heard at the commencement of a Council Agenda Briefing session at the appropriate item titled 'Deputations'.

Unless the Presiding Member decides otherwise:

1. a Deputation is not to exceed 5 persons, only 2 of whom may address the meeting (spokespersons), although others may respond to specific questions from Members; and
2. a Deputation is not to address Council for a period exceeding 10 minutes without the agreement of the meeting.

Public Question Time

In accordance with the Local Government (Administration) Regulations 1996, at each Council meeting, a minimum of fifteen minutes is available for Public Question Time. During Public Question Time, members of the public are given the opportunity to ask questions about the ordinary business of the City of South Perth, the function of Council or the purpose of the Special Council Meeting as appropriate. So that officers can provide a full response to questions, members of the public are requested to complete and submit in advance a Public Question Time form. Questions may be accepted in writing at the meeting (forms available in the foyer) by placing the form in the 'Public Question Time' tray in the Chamber no later than five (5) minutes prior to the commencement of the Council meeting and will be taken on notice.

Any responses that cannot be provided at the meeting will be taken on notice and are included in the agenda for the following meeting. Further information regarding Public Question Time, along with the Public Question Time form can be obtained from the City's website.

Community Consultation

The City may consult with the public through the use of surveys, workshops, community forums and other similar techniques. Community consultation is used to ascertain the needs and wishes of the community as they relate to a certain project or development. The information from community consultation may be collated and reported to Council. Policies P103 Stakeholder Engagement and P301 Community Engagement in Planning Proposals; sets out the City's community consultation guidelines.

Complaints and Feedback

The City has a policy for complaints P661 which sets out the procedure for dealing with complaints. Information on what constitutes a complaint and how it may be lodged is available on the City's website.

Notice and Advertising

From time to time, the City is required to give local public notice or state-wide public notice of its intention to take a certain course of action. The notices will be published in the local community paper and/or a newspaper which circulates throughout the state.

For South Perth:

- Local public notice is given by advertising the notice on the City's website, in the Southern Gazette Community Newspaper and displaying the notice on the display boards outside the Civic Centre and on the display boards at the South Perth and Manning Libraries. In addition local public notice will be given by publication in one of the following:
 - City of South Perth Peninsula Magazine;
 - City of South Perth electronic newsletter; or
 - City of South Perth social media accounts.
- State-wide public notice is given by advertising the notice on the City's website, in the West Australian newspaper and displaying the notice on the display boards outside the Civic Centre and on the display boards at the South Perth and Manning Libraries.

The City may also advertise certain proposed courses of action on its website in order to provide the community with an opportunity to comment or object.

Committees

Internal Committees

Audit, Risk and Governance Committee

The Audit, Risk and Governance Committee is established in accordance with s7.1A of the *Local Government Act 1995*. The Committee is responsible for the oversight of the City's financial audits, risk management framework, statutory compliance, Code of Conduct, local laws, policies and delegations. The Committee has ten members – eight Councillors and two external members. All recommendations made by the Committee are referred to Council for consideration.

Chief Executive Officer (CEO) Evaluation Committee

This Committee oversees the Chief Executive Officer's performance and conducts an annual performance review. The Committee consists of six Councillors as sitting members. The Chief Executive Officer Evaluation Committee is closed to members of the public and has no delegated power. All recommendations made by the Committee are referred to Council for consideration.

Property Committee

The Property Committee is responsible for the development and implementation of the City's property portfolio. The Property Committee has eleven members – nine Councillors and two external members. Decisions from the Property Committee are referred to Council for consideration.

Internal Groups/Panels

Arts Advisory Group

The Arts Advisory Group is responsible for providing advice on matters relating to the review, development and implementation of arts focused actions in the Cultural Plan and associated plans and policies. They assist to create opportunities for a diverse range of arts outcomes including those involving public art, the City's art collection and other initiatives facilitating created expression and artistic experiences in the City. Membership of the group includes one elected member determined by Council and two to four industry representatives sourced via expressions of interest and appointed by the Chief Executive Officer.

Reconciliation Action Plan Working Group

The City has facilitated an Aboriginal Reference Group for many years that has provided guidance on the implementation of actions to help build better relations between First Nations people and non-Aboriginal people. The Aboriginal Reference Group has now been replaced by a Reconciliation Action Plan Working Group to provide support with the implementation of the City's Reconciliation Action Plan.

The group is made up of two traditional owners of the Nyungar Nation supported by Wadjuk Working Group, up to four local residents with First Nations people being prioritised, two representatives of local Not for Profit Organisations and two elected members.

Inclusive Community Advisory Group

The Inclusive Community Advisory Group (ICAG) provides advice to the City on the strategies and implementation of its Disability Access and Inclusion Plan.

Membership of the group includes one elected member as determined by Council and industry representatives.

Public Health Reference Group

The aim of the Public Health Reference Group is to provide advice to the City on implementation of the City's Public Health Plan and other public health matters as requested by the City. Membership of the group includes one elected member as determined by Council and industry representatives as approved by the Chief Executive Officer.

Design Review Panel

The Design Review Panel is a specialised group of consultants selected by the Council in accordance with policy P303 Design Review Panel, for the purposes of providing professional and technical advice to the City in relation to the design of buildings and related matters.

The Design Review Panel performs a purely advisory function.

External Committees

Metro Inner-South Joint Development Assessment Panel

Each Development Assessment Panel (DAP) consists of five panel members, three being specialist members and two local government elected members. Under the DAP regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making. The purpose of the panel is to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Local Emergency Management Committee for Canning-South Perth

The City of South Perth participates in a joint Local Emergency Management Committee with the City of Canning. This arrangement is complementary to the joint Canning South Perth State Emergency Service Unit. The purpose of the Committee is to provide a forum in which the City can meet its obligations under the *Emergency Management Act 2005* to have in place effective local emergency management arrangements.

Perth Airports Municipalities Group – Community Forum

The Perth Airport Community Forum (PACF) is administered by the Perth Airports Municipalities Group (PAMG) of which the City is a member. The PAMG's membership consists of 12 local government authorities who have been representing their communities on airport and aviation issues for over 30 years and is independent of Perth Airport Pty Ltd.

The PACF provides a forum for the community and organisations to raise issues and express opinions regarding Perth Airport. The panel consists primarily of the independent chair and representatives from Perth Airport Pty Ltd and Airservices Australia. Representatives from the Aircraft Noise Ombudsman, Main Roads WA, the WA Tourism Council and other relevant organisations may from time to time and as appropriate, be invited to make presentations to the community via this forum.

The community may contribute to meetings of the PACF through the City's elected members who are delegates of the PAMG; community organisations or resident groups. In addition an individual who has the capacity to contribute the views of their community can also attend a meeting of the PACF and opportunities are provided at the meetings for questions or submissions to be lodged from the public.

Rivers Regional Council

The Rivers Regional Council (RRC) is created under the *Local Government Act 1995*; its members are the Cities of South Perth, Armadale, Gosnells, Mandurah, Armadale and the Shires of Murray and Serpentine Jarrahdale. Each Member Council elects two elected members to be regional councillors. The Regional Council, which meets every two months, makes decisions relating to strategic waste management issues.

The RRC has responsibility for planning long-term waste management strategy, identifying issues associated with waste management and lobbying on behalf of the seven member Councils in the general field of waste management. It is also taking some responsibility for waste education across the region.

West Australian Local Government Association South-East Metropolitan Zone and State Council (WALGA SEMZ)

WALGA SEMZ consists of groups of geographically aligned member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters. The purpose of this group is to provide sector-wide policy making and strategic planning on behalf of local government. The City has nominated two elected members and the Chief Executive Officer for this association.

Legislation Requirements

Administration and Statutory Responsibilities

The City's primary responsibilities are set out in the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960* and the following regulations:

- Local Government (Model Code of Conduct) Regulations 2021
- Local Government (COVID-19 Response) Order 2020
- Local Government (Parking for People with Disabilities) Regulations 2014
- Local Government (Constitution) Regulations 1998
- Local Government (Administration) Regulations 1996
- Local Government (Financial Management) Regulations 1996
- Local Government (Elections) Regulations 1997
- Local Government (Audit) Regulations 1996
- Local Government (Functions and General) Regulations 1996
- Local Government (Uniform Local Provisions) Regulations 1996
- Local government (Employee Superannuation) Regulations 2017
- Local Government (Long Service Leave) Regulations

Legislation

The City also has obligations and responsibilities under a number of State and Commonwealth Acts and Regulations. Some significant legislation includes but is not limited to:

- *Building Act 2011*
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Corruption and Crime Commission Act 2003*
- *Disability Services Act 1993*
- *Dividing Fences Act 1961*
- *Dog Act 1976*
- *Environmental Protection Act 1986*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage of Western Australia Act 1990*
- *Land Administration Act 1997*
- *Library Board of Western Australia Act 1951*
- *Liquor Control Act 1988*
- *Litter Act 1979*
- *Main Roads Act 1930*
- *Occupational Safety and Health Act 1984*
- *Parks and Reserves Act 1895*
- *Parliamentary Commissioner Act 1971*
- *Police Act 1892*
- *Public Health Act 2016*

- *Public Interest Disclosure Act 2003*
- *Public Works Act 1902*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *Road Traffic Act 1974* *State Administrative Tribunal Act 2004*
- *Strata Titles Act 1985*
- *Swan River Trust Act 1988*
- *Planning and Development Act 2005*
- *Transfer of Land Act 1893*
- *Waterways Conservation Act 1976*

The Parliamentary Counsel's Office: www.legislation.wa.gov.au maintains a register of all Western Australian legislation.

Local Laws

The City of South Perth has the power under the *Local Government Act 1995* (and other legislation) to make local laws which are used to establish and maintain community expectations.

The City currently has local laws relating to the following:

- Public Places and Local Government Property Local Law 2011
- Health Local Laws 2002
- Penalty Units Local Law 2003
- Cats Local Law 2016
- Dogs Local Law 2016
- Standing Orders Local Law 2007
- Waste Local Law 2017
- Parking Local Law 2017

Copies of these local laws are available on the City's website www.southperth.wa.gov.au or from the Civic Centre, corner Sandgate Street & South Terrace, South Perth.

Documents available for inspection under *Local Government Act 1995*

Introduction

Section 5.94 of the *Local Government Act 1995* sets out the documents that are available for inspection at any local government office. The City will make these documents available for inspection unless there is a limitation on their release arising out of section 5.95 of the Act which sets out some of these limitations generally relating to confidentiality. Please visit the City's website www.southperth.wa.gov.au or contact the Main Administration to access a document listed below.

Documents generally available for inspection

- any code of conduct;
- any register of complaints referred to in *section 5.121*;
- any register of financial interests;
- any register of gifts;
- any annual report;
- any annual budget;
- any list of fees and charges imposed under *section 6.16*;
- any plan for the future of the district made in accordance with *section 5.56*;
- any proposed local law of which the local government has given local public notice under *section 3.12(3)*;
- any local law made by the local government in accordance with *section 3.12*;
- any regulations made by the Governor under *section 9.60* that operate as if they were local laws of the local government;
- any text that –
 - is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or
 - would be adopted by a proposed local law of which the local government has given local public notice under *section 3.12(3)*;
- any subsidiary legislation made or adopted by the local government under any written law other than the *Local Government Act 1995*;
- any written law having a provision in respect of which the local government has a power or duty to enforce;
- any rate record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been –
 - tabled at a council or committee meeting;
 - produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;
- any report of a review of a local law prepared under *section 3.16(3)*;
- any business plan prepared under *section 3.59*;
- any register of owners and occupiers under *section 4.32(6)* and electoral rolls;
- a report on a supplementary audit prepared under *section 7.12AH(1)*;
- such other information relating to the local government –
 - required by a provision of the Act to be available for public inspection; or
 - as may be prescribed

Record Management

The City maintains comprehensive records for all of its dealings in its electronic document management system (RM8 and TechOne) including; correspondence, memoranda, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals notices etc.

These records are retained for varying periods depending on their administrative and historical value, and are disposed of in accordance with the standards and practices approved by the *State Records Act 2000* and General Disposal Authority for Local Government Records.

Freedom of Information

What is Freedom of Information

The *Freedom of Information Act 1992* (the FOI Act) provides a general right of access to documents held by the City. It is the aim of the City to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the FOI Act provides the right to apply for documents held by the City and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

Freedom of Information Applications

Access applications have to –

1. Be in writing;
2. Give enough information so that the documents requested can be identified;
3. Give an Australian address to which notices can be sent; and
4. Be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Manager Governance on (08) 9474 0777 or mail:

Manager Governance
Civic Centre
Cnr Sandgate St & South Tce
SOUTH PERTH WA 6151

Applications will be acknowledged in writing and the applicant will be notified of the decision within 45 calendar days.

Freedom of Information Charges

A scale of fees and charges are set out in the Freedom of Information Regulations 1993. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

- | | |
|--|-----------------------|
| • Personal information about the applicant | No fee 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 |

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

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%

Request for Personal Information

The FOI Act creates special obligations relating to documents containing personal information. Personal information is defined as information or an opinion, whether true or not, about an individual, whether living or dead -

- Whose identity is apparent or can reasonably be ascertained from the information or opinion, or
- Who can be identified by reference to an identification number or other identifying particulars such as a finger print, a retina print or body sample.

Where an applicant seeks access to a document containing personal information about the applicant, a local government must take reasonable steps to:

- Satisfy itself of the identity of the applicant, and
- Ensure that only the applicant or the applicant's agent, nominated in writing, receives the document. There is no application fee for access to personal information.

Amendment of Personal Information

An individual has a right to apply to the City for amendment of personal information about the person contained in a document of the City if the information is inaccurate, incomplete, out of date or misleading.

Third Party Consultation

There may be instances where an application for access concerns a document which contains personal information about a third party or commercial or business information from a third party (i.e. a person who is not the applicant). In these cases the City is bound to consult with the third party and seek their views on whether the information should be released. If the City decides to give access to the document, then the third party must be notified and given time to exercise a right of appeal. The appeal process must be concluded before access can be granted to the document.

Access Arrangements

The City has authorised the Manager of Governance to process applications and make decisions on granting or refusing access. The City is obliged to process an application as soon as is practicable, but in any event within a period of 45 days after receiving the application.

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

Reduction in Scope or Refusal to Deal with a claim

The City may consider that the work involved in dealing with an access claim will divert a substantial and unreasonable portion of its resources away from its other operations. In this instance the City will try and help the applicant to amend the claim to reduce the scope. If the City still considers the work involved would divert a substantial and unreasonable portion of its resources away from its other operations, then the City may refuse to deal with the claim.

Refusal of Access

The City may refuse access to a document if it contains 'exempt matter'. The kind of information that may qualify as exempt matter includes information concerning:

- Commercial and business affairs of a third person
- Law enforcement
- Public safety and property security
- Personal information about a third person
- Inter-governmental relations
- Deliberative processes of the agency
- Legally privileged matters
- Confidential communications

The City may grant access to a document which contained exempt matter if the exempt matter has been deleted. The City can refuse access to a document if it has taken all reasonable steps to find the document, but it cannot be found or considers that it does not exist.

The City must provide written reasons for any decision to grant or refuse access to a document.

Internal Review

Applicants who are dissatisfied with the City's decision are entitled to ask for an internal review. The internal review application should be made in writing within 30 calendar days after being provided with the City'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 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 City'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 City, 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 about Freedom of Information can be found on the Office of the Information Commissioner's website: www.oic.wa.gov.au or by contacting the office.

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