

Information Statement

In accordance with the *Freedom of Information Act 1992*



Information Statement

The City of Kwinana publishes this Information Statement in accordance with the requirements of the *Freedom of Information Act 1992*

The Statement was reviewed and updated on
24 August 2018

Disclaimer

The City provides this Information Statement as a service to the community. The City has taken due care to ensure that the information is accurate and up to date. However, as the statement is reviewed and updated only once every two years, the City cannot warrant that the information is necessarily current and a person should not rely exclusively on the information contained within this statement. The City does not accept responsibility for any loss or damage suffered as a result of any person relying on the information contained in this statement. If you are intending to rely on the information contained within the statement, then you should research and investigate the accuracy of the information. It is your responsibility to ensure that the information is accurate for your purposes. If you are uncertain you should obtain independent legal advice.

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1.0 History and Local Information

1.1 History

The Kwinana Council had its beginnings with the passing of the *Kwinana Road District Act 1953* on 15 February 1954. The district was originally administered by a Commissioner until a board of seven members was elected on 11 February 1961.

After the proclamation of the *Local Government Act 1960*, the Kwinana Road District became the municipality of Kwinana and two additional Elected Members were elected in 1970 making a total of nine Elected Members - one more than the present number.

In 1977, the Council acquired Town status and on 17 September 2012 His Excellency Governor Malcolm McCusker declared Kwinana a City.

Kwinana was originally planned and settled following the establishment of industry on the coast. The original suburbs of Medina and Calista were purpose-built to house industry workers. The more recent history of Kwinana, however, is the development of the urban growth suburbs being established due to the expansion of transport infrastructure running out of the Perth CBD.

A future worth sharing

Kwinana is a thriving and expanding community, integral to the industry of Western Australia, yet cushioned by natural bush and set on the Indian Ocean coastline.

Right now there is a sense of excitement in Kwinana. Massive redevelopment including new residential areas, schools, retail precincts, community facilities and public transport has transformed this once quiet residential suburb into a vibrant cosmopolitan city.

A great place to live

It is estimated that the current population of Kwinana will increase to 67,000 by 2028. All new housing lots in the City are part of quality residential developments undertaken by the State's leading developers, and are achieving the very best of living in Kwinana.

The population increase is due to a number of factors including the jobs creation in the industrial area, such as the LandCorp's Latitude 32 project – estimated to create 10,000 new jobs, expanded educational opportunities, improved access and transportation, and the introduction of quality community services and facilities. With all of this in mind, residential property values in new and existing areas are likely to increase strongly.

Choices for all

The City of Kwinana is known for its diverse residential opportunities, and these will be expanded as developers provide a wide range of quality residential options over the next decade.

Kwinana already boasts everything from rural lifestyle blocks and special rural zones to cottage lots and large family blocks; and this is currently being supplemented by further housing options including central townhouses and luxury apartments.

1.2 Local Information

The City of Kwinana covers an area of approximately 118 square kilometers and lies about 38 kilometers south of Perth CBD.

Population:	38,918 (2016 Census)
Area:	118 km ²
Suburbs:	Anketell; Bertram; Calista; Casuarina; Hope Valley; Kwinana; Kwinana Beach; Kwinana Town Centre, Leda; Mandogalup; Medina; Naval Base; Orelia; Parmelia; Postans; The Spectacles; Wandí; Wellard
Post codes:	6165, 6167, 6170, 6966
Rate Revenue:	\$35,057,664 (2017/18)
City of Kwinana employees:	227.94FTE

1.3 City Information Locations

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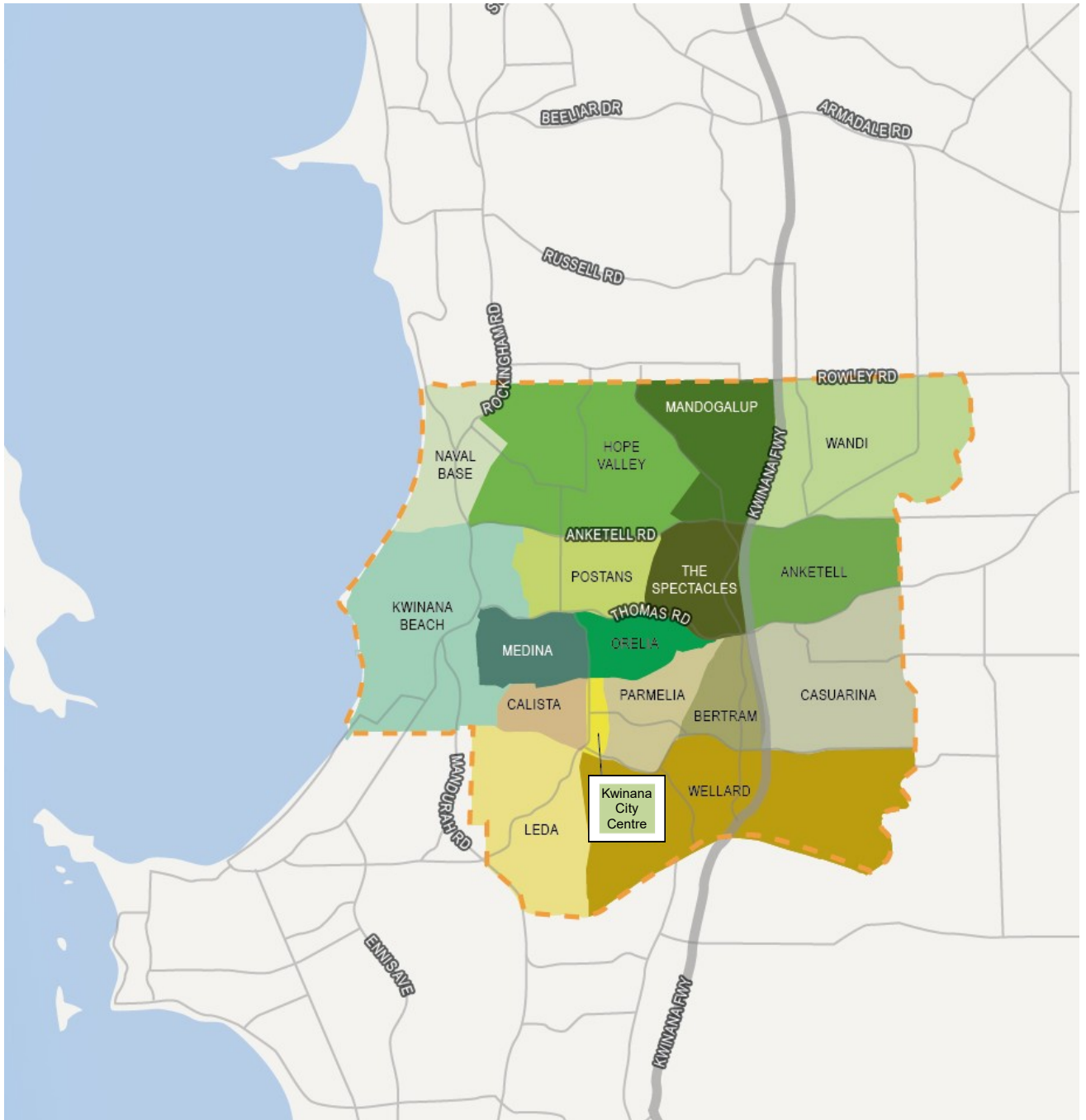
Administration Centre

Cnr Gilmore Avenue and Sulphur Road
Kwinana WA 6167
PO Box 21, Kwinana WA 6966
Ph.: 9439 0200
Fax: 9430 0222
E-mail customer@kwinana.wa.gov.au

Darius Wells Library and Resource Centre

Cnr Robbos Way and Chisham Ave
Kwinana City Centre WA 6167
PO Box 21, Kwinana WA 6966
Ph.: 9236 4300
Fax: 9430 0222
E-mail: library@kwinana.wa.gov.au

Suburb locality plan



Vision, Mission and Values

Vision Statement

Rich in spirit, alive with opportunities, surrounded by nature – it's all here!

Mission

Strengthen community spirit, lead exciting growth, respect the environment - create great places to live.

We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

Values

- Lead from where you stand – *Leadership is within us all.*
- Act with compassion – *Show that you care.*
- Make it fun – *Seize the opportunity to have fun.*
- Stand strong, stand true – *Have the courage to do what is right.*
- Trust and be trusted – *Value the message, value the messenger.*
- Why not yes? – *Ideas can grow with a yes!*

2.0 Local Government Structure

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

The Council of the City of Kwinana is constituted by a peer elected Mayor and seven Councillors. The Mayor and Councillors are each elected for a four-year term. Elections were last held in October 2017. The next ordinary and mayoral elections are due in October 2019.

Information on how to contact the Elected Members can be found on the City's website.

2.1 Local Government Functions

The administrative structure of the City reflects its status as a local authority exercising administrative functions which are conferred either directly by the Act or by delegated authority from Council under the Act.

The Chief Executive Officer, 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.

The respective functions of Council and the Chief Executive Officer are set out in the Act. The Council directs and controls the local government's affairs and is responsible for the performance of its functions. The functions of the Chief Executive Officer include advising Council in relation to the functions of a local government, ensuring advice and information is available to Council, cause decisions to be implemented, manage the day to day operations and liaise with the Mayor on the local government's affairs and performance of its functions.

Executive management teams assist the Chief Executive Officer in the day-to-day management of the City's affairs and are structured into five directorates with responsibilities as follows:

- City Engagement
 - Community Services
 - Family Day Care
 - Healthy Lifestyles
 - Library
 - Recquatic
 - Youth (Zone)
- City Regulation
 - Building Services
 - Environment
 - Environmental Health
 - Statutory Planning
 - Strategic Planning
- City Strategy
 - Corporate Planning
 - Customer Services
 - Economic Development
 - Finance
 - Human Resources
 - Information Communication Technology

- Marketing and Communications
- Records
- Retirement Village
- City Infrastructure
 - Building Assets
 - Depot
 - Engineering
- City Legal
 - Essential Services
 - Governance
 - Contracts
 - Property Management
 - Land Administration

Objection and Review

The Act provides a right of objection (or review in the State Administrative Tribunal) for certain decisions taken under the Act which may affect the interests of a person. Whenever a decision is made that an affected person could consider unfavourable, the person making it is to ensure that, as soon as practicable, the affected person is given written reasons for the decision and informed of the person's rights under the Act to object against, and apply for a review of, the decision.

An objection should be made on the prescribed form which is set out at in the 'Schedules and Forms' section of this Statement.

The objection should be lodged with the City within 28 days of the decision being taken. The City will give the person making the objection a reasonable opportunity to make submissions on the matter and the Council must then determine the objection by dismissing it, varying the decision being objected to, or revoking the decision.

Community Advisory Groups

From time to time, groups consisting of members of the public may operate as advisory bodies to the City. Whilst there are no delegations of authority to these groups they are charged with the task of advising the City on issues that are specific to the advisory group. These issues may originate from the City's administration or Council and be referred to the groups for advice. Alternatively, the issue may originate from within the group and be referred to the City for consideration.

2.2 Public Participation

2.2.1 Council Meetings

Public participation in the affairs of local government is set out in the Act and members of the public are encouraged to attend Council meetings as this is where major decisions affecting the district are made. Council meetings are generally held on the second and fourth Wednesday of each month from February to December inclusive. The dates of Council meetings are advertised in locally circulating newspapers and on the City's website.

In most instances the public may remain in attendance for the duration of a Council meeting.

Members of the public may make a submission to the Council meeting where they have an interest in an item listed for discussion on the agenda. Members of the public interested in making a submission should make their request in writing to the Chief Executive Officer by no later than 12

noon on the day of the council meeting.

Sometimes it is necessary for a Council meeting, or part of a meeting, to be closed to the public. This must be done in accordance with the provisions of the Act which describes the circumstances in which a meeting may be closed. The minutes of the meeting record the reason why the meeting was closed. That part of the agenda and the minutes relating to the closed meeting, or part of a meeting, may not be publicly available.

2.2.2 Public Question Time

- The Act provides for the minimum duration time of 15 minutes. After this time, questions may be taken on notice.
- If a question cannot be answered at the Council meeting, the question will be taken on notice and responded to in writing. A summary of the response will also be included in the Agenda of the next Council meeting.
- Members of the public seeking to ask a question at a Council meeting can give written notice to the Chief Executive Officer prior to the Council meeting. The person presiding shall cause the question and response, if available, to be read to the Council meeting.
- The same and similar questions asked at previous meetings will not be responded to and the person will be directed to the Council Minutes where the response was provided.

A summary of questions and answers are included in the minutes of the Council meeting. A copy of the minutes may be found on the City's website.

2.2.3 Annual Electors Meeting

The City must hold an annual electors meeting to provide electors with an opportunity to make resolutions about the City's affairs which are subsequently considered by Council.

2.2.4 Special Electors' Meetings

An elector may make a request to hold a special electors meeting. The elector must obtain the signatures, names and addresses of 100 electors or 5% of the number of electors —whichever is the lesser number; or $\frac{1}{3}$ of the number of Council Members. The City is required to hold a special electors' meeting when it receives a valid request. The procedural requirements for making a request are dealt with in the Act.

2.2 Community Consultation

The City may consult the public by carrying out surveys, workshops, 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.

2.3 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 circumstances when this is required and the process for consultation are set out in the Act. The notices will be published in a local community paper and/or a newspaper, which circulates throughout the state.

For Kwinana:

- Local public notice is given by advertising the notice in either the Kwinana Courier or Sound Telegraph community newspapers and displaying of notices on the display boards outside the Administration Centre and on the display boards at the Darius Wells Library and Resource Centre;
- State-wide public notice is given by advertising the notice in the West Australian Newspaper and displaying of notices on the display boards outside the Administration Centre and on the display boards at the Darius Wells Library and Resource Centre;

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.

2.4 Complaints and Feedback

The City is committed to providing quality customer service and we understand that feedback and complaints allow us to continually make improvements.

Lodging a complaint

If you have a complaint, you can contact any officer of the City by:

Phone: 9439 0200

Fax: 9439 0222

Email: customer@kwinana.wa.gov.au

Post: PO Box 21, Kwinana WA 6966

Any complaints received will be reviewed and forwarded to the correct department.

Appealing a complaint

If you are unhappy with the outcome of a complaint then you can apply to the City for an internal review, which is carried out by senior officers independent from the original complaint investigation and you will be advised of the outcome.

For more information about the City's complaint handling process, contact the City on 9439 0200.

3.0 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 (Administration) Regulations 1996*;
- *Local Government (Financial Management) Regulations 1996*;
- *Local Government (Constitution) Regulations 1998*;
- *Local Government (Elections) Regulations 1997*;
- *Local Government (Audit) Regulations 1996*;
- *Local Government (Rules of Conduct) Regulations 2007*;
- *Local Government (Functions and General) Regulations 1996*; and
- *Local Government (Uniform Local Provisions) Regulations 1996*.

Other legislation

The City also has obligations and responsibilities under other legislation. The Parliamentary Counsel's Office maintains a register of all Western Australian legislation.

Local Laws

Under the Act, the City has the power to make and administer local laws in relation to matters which come under its functions as set out in the Act or other written law which expressly applies to local government. Local laws regulate and relate to activities which may be conducted within the area of the City.

The City's Local Laws include;

- Standing Orders
- Activities on Thoroughfares and Public Places and Trading
- Keeping of Bees
- Parking and Parking Facilities
- Dogs
- Local Government Property
- Bush Fire Brigades

The local laws are available on the City's website.

3.1 Publications

The City publishes a number of documents that are available for inspection by the public. Many of these documents may be available on the City's website.

3.2.1 Documents Available for the Cost of Photocopying

- Annual Report
- Annual Budget (including Schedule of Fees and Charges)
- Code of Conduct
- Information Statement
- Customer Service Charter
- Strategic Community Plan
- Long Term Financial Plan
- Local laws
- Confirmed minutes of Council or Committee meetings

- Minutes of electors' meetings
- 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; or
 - produced by Officers or a Committee for presentation at a Council; or
 - Committee meeting which have been presented at the meeting;
- Report of a review of a local law;
- Business plan prepared under section 3.59; and
- Policies adopted by Council.

3.2.2 Documents that are available for inspection under the Act

Section 5.94 of the Act sets out the documents that are to be made available for inspection at any local government 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. The City will make the following documents available for inspection:

- any code of conduct;
- any regulations prescribing rules of conduct of council members referred to in section 5.104;
- any register of complaints referred to in section 5.121;
- any register of financial interests;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- 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 Statewide 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 Statewide public notice under section 3.12(3);
- any subsidiary legislation made or adopted by the local government under any written law other than under this Act;
- any written law having a provision in respect of which the local government has a power or duty to enforce;
- any rates 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; or

- 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;
- any contract under section 5.39 and variation of such contract;
- 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 this Act to be available for public inspection; or
 - as may be prescribed.

Visit the City’s website or contact the Administration Centre to access a document listed above.

3.2.3 Documents held by the City

The City maintains comprehensive records of its dealings. These records generally relate to various properties and locations within the City. The City ensures that accurate records are centrally maintained. These documents may include correspondence, file notes, reports, plans, sketches, maps, and diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

3.2.4 Historical Documents

The City maintains certain historical documents at the Darius Wells Library and Resource Centre located on the corner of Robbos Way and Chisham Avenue, Kwinana City Centre WA 6167.

Archived files

These files are located at the City’s offsite facility. Please note that considerable research may be required in order to locate some information and the search may result in a considerable number of files being retrieved.

State Records Office

The State Records Office is located on the Ground Floor of the Alexander Library Building of the Perth Cultural Centre. The State Records Office is the official repository for all state archives, the management and access to all information that is transferred from government agencies such as the City of Kwinana, is the responsibility of the State Records Office. The State Records Office staff can assist you to locate archival material relevant to your search, there are various indexes available at their office.

The State Records Office Search Room opening hours are Monday to Friday 10.00am to 4.30pm and access to information held by is free of charge. Contact the State Records Office (Phone: (08) 9427 3600) for more information.

4.0 Freedom of Information

4.1 Introduction

The *Freedom of Information Act 1992* (FOI Act) describes the City's obligations in providing access to a member of the public to all documents which it holds. The FOI Act enables a member of the public to access information which is not generally otherwise available as described in the Publications section of this Information Statement.

If access is sought to documents that are not listed in that section, then it may be necessary to lodge an application under the FOI Act. The application should be lodged with the City and clearly describe the documents that are sought.

Prior to making a claim for access to information please consider the information that is available at the City's website: www.kwinana.wa.gov.au

4.2 Freedom of Information Requests

The following information is useful to know when requesting information under the FOI Act.

4.2.1 Background

Local Government is an Agency

A local government is an agency under the FOI Act.

Agencies are to give effect to the Act in a way that -

- assists the public to obtain access to documents;
- allows prompt access to documents at the lowest reasonable cost; and
- assists the public to ensure that personal information contained in documents is accurate, complete, up-to-date and is not misleading.

What Constitutes a Document?

The FOI Act defines the word 'document' to mean any 'record' or any part or copy of a record. The word 'record' is defined as all forms of recorded information including papers, plans, maps, drawings, audio and video recordings and computer records.

The FOI Act also creates two special categories of documents which agencies are obliged to make available to members of the public. These are an Information Statement (such as this one) and internal manuals which may be constituted by guidelines, policies etc. which guide the agency in the day-to-day performance of its functions.

Inspection of Information Statement and Internal Manuals

A local government must make available for public inspection its most up-to-date Information Statement and its internal manuals.

Internal manuals include the following documents:

- a document containing interpretations, rules, guidelines, statements of policy, practices or precedents;
- a document containing particulars of any administrative scheme;
- a document containing a statement of the manner, or intended manner of administration of any written law or administrative scheme;

- a document describing the procedures to be followed in investigating any contravention or possible contravention of any written law or administrative scheme; or
- any other document of a similar kind.

Documents Containing 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 identify is apparent or can reasonably be ascertained from the information or opinions; or
- who can be identified by reference to an identification number or other identifying particulars, such as a finger print, retina prints or body sample.

Where an applicant seeks access to a document containing personal information about themselves, 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 an agency for amendment of personal information about any person contained in a document of the agency 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 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 personal 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.

4.3 How an application should be made

The FOI Act specifies that an application has to –

- Be in writing;
- Give enough information to enable the requested documents to be identified;
- Give an address in Australia to which notices may be sent;
- Give any other information or regulations that will assist the City to locate the required document; and
- Be lodged at the Civic Centre with application payment of the prescribed amount set in the current fees and charges schedule.

The City has prepared an application form that may assist applicants in making an application. A copy of the form can be found in the **Schedule and Forms** section of this Information Statement.

Processing of applications

The City's Director City Legal, Director City Strategy and the Lawyer are directed by the Chief Executive Officer 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.

Fees and Charges

Freedom of Information charges are set in the FOI Act. An applicant is entitled to request or the City may provide an estimate of charges for processing the claim. Upon receiving such a request, the City will provide an estimate and explain the basis upon which it is made. The FOI Act enables the City to require an applicant to pay a deposit for charges relating to the claim. If the deposit is not paid within 30 days of being requested, then the claim is deemed to have been withdrawn.

The Manner in Which Access May Be Given

The City may give access to the document in a variety of ways. These reflect the varying nature of documents. The methods include:

- physical inspection;
- providing a copy of the document;
- providing a transcript of an audio recording;
- providing a print-out of computer stored information;
- a viewing of visual images; and
- listening to an audio recording.

If an applicant requests that access be provided in a certain way, then the City will generally accede to the request. The City is entitled to refuse to give access in a particular way if it would:

- interfere unreasonably with the City's other operations;
- damage or harm the document and would be inappropriate because of the physical nature of the document; or
- involve an infringement of copyright belonging to a person other than the State.

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 to 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 resources away from its other operations, then the City may refuse to deal with the claim.

Refusal of Access

A local government 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; and
- 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 of Decisions

An applicant may request an internal review of a decision where access is denied or made subject to conditions which the applicant considers to be wrong. The applicant must apply to the City in writing within 30 days of receiving written notice of the decision.

The Chief Executive Officer may confirm, vary or reverse the decision under review. If the City fails to give notice of its decision on the application for review given within 15 days after it is lodged, or such longer period as is agreed between the City and the access applicant, the City is to be taken to have decided to confirm the decision under review. There is no application fee or other charge for an internal review.

External Review of Decisions

The FOI Act provides for the establishment of an Information Commissioner. A primary role of the Information Commissioner is to receive and determine complaints about decisions made under the FOI Act. Complaints must be lodged with the Information Commissioner within 60 days of the decision being given.

In determining a complaint, the Commissioner may confirm, vary or set aside and substitute an agency decision with their own. The FOI Act requires the Commissioner to deal with a complaint within 30 days after it was lodged unless the Commissioner considers it is impracticable to do so.

4.4 Contact

For any inquiries concerning Freedom of Information, please contact:

Records Management Coordinator

Administration Centre
City of Kwinana
Corner of Gilmore Avenue and Sulphur Road
Kwinana WA 6167

PO Box 21, Kwinana WA 6966

Phone: 9439 0408
Fax: 9439 0222
E-mail: admin@kwinana.wa.gov.au

5.0 Freedom of Information Act - Application Form



APPLICATION FOR ACCESS TO DOCUMENTS (under the Freedom of Information Act 1992, S.12)

DETAILS OF APPLICANT

Surname: Given Names :

Australian Postal Address:

Postcode: Telephone Number(s):

Name of Organisation/Business: *(If application is on behalf of an organisation of an organisation.)*

DETAILS OF REQUEST *(Please tick)*

Personal documents Non-Personal documents

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

FORM OF ACCESS *(Please tick appropriate box)*

I wish to inspect the Documents Yes No

I require a copy of the document(s) Yes No

I require access in another form Yes No

(specify)
.....

FEES AND CHARGES

Attached is a cheque/cash to the amount of \$ 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 if you are financially disadvantaged. If you consider you are entitled to a reduction, submit a request with copies of documents that support your application for a fee reduction.

I am requesting a reduction in fees and charges Yes No
(Please tick appropriate box)

APPLICANTS SIGNATURE: Date .. / .. / ..

(Office Use Only)	
FOI Reference Number	Received on..... / .. / ..
Deadline for response .. / .. / ..	Acknowledgement sent on..... / .. / ..
Proof of Identity (if applicable) Yes / No	

D09/32169(V2)