

# Freedom of Information

# Statement





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# 1. Introduction

Part 5 of the Freedom of Information Act 1992 (FOI Act) requires each government agency to prepare and publish an Information Statement annually. The Information Statement includes the following:

- The City of Kwinana (City) vision;
- Details of legislation administered;
- Details of the City's structure and functions;
- Details of decision making functions within the City;
- Public participation in the formulation of policy and performance of the City's functions;
- Documents held by the City; and
- The operation of Freedom of Information (FOI) in the City.

The City is committed to transparency and accountability and seeks to provide members of the public with access to information in the most time efficient and low cost methods, while ensuring the privacy of staff and the public is protected.

## 2. Administrative information

Address	11 Stidworthy Way Kwinana WA 6167
Postal Address	PO Box 21 Kwinana WA 6966
Telephone	(08) 9439 0200
Email	<a href="mailto:customer@kwinana.wa.gov.au">customer@kwinana.wa.gov.au</a>
Website	<a href="http://www.kwinana.wa.gov.au">www.kwinana.wa.gov.au</a>
Chief Executive Officer (CEO)	Wayne Jack
Mayor	Mayor Peter Feasey
Deputy Mayor	Barry Winmar
Elected Members	Cr Matthew Rowse Cr Balian Millar Cr Michael James Brown Cr Sherilyn Wood Cr Ivy Penny Cr David Acker Cr Erin Sergeant

# 3. The structure and function of the City of Kwinana

## 3.1 Major Functions and powers

The City's functions and powers are set out in the *Local Government Act 1995* (WA). The City's operations are also governed by a number of other acts and regulations, as specified in Appendix 2.

The Act provides that the City may make local laws to govern its functions as set out in the Act, and also in other legislation, including the Health Act 1911 (as amended), Food Act 2008, Food Regulations 2009 and Environmental Protection Act 1986,

The City make policies which act as guidelines for the City's position on certain issues.

## 3.2 City's priorities

The City's vision for the future of the Kwinana community is a unique and livable City, celebrated for and connected by its diverse community, natural beauty and economic opportunities. This vision forms the foundation of the City's Strategic Community Plan, with each part of the vision represented as a specific community aspiration. To achieve these aspirations, clearly defined community outcomes have been identified. These outcomes further illustrate how the community would like the City to look in future years.

The City faces the challenges of the future with strong leadership, an innovative approach and an emphasis on community values and voices. Sustainability, in all its forms, is at the core of the community and underpins the City's operations.

## 3.3 Organisational structure

In accordance with the Local Government Act 1992 the City's community elects eight elected members.

The role of Council is to:

- govern the local government affairs;
- be responsible for the performance of the local government functions;
- oversee the allocation of the local government finances and resources; and
- determine the local government policies.

The role of each councilor (including the Mayor) is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council;
- participate in decision making processes at meetings; and
- perform such other functions as are given to a councilor by the Act or any other written law.

The Chief Executive Officer is appointed by the Council. The role of the CEO is to:

- advise council in relation to the local government functions;
- ensure that information is available to council to guide decisions;
- cause council decisions to be implemented;
- manage the day-to-day operations of the local government;
- liaise with the Mayor on the local government's affairs and performance of functions;
- speak on behalf of the local government if the Mayor agrees;
- be responsible for the employment, management, supervision, direction and dismissal of employees; and
- ensure that the records and documents of the local government are properly kept.

The CEO is also responsible for overseeing the Office of the CEO, comprised of:

- Governance and Legal
- Human Resources
- Economic Development and Advocacy
- Finance
- Customer and Communication

The Mayor is elected at large by the community. The role of Mayor is to:

- preside at Ordinary Council Meetings (to ensure that meetings are conducted in a correct and orderly manner, whilst remaining impartial);
- carry out civic and ceremonial duties (such as conducting citizenship ceremonies);
- speak on behalf of the local government;
- liaise with the CEO on the local government affairs and the performance of its functions; and
- provide leadership and guidance to the community.

There are three Directors who who have accountability for their respective directorates:

### **City Development and Sustainability Directorate**

Responsible for Environmental and Health Services, Planning and Development, Building Services, Essential Services.

### **City Infrastructure Directorate**

Responsible for Engineering, Asset Management Services, City Operations, Information Technology.

### **City Life Directorate**

Responsible for Community Development, Community Services and Partnerships, Engagement and Place, Community Facility Planning, Library, Recquatic, Banksia Park Retirement Estate, Callistemon Court Aged Persons Units, Koorliny Arts Centre.

## **4. Public Participation in the formation of policy and performance**

### **4.1 Attending Council and committee meetings**

Members of the public are welcome to attend Council and Committee meetings. There is an opportunity at Council meetings for members of the public to ask questions (refer to 'Public Question Time').

### **4.2 Public question time**

Any member of the public attending a Council meeting can ask questions on any matter relating to the ordinary business of the City or the function of the Council regardless of whether or not the matter in question is on the agenda.

Clause 3.4 of the City's Standing Orders Local Law 2019 sets out the requirements for asking a question during public question time.

### **4.3 Annual General Meeting of Electors**

Section 5.27 of the Local Government Act 1995 requires the City to hold an annual general meeting of electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about City matters generally. Resolutions from an annual general meeting of electors must be considered at a subsequent ordinary council meeting. However, such resolutions are in no way binding upon the Council.

### **4.4 Presentations and Deputations**

Once an agenda of a meeting of the Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.

Clause 3.7 of the City's Standing Orders Local Law 2019 sets out the requirements for asking a question during public question time.

### **4.5 Petitions**

Written petitions on any issue within the Council's jurisdiction are to be addressed to the Mayor. Petitions are tabled at the next available Council meeting and referred to the CEO for consideration and reporting.

Clause 3.5 of the City's Standing Orders Local Law 2019 sets out the requirements for making a petition.

### **4.6 Elected members**

In their role, Elected Members make themselves available to the community to assist with matters regarding the function of Council.

## 4.7 Written requests

A member of the public can write to the City on the policy, activity, service or any issues within the City's jurisdiction.

## 4.8 Community consultation

The City is committed to ensuring that the community is consulted on projects, plans and proposals by advertising in local papers, the City's website and on public notice boards, as well as organising public meetings and letters to the community.

# 5. Access to documents held by the City

The following documents are available for inspection at the City's Administration Centre, 11 Stidworthy Way, Kwinana 6167, between the hours of 9:30am and 3:30pm on Monday to Friday excluding public holidays. Please note that some of the documents mentioned below are also available online at [www.kwinana.wa.gov.au](http://www.kwinana.wa.gov.au).

- Annual Report
- Annual Budget
- FOI Information Statement
- Local Government Regulations
- Local Laws, including proposed Local Laws
- Local and Town Planning Schemes
- Minutes of Council or Committee meetings
- Minutes of Electors meetings
- Policy manual
- Strategic Financial Plan
- Rates record
- Register of Delegated Authority
- Schedule of Fees and Charges
- Tender register

Access to the following document will attract a fee:

- Building and Site Plans Residential – \$42.00 (plus copying charges)
- Building Plans Industrial/Commercial – \$42.00 (plus copying charges)

The City will make available upon request other information as stipulated under the *Local Government Act 1995*.

# 6. Freedom of Information Procedures

It is the aim of the City to make information available whenever possible outside the process set out in the *Freedom of Information Act 1992* (FOI Act).

If information is not routinely available, the FOI Act provides for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.

An application for information through the FOI Act must:

- be in writing;
- give enough information to enable the request documents to be identified by the City's FOI officer;
- give an Australian address to which notices under the Act can be sent; and
- give any other information or details required under the FOI Act
- be lodged with the City (via the City's website, by hand or by post) together with the application fee payable.

The following is the scale of fees and charges set out in the Freedom of Information Regulations 1993:

Personal information about the applicant	\$ Nil
Application Fee (non-personal information)	\$30.00
Charges 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 documents by staff (per hour, or pro rata)	\$30.00
Cost per photocopy	\$00.20

Fees and charges may be waived if an applicant is considered impecunious or a reduction maybe applied if a concession card is held by the applicant.

Deposits may be required for certain applications. The FOI Officer will notify you if that is the case.

Access to documents can be provided in a number of ways including; physical copies or digital copies, by attending in person to view documents at the City's premises or the provision of transcripts of documents. Applicants attending the City's premises will be supervised by a member of staff. There are fees involved in such attendance and supervision laid down in the FOI Act.

The City may refuse access to a document if it contains exempt matter unless it is practicable for the City to give access to a copy of the document from which the exempt matter has been redacted, and the city considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to a redacted copy.

Schedule 1 of the FOI Act sets out several matters that come within the definition of an exempt matter. Although the following list is not exclusive, it sets out the types of documents that would be considered under the FOI Act to be exempt matters:

- trade secrets, matters of commercial value if disclosure could reasonably be expected to destroy or diminish that commercial value;

- professional, commercial or financial affairs
- of a person;
- law enforcement, public safety and property security or matter prejudicial to such matters;
- a Commissioner of Police report;
- matter is exempt if its disclosure would reveal personal information about an individual (whether living or dead);
- inter-governmental relations;
- deliberative processes of the agency or other governmental agency;
- legally privileged matters; and
- confidential communications.

An applicant who is aggrieved by a decision made by the City have a right to have the decision reviewed by an officer of the City who was not involved in making the decision, although if the decision was made by the City's CEO there is no right to review under Division 5 of the FOI Act.

In order to lodge an internal review, an applicant must lodge an application for review within 30 days after he or she has been given written notice of the decision by the City. This application for an internal review must:

- be in writing;
- explain what part of the decision they wish to have reviewed;
- explain why they want the decision reviewed;
- provide an Australian address to which notices may be sent;
- give any other information or details required under the regulations; and
- lodge the application for review at the City's administration office.

The applicant will be notified of the outcome of the internal review within 15 days of their application being lodged.

Applicants who do not agree with a decision made by the City as a result of an internal review have a right to have the decision reviewed by the **Office of the Information Commissioner**. Applicants should contact the Office of the Information Commissioner for details regarding the process including timelines, how to submit an application etc:

**Office of the Information Commissioner**

Albert Facey House  
469 Wellington Street,  
Perth WA 6000

Office hours: 9:00am to 4:30pm Monday to Friday,  
excluding public holidays

Telephone: 08 6551 7888

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

# Appendix A

## Freedom Of Information Application

**Administration**

Cnr Gilmore Ave &amp; Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966

**Hours** Mon-Fri 8:30am-4:30pm | **Telephone** Mon-Fri 8:00am-5:00pm 08 9439 0200**NRS** 133 677 (hearing/speech impaired) | **TIS National** 131 450 (Translating and Interpreting Service)

customer@kwinana.wa.gov.au | www.kwinana.wa.gov.au

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

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)***FORM OF ACCESS (PLEASE TICK APPROPRIATE BOX)**

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

# Appendix B

## Acts of parliament and associated regulations to which are applicable to the operation and management of the city

Aboriginal Cultural Heritage Act 2021

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Building Act 2011

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Bush Fires Act 1954

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Cat Act 2011

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Criminal Procedure Act 2004

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Dividing Fences Act 1961

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Dog Act 1976

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Emergency Management Act 2005

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Environmental Protection Act 1986

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Evidence Act 1906

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Financial Management Act 2006

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Food Act 2008

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Freedom of Information Act 1992

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Health Act 1911

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Heritage Act 2018

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Litter Act 1979

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Local Government Act 1995

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Metropolitan Region Scheme

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Oaths, Affidavits and Statutory Declarations Act 2005

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Public Sector Management Act 1994

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State Administrative Tribunal Act 2004

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State Records Act 2000

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Strata Titles Act 1985

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Valuation of Land Act 1978

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Work Health and Safety Act 2020

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**Administration**

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[www.kwinana.wa.gov.au](http://www.kwinana.wa.gov.au)

