



**CITY OF  
PERTH**

# Information Statement

## 2023-2024



# Contents

<b>Introduction</b>	<b>4</b>
<b>Structure of the City</b>	<b>5</b>
Organisational Structure	5
Services	6
<b>Functions of the City</b>	<b>8</b>
General Functions	9
Legislative Functions	9
Executive Functions	9
<b>Public Participation</b>	<b>9</b>
Council and Committee Meetings	9
Deputations	10
Elected Members	10
Public Question Time	10
Engage Perth	10
Advertising	10
Development Application advertising	10
Petitions	11
Written Requests	11
<b>Documents Held by the City of Perth</b>	<b>12</b>
Rates Books	12
Building / Development Applications	12
Municipal Heritage Inventory	12
Other Municipal / Town Records	13
City of Perth History Centre Collection	13
<b>Access to Documents: Outside of FOI</b>	<b>13</b>
Access: Documents Published	14
Council Minutes	17
Access: Documents for Inspection	17
Access: Costed Services	17
Specific Document Search	17
Archive Search	18
CCTV Footage	18

Access: Police Officers _____	18
<b>Access to Documents: via FOI _____</b>	<b>19</b>
Right to Access Documents _____	19
Exemption Clauses _____	19
Personal Information _____	19
Business and Commercial Information _____	19
Deliberative Processes of Government _____	19
Legal Professional Privilege _____	20
Lodging Applications _____	20
Time Limits _____	20
Charges _____	21
Lodgement Charges _____	21
Processing Charges _____	21
GST _____	21
Payment of Processing Fees _____	21
Waiver or Reduction of Fees _____	22
Deposits _____	22
Notice of Decision _____	22
Access Arrangements _____	22
Review Process _____	23
FOI Flowchart _____	24
<b>Amending Personal Information _____</b>	<b>25</b>

*The City of Perth acknowledges the Whadjuk Nyoongar people as the Traditional Custodians of the lands and waters where Perth City is situated and pays its respects to Elders past, present and future.*

# Introduction

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

Part 5 of the FOI Act requires the City of Perth (the City) to prepare and publish an annual Information Statement. The Information Statement must:

- State the structure and functions of the City;
- Describe the ways in which functions of the City affect members of the public;
- Describe arrangements that exist to allow members of the public to participate in the formulation of the City's policy and performance of the City's functions;
- Describe the type of documents usually held by the City;
- Describe the arrangements for giving members of the public access to documents; and
- Describe the arrangements for amending personal information.

This document has been created to comply with this requirement, and is correct as at 26 October 2023.

The City's Information Statement is published on the City's website at:

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

This document can be provided in alternative formats upon request.

Further information can be provided, between Mondays and Fridays, by contacting the FOI Coordinator via:

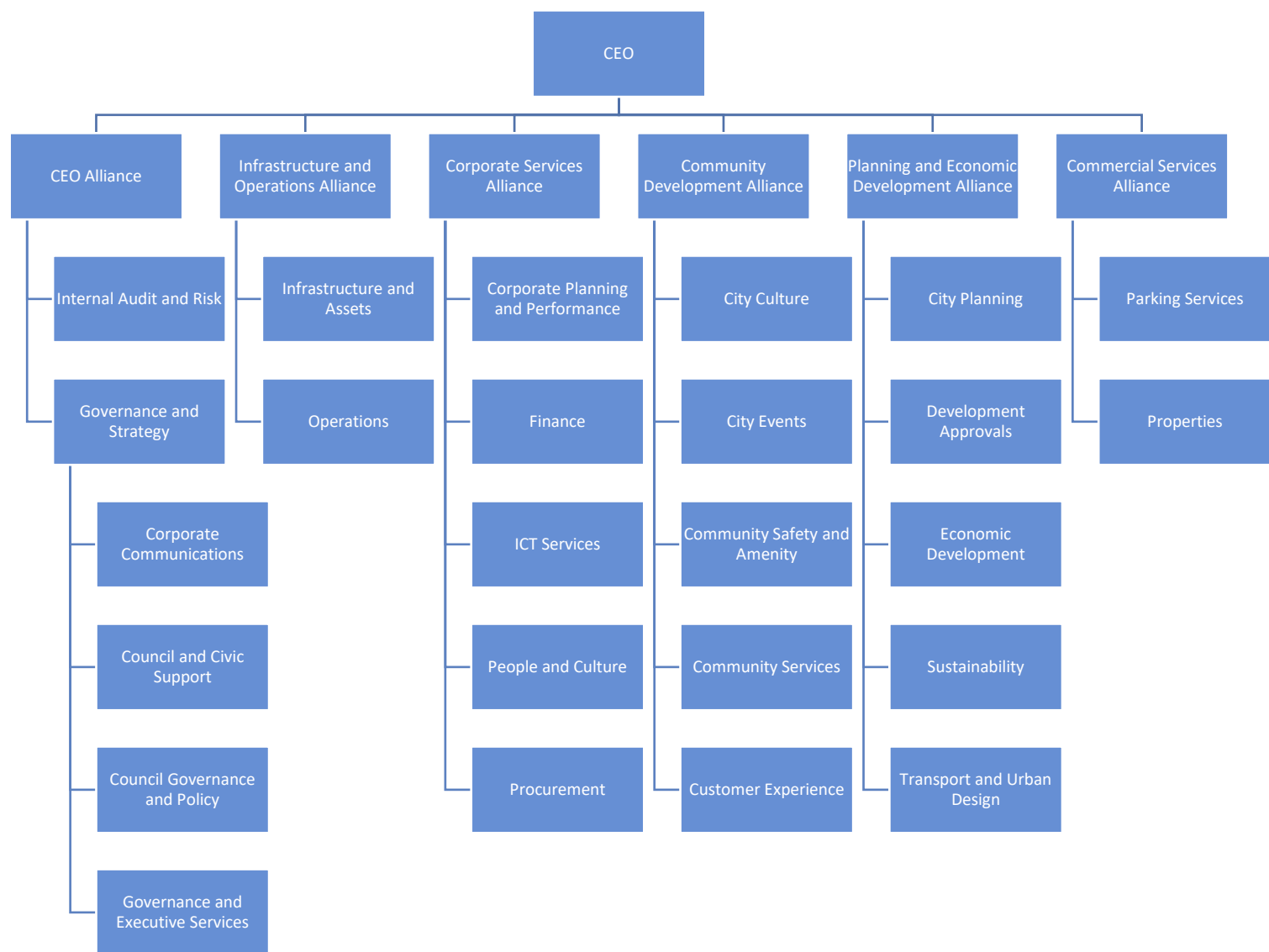
Phone: (08) 9461 3428

Email: [foi@cityofperth.wa.gov.au](mailto:foi@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 the Executive and staff, act on the Council's decisions by developing and putting into practice Council policies and resolutions.

## Organisational Structure



Correct as at 26 October 2023

# Services

CEO Alliance	
CEO Office	Internal Audit and Risk
Governance and Strategy	Communications and Marketing Council Governance and Policy Council and Civic Support Executive Services LMDRF Coordination
Commercial Services Alliance	
Parking Services	Off Street Parking On Street Parking Parking Compliance
Properties	Commercial Property Management Facility Maintenance
Community Development Alliance	
City Culture	Cultural Heritage Services Library and Lifelong Learning Town Hall Management Park Weddings Management
City Events	Activity Approvals Events Management Partnerships Sponsorship and Grants
Community Safety and Amenity	Community Health Community Safety Crime Prevention Emergency Management Ranger Services Surveillance Services
Community Services	Community Development and Projects Community Support Services
Customer Experience	Visitor Services Community and Stakeholder Management Customer Relationship Management



## Corporate Services Alliance

Corporate Services Alliance Office

Procurement

Corporate Planning and Performance

Corporate Governance  
City Records  
Planning and Project Management

Finance

Strategic Finance  
Transactional Finance

ICT Services

Business Partnership and Intelligence  
Digital Development and System Operations  
ICT Security and Technology Infrastructure  
ICT Strategy, Governance & Enterprise Architecture  
Service and Support

People and Culture (Human Resources)

Employee Relations  
Learning & Development  
Payroll  
Recruitment  
Strategic HR Management  
Work Health and Safety

## Infrastructure and Operations Alliance

Infrastructure and Assets

Asset Management  
    Asset Performance Management  
    Strategic Asset Planning  
Civil Maintenance  
Engineering & Buildings Design  
Project Delivery

Operations

Fleet & Depot Services  
    Depot Workshop Operations  
    Fleet Acquisition & Management  
    Mechanical Services  
    Stores/Materials Acquisitions and Stock Control  
Parks & Environment Operations  
    Environmental Monitoring (Flora & Fauna)  
    Parks & Reserves Maintenance  
    Planning  
    Urban Forest/Street Tree Management  
    Water Body/Lake Management  
Waste & Cleaning  
    Graffiti Management  
    Recycling and Container Deposit Scheme  
    Street Cleaning  
    Waste Business Development  
    Waste Collection

## Planning and Economic Development Alliance

Planning and Economic Development Office	Architectural Services
City Planning	Urban Strategy & Policy Planning Schemes & Planning Policy Neighbouring Planning & Renewal Heritage Planning City Research
Development Approvals	Building Approvals & Compliance Development Assessment & Compliance
Economic Development	Business Development / Support Economic Modelling & Analysis International Engagement Investment & Attraction Sector Development
Sustainability	Carbon Management and Climate Leadership Sustainability in Operations Community Support for Sustainability Organisation Capacity-Building for Sustainability Alignment of the City with State and Federal Directions on Sustainability
Transport and Urban Design	Public Realm Concept Design Traffic Management Approvals Transport Planning
Transport and Urban Design	Public Realm Concept Design Traffic Management Approvals Transport Planning

## Functions of the City

The City incorporates neighbourhoods identified as Central Perth, Claisebrook, Crawley-Nedlands, East Perth, Northbridge and West Perth.

Local governments operate within a framework of delegated legislation, including orders and proclamations made by the Governor, by-laws, regulations and ordinances made by other statutory authorities.

The functions of the City 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 (LG Act) and other legislation that provide the powers and directions for local government.

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

Under the LG Act, the City has general, legislative and executive functions:



# General Functions

## Section 3.1

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

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

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 relating to, performing its functions.

# Public Participation

Members of the public have several 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 and Committee Meetings

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

Refer to <https://www.perth.wa.gov.au/council/council-meetings>

The Council has established several Committees to support the operations of the Council:

- Audit & Risk Committee
- CEO Performance Review Committee

The City of Perth Committee has also been established pursuant to the *City of Perth Act* to facilitate collaboration between the State and City of Perth.

Refer to <https://www.perth.wa.gov.au/council/our-committees>

## Deputations

In accordance with the 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.

Refer to <https://www.perth.wa.gov.au/council/council-meetings> for information on Deputations.

## Elected Members

Members of the public can contact the City's Elected Members to discuss any issue relevant to the Council.

## Public Question Time

Members of the public can 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.

Refer to <https://perth.wa.gov.au/en/forms-and-payments/council-and-citizenship/public-question-time-request-submission>

## Engage Perth

Members of the public can have their say on any of the projects listed on the Engage Perth website, including involvement in consultation for the City's Strategic Community Plan.

Refer to <https://engage.perth.wa.gov.au/>

## Advertising

Residents may be notified of issues by advertising in the local newspaper, written notification or an on-site sign. Residents have the right 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.

Refer to <https://perth.wa.gov.au/en/building-and-planning/planning-and-building-applications/advertised-planning-applications>

# Petitions

Written petitions can be presented to the Council on any issue within the Council's jurisdiction.  
Refer to <https://perth.wa.gov.au/en/forms-and-payments/council-and-citizenship/petition-to-council-or-a-committee-submission>

# Written Requests

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

Contact can be:

- Email            info@cityofperth.wa.gov.au
- Website        <https://perth.wa.gov.au/contact>
- Surface Mail   GPO Box C120, Perth WA 6839
- Telephone      (08) 9461 3333

# Documents Held by the City of Perth

## Rates Books

Currently City 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.

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

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 has a vast record of drawings and plans of buildings within the City area. These drawings and plans may be requested via an Archive Plan Search and 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.

Information about the year of construction, builder details and cost of construction can be obtained via a Specific Document Search.

Access to this information is available subject to the consent of the current owner of the property. 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 is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the City 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 via the City's website.

## Other Municipal / Town Records

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.

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, applications should be lodged with Towns / City of Vincent directly.

In 2015, a further boundary change occurred with a portion of Subiaco being incorporated into the City.

For access 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.

For access to records that relate to properties or assets falling within the boundary change from 1 July 2016, applications should be lodged with the City.

## City of Perth History Centre Collection

The History Centre Collection contains materials which relate to the history and development of the City of Perth municipal area, including microfiche of Rates Books from 1880 to 1946. The History Centre is located within the City of Perth Library and access is free of charge. The History Centre holds a reference collection and ensures that materials are available. Some materials may be restricted for conservation or preservation reasons.

Refer to <https://www.visitperth.com.au/see-and-do/educational-attractions/Venues/city-of-perth-history-centre>

## Access to Documents: Outside of FOI

Availability of information is subject to provisions established in legislation such as the FOI Act and LG Act. Access 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 relevant legislation.

Information is made available through a range of mediums including public statements, news releases, the City's 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.

## Access: Documents Published

Documents the City has published (physically or digitally) are available for access outside of the FOI process. As the Legal Deposit Act 2012 requires the City to deposit copies of certain published material with the State Librarian, many City publications can be accessed through the State Library.

Document Description	Website Address
<b>Agendas (Council / Committee)</b> Notice papers and agendas relating to council and committee meetings that have been tabled or produced by the local government and presented at a council or committee meeting (2015-current).	<a href="https://www.perth.wa.gov.au/council/council-meetings">https://www.perth.wa.gov.au/council/council-meetings</a>
<b>Annual Budget</b>	<a href="https://perth.wa.gov.au/council/reports-and-important-documents">https://perth.wa.gov.au/council/reports-and-important-documents</a> - click on <i>Annual Budget</i>
<b>Annual Financial Statements</b>	<a href="https://perth.wa.gov.au/council/reports-and-important-documents">https://perth.wa.gov.au/council/reports-and-important-documents</a> - click on <i>Annual Reports (incorporated in this report)</i>
<b>Annual Report</b>	<a href="https://perth.wa.gov.au/council/reports-and-important-documents">https://perth.wa.gov.au/council/reports-and-important-documents</a> - click on <i>Annual Reports</i>
<b>Annual Returns</b> <i>Limitation:</i> Section 5.88(3) of the LG Act requires that Returns are removed as soon as possible once a person stops being a 'relevant person' (designated employee or Elected Member). Furthermore, the Local Government Operational Guidelines states that "Returns removed from the register will not be available for public inspection under this section of the Act".	<a href="https://perth.wa.gov.au/en/council/transparency-and-accountability/primary-returns-and-annual-returns">https://perth.wa.gov.au/en/council/transparency-and-accountability/primary-returns-and-annual-returns</a>
<b>Candidate Profiles</b>	<a href="https://perth.wa.gov.au/council/elections">https://perth.wa.gov.au/council/elections</a> (available until 6pm on Election Day)
<b>City Planning Schemes</b> Providing for controls on land use and development	<a href="https://perth.wa.gov.au/building-and-planning/planning-framework/planning-schemes">https://perth.wa.gov.au/building-and-planning/planning-framework/planning-schemes</a>
<b>Code of Conduct</b> For Council and Committee members	<a href="https://www.perth.wa.gov.au/council/transparency-and-accountability/code-of-conduct">https://www.perth.wa.gov.au/council/transparency-and-accountability/code-of-conduct</a> - click on <i>Policy 10.1</i>
<b>Corporate Asset Management Plan</b>	<a href="https://perth.wa.gov.au/en/council/reports-and-important-documents">https://perth.wa.gov.au/en/council/reports-and-important-documents</a> - click on <i>Plans</i>
<b>Corporate Business Plan</b>	<a href="https://perth.wa.gov.au/en/council/vision-and-strategy">https://perth.wa.gov.au/en/council/vision-and-strategy</a>

<b>Council Policies</b>	<a href="https://perth.wa.gov.au/en/council/reports-and-important-documents/policies">https://perth.wa.gov.au/en/council/reports-and-important-documents/policies</a>
<b>Delegated Authority Register</b>	<a href="https://perth.wa.gov.au/en/council/reports-and-important-documents">https://perth.wa.gov.au/en/council/reports-and-important-documents</a> - click on <i>Registers and Authorisations</i>
<b>Differential Rates</b> Objects and reasons for the imposition of differential rates	<a href="https://www.perth.wa.gov.au/live-and-work/residents/rates-and-payments">https://www.perth.wa.gov.au/live-and-work/residents/rates-and-payments</a> - click on <i>Objects of Differential Rates</i>
<b>Disability Access &amp; Inclusion Plan</b>	<a href="https://perth.wa.gov.au/en/live-and-work/community-services-and-facilities/access-and-inclusion">https://perth.wa.gov.au/en/live-and-work/community-services-and-facilities/access-and-inclusion</a>
<b>District Map</b> Map of the district (which includes ward boundaries)	<a href="https://perth.wa.gov.au/building-and-planning/planning-and-building-applications/mapping">https://perth.wa.gov.au/building-and-planning/planning-and-building-applications/mapping</a>
<b>Fees &amp; Charges</b> List of fees and charges under section 6.16 of the LG Act	<a href="https://perth.wa.gov.au/council/reports-and-important-documents">https://perth.wa.gov.au/council/reports-and-important-documents</a> - click on <i>Other (Fees and Charges)</i>
<b>Financial Interests Register</b> Register of financial interests	<a href="https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers">https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers</a> - click on <i>Declared Interests Register</i>
<b>Future Plans</b> Plans, for the future of the district, made under section 5.56 of the LG Act	<a href="https://www.perth.wa.gov.au/council/vision-and-strategy">https://www.perth.wa.gov.au/council/vision-and-strategy</a>
<b>Gifts Register</b>	<a href="https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers">https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers</a> - click on <i>Gift Register</i>  <i>Limitations:</i> It should be noted that s5.89A(6) of the LG Act requires that gift declarations are removed as soon as possible once a person stops being a 'relevant person' (designated employee or Elected Member). s5.89A(7) of the LG Act clarifies that for at least five (5) years after a person stops being a 'relevant person' that information is still to be made available to the public for inspection. Therefore, up to 5 years after removal from the Gift Register access will be publicly available.
<b>Information Statement (this document)</b>	<a href="https://perth.wa.gov.au/en/council/transparency-and-accountability/freedom-of-information">https://perth.wa.gov.au/en/council/transparency-and-accountability/freedom-of-information</a>
<b>Local Laws</b> Proposed and current local laws	<a href="https://www.perth.wa.gov.au/council/reports-and-important-documents/local-laws">https://www.perth.wa.gov.au/council/reports-and-important-documents/local-laws</a>
<b>Long Term Financial Plan</b>	<a href="https://perth.wa.gov.au/en/council/vision-and-strategy">https://perth.wa.gov.au/en/council/vision-and-strategy</a>
<b>Minor Breaches</b> Register of complaints of minor breach compiled under section 5.121 of LG Act	<a href="https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers">https://www.perth.wa.gov.au/council/transparency-and-accountability/elected-members-registers</a> - click on <i>Register of Complaints of Minor Breaches</i>



<b>Minutes (Council / Committee)</b> Confirmed Council and Committee meeting minutes (2015 - current)	<a href="https://www.perth.wa.gov.au/council/council-meetings">https://www.perth.wa.gov.au/council/council-meetings</a>
<b>Minutes AGM</b> Minutes of annual Electors' meetings	<a href="https://perth.wa.gov.au/council/council-meetings">https://perth.wa.gov.au/council/council-meetings</a>
<b>Planning Policy</b> All approved policy documents that govern an assessment of an application	<a href="https://perth.wa.gov.au/en/building-and-planning/planning-framework">https://perth.wa.gov.au/en/building-and-planning/planning-framework</a>
<b>Professional Development Register</b> All mandatory and voluntary professional development undertaken by Elected Members. Updated quarterly.	<a href="https://perth.wa.gov.au/en/council/transparency-and-accountability/elected-members-registers">https://perth.wa.gov.au/en/council/transparency-and-accountability/elected-members-registers</a>
<b>Public Notices</b>	<a href="https://www.perth.wa.gov.au/news-and-updates/public-notice">https://www.perth.wa.gov.au/news-and-updates/public-notice</a>
<b>Schedule of Meetings (Council / Committee)</b> Up-to-date schedule of meetings upcoming Council and committee meetings	<a href="https://www.perth.wa.gov.au/council/council-meetings">https://www.perth.wa.gov.au/council/council-meetings</a>
<b>Strategic Community Plan</b>	<a href="https://perth.wa.gov.au/en/council/vision-and-strategy">https://perth.wa.gov.au/en/council/vision-and-strategy</a>
<b>Tender Register</b> (from mid-2021)	<a href="https://perth.wa.gov.au/council/work-with-us/tenders-and-expressions-of-interest/tender-register">https://perth.wa.gov.au/council/work-with-us/tenders-and-expressions-of-interest/tender-register</a>

## Council Minutes

Council and Committee Minutes are available for free inspection at the City's offices and library, by appointment. Minutes and Agendas dated after 2015 are available on the City's website. However, for access to Council and Committee meeting minutes and agendas prior to 2015, please contact the City directly at [info@cityofperth.wa.gov.au](mailto:info@cityofperth.wa.gov.au). Electronic copies will be provided at no cost. Photocopies may incur a charge.

Date Range	Format	Availability
1890 to August 1987	Hard copy	State Records Office
1988 to 2016	Hard copy	City of Perth offices
1990 to 2014	Electronic copy	Available upon request
2015 to current	Electronic copy	City's website <a href="https://perth.wa.gov.au/en/council/council-meetings">https://perth.wa.gov.au/en/council/council-meetings</a>

## Access: Documents for Inspection

The following information is available for inspection upon request:

Document Description
Debentures Register
Electoral Roll (Owner and Occupiers or Consolidated Roll)
Rates records
Public Notices (removed from City's website)
Tender Register (prior to mid-2021)
Workforce Plan

## Access: Costed Services

### Specific Document Search

Requests such as the age of a building, the year of approval, construction costs, builder's details, copies of building permit or planning approvals can, in most cases, be answered by requesting a Specific Document Search.

Refer to <https://www.perth.wa.gov.au/forms-and-payments/building-planning-and-development/property-enquiries/specific-document-search> for further details.

## Archive Search

As the current property owner, or with written authorisation from the current property owner, an Archive Search can be requested for plans/specifications only. No other documentation is included, and there are associated Fees and Charges.

Refer to <https://www.perth.wa.gov.au/forms-and-payments/building-planning-and-development/property-enquiries/archive-plan-search> for further details.

## CCTV Footage

The City has many initiatives which aim to keep people safe, and minimise crime and damage. One such initiative, is the use of a CCTV surveillance system.

The City's CCTV Code of Practice allows for footage to be released to:

- Police (for investigation and/or prosecution);
- Lawyers/Solicitors (for legal defence of their client);
- Members of the Public (defending themselves in court).

Refer to <https://www.perth.wa.gov.au/live-and-work/community-services-and-facilities/security-and-surveillance> for details regarding access requests and Fees and Charges.

## Access: Police Officers

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

- Upon production of the Certificate of Authority (Warrant Card) of the Police Officer concerned; and/or
- With the written advice from the Police Officer concerned verifying the documents 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.

# Access to Documents: via FOI

## Right to Access Documents

The 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.

## Exemption Clauses

While the FOI Act provides a general right of access to documents, it also recognises some documents require a level of protection. Schedule 1 of the FOI Act cites relevant Exemption Clauses.

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 section 5.95 (8) of the LG Act.

### Business and 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 Processes of Government

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 section 5.23 of the LG Act.

## Legal Professional Privilege

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

## Lodging Applications

The City's FOI Application form is available at <https://perth.wa.gov.au/en/council/transparency-and-accountability/freedom-of-information>

It is not mandatory to complete this form, so long as the following conditions are met:

- The request 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, along with any applicable fee payable.

Please note, proof of identity may be required.

If access to documents is sought on behalf of another person, the City requires written authorisation from that person.

The City will consider the application officially lodged when the application fee has been paid and both parties agree on a manageable scope.

### **FOI applications can be lodged by:**

Mail:                      FOI Coordinator – City of Perth  
                                    GPO Box C120, PERTH WA 6839

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

## Time Limits

- A Notice of Decision must be issued within 45 days from when the application was lodged with an agency. 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

Fees and charges are set under the Freedom of Information Regulations 1993 (WA) (FOI Regulations).

## Lodgement Charges

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

## Processing 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 |

A 25% deposit may be requested in the case of final processing fees, if the total cost is expected to be over \$25.00 in total.

## 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.

## Payment of Processing Fees

Processing fees are incurred for the time spent reaching an access decision and writing a Notice of Decision. The Notice of Decision will outline the incurred processing fees. Once a Notice has been issued, the City requires full payment of any processing fees.

**If there are Sourced Documents:**

Payment is required prior to sourced documents being released.

**If there are no Sourced Documents:**

Prior to the City issuing of a Notice of Decision, if the Applicant has been advised that documents do not exist and they elect to withdraw their application, no processing fees will be incurred.

Prior to the City issuing of a Notice of Decision, if the Applicant has been advised that documents do not exist and they elect to continue with their application, processing fees will still be payable.

## Waiver or Reduction of Fees

Under section 3 of the FOI Regulations, fees may be reduced where the Applicant is:

- impecunious, or
- the holder of a valid pensioner concession card.

The reduction or waiver of fees only applies to associated processing costs, not the original application fee (if applying for non-personal information).

### **Impecunious**

The FOI Act does not specify what constitutes being “impecunious”, leaving this at the discretion of agencies. The City requires such a claim be supported by written evidence (e.g. letter from Centrelink).

### **Pensioner Concession**

The City requires that the Pensioner Concession Card be sighted upon request. If the Applicant holds a currently valid pensioner concession card, the charge payable is reduced by 25%.

## Deposits

Under section 17 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. This is in accordance with section 6 of the FOI Regulations.

## 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 documents are 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.

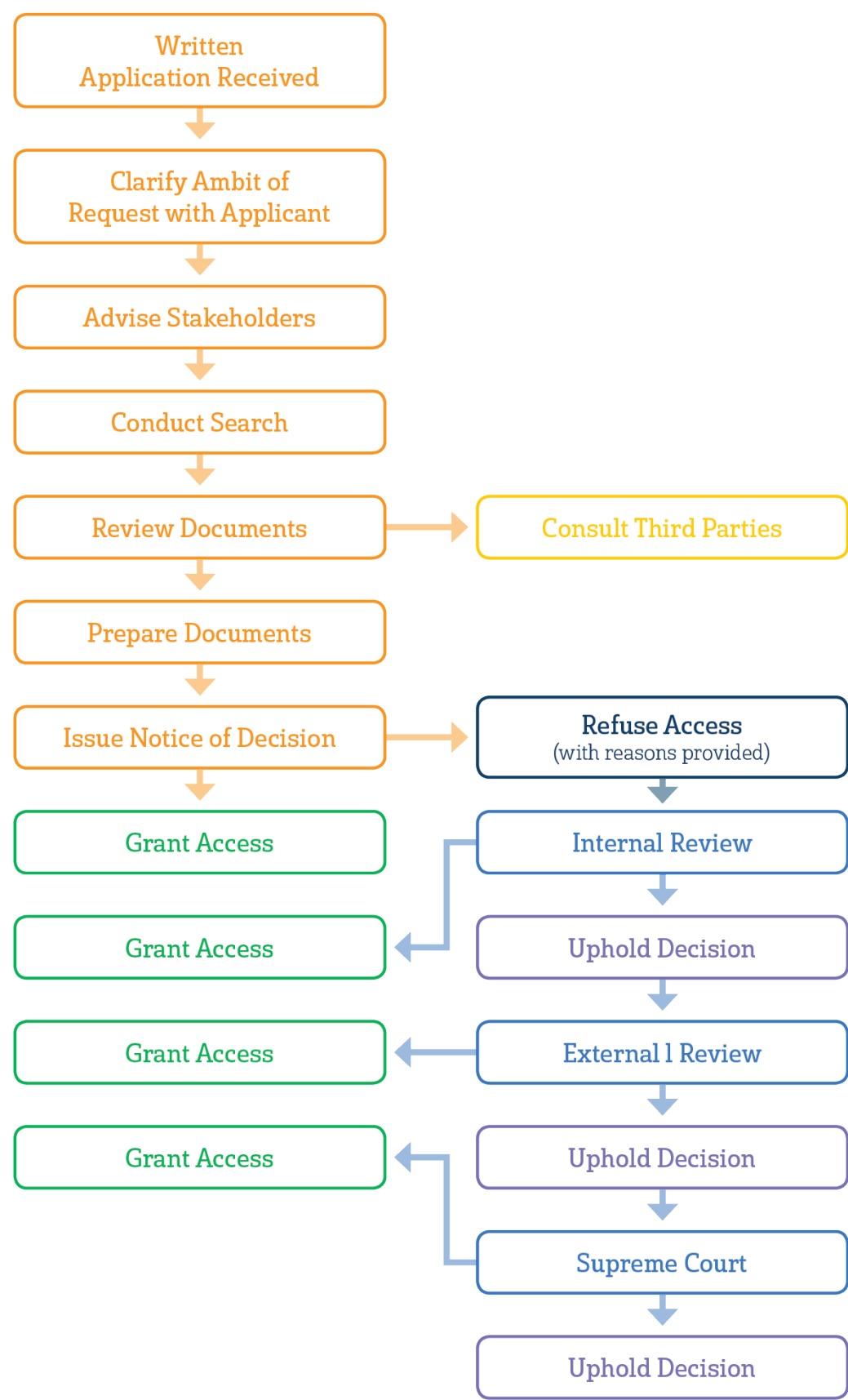


## Review Process

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 for charges.

# FOI Flowchart



# 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.