



City of Canning  
Freedom of  
Information Statement  
November 2021

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## **1. INTRODUCTION**

The *Freedom of Information Act 1992* Part 5 requires each Government Agency to prepare and publish an Information Statement which clearly outlines to the public, information about its operation with as much detail as possible. The information statement document and any internal manuals must be made available for inspection or purchase by the public if required.

The Information Statement can be prepared as a standalone document or detailed in the Agencies Annual Report.

It is a requirement to review the Information Statement every 12 months and notify the Information Commissioner accordingly.

The Information Statement must set out:

- a) The Agency's Mission Statement.
- b) Details of legislation administered.
- c) Details of the Agency structure.
- d) Details of decision making functions.
- e) Opportunities for public participation in the formulation of policy and performance of Agency functions.
- f) Documents held by the Agency.
- g) The operation of FOI in the Agency.

This document therefore constitutes the City of Canning's Information Statement, copies of which are available from the City's Freedom of Information Coordinator at the City of Canning Administration Centre 1317 Albany Highway, Cannington, Western Australia, 1300 422 664 Monday to Friday or by email at [customer@canning.wa.gov.au](mailto:customer@canning.wa.gov.au) or from the City of Canning website [www.canning.wa.gov.au](http://www.canning.wa.gov.au)

## **2. HISTORY AND LOCAL INFORMATION**

### **2.1 History**

The Canning area was settled in the early days of the Western Australian colony, with the first land grants being made in 1829. In 1871, the Canning Road District was proclaimed in the *District Roads Act 1871*. The boundary of the district was from the junction of the Canning/Swan Rivers in a northerly direction, to mid-way between Midland and Middle Swan; then in a westerly direction to the lakes; then in a southerly direction to Mount Dale; then in an easterly direction to Roleystone/Kelmscott; then in a north easterly direction to Bull Creek. The district encompassed the existing local authorities of Canning, Victoria Park, Belmont, Gosnells, Kalamunda, Mundaring, South Perth, Canning/Kelmscott and a portion of the Shire of Swan.

To express its philosophy, the new local authority adopted the motto 'Above All Service'.

In 1907, the Canning Road District was abolished and the Queens Park Municipal District and Gosnells Road District were established, with large sections of the original district being transferred to the Belmont and Darling Road Districts. The Queens Park Municipality changed its name on 17 June 1921 to the Canning District Road District. In 1961, with the proclamation of the new *Local Government Act 1960* on 12 July 1961, the Canning Road District became the Shire of Canning. As part of the Centenary of Local Government Celebrations on 25 January 1971, the Shire of Canning became the Town of Canning, with Mr Ernest Clark JP, becoming the first Mayor.

On 10 March 1979, as part of Western Australia's 150 Years Anniversary Celebrations, the Town of Canning became the City of Canning.

## 2.2 Current Facts

<b>Area</b>	65.4 square kilometers
<b>Population</b>	94,130(estimated)
<b>Number of Electors</b>	55,976 (estimated)
<b>Residential Ratable Dwellings</b>	34,989
<b>Areas of Public Parklands and Conservation Reserves</b>	450 hectares (estimated)
<b>Locality &amp; Suburbs</b>	16
	<i>Bentley (part); Cannington; Canning Vale (part); East Cannington; Ferndale; Leeming (part); Lynwood; Parkwood; Queens Park; Riverton; Rossmoyne; Shelley; St James (part); Welshpool; Willetton; Wilson.</i>
<b>Libraries</b>	4 (Bentley, Cannington, Riverton, Willetton)
<b>Schools</b>	22 Primary and Pre-Primary Schools, 5 High Schools, 5 Colleges, 1 purpose built school and 3 education support centres
<b>Length of Roads</b>	585 kilometers (estimated)
<b>Rates Revenue</b>	\$118 million (estimated)
<b>Gross Regional Product</b>	\$11.2 billion (estimated)
<b>Local Events</b>	Canning Show; Australia Day Celebrations; WA Day Celebrations; Canning Art Award; Pioneer's Afternoon Tea; Christmas Carol Events; New Year's Day, Anzac Day Morning tea, Community Concert and Fireworks; Regular Concerts; Worm Farming; The season of kambarang; Insect Walk and Biodiversity events.

## 3. VISION AND OBJECTIVES

### 3.1 Vision Statement and Goals:

*'Canning, a welcoming and thriving City'.*

#### **Our City: Our Future**

The goals contain aspirations and objectives with performance measures which help to evaluate our progress in realising our vision. Individual business plans have accompanying key performance measures aligned to their services:

- CONNECT – an inclusive, safe and vibrant community.
- GROW – natural areas where people and wildlife flourish.
- BUILD – accessible, pleasing urban spaces that are fit-for purpose.
- PROSPER – a thriving local economy.
- LEAD – accountable, responsible and forward-thinking administration.

### **3.2 Our values:**

- AUTHENTIC
- RESILIENT
- CREATIVE
- COLLABORATIVE

### **3.3 Objectives**

Specific objectives are detailed within the Council's Strategic Community Plan and supporting Integrated Planning and Reporting documentation.

The majority of the challenges and strategies contained within this Plan are incorporated within the Business Plans for each service unit, and the Annual Performance Reviews relating to every employee of the City to ensure achievement.

The City Balanced Scorecard system measures the output, efficiency and effectiveness of the City in fulfilling its strategic objectives.

## **4. DECISION MAKING**

### **4.1 Council Structure**

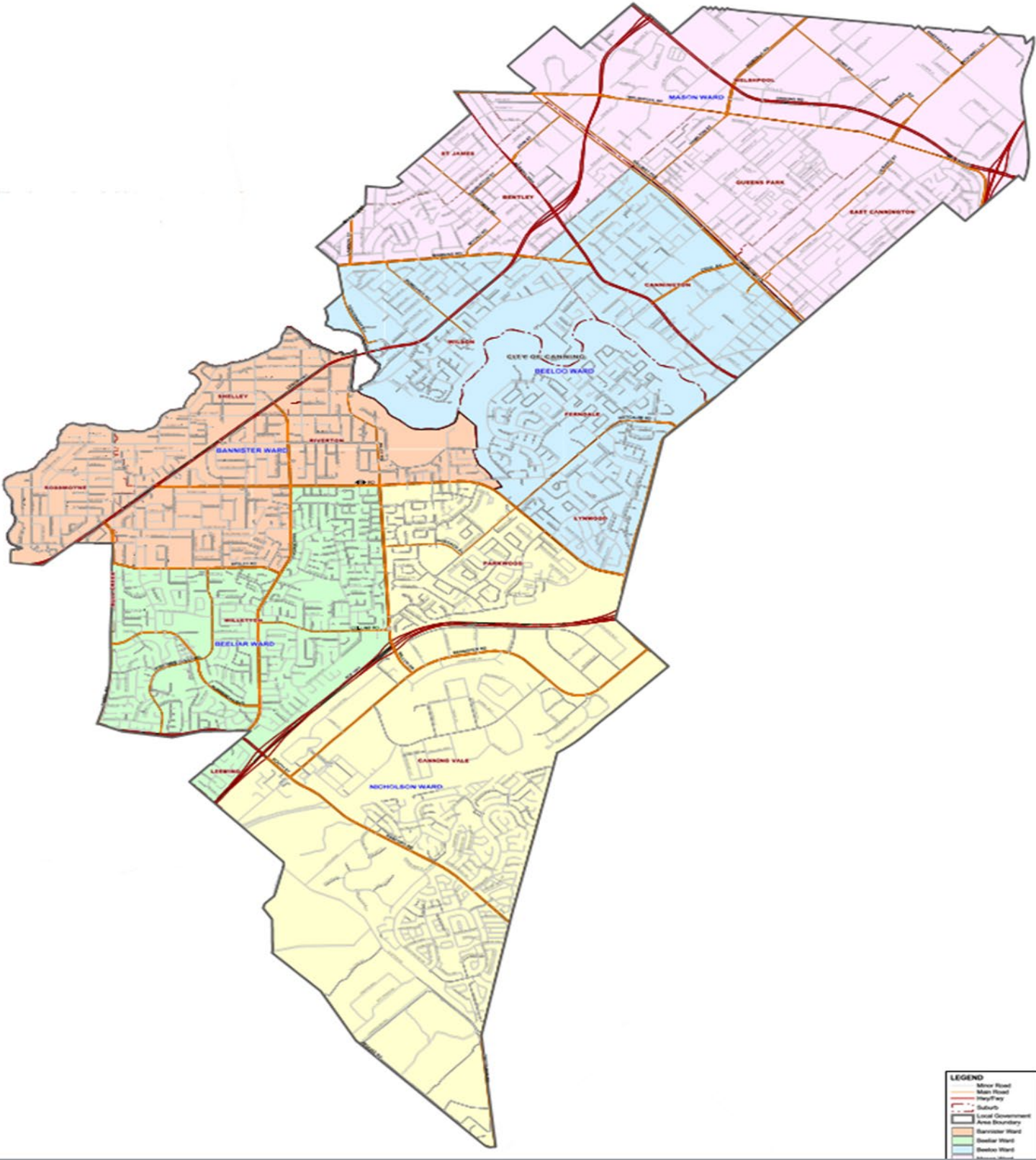
The City is a Local Government authority constituted by the *Local Government Act 1995* ('the Act'). This Act and associated regulations set out many of the rules that govern the operations of the Council. In accordance with the Act, Council's role is to:

- Direct and control the Local Government's affairs.
- Be responsible for the performance of the Local Government's functions.
- Oversee the allocation of finances and resources.
- Determine Policy.

*The Local Government Act 1995* also grants Council the authority to delegate certain decision making functions to Committees or to the Chief Executive Officer ('CEO'). These delegations are available for inspection at the City's Administration Centre.

The Council is an Elected Body comprising 11 Elected Members, each elected for a four year term and representing one of five wards. The Mayor is elected by electors/residents for a four year term.

Figure 1 - Ward Map - City of Canning



## 4.2 Committees of Council

### Audit and Risk Committee

The Audit and Risk Committee role, in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*, is to provide guidance and assistance to the Local Government regarding:

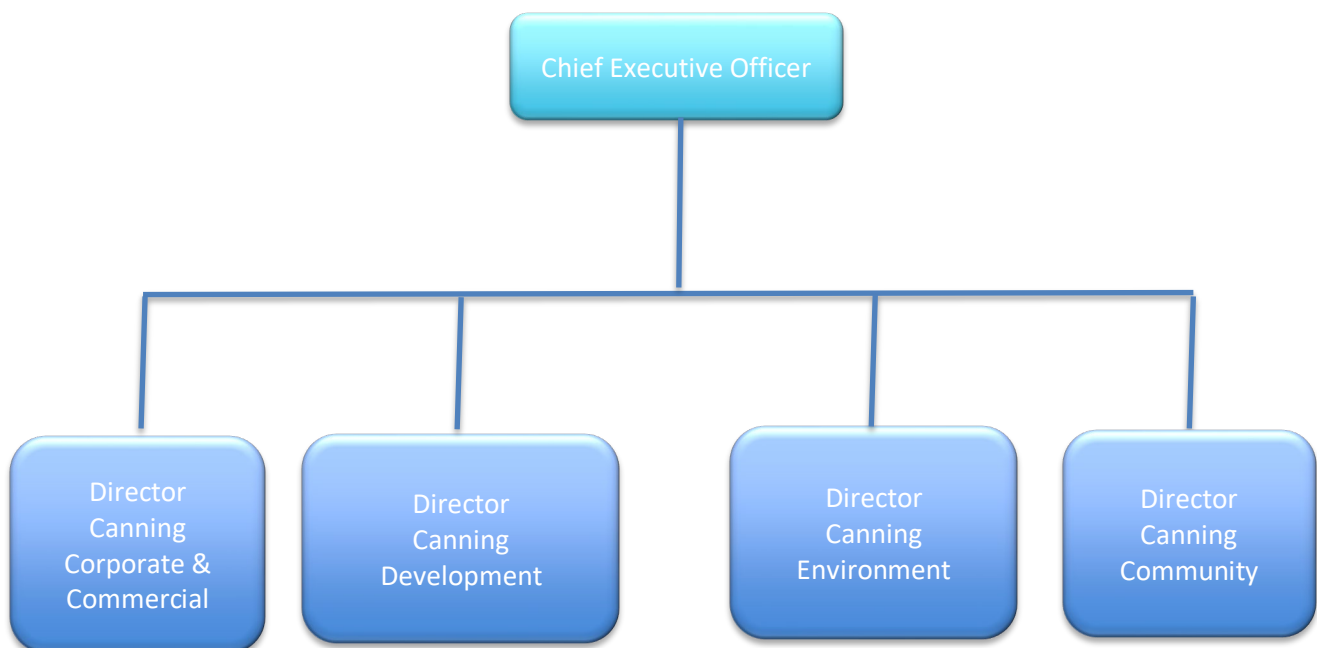
- a) The matters to be audited;
- b) The scope of audits; and
- c) Financial, risk and compliance management functions as prescribed in the *Local Government Act 1995*; as well as
- d) Other matters specified in the Terms of Reference.

### Chief Executive Officer Performance and Salary Review Committee

The CEO Performance and Salary Review Committee undertakes the probationary and annual performance and salary review of the City's Chief Executive Officer, in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

## 4.3 Management Structure

The CEO reports directly to Council, and advises on matters related to the functions of the *Local Government Act 1995* and any other written law. The CEO also ensures current and relevant information is available to Council to assist them to make informed decisions. In liaison with the Mayor, the CEO may speak on behalf of Council to the community.



The CEO is also responsible for managing the day to day operations of the Local Government, and due to the very broad areas of responsibility, four Directors assist.



#### 4.4 Executive Areas of Responsibility

<b>OFFICE OF THE CHIEF EXECUTIVE OFFICER</b>	
Legal Services and General Counsel	Stakeholder Relations, Customer & Communications
Civic Functions	Councillor Liaison
Leadership and Management	Strategic Positioning
<b>CANNING CORPORATE AND COMMERCIAL</b>	
<b>CONNECT CANNING</b>	<b>BUSINESS CANNING</b>
Business Systems – Digital	Accounts
Customer Service	Asset Management
Geographic Information Services	Debt Recovery
Information and Communication Technology - Digital	Finance
Information Management	Insurance
Recreation Bookings	Leisure Services
Retention and Disposal	Payroll
	Rates
<b>GOVERNANCE</b>	Revenue
Assurance	Special Projects
Contracts and Procurement	
Governance and Compliance	<b>Innovation</b>
Risk Management	People, Performance & Innovation
	Human Resources, Injury Management and Well-being, Learning and Development, Organisational Development, Talent
<b>LAND UTILISATION</b>	<b>ONECOUNCIL</b>
Land Utilisation	
Tenancy	
<b>CANNING DEVELOPMENT</b>	
<b>CLEAN CANNING</b>	<b>BUILD CANNING</b>
Fleet Management	Design
Facilities Maintenance	Contract Management
Building Operations	Transport Engineering
Transfer Station	Project Construction
	Building services
<b>SAFE CANNING</b>	
Ranger and Community Services	<b>HEALTHY CANNING</b>
Emergency Management	
	<b>LIVEABLE CANNING</b>
<b>ORGANISATION STRATEGY AND PROJECTS</b>	Statutory Planning
Strategic Reporting Timetable	Strategic Planning
The Canning Standard for Strategies	
<b>CANNING ENVIRONMENT</b>	
<b>PARKS AND PLACE IMPROVEMENT CANNING</b>	<b>TRANSFORM CANNING</b>
Natural Area Management and Conservation	Technical Engineer
Landscape Operations	Strategic Projects Engineer
Parks Operations	
Weed and Pest Control	
Playgrounds and Irrigation	
Streetscapes	
Arboriculture	
<b>Asset Management</b>	
Capital Planning and investment	
Enterprise asset management	
Asset Accounting	

Project Budgeting	
Mobile Asset Management	
Strategic Asset Management	
<b>CANNING COMMUNITY</b>	
<b>CANNING LODGE</b> Aged Care facility	

## **5. PUBLIC PARTICIPATION**

### **5.1 Council Meetings**

The City's Ordinary Council Meetings ('OCMs') occurs monthly and consists of two parts. An Agenda Briefing ('AB') is held on the week before the OCM where Elected Members seek clarification and ask questions on items listed on the OCM Agenda and City Officers' may present information. Both ABs and OCMs are held in the City's Administration Centre. For up to date information about the date and time of meetings please contact the City's Administration Centre on 1300 422 664 or view the City website <https://www.canning.wa.gov.au/about-us/council-business/your-councillors/council-meetings>

### **5.2 Presenting Issues to Council**

There are a number of options available for the community to present issues to Council for consideration. These options include the following:

#### **5.2.1 Deputations**

Any persons wishing to make a Deputation shall request approval from the CEO, setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail, to enable the Council to have a general understanding of the purpose of the Deputation. Clause 4.9 of the City of Canning *Standing Orders Local Law 2015* relates.

Deputations shall consist of two persons who may address the Council for a maximum of 10 minutes.

#### **5.2.2 Public Question Time**

Members of the public are permitted to ask questions at every AB and OCM and Special Council Meetings that are open to the public, however it is preferable for questions to be presented to the Chief Executive Officer in writing, prior to the start of the meeting. Questions at an AB or Special Council meeting must refer to those items on the Agenda for that meeting; however questions at the OCM can be on any matter relating to the City. For further information refer to clause 4.5 City of Canning *Standing Orders Local Law 2015* and Policy AD.02 – Question Time at Council Meetings.

#### **5.2.3 Petitions**

A Petition may be presented to Council. The subject matter may be on any issue within Council's jurisdiction. Petitions are to be submitted on the petition form or through the City's online ePetition. The Petition Form can be viewed on the City's website <https://www.canning.wa.gov.au/about-us/council-business/your-councillors/petition>. For further information refer to clause 4.7 City of Canning *Standing Orders Local Law 2015*.

#### **5.2.4 Written Requests**

A member of the public can write to the Council on any issue within Council's jurisdiction.

### 5.3 Elected Members

Members of the public can contact Elected Members to discuss any issue relevant to Council. Contact details for Elected Members can be found on the City's website: <https://www.canning.wa.gov.au/about-us/council-business/your-councillors>

### 5.4 Notice and Advertising

*The Local Government Act 1995* and other legislation may require the City to provide notice of its intention to take a particular course of action or decision. The City may also advertise certain proposed courses of action or decisions in order to provide the community with an opportunity to comment or object. These advertisements generally appear within the 'West Australian' and the 'Canning Times' newspapers.

### 5.5 Community Consultation

The Council consults with its residents on particular issues that affect their neighbourhood by way of publishing information on its website and social media, advertising in the local papers, calling public meetings, seeking responses to surveys and questionnaires and by attending local community organisation meetings.

### 5.6 Committees of Council

Committees may be appointed to advise the Council on the establishment, management and control of anything for which the Council is responsible and chooses to refer to a Committee. Council has the Audit and Risk Committee to advise Council on auditing and financial matters, and the Chief Executive Officer's Performance Review Committee, responsible for undertaking the annual performance review of the CEO.

### 5.7 Electors Meetings

Each year the City must hold a General Elector's Meeting at which the City's Annual Report is presented. The matters discussed at this meeting are, firstly, the contents of the annual report for the previous financial year, and then any other general business. These meetings are generally held in the City's Function Room, on the ground floor of the Administration Centre.

## 6. ADMINISTRATION

### 6.1 Legislation binding on the City

As a Public Body, Council's functions, financial management, day to day operations and the conduct of its Officers are subject to a wide variety of legislation. The following list of legislation provides an overview of the Western Australian Legislation, which Council and its Officers are required to enforce and/or adhere to.

[Agriculture and Related Resources Protection Act 1976](#)

[Art Gallery Act 1959](#)

[Biosecurity and Agriculture Management Act 2007](#)

[Building Act 2011](#)

[Building Services \(Registration\) Act 2011](#)

[Caravan Parks and Camping Grounds Act 1995](#)

[Cat Act 2011](#)

[Child Care Services Act 2007](#)

[Civil Judgments Enforcement Act 2004](#)

[Conservation and Land Management Act 1984](#)

[Constitution Acts Amendment Act 1899](#)

[Contaminated Sites Act 2003](#)

[Co-operatives Act 2009](#)

[Corruption and Crime Commission Act 2003](#)

[Animal Welfare Act 2002](#)

[Bail Act 1982](#)

[Botanic Gardens and Parks Authority Act 1998](#)

[Building Services \(Complaint Resolution and Administration\) Act 2011](#)

[Bush Fires Act 1954](#)

[Cemeteries Act 1986](#)

[Children and Community Services Act 2004](#)

[Community Protection \(Offender Reporting\) Act 2004](#)

[Constitution Act 1889](#)

[Construction Industry Portable Paid Long Service Leave Act 1985](#)

[Control of Vehicles \(Off-Road Areas\) Act 1978](#)

[Coroners Act 1996](#)

[Country Housing Act 1998](#)

[Criminal Code Act Compilation Act 1913](#)  
[Defamation Act 2005](#)  
[Dividing Fences Act 1961](#)  
[Duties Act 2008](#)  
[Electoral Act 1907](#)  
[Electricity Corporations Act 2005](#)  
[Emergency Management Act 2005](#)  
[Energy Operators \(Powers\) Act 1979](#)  
[Equal Opportunity Act 1984](#)  
[Exotic Diseases of Animals Act 1993](#)  
[Fines, Penalties And Infringement Notices Enforcement Act 1994](#)  
[Fire Brigades Act 1942](#)  
[Fluoridation of Public Water Supplies Act 1966](#)  
[Forest Products Act 2000](#)  
[Fuel, Energy and Power Resources Act 1972](#)  
[Gas Corporation \(Business Disposal\) Act 1999](#)  
[Gene Technology Act 2006](#)  
[Health \(Miscellaneous Provisions\) Act 1911](#)  
[Hospitals and Health Services Act 1927](#)  
[Industrial Relations Act 1979](#)  
[Jetties Act 1926](#)  
[Land Tax Assessment Act 2002](#)  
[Liquor Control Act 1988](#)  
[Lotteries Commission Act 1990](#)  
[Main Roads Act 1930](#)  
[Metropolitan Redevelopment Authority Act 2011](#)  
[Motor Vehicle Drivers Instructors Act 1963](#)  
[National Environment Protection Council \(Western Australia\) Act 1966](#)  
[Occupational Safety and Health Act 1984](#)  
[Parliamentary Commissioner Act 1971](#)  
  
[Planning and Development Act 2005](#)  
  
[Professional Standards Act 1997](#)  
[Public Interest Disclosure Act 2003](#)  
[Public Works Act 1902](#)  
[Rates and Charges \(Rebates and Deferments\) Act 1992](#)  
[Residential Tenancies Act 1987](#)  
[Rights in Water and Irrigation Act 1914](#)  
[Royal Agricultural Society Act Amendment Act 1929](#)  
[Sale of Land Act 1970](#)  
[Stamp Act 1921](#)  
[State Records Act 2000](#)  
[Strata Titles Act 1985](#)  
[Taxation Administration Act 2003](#)  
[Transfer of Land Act 1893](#)  
[Unclaimed Money Act 1990](#)  
[Volunteers and Food and Other Donors \(Protection from Liability\) Act 2002](#)  
[Waste Avoidance and Resource Recovery Act 2007](#)  
[Water Corporations Act 1995](#)  
[Waterways Conservation Act 1976](#)  
[Western Australian Photo Card Act 2014](#)  
[Wildlife Conservation Act 1950](#)  
[Zoological Parks Authority Act 2001](#)  
  
[Criminal Investigation Act 2006](#)  
[Disability Services Act 1993](#)  
[Dog Act 1976](#)  
[Economic Regulation Authority Act 2003](#)  
[Electricity Act 1945](#)  
[Electricity Industry Act 2004](#)  
[Energy Coordination Act 1994](#)  
[Environmental Protection Act 1986](#)  
[Evidence Act 1906](#)  
[Fair Trading Act 1987](#)  
[Fire and Emergency Services Act 1998](#)  
  
[First Home Owner's Grant Act 2000](#)  
[Food Act 2008](#)  
[Freedom of Information Act 1992](#)  
[Gaming and Wagering Commission Act 1987](#)  
[Gas Standards Act 1972](#)  
[Government Railways Act 1904](#)  
[Heritage of Western Australia Act 1990](#)  
[Housing Act 1980](#)  
[Industry and Technology Development Act 1998](#)  
[Land Administration Act 1997](#)  
[Library Board of Western Australia Act 1951](#)  
[Litter Act 1979](#)  
[Magistrates Court \(Civil Proceedings\) Act 2004](#)  
[Metropolitan Arterial Drainage Act 1982](#)  
[Motor Vehicle \(Third Party Insurance\) Act 1943](#)  
[Museum Act 1969](#)  
[National Trust of Australia \(WA\) Act 1964](#)  
  
[Official Prosecutions \(Accused's Costs\) Act 1973](#)  
[Personal Property Securities \(Commonwealth Laws\) Act 2011](#)  
[Presbyterian Church Act 1908](#)  
  
[Property Law Act 1969](#)  
[Public Health Act 2016](#)  
[Public Sector Management Act 1994](#)  
[Rail Freight System Act 2000](#)  
[Regional Development Commissions Act 1993](#)  
[Retail Trading Hours Act 1987](#)  
[Road Safety Council Act 2002](#)  
[Salaries and Allowances Act 1975](#)  
[Soil and Land Conservation Act 1945](#)  
[Standard Surveys Marks Act 1924](#)  
[Statistics Act 1907](#)  
[Swan and Canning Rivers Management Act 2006](#)  
[Tobacco Products Control Act 2006](#)  
[Transport Co-ordination Act 1966](#)  
[Valuation of Land Act 1978](#)  
  
[Waste Avoidance and Resource Recovery Act 2007](#)  
[Water Services Act 2012](#)  
[Western Australian Land Authority Act 1992](#)  
[Western Australian Treasury Corporation Act 1986](#)  
[Work Health and Safety Act 2020](#)  
[Workers' Compensation and Injury Management Act 1981](#)

## 6.2 Local Laws

The City has the power, under the Act (and other legislation), to make local laws. The City currently has local laws relating to the following activities:

- Animals, Nuisance and Environment
- Cat Local Law 2021
- Dog Local Law 2021
- Fencing Local Law 2021
- Health Local Law 1998
- Parking Local Law 2010
- Standing Orders 2015.
- Waste Local Law 2021

Copies of these local laws are available from the website at <https://www.canning.wa.gov.au/about-us/council-business/governance/local-laws> or from the City's Administration Centre.

## 6.3 Publications

Section 5.94 and 5.95 of the Act detail the type of documents that a Local Government must make available for inspection and those where restrictions apply. Any member of the public may attend the City's Administration Centre and request to view these documents. Copies can also be provided upon payment of any relevant charges for production.

Types of documents that are generally available for inspection are as follows:

- a) Annual Budget.
- b) Annual Report.
- c) Integrated Planning and Reporting documentation including:
  - i) Strategic Community Plan.
  - ii) Corporate Business Plan.
  - iii) Long Term Financial Plan.
  - iv) Workforce Plan.
  - v) Asset Management Plan.
  - vi) Local Planning Strategy.
  - vii) Risk Management Framework.
  - viii) Digital Strategy.
- d) Code of Ethics.
- e) Code of Conduct.
- f) Policies.
- g) Confirmed and Unconfirmed Minutes of Council and Committee meetings.
- h) Delegations Register.
- i) Electoral Gift Register.

- j) Local Laws and proposed Local Laws.
- k) Minutes of Electors' Meetings.
- l) Rates records (Privacy restrictions apply).
- m) Register of Owners and Occupiers and Electoral Rolls.
- n) Regulations made by the Governor.
- o) Report of a review of a Local Law.
- p) Reports presented at Ordinary or Special Council meetings, including attachments, other than reports that are 'Confidential'.
- q) Schedule of Fees and Charges.
- r) Tenders Register.
- s) Gifts Register.

The City also maintains comprehensive records of all of its dealings including correspondence, memoranda, file notes, reports, plans, sketches, maps, diagrams, documents pertaining to the keeping of records, applications, approvals and notices however many of these documents are subject to the *Freedom of Information Act 1992* ('the FOI Act').

The City maintains historical documents as part of its 'Local Studies Collection' which is available for viewing at Riverton Library on High Road, Riverton.

## **7. FREEDOM OF INFORMATION**

### **7.1 Operation of Freedom of Information Process**

It is the City's intent to make information available informally wherever possible, however there are circumstances where this is not appropriate. In these instances, the FOI Act gives people the right to formally apply for access to documents held by the City.

Upon application, the City's Freedom of Information Co-coordinator will assist to obtain access to documents at the lowest reasonable cost, and ensure that personal information held is accurate, complete, up to date and not misleading. The right to apply is not affected by any reasons for wishing to obtain access, or the City's belief as to what the reasons are for applying.

The types of documents that may be requested include paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes, electronically stored information and meeting papers.

### **7.2 Access and Amendment to Personal Information**

If you find information about you contained in a City document is inaccurate, incomplete and out of date or misleading, then you can apply in writing to the City to amend the information. Access to personal information pertaining only to you is available free of charge.

### **7.3 Freedom of Information Applications**

When lodging an application, it is important to note that applications must:

- a) Be in writing.
- b) Give enough information so that the documents requested can be identified.
- c) Give an Australian address to which notices can be sent.
- d) Be lodged at the City with any application fee payable.

Application Forms are available on the City's Website at <https://www.canning.wa.gov.au/CanningWebsite/media/Files/My-City/Governance/Strategic-Documents-and-Policies/Freedom-of-Information-FOI-Application-Form.pdf>

Applications and enquiries should be addressed to:

Freedom of Information Coordinator  
City of Canning  
Locked Bag 80  
Welshpool WA 6986  
Telephone: 1300 422 664

#### 7.4 Freedom of Information Charges

No fees or charges apply for personal information or amendment of personal information about yourself (eg your medical records; details of employment etc), however applications for other documents (ie which are non-personal in nature), require a \$30 application fee to be paid when the application is lodged.

There may also be other charges imposed by the agency as follows:

##### Type of Fee

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

##### Type of Charge

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	\$00.20
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

##### Deposits

An advance deposit may be required of the estimated charges of:	25%
A further advance deposit may be required to meet the charges for dealing with the application:	75%
For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by:	25%

#### 7.5 Notice of Decision

As soon as possible, but in any case within 45 days, you will be provided with a notice of decision which will include details such as:

- a) The date which the decision was made.
- b) The name and the designation of the officer who made the decision.
- c) If the document is an exempt document the reasons for classifying the matter exempt, or the fact that access is given to an edited document.
- d) Information on the right to review and the procedures to be followed to exercise those rights.

## **7.6 Review and Appeal Process**

### **7.6.1 Internal Review (s.39-40 and 54 of the FOI Act)**

If you are dissatisfied or aggrieved by certain decisions of the City regarding access to documents or amendments of personal information, you can apply to the City for an Internal Review of our decision. To apply for an internal review:

- a) You must submit a letter, or fill in an 'Internal review Application Form' and lodge it with the City within 30 days after being given notice of the decision.
- b) The lodgement must give details of the decision you wish to have reviewed and give an address in Australia to which notices can be sent.
- c) The City will then conduct an Internal Review within 15 calendar days.

**NOTE:** There is no right to an Internal Review of a decision made by a Minister or the Principal Officer of the City (Usually the Chief Executive Officer).

### **7.6.2 External Review by the Information Commissioner (s.65-66 of the FOI Act)**

If, after an Internal Review has been completed, you are still dissatisfied with the City's decision, you can make a complaint to the Office of the Information Commissioner.

The Information Commissioner may allow a complaint to be made even though an Internal Review has not been sought, or has not been completed if you can show that there are good reasons why you should not apply for an Internal Review, or why an Internal Review should not be completed.

A complaint must be:

- a) Lodged to the Information Commissioner in writing.
- b) Must give details of the decision to which the complaint relates.
- c) Must include an address in Australia to which notices can be sent.

If you are seeking access to documents or amendment of personal information, your complaint must be lodged within 60 days after being given written notice of the decision. If you are a third party to an application for access to personal or commercial or business information concerning yourself, your complaint must be lodged within 30 days after being given written notice of the decision.

As a general rule, each party to a complaint pays his/her own costs however, the Information Commissioner may order a person to pay the costs of another party to a complaint in certain circumstances.

### **7.6.3 Appeals to the Supreme Court (s.85 of the FOI Act)**

Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

The procedures relating to appeals to the Supreme Court are established by the Court. Information on these procedures can be obtained from the Office of the Information Commissioner, Level 12, St Martin's Tower, 44 St George's Terrace, Perth 9220 7888.

## **7.7 FOI Legislation**

Should you wish to obtain a copy of the *Freedom of Information Act 1992* or associated regulations please visit the State Law Publisher's website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) where a full copy of all State Legislation is available. Further information can also be obtained from the Office of the Information Commissioner website at [www.foi.wa.gov.au](http://www.foi.wa.gov.au).