

POS	REQUEST FOR INFORMATION ABOUT OWNER OCCUPIERS, ELECTORS AND RATEPAYERS	PSES16
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POSITION STATEMENT CODE:	PSES16
DIRECTORATE:	Executive Support Department
BUSINESS UNIT:	Financial Services
SERVICE UNIT:	Property, Rating & Revenue Services
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO.:	182/002
DATE FIRST ADOPTED:	14 July 2001
DATE LAST REVIEWED:	10 March 2016
ATTACHMENTS:	N/A
VERSION NO.	4

Dates of Amendments / Reviews:		
DAPPS Meeting:	31 January 2013 27 February 2014	28 August 2014 25 February 2016
OCM:	14 February 2013 13 March 2014	11 September 2014

BACKGROUND:

Amendment to Regulation 29B of the *Local Government (Administration) Regulations 1996* has placed restrictions on the availability of information of owner occupiers, electoral and ratepayer details being disclosed to the public to use for commercial purposes.

PURPOSE:

To ensure the City of Cockburn complies with the obligation imposed on it by the amendment to Regulation 29B of the *Local Government (Administration) Regulations 1996*.

Regulation 29B – Copies of certain information not to be provided – S5.96 of the *Local Government Act 1995*.

- I. *A local government is not required to make available to a person copies of information referred to in section 5.94(m) or (s) of the Local Government Act 1995 unless the CEO of the local government is satisfied that the information will not be used for commercial purpose.*
- II. *A request to a local government for a copy of information referred to in section 5.94 (m) or (s) of the Local Government Act 1995 is to be in the form approved by the CEO of the local government.*

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POSITION:

(1) Definition of Commercial Purpose

Commercial Purpose means to seek to obtain by formal application a public record for the purpose of the:

1. Sale or resale or the producing of a document containing all or part of the copy, printout or photograph for sale, and/or
2. Obtaining of names and addresses from the public record for the purpose of solicitation, and/or
3. Monetary gain from the direct or indirect use of the public record.

(2) Procedure

Regulation 29B of the *Local Government (Administration) Regulations 1996* restricts the availability of electoral or ratepayer details to the public. In particular the regulation requires a person seeking this information to complete a statutory declaration stating that the information obtained will not be used for commercial purposes by themselves or another person. Persons unable to make this declaration are not able to receive the information.

The following procedures are required at any time a person requests information about a City of Cockburn owner occupier, elector or ratepayer.

1. In Person Requests

- Establish the purpose in which the person is seeking the information.
- Ask the person to complete a statutory declaration which includes specific text stating that they will not copy and/or use the information for a commercial purpose and have the declaration witnessed by an authorised person under the *Oaths, Affidavits and Statutory Declaration Act 2005*. Those persons who are unable to make this declaration will not be able to receive the requested information, unless the CEO is otherwise satisfied that the information will not be used for commercial purposes.
- Send the original signed and witnessed statutory declaration to Records for CTRing and forwarding to Rates Section for processing.
- If appropriate, provide the person with the requested information.

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2. Telephone & Written Requests

- Advise person of the *Local Government (Administration) Regulations 1996* and establish the purpose in which the person is seeking the information.
- Advise the person they are required to complete a statutory declaration which includes specific text stating that they will not copy and/or use the information for a commercial purpose and have the declaration witnessed by an authorised person¹ under the *Oaths, Affidavits and Statutory Declaration Act 2005*. Those persons who are unable to make this declaration will not be able to receive the requested information.
- Advise the person that they can locate the specific statutory declaration form on the City of Cockburn's website or offer to post the form directly to the person.
- Advise the customer that they can attend the City of Cockburn for witnessing the declaration and accessing the information immediately or they can post a witnessed declaration into:

City of Cockburn
 PO Box 1215
 Bibra Lake DC WA 6965

Received witnessed statutory declarations for requests for information about owner occupiers, electors and ratepayers should be scanned and registered in the City's document management system and assigned to the Rates Section for processing.

Persons posting a witnessed statutory declaration will be responded to as soon as possible to the address provided on the statutory declaration.