



Information Statement

(In accordance with the Freedom of Information Act 1992)

July 2018

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1. PREFACE

The *Freedom of Information Act 1992 (the Act)*, which came into effect in 1993, created a general right of access to documents held by State and local government.

The objects and intent of the Act are to:

- Enable the public to participate more effectively in governing the State
- Make the persons and bodies that are responsible for State and local government more accountable to the public

To meet these objectives the Act requires local government agencies to publish an information statement that is to be updated annually. The City of Cockburn's (the City's) Freedom of Information Statement serves as that information statement.

The City's Freedom of Information Statement includes information on:

- The structure and functions of the City
- Decision making functions
- Community participation in the formulation of the City's policy and performance of the City's functions
- Description of the kinds of documents generated and held by the City and which documents may be viewed, purchased or obtained free of charge
- How to access documents and personal information held by the City
- How to amend personal information in documents held by the City

Copies of this document can be obtained by accessing the City's website or by visiting the City of Cockburn Administration Centre.

City of Cockburn
9 Coleville Crescent
Spearwood WA 6163

Telephone: (08) 9411 3444
Fax: (08) 9411 3333
Email: foi@cockburn.wa.gov.au
Website: www.cockburn.wa.gov.au

James Ngoroyemoto
Governance & Risk Management Co-ordinator

2. LEGISLATION ADMINISTERED

2.1 LEGISLATION

The following is a list of legislation passed by the Federal and State Parliaments for which the City of Cockburn is responsible.

- **Building Act 2011**
An Act to administer building works both public and private throughout the State of WA.
- **Bush Fires Act 1954 and Associated Regulations**
An Act to make better provision for diminishing the dangers resulting from bush fires and the prevention, control and extinguishment of bush fires.
- **Cemeteries Act 1986**
An Act to provide for the declaration and management of cemeteries, the establishment, constitution and functions of cemetery boards, the licensing of funeral directors, and the regulation of burials.
- **Control of Vehicles (Off-Road Areas) Act 1978**
An Act to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes.
- **Dog Act 1976 and Associated Regulations**
An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.
- **Environmental Protection Act 1986**
An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution and for the conservation, preservation, enhancement and management of the environment.
- **Public Health Act 2016 and Associated Regulations**
An Act to consolidate and amend the Law relating to Public Health.
- **Heritage of WA Act 1990**
An Act requiring all local authorities to compile and regularly review an inventory of local places which are significant or may become significant heritage properties.

- **Justice of the Peace 2004**
An Act to consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.
- **Liquor Licensing Act 1988 and Associated Regulations**
An Act administered in part by Local Government to regulate the sale, supply and consumption of liquor, use of premises on which liquor is sold and the services and facilities provided in conjunction with or ancillary to the sale of liquor.
- **Litter Act 1979 and Associated Regulations**
An Act to make provision for the abatement of litter and to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA).
- **Local Government Act 1995 and Association Regulations**
To provide the good rule and government, convenience, comfort and safety of persons in Municipal districts, with it being Council's responsibility to administer it within the City of Cockburn.
- **Occupational Safety and Health Act 1984 and Associated Regulations**
An Act administered in part by Local Government to promote and improve standards for occupational health, safety and welfare, to co-ordinate the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.
- **Public Works Act 1902**
An Act to consolidate and amend the laws relating to public works.
- **Rates and Charges (Rebates and Deferments) Act 1992**
An Act to permit administrative authorities to allow rebates on, or the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons.
- **Community Titles Act 2018**
An Act to facilitate the subdivision of land into cubic spaces and the disposition of titles thereto and to provide for incidental and connected purposes.
- **Tobacco Products Control Act 2006 and Associated Regulations**
An Act administered in part by Local Government to regulate the sale and promotion of tobacco products.
- **Planning and Development Act 2005**
This Act provides for the planning and development of land for urban, suburban and rural purposes. The general objective of this Act is to improve and develop land to the best possible advantage and to balance the use of all land resources.

- City of Cockburn Town Planning Scheme No. 3
This is the Town Planning Scheme which controls the development and use of land in the district.
- Valuation of Land Act 1978
An Act to provide for the valuation of land and for other purposes.
- Land Administration Act 1997
An Act which provides for the disposition and management of State land.

2.2 CITY OF COCKBURN LOCAL LAWS

The following are the Local Laws administered by the City of Cockburn.

- City of Cockburn (local Government Act) Local Laws 2000
These are the City's consolidated local laws enabling the control and regulation of Animals in Public Places, Beaches and Reserves, Dangerous and Offensive Things, Hawkers, Stallholders and Street Traders, Council Property, Signs, Hoardings and Billpostings, Streets and Public Places, Security and Law and Order.
- City of Cockburn Health Local Laws 2000
To enable Council to provide for the regulation, control and management of day to day health matters and to establish various health standards and requirements for the district.
- City of Cockburn Parking and Parking Facilities Local law 2007
Enables Council to regulate the parking of vehicles within the parking regions and provide for the management and operation of parking facilities occupied by the local government.
- City of Cockburn Jetties, Waterways and Marina Local Laws 2012
Enables Council to provide a mechanism for the regulation and control of activities within the Port Coogee Marina waterways and associated infrastructure.
- City of Cockburn Fencing Local laws 2012
Enables Council to regulate, control and manage fences within the district.
- City of Cockburn Standing Orders Local Laws 2016
Details the conduct of Council Business proceedings and establishes the procedures to be followed at Council meetings to ensure that they are conducted in an orderly manner
- Bush Fire Brigade Local Law 2000



Enables the Council to establish and maintain normal activities of the Bush Fire Brigades.

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3. COUNCIL STRUCTURE

The Council of the City of Cockburn consists of ten (10) elected members including the Mayor. The Mayor is elected by the community, with the Deputy Mayor elected by the Councillors. The Deputy Mayor is elected by Council at its first meeting following the Local Government Elections every two years. The Mayor and Councillors serve a term of four (4) years, with elections held in October every two years.

Elected Members' details and the Ward represented by each comprise the following:

Mayor

Logan K Howlett

East Ward

Clr Lara Kirkwood
Clr Chamonix Terblanche
Clr Lee-Anne Smith

West Ward

Deputy Mayor Carol Reeve-Fowkes
Clr Kevin Allen
Clr Michael Separovich

Central Ward

Clr Philip Eva JP
Clr Stephen Pratt
Clr Chontele Sands

The City has four Divisional Directors who report directly to the Chief Executive Officer, as the most senior officer within the organisation. The Directors oversee the running of the four main Divisions within the City. They are:

- Governance and Community Services
- Planning and Development
- Finance and Corporate Services
- Engineering and Works

Under the Directors are 27 Business Units, each of which has a Business Unit Leader to manage the day-to-day running of the operational areas.

All staff employed by the City of Cockburn are responsible and report to the Chief Executive Officer.

The City of Cockburn is comprised of five divisions. They are:

3.1 EXECUTIVE DIVISION

This essentially consists of the Executive Support Department, and includes the following staff: Chief Executive Officer, Executive Manager Strategy & Civic Support, Civic Support Co-ordinator, Civic Support Officer, Personal Assistant, Executive Assistant and Caretakers.

3.2 GOVERNANCE & COMMUNITY SERVICES DIVISION

This department is responsible for the Administration Services, Governance, Compliance and Risk Management, Recreation and Community Services, Community Development Library Services and Corporate Communications.

3.3 FINANCE AND CORPORATE SERVICES DIVISION

This department is responsible for Property Rates and Revenue, Financial Services, Payroll, Purchasing, Human Resources, Records Management and Information Services.

3.4 ENGINEERING AND WORKS DIVISION

This department is responsible for Parks, Environmental, Engineering, Infrastructure and Design Services and includes roads, drainage, footpaths, street cleaning, traffic treatments, road verge maintenance, street trees, plant and equipment, parks, environmental and waste management.

3.5 PLANNING AND DEVELOPMENT DIVISION

The Planning and Development Department ensures the proper planning of the City through the processing of subdivisions, building and development plan approvals, building permits, demolition permits, strata titles and environmental health. It also provides comprehensive strategic planning to guide future growth of the City, and manages all of the City's various land interests.

4. DECISION-MAKING FUNCTIONS

4.1 THE COUNCIL

The Council is made up of members of the local community who are elected to office for a term of four years by residents and ratepayers of the City.

The Council comprises ten Elected Members who serve in three Wards - East, West and Central. As a group they are the decision making body. (A map showing the Ward boundaries is attached at Appendix I).

The Council Meeting receives for consideration reports from Departmental officers. These reports contain recommendations which Council either adopt, reject, amend or defer pending receipt of further information.

The Council Meeting is attended by the ten Elected Members, Chief Executive Officer, four Directors, Minute Clerk and any other officers as determined necessary. This meeting is held on the second Thursday of each month in the Council Chambers commencing 7.00 pm, with members of the public welcome to attend.

4.2 THE MAYOR

The Mayor is the City's Civic Leader and presides at all Council Meetings.

The role of the Mayor is to:

- preside at meetings in accordance with the Local Government Act;
- provide leadership and guidance to the community in the district;
- carry out civic and ceremonial duties on behalf of the Council;
- speak on behalf of the Council;
- perform such other functions as are given to the Mayor or President by the Local Government Act or any other written law; and
- liaise with the Chief Executive Officer on the affairs of the Council and the performance of its functions.

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so in the Mayor's absence.

4.3 ROLE OF THE COUNCILLORS

Councillors do not have any authority to act or make decisions as individuals and they are members of a corporate body working together for the community. Decisions must therefore be the consensus decisions of Council.

Nevertheless, Councillors play a major role in the policy-making of a Council and thus have responsibility, in many ways, for:

- representing the interest of electors, ratepayers and residents of the district;
- providing leadership and guidance to the community in the district;
- facilitating communication between the community and the Council;
- participating in the Council's decision-making processes at Council and Committee Meetings; and
- performing such other functions as are given to a Councillor by the Local Government Act or any other written law.

A Councillor's task in fulfilling these responsibilities vary from abstract discussions of Council's aims and objectives, to the real functions of replying to requests, passing-on electors' points of view for action and preparing notes on matters to bring before Council. Involvement in local government requires an active community role.

4.4 THE CHIEF EXECUTIVE OFFICER

The day to day management of the City rests with the Chief Executive Officer. Under their leadership, staff act on Council decisions by developing and putting into practice the Council policies and resolutions.

4.5 THE LOCAL GOVERNMENT ACT 1995

The Local Government Act 1995 describes the functions of local governments and provides a framework for the administration and financial management of local governments. The Act also provides for community participation in the decisions and affairs of local governments as well as setting out measures which make local governments more accountable to their communities.

4.6 STANDING ORDERS

The Local Laws relating to the Conduct of Proceedings of the Business of the Council, known as the Standing Orders, govern the proceedings of Council and Committee Meetings. In governing the proceedings of a meeting, the local law specifically details issues such as the order of business at Council meetings, conduct of the meetings with regard to determinations by the Chairperson, rules of debate, voting and amendments and various miscellaneous matters.

4.7 POLICIES OF THE COUNCIL

In order to provide guidance for the Officers of the City, Council adopts policies which are included in the Policy Manual and provide the basis for decision-making.

The Policy Manual includes policies on Administration, Building, Community Services, Council/Members, Engineering, Finance, Health, Libraries, Parks and Reserves, Planning and Recreation.

4.8 DELEGATED AUTHORITY

The Chief Executive Officer and Senior Officers have delegated authority from the Council to make decisions where the head of power in the relevant Acts allows. These delegations are listed in the Council Delegated Authority Register and are reviewed annually by the Council.

4.9 COUNCIL LOCAL LAWS

The local laws adopted by the Council ensure that facilities in the City of Cockburn are maintained for all residents of the City to utilise and that all local laws are administered consistently.

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5. PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF AGENCY FUNCTIONS

Opportunities for public participation include:

5.1 COMMUNITY CONSULTATION

The Council seeks the views of the community in a number of projects in which it is involved. Community involvement can range from surveys seeking the opinions of residents in relation to traffic treatments, to parks design in conjunction with community artists. In providing for public participation in planning, the City's Town Planning Scheme No. 3 specifies certain types of development applications be advertised for public comment. The City may also facilitate various forums and meetings to engage the community on planning proposals. The Council also has a statutory obligation to advertise and invite public submissions relating to proposals to adopt or modify the City's Local Laws and Planning Policies.

5.2 ELECTED MEMBERS

5.2.1 How to contact Elected Members

Members of the public can contact their Elected Members to discuss any issue relevant to the Council. Should issues be operational in nature, members of the public can also contact the City direct to seek assistance.

Contact telephone numbers for Elected Members are listed in the various publications produced by Council such as the Annual Report and Cockburn Soundings or by accessing the City of Cockburn website.

Residents wishing to write to an Elected Member should send their correspondence to:

City of Cockburn
PO Box 1215
BIBRA LAKE DC WA 6965

OR via email to electedmembers@cockburn.wa.gov.au

5.2.2 Council Elections

Council elections are held every two years on the third Saturday in October. Members are elected to positions for a four year term, with

half the members as is practicable from each ward retiring at each election.

The Mayor is elected by the community for a four-year term. The Deputy Mayor is elected by the members of Council every two years but also serves a term of four years.

Although voting in local government elections is not compulsory, ratepayers and residents are strongly encouraged to exercise their democratic right and directly participate in the electoral process.

5.3 WRITTEN REQUEST

Residents can write to Council on any Council policy, activity or service that takes place within the community.

5.4 ORDINARY MEETING OF THE COUNCIL

The public may attend any Ordinary Council or Special Council Meeting but may not take part in the debate.

Members of the public have opportunities to put forward their views on particular issues before Council.

5.4.1 Petitions

Petitions inform the Council, in a public way, of the views of a section of the community and serve as one means of placing community concerns before Council.

Electors of the City of Cockburn, from different properties, may petition the Council to take some form of action over a particular issue. For example, petitions may ask the Council to change an existing policy, local law or recent decision, or for the Council to take action for a certain purpose or for the benefit of particular persons. The subject of a petition however must be a matter on which the Council has the power to act.

When a Petition is received by an Elected Member, it will be referred to the Chief Executive Officer for appropriate action. Every Petition presented will be referred to an officer nominated by the Chief Executive Officer to be responsible for investigating the matter. This officer will inform the Petition initiator of the action proposed in dealing with the Petition. This may involve having to prepare a detailed report for a future meeting of the Council for its consideration.

5.4.2 Question Time

The Local Government Act 1995 provides that a question time be allocated at all Ordinary and Special Meetings of Council.

Electors and members of the Public have the opportunity to participate in Council Meetings by making an enquiry or a statement during Public Question Time. If a question cannot be answered effectively at the meeting, a reply will be forwarded by the Administration in writing.

The following rules apply to the public address session:

- ❑ Questions and statements on issues relating to the City on the Agenda before Council will be called for first.
- ❑ Questions and statements to Council on any matter relating to the City which is not on the Agenda will then be called.
- ❑ Each person is restricted to three (3) minutes speaking time.
- ❑ Any person addressing Council must resume their seat when called upon to do so by the Presiding Member. Speakers will be called upon to resume their seat if they resort to personal denigration of an Elected Member, Council Officer or another Member of the Public.

Any member of the public who attends a meeting is given the opportunity to forward his/her question to the Presiding Member at the meeting. This will then be answered by the administration.

5.5 REFERENCE GROUPS TO THE COUNCIL

A Reference Group may be appointed to facilitate the provision of informed and considered views on issues for inclusion in Council deliberation.

6. DOCUMENTS HELD BY THE CITY OF COCKBURN

6.1 DOCUMENTS AVAILABLE WITHOUT SUBMISSION OF A FREEDOM OF INFORMATION REQUEST

The following documents are examples of those available for public inspection at the Administration Building free of charge. Members of the public may purchase copies of these and other documents and the charges are shown as follows:

<u>Documents</u>	<u>Price</u>
Council Minutes (full set)	\$13.99
Building Plans	For viewing by owner or with owners permission only - cannot be copied
City of Cockburn Town Planning Scheme	\$50.00 (part thereof \$0.35 per page)
Scheme maps	A3 \$15.00 per sheet A2 \$20.00 per sheet A1 \$30.00 per sheet A0 \$60.00 per sheet

Council Agendas/Minutes are available to the public at the following times:

Council Agenda	Friday before Council Meeting
Council Minutes (previous month)	Ten(10) working days after Council Meeting

6.2 OTHER DOCUMENTS HELD BY THE CITY

The City of Cockburn holds a number of different types of documents for which a Freedom of Information request for information should be submitted. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos. Bulletins, circulars, magazines and periodical publications are not generally held on record by Council, unless such information is included on, or accompanied by, a letterhead of the relevant organisation.

Information is held on the City's central records system which is a type of multi-numbered classification system grouped into functional areas. Employee information is held either in the central records system or personnel files held by the Human Resources Department, which is not usually available for inspection by the public.

6.3 CHARGES FOR PLANNING SERVICES

In addition to the above Council also undertakes a number of planning services for a fee. These are as follows:

DEVELOPMENT:

Determination of development application (other than for an extractive industry) where the estimated cost of the development is –

Under \$50,000	\$147
\$50,000 - \$500,000	0.32% of the estimated cost of development
\$500,000 - \$2.5 million	\$1,700 + 0.257% for every \$1 in excess of \$500,000
\$2.5 million - \$5 million	\$7,161 + 0.206% for every \$1 in excess of \$2.5 million
\$5 million - \$21.5 million	\$12,633 + 0.123% for every \$1 in excess of \$5 million
More than \$21.5 million and, if the development has commenced or been carried out, an additional amount, by way of penalty, that is twice the amount of the maximum fee payable for determination of the application	\$34,196
Change of Use	\$295
Application for alteration or extension or change of a non-conforming use and, if the change of use, the alteration or extension or change of the non-conforming use has commenced, The fee is by way of penalty, twice that fee.	\$295
Renewal/Modification or Cancel of Development Approval	\$295
<u>Home Occupation/ Home Business</u> and, if the home occupation is already commenced an additional amount of \$444 by way of penalty.	\$222
Extractive Industry and, if the development has commenced or been carried out, the fee above plus by way of penalty, twice that fee \$1478	\$739

Advertising Of Development Applications

0-9 Letters	\$220
10-50 Letters	\$330
51-500 Letter	\$550
501 + Letters	\$1110

Subdivision Clearances:

Not more than 5 lots	\$73 per lot
More than 5 lots but not more than 195 lots	\$73 per lot for the first 5 lots then \$35 per lot
More than 195 lots	\$7,393

Built strata:

Not more than 5 lots	\$65.00 per lot + a base rate of \$656.00
Fee per lot in excess of 5 lots	\$43.50 per lot for 6 – 100 + base rate of \$981.00
More than 100 lots	\$5113.50

Local development plans:

Local Development Plan	\$1500
Modification to local Development Plan	\$750

Miscellaneous:

Zoning Statements/Zoning Certificates	\$73
Reply to a property settlement questionnaire	\$73
Issue of written planning advice <i>Also applies to research and written information not associated with a current development, subdivision or rezoning application.</i>	\$73
Section 40 Liquor Licensing Certificates	\$200

Scheme Amendments/Structure Plans:

These fees are calculated according to estimated salary costs, direct costs, specialist report costs and documentation costs. This is as per the Planning and Development Regulations 2009. Anyone wishing to lodge either a scheme amendment or structure plan should firstly contact the Strategic Planning Department (94113505) in order to obtain a fee quotation. Fees need to be paid prior to the formal assessment of a proposal beginning.

Reports & Maps:

Scheme Text	\$50.00
Other (per page)	\$0.35
Map Colour A3	\$15.00
Map Colour A2	\$20.00
Map Colour A1	\$30.00
Map Colour A0	\$60.00

NOTE: While this list describes application fees, please be aware you may be subject to DEVELOPMENT CONTRIBUTIONS if your proposal is approved. For more information visit: www.cockburn.wa.gov.au/developmentcontributions or contact 9411 3444.

6.4 CHARGES FOR ENVIRONMENTAL HEALTH SERVICES

Food premises in the City of Cockburn are subject of routine assessments to determine if the premises and practices comply with the relevant requirements of the Food Act 2008, the Food Regulations 2009 and Australia New Zealand Food Standards Code (Australia Only).

All prospective food premises purchasers are strongly recommended to review these documents so that they are aware of their legal obligations.

The Fee required for a settlement enquiry is currently \$86 if no inspection is required or \$175 if an inspection is requested. A report outlining the condition of the premises in relation to the Food Act and Food Standards Code will be provided.

Environmental Health Historical File Search

Property owners and prospective purchasers of properties can have an Environmental Health Historical File Search to find out what activities have been undertaken from specific properties. This is particularly relevant for Contaminated Sites investigations. A search of City records may reveal specific information relating to waste water systems, complaints and sometimes, general land use activities. The fee for such an enquiry is \$175 (up to 2 hours research) and if it is extensive, additional charges of \$86 per hour may be incurred as part of the process.

7. OPERATION OF FREEDOM OF INFORMATION ACT IN THE CITY OF COCKBURN

7.1 INITIAL ENQUIRIES

Initial enquiries regarding the release of information should be made to the FOI Co-ordinator (Governance and Risk Management Coordinator) either in person at the Administration Building or by telephone 9411 3652.

Further information can be obtained from the Information Commission and the Freedom of Information Act is available for purchase from the State Government Bookshop, 815 Hay Street, Perth.

7.2 REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Requests for information may be considered in accordance with the Freedom of Information Act 1992.

All applications must:

- Be in writing
- Give enough information so that the documents are readily identified
- Provide an Australian address to which information may be sent
- Be lodged at the City with any applicable fee payable

There is no application fee or charges associated with FOI applications for personal information about the applicant, and amendment of personal records. Written requests for non-personal information should be forwarded with the application fee of \$30.00 to:

By Post

FOI Coordinator
PO Box 1215
BIBRA LAKE DC WA 6965

In Person

FOI Co-ordinator
City of Cockburn
9 Coleville Crescent
SPEARWOOD WA 6163

Telephone: (08) 9411 3444
Facsimile: (08) 9411 3333
Email: foi@cockburn.wa.gov.au

Applicants will receive a response from the City as soon as possible within the statutory forty-five (45) days of the Council receiving the request with the application fee.

Access Arrangements

Access to documents may be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Refusal of access

Some documents are exempt. Schedule 1 of the Act is designed to protect essential public and private interests. However, exemptions may not be claimed unless there are good reasons to deny access to requested information. Exempt information may be personal or commercial information.

Notice of Decision

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

- The date which the decision was made
- The name and the designation of the officer who made the decision
- If any documents are exempt documents, the reasons for classifying them exempt or the fact that access is given to an edited document
- Information on the right to review and the procedures to be followed to exercise those rights

Internal Review Rights

Should an applicant not be satisfied with an access decision, they have the right to apply for an internal review.

An application for internal review must be lodged within 30 calendar days after being given this written notice of decision, and must;

- Be in writing
- Give particulars of the decision to be reviewed
- Provide an Australian address to which notices can be sent

There is no lodgement fee for an application for internal review and there are no charges for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome of an application for internal review may result in a confirmation, variation or reversal of the initial decision under review. Applications will be advised of the outcome within 15 calendar days.

The address for lodgement of an Internal Review is:

Director - Governance and Community Services
City of Cockburn



9 Coleville Crescent
SPEARWOOD WA 6163

Mail to:
PO Box 1215
BIBRA LAKE DC WA 6965

Facsimile: 08 9411 3333
E-mail: foi@cockburn.wa.gov.au

External Review Rights

Should an applicant not be satisfied with the decision of the Internal Review, they then have the right to lodge a complaint with the Information Commissioner seeking an external review of that decision. The applicant is required to lodge their complaint with the Information Commissioner's office within 60 calendar days of receiving the decision.

A complaint to the Information Commissioner must –

- Be in Writing
- Have attached to it a copy of the internal decision
- Give an address in Australia to which notices can be sent.

There is no charge for lodging a complaint with the Information Commissioner's office.

The office and postal address of the Information Commissioner is:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

Telephone: 6551 7888
Facsimile: 6551 7889
E-mail: info@foi.wa.gov.au
Website: www.foi.wa.gov.au

Should the applicant have any further queries or require any further information about their rights at this stage, the applicant is to contact the Office of the Information Commissioner.

7.3 FORMS OF ACCESS AND AMENDMENT TO PERSONAL INFORMATION

Access to personal information pertaining only to them is available to the public free of charge.

If a person finds that information contained in a document is inaccurate, incomplete, out of date or misleading, then the person can apply to the City to amend the information.

Amendment can be made free of charge in writing or by completing an Application for Amendment of Personal Information form and forwarding it to the City of Cockburn.

A person can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a manuscript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the City is unable to grant access in the form requested, access may be given in a different form.

7.4 FEES AND CHARGES

Charges in addition to the application fee for access to documents are made in accordance with the Freedom of Information Act. The applicant has a right to request an estimate of the likely charges for the application if it is anticipated the access cost will exceed \$30.00. Furthermore, it is the City's responsibility to notify the applicant of any estimate exceeding this figure and the basis upon which it has been calculated, with Council to inquire as to whether the applicant wishes to proceed with the application.

The current fees and charges as applied by the City of Cockburn are as follows:

Application	\$30.00
Charge for time dealing with application (per hour or pro-rata for a part of an hour)	\$30.00
Charge for access time supervised by staff (per hour, or pro-rata for a part of an hour)	\$30.00
Charges for photocopying	
• per hour, or pro-rata for a part of an hour of staff time	\$30.00
• per copy	\$0.20
• Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro-rata for a part of an hour)	\$30.00
• Charge for duplicating a tape, film or computer information	Actual Cost
• Charge for delivery, packaging and postage	Actual Cost
• Advance deposit which may be required by agency under Section 18(1) of the Act, as a percentage of the estimated charges will be payable in excess of the application fee.	25%
• Further advance deposit which may be required on agency under Section 18(4) of the Act, expressed as a percentage of the estimated charges will be payable in excess of the application fee.	75%

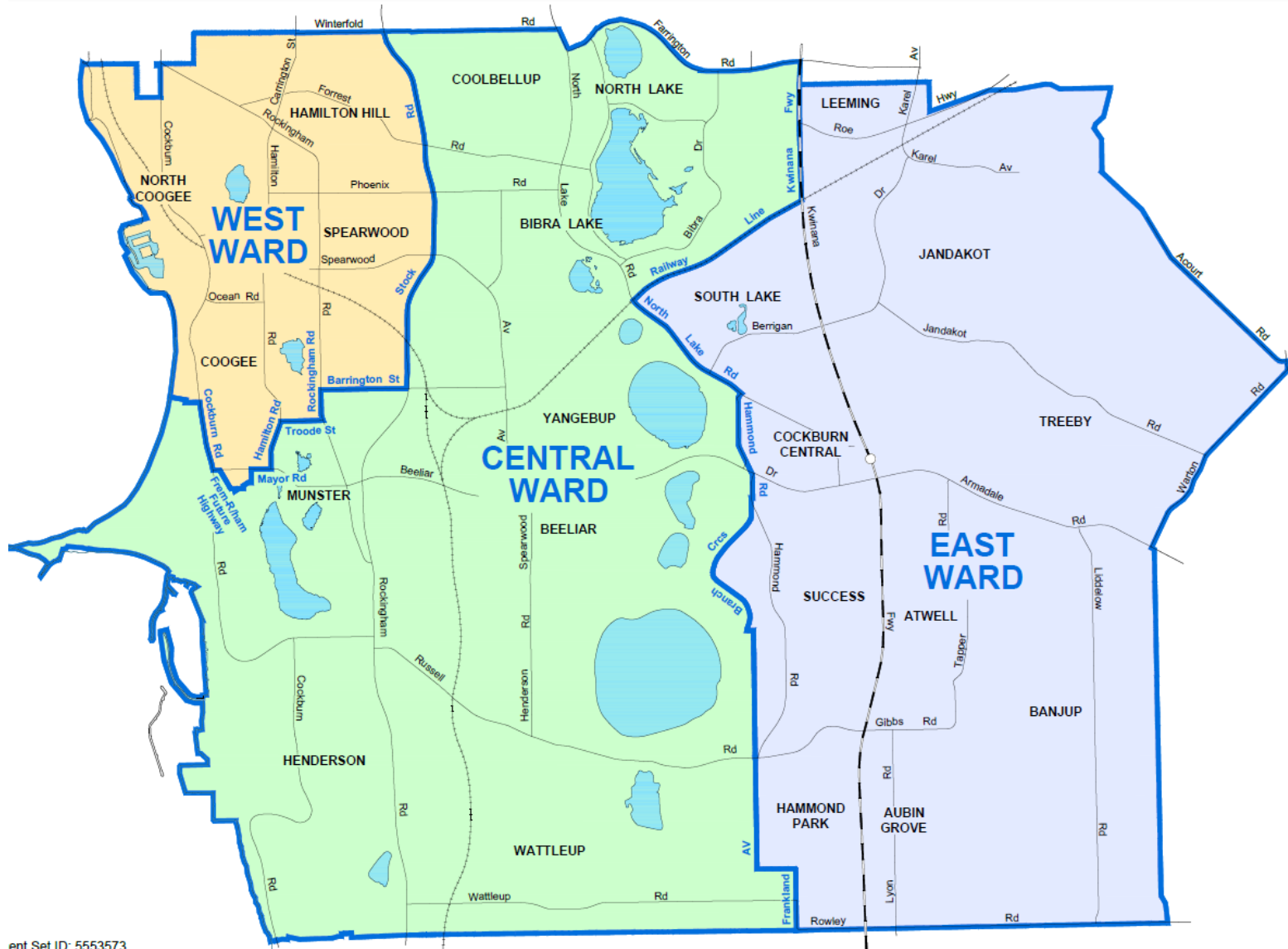
7.5 ORGANISATION DECISION MAKERS REGARDING ACCESS FOR AMENDMENT

The FOI Co-ordinator advises on what information may be released and what information is exempt under the Freedom of Information Act, 1992

Decisions relating to the review of a request for information are made by the Chief Executive Officer.

DRAFT

APPENDIX 1



ent Set ID: 5553573