

FREEDOM OF INFORMATION INFORMATION STATEMENT



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Introduction

The *Freedom of Information Act 1992* (WA) (**FOI Act**) gives individuals the right to apply for access to documents held by State government agencies, including local governments. The Town of Claremont (**Town**) is an agency within the meaning of the FOI Act.

The aim of the FOI Act is to:

1. create a general right of access to State and local government documents;
2. provide a means to ensure personal information held by State and local governments is accurate, complete, up to date and not misleading; and
3. require that certain documents concerning State and local government operations be made available to the public.

Part 5 of the FOI Act requires that agencies prepare and publish annually an Information Statement which conveys information to the public about its operations, the kinds of documents it holds and the procedures for accessing them.

The Information Statement must include the following information:

- The agency's mission statement;
- Details of legislation administered;
- Details of the agency's structure and functions, including decision-making functions affecting the public;
- Details of public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency; and
- The operation of Freedom of Information (**FOI**) in the agency.

This Information Statement is published on the Town's website at www.claremont.wa.gov.au and can be provided in alternative formats upon request.

Further information on FOI or enquires about this document may be made by contacting:

Freedom of Information Officer
Town of Claremont
308 Stirling Highway Claremont WA 6010

Post: PO Box 54 Claremont WA 6910
Phone: 08 9285 4300
Email: toc@claremont.wa.gov.au

Town Profile

Our Vision

The Town is a progressive, respectful, sustainable local government supporting a connected, flourishing community.

Our Mission

We exist to deliver quality services for Claremont today and to build the foundation for the future.

Our Values

Respect	We are responsible for how we behave in our workplace and will show respect and courtesy to all of our customers and colleagues.
Integrity	We are open, accountable and honest
Quality Communication	We demonstrate our respect for our community and each other through timely, accurate and understandable communication
Customer Service	Every contact with a customer is important and an opportunity to demonstrate our commitment
Excellence	Our focus is quality outcomes achieved on time, on budget

Strategic Community Plan

Leadership and Governance

We are an open and accountable local government: a leader in community service standards

People

We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging

Liveability

We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community

Environmental Sustainability

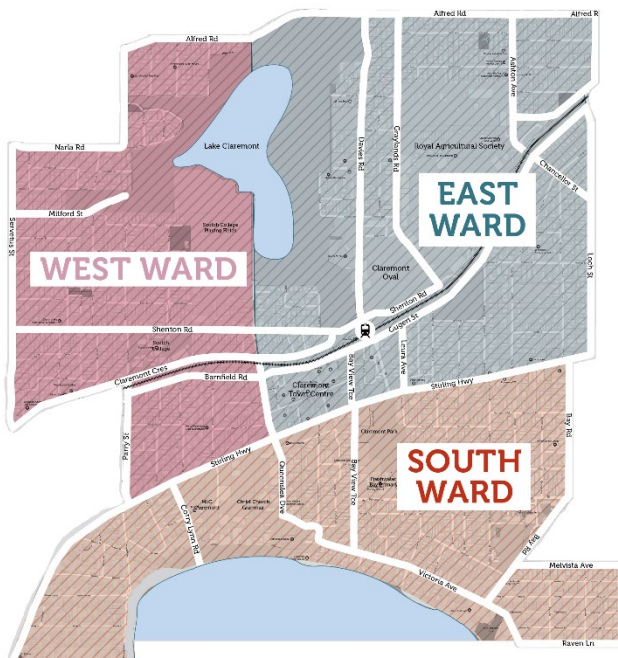
We are a leader in responsibly managing the built environment for the enjoyment of the community and continue to demonstrate diligent environmental practices

Prosperity

Our businesses are thriving and integrated into the life of the Claremont community, and the town centre is known as a premier visitor destination



Organisational Structure



Council

The role of Council 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 the Local Government's finances and resources; and
- Determine the Local Government's policies.

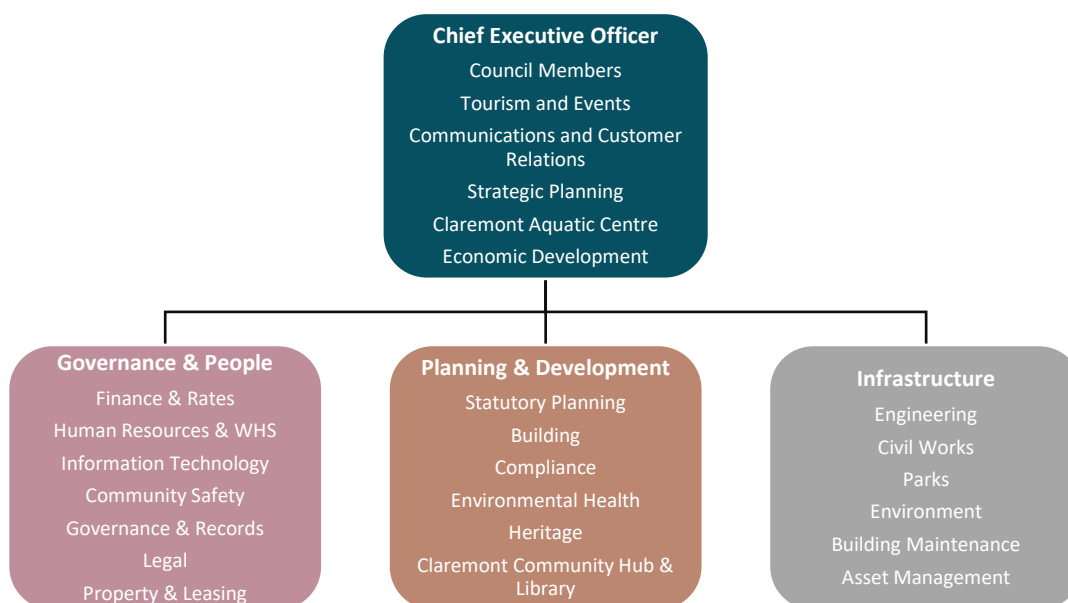
Council is comprised of ten Council Members, being one Mayor and nine Councillors. The Town has three wards (East, West and South) with each ward represented by three Councillors. Council Member profiles can be viewed on the Town's [website](#).

The Mayor and Council Members are elected for four year terms with half expiring every two years. The Mayor is elected by the residents and ratepayers of the Town.

Administration

The Town has three directorates and the Executive Office, each are responsible for a number of business units. The directorates are each managed by a Director of the Executive team.

The Town's administrative structure has been developed to support the delivery of the Town's projects and programs within the Strategic Community Plan and Corporate Business Plan – these documents can be accessed on the Town's [website](#).



Legislation

The principle legislation governing the operation of the Town is the *Local Government Act 1995 (LG Act)* and its subsidiary legislation, which incorporate four fundamental aims:

- better decision-making by local governments;
- greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

Below is a summary of legislation that governs and affects the Town and its processes:

<i>Anti-Corruption Commission Act 1988</i>	<i>Builders Registration Act 1939</i>	<i>Bush Fires Act 1954</i>
<i>Caravan Parks and Camping Grounds Act 1995</i>	<i>Cat Act 2011</i>	<i>Conservation and Land Management Act 1984</i>
<i>Control of Vehicles (Off-Road Areas) Act 1978</i>	<i>Disability Services Act 1993</i>	<i>Dog Act 1976</i>
<i>Electoral Act 1907</i>	<i>Emergency Management Act 2005</i>	<i>Environmental Protection Act 1986</i>
<i>Equal Opportunity Act 1984</i>	<i>Evidence Act 1906 / Acts Amendment (Evidence) Act 2000</i>	<i>Fair Work Act 2009</i>
<i>Fines and Infringement Notices Enforcement Act 1994</i>	<i>Food Act 2008</i>	<i>Freedom of Information Act 1992</i>
<i>Graffiti Vandalism Act 2016</i>	<i>Heritage of Western Australia Act 1992</i>	<i>Health Act 1911</i>
<i>Litter Control Act 1988</i>	<i>Main Roads Act 1930</i>	<i>Metropolitan Region Town Planning Scheme Act 1959</i>
<i>Occupational Safety and Health Act 1984</i>	<i>Planning and Development Act 2005</i>	<i>Privacy Act 1988</i>
<i>Public Health Act 2016</i>	<i>Public Interest Disclosure Act 2003</i>	<i>Racial Discrimination Act 1975</i>
<i>Rates and Charges (Rebates and Deferments) Act 1992</i>	<i>Residential Tenancies Act 1987</i>	<i>Road Traffic Act 1974</i>
<i>State Administrative Tribunal Act 2004</i>	<i>State Records Act 2000</i>	<i>Strata Titles Act 1985</i>
<i>Waste Avoidance and Resource Recovery Act 2007</i>	<i>Wildlife Conservation Act 1950</i>	<i>Workers' Compensation and Injury Management Act 1981</i>

Please note this list does not include subsidiary legislation of these acts and is not exhaustive. The above legislation can be viewed at www.legislation.wa.gov.au.

Legislation administered by the Town

Under the LG Act (and other enabling legislation) the Town has the power to make local laws to perform any of its functions. Below is a list of the Town's Local Laws:

<i>Activities on Thoroughfares and Public Places Local Law 2003</i>	<i>Dogs Local Law 2012</i>	<i>Fencing Local Law 2000</i>
<i>Foreshore Building Line Freshwater Bay Local Law 2000</i>	<i>Health Local Laws 1997</i>	<i>Height of Buildings – Freshwater Bay Local Law 2000</i>
<i>Local Government Property Local Law 2000</i>	<i>Town of Claremont Meeting Procedures Local Law 2018</i>	<i>Parking Local Law 2016</i>
<i>Signs Local Law 2000</i>	<i>Site Erosion and Sand Drift Local Law 2016</i>	<i>Waste Local Law 2017</i>

Copies of the above Local Laws are available on the [Town's website](#).

Decision Making

The Town makes decisions by way of the following mechanisms:

Ordinary Council Meetings

Ordinary Council Meetings are generally held on the last Tuesday of each month. Meeting dates are published on the Town's website.

The procedure for Council and Committee Meetings are set out in the Town's *Meeting Procedures Local Law 2018*. As required by the LG Act:

- Agendas are published a minimum of 72 hours before a meeting;
- Council Meeting Minutes are published on the Town's website within 14 days after the meeting; and
- Committee Meeting Minutes are published within 7 days after the meeting.

The Town's [website](#) contains Agendas and Minutes of Council Meetings from 2015 to present. Minutes from earlier dates are available for inspection by appointment at the Administration Offices. The Claremont Museum holds microfilm Council Minutes from 1903 to 1980.

Special Council Meetings

Special Council Meetings may be called when required to consider and deal with Council business that is urgent, complex in nature, for a particular purpose or confidential.

Committee Meetings

To assist Council in discharging its functions and advising on specific matters there are several committees that meet when convened. These committees are comprised of Council Members and sometimes community representatives and the CEO. Each committee has a Terms of Reference that can be viewed on the Town's [website](#).

The Complaints Committee is the only committee of Council that has been delegated power to make decisions. All other Committees serve an advisory role and make recommendations to Council to allow for an informed decision making process.

Audit and Risk Management Committee

The Audit and Risk Management Committee provides an independent oversight of the financial systems of the Town on behalf of the Council. It assists Council in fulfilling its corporate governance, stewardship, leadership and control responsibilities in relation to the Town's financial reporting and audit responsibilities.

Complaints Committee

The Complaints Committee has been established for the purpose of discharging Council's legislative responsibilities in dealing with behaviour complaints made under Division 3 of the Town's Code of Conduct for Council Members, Committee Members and Candidates.

Claremont Town Centre Advisory Committee

The Claremont Town Centre Advisory Committee's functions are to:

- a. provide advice to Council regarding initiatives for the Claremont Town Centre;
- b. bring together retailers, professionals, civic authorities and others for the purposes of improving the Claremont Town Centre as a destination; and
- c. provide recommendations to Council as to how funds from the Claremont Town Centre Project should be allocated in accordance with Council Policy PS203 – Claremont Town Centre.

Claremont Museum Advisory Committee

The Claremont Museum Advisory Committee considers matters relating to the development, care, funding and policies of the Claremont Museum and makes recommendations to Council regarding its findings to allow for an informed decision making process.

Foreshore Advisory Committee

The Foreshore Advisory Committee was established to make recommendations and provide assistance in relation to the management of the Claremont Foreshore.

Lake Claremont Advisory Committee

The Lake Claremont Advisory Committee was established to consider matters relating to Lake Claremont and make recommendations to Council to allow for an informed decision making process.

General and Special Meetings of Electors

The LG Act requires Council to hold a General Meeting of Electors once a year to discuss the Annual Report for the previous financial year and any other business.

A Special Electors' Meeting may be held on the request of not less than 100 electors or 5% of the number of electors (whichever is the lesser number). A request for a Special Electors' Meeting must specify the matters to be discussed at the meeting and must be in accordance with the *Local Government (Administration) Regulations 1996*.

Each Elector who is present at a General or Special Meeting of Electors is entitled to one vote on each matter to be decided at the meeting.

Delegated Authority Register

The LG Act stipulates decisions which must be made by Council and permits Council to delegate some of its decision-making to the CEO. The decisions that cannot be delegated are:

- Any decision that requires an absolute majority decision of Council. Examples are:
 - Making or altering a local law;
 - Establishing Committees and the appointment of Committee members;
 - Adopting the annual budget.
- Appointing an auditor;
- Purchasing or selling any property over \$100,000;
- Setting Council Member Payments;
- Loaning money;
- Any decision that requires approval of the Minister for Local Government or Governor.

The LG Act permits the CEO to sub-delegate powers and duties delegated by Council and to delegate powers vested in the CEO under the LG Act to employees.

Details of delegations may be found in the Delegated Authority Register which can be accessed via the Town's website or by visiting the Administration Building.

Policy Manual

A function of Council under the LG Act is to determine the local government's policies. Council has adopted various policies that guide the Town's operation and decision making. The policies span various business areas and responsibilities of the Town and are reviewed on an annual basis. The Policy Manual is available on the Town's Website, under ['Your Council'](#).

Public Participation

Dealing with Requests from the Public

Members of the Public can contact the Town in relation to any issues within the Town's jurisdiction. The administration staff endeavour to respond to all public requests within 2 business days for a general enquiry and 5 business days for more complex enquiries in accordance with the Town's Customer Experience Charter.

Community Consultation

Some decisions require public notice to be given and an allowance for submissions to be made such as Development Applications and the creation or review of Local Laws.

Council has adopted Policy LG524 – Discretionary Community Consultation to assist Council in making decisions in instances where community consultation is not mandatory. The Town values and encourages feedback from all groups within the community and implements appropriate consultation practices to reach those groups.

Attending Council Meetings

Members of the public are welcome to attend all meetings of Council and to ask questions or to make a statement to Council in relation to an item on the Agenda.

Confidential items are dealt with behind closed doors in accordance with the *Meeting Procedures Local Law*, however, the resolution of a confidential item is published in the meeting minutes in accordance with the LG Act.

Public Questions and Statements

Members of the public are afforded the opportunity to ask questions or make submissions at Council Meetings.

A total of 15 minutes is set aside for questions and statements, which may be extended by resolution of Council. To ensure an equal and fair opportunity is provided to address Council, a period of five minutes per speaker will be allocated, however, this may be extended by a resolution of Council.

Should a member of the public wish to ask questions or make submissions at a meeting they are required to make their request in writing by completing the

appropriate form and submitting the form to the Town by no later than 12pm on the day of the meeting. The abovementioned forms are available on the Town's website or from the administration office.

Petitions

The *Town of Claremont Meeting Procedures Local Law 2018* provides an opportunity for the public to submit petitions at Council Meetings. Petitions must be provided to the Town by no later than 12pm on the day of the Council Meeting and must:

1. Be addressed to the Mayor;
2. Be made by electors of the district;
3. Contain the name, address and signature of each petitioner;
4. Contain a summary of the reasons for the request (in a respectful language); and
5. Have the name of the person who lodged the petition shown at the top of each page.

Deputations

The *Meeting Procedures Local Law* provides an opportunity for a person or group to be received as a deputation by Council. Any person or group wishing to give a deputation to Council must apply in writing before the meeting to the CEO for approval.

Council Members

Residents and ratepayers may wish to contact a Council Member from their Ward to discuss matters relating to the Town. In these instances, Councillors cannot make any commitments on behalf of the administration and are required to refer the request to the administration for consideration and to be actioned (if appropriate).

Contact details for Council Members are available on the Town's website under the 'Your Mayor and Councillors' section.

Attending Committee Meetings

Committee meetings are held as required by the Committee's Terms of Reference and are generally closed to members of the public.

Documents held by the Town

Publicly Available Documents

As required by section 5.94 of the LG Act some documents must be made available for public inspection. Detailed below are some of the documents available for inspection at the Town's Administration Building. Some of the documents are published on the Town's website in accordance with the LG Act.

Annual Report	Annual Budget	Code of Conduct for Council Members, Committee Members and Candidates
Corporate Business Plan	Council Member Contact Details	Delegated Authority Register
Disability Access and Inclusion Plan	Employee Code of Conduct	Schedule of Fees and Charges
Local Laws	Map of the District	Model Standards for CEO Recruitment, Performance and Termination
Minutes and Agendas of Council, Committee and Electors' Meetings	Owners and Occupiers Register and Electoral Rolls	Policy Manual
Rate Record	Record Keeping Plan	Registers required under the <i>LG Act</i>
Strategic Community Plan	Tender Register	Town Planning Schemes

Copies of documents available for public inspection can be provided upon payment of the prescribed charge for production in accordance with the Town's Schedule of Fees and Charges.

Other Documents

The Town maintains comprehensive records of its dealings and operations in accordance with its approved Record Keeping Plan. As defined by the FOI Act, a record includes:

- (a) any paper or other material, including affixed papers on which there is writing;
- (b) any map, plan, diagram or graph;
- (c) any drawing, pictorial or graphic work, or photograph;
- (d) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (e) any article or material from which sounds, images or writing can be reproduced whether or not with the aid of some other article or device;
- (f) any article on which information has been stored or recorded, either mechanically, magnetically or electronically.

These records may be subject to FOI requests.

Freedom of Information

FOI Applications

Prior to lodging an FOI Application, the applicant is encouraged to check whether the information is available outside of the FOI Act.

FOI Applications must:

- Be in writing and submitted by way of the Application for Access to Documents form available on the Town's website;
- Give enough information to allow the requested documents to be identified;
- Give an Australian address to which notices can be sent; and
- Be submitted with payment of the \$30 application fee.

The completed application form can be submitted to the Freedom of Information Officer by:

Post: PO Box 54 Claremont WA 6910

In person: 308 Stirling Highway Claremont WA 6010

Email: toc@claremont.wa.gov.au

The Freedom of Information Officer may correspond with the applicant in order to make the application valid if insufficient information is provided to determine the scope of the request.

Upon receipt of a valid application the applicant will receive an acknowledgment letter and a notice of decision will be provided within 45 days.

Open by Design Principles

In accordance with the Open by Design Principles, where a FOI request or request for documentation is received the Town will, where appropriate, consider proactively releasing the requested information outside of the FOI process after consideration of factors such as:

- Whether the documents are readily available;
- The size of the request;
- Officer time required in actioning the request;
- Whether third party information has been requested and consultation is required.

Personal Information

Section 45 of the FOI Act permits an application to an agency for amendment of personal information about an applicant that is contained in a document of the agency where the applicant believes the information is inaccurate, incomplete, out of date or misleading. There is no application fee associated with this type of request.

An application for personal information must:

- Be in writing;
- Give enough details to enable the document that contains the information to be identified;
- Give details in relation to which the person believes the information is inaccurate, incorrect, out of date or misleading;
- Give the person's reasons for holding that belief;
- Give details of the amendment the person wishes to have made; and
- Give an address in Australia to which notices can be sent.

Notice of Decision

A Notice of Decision will be provided as soon as possible and within 45 days of a valid application. The Notice of Decision will include details such as:

- The date the decision was made;
- The name and designation of the officer who made the decision;
- If access is refused, the reasons for claiming the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

Exemptions

Whilst Freedom of Information provides a general right of access to documents, Schedule 1 of the FOI Act provides some exemptions to the access of documents. The most common exemptions are:

Personal Information

- Information that would reveal personal information about an individual (i.e. name, contact details, financial information).

Business and Commercial Information

- Information that would reveal trade secrets; or
- Information that has commercial value to a person; or
- Information about the business, professional, commercial or financial affairs of a person.

Deliberative Processes of Government

- Information that would reveal the deliberations of an agency made behind closed doors.

Legal Professional Privilege

- Information that would be privileged from production in legal proceedings on the grounds of legal professional privilege.

Confidential Communications -

- Information that would be a breach of confidence for which a legal remedy could be obtained; or
- Would reveal information of a confidential nature obtained in confidence and could be reasonably expected to prejudice the future supply of information to the agency.

FOI Charges

Fees and charges applicable to FOI requests are set out in the *Freedom of Information Regulations 1993* and are as follows:

General	
Personal information about the applicant	No fees and no charges
Application fee (for non-personal information)	\$30.00
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	\$0.20
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 posting	Actual cost
Deposits	
An advance deposit may be required in respect of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner cards any charges payable are reduced by 25%. Aside from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary.

Access Arrangements

Access to documents may be granted by way of inspection, a copy of the document(s) or a transcript of a record from which words can be reproduced.

Internal Review

Applicants who are dissatisfied with a decision of the Town are entitled to request an internal review. The internal review application should be made in writing within 30 calendar days after receipt of the Notice of Decision. The outcome of the review will be provided within 15 calendar days.

External Review

Applicants who are dissatisfied with the result of an internal review can apply to the Information Commissioner for an external review.

The external review application should be made within 60 calendar days after receipt of the internal review decision. Applications requesting external review as a third party or following an application for amendment of personal information must lodge an external review application within 30 calendar days after receipt of the internal review decision.

Document Control Box					
Document Responsibilities:					
Owner:	Freedom of Information Officer		Business Unit:	Governance and People	
Compliance Requirements:					
Legislation:	<i>Freedom of Information Act 1992</i> <i>Freedom of Information Regulations 1993</i> <i>Local Government Act 1995</i> Open by Design – FOI and Information Release in WA				
Organisational:	Application for Access to Documents Form Statutory Declaration				
Document Management:					
Review Frequency:	Annual	Next Due:	2023	Records Ref:	D-21-36142
Version #	Date:	Synopsis:			
1.	8 October 2021	New Information Statement Developed			
2.	8 November 2022	Annual Review of Information Statement - Minor Changes			