



Information Statement 2023-2024

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PUBLISHED IN COMPLIANCE WITH THE *FREEDOM OF INFORMATION ACT 1992*

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INTRODUCTION

The objectives of the *Freedom of Information Act 1992* (the FOI Act) are to:

- a) enable the public to participate more effectively in the governing of the State; and
- b) make the persons and bodies that are responsible for State and Local Government more accountable to the public.

Under Part 5 of the FOI Act, the City of Mandurah (the City) is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as of November 2023.

The Information Statement includes information on:

- The structure and functions of the City.
- The City's decision-making functions.
- Opportunities for public participation in the City's decision-making processes.
- The type of documents generated and held by the City.
- Which documents may be viewed, purchased or obtained free of charge and how to access them.
- How to access and amend personal information held by the City

This document can be obtained by accessing the City's website - www.mandurah.wa.gov.au:

Further information can be provided by contacting the Information Management Co-ordinator via:

City of Mandurah
3 Peel Street | PO Box 210
MANDURAH WA 6210
Telephone: (08) 9550 3257
Email: FOI@mandurah.wa.gov.au

Should you wish to obtain a copy of the *Freedom of Information Act 1992* or associated regulations please visit the State Law Publisher Website at www.legislation.wa.gov.au where a full copy of all State Legislation is available. Further information about Freedom of Information (FOI) can also be found on the Freedom of Information Commissioner's website www.oic.wa.gov.au.

STRATEGIC VISION AND VALUES

The City's strategic direction is articulated through the following vision and values:

Our Vision:

We are built in nature – a meeting place surrounded by unique waterways, where the wellbeing of our people and our environment are nurtured: where business in the community can thrive and entrepreneurship is celebrated. We will be the place where a thriving regional city and the heart of a village meet.

This is our Mandjoogoordap.

Our Values:

Courage - Be brave and resilient. Embrace change.

Connected - One Team. One Community.

Innovative - Lead the way. Have a can-do attitude.

Integrity - Do it right. Do it safe.

Excellence - Be accountable. Deliver exceptional customer service.

STRATEGIC COMMUNITY PLAN

The City's Strategic Community Plan 2020-2040 entitled "Mandurah Matters – a shared vision for our future" was developed with extensive input from community, stakeholders, Elected Members and City officers. The plan outlines the community's aspirations in the key themes of: Economic, Health, Social and Environment, underpinned by the theme of Organisational Excellence. The Plan serves as a long-term guide to guide the City to implement activities and services aligned with expectations of our community.

The Strategic Community Plan 2020-2040 can be accessed online at www.mandurahmatters.com.au and www.mandurah.wa.gov.au.

Alternatively, printed copies can be made available upon request.



LEGISLATION ADMINISTERED

The following is a list of legislation for which the City of Mandurah may wholly or partly responsible for administering.

Legislation:

- **Building Act 2011 and Associated Regulations** - 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.
- **Caravan Parks and Camping Grounds Act 1995 and Associated Regulations** – An Act to provide for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, to provide for standards in respect of caravans, to amend certain Acts and for related purposes
- **Cat Act 2011 and Associated Regulations** – An Act that requires the identification, registration and sterilisation of domestic cats, and gives local governments the power to administer and enforce the legislation
- **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
- **Dividing Fences Act 1961** – An Act that combines with local government by-laws to regulate the erection and maintenance of dividing fences in Western Australia. The Act provides a process for sharing costs between neighbours, the determination of boundaries and a mechanism for courts to deal with disputes over dividing fences. It does not apply to retaining walls, fence height restrictions or encroachments.
- **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 and Associated Regulations** - 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.
- **Food Act 2008 and Associated Regulations** – An Act to provides enforcement agencies with the ability to charge fees in association with food regulatory activities such as registration, notification and surveillance.
- **Graffiti Vandalism Act 2016** – An Act to consolidated laws dealing with graffiti vandalism.
- **Health (Miscellaneous Provisions) Act 1911 and Associated Regulations** – An Act to deal with certain matters concerning public health.
- **Land Administration Act 1997 and Associated Regulations** - An Act which provides for the disposition and management of State land.
- **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 Mandurah
- **Local Government (Miscellaneous Provisions) Act 1960** – An Act to deal with certain matters concerning local government
- **Planning and Development Act 2005 and Associated Regulations** - 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.

- **Public Health Act 2016 and Associated Regulations** - An Act to consolidate and amend the Law relating to Public Health.
- **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.
- **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.
- **Valuation of Land Act 1978** - An Act to provide for the valuation of land and for other purposes.
- **Work Health and Safety Act 2020 and Associated Regulations** – An Act to make provision about, and in connection with, the healthy and safety of workers, health and safety at workplaces and risks to health and safety arising from work.

Local Laws:

- Animals Environment and Nuisance Local Law 2010
- Blasting, Quarrying & Excavations Consolidated Local Law
- Buildings Consolidated Local Law
- Bush Fire Brigades Local Law 2010
- Cat Local Law 2019
- Cemeteries Local Law 2010
- Dogs Local Law 2010
- Enforcement of Local Laws Consolidated Local Law
- Fencing Local Law 2015
- General Interpretation of Local Laws Consolidated Local Law
- Health Local Law 1996
- Jetties Waterways Marina Local Law 2010
- Local Government Property and Public Places Local Law 2016
- Objections Appeals Misc. Consolidated Local Law
- Parking and Parking Facilities Local Law 2015
- Revocation Citation and Application of Local Laws Consolidated Local Law
- Standing Orders Local Law 2016
- Waste Management Local Law 2010



STRUCTURE AND FUNCTIONS

Council and Elected Members:

The City of Mandurah Council comprises a Mayor and 12 Councillors representing four wards: North Ward, East Ward, Town Ward and Coastal Ward. The Mayor is elected by the City's electors with three Councillors elected to represent each ward. Both the Mayor and Councillors are elected for four-year terms.

The Elected Members (i.e. Mayor and Councillors) form a corporate body working for the community and do not have the authority to act or make decisions as individuals. Decisions are made by Council in accordance with the *Local Government Act 1995*.

Role of the Council

- Governs the local government affairs;
- Is responsible for the performance of the local government functions;
- Oversee the allocation of the local government's finances and resources; and
- Determine the local government's policies.

In accordance with Section 3.1 of the Local Government Act 1995 (the Act) the general function of a local government is to provide for the good government of persons in its district. In the delivery of its functions for the community, the local government must:

- promote the economic, social and environmental sustainability of the district;
- plan for mitigating, risks associated with climate change;
- make decisions, to consider potential long-term consequences and impacts on future generations; and
- recognise the particular interests of Aboriginal people and involve Aboriginal people in decision-making processes.

Role of the Mayor

- Preside at meetings in accordance with the *Local Government Act 1995*;
- Provide leadership and guidance to the community in the district;
- Carry out civic and ceremonial duties on behalf of the local government;
- Speak on behalf of the local government;
- Perform such other functions as are given to the Mayor by the *Local Government Act 1995* or any other written law; and
- Liaise with the Chief Executive Officer on the local government's affairs and the performance of its functions.

Role of a Councillor

- Represent the interests of electors, ratepayers and residents of the district;
- Provide leadership and guidance to the community in the district;
- Facilitate communication between the community and the council;
- Participate in the local government's decision-making processes at Council and Committee meetings; and
- Perform such other functions as are given to an Elected Member by the *Local Government Act 1995* or any other written law.

For further information about the City's Elected Members and contact details please visit our website <https://www.mandurah.wa.gov.au/council/about-council>

City of Mandurah:

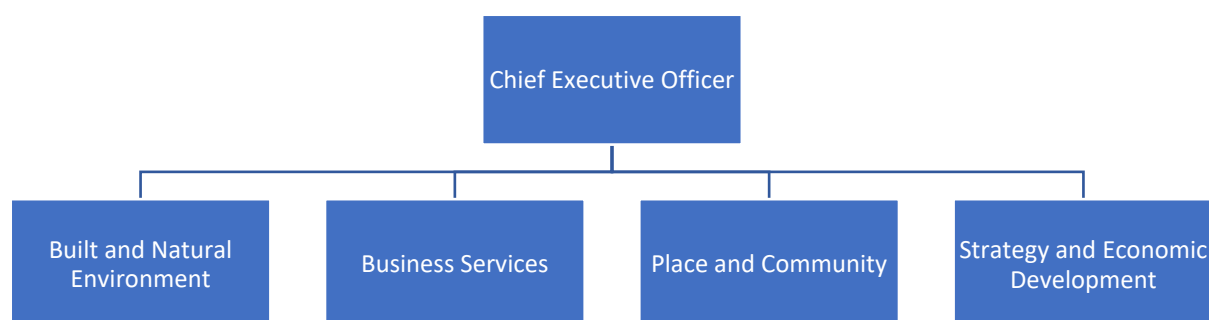
The City of Mandurah is a body corporate, constituted under section 2.5 of the *Local Government Act 1995*. Its general function is to provide for the 'good government of persons in its district'.

The City's operations are managed by the Chief Executive Officer, who is supported by an Executive Leadership Team. The functions of the CEO includes to:

- Advise the Council in relation to the functions of a Local Government under this Act and other written laws
- Ensure that advice and information is available to the Council so that informed decisions can be made
- Cause Council decisions to be implemented
- Manage the day to day operations of the Local Government
- Liaise with the mayor or president on the local government's affairs and the performance of the local government's functions
- Speak on behalf of the Local Government if the mayor agrees
- Be responsible for the employment, management, supervision, direction and dismissal of other employees
- Ensure that records and documents of the Local Government are properly kept
- Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

In accordance with section 5.41 of the Act the Chief Executive Officer's function is to ensure the efficient and effective utilisation of the City's resources in achieving the City's objectives and strategic direction. The Executive Leadership Team is comprised of four Directors who assist the Chief Executive Officer in managing the City's operations and functions, including 656 (467 FTE) employees.

As of 29 November 2023, the organisation is structured into four directorates as follows:



DECISION MAKING FUNCTIONS

This section describes the framework of the decision-making structure and the manner in which Council makes decisions.

Council Meetings:

Unless otherwise advertised, Council meetings are held on the fourth Tuesday of each month, commencing at 5.30 pm in the Council Chambers.

Members of the public are welcome to attend and may ask questions during 'Public Question Time', make a deputation on any agenda item, or present a public statement relating to a matter that is not listed on the agenda. The community may also present a petition for Councils acceptance and referral to City officers for action.

When considering recommendations, either from a Committee meeting or presented in a City officer's report, Council may:

- Accept the recommendation put forward and/or adopt it en bloc without further debate/discussion;
- Withdraw a particular item for further discussion or modification or propose that another course of action be taken;
- Defer making a decision on an item, pending further consideration/discussion at an appropriate meeting.

Senior employees of the Local Government, being the Executive Leadership Team, also attend Council meetings to provide Elected Members with information and advice as required. Governance Services also attend meetings to provide advice and guidance on procedural matters.

For further information about council meetings, visit our [About Council Meetings](#) website page

Committees:

The *Local Government Act 1995* enables Local Governments to form committees to assist with its functions. Under section Sec 5.9 Committee Members can include Elected Members and/or members of the public.

To access what is available, visit our [Committee and Advisory Groups](#) website page

Advisory Groups:

Council has also established a number of Advisory Groups to make recommendations to the City on specific issues. Further information is available [Advisory Groups and Committees](#) website page

Delegated Authority:

The *Local Government Act 1995* permits Council to delegate any of its powers or duties to the Chief Executive Officer. The Act further allows the Chief Executive Officer to sub-delegate any

of these powers or duties to City officers. There are strict guidelines surrounding the reporting process for Officers to whom powers are delegated.

In accordance with the Act, Council is required to review each of its delegations every financial year. The review is completed by the Governance Services in consultation with all relevant officers and a report is submitted to Council for consideration. Find [Delegated Authority](#) register on the website page

Policies:

Council policies detail the City's intentions, objectives and principles on a range of issues and is one of the key functions under the Act.

A policy is a statement expressing the underlying Values and core beliefs of the City on certain matters, and may also provide specific direction for carrying out the City's intent.

Council endorses the City's biennial review of all policies. Amendments to policies, and the creation of new policies, is undertaken whenever it is considered necessary.

Find the [Policies](#) on the City's website page



PUBLIC PARTICIPATION

There are a number of opportunities provided for ratepayers and residents to provide feedback and put forward their views on particular issues affecting the City. These are:

Community Consultation:

The whole community may be asked to comment or provide feedback on a particular issue, while in other instances only the community members directly affected by an issue will be consulted.

The consultation process may take many forms and some of the more commonly used methods are:

newspaper and hard-copy surveys; independent telephone survey; information sessions, workshops, expressions of interest, advertisements in the local and State newspapers, leaflet drops, consultative committees, surveys and displays. The City also has a community engagement portal "Mandurah Matters" which is used for a range of community engagement activities and projects.

Deputations:

In accordance with the City's *Standing Orders Local Law*, any person or group wishing to make a five-minute deputation at a Committee or Council meeting on any agenda item listed for consideration must first complete an application form. The deputation application form can be obtained from the City's website; [Deputation Application Form](#)

Public Question Time:

In accordance with the *Local Government (Administration) Regulations 1996*, at each Committee and Council meeting, a minimum of fifteen minutes is available for Public Question Time. During Public Question Time, members of the public are given the opportunity to ask questions about an issue concerning the meeting at which it is raised.

So that officers can provide a full response to questions, members of the public are requested to complete and submit in advance a Public Question Time form. If a response cannot be provided at the meeting, the question will be taken on notice and a response provided in writing to the person raising the question. The responses to questions taken on notice are also included in the following agenda for that meeting.

Information regarding Public Question Time, along with the Public Question Time form can be obtained from the City's website; [Public Question Time Form](#).

Public Statement Time:

In accordance with the City's *Standing Orders*, members of the public can apply to make a two-minute Public Statement at an ordinary Council meeting regarding a matter concerning local government that is not listed on the agenda for consideration. The Public Statement Application Form can be obtained from the City's website; [Public Statement Application Form](#)

Petitions:

Information and requirements pertaining to petitions can be obtained from the City's website; [Public Petition Form](#).

Written Requests:

A member of the public can write to the City regarding any Council policy, activity or service it provides. The City will acknowledge receipt of the enquiry within two working days and if the matter is ongoing the City will communicate the status to the customer and provide regular updates. Correspondence should be directed to council@mandurah.wa.gov.au

Mayor and Councillors:

The Mayor and Councillors serve to meet the requirements of the community at all times and are readily available to residents, and can be contacted to discuss any issue relevant to Council. The Mayor can be contacted at Mayor@mandurah.wa.gov.au and individual Councillor contacts are available on the City's website.

Publications:

Where the City of Mandurah is required or has decided to make certain documents available to the public, then those documents will be available in their most recent format at the City's [public website](#)



DOCUMENTS HELD BY THE CITY

Sections 5.94 and 5.95 of the *Local Government Act 1995* detail the type of documents that a local government must make available for inspection and the type of documents where restrictions apply. Section 5.96A of the *Local Government Act 1995* details of the type of documents that a local government must publish on its website. Any member of the public may attend the City's Administration Centre and request to view these documents and/or purchase hardcopies of them as per the [Fees and Charges Schedule](#) available on the website; www.mandurah.wa.gov.au

For the purposes of the FOI Act, there are two categories of documents held by the City of Mandurah. These can be broadly categorised as those available for inspection or purchase outside the constraints of the FOI Act and those which through their content, must be held confidentially with public access considered only through the provisions of the FOI Act.

The following table, lists documents that are available for inspection only at the City of Mandurah administration and documents that are available on the website -

DOCUMENT DESCRIPTION	INSPECTION ONLY	WEBSITE
Report on a supplementary audit prepared under s7.12AH(1)		√
Report on a review of a local law s3.16(3)		√
Any written law having provision in respect of which the City has a power or duty to enforce		√
Any subsidiary legislation made or adopted by the local government under any written law other than under the Local Government Act 1995		√
Access and Inclusion Plan		√
Agendas / Minutes of Council or Committee Meetings – the City can be contacted for copies prior to 2019		√
Adverse Finding, Recommendation or Proposition made by oversight entity		√
Adverse Recommendation made by an authorised person		√
Annual Budget Documents		√
Annual Report		√
Annual and Primary Returns	√	
Authority to Execute Documents		√
Regional Price Preference Policy		√
Candidates details and profiles (during election period)		√
CEO Standards (recruitment, performance and termination)		√
Censures ordered under section 5.110(6) of the <i>Local Government Act 1995</i>		√
City of Mandurah Local Laws (consolidated versions)		√
Code of Conduct Elected Member, Committee Members and Candidates		√
Code of Conduct for Employees		√
Code of Conduct for Volunteers		√
Complaints Register		√

DOCUMENT DESCRIPTION	INSPECTION ONLY	WEBSITE
Corporate Business Plan 2020 – 2024 and Business Plans prepared under s3.59		√
Delegated Authority Register		√
Disclosure of property sale or disposition		√
Families and Children Policy		√
FOI Internal Procedure	√	
Gifts Register and Electoral Gift Register		√
Information Statement		√
Map of the District (showing District and Ward boundaries)		√
Meeting details for Council, Special Council and Committee meetings		√
Media and Public Statements		√
Mandurah Heritage Register		√
Minutes of Electors Meetings		√
News and Events (News, Events, Projects)		√
Notice papers and agenda relating to any Council or Committee meeting and reports and other documents that have been - - tabled at a Council or Committee meeting or - produced by the local government or a Committee for presentation at a Council or Committee meeting and which have been presented at the meeting		√
Plans for the future		√
Policies - The full list of the City's Policies are available on the website and where relevant superseded versions of policies (inspection only)		√
Proposed local laws of which the local government has given State-wide public notice under section 3.12(3) of the <i>Local Government Act 1995</i>		√
Public Statements by Councillors and Chief Executive Officer		√
Public notice given under Local Government (Elections) Regulations 1997 in respect of the Local Government		√
Public Notices (local and state)		√
Rates Records	√	
Rates information (objects of, and reasons for, each proposed rate and minimum payment)		√
Reconciliation Action Plan		√
Register of submitted Annual and Primary Returns		√
Register of Fees, Expenses and Allowances paid to Elected Members		√
Records Management Policy		√
Register of Financial Interests	√	
Report on training completed by Elected Members		√
Schedule of Fees and Charges		√
Register of owners and occupiers under Section 4.32 (6) of the <i>Local Government Act 1995</i> and electoral rolls	√	
Strategic Community Plan 2020 - 2040		√
Tenders – upcoming tender information		√

DOCUMENT DESCRIPTION	INSPECTION ONLY	WEBSITE
Tender (awarded) Register		√
Town Planning Scheme		√
Youth Alcohol Strategy		√
<p>Such other information relating to the local government:</p> <ul style="list-style-type: none"> - required by a provision of this Act to be available for public inspection; - or as may be prescribed in the form or medium in which it may for the time being be held by the local government. 	√	

Information Locations:

Additionally, the City's Annual Report is also available for inspection by members of the public at the City's Libraries. This information is available in alternative formats on request. Please contact The City of Mandurah for further details or visit one of our information locations:



Library Locations and Opening Hours

Mandurah Library	
331 Pinjarra Road MANDURAH WA 6210	
PO Box 210 MANDURAH WA 6210	
Email: manlib@mandurah.wa.gov.au	Phone: (08) 9550 3650
Monday - Friday: 9am - 6pm	
Saturday: 9am - 5pm	
Sunday: 10am – 2pm	

Falcon eLibrary and Community Centre	
Corner Flavia Street and Cobblers Road FALCON WA 6210	
PO Box 210 MANDURAH WA 6210	
Email: manlib@mandurah.wa.gov.au	Phone: (08) 9550 3230
Monday - Friday: 9am - 6pm	
Saturday: 9am - 5pm	
Sunday: closed	

Lakelands Library and Community Centre	
Lakelands Shopping Centre 49 Banksiadale Gate LAKELANDS WA 6180	
PO Box 210 MANDURAH WA 6210	
Email: manlib@mandurah.wa.gov.au	Phone: (08) 9550 3835
Monday: closed	
Tuesday – Saturday: 9am - 5pm	
Sunday: closed	

Local Studies Collection

The City of Mandurah has a Local Studies Collection. It is located at the Mandurah Museum situated at 3 Pinjarra Road MANDURAH. The following is a brief overview of the contents of the collection.

Monographs - The collection holds a number of monographs detailing the history of Mandurah and the Peel Region.

Maps - The collection holds numerous maps of the Peel Region. These vary in age size and content.

Vertical File - The collection includes a vertical file of newspaper clippings and other ephemeral materials that relate to the Peel Region.

Photographs - The collection includes indexed photographs, both historical and recent, relating to the Peel Region. These are held both in hard-copy and electronic formats.

Since its inception the collection has been available for the public to access. A proportion of the collection is catalogued with subject access on the library's automated catalogue. Photographs and maps can be located using the Museum section of the library catalogue. If a search of the catalogue is conducted the location of items can be found. Staff members and volunteers are available to assist with access to the collection. Photocopying and photographic reproduction charges apply to any copies required.

Museum Operating Hours

- Tuesday - Friday - 10am to 3pm
- Saturday – Monday - closed

OPERATION OF FREEDOM OF INFORMATION AT CITY OF MANDURAH

Initial Enquiries - Outside FOI (Informal):

The City is mindful of its obligations and the FOI Act provides general right of access to documents. If possible, the City will initially try to provide you with the documents outside of the FOI process.

Thinking outside the box: One of the most effective things agencies can do to achieve the objects of the FOI Act is to disclose information outside the FOI process unless there is a good reason not to do so. This can be done by proactively publishing information, or by providing requested information without the need for a formal FOI application (excerpt from [OIC - Website](#))

While the FOI Act provides a general right of access to documents it also recognises that some documents require a level of protection and these documents must meet specific exemption criteria in Schedule 1 of the Act; [Exemption Clauses - Schedule 1 from FOI Act](#).



Freedom of Information Application (*Formal*):

The FOI Act gives people the right to seek access to documents held by the City of Mandurah.

The City of Mandurah is required to:

- assist applicants in making an application;
- assist in obtaining access to documents at a reasonable cost; and
- ensure that personal information captured in documents is accurate, complete, up-to-date, and not misleading.

Submitting a Freedom of Information Application

The use of an application form is not mandatory, however, an application must:

- be in writing;
- give enough information to enable the requested documents to be identified;
- give an address in Australia to which notices under this FOI Act can be sent;
- give any other information or details required under the regulations; and
- be lodged at the City with application fee.

Applications may be lodged at the City (with an application fee):

By post, addressed to:	In person, at:
Freedom of Information Coordinator City of Mandurah PO Box 210 MANDURAH WA 6210	Administration Centre City of Mandurah 3 Peel Street MANDURAH WA 6210

Freedom of Information Fees & Charges

Listed below are a scale of fees and charges set under the Freedom of Information Regulations 1993. Apart from the application fee, all charges are discretionary and are set by the Council as part of the annual review of Fees and Charges. **FOI Fees and charges are GST exempt.**

Application fee for Personal information	No fee
Application fee for non-personal information	\$30.00
Charge for time dealing with 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 information (per hour, or pro rata)	\$30.00
Duplicating tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

NOTE: For an applicant who is –

- the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the Rates and Charges (Rebates & Deferments) Act 1992, the charge payable under Regulation 5 of the Act is reduced by 25%.

Estimate of Charges

You can ask the agency for an estimate of charges when lodging your access application. If the charges are likely to exceed \$25, the agency must give you an estimate of charges notice and ask whether you want to proceed with the application (section 17). You must notify the agency within 30 days of your intention to proceed. In some instances, the agency may require an advance deposit.

- a) *Advance deposit which may be required by an agency under section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee being 25%*
- b) *Further advance deposit which may be required by an agency under section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee being 75%*

If you are financially disadvantaged, advise the agency as a 25% reduction of charges may apply.

If you do not respond to an agency's estimate of charges or its requirement to pay a deposit within 30 days, the agency is entitled to conclude that you have withdrawn your access application (section 19).

You can apply for review of an agency's decision to impose a charge or require a deposit.



Access Arrangements

Access to documents can be by way of;

- inspection;
- a copy of a document;
- a copy of an audio or video tape, or computer disk;
- a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in case of a document where words can be reproduced in written form.

It should be noted that the City is not obligated to provide the information in a form that is not held in at the time of the application or would not be practicable to provide.

Exemption Clauses

While the FOI Act provides a general right of access to documents it also recognises some documents require a level of protection. Schedule 1 of the FOI Act cites relevant Exemption Clauses. The most frequent reasons for refusal to provide access to information are:

- **Personal Information**
Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the FOI Act and s5.95 (8) of the LG Act.
- **Business and Commercial Information**
Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the City) may be exempt under Schedule 1 Clause 4 of the FOI Act.
- **Deliberative Processes of Government**
Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the FOI Act and s5.23 of the LG Act.
- **Legal Professional Privilege**
Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the FOI Act.

Notice of Decision

A notice of decision must be issued within 45 days (calendar days) from when the application was received. The City aims to respond as soon as practical to any application and will negotiate with the applicant on an extension to the 45-day limit should the application be unusually large or require consultation with a significant number of Third Parties.

The written "Notice of Decision" which will include:

- the day on which the decision was made;
- the name and the designation of the officer who made the decision;
- the reason why a document is considered exempt, or the fact that access is given to an edited document; and
- if access is refused, the reason for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

Review Process

The FOI Act provides for a review and appeal process, as follows:

Internal Review

Applicants who are dissatisfied with a decision of the City are entitled to ask for an internal review. An application must be made in writing within 30 days of receiving the notice of decision and must provide particulars of the decision to be reviewed.

There is no lodgement fee for an application for internal review, and there are no charges for dealing with an internal review request. The application 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 the application for internal review may result in a confirmation, variation or reversal of the initial decision under review. The applicant will be notified of the outcome within 15 days of the application.

External Review

If you are the access applicant and still dissatisfied with the City's decision after the internal review has been completed, a review by the Information Commissioner can be sought. External review requests must be made in writing within 60 days of the original decision, to the Information Commissioner and give details of the application decision to which the request relates.

If you are a third party who objects to disclosure of your information, you must apply for external review within 30 days after being given the agencies decision.

There is no charge for lodging a request for an external review with the Office of the Information Commissioner and details for contacting the office are:

By post, addressed to:

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

In person, at:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000 (entry off Forrest Place)

Telephone: (08) 6551 7888

Country Callers: 1800 621 244 (*from WA County only*)

Email: info@foi.wa.gov.au

Should you wish to obtain a copy of the *Freedom of Information Act 1992* or associated regulations please visit the State Law Publisher Website at www.legislation.wa.gov.au where a full copy of all State Legislation is available. Further information about Freedom of Information (FOI) can also be found on the Freedom of Information Commissioner's website www.oic.wa.gov.au.

Amendment of Personal Information

If you are concerned that an agency holds information about you that is inaccurate, incomplete, out of date or misleading, you should first contact the agency to discuss whether it will correct that information without the need for you to make a formal application under the FOI Act.

Applications may be lodged at the City:

By post, addressed to:	In person, at:
Freedom of Information Coordinator City of Mandurah PO Box 210 MANDURAH WA 6210	Administration Centre City of Mandurah 3 Peel Street MANDURAH WA 6210

If you are not satisfied with the agency's response, section 45 of the FOI Act provides that you can apply to the agency for amendment of personal information about yourself that is contained in a document of the agency if the information is inaccurate, incomplete, out of date or misleading.

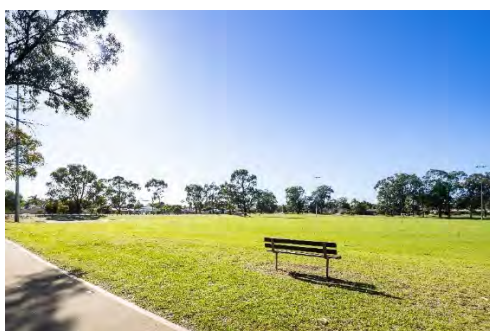
Under section 46, an application for amendment of personal information must:

- be in writing;
- give enough details to enable the document that contains the information to be identified;
- give details of the matters in relation to which you believe the information is inaccurate, incomplete, out of date or misleading;
- give your reasons for holding that belief;
- give details of the amendment you wish to have made (specifying whether you wish the amendment to be made by altering, striking out or deleting the information or inserting a note in relation to information);
- give an Australian address to which notices can be sent; and
- be lodged at the office of the agency that holds the documents.

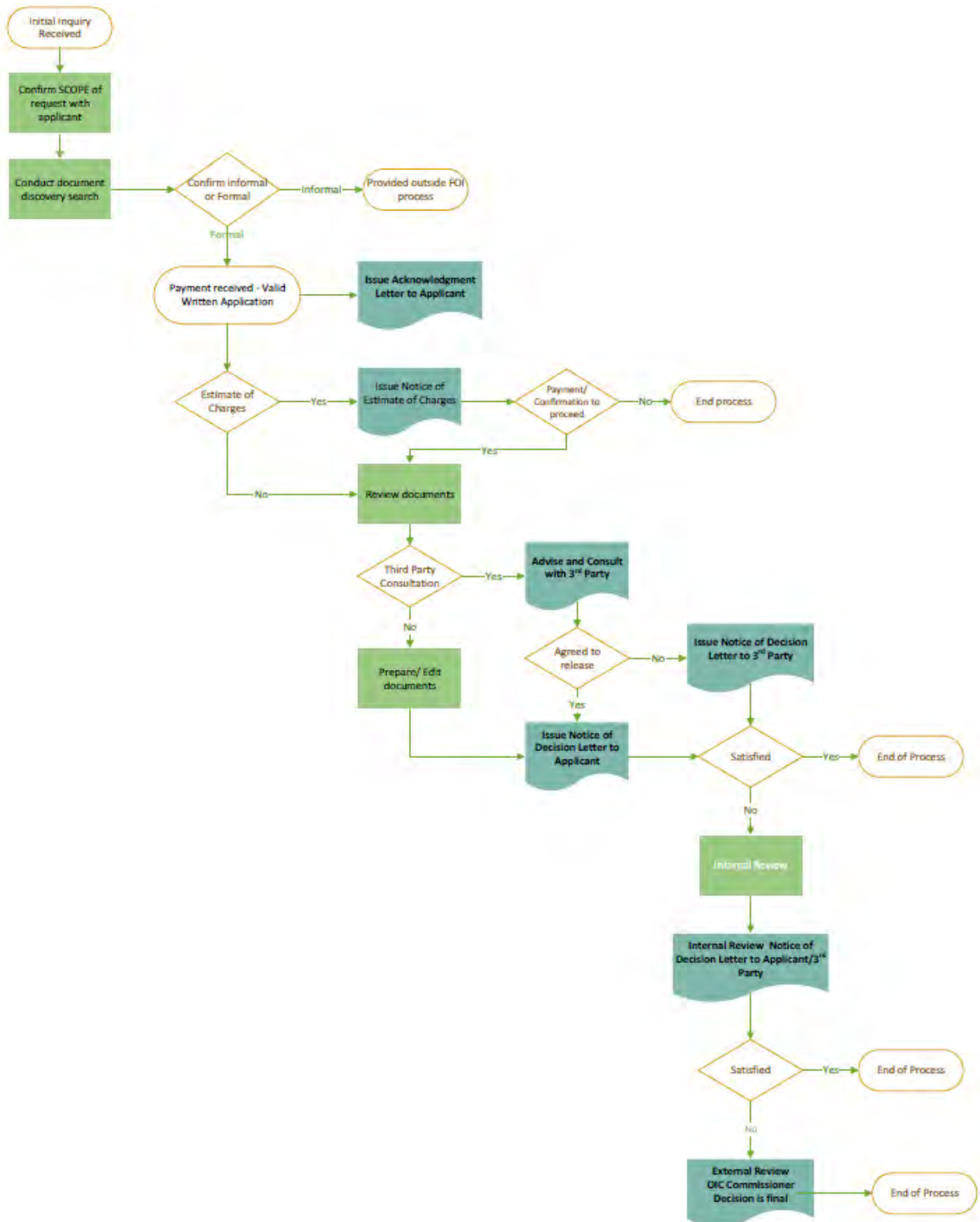
Your application for amendment should include some information or evidence to establish that the personal information you seek to have amended is inaccurate, incomplete, out of date or misleading as you claim.

There are no fees or charges associated with an application for amendment of personal information under the FOI Act.

The agency must give you a written notice of decision on your application for amendment within 30 days of receiving a valid application or within such time as agreed between you and the agency



FOI Process Map





Web mandurah.wa.gov.au

Email foi@mandurah.wa.gov.au

Phone +61 (8) 9550 3257

Address 3 Peel St, Mandurah WA 6210 | **Post** PO BOX 210, Mandurah WA 6210



The City of Mandurah acknowledges the Bindjareb people as traditional custodians of this land. We acknowledge and respect their continuing culture and the unique contribution they make to the life of this community.

Please consider the environment before printing this document

