



FREEDOM OF INFORMATION ACT

INFORMATION STATEMENT

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Introduction

The Western Australian *Freedom of Information Act 1992* (the Act) is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

The Act gives you the right to apply for access to documents held by State Public Sector agencies which includes: Government Departments; Local Authorities; Statutory Authorities and Ministers.

Agencies are required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up to date and not misleading. Your right to apply is not affected by any reasons you have for wishing to obtain access, or the agency's belief as to what your reasons are for applying.

The Act also requires each agency to prepare and publish an annual information statement which details the process of applying for information under the Act, as well as information that the City of Karratha (the City) provides outside the Act. This City of Karratha Freedom of Information Statement fulfils the City's obligation in this regard, and is correct as at July 2016. Please note that the information contained in this Information Statement is a general guide and should not be substituted for the FOI Act and Regulations. This document can be provided in hard copy upon request, and an electronic copy can be accessed via the City's website at <http://karratha.wa.gov.au/freedom-information-act>.

Legislative Framework

The operations of local government in Western Australia are governed by the *Local Government Act 1995 (LG Act)*, the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments. A non-exhaustive list of legislation (including acts, regulations and local laws) administered by the City is provided at Appendix 1 to this document. This list is not exhaustive or comprehensive and may not be current, so confirmation of current Acts and Regulations by referring to the State Law Publisher at www.slp.wa.gov.au is recommended. The current Local Laws of the City of Karratha can be accessed via <http://karratha.wa.gov.au/local-laws>.

Decision making by the City

The City has been entrusted with the responsibility to oversee the development and progression of the local community. Council delegates decision-making authority to the CEO in some instances, and the CEO may sub-delegate certain decision-making duties to City officers in accordance with the *LG Act 1995*. These delegations are reviewed and approved by Council on an annual basis.

A range of policies have been developed by the City that guide and direct its actions now and into the future. All current Council policies can be viewed on the City's website at <http://karratha.wa.gov.au/policies>.

In performing their roles as decision makers, City Councillors, the CEO and City Officers are required to make decisions that have an impact on the daily lives of residents and ratepayers of the City of Karratha. These decisions might be about things like the provision of footpaths, control of animals, refuse collection, cultural events, planning matters, recreation facilities and control of environmental health issues. The City of Karratha strives to achieve a balanced and fair approach to decision making to protect and develop the amenities of the City of Karratha, preserve heritage, encourage economic growth, and provide clarity to residents and businesses in the area.

Public participation in the decision making process

City of Karratha recognises that the community is an important resource when informing decision making, and that community input is essential to assist the City in choosing a path that caters for the current and future needs and expectations of the community.

Council Meetings

Decisions are made by Council at regular Council meetings which are held on the third Monday of each month, and are held in Council Chambers at the City of Karratha Administration Building on Welcome Road, Karratha or at a town site within the district. Members of the public are welcome to attend Council Meetings. A complete list of Council Meeting dates for the year are available on the City of Karratha website at <http://karratha.wa.gov.au/council-meeting-dates>.

On occasions there may be a Special Meeting of Council if a matter of particular urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

Public Question Time

To assist members of the public to participate in the decision making process of the City, Public Question Time is available for a period of 15 minutes at the commencement of each meeting. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud. The question does not need to be on a City form. It can be in the form of a letter or note, as long as it legibly shows your question and contact details. The questions are to be received by the Presiding Officer of the City.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer, usually the Mayor. If a question is taken on notice then it will be recorded and a written response provided to the questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the Council.

If possible, please email your question through to enquiries@karratha.wa.gov.au before the meeting. Your question may not be answered if you do not attend the Council Meeting.

Deputations

Should a group of people wish to engage or make a formal representation to Council on behalf of a larger group in relation to an item contained in the Council agenda, they may apply in writing to the CEO. The CEO will send the written request to the Mayor, who may then either approve the request or refer it to Council for a decision on whether or not to receive the deputation. If approved, the CEO will invite the deputation to attend a Council Meeting. Questions and requests for deputations should be marked for the attention of the Chief Executive Officer and may be faxed to 08 9185 1626, or posted to PO Box 219, Karratha, WA 6714, or hand-delivered to the reception of City of Karratha Administration Building, Lot 1083 Welcome Road, Karratha, WA 6714, or emailed to enquiries@karratha.wa.gov.au.

Annual General Meeting of Electors

The Annual General Meeting of Electors is held to discuss the Annual Report of the financial auditors for the City, and discuss general business of the City. A formal Notice of Meeting is advertised in advance of the date of the meeting. The meeting tends to be held in November or December each year.

Special Meetings of Electors

In accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors may be held following a request made to the Mayor for such a meeting by

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the Mayor and made by registered electors of the City of Karratha. The petition needs to state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. It also needs to contain a summary of the reasons for the request and state the name and address of the person who is putting forward the petition. Further details regarding the requirements for petitions can be found in the *Local Government Act 1995* and the *Local Government (Constitution) Regulations 1996*.

Community Consultation and Participation

The City of Karratha regularly invites the community to contribute their opinion and expertise on Council projects, plans, local laws and strategy. There are a range of tools that the City uses to engage with the public, including an annual Community Survey. The methods used vary according to the requirements of each consultation process, and some processes need to meet legislative requirements. Opportunities for input into decisions and processes of Council are advertised according to their needs on some or all of the following:

- the City's website, for example at <http://karratha.wa.gov.au/public-notifications>;
- on noticeboard in Reception of the Administration Building on Welcome Road;
- on noticeboards in the libraries throughout the City;
- on the City's Facebook page;
- Tenderlink;
- in the Pilbara News; and
- in the West Australian.

Community members also have the opportunity to engage with the City at any time by visiting our reception at the City's Administration Building on Welcome Road between the hours of 8:30am and 4:30pm, by calling 08 9186 8555, by emailing enquiries@karratha.wa.gov.au or by leaving a comment or message on the City Facebook page at www.facebook.com/cityofkarratha.

Additionally, community members may provide feedback, make enquiries or complaints, or report damage, graffiti or litter online via the Contact Us page of the City's website at <http://www.karratha.wa.gov.au/contact-us>.

Documents held by the City of Karratha

Records of the City's activities are centrally stored by the City in accordance with the LG Act and *State Records Act 2000*. Such records include correspondence, memoranda, notes, recordings, reports,

plans, sketches, maps, diagrams, applications, fact sheets, registers, approvals, notices, agendas and minutes.

In accordance with section 5.94 of the *Local Government Act 1995*, certain documents are made available by the City for public inspection without an application under the Freedom of Information Act being necessary, many of which are available on the City's website. Such documents include:

- any code of conduct;
- any regulations prescribing rules of conduct of council members referred to in section 5.104 of the LG Act;
- any register of complaints referred to in section 5.121 of the LG Act;
- any register of financial interests;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- any plan for the future of the district made in accordance with section 5.56 of the LG Act;
- any proposed local law of which the local government has given State-wide public notice under section 3.12(3) of the LG Act;
- any local law made by the local government in accordance with section 3.12 of the LG Act;
- any rates record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting (excluding those reports prepared under Section 5.23 of the LG Act);
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59 of the LG Act;
- any register of owners and occupiers under section 4.32(6) of the LG Act and electoral rolls;
- any contract under section 5.39 of the LG Act and any variation of such a contract.

Publication of other information

In addition to the above listed document types, the City produces and publishes a wealth of additional information which is available to the public via the City's website.

Documents available for purchase

The City also has documents and information that is available for purchase according to the schedule of fees and charges that is set by Council. Examples of documents which may incur a charge include:

Copy of Council Agenda	Each	\$6.10
Copy of Council Minutes	Each	\$6.10
Electoral Roll	Complete set	\$25.00
Plan search	With owners consent	\$36.50
Reprint of Rate notice	Current financial year	\$25.00
Reprint of Rate notice	Prior financial year	\$35.00

Library Services

The City of Karratha has four libraries located in Karratha, Dampier, Roebourne and Wickham. All City of Karratha residents may use the libraries free of charge and can use their library card to borrow from any of the libraries. All libraries offer Microsoft Office products and Internet access. Scanning and photocopying services are available for a small fee. Library opening hours are available on the City website at <http://www.karratha.wa.gov.au/libraries>.

FOI Procedures

It is the aim of the City of Karratha to make information available promptly and at the least cost possible. Therefore, wherever appropriate and lawful, documents will be provided outside of the FOI process. Where information is not freely available through one of the methods available outside of FOI, the FOI Act provides the right to apply for access to information held by, or believed to be held by, the City of Karratha.

What kind of information can I request?

The kinds of documents to which you may request access includes paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information.

You may also apply for access to personal information about you that is contained in agency documents and you can correct that information if it is incorrect, inaccurate, out of date, or misleading. Personal information is information about you whilst non-personal information is information concerning other people.

Documents which protect essential public interests, personal information about other people or the commercial or business affairs of others are among those documents which may not be released. An edited copy of a document may be provided to you if it contains some information considered to be exempt under the FOI Act.

How do I make an FOI application?

- Apply in writing via the FOI Application Form at the bottom of the City's FOI page <http://karratha.wa.gov.au/freedom-information-act> . Although this application form is not formally required (a letter or email may suffice depending on information requested) the form is designed in a way to ensure accurate requests are submitted and that the City of Karratha can search for your requested information as quickly and efficiently as possible.
- Identify or describe the documents concerned, providing enough information to facilitate the identification of the documents you seek.
- If you apply for amendment of personal information about yourself, you must provide details to show how or why the City's records are inaccurate, incomplete, out of date or misleading.
- Ideally your request should be concise to narrow the field of search. Costs may apply for applications with a wide scope or requiring a high level of research.
- Give an address in Australia where notices can be sent by mail and, if possible include a contact telephone number or email address so the Agency can liaise with you regarding your application.
- Send your application or related enquiries to the Freedom of Information Coordinator, PO Box 219, Karratha, WA 6714 or to enquiries@karratha.wa.gov.au.
- Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

Are there any costs involved?

No fees or charges apply for personal information or amendment of personal information about yourself. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of your request.

You can ask the City for an estimate of charges when lodging an application. If the charges are likely to exceed \$25 the agency must give you an estimate of charges and ask whether you want to proceed with the application. You must notify the City (within 30 days) of your intention to proceed. In some instances where they may a lot of records to search, the City may request an advance deposit. The fees, charges, deposits, and possible reductions are set by the FOI Act and are as follows:

Personal Information about the applicant	No fee 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	\$0.20c
Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Advance deposit that may be required in respect of estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%
For impecunious the charge payable is reduced by	25%
For those issued with prescribed pensioner concession cards, the charge payable is reduced by	25%

In what way can I minimise or remove the need for charges?

The FOI Act requires the City to help you with your application if you are having difficulty defining the documents you are seeking. The City may describe the kinds of documents and records kept to help you narrow the scope of your application. By reducing the scope of your application it will reduce the work for the City and the cost to you. The City may refuse to deal with a large request.

What happens after I have lodged my application?

Once the City has received a valid application from you, it has a maximum period of 45 calendar days to deal with your access application and to decide whether you can have access to the documents. If the period is not sufficient for research to be carried out and a decision subsequently provided, the Applicant will be informed and a negotiated time will be determined.

What if I need the documents urgently?

In the event that you require a decision on your application by a certain time, you should include this information in your written FOI application, or approach the City about the desired timeframe after your application has been submitted. You may be able to negotiate a shorter (or longer, as the case may be) period for response with the City.

How will I know when the City's decision has been made and what it is?

The City must provide you with a written Notice of Decision informing you whether you will be provided with access to all or some of the documents you have requested. The Notice of Decision will include details such as:

- the date on which the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reason for the refusal or where the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

The Notice of Decision will be provided as soon as possible, but in any case within 45 days. If the City refuses you access to any documents or parts of any documents, the written notice must provide you with the reasons for the decision. It must also explain your rights of review.

What if I am unhappy with the City's decision?

Internal Review

If you are dissatisfied with the City's decision you are entitled to request an internal review by the City. You have 30 days from the date of receipt of the Notice of Decision to make an application for internal review. Such a request needs to be in writing to the FOI Coordinator for the City, and should identify the part of the decision that you disagree with, as well as the reason that you are dissatisfied with it. The City then has 15 calendar days to conduct a review and notify you of the outcome. Another person in the City, who is not subordinate to the original decision-maker must make the decision on internal review. If the decision was made by the Chief Executive Officer an internal review is not available, but you can apply to the Information Commissioner for an external review.

External Review

If you disagree with the outcome of the internal review you may request the Information Commissioner for an external review. An application for external review should be made within 60 days of receiving the City's notice of internal review decision. Third parties who object to disclosure of their information must apply for external review within 30 days after being given the City's decision.

The application for external review can be made in a letter or you can complete a form available from the Office of the Information Commissioner at www.oic.wa.gov.au.

You must give an address to which notices can be sent, give particulars of the decision you want reviewed, include a copy of that decision and lodge the application at the Office of the Information Commissioner.

The Information Commissioner is appointed by the Governor as an independent statutory officer who is responsible directly to Parliament. Therefore, complaints lodged with the Information Commissioner are subject to impartial review based on the merits of each case and the relevant provisions of the FOI Act.

Further information

Further information can be obtained from the Freedom of Information (FOI) Coordinator for the City on 08 9186 8555, Monday to Friday from 8.00am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888
1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889

Email: info@foi.wa.gov.au

Web: www.oic.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000

Appendix 1 - List of legislation administered by the City

This list is not intended to be exhaustive and should not be relied upon as such. Confirmation of current Acts and Regulations is recommended by referring to the State Law Publisher at www.slp.wa.gov.au. The current Local Laws of the City of Karratha can be accessed via <http://karratha.wa.gov.au/local-laws>.

Builders' Registration Act 1939
Building and Construction Industry Training Fund and Levy Collection Act 1990
Building and Construction Industry Training Levy Act 1990
Building Regulations 1989
Bush Fires Act 1954
Bush Fires Regulations 1954
Bush Fires (Infringements) Regulations 1978
Cat Act 2011
Cat Regulations 2012
Cemeteries Act 1986
Copyright Act 1968
Control of Vehicles (Off Road Areas) Act 1978
Corruption, Crime and Misconduct Act 2003
Dividing Fences Act 1961
Dog Act 1976
Dog Regulations 2013
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Evidence Act 1906
Equal Opportunity Act 1984
Freedom of Information Act 1992
Food Act 2008
Health Act 1911
Health Regulations
Heritage of Western Australia Act 1990
Industrial Award Infectious Diseases (Inspection of Persons) Regulations 1971
Interpretation Act 1984
Land Administration Act 1997
Library Board of Western Australia Act 1951
Liquor Licensing Act 1988
Litter Act 1979
Local Government Act 1995
Local Government (Administration) Regulations 1996
Local Government (Audit) Regulations 1996
Local Government (Constitution) Regulations 1998
Local Government (Elections) Regulations 1997
Local Government (Financial Management) Regulations 1996
Local Government (Functions and General) Regulations 1996
Local Government (Uniform Local Provisions) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960
Local Government (Long Service Leave) Regulations 1997
Local Government (Uniform Local Provisions) Regulations 1996
Local Government (Rules of Conduct) Regulations 2007
Local Government (Amendment of Part VIA – Employee Superannuation) Regulations 2006

Local Government (Parking for People with Disabilities) Regulations 2014
Main Roads Act 1930
Main Roads (Control of Advertising) Regulations 1996
Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996
Parks and Reserves Act 1895
Public Works Act 1902
Rates and Charges (Rebates and Deferments) Act 1992
Rates and Charges (Rebates and Deferments) Regulations 1992
Residential Planning Codes of WA 1991
Road Traffic Act 1974
State Records Act 2000
Strata Titles Act 1985
Planning and Development Act 2005
Planning and Development Regulations 2009
Planning and Development (Development Assessment Panels) Regulations 2011
Planning and Development (Local Planning Schemes) Regulations 2015
Transfer of Land Act 1893
Valuation of Land Act 1978
Workers Compensation and Assistance Act 1981

Local Laws

Activities in Thoroughfares & Public Places and Trading Local Law
Animals, Environment and Nuisance Local Law
Bush Fire Brigades Local Law
Cemeteries Local Law
Dogs Local Law
Fencing Local Law
Health Local Law
Local Government Property Local Law
Parking and Parking Facilities Amendment Local Law 2011
Parking & Parking Facilities
Standing Orders Local Law