
TOWN OF EAST FREMANTLE



FREEDOM OF INFORMATION STATEMENT

This information statement is published by the Town of East Fremantle in accordance with the requirements of the Freedom of Information Act 1992.

Council is pleased to comply with the legislation and welcomes enquiries.

An updated information statement will be published upon request at least every twelve months.

2012/13

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FREEDOM OF INFORMATION STATEMENT

1 STRUCTURE AND FUNCTIONS OF COUNCIL

1.1 Council

The affairs are managed by 9 people (Mayor and 8 Councillors) elected from the community and who act in a paid capacity. The Council acts as a community board, establishing policies and making decisions within the rules of the Local Government Act on a wide range of issues affecting the community.

Ordinary meetings of Council are held on the first and third Tuesday of each month. Commencement of these meetings is 6.30pm and members of the public are welcome to attend.

1.2 Standing Committees

Membership of each Standing Committee is determined by election at a Special Meeting held after the biannual Local Government Elections. The Mayor may choose to be a member of, and chair any standing committee.

Council has four Standing Committees, namely:

- ◆ Town Planning & Building Committee (Private Domain)
- ◆ Finance Committee
- ◆ Town Planning/Public Domain, Works & Reserves Committee
- ◆ Health & General Purposes Committee

These Standing Committees meet as follows:

- (1) **TOWN PLANNING & BUILDING COMMITTEE (PRIVATE DOMAIN)**
6.30 pm on the second Tuesday of each month. This Committee makes recommendations to Council on long term strategies, policies and plans in relation to:
 - strategic and statutory planning
 - conservation and heritage
 - development and building control
- (2) **FINANCE COMMITTEE**
Four meetings of the Finance Committee have been scheduled for the 2011/12 year, commencing at 6.30pm. This Committee makes recommendations to Council in relation to:
 - financial management
 - administrative support
 - financial strategies, plans and budgets
- (3) **TOWN PLANNING/PUBLIC DOMAIN, WORKS & RESERVES COMMITTEE**
Council resolved, at the 21 June 2011 meeting, to hold Committee meetings as required during 2011/12. This Committee makes recommendations to Council in relation to:

- parks & recreation management
- maintenance and development of the Town's infrastructure
- traffic management and street control

(4) **HEALTH & GENERAL PURPOSES COMMITTEE**

Council resolved, at the 21 June 2011 meeting, to hold Committee meetings as required during 2011/12. This Committee makes recommendations to Council in relation to:

- environmental health & related issues
- community services and Arts
- ranger services, including parking and dog control
- general purpose, including items that do not come under other Standing Committees

1.3 **Agendas and Minutes**

Agenda of all Council meetings are placed on public display on Monday prior to the meeting.

1.4 **Sub-Committees and Consultative Groups**

A number of sub-committees and working groups comprising elected members, staff and the public have been established to investigate particular issues and report back to Council. Currently these are:

- Town Planning Advisory Committee
- Fremantle/East Fremantle Library Advisory Committee
- South Metropolitan Zone of Western Australian Local Government Association
- Southern Metropolitan Regional Council (Waste Management)
- Regional Waste Managers Committee
- South West Group

1.5 **Delegated Authority**

The Chief Executive Officer has the delegated authority to make decisions on a number of specified administrative and policy matters. These delegations are listed and available for public inspection and are reviewed annually by Council.

In keeping with the legislative requirements, Council:

- ◆ determines policies to be applied by Council in exercising its discretionary powers
- ◆ determines the type, range and scope of projects to be undertaken by Council and
- ◆ develops comprehensive management plans, budgets and financial controls for the operations of Council

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources for works and services.

Decisions are also made to determine whether or not approval is to be granted for applications for residential or commercial development.

SERVICES TO THE COMMUNITY

- ◆ Aged Care
- ◆ Animal Control
- ◆ Awards
- ◆ Building Control
- ◆ Bus Shelters
- ◆ Car Parks
- ◆ Citizenship Ceremonies
- ◆ Community Information Service
- ◆ Community Arts
- ◆ Crossovers
- ◆ Cultural
- ◆ Cycleways
- ◆ Demolition Permits
- ◆ Drainage
- ◆ Environmental Health Services
- ◆ Fire Prevention
- ◆ List of Justices of the Peace
- ◆ Litter Bins
- ◆ Media Releases
- ◆ Neighbourhood Watch
- ◆ Newsletter
- ◆ Parking Bays/Road Closures
- ◆ Parking Control
- ◆ Parks & Reserves
- ◆ Pedestrian Crossings
- ◆ Pest Control
- ◆ Planning Controls
- ◆ Playground Equipment
- ◆ Pollution Control
- ◆ Public Library
- ◆ Public Toilets
- ◆ Recreational/Sporting Facilities
- ◆ Recycling
- ◆ Roads/Footpaths/Kerbing
- ◆ Rubbish Collection
- ◆ Stormwater Drainage
- ◆ Street Lighting
- ◆ Street Sweeping
- ◆ Tip Passes
- ◆ Traffic Control Devices
- ◆ Verge Maintenance
- ◆ Water Sampling

PUBLIC PARTICIPATION**3.1 Council Meetings**

Members of the public have a number of opportunities to put forward their views on particular issues before Council. These are:

- (1) Deputations
With the permission of the Presiding Member or the Mayor, a member of the public can personally, or on behalf of a resident, or group of residents, address a Committee of Council, or Council at its meeting.
- (2) Public Question Time
Members of the public are permitted to speak and ask questions on an item.
- (3) Development Application Advertising
Including a single storey dwelling or extensions thereto, the Council may require that the adjoining owners be advised that the plans for the proposal are available for inspection at the Council Office during normal office hours. In special instances Council may require the applicant to:
 - (a) erect a sign in a position that is visible and readable from the street; and/or
 - (b) place a notice one or more times in the local newspaper circulating within the district,
 - (c) use any other methods or media to ensure widespread notice of the proposal, or
 - (d) give written notice to affected owners or occupiers of the proposal.
- (4) Petitions
Written petitions can be presented to Council on any issue with the Council's jurisdiction.
- (5) Written Requests
A member of the public can write to Council on any Council policy, activity or service.
- (6) Elected Members
Members of the public can contact the Elected Members of Council to discuss any issue relevant to Council.

3.2 **Community Consultation**

Council consults with its residents on particular issues that affect their neighbourhood by way of advertising in the local papers, calling public meetings, and seeking responses to surveys and questionnaires.

Requests for other information will be considered in accordance with the Freedom of Information Act. Under this legislation, an application fee must be forwarded with the completed form.

4 **FREEDOM OF INFORMATION APPLICATION PROCEDURE**

4.1 **How the Application is Made**

Applications for Freedom of Information must be made on the FOI Request Forms (available at the Council office) to the Chief Executive Officer, PO Box

1097, Fremantle, 6959, giving enough information to identify the requested documents, proving an address in Australia to which correspondence can be directed and be accompanied by the application fee where applicable. Requests for other information will be considered in accordance with the Freedom of Information Act.

Applications will be responded to as soon as possible within 45 days of Council receiving the properly completed request form, together with the application fees.

4.2 **Freedom of Information Responsibilities**

(a) **Principal Officer**

The Principal Officer is responsible for the internal review process. If the Principal Officer makes the initial decision to refuse access to documents there is no right of internal review, therefore, the applicant must make an external review request by the Information Commissioner.

The Principal Officer shall appoint decision makers by formal direction, either by minutes or instrument.

(b) **FOI Coordinator**

The FOI Coordinator manages and coordinates all FOI activities, and liaises with the Principal Officer and decision makers.

The FOI Coordinator shall:

- record all work flow and time management details
- calculate projected costs, final cost and time spent processing application.
- give access
- give access to an edited copy
- refuse to deal with the application
- refuse access
- defer access or
- give access to a suitably qualified person

(c) **Decision Makers**

Decision makers need to be identified by name and designation in the Notice of Reasons and are accountable for these decisions. Officers cannot review their own decisions or decisions to which they have been a party.

5 **FREEDOM OF INFORMATION MANAGEMENT STRUCTURE**

PRINCIPAL OFFICER:	Chief Executive Officer
FOI COORDINATOR:	Executive Manager Finance & Administration
DECISION MAKERS:	Divisional Managers

6 **TOWN OF EAST FREMANTLE LOCAL-LAWS**

Following is a list of Council Local Laws:

- Activities On Thoroughfares And Trading In Thoroughfares And Public Places
- Advertising Devices, Hoardings And Billposting
- Beekeeping
- Caravan Parks And Camping Grounds
- Control Of Hawkers
- Depositing And Removal Of Refuse, Rubbish, Litter And
- Disused Materials And Removal
- Dogs 2004
- Fencing
- Flats
- Health Local-Laws 2004
- Holiday Accommodation
- Local Government Property
- Long Service Leave
- Motels
- Nuisances And Miscellaneous Matters
- Old Refrigerators And Cabinets
- Parking & Parking Facilities
- Parking Of Commercial And Other Vehicles On Street Verges
- Prevention Of Damage To Streets
- Prevention Of Damage To Footpaths
- Public Reserves
- Relating To Building Lines
- Removal And Disposal Of Obstructing Animals And Vehicles
- Standing Orders
- Street Verandahs
- Street Lawns And Gardens
- Television Masts & Antenna
- Urban Environment And Nuisance
- Uniform Private Swimming Pools
- Vehicle Wrecking

7 **LEGISLATION AND REGULATIONS WHICH EMPOWER THE TOWN OF EAST FREMANTLE**

7.1 **Local Government Act 1995 and Associated Regulations**

The Local Government Act 1995 is the primary legislation under which the Town of East Fremantle operates. The purpose of the Act is to provide for the good rule and government, comfort and safety of persons in municipal districts.

7.2 **Building Regulations 1989**

The Regulations set out procedures for making building applications, classification of buildings and precautions to be followed during construction.

7.3 **Bush Fires Act 1954**

An Act to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires, for the repeal of the Bush Fires Act 1937-1950 and for other purposes.

7.4 **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, and for related purposes.

7.5 **Dividing Fences Act 1961**

An Act relating to the construction and repair of dividing fences between certain lands and for incidental and other purposes.

7.6 **Dog Act 1976**

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.

7.7 **Environmental Protection Act 1986**

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to, or connected with, the foregoing.

7.8 **Environmental Protection (Noise) Regulations 1997**

7.9 **Dangerous Goods Safety Act 2004**

An Act to consolidate and amend the law relating to explosives, to regulate the storage of dangerous goods, and for other incidental purposes.

7.10 **Freedom of Information (FOI) Act 1992**

An Act to provide for public access to documents and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.

7.11 **Health Act 1911**

An Act to consolidate and amend the law relating to Public Health.

7.12 **Food Act 2008**

7.13 **Health (Public Building) Regulations 1992**

7.14 **Health (Smoking in Enclosed Public Places) Regulations 2004**

7.15 **Heritage of Western Australia Act 1990**

An Act to provide for, and to encourage, the conservation of places which have significance to the cultural heritage in the State, to establish the Heritage Council of Western Australia, and for related purposes.

7.16 **Justice of the Peace Act 2004**

An Act to consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.

7.17 **Library Board of Western Australia Act 1951**

An Act to provide for the Constitution and Functions of a Library Board and for other purposes.

7.18 **Liquor Control Act 1988**

An Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to repeal the Liquor Act 1970, and for related matters.

7.19 **Litter Act 1979**

An Act to make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA), and for incidental and other purposes.

7.20 **Main Roads Act 1930**

An Act to consolidate and amend the law relating to and making provision for the construction, maintenance and supervision of highways, main and secondary roads, and other roads, the control of access to roads and for other relative purposes.

7.21 **Metropolitan Region Town Planning Scheme Act 1959**

An Act to provide for and relating to the Planning and Development of land within the Metropolitan Region, and to regulate the assessment of a Metropolitan Improvement Tax and for incidental and other purposes.

7.22 **Occupational Safety & Health Act 1984**

An Act administered in part by Local Government to promote and improve standards for occupational health, safety and welfare and to co-ordinate the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

7.23 **Parliamentary Commissioner Act 1971**

An Act to provide the appointment of a Parliamentary Commissioner for Administrative Investigations for the investigation of administrative action

taken by or on behalf of certain government departments and other authorities and for incidental purposes.

7.24 **Public Works Act 1902**

An Act to consolidate and amend the laws relating to public works.

7.25 **Road Traffic Act 1974**

An Act to consolidate and amend the law relating to road traffic, to repeal the Traffic Act 1919-1974 and for incidental and other purposes.

7.26 **Strata Titles Act 1985**

An Act to facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental and connected purposes and to repeal the Strata Titles Act 1966.

7.27 **Town Planning & Development Act 1928**

An Act relating to the planning and development of land for urban, suburban, and rural purposes.

7.28 **Town of East Fremantle Town Planning Scheme No 3**

The intent of this Scheme is to direct and control the development of the scheme area (hereinafter referred to as the District) in such a way as shall promote and safeguard the health, safety and convenience, economic and general welfare of its inhabitants and the amenities of every part of the district.

7.29 **Workers Compensation and Injury Management Act 1981**

An Act to amend and consolidate the law relating to compensation for, and the rehabilitation of, workers suffering disability by accident or disease in the course of their employment.

8 **DOCUMENTS HELD BY THE TOWN OF EAST FREMANTLE**

8.1 **Records Department**

The Records Department holds current files and inactive files generated by staff and correspondents.

All documents are contained within an alpha-numeric filing system. There are two file types:

- Property based
- Subject

Documents can be accessed via a file index and/or a computerised file and correspondence tracking system.

An extensive library of Council minutes are bound and held within the Records

Department.

8.2 **Fremantle - East Fremantle Library**

The Library is located in the Town Hall Building, 8 William Street, Fremantle and is open to the public (except Public Holidays) 9.30 am to 8.00 pm Monday to Thursday and 9.30 am to 5.00 pm on Friday and Saturday.

The Library endeavours to either acquire, or have access to, through the Library and Information Services of WA Network, any known available publications. Information is held in various formats, including CD ROM.

9 **ACCESS TO COUNCIL DOCUMENTS**

9.1 **Documents Available for Inspection**

The following documents are available for public inspection (free of charge) at the Council Office:

- ANNUAL REPORT
- ANNUAL FINANCIAL STATEMENTS
- LOCAL LAWS
- STANDING ORDERS
- ANNUAL BUDGET
- PLAN FOR THE FUTURE OF THE DISTRICT
- COUNCIL/COMMITTEE AGENDAS
- MINUTES OF COUNCIL/COMMITTEE MEETINGS
- TOWN PLANNING SCHEME NO 3
- EMERGENCY MANAGEMENT PLAN
- DISABILITY ACCESS & INCLUSION PLAN

Members of the public may obtain copies of these documents. A list of all Fees and Charges under Council's jurisdiction is available under separate cover.

TOWN OF EAST FREMANTLE

AMENDMENT OF PERSONAL INFORMATION

The Act gives a person the right to apply for amendment of personal information which is inaccurate, out of date, or misleading. The Council may make the amendment by altering, striking out or deleting, or inserting information, or inserting a note in relation to the information. The Council is not to make the amendment by obliterating, or removing information, or destroying a document unless the prejudice or disadvantage to the person outweighs the public interest in maintaining a public record. The Library Board of Western Australia must be notified before a record is obliterated or destroyed.

TOWN OF EAST FREMANTLE
APPLICATION FOR ACCESS TO DOCUMENTS
(Under Freedom of Information Act 1992, S.12)

DETAILS OF APPLICANT

Surname: _____

Given Names: _____

Australian Postal Address: _____

Postcode: _____

Telephone Number(s): _____

*If application is on behalf
of an organisation*

Name of Organisation/Business

DETAILS OF REQUEST

Personal documents Non-Personal documents

(Please tick)

I am applying for access to documents(s) concerning

FORM OF ACCESS

I wish to inspect the document(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<i>(Please tick appropriate box)</i>
I require a copy of the document(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
I require access in another form	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	

(Specify)

FEES AND CHARGES

Attached is a cheque/cash to the amount of \$ _____ to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

In certain cases a reduction in fees and charges may apply - see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.

I am requesting a reduction in fees and charges Yes No
(Please tick appropriate box)

APPLICANT SIGNATURE _____

Date ____/____/____

(Office Use Only)

FOI Reference Number _____

Received on ____/____/____

Deadline for response ____/____/____

Acknowledgment sent on ____/____/____

Proof of Identity (if applicable)

Type _____

Sighted _____

FOI1

NOTES

FOI Applications

- . Please provide sufficient information to enable the correct document(s) to be identified.
- . The Agency may request proof of your identify.
- . If you are seeking access to a document(s) on behalf of another person, the Agency will require authorisation, usually in writing.
- . Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- . Further information can be obtained from the Office of the Information Commissioner, Level 21, Exchange Plaza, 2 The Esplanade, Perth, Tel. 220, Fax 325 2152. The Freedom of Information Act is available for purchase from the State Government Bookshop, 815 Hay Street, Perth, (Telephone (09) 222 8216).

Forms of Access

You 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 transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of the document from which words can be reproduced in written form.

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

- Fees and Charges** *
- * No fees for access applications relating to personal information and amendment of personal information.
 - * A 25% reduction of charges for financially disadvantaged applicants or those in receipt of Health Benefits.
 - * See attached list.

Lodgement of Applications

Applications may be lodged -

By post, addressed to:
The Chief Executive Officer
Town of East Fremantle
PO Box 1097
Fremantle WA 6959

In person at:
Town of East Fremantle
135 Canning Highway
East Fremantle

FREEDOM OF INFORMATION ACT 1992

Fees and Charges

1 Application fee under section 12(1) of the Act.....\$ 30.00

2 **Type of Charge**

(a) Charge for time taken by staff dealing with the application
(per hour, or *pro rata* for a part of an hour)\$ 30.00

(b) Charge for access time supervised by staff (per hour, or
pro rata for a part of an hour)\$ 30.00
plus the actual additional cost to the agency of any special
arrangements (eg. hire of facilities or equipment).

(c) Charges for photocopying -

(i) per hour, or *pro rata* for a part of an hour of
staff time;\$ 30.00

(ii) per copy (A4)\$ 0.20

(d) 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

(e) Charge for duplicating a tape, film or computer information ... Actual Cost

(f) Charge for delivery, packaging and postage Actual Cost

3 **Advance Deposits**

(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 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 75 %

Note: No fees for access applications relating to personal information and
amendment of personal information.