



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* (Western Australia).

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

A review of this Information Statement will take place at least every twelve months.

The Statement was reviewed and updated on 6 July 2021.

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## **INFORMATION STATEMENT**

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### **1. Structure and Functions of the Council**

#### **1.1 Overview**

The Town of East Fremantle was created in 1897, when it separated from the Fremantle Municipal Council. We are an area of 3.2 square kilometres with a population of approximately 8,000 residents. Bordering the Swan River, our Town has a strong cultural heritage and supports a large range of sporting clubs and community organisations.

Green open space, and access to the river is highly valued in our Town, and we want to protect these features for future generations. Our community has a strong desire to maintain our heritage buildings and takes pride in our historic streetscapes. We recognise the need to plan effectively for population growth, whilst ensuring the unique character of our community and its heritage is not lost.

#### **Our Mission**

“To preserve and promote the Town’s proud history and unique identity”

#### **Vision**

“Inclusive community, balancing growth and lifestyle”.

#### **1.2 Council**

The Council consists of the Mayor and eight (8) Elected Members representing the Town of East Fremantle. The Mayor and Elected Members are chosen democratically by the community and act in a voluntary capacity to represent the whole district of the Town of East Fremantle.

The Elected Members form a corporate body working for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the Local Government Act 1995.

Ordinary meetings of Council are held on the third Tuesday of each month. Commencement of these meetings is 6:30pm and members of the public are welcome to attend as observers in the Gallery.

The main business of these meeting is to consider and make decisions / resolutions on the recommendations on all matters presented to Council.

#### **1.3 Agendas and minutes**

Agendas and Minutes of the Council Meetings are available for inspection in the Town Hall during normal office hours, as well as being available on the Town’s website at <http://www.eastfremantle.wa.gov.au>.

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### **1.4 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 the 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.

## **2. Enabling Legislation**

The general function of a local government is to provide for the good government of people living and working within its district and includes legislative and executive powers and responsibilities.

Using its legislative powers, local governments make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the Local Government Act.

The local government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the *Local Government Act 1995*, including the provision of services and facilities.

## **3. Services to the Community**

Council makes decisions on policy issues relating to services that are provided for members of the public.

These services currently include:

Aged Care

Animal Control / Licensing

Awards

Building Control

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Bus Shelters	Car Parks
Citizenship Ceremonies	Community Information Service
Community Arts	Crossovers
Cultural	Cycleways
Demolition Permits	Drainage
Environmental Health Services	Fire Protection
Litter Bins	Media Releases / Newsletters
Neighbourhood Watch	Parking Control / Bays / Rd Closures
Parks and 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
Waste management	Water Sampling

### 4. Public Participation

#### 4.1 Council meetings

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

**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.

**Public question time:** members of the public are permitted to speak and ask questions on an item without prior notice.

**Development application advertising:** including a single story dwelling or extensions thereto, the Council may require that the adjoining owners be

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advised that the plans for the proposal are available for inspection at the Town Hall during normal business 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.

**Petitions:** written petitions can be presented to Council on any issue within the Council's jurisdiction.

**Written requests:** a member of the public can write to Council on any Council policy, activity or service.

**Elected Members:** Members of the public can contact the Elected Members of Council to discuss any issue relevant to Council.

### **4.2 Community consultation**

The Town of East Fremantle consults with local 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.

## **5. FOI Application Procedure**

### **5.1 Introduction**

The *Freedom of Information (FOI) Act 1992* describes the Town's obligations in providing access to a member of the public to all documents which the Town holds.

If access is sought to documents, other than those detailed in Section 6 of this document then it may be necessary to lodge an application under the *FOI Act 1992*. The application should be lodged with the Town and clearly describe the documents that are sought.

To ascertain whether an Application to Access Information is required, people seeking access to a document/s held by the Town of East Fremantle are encouraged to telephone the Town and speak to the Freedom of Information Coordinator prior to lodging an Application.

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### 5.2 Freedom of Information applications

The *FOI Act 1992* specifies that an application has to:

- Be in writing
- Give enough information to enable the requested documents to be identified
- Give an address in Australia to which notices may be sent
- Give any other information or regulations that may assist to locate the required document
- Be lodged at the Town Hall with application payment of the prescribed amount as set in the *Freedom of Information Regulations*

The Town has prepared an application form that may assist applicants in making an application and a copy of this form can be obtained by contacting the Town or on the Town's website: [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au).

Applications may be lodged;

By post, addressed to                      Freedom of Information Officer  
Town of East Fremantle  
PO Box 1097  
FREMANTLE WA 6959

Or

In person at                                      The Town of East Fremantle  
135 Canning Highway  
EAST FREMANTLE WA

#### 5.2.1 Important information

The Local Government is an Agency under the *FOI Act 1992*.

Agencies are to give effect to the Act in a way that:

- Assist the public to obtain access to documents;
- Allows prompt access to documents at the lowest reasonable cost; and
- Assist the public to ensure that personal information contained in documents is accurate, complete, up to date and not misleading.

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### What constitutes a document?

The *FOI Act 1992* defines the word 'document' to mean any 'record' or any part or copy of the record. The word 'record' is defined as all forms of recorded information including papers, plans, maps, drawings, audio and video recordings and computer records.

The Act also creates two special categories of document which agencies are obliged to make available to members of the public: an Information Statement and internal manuals such as guidelines, policies etc which guide the agency in the day to day performance of its functions.

### Forms of Access

The Town may give access to documents in a variety of ways and these reflect the carrying nature of document. The methods include:

- physical inspection;
- providing a copy of a document;
- providing a copy of any audio or video tape;
- providing a transcript of an audio recording;
- providing a print out of computer stored information;
- a viewing of visual images; and
- listening to an audio recording.

Where access to documents by way of inspection is requested, it is the condition of the Town to provide supervision by staff and where the Town is unable to grant access in the form requested, access may be given in a different form.

### Notice of Decision

Within forty five (45) days from the date the Town receives the application and payment the applicant will be provided with a Notice of Decision, which will include such details as:

- The date which the decision was made;
- The name and the designation of the officer who made the decision;
- If the document is classified 'exempt' or 'edited' the reason for classifying the document as such is supplied; and
- Information on the Right to Review and the procedures to be followed to exercise those rights.



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Applicants who are dissatisfied with a decision of the 'Agency' (Town) are entitled to ask for an Internal Review by the Agency. Application should be made in writing within thirty (30) days of receiving the Notice of Decision.

The applicant will be notified of the outcome of the Review within fifteen (15) days.

If the applicant disagrees with the result, they can apply to the Information Commissioner for an External Review. The Town will provide details on this process with the outcome of the Internal Review.

### **5.3 Freedom of Information responsibilities**

#### 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 not right of Internal Review and in this case the applicant must make an External Review request by the Information Commissioner.

#### Freedom of Information (FOI) Coordinator

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

- The FOI Coordinator:
- Records all work flow and time management details;
- Calculates projected costs, final cost and time spent processing the application;
- Gives access;
- Gives access to an edited copy;
- Refuses to deal with an application;
- Refuses access;
- Defers access; or
- Gives access to a suitable qualified person.

### **6. Access to Documents**

The Town is required to adhere to the *State Records Act 2000* and this means that any right a person may have to be given access to any record the Town holds is to be determined under the *Freedom of Information Act 1992*.

However, the *Local Government Act 1995, Section 5.94 Public can inspect certain local government information*, provides local governments with direction on what documents a local government is permitted to provide the public with access to outside of the *Freedom of Information Act*.

#### **6.1 Documents available for inspection**

In accordance with s5.94 of the Local Government Act 1995, the following documents are available for public inspection (free of charge) at the Town Administration Centre.

- Annual Report
- Annual Financial Statements
- Local Laws
- Standing Orders
- Annual Budget
- Long Term Financial Plan
- Strategic Community Plan
- Council / Committee Meeting Agendas and Minutes
- Town Planning Scheme Number 3
- Emergency Management Plan
- Disability Access and Inclusion Plan
- Council Policy and Procedures
- Freedom of Information Statement
- Register of Delegations
- Register of Financial Interests
- Tender Register
- Code of Conduct

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- Rate Records
- Register of Owners and Occupiers under *Section 4.32 (6) of the Local Government Act 1995* and Electoral Rolls.

Some documents listed the above section under the *Local Government Act 1995, Section 5.94* may not be easily accessible and members of the public should contact the Town to arrange a time to view these documents.

Members of the public may obtain copies of these documents. A list of all charges are included in the Town's Schedule of Fees and Charges.

### **Retention and disposal of the Town of East Fremantle records**

All of the Town's records are retained in accordance with the *State Records Act 2000, Local Government Retention and Disposal Schedule*. This schedule stipulates how long a record must be kept and be available for inspection.

## **6.2 Documents held by the Town of East Fremantle**

### **Correspondence Files**

The Town of East Fremantle manages a number of correspondence file series as described below. All files are subject to disposal in accordance with the current Local Government Records Retention and Disposal Schedule.

#### **Current Files**

These files are located at the Town Hall, with an electronic file and correspondence register available. The majority of files relate to specific property / street addresses, roads and reserves/parks, with a number of subject files relating to organisations, events, services provided, special projects and general administrative issues also forming part of the current filing system.

#### **Archived Files**

These files are located at the Town Hall and in an offsite storage facility. The majority of these files are subject files relating to other organisations, events, services provided, special projects and general administrative issues.

#### **Council Minutes**

Under the Local Government Act 1995 Council minutes are available for free inspection at the Town Hall by any person. A hardcopy of the current minutes is available for viewing only.

Copies of the Council minutes and the Council minute searches conducted by the Town will incur charges. Council Minutes are available 10 days after the Council Meeting. Once the Minutes have been confirmed they are posted on the Town's website at [www.eastfremantle.wa.gov.au](http://www.eastfremantle.wa.gov.au). The Town's web site contains Council Minutes from 2007.

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### **Rates Books**

Currently the Town of East Fremantle information is listed by Assessment Number or property address. When searching for historical rates information the property address, and lot number where possible are required to retrieve the relevant information.

Rates Books stored in hardcopy only at an offsite storage facility. Fees apply for the retrieval of Rates Books.

Landgate is the official custodian of land ownership information. It is recommended that a title search be conducted through Landgate if this type of information is sought.

### **Building / Development applications**

As the authority responsible for granting planning approval for development and issuing building licenses, the Town of East Fremantle has a vast record of drawings and plans of buildings within the area. The drawings and plans can include site plans, floor plans, elevations and in some cases perspective drawings.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured. Contact the Town for more information.

### **Municipal Heritage Inventory**

Under the Heritage of Western Australia Act 1990 the Town of East Fremantle is required to prepare a Municipal Heritage Inventory. This is an inventory of all places within the Town of East Fremantle boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, statement of significance, bibliography, listing status and an image of each place.

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### **State Records Office**

The State Records Office is located on the Ground Floor of the Alexander Library Building, Perth Cultural Centre. The State Records Office is the official repository for all state archives, with the State Records Office taking responsibility for the management and access to information transferred from government agencies such as the Town of East Fremantle.

State Records Office staff can assist you to locate archival material relevant to your search, with various indexes available at their offices. The State Records Office Search Room is open Monday to Friday 9.30 am to 4.30 pm access to information held by the State Records Office is free of charge. Contact the State Records Office on Ph: (08) 9427 3600 for more information.

### **6.3 Amendment of personal information**

The *Freedom of Information Act 1992* gives a person the right to apply for amendment of personal information which is inaccurate, out of date, or misleading. The Town may make the amendment by altering, striking out or deleting, or inserting information, or inserting a note in relation to the information.

The Town 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.

#### Amendment of Town Records

A member of the public may gain access to the Town of East Fremantle documents to seek amendments concerning their personal affairs by making a request under *Freedom of Information (WA) Act 1992*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Town of East Fremantle records, a member of the public must complete a Freedom of Information Application for Access to Documents form, outlining the records they wish to inspect.

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### 7. Fees and Charges

Fees and charges applicable to Freedom of Information Applications are legislated and are covered in the *Freedom of Information Act 1992* and *Freedom of Information Regulations 1993*.

	Description	\$
1.	Application Fee (set under Section 12(1) of the Act)	\$30.00
2.	<u>Types of Charges (FOI Regulations, Schedule 1)</u>	
(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) plus the actual additional cost to the agency for any special arrangements (eg hire of facilities or equipment)	\$30.00
(c)	Charge for photocopying:-	
	(i) per hour, or pro rata for a part of an hour of staff time	\$30.00
	(ii) per copy (A4) black and white only	\$ 0.20
(d)	Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for 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	<u>Advance Deposits</u>	
(a)	Advance deposit which may be required by an agency under Section 18(1) of the Act, express as a	25%

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	Description	\$
	percentage of the estimated charges which will be payable in excess of the application fee	
(b)	Further advance deposit which may be under Section 18(1) of the Act, express as a percentage of the estimated charges which will be payable in excess of the application fee	75%
4	<u>NB:</u>	
(a)	<i>There will be no fees applicable for access applications relating to personal information and amendment of personal information</i>	
(b)	<i>A 25% reduction of charges apply for financial disadvantaged applicants or those in receipt of Health Benefits</i>	

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## Appendix 1 - FOI Application Form



Application for Access to Documents (Under Freedom of Information Act 1992, Section 12)

### DETAILS OF APPLICANT

Surname:		Given name(s):	
Postal address:			
Contact number(s):		Contact email:	

If this application is on behalf of an organisation please advise details below:

Name:			
Postal address:			
Contact number(s)		Contact email:	

### DETAILS OF REQUEST (please tick)

Personal Documents  Non-Personal Documents

I am applying for access to document(s) concerning\*:

\* if insufficient space provided please attach details on separate sheet

### FORMS OF ACCESS (please tick appropriate box)

I wish to inspect the document(s)  Yes  No  
 I require a copy of the document(s)  Yes  No  
 I require access in another form  Yes  No

(Specify) \_\_\_\_\_

### FEES AND CHARGES

Attached is 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. \* NB Payment by credit card / EFTPOS is available, please contact the Town of East Fremantle to arrange on 08 9339 9339.

In certain cases, a reduction in fees and charges may apply (see notes attached). If you consider you are entitled to a reduction a request with copies of documents which address the criteria in the FOI Statement and support your application for a fee reduction.

I am requesting a reduction in fees and charges: (please tick) Yes  No

Applicant(s) signature:		Date:	/ /
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### OFFICE USE ONLY

FOI reference number: \_\_\_\_\_

Received on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Deadline for response: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Acknowledgement sent on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Proof of identity type (if applicable): \_\_\_\_\_

Sighted by: \_\_\_\_\_



## Appendix 2 – FOI Notes



### FOI Application Notes

#### FOI Access 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 personal information. (Any 2 of: Passport, Birth Extract, Driver's Licence, Credit Card or similar).
- If you are seeking access to a document(s) on behalf of another person, the agency will require authorisation in writing from that person.
- 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, Office of the Information Commissioner, Albert Facey House, 469 Wellington Street, PERTH 6000 (PO Box Z5386, St George's Terrace, PERTH WA 6831).

#### 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 a 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 & CHARGES

*(In accordance with FOI Regulations – these fees are not subject to GST)*

- No fees for access application relating to personal information and amendment of personal information.
- 25% reduction of charges if the applicant is: (a) impecunious, in the opinion of the agency to whom the application is made; or (b) 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 and Deferments) Act 1992,
- Application Fee \$30.00
- Charge for dealing with the application \$30.00 per hour
- Charge Supervision Access \$30.00 per hour
- Photocopying \$30.00 per hour
- Plus \$0.20c per copy
- Delivery, package & postage Actual cost
- Advance Deposit 25% of estimated charges

#### 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