

# INFORMATION STATEMENT

*This statement is published by the City of Swan in  
compliance with the requirements of the Freedom of  
Information Act 1992 (WA)*

**2022-2023**

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## Introduction

A government agency is required, under Part 5 of the *Freedom of Information Act 1992* (WA) (the FOI Act), to prepare and publish an annual Information Statement. The content of an information statement under Section 94 of the FOI Act includes the following:

- The City of Swan mission statement
- Details of legislated administered
- Agency Structure and functions
- Details of decision making functions within the City
- Public Participation in the Formulation of Policy and performance of the City's functions
- Documents held by the City of Swan
- The operation of FOI in the agency

This document has been created to comply with the requirements, and is correct as of November 2022.

This document can be provided in alternative formats upon request. A copy of the statement can be accessed via the City's website at <http://www.swan.wa.gov.au>

Further information can be provided by contacting the City between Monday and Friday during office hours.

### **Coordinator Information Management & Spatial Systems (FOI Coordinator)**

City of Swan  
PO Box 196  
MIDLAND WA 6936  
Telephone: (08) 9267 9267  
Fax: (08) 9267 9444  
Email: [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

## 1.0 An overview of the City of Swan

The City of Swan covers an area of 1,042 square kilometres, making it the largest local government by land area in Perth. The unique areas within the City are characterised by a diverse mixture of urban and rural landscapes and land uses. The City is located on the north-eastern fringe of Perth, 10-50 kilometres north-east of the Perth Central Business District.

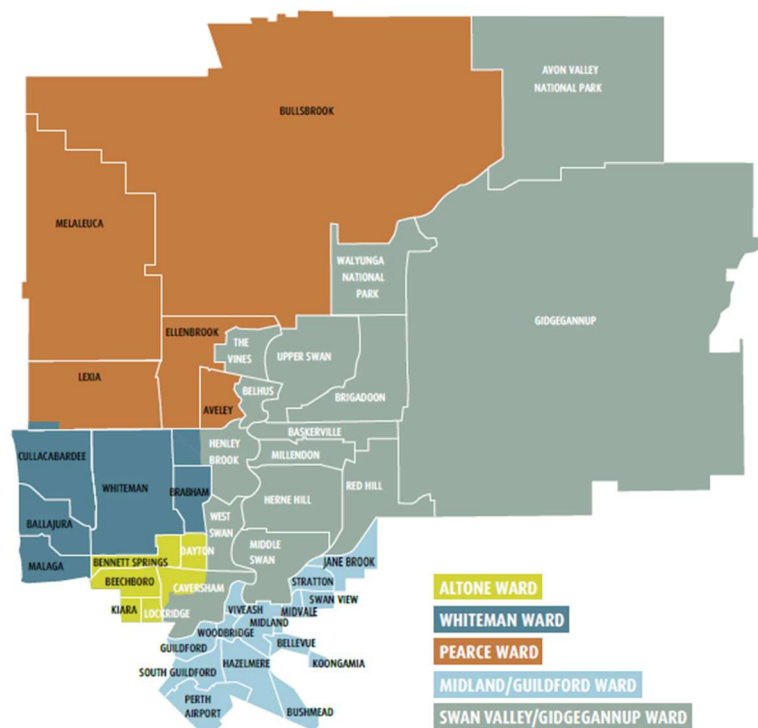
The City's area includes:

- City has 42 suburbs with a population of 162,072 with a population density of 155.5 persons per square kilometre.
- The City's residential population continues to be among the fastest growing local government areas in Western Australia.
- Some of the fastest growing suburbs in Western Australia, two regional centers, major commercial and industrial areas, historically significant town sites and thriving tourism industry.
- In excess of 1,500km of road, 550km of paths, 100 bridges and 768km of piped stormwater drainage.
- 878ha of park and streetscape; and 1,237ha of managed natural resource areas.

## The City's Vision

**One City, diverse people, cultures and places.**

A sustainable, thriving City of diverse people and places enjoying a great quality of life, health and wellbeing (City of Swan, The Strategic Community Plan 2021-2031).



**City of Swan Wards, Place and Local Areas**

## 2.0 Details of legislation administered

### Principal Legislation

The principle Legislation for which the City of Swan is responsible in accordance with the allocation of statues to portfolios published in the Government Gazette.

The City of Swan has develops policies and local laws in line with organisational and legislative requirements.

#### **Local Government Act 1995**

The *Local Government Act 1995* provides the framework for Western Australian local governments to make local laws considered necessary for the good government of their districts. Local governments are created by the LG Act which sets out the functions, responsibilities and powers of local government. The City of Swan is responsible to administer a number of State and Commonwealth Acts and Regulations. Significant legislation are listed below.

- *Aboriginal Heritage Act 1972*
- *Age Discrimination Act 2004*
- *Agriculture and Related Resources Protection Act 1976*
- *Animal Welfare Act 2002*
- *Aquatic Resources Management Act 2016*
- *Auditor General Act 2006*
- *Australian Human Rights Commission Act 1986 (Cwlth)*
- *Biodiversity Conservation Act 2016*
- *Building Act 2011*
- *Building and Construction Industry Training Fund and Levy Collection Act 1990*
- *Building Service (Complaint Resolution and Administration) Act 2011*
- *Building Services (Registration) Act 2011*
- *Building Services Levy Act 2011*
- *Bush Fires Act 1954 • Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Charitable Collections Act 1946*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*
- *Conservation and Land Management Act 1984*
- *Contaminated Sites Act 2003*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code 1913*
- *Defamation Act 2005*
- *Disability Discrimination Act 1992 (Cwlth)*
- *Disability Services Act 1993*
- *Dividing Fences Act 1961*
- *Dog Act 1974*
- *Electoral Act 1907*
- *Electronic Transactions Act 2011*
- *Industrial Relations Act 1979*
- *Interpretation Act 1984*
- *Land Administration Act 1997*
- *Legal Deposit Act 2012*
- *Library Board of Western Australia Act 1951*
- *Limitation Act 2005*
- *Liquor Control Act 2008*
- *Local Government Industry Award 2010*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government Grants Act 1978*
- *Main Roads Act 1930*
- *Mental Health Act 2014*
- *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*
- *Oaths, Affidavits and Statutory Declarations Act 2005*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Act Regulations 1996*
- *Parliamentary Commissioner Act 1971*
- *Planning and Development Act 2005*
- *Public Health Act 2016*
- *Public Interest Disclosure Act 2003*
- *Public Works Act 1902*
- *Racial Discrimination Act 1975 (Cwlth)*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *SPP7.3 Residential Design Codes Volume 1 and Volume 2 (Apartments)*
- *Residential Tenancies Act 1987*
- *Retail Trading Hours Act 1987*
- *Road Traffic Act 1974*
- *Road Traffic Code 2000*
- *Salaries and Allowances Act 1975*
- *Sex Discrimination Act 1984 (Cwlth)*
- *State Administrative Tribunal Act 2004*

- *Environmental Protection Act 1986*
- *Emergency Management Act 2005*
- *Emergency Services Levy Act 2002*
- *Equal Opportunity Act 1984* • *Evidence Act 1906*
- *Evidence Act 1906*
- *Fair Work Act 2009 (Cwlth)*
- *Food Act 2008*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Freedom of Information Act 1992 (WA)*
- *Graffiti Vandalism Act 2016*
- *Health Act 1911*
- *Health (Miscellaneous Provisions) Act 1911*
- *Heritage Act 2018*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cwlth)*
- *Human Rights (Sexual Conduct) Act 1994 (Cwlth)*
- *State Records Act 2000*
- *State Records (Consequential Provisions) Act 2000*
- *State Records Principles and Standards 2016*
- *Statistics Act 1907*
- *Strata Titles Act 1985*
- *Superannuation Act 2005 (Cwlth)*
- *Transfer of Land Act 1893*
- *Valuation of Land Act 1978*
- *Waste Avoidance and Resource Recovery Act 2007*
- *Workers Compensation and Injury Management Act 1981*
- *Working with Children (Criminal Record Checking) Act 2004*

## Local laws

The City of Swan has enacted a number of local laws to ensure that activities throughout the City are regulated, controlled and efficiently managed.

- Extractive Industries Local Law
- City of Swan Consolidated Local Laws 2005 (Amendments 2008 & 2010)
  - Reserves and foreshores
  - City property, public swimming pools and recreation facilities
  - Bridges, jetties and weirs
  - Trading in public places (eg alfresco dining, street markets, trading and entertainment)
  - Verges and crossings
  - Parking and parking facilities
  - Advertising signs in thoroughfares
  - Nuisance
  - Cats, dogs and horses, and
  - Prevention and abatement of sand drift
- Health Local Law 2002
- Meeting Procedures Local Law 2019

The City's policies and local laws are available on the City's website. Link - <https://www.swan.wa.gov.au/Your-Council/Governance-transparency/Policies-local-laws>

### 3.0 Structure of the City of Swan



*Organisational Structure – City of Swan*

#### **Chief Executive Officer – Jeremy Edwards (Stephen Cain – December 2022)**

- Governance

#### **Executive Manager, Place Stakeholder Engagement - Meriel Pickering**

- Advocacy
- Customer Experience
- Communications and Engagement
- Organisational Planning and Development

#### **Executive Manager, Community Wellbeing - Mark Bishop**

- Community Safety
- Leisure Services
- Community and Library Services

#### **Executive Manager, Corporate - Kym Leahy**

- Human Resources
- Financial Services and Rates
- Information Services

#### **Executive Manager, Planning and Development - Leon Van der Linde**

- Statutory Planning
- Strategic Planning
- Health and Building Services
- Business and Tourism Services

#### **Executive Manager, Operations - Jim Coten**

- Asset Management
- Project Management
- Construction and Maintenance
- Fleet and Waste Services

## 4.0 Structure and functions of the City

### The Council

Council is responsible for setting our strategic direction, which the City's administration then implements. In fulfilling its role, Council oversees the City of Swan's finance and resources, determines its policies, and ensures that the City's statutory and community responsibilities are performed effectively and efficiently.

The *Local Government Act 1995* states that the role of council is to:

- Direct and control the City's affairs
- Take responsibility for the performance of the City's functions
- Oversee the allocation of the City's finances and resources
- Determine the City's policies

The *Local Government Act 1995* states that the role of a councillor is to:

- 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
- Perform such other functions as are given to a Councillor by this Act or any other written law

### Elected Members

#### Altone Ward

- Cr David Lucas (Mayor)
- Vacant position
- Cr Jennifer Catalano

#### Whiteman Ward

- Cr Dave Knight
- Cr Bryce Parry
- Cr Mel Congerton (Deputy Mayor)

#### Pearce Ward

- Cr Aaron Bowman
- Cr Patty Jones
- Cr Cate McCullough
- Cr Tanya Richardson

#### Midland/Guildford Ward

- Cr Ian Johnson
- Cr Sarah Howlett
- Cr Rashelle Predovnik

#### Swan Valley / Gidegannup Ward

- Cr Rod Henderson
- Cr Charlie Zannino

### Committees

The City of Swan Council has a number of committees that meet regularly to make recommendations to Council in the areas of responsibility.



## **City of Swan Business Units**

The following outlines the role and key functions of each business unit within each Division.

### **Division: Chief Executive Office**

#### **Business Unit: Governance and Strategy**

- Contract Management and Procurement
- Council Support
- Governance
- Legal and Compliance
- Risk Management
- Internal Audit
- Executive and Council Support

### **Division Place Stakeholder Engagement**

#### **Business Unit: Customer Experience**

- Customer Experience
- Customer Experience Centre

#### **Communications and Engagement**

- Digital
- Community Engagement
- Marketing and Design
- Media and Communications

#### **Organisational Planning and Development**

- Planning and Performance
- Corporate Projects

### **Division: Community Wellbeing**

#### **Community Safety**

- Community Safety Advocates
- Parking and CCTV
- Community Safety Projects
- Fire and Emergency Management
- Community Emergency Services Manager

#### **Leisure Services**

- Leisure Facilities Operations
- Club Development and Liaison
- Community Facility Bookings and Liaison

#### **Community and Library Services**

- Community Development
- Library Services
- Place Activation
- Youth Development

## **Division: Planning and Development**

### **Business Unit: Statutory Planning**

- Development Assessment and Appeals
- Planning Process
- Statutory Planning Reform
- Statutory Project Planning
- Development Compliance

### **Business Unit: Strategic Planning**

- Strategic Land Use Planning
- Sustainable Environment
- Local Area Planning and Policy
- Research and Information

### **Business Unit: Business and Tourism Services**

- Commercial
- Special Projects
- Economic Development
- Swan Valley Visitor Centre

### **Business Unit: Environmental Health Services**

- Health Services
- Business Support and Environmental HEA

### **Business Unit: Building Services**

- Building Permits
- Demolition Permits
- Occupancy Permits
- Building Approval Certificates
- RCode Variation approvals

## **Division: Operations**

### **Business Unit: Asset Management**

- Assets Management
- Strategic Asset Management
- Urban Development
- Operational Asset Services

### **Business Unit: Fleet & Waste Services**

- Fleet and Depot Assets
- Waste Services
- Fleet Servicing and Maintenance

### **Business Unit: Project Management**

- Project Management Civil
- Project Management Parks and Buildings
- Design

**Business Unit: Construction & Maintenance**

- Parks City wide services
- Engineering Maintenance
- Construction
- Property Management & Tenant Services
- Building Infrastructure Maintenance

**Division: Corporate****Business Unit: Financial Services & Rates**

- Financial Systems
- Financial Accounting
- Management Accounting
- Rating Services
- Development Contribution Plans
- Grants administration

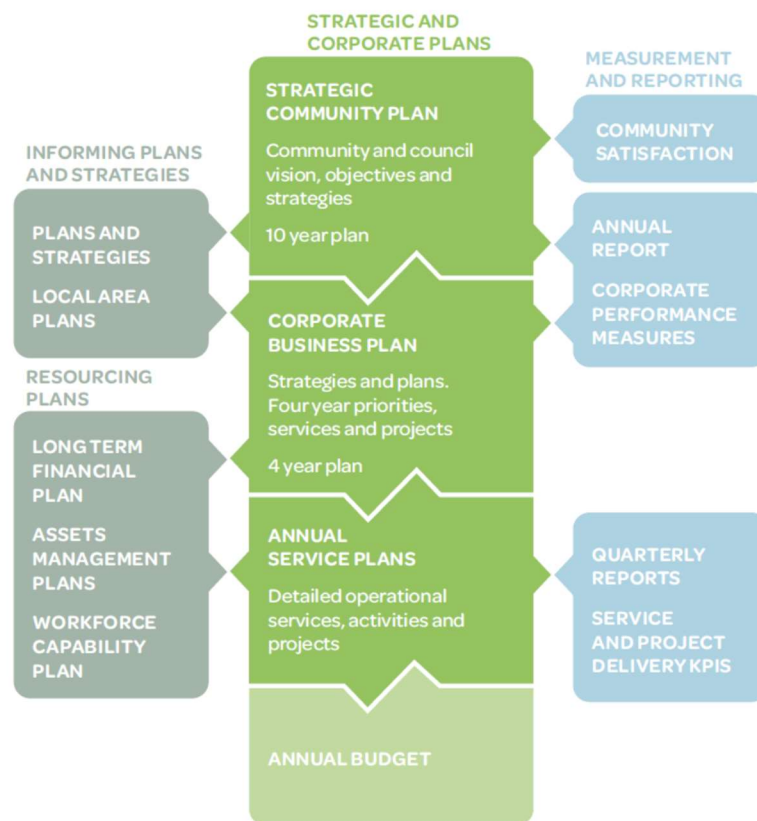
**Business Unit: Human Resources**

- Human Resources Information Systems
- Payroll
- Learning & Development
- Occupational Health and Safety
- People Management
- Industrial Relations

**Business Unit: Information Services**

- Computing Services
- Information Management (Records and FOI)
- Business Solutions
- Geographical Information Systems
- IS Projects

## City of Swan's Integrated Planning and Reporting Framework



## 5.0 Public Participation

Members of the public have a number of opportunities to participate in the formulation of the City's plans, policies and strategies as well as comment on the performance of the City's functions.

### Ordinary Meetings

Full Council meetings are held every four weeks on a Wednesday at the Midland Town Hall Council Chambers. Meetings commence at 6:00pm, members of the public should familiarise themselves with requirements for attendance of meetings. A period of fifteen minutes is allocated at each meeting for "public question time". Time allowed can be extended by resolution of the Council.

<https://www.swan.wa.gov.au/Your-Council/Council/Council-Committee-Meetings>

All meetings must be held and function in accordance with the Local Government Act 1995 and associated regulations and the City of Swan's Standing Orders Local Law.

### Special Meetings of Council

A "special" meeting of Council can be convened to consider an urgent matter or a matter which otherwise involves special circumstances. Special meetings can be convened at short notice should the circumstances warrant. If necessary, notice by electronic means or by telephone is acceptable.

Special meetings of the Council are conducted in much the same way as ordinary meetings of the Council. Members of the public can ask questions at public question time and a deputation can be entertained. Details can be found in Subdivision 4 of Division 2 Part 5 of the *Local Government Act 1995*.

### Annual General Meeting of Electors

Section 5.27 of the Local Government Act 1995 has a requirement to hold an annual general meeting of electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about City matters generally. Resolutions from an annual general meeting of electors must be considered at a subsequent ordinary council meeting. However, such resolutions are in no way binding upon the Council.

### Advisory and Occasional Committees

Council has established a number of committees and Councillor representation on these committees and other organisations may be a reflection of the allocated Members Portfolios' or Ward representation. The City has a number of Advisory and Occasional Committees and is also represented on a number of "outside" organisations.

### Special Meeting of Electors

Special meetings of electors can be convened by residents and/or ratepayers of the municipality (refer s5.28 of the Local Government Act 1995). A minimum of 100 electors (or 10% of the electorate, whichever is the lesser number) is required in order to requisition such a meeting. Notice of such meetings must again be advertised in the local press.

Electors can put forward and vote on resolutions at special meetings. Meeting minutes must be tabled at the next ordinary council meeting for information and if the Council desires it may adopt and express a position or initiate action in respect of particular resolutions emanating from the meeting. However, resolutions from a special meeting of electors are again in no way binding upon the Council.

## Deputation

“A deputation is an opportunity for a person who has an interest in an item on the Council agenda to address Council and put forward their views” (City of Swan website, Council & Committee Meetings). With the permission of the Mayor, a member of the public can address the Council personally or on behalf of a resident or group of residents. A deputation may relate to an item on a Council meeting agenda, or a matter concerning the affairs of the City generally. Each deputation is normally allotted a period no more than ten minutes, although again this period may be extended. Requests for a deputation should be registered by 10:00am the day of the Agenda Forum. Contact the City's Governance Support Officer on 9267 9267 or email: [council.meetings@swan.wa.gov.au](mailto:council.meetings@swan.wa.gov.au)

## Public Question Time

Members of the public are welcome to ask questions at a Council meeting subject to adopted procedures. If a question relates to a complex matter that requires investigation and a response is required at the Council meeting, it is appropriate to put such a question in writing for presentation to the Mayor. Further information is in the *Local Government (Administration) Regulations 1996*.

## Petitions

Written petitions can be addressed to Council on any issue within the Council's jurisdiction. Petitions are tabled at the next available Council meeting and referred to the CEO for consideration and reporting. Refer s3.4 Standing Orders.

## Written requests

Members of the public are welcome to ask questions at a Council meeting subject to adopted procedures. If a question relates to a complex matter that requires investigation and a response is required at the Council meeting, it is appropriate to put such a question in writing for presentation to the Mayor. Further information is in the *Local Government (Administration) Regulations 1996*.

## Elected Members

Members of the public can contact the Elected Members (of their Ward) of Council to discuss any issue relevant to the City.

## Notification

Residents may be notified of issues by digital or written notifications, on-site signs, or advertising in local newspapers. Residents then have the opportunity both to write to Council expressing their views on the issue and to subsequently personally address the Council before a decision is made.

## Community Consultation

Consultation with the community can be either formal or informal.

**FORMAL:** There is a requirement to consult with the community when legislation prescribes that it must happen, e.g. amending local laws.

**INFORMAL:** The City elects to consult with the community when it considers that it is necessary to hear the views of the community or it is simply in the interest of the community that it be consulted.

The City consults with its residents on particular issues that affect their neighbourhood in a number of ways including by way of advertising in local papers, calling public meetings, attending Community Advisory Committee meetings, questionnaires, conducting surveys.

## Complaints Management

A complaint is an “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (AS/NZS 10002-2014 Guidelines for Complaint Management in Organisations). The City deals with complaints in accordance with Council Policy POL-C-171 Complaints Management ([swan.wa.gov.au Your feedback](https://www.swan.wa.gov.au/Your-feedback)) and welcomes feedback to improve our services. The City will investigate and resolve a complaint in an efficient manner, and a decision made or action taken regarding the complaint will be communicated to the customer.

Complaints can be submitted online <https://www.swan.wa.gov.au/Your-Council/Contact-Us/Your-feedback> or emailed to [feedbackteam@swan.wa.gov.au](mailto:feedbackteam@swan.wa.gov.au) or [swan@swan.wa.gov.au](mailto:swan@swan.wa.gov.au)

Alternatively, complaints can be made in writing addressed to:

Feedback Team  
PO Box 196  
MIDLAND WA 6936

## 6.0 Access to Council documents

The City maintains all records and documents of local government under legislation established by the State government and local laws, policy instruments and management documents.

Availability of information is subject to provisions established in legislation such as the *Freedom of Information Act 1992* (WA) (the FOI Act) and the *Local Government Act 1995* and is subject to fees and charges. The City will, in all instances, seek to provide access to the information upon request except where restrictions apply under the *Privacy Act 1998* (Cwlth) and the FOI Act, or other relevant legislation.

Information is made available through a range of mediums including public statements, news releases, the City's internet website, advertisements placed in local and state-wide newspapers, public notice boards, library services, information sheets and other publications, as well as individual correspondence, public and statutory documents and reports.

Under s5.95 of the *Local Government Act 1995*, the CEO or the Council may determine that certain information is confidential.

### Available Documents

The following documents are available for public inspection at the Council Administrative Offices. Please note the limitations that apply to some documents (as per the table below).

- Audits
  - Auditor General Reports
  - Annual Financial Statements
- Annual reports and budgets
  - Annual Budget
  - Annual Report
- Building
  - Building Licence documents (including contractors and builders property ownership requests)
  - Schedule of Fees and Charges
- Codes of Conduct
  - Code of conduct for Councillors, Committee Members and Candidates
  - Employee Code of Conduct
  - Social Media Policy and Protocols
- Corporate plans and strategies
  - Strategic Community Plan
  - Corporate Business Plan
  - Long Term Financial Plan



- Community Safety
  - Community Safety Plan (2014 – 2018)
  - The Vines Community Security Patrol area and reports
  - Impounded Dogs and Cats
  - Wandering Livestock (*Consolidated Local Laws 2005 and Local Government (Miscellaneous Provisions) Act 1960*)
  - Horse riding exercise areas information
  - Barking Dog Dear Neighbour Letter
- Council meetings, minutes and financial interests
  - Local Laws including Council reports or proposals relating to Local Laws
  - Minutes of Committee Meetings and Council Meetings (including Agendas, and Reports relating to the meeting)
  - Minutes of Elector's Meetings
  - Register of Financial Interests
- Freedom of Information
  - Information Statement
  - Application form
- Mapping Information
  - Interactive property maps (zoning, residential codes, electoral, addressing and aerial photography)
  - Wards
  - Public toilets
  - Swan Valley WA map
- Office of the CEO
  - Policy Pol-C-183 Temporary Employment or Appointment of Acting CEO
  - Model Standards CEO Recruitment, Performance and Termination (2021)
  - POL-C-172 Attendance at Events – Councillors and CEO copy of the policy
  - All invitations or offers of tickets in writing to the CEO and sent by mail to PO Box 196, Midland WA 6936 or by email to [swan@swan.wa.gov.au](mailto:swan@swan.wa.gov.au) and authorised by the CEO
  - POL-C-173 – Councillor Professional Development and Training
- Planning
  - City of Swan Local Planning Scheme No. 17
  - Development Applications (MRS Form One)
  - Swan Valley Planning Framework
  - Approved Determined Structure Plans
  - Development Contribution Plans
  - Local Planning Policies
  - Documents released for public comment
  - Statutory Notices
  - Community
- Rates payer
  - Property ownership requests (under Regulation 29B to the *Local Government (Administration) Regulations 1996* request)
  - Register owners and occupiers, electors and/or ratepayers

- Registers for public viewing
  - Delegation of Authority Register and decisions made under Delegation
  - Primary and Annual Returns including Mayor, Councillor and designated employees
  - Electoral Gift Register
  - Councillor conduct complaints register
  - Electoral Gift Register
- Tenders
  - Tender Register
  - Tenders – Policies and procedures

DOCUMENT	LIMITATIONS
Building Licence document	<p>Only the owner or mortgagee of a building, or their authorised representative, may inspect any plan or other document relating to that building.</p> <p>A non-owner may inspect or obtain a copy subject to written approval by the owner.</p>
Development Applications	<p>Information relating to an approval (or refusal) for development approval under the City of Swan Local Planning Scheme No. 17 is available by contacting the planning officer on duty at 9267 9267 or by email <a href="mailto:swan@swan.wa.gov.au">swan@swan.wa.gov.au</a>.</p> <p>This applies to decisions made by the Council or any officer acting under Delegated Authority.</p>
Documents released for public comment	<p>Documents can be accessed at the City's Administration Centre or at any of the City's six Libraries and drop off point Library in Gidgegannup.</p>
Minutes of Committee Meetings and Council Meetings (including Agendas, Reports etc that relate to the meeting)	<p>A person's right to inspect information does not extend to the inspection of information where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, is likely to be closed to members of the public.</p> <p>A person's right to inspect information does not extend where it relates to any debt owed to the City.</p>
Statutory Notices	<p>Statutory notices are placed on Public Notice Boards located at public libraries and City offices</p>

## Access to information by W.A Police Officers

Where a WA Police Officer requests access to City of Swan documents, access will be provided:

- Upon production of the Certificate of Authority (Warrant Card) of the Police Officer concerned; and/or
- With the signature of the Police Officer concerned on a statement identifying the document(s) requested and verifying that they are required for a bona fide police enquiry or investigation.

Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the City of Swan.

## CCTV Footage

The City of Swan owns and operates a very large portfolio of buildings, facilities, infrastructure and equipment delivering services to the community. The City collects and retains Closed Circuit Television (CCTV) footage for the safety purposes.

Subject to *Security and Related Activities (Control) Act 1996*, the *Western Australian Surveillance Devices Act 1998*; the *Privacy Act 1988* and aligned with AS4806.1 2006 Closed Circuit Television section 7, an application can be made for viewing of CCTV footage captured on the City's CCTV surveillance cameras.

There are limitations to public access and requires an application to access CCTV footage under the FOI Act 1992.

To assist with a request two processes are available from the City, including:

1. The recommended action is to report the incident to the WA Police and ask the Police to request the CCTV footage from the City, referencing the incident report number; or
2. Request access to the footage through the Freedom of Information process.

The applicant will be required to sign a Confidentiality Deed agreeing not to:

- Disclose information shown to them to other parties.
- Misuse; or
- Publish the information without the consent of the City of Swan.

The City and the applicant are responsible for protecting the privacy of all individuals involved.

## Land Information

The City is responsible for keeping records of road details, private developments, subdivisions, building licences, storm water drainage facilities, and other similar types of work. Applications for information relating to land ownership should be directed to Landgate (Western Australian Land Information Authority) through:

Email: [customerservice@landgate.wa.gov.au](mailto:customerservice@landgate.wa.gov.au)

Phone: (08) 9273 7373

Fax: (08) 9250 3187

### Postal Address:

Landgate  
P.O. Box 2222  
Midland W.A. 6936

### Office Address:

Landgate  
1 Midland Square  
Midland W.A. 6056

## Documents available under the FOI Act 1992

Access to documents other than those listed above must be via a Freedom of Information application.

## 7.0 FOI procedures and access arrangements

### Right to access documents

The *Freedom of Information Act 1992* (WA) (the FOI Act) gives applicants the right to apply for access to documents held by the City of Swan. An applicant's right to seek access cannot be affected by their reasons for wishing to obtain access, and there is no need to demonstrate such.

The City is required to:

- assist in making a valid 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.

While the FOI Act provides general right of access to documents it also recognises some documents require a level of protection, specifically those documents that meet the exemption criteria in Schedule 1 of the FOI Act, which includes (but is not limited to):

- Personal information that identifies a third party
- Information concerning trade secrets
- Information of commercial value.

### Lodging applications

- **Application form**

The FOI application form is available in all formats at:

- The City of Swan's Administration Centre, at 2 Midland Square Midland or any of the City Offices:
  - Altone City Office, Beechboro Community Hub at 332 Benara Road, Beechboro.
  - Ballajura City Office, Ballajura Community Hub on the corner of Kingfisher Ave and Illawara Crescent, Ballajura.
  - Bullsbrook City Office, 3 Maroubra Ave, Bullsbrook.
  - Ellenbrook City Office, at 90 Main Street, Ellenbrook
  - Gidgegannup City Office, Unit 4, 2125 Toodyay Road, Gidgegannup.
  - Swan Valley City Office, Unit 10, 660 Great Northern Highway (Swan Valley Central Shopping Complex), Herne Hill
- On the City's website @ [www.swan.wa.gov.au](http://www.swan.wa.gov.au)
- From the Coordinator or FOI Officer at [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

Access applications must:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and,
- be lodged with the City with any applicable fee payable.

FOI applications can be lodged by:

**Mail:** Freedom of Information Co-ordinator

City of Swan

PO Box 196

Midland WA 6936

**Fax:** (08) 9267 9444

**E-mail:** [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

- **Time limits**

Once the City has received a valid application, it is required to provide a notice of decision within 45 calendar days. The City aims to respond as soon as practicable 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.

Should the applicant not be satisfied with the decision provided in the notice of decision, within 30 days, the applicant can lodge an internal review application at [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au). The City has 15 days to respond to the internal review application once received.

If the applicant is not satisfied with the outcome of the internal review (or this decision if an internal review is not available), they have the right to lodge a formal complaint with the Information Commissioner seeking an external review of that decision. Within 60 days after the internal review notice of the decision was issued, the applicant can lodge an external review application with the Information Commissioner. The Commissioner will then undertake the review and forward a response within 30 days.

- **Fees, Charges and Payments**

To make a valid FOI application an amount of \$30 is payable. A FOI reference number will be generated and issued. Payment, with reference number, can be made by cash, cheque, money order or credit card. Note, credit card details are destroyed once payment has been processed and receipt issued.

Additional costs may occur if the number of documents requested to be released or the numbers of printed pages that comprise those documents are of a large value. These costs are determined at a rate currently set under the Act at \$30.00 per hour to process and \$0.20 per page for printed output.

### 1. Type of fee

Application fee (for applications for non-personal information).	<b>\$30</b>
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### 2. Type of charge

Staff time dealing with the application, supervised access, Photocopying, transcribing information from tape etc. (per Hour, or <i>pro rata</i> for a part of an hour) ....	<b>\$30</b>
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Photocopies (per copy) .....	20 cents
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Duplicating a tape, film or computer information ...	Actual cost
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Delivery, packaging and postage ...	Actual cost
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### 3. Advance deposits

Percentage of estimated charges payable ...	<b>25%</b>
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Further percentage of estimated charge may be required...	<b>75%</b>
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There is no cost in searching for the requested documents.

## Deposits

Under s17 of the *FOI Act 1992*, the City is required to provide the applicant with an estimated cost should the charges for dealing with the application exceed \$25.00.

An advance deposit of 25% of the Estimate Cost may be required as a sign of good faith that full payment will be provided once the Notice of Decision is issued.

## Notice of Decision

A *Notice of Decision* will include details such as:

- the date 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
- information on the right of review and the procedures to be followed to exercise those rights.

## Access Arrangements

Access to documents can be granted by way of inspection of the original documents or provision of a copy of a document; or audio or video tape; or computer disk; or transcript of a recording; or shorthand or encoded document from which words can be produced.

## List of Forms

1. Application form for access to documents
2. Application for internal review of a Notice of Decision







## CITY of SWAN

Administration Centre – 2 Midland Square, Midland  
Correspondence: PO Box 196, Midland, Western Australia, 6936  
**Telephone: (08) 9267 9267 Facsimile: (08) 9267 9444**

**e-mail:** [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

**website:** [www.swan.wa.gov.au](http://www.swan.wa.gov.au)

***Freedom of Information Act 1992 (WA)***

### APPLICATION FOR ACCESS TO DOCUMENTS

#### DETAILS OF APPLICANT

Surname: \_\_\_\_\_ Given Names: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Telephone No: \_\_\_\_\_

Email: \_\_\_\_\_

Organisation Name (if application is on behalf of an organisation): \_\_\_\_\_

#### DETAILS OF REQUEST

I am applying for access to document(s) concerning matters which are:

\* Personal ☐ Non-Personal ☐ (tick whichever is appropriate)

\* For a definition of "personal information": refer to NOTES FOI Applications on the reverse of this form.

These document(s) are:

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#### FORM OF ACCESS (Tick whichever is appropriate)

I wish to inspect the document Yes ☐ No ☐

I require a copy of the document(s) Yes ☐ No ☐

I require access in another form Yes ☐ No ☐

Specify form required \_\_\_\_\_

## FEES AND CHARGES

Attached is a cheque/cash to the amount of \$ 30.00 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.

NOTE: *In certain cases a reduction in fees and charges may apply (see the section on fees and charges on the back of this form). If you consider that you are entitled to a reduction, submit a request with copies of supporting documents with this form.*

I am requesting a reduction in fees and charges Yes ☐ No ☐

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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(Office Use only)

FOI Reference No. \_\_\_\_\_

Deadline for response \_\_\_\_\_

Received on \_\_\_\_\_

Acknowledgment sent on \_\_\_\_\_

### Proof of Identity (if applicable)

Type \_\_\_\_\_

Signed \_\_\_\_\_

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### Notes fees and charges

- \$30.00 application fee (non-personal information ONLY).
- An applicant who is the holder of a currently valid concession card issued on behalf of the Commonwealth Government under the Rates and Charges (Rebates and Deferments) Act 1992 may be eligible for a reduction of 25% in the charges associated with the application.
- No reduction is applicable to the application fee.
- Personal Information under Section 16(1)(d) of the *Freedom of Information Act 1992* (WA) (FOI Act) -
  - No charge is payable for providing an applicant with access to personal information about the applicant.
  - Where the access applicant restricts the application to personal information about the applicant only, there is no application fee or charges.

Source: The Office of the Information Commissioner Perth, WA: June 2018.

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## NOTES

### FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- The City of Swan may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, the City of Swan will require authorisation 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 FOI Coordinator.
- The *Freedom of Information Act 1992* is available for purchase from the State Government Bookshop, 815 Hay Street, Perth.  
Telephone: (08) 9222 8216 or visit their website at [www.wa.gov.au/statutes](http://www.wa.gov.au/statutes)
- \*Personal Information means:  
*information or an opinion, whether true or not, and recorded in a material form or not, about an individual, whether living or dead:*
  - *Whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
  - *Who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.*  
Source: FOI Act Schedule 2 (9) – Glossary.

### Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of a digital file, a transcript of a recorded document or a written document in the case of a document from which words can be reproduced in written form.

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

### Lodgment of Applications

Applications may be lodged:

By email to [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

By post addressed to:

The FOI Coordinator  
City of Swan  
PO Box 196  
MIDLAND WA 6936

In person at:

City of Swan  
Administration Office  
2 Midland Square  
MIDLAND

(PLEASE RETURN THIS PORTION WITH YOUR PAYMENT)

City of Swan  
PO Box 196  
MIDLAND WA 6936

Dear Sir

Enclosed herewith is a **cheque/money order** for the sum of \_\_\_\_\_ for payment of the required application fee. Account code RC-RSFIFE

**If Paying by Credit Card:**

Payment may be made by Mastercard, Visa or American Express by:-

- Presenting this form INTACT at the **CITY OF SWAN Administration Office, 2 Midland Square, Midland** during business hours 8:00am to 5:00pm Monday to Friday.  
OR
- Completing the payment authority and forwarding it by mail, fax or email to:-  
**CITY OF SWAN, PO Box 196, Midland, WA 6936, Fax to 9267 9444 or**  
**Email: [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)**

**PLEASE COMPLETE THIS SECTION IF PAYING BY CREDIT CARD**

Name as shown on Card \_\_\_\_\_

Card Holder Address \_\_\_\_\_

Suburb / Postcode \_\_\_\_\_ Signature \_\_\_\_\_

☐ Mastercard ☐ Visa ☐ American Express

Card Number:-

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiry Date \_\_\_\_/\_\_\_\_ Amount \$ \_\_\_\_\_

Daytime Contact Phone Number: \_\_\_\_\_



## CITY of SWAN

Administration Centre – 2 Midland Square, Midland

Correspondence: PO Box 196, Midland, Western Australia, 6936

Telephone: (08) 9267 9000 Facsimile: (08) 9267 9444

e-mail: [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

website: [www.swan.wa.gov.au](http://www.swan.wa.gov.au)

### *Freedom of Information Act 1992 (s40 or s54)*

## APPLICATION FOR INTERNAL REVIEW OF A DECISION

### DETAILS OF APPLICANT

Surname: \_\_\_\_\_

Given Names: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Email: \_\_\_\_\_

Organisation Name (if application is on behalf of an organisation): \_\_\_\_\_

FOI Ref No: \_\_\_\_\_

I am unhappy with a decision made by your agency and therefore seek a review of this decision because:

### **FOI Act 1992 s39**

I have submitted an application for access to documents in accordance with the Freedom of Information Act and:

- ☐ I have been given access to an edited copy.
  - ☐ The agency has refused to deal with my access application.
  - ☐ I have been refused access to a document.
  - ☐ I have been given access to a document but access has been deferred.
  - ☐ I have been given access via a suitably qualified person under s28 or access has been withheld by that person.
  - ☐ I consider that I have been charged too much.
-

**OR**

***FOI Act 1992 s39(2)(6)***

I am a third party specified in the documents and:

- ☐ I have not been consulted about giving access and disagree with the decision to give access to the documents.
- ☐ I have been consulted but I disagree with the decision to give access to the documents.

**OR**

***FOI Act 1992 s45***

I have submitted an application for amendment of personal information and:

- ☐ The agency has refused to make the requested amendment.
- ☐ The agency has refused to make a notation or attachment to the information.

**COMMENTS**

You may include any additional comments you wish to be considered in the review of the decision (include additional pages if necessary).

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APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## **ADVICE OF DECISION**

The City of Swan will undertake an Internal Review and advise you of its decision within 15 days of receipt of this application.

## **LODGEMENT OF APPLICATIONS**

Applications may be lodged:

By email to [foi@swan.wa.gov.au](mailto:foi@swan.wa.gov.au)

By post addressed to:

The FOI Co-ordinator  
City of Swan  
PO Box 196  
MIDLAND WA 6936

In person at:

City of Swan Front Counter  
2 Midland Square  
MIDLAND WA 6056

