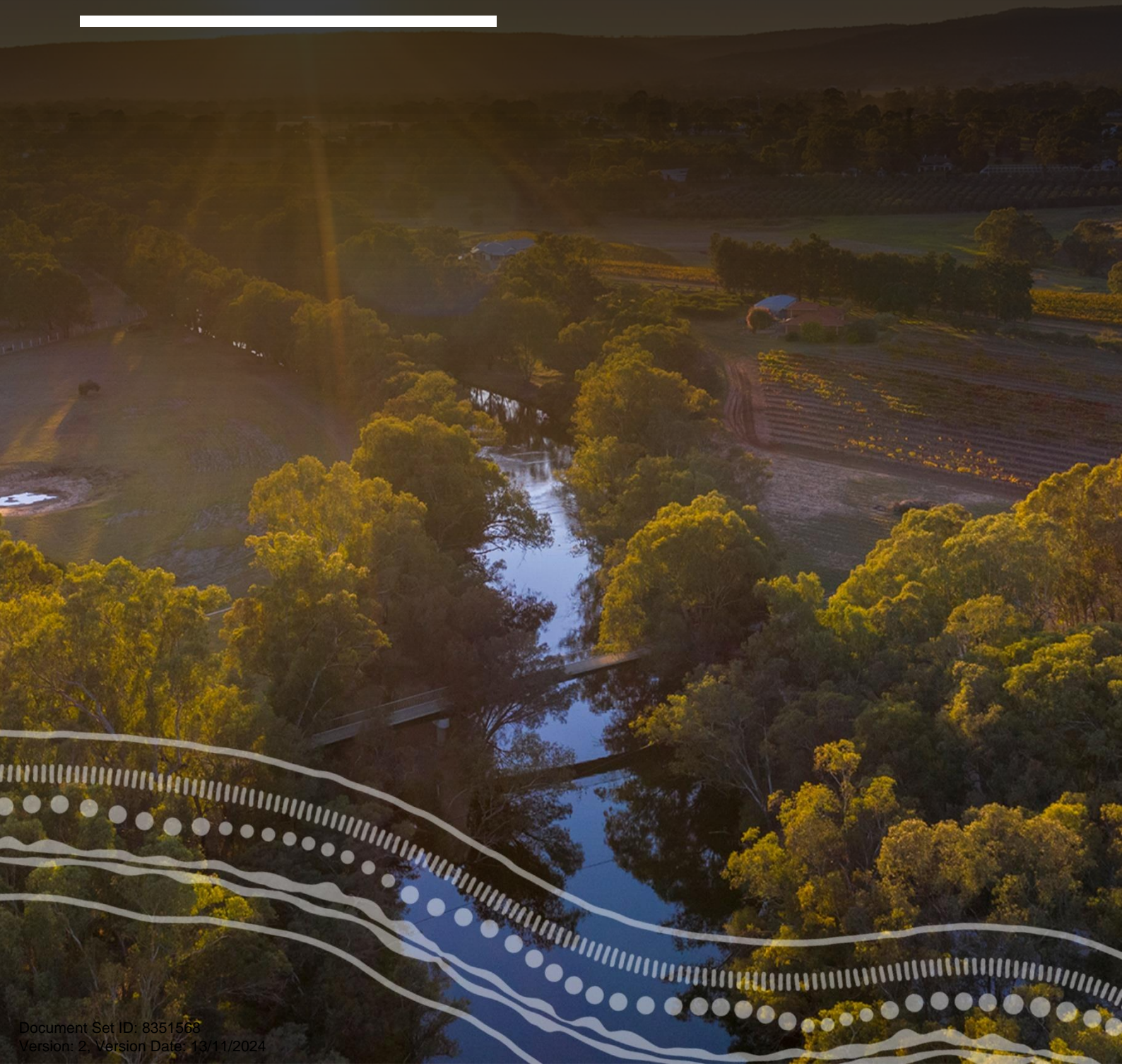


Information Statement

2024/25

Information Services



Contents

Introduction	3
1. Overview of the City of Swan	4
2. Structure of the City	5
Council	5
Committees	5
Organisational Structure	5
Services	6
3. Public Participation	9
Ordinary Meetings	9
Special Council Meetings	9
Advisory and Occasional Committees	9
Annual Electors Meeting	9
Special Electors Meeting	9
Deputations	10
Public Question Time	10
Petitions	10
Written requests	10
Elected Members	10
Advertising	11
Community Consultation	11
Complaints Management	11
4. Documents held by the City	12
Access to Documents: Outside of FOI	12
Access: Costed Services	16
Access: Police Officers	17
Access: CCTV Footage	17
5. Freedom of Information (FOI)	18
Right to access documents	18
Lodging an application	18
Time Limits	19
Fees and Charges	19
Notice of Decision	21
Access Arrangements	21
Review Process	21
6. Amending Personal Information	22

The City of Swan acknowledges the Traditional Custodians of this region, the Whadjuk people of the Noongar Nation and their continuing connection to the land, waters and community. We pay our respects to Elders past and present, and their descendants.

Introduction

The City of Swan is required, under Part 5 of the Freedom of Information Act 1992 (WA) (the FOI Act), to prepare and publish an annual Information Statement.

As per section 94 of the FOI Act, the information statement must describe:

- The City's structure and functions
- The ways in which the City's functions affect members of the public
- Arrangements for public participation in the formulation of policy and performance of the City's functions
- The types of documents held by the City of Swan, including those available for inspection, purchase or free of charge, and how to access them
- The City's process for amending personal information

This document has been created to comply with the above requirements, and is correct as of November 2024.

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's Freedom of Information Specialist via:

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

1. 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:

- 42 suburbs with a population of 163,817 with a population density of 157.2 persons per square kilometre.
- 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.
- Some of the fastest growing suburbs in Western Australia, two regional centres, major commercial and industrial areas, historically significant town sites and a thriving tourism industry.
- The City's residential population continues to be among the fastest growing local government areas in Western Australia.

Information Statement

2. Structure of the City

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

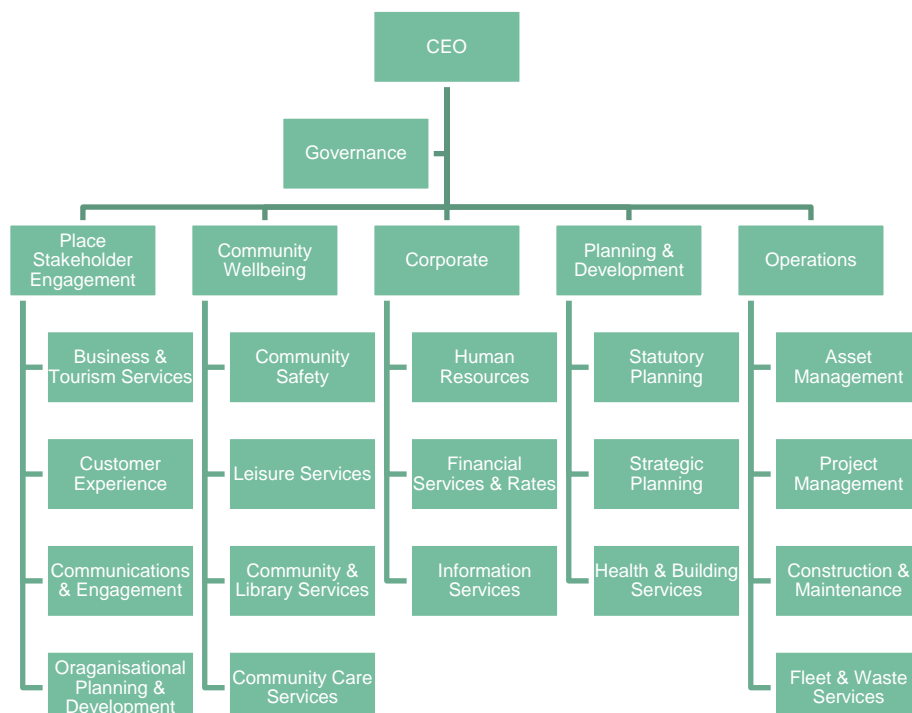
The Local Government Act 1995 states that the role of a councillor is to:

- 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

Committees

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

Organisational Structure



Services

Division: Chief Executive Officer

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

Division: Community Wellbeing

Community and Library Services	Community Developments
	Library Services
	Place Activation
	Youth Development
Community Care Services	Client Services
	Community Transport
	Volunteers
Community Safety	Community Emergency Services
	Community Safety Advocates
	Community Safety Projects
	Fire and Emergency Management
	Parking and CCTV
Leisure Services	Club Development and Liaison
	Community Facility Bookings and Liaison
	Leisure Facility Operations

Division: Corporate

Financial Services and Rates	Development Contribution Plans
	Financial Accounting
	Financial Systems
	Grants Administration
	Management Accounting
	Rating Services
Human Resources	Human Resources Information Systems
	Industrial Relations
	Learning and Development
	Occupational Health and Safety
	Payroll
People Management	

Information Services

Business Solutions

Computing Services

Freedom of Information

Geographical Information Systems (GIS)

Information Management (Recordkeeping)

IS Projects

Division: Operations

Asset Management

Assets Management

Operational Asset Services

Strategic Asset Management

Urban Development

Construction and Maintenance

Building Infrastructure Maintenance

Construction

Engineering Maintenance

Parks City Wide Services

Property Management and Tenant Services

Fleet and Waste Services

Fleet and Depot Assets

Fleet Servicing and Maintenance

Waste Services

Project Management

Design

Project Management Civil

Project Management Parks and Buildings

Division: Place Stakeholder Engagement

Business and Tourism Services

Commercial

Economic Development

Special Projects

Swan Valley Visitor Centre

Communications and Engagement

Community Engagement

Digital

Marketing and Design

Media and Communications

Customer Experience

Customer Experience Centre

Organisational Planning and Development

Corporate Projects

Planning and Performance

Division: Planning and Development

Building Services

Building Approval Certificates

Building Permits

Demolition Permits

Occupancy Permits

R-Code Variation Approvals

Environmental Health Services

Business Support and Environmental Health

Health Services

Statutory Planning

Development Assessment and Appeals

Development Compliance

Planning Process

Statutory Planning Reform

Statutory Project Planning

Strategic Planning

Local Area Planning and Policy

Research and Information

Strategic Land Use and Planning

Sustainable Environment

3. Public Participation

Members of the public have several 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

Council meetings are held every four weeks on a Wednesday at the Midland Town Hall Council Chambers, and commence at 6:00pm. Members of the public should familiarise themselves with requirements for attendance of meetings.

<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 Council Meetings

A special Council meeting 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 Council meetings are conducted 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.

Advisory and Occasional Committees

Council has established a number of Advisory and Occasional Committees and is also represented on a number of external organisations. Councillor representation may be a reflection of Elected Member portfolio or Ward representation.

Annual Electors Meeting

Section 5.27 of the Local Government Act 1995 requires the City to hold an annual meeting of electors

An elector is a person who owns or occupies rateable property within the City and is eligible to vote in local and state government elections.

The matters discussed at the meeting are the annual report for the previous financial year, followed by any other general business raised by electors of the City.

Special Electors Meeting

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 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. 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 not binding upon the Council.

Deputations

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. A deputation should relate to an item on a Council meeting agenda. Each deputation is normally allotted a period of around three (3) minutes, although this period may be extended or reduced depending on the number of deputations scheduled.

Requests for a deputation should be registered by 6:00pm the day before the Agenda Forum. Written deputations must be lodged by 3:00pm the day before the Agenda Forum.

To request to make a deputation or for further information, contact the City's Governance Support Officer on 9267 9267 or email: council.meetings@swan.wa.gov.au

Public Question Time

In accordance with the Local Government (Administration) Regulations 1996, at each Committee and Council meeting, a minimum of fifteen minutes is available for Public Question Time. Members of the public are requested to submit any questions in writing as early as possible prior to the meeting. This allows the City to conduct any research in order to provide an informative and considered answer.

A period of fifteen minutes is allocated at each meeting for "public question time". Time allowed can be extended by resolution of the Council.

To register for Public Question Time or for further information please contact the City's Governance Support Officer by calling 9267 9267 or by email at council.meetings@swan.wa.gov.au.

Petitions

Written petitions can be addressed to Council on any issue within the Council's jurisdiction. Further information is available on the City's website <https://www.swan.wa.gov.au/city-and-council/your-council/public-participation>.

Written requests

A member of the public can write to the Council or City on any policy, activity, function or service of the Council.

Contact can be made via:

Email	Website	Mail
swan@swan.wa.gov.au	https://www.swan.wa.gov.au/contact	PO Box 196 Midland WA 6936

Elected Members

Members of the public can contact the City's Elected Members to discuss any issue within the City's jurisdiction.

Contact details for the Mayor and each Councillor can be found on the City's website <https://www.swan.wa.gov.au/city-and-council/your-council/meet-your-councillors>.

Advertising

Residents may be notified of issues by written notifications, on-site signs, or advertising in local newspapers.

Proposed Development Applications

In some cases, development applications are required to be advertised for public comment and may be of interest to local residents. Information on how the public can submit their comments is available on the City's website at <https://swanengage.swan.wa.gov.au/proposed-development-applications>.

Community Consultation

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

The consultation process may take many forms including newspaper advertising, Community Advisory Committee meetings, questionnaires, surveys, displays, information sessions, workshops, and leaflet drops.

[Swan Engage](#) contains past and present projects for which consultation is required by the City.

Complaints Management

The City deals with complaints in accordance with Council Policy *POL-C-171 Complaints Management* 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 made via

Email	Website	Mail
feedbackteam@swan.wa.gov.au	https://www.swan.wa.gov.au/Your-Council/Contact-Us/Your-feedback	Feedback Team PO Box 196 Midland WA 6936

4. Documents held by the City

Availability of information is subject to provisions established in legislation such as the Freedom of Information Act 1992 (WA) (the FOI Act), the Local Government Act 1995, and various other Acts. Access to information may be 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 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 statewide newspapers, public notice boards, library services, information sheets and other publications, as well as individual correspondence, public and statutory documents and reports.

Under section 5.95 of the Local Government Act 1995, the CEO or the Council may determine that certain information is confidential.

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:

Physical Location	Postal Address	Contact
1 Midland Square Midland WA 6056	PO Box 2222 Midland WA 6936	Email: customerservice@landgate.wa.gov.au Phone: (08) 9273 7373 Fax: (08) 9250 3187

Local History Collection

The City of Swan's local history collection can be accessed through any of the City's libraries, and via the online catalogue at <https://swanlib.swan.wa.gov.au/iguana/www.main.cls?url=LocalHistory#>.

For general information about what is contained in the collection, see <https://www.swan.wa.gov.au/explore-and-do/libraries/resources-f5c512f4d738e7ec147533b11f578ee9>.

Municipal Heritage Inventory

Under the Heritage of Western Australia Act 1990, the City is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the City boundaries that are, or may become, of cultural heritage significance to the community. Details in the inventory include property address, description, statement of significance and management category for each building.

Access to the Local Heritage Survey 2022 is available on the City's website at <https://www.swan.wa.gov.au/plan-and-build/heritage>.

Access to Documents: Outside of FOI

Documents the City has published (physically or digitally) are available for access outside of the FOI process. As the Legal Deposit Act 2012 requires the City to deposit copies of certain published material with the State Librarian, many City publications can be accessed through the State Library.

Documents Published by the City

Document Description	Website Address
<p>Agendas (Council/Committee)*</p> <p>Notice papers and agendas relating to council and committee meetings that have been tabled or produced by the local government and presented at a council or committee meeting (October 2013-current).</p>	https://www.swan.wa.gov.au/city-and-council/your-council/meetings
<p>Annual Budget*</p>	https://www.swan.wa.gov.au/city-and-council/our-performance
<p>Annual Report*</p>	https://www.swan.wa.gov.au/city-and-council/our-performance
<p>Annual Returns</p> <p><i>Limitation:</i></p> <p>Section 5.88(3) of the LG Act requires that Returns are removed as soon as possible once a person stops being a 'relevant person' (designated employee or Elected Member). Furthermore, the Local Government Operational Guidelines states that "Returns removed from the register will not be available for public inspection under this section of the Act".</p>	https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/registers
<p>Asset Management Strategy</p>	https://www.swan.wa.gov.au/city-and-council/planning-for-the-future/strategies,-plans-and-reports/built-environment-plans-and-strategies
<p>Barking Dog <i>Dear Neighbour</i> Letter</p>	https://www.swan.wa.gov.au/services-and-community/pets-and-animals/dogs
<p>Candidate Profiles</p> <p>Available until 6pm on Election Day</p>	https://www.swan.wa.gov.au/city-and-council/your-council/local-government-ordinary-elections
<p>Code of Conduct - Council Members*</p>	https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/codes-of-conduct
<p>Code of Conduct - Employees*</p>	https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/codes-of-conduct
<p>Community Health and Wellbeing Plan</p>	https://www.swan.wa.gov.au/city-and-council/documents-and-publications
<p>Community Safety Plan</p>	https://www.swan.wa.gov.au/city-and-council/documents-and-publications
<p>Corporate Business Plan*</p>	https://www.swan.wa.gov.au/city-and-council/planning-for-the-future/strategies,-plans-and-reports
<p>Council Policies*</p>	https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws
<p>Customer Service Charter</p>	https://www.swan.wa.gov.au/city-and-council/documents-and-publications
<p>Delegated Authority Register*</p>	https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/registers
<p>Disability Access and Inclusion Plan*</p>	https://www.swan.wa.gov.au/city-and-council/planning-for-the-future/strategies,-plans-and-reports

<p>Electoral Roll (Owners and Occupiers, or Consolidated Roll)* Information about how to access the roll is available online. The roll is available via inspection only.</p>	<p>https://www.swan.wa.gov.au/services-and-community/council-rates/property-ownership</p>
<p>Fees and Charges* List of fees and charges under section 6.16 of the LG Act</p>	<p>https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/registers</p>
<p>Future Plans* Plans, for the future of the district, made under section 5.56 of the LG Act</p>	<p>https://www.swan.wa.gov.au/city-and-council/documents-and-publications</p>
<p>Gifts Registers (includes Electoral, Elected Members and CEO)* <i>Limitations:</i> Section 5.89A(6) of the LG Act requires that gift declarations are removed as soon as possible once a person stops being a 'relevant person' (designated employee or Elected Member). Section 5.89A(7) of the LG Act clarifies that for at least five (5) years after a person stops being a 'relevant person' that information is still to be made available to the public for inspection. Therefore, up to 5 years after removal from the Gift Register access will be publicly available.</p>	<p>https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/registers</p>
<p>Horses and Livestock Report wandering livestock Horse exercise information sheet</p>	<p>https://www.swan.wa.gov.au/services-and-community/pets-and-animals/livestock</p>
<p>Impounded Dogs and Cats</p>	<p>https://www.swan.wa.gov.au/services-and-community/pets-and-animals/pound-details</p>
<p>Information Statement (this document)</p>	<p>https://www.swan.wa.gov.au/city-and-council/documents-and-publications</p>
<p>Informing Plans and Strategies</p> <ul style="list-style-type: none"> • Built Environment • Economic • Natural Environment • Social 	<p>https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/freedom-of-information</p>
<p>Local Area Plans</p>	<p>https://www.swan.wa.gov.au/city-and-council/documents-and-publications</p>
<p>Local Laws* Proposed and current local laws</p>	<p>https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws</p>
<p>Local Planning Scheme*</p>	<p>https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws</p>
<p>Local Planning Strategy</p>	<p>https://www.swan.wa.gov.au/city-and-council/planning-for-the-future/strategies,-plans-and-reports/built-environment-plans-and-strategies</p>
<p>Long Term Financial Plan</p>	<p>https://www.swan.wa.gov.au/city-and-council/documents-and-publications</p>

Maps

Interactive online property map (zoning, residential codes and addressing)

<https://www.swan.wa.gov.au/plan-and-build/planning>

Ward Map

<https://www.swan.wa.gov.au/city-and-council/your-council/meet-your-councillors>

Minor Breaches*

Register of complaints of minor breach compiled under section 5.121 of LG Act

<https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/registers>

Minutes (Council/Committee)*

Confirmed Council and Committee meeting minutes (Oct 2013-current)

<https://www.swan.wa.gov.au/city-and-council/your-council/meetings>

Minutes (Annual Elector Meeting)*

<https://www.swan.wa.gov.au/city-and-council/your-council/meetings>

Parking Framework

<https://www.swan.wa.gov.au/city-and-council/documents-and-publications>

Planning Policies

All approved policy documents that govern an assessment of an application

<https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws>

Policies (Council and City)*

<https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws>

Professional Development Register*

All mandatory and voluntary professional development undertaken by Elected Members. Updated quarterly.

<https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/policies-and-local-laws>

Public and Statutory Notices*

Statutory notices are placed on Public Notice Boards located at public libraries and City offices

<https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/registers-for-public-viewing/public-notices>

Rate Record*

Not available electronically

Schedule of Meetings (Council / Committee)

Up-to-date schedule of meetings upcoming Council and committee meetings

<https://www.swan.wa.gov.au/city-and-council/your-council/council-meeting-dates>

Service Plans

<https://www.swan.wa.gov.au/city-and-council/documents-and-publications>

Strategic Community Plan*

<https://www.swan.wa.gov.au/city-and-council/documents-and-publications>

Tender Register*

<https://www.swan.wa.gov.au/business-support/tenders>

The Vines Community Security Patrol Area and Reports

<https://www.swan.wa.gov.au/services-and-community/safety-and-rangers>

Transport Plan

<https://www.swan.wa.gov.au/city-and-council/planning-for-the-future/strategies,-plans-and-reports/built-environment-plans-and-strategies>

*Also available by inspection. Some documents have limitations on inspection:

- Section 5.95(1) advises that the right to inspect does not extend to information that is not current at time of inspection and which, in the CEO's opinion, would divert a substantial and unreasonable portion of the City's resources away from other functions.
- Section 5.95(2) excludes information that relates to any debt owed to the City, unless the person requesting the information is the debtor.

- Sections 5.95(3) and (4) excludes the right to inspection of confidential information from a meeting, other than the decision.
- Sections 5.95(6) and (7), and Administration Regulation 29A(2) and (3) prescribes that information that would reveal information about the property prices for sale or purchase by the City, and information about discussion of this matter, is only confidential until the sale or purchase has taken place, or a decision has been made that a sale or purchase will not take place.
- Section 5.95(8) excludes the right to inspect silent electors
- Administration Regulation 14(2) provides that nothing entitles members of the public to inspection information contained in notice papers, agenda or information to be tabled at a meeting and provided to council or committee members, if in the CEO's opinion, the meeting of that part of the meeting to which the information refers is likely to be closed to the public under section 5.23(2).
- Administration Regulation 29B requires that the CEO be satisfied (via Statutory Declaration) that the information will not be used for a commercial purpose.

Documents released for public comment 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.

Access: Costed Services

Building Applications

As the authority responsible for granting planning approval and issuing building licences for land zoned under the Local Planning Scheme, the City has a vast record of drawings and plans of buildings within the City area. The city will endeavour to provide copies of building licence or permit, elevation plan, floor plan, site plan and structural details.

Copies of building documents can be done via a *Copy of Building documents / plans application form*, available at <https://www.swan.wa.gov.au/plan-and-build/useful-documents-and-links>

Please note that the quality of building documents issued between 1980 and 1999 cannot be guaranteed as they are stored on microfilm and may have deteriorated and become illegible.

Access to this information is available subject to written consent of the current owner of the property if the requestor is not listed at the current owner.

Charges apply for obtaining building information; and the availability of plans in all instances cannot be assured.

Planning Applications

Requests for copies of planning documents can be submitted via an *Application to obtain a copy of development approval and plans* form, available at <https://www.swan.wa.gov.au/plan-and-build/useful-documents-and-links>

Access to this information is available subject to written consent of the current owner of the property if the requestor is not listed at the current owner.

Charges apply for obtaining building information; and the availability of plans in all instances cannot be assured.

General planning and zoning enquiries can be made via the relevant forms using the link above.

Access: 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.

Access: 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 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.

Public access is subject to limitations, therefore the City recommends the following processes for gaining access to CCTV footage:

1. Report the incident to WA Police and ask the Police to request CCTV footage from the City. An incident report number is required.

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.

2. Request access to footage through the Freedom of Information process.

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

Note that CCTV footage is kept for 31 days, as per the State Records Act 2000.

5. Freedom of Information (FOI)

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

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 an application

It is not mandatory to complete an application form, however your application 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, along with any applicable fee payable.

Proof of identity may be required.

If access is sought on behalf of another person, the City requires a written authorisation from that person.

The City will consider the application lodged when the application fee has been paid and both parties agree on a manageable scope.

Application Form

The City's application form, and preferred method of submission, is available at <https://www.swan.wa.gov.au/city-and-council/governance-and-transparency/freedom-of-information>, or via the FOI Specialist at foi@swan.wa.gov.au

For a physical form, please visit one of the following locations:

- The City of Swan's Administration Centre, at 2 Midland Square Midland
- 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

If you choose not to submit your application online, you may submit your request via:

Mail

FOI Specialist - City of Swan
PO Box 196
MIDLAND WA 6936

Email

foi@swan.wa.gov.au

Time Limits

Initial application

A Notice of Decision must be issued within 45 days from when the application was lodged with an agency. 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.

Internal Review

The Applicant has 30 days in which to lodge an application for an Internal Review if dissatisfied with the City's Notice of Decision. The City must respond within 15 days.

External Review

The Applicant has 60 days in which to lodge an application for an External Review if dissatisfied with the City's Internal Review decision. The Information Commissioner must respond within 30 days.

NOTE: All time limits are in calendar days.

Fees and Charges

Fees and charges are set under the Freedom of Information Regulations 1993 (WA) (FOI Regulations).

Lodgement Fee

Application fee for personal information (about the Applicant)	No fees
Application fee for non-personal information	\$30.00

Processing Fees

Processing the application (per hour, pro rata)	\$30.00
Access time supervised by staff (per hour, pro rata)	\$30.00
Photocopying staff time (per hour, pro rata)	\$30.00
Per Photocopy (per page)	\$ 0.20
Transcribing from tape, film or computer (per hour, pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

Payment of Processing Fees

Processing fees are incurred for the time spent reaching an access decision and writing a Notice of Decision. The Notice of Decision will outline the incurred processing fees. Once a Notice has been issued, the City requires full payment of any processing fees.

Deposits

Under section 17 of the FOI Act, 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 estimated cost may be required as a sign of good faith that full payment will be provided once the Notice of Decision is issued. This is in accordance with section 6 of the FOI Regulations.

If there are Sourced Documents:

Payment is required prior to sourced documents being released.

If there are no Sourced Documents:

Prior to the City issuing of a Notice of Decision, if the Applicant has been advised that documents do not exist and they elect to withdraw their application, no processing fees will be incurred.

Prior to the City issuing of a Notice of Decision, if the Applicant has been advised that documents do not exist and they elect to continue with their application, processing fees will still be payable.

Waiver or Reduction of Fees

Under section 3 of the FOI Regulations, fees may be reduced where the Applicant is:

- impecunious, or
- the holder of a valid pensioner concession card.

The reduction or waiver of fees only applies to associated processing costs, not the original application fee (if applying for non-personal information).

Impecunious

The FOI Act does not specify what constitutes being “impecunious”, leaving this at the discretion of agencies. The City requires such a claim be supported by written evidence (e.g. letter from Centrelink).

Pensioner Concession

The City requires that the Pensioner Concession Card be sighted upon request. If the Applicant holds a currently valid pensioner concession card, the charge payable is reduced by 25%.

GST

All charges, outlined above, are exempt from GST under Determination No 2 2000, made by the Federal Treasurer (Exempt Fees and Charges) Part 5 (Western Australia), page 203.

Notice of Decision

A Notice of Decision will include details such as:

- The date on which the decision was made;
- The name and the designation of the officer who made the decision;
- The reason why documents are 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 by way of:

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

Review Process

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

Review Type	Process
Internal Review	If dissatisfied with the City's decision, an application for an internal review can be lodged. Internal review applications must be in writing and lodged with the City within thirty (30) days of being notified of the original decision. There is no charge for an internal review.
External Review by the Information Commissioner	If still dissatisfied with the City's decision after the internal review has been completed, a review by the Information Commissioner can be sought. External review requests must be made in writing to the Information Commissioner and give details of the application and decision to which the request relates.
Appeal to the Supreme Court	Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application, and the payment of a deposit for charges.

6. Amending Personal Information

The right to amend personal information held by the City ensures information does not unfairly harm the person referred to, misrepresent facts about them, or give a misleading impression.

An application can be made to the FOI Coordinator to correct or amend any documents containing an individual's personal information.

The application must be in writing, providing details and, if necessary, documentation to support claims that the information the Applicant seeks to have amended is inaccurate, incomplete, out-of-date or misleading.

Furthermore, Applicants must indicate whether they wish the amendment to the information to be made by altering, striking out, or deleting the information or inserting information or a note in relation to the information.

If the City decides to amend the information it will usually alter the record or add a further note in relation to the record.

The City will inform the Applicant of its decision, and reasons for arriving at that decision, together with rights of review, if dissatisfied with the City's decision.



City of
Swan

2 Midland Square, Midland
PO Box 196, Midland DC WA 6936

Enquiries (08) 9267 9267
www.swan.wa.gov.au



Contact details:
FOI Specialist
foi@swan.wa.gov.au