



# FREEDOM OF INFORMATION ACT

## INFORMATION STATEMENT

*Document Control Statement – This Freedom of Information Act Information Statement is maintained by the Governance team. Any printed copy may not be up to date and you are advised to check the electronic copy at on the City website to ensure that you have the current version. Alternatively, you may contact Customer Service on (08) 9186 8555*

## Contents

1. Introduction .....	2
2. Legislative Framework .....	2
3. Decision making by the City .....	2
4. Public participation in the decision making process .....	3
4.1 Council Meetings .....	3
4.2 Public Question Time .....	3
4.3 Deputations .....	3
4.4 Annual General Meeting of Electors .....	3
4.5 Special Meetings of Electors .....	4
4.6 Petitions .....	4
4.7 Community Consultation and Participation .....	4
5. Documents held by the City of Karratha .....	5
5.1 Publication of other information .....	5
5.2 Documents available for purchase .....	6
5.3 Library Services .....	6
6. FOI Procedures .....	7
6.1 What kind of information can I request? .....	7
6.2 How do I make an FOI application? .....	7
6.3 Are there any costs involved? .....	7
6.4 In what way can I minimise or remove the need for charges? .....	8
6.5 What happens after I have lodged my application? .....	8
6.6 What if I need the documents urgently? .....	8
6.7 How will I know when the City's decision has been made and what it is? .....	8
6.8 What if I am unhappy with the City's decision? .....	9
6.8.1 Internal Review .....	9
6.8.2 External Review .....	9
7. Further information .....	10
Appendix 1 - Legislation administered by the City .....	11

## 1. Introduction

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

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

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

The Act also requires each agency to prepare and publish an annual information statement which details the process of applying for information under the Act, as well as information that the City of Karratha (the City) provides outside the Act. This City of Karratha Freedom of Information Statement fulfils the City's obligation in this regard, and is correct as at February 2020. Please note that the information contained in this Information Statement is a general guide and should not be substituted for the FOI Act and Regulations. This document can be provided in hard copy upon request, and an electronic copy can be accessed via the City's website at <https://karratha.wa.gov.au/council/information-access/freedom-information>.

## 2. Legislative Framework

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

## 3. Decision making by the City

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

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

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

## **4. Public participation in the decision making process**

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

### **4.1 Council Meetings**

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

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

### **4.2 Public Question Time**

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

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

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

### **4.3 Deputations**

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

### **4.4 Annual General Meeting of Electors**

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

## 4.5 Special Meetings of Electors

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

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

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

## 4.6 Petitions

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

## 4.7 Community Consultation and Participation

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

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

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

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

## 5. Documents held by the City of Karratha

Records of the City's activities are centrally stored by the City in accordance with the *LG Act* and *State Records Act 2000*. Such records include correspondence, memoranda, notes, recordings, reports, plans, sketches, maps, diagrams, applications, fact sheets, registers, approvals, notices, agendas and minutes.

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

- any code of conduct;
- any register of complaints referred to in section 5.121 of the *LG Act*;
- any register of financial interests;
- any register of gifts;
- any annual report;
- any annual budget;
- any list of fees and charge imposed under section 6.16;s;
- any plan for the future of the district made in accordance with section 5.56 of the *LG Act*;
- any proposed local law of which the local government has given State-wide public notice under section 3.12(3) of the *LG Act*;
- any local law made by the local government in accordance with section 3.12 of the *LG Act*;
- any regulation made by the Governor under section 9360 that operate as if they were local laws of the local government;
- any text that is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or would be adopted by a proposed local law of which the local government has given local public notice under section 3.12(3).
- Any subsidiary legislation made or adopted by the local government under written law other than under this Act;
- Any written law having a provision in respect of which the local government has a power or duty to enforce;
- any rates record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been tabled at a council or committee meeting; or produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting.
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59;
- any register of owners and occupiers under section 4.32(6) and electoral rolls;
- a report on supplementary audit prepared under section 7.12AH(1);
- such other information relating to the local government required by a provision of the *LG Act* to be available for public inspection or as may be prescribed.

### 5.1 Publication of other information

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

## 5.2 Documents available for purchase

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

<b>Copy of Council Agenda</b>	Each	\$6.50
<b>Copy of Council Minutes</b>	Each	\$6.50
<b>Plan search</b>	With owners consent	\$39.50
<b>Reprint of Rate notice</b>	Current financial year	\$36.00
<b>Reprint of Rate notice</b>	Prior financial year	\$36.00

## 5.3 Library Services

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

## 6. FOI Procedures

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

### 6.1 What kind of information can I request?

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

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

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

### 6.2 How do I make an FOI application?

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

### 6.3 Are there any costs involved?

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



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

Personal Information about the applicant	No fee/No charge
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour or pro rata)	\$30.00
Access time supervised by staff (per hour or pro rata)	\$30.00
Photocopying staff time (per hour or pro rata)	\$30.00
Per photocopy	.20
Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost
For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by	25%
Advance deposit that may be required in respect of estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%

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

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

#### **6.5 What happens after I have lodged my application?**

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

#### **6.6 What if I need the documents urgently?**

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

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

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

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



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

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

### **6.8.1 Internal Review**

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

### **6.8.2 External Review**

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

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

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

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

## 7. Further information

Further information can be obtained from the Freedom of Information (FOI) Coordinator for the City on (08) 9186 8555, Monday to Friday from 8.30am to 4.30pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889

Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)

Web: [www.oic.wa.gov.au](http://www.oic.wa.gov.au)

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

## Appendix 1 - Legislation administered by the City

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

*Aboriginal Heritage Act 1972*  
*Animal Welfare Act 2002*  
*Auditor General Act 2006*  
*Biodiversity Conservation Act 2016*  
*Building and Construction Industry Training Fund and Levy Collection Act 1990*  
*Building and Construction Industry Training Levy Act 1990*  
*Building Regulations 1989*  
*Building Services (Registration) Act 2011*  
*Bush Fires Act 1954*  
*Bush Fires Regulations 1954*  
*Bush Fires (Infringements) Regulations 1978*  
*Caravan Parks and Campgrounds Act 1995*  
*Cat Act 2011*  
*Cat Regulations 2012*  
*Cemeteries Act 1986*  
*Commercial Tenancy (COVID-19 Response) Act 2020*  
*Commercial Tenancy (Retail Shop) Agreements Act 1985*  
*Copyright Act 1968*  
*Control of Vehicles (Off Road Areas) Act 1978*  
*Corruption, Crime and Misconduct Act 2003*  
*Disabilities Services Act 1993*  
*Dividing Fences Act 1961*  
*Dog Act 1976*  
*Dog Regulations 201*  
*Emergency Management Act 2005*  
*Emergency Services Levy Act 2002*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Evidence Act 1906*  
*Equal Opportunity Act 1984*  
*Freedom of Information Act 1992*  
*Food Act 2008*  
*Gaming and Watering Commission Act 1987*  
*Graffiti Vandalism Act 2016*  
*Health (Miscellaneous Provisions) Act 1911*  
*Health Regulations*  
*Heritage Act 2018*  
*Interpretation Act 1984*  
*Land Administration Act 1997*  
*Library Board of Western Australia Act 1951*  
*Liquor Control Act 1988*  
*Liquor Licensing Act 1988*  
*Litter Act 1979*  
*Local Government Act 1995*  
*Local Government (Administration) Regulations 1996*  
*Local Government (Audit) Regulations 1996*  
*Local Government (Constitution) Regulations 1998*  
*Local Government (Elections) Regulations 1997*  
*Local Government (Financial Management) Regulations 1996*

*Local Government (Functions and General) Regulations 1996*  
*Local Government (Uniform Local Provisions) Regulations 1996*  
*Local Government (Miscellaneous Provisions) Act 1960*  
*Local Government (Long Service Leave) Regulations 1997*  
*Local Government (Uniform Local Provisions) Regulations 1996*  
*Local Government (Rules of Conduct) Regulations 2007*  
*Local Government (Amendment of Part VIA – Employee Superannuation) Regulations 2006*  
*Local Government (Parking for People with Disabilities) Regulations 2014*  
*Main Roads Act 1930*  
*Main Roads (Control of Advertising) Regulations 1996*  
*Native Title (Strata Provisions) Act 1999*  
*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations 1996*  
*Parks and Reserves Act 1895*  
*Planning and Development At 1995*  
*Public Bank Holidays Act 1972*  
*Public Sector Management Act 1994*  
*Public Works Act 1902*  
*Rates and Charges (Rebates and Deferments) Act 1992*  
*Rates and Charges (Rebates and Deferments) Regulations 1992*  
*Residential Planning Codes of WA 1991*  
*Residential Tenancies Act 1987*  
*Residential Tenancy (COVID-19 Response) Act 2020*  
*Road Traffic Act 1974*  
*Salaries and Allowances Act 1975*  
*State Records Act 2000*  
*Strata Titles Act 1985*  
*Planning and Development Act 2005*  
*Planning and Development Regulations 2009*  
*Planning and Development (Development Assessment Panels) Regulations 2011*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Transfer of Land Act 1893*  
*Valuation of Land Act 1978*  
*Waste Avoidance and Resource Recovery Act 2007*  
*Workers Compensation Injury Management Act 1981*

**Local Laws**

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