



# FREEDOM OF INFORMATION Information Statement

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

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

## **Mission Statement**

To preserve and improve Cottesloe's natural and built environment and beach lifestyle by using sustainable strategies in consultation with the community.

# FREEDOM OF INFORMATION STATEMENT

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## 1. Introduction

Under Part 5 of the *Freedom of Information Act 1992*, the Town of Cottesloe is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as at July 2022.

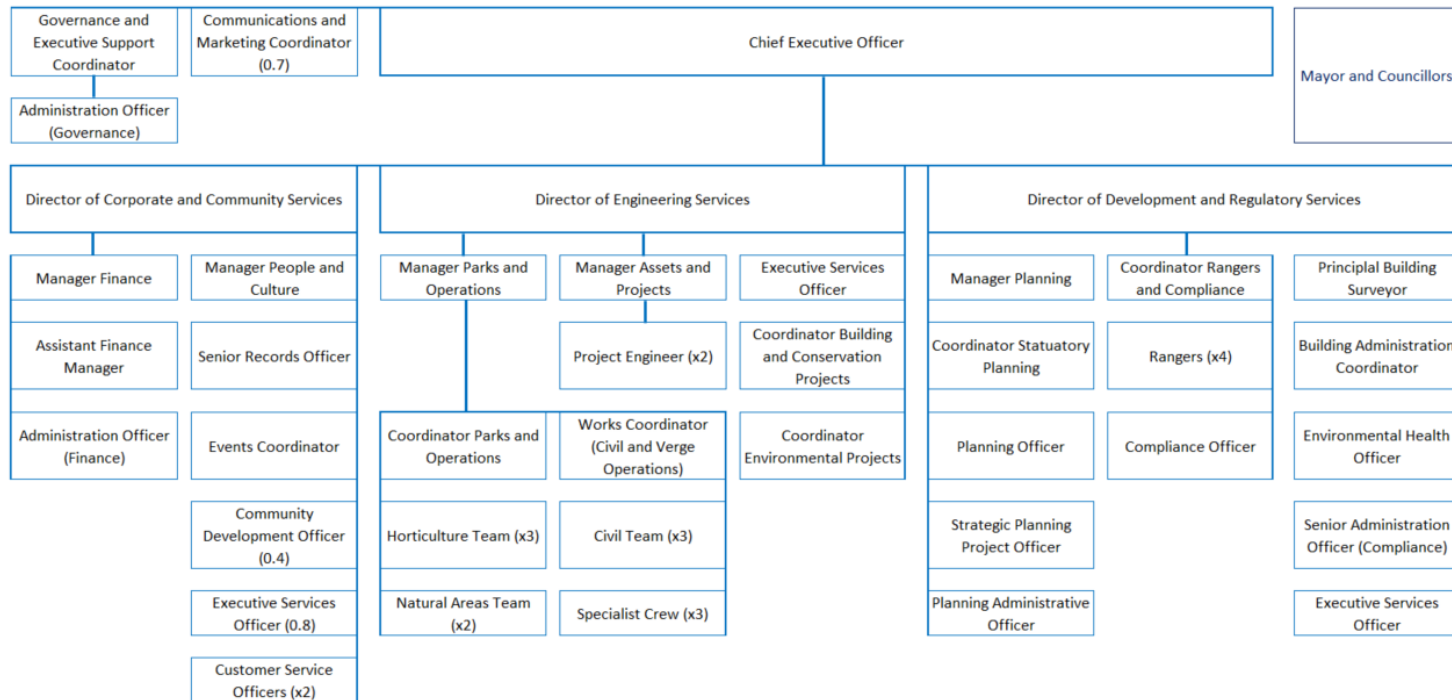
Further information can be provided, between Mondays and Fridays (8.30am until 4.30pm), by contacting the Freedom of Information Coordinator via:

Phone: 9285 5000

Email: [council@cottesloe.wa.gov.au](mailto:council@cottesloe.wa.gov.au)

## 2. Structure of the Town

The day to day running of the Town is the responsibility of the Chief Executive Officer, who, along with the Directors, Managers and staff, act on the Council's decisions by developing and putting into practice the Council policies and resolutions.



### 3. Functions of the Town

The Town of Cottesloe stretches four kilometres along the Western Australian coastline from the intersection of Marine Parade and Curtin Avenue to the south and North Street to the north. The eastern boarder runs along Stirling Highway to Congdon Street.



The functions of the Town of Cottesloe are to provide services and facilities, by proper and democratic government, in an efficient and cost effective manner, subject to the *Local Government Act 1995* and other legislation that provide the powers and directions for local government. Under the *Local Government Act 1995*, the Town has general, legislative and executive functions.

#### 3.1 General Functions

Section 3.1 of the *Local Government Act 1995*

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

#### 3.2 Legislative Functions

Section 3.5 of the *Local Government Act 1995*

A local government may make local laws that are necessary or convenient for it to perform any of its functions.

#### 3.3 Executive Functions

Section 3.18 of the *Local Government Act 1995*

A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

#### 4. Public Participation

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

Members of the public can participate in in the following ways.

##### 4.1 Council Meetings

Ordinary Council Meetings and Agenda Forums allow members of the public the opportunity to ask Elected Members and staff questions about items presented for consideration.

##### 4.2 Committee Meetings

In accordance with the *Local Government Act 1995*, Council has established a number of Committees to support the operations of the Council.

The Committees are:

- Audit Committee
- Foreshore Precinct Advisory Committee
- North Cottesloe Primary School Traffic Safety Committee

##### 4.3 Advisory Groups

Council has established a number of advisory groups with community representation to support the operations of the Council.

These groups are:

- Active Transport Working Group
- Design Review Panel
- Public Open Space Working Group
- Universal Access and Inclusion Reference Group
- Residential and Recreational Verge Uses Taskforce
- Coastal Hazard Risk Management and Adaption Plan (CHRMAP)
- Reconciliation Action Working Group

##### 4.4 Deputations

Members of the public can personally, or on behalf of a resident or group of residents, address the Council at an Agenda Forum or Council Meeting.

In accordance with the Town's Standing Orders Local Law, any person or group who wishes to address the Council is to:

- a. apply, before the meeting, to the Chief Executive Officer; or
- b. put forward a request to the Presiding Member, at the meeting for approval.

Unless Council resolves otherwise, a deputation invited to attend a Council meeting is not to exceed five persons, only two of whom may address the Council for a period not exceeding ten minutes.

##### 4.5 Elected Members

Members of the public can contact the Town's Elected Members to discuss any issue relevant to the Council. Contact details are available on the Town's website.

### 4.6 Notifications and Consultation

Council consults with its residents on particular issues that affect their neighbourhood by advertising in local newspapers, the Town's website, calling public meetings, written notification (by letter, email or social media) or an on-site sign.

Submissions regarding particular issues may be invited by completing a survey or writing to the Town to express views.

#### 4.6.1 Development Application Advertising

Where a development application does not comply with the provisions of the Town Planning Scheme, Residential Design Codes or involves an unlisted land use, the Town may give written notice of the proposal to affected owners and/or occupiers, or the Town may direct the applicant to advertise the application in any manner that it considers to be appropriate.

### 4.7 Petitions

Written petitions can be received by an Elected Member or the Chief Executive Officer to be presented at the next ordinary Council meeting.

Section 6.11 of the Town of Cottesloe Standing Orders Local Law states:

- (1) *A petition is to -*
  - (a) *be addressed to the mayor;*
  - (b) *be made by electors of the district;*
  - (c) *state the request on each page of the petition;*
  - (d) *contain the name, address and signature of each elector making the request, and the date each elector signed;*
  - (e) *contain a summary of the reasons for the request;*
  - (f) *be respectful and temperate in its language; and*
  - (g) *state the name of the person to whom, and an address at which, notice to the petitioners can be given.*
- (2) *A member presenting a petition to a council meeting shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the petition statement.*
- (3) *The only question which shall be considered by the council on the presentation of any petition shall be:*
  - (a) *that the petition shall be accepted;*
  - (b) *that the petition shall not be accepted;*
  - (c) *that the petition shall be accepted and referred to the CEO for consideration and report; or*
  - (d) *that the petition be accepted and be dealt with by the full council.*

### 4.8 Public Question Time

Members of the public are permitted to ask questions at Agenda Forums and Council Meetings on any matter affecting the Town. It is preferable that questions are provided in writing prior to the meeting. Forms are available on the Town's website. Time is set aside for this purpose at meetings that are open to the public.

The Town of Cottesloe Standing Orders Local Law refers to the *Local Government (Administration) Regulations 1996* for the procedure for Public Question Time.

### 4.9 Public Statement Time

Members of the public are permitted to comment on any item listed in a meeting agenda at Agenda Forums and Council Meetings. It is preferable that statements are provided in writing prior to the meeting. Forms are available on the Town's website. Time is set aside for this purpose at meetings that are open to the public.

### 4.10 Written Requests

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

## 5. Documents held by the Town of Cottesloe

### 5.1 Council Agendas

The agenda for all Council and Committee meetings is publically available 72 hours prior to the meeting in accordance with the *Local Government Act 1995*. Copies of Agendas and related searches conducted by Town of Cottesloe staff may incur charges.

### 5.2 Council Minutes

Under the *Local Government Act 1995* Council and Committee Minutes are available for free inspection at the Town's office.

Electronic copies of Minutes post 2002 are available on the Town's website. Hard copy minutes prior to 2015 are stored offsite to ensure the documents are adequately protected. Copies of the Minutes and related searches conducted by Town of Cottesloe staff may incur charges.

Historical Minutes from 1895 to 1959 are available electronically on the Grove Library website.

### 5.3 Delegated Authority Register

The Chief Executive Officer and other officers of Council have the delegated authority to make decisions on a number of specific administrative and policy matters. These delegations are listed and available for public inspection and are reviewed annually by Council. A copy of the Delegated Authority Register is also available on the Town's website.

In keeping with legislative requirements, Council:

- Determines policies to be applied by Council in exercising its discretionary powers.
- Determines the type, range and scope of projects to be undertaken by Council.
- Develops comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of Council.

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

### 5.4 Rates Books

Town of Cottesloe rates information is listed by Assessment Number or property address. When searching for historical rates information the assessment number, property address and lot number are required to retrieve the relevant information.



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Rates Books dating prior to 1997 are not available electronically and are stored in hardcopy at the Town's storage facility. Fees may apply for the retrieval of Rates Books.

Historical Rates Books from 1907 to 1957 are available electronically on the Grove Library website.

### 5.5 Building/Development Applications

As the authority responsible for granting planning approval and issuing building licences for land zoned under the Town's Planning Scheme, the Town of Cottesloe has a vast record of drawings and plans of buildings within the Town area. The drawings and plans can include site plans, floor plans, elevations, sections, and detailed technical drawings (such as mechanical, hydraulic, structural and architectural drawings). Information about the year of construction, builder details and cost of construction can also be obtained.

Access to this information is available subject to the consent of the current owner of the property.

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

### 5.6 Municipal Heritage Inventory

Under the *Heritage of Western Australia Act 1990* the Town of Cottesloe is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the Town of Cottesloe boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, description, historical information, architectural information and listing status. Access to place records on the adopted inventory is free of charge.

### 5.7 Town Records Post 1997

An electronic record keeping system was implemented by the Town in 1997.

### 5.8 Historical Documents

The Community History Library is located in the eastern section of The Grove Library in Peppermint Grove. A Community History Librarian can help locate information within the collection and assist with community based enquiries.

Some historical documents have been relocated to the State Library in accordance with the *State Records Act 2000* and in keeping with the Town's Record Keeping Plan.

Some materials may be restricted for conservation/preservation reasons.

## 6. Access to Council Documents

Availability of information is subject to provisions established in legislation such as the *Freedom of Information Act 1992* and the *Local Government Act 1995* and may be free, or subject to fees and charges. The Town will, in all instances, seek to provide access to information upon request except where there may be issues under the *Privacy Act 1998*, the *Freedom of Information Act 1992*, or other relevant legislation.

Information is made available through a range of mediums including public statements, media releases, the Town's website, advertisements placed in local and state-wide newspapers,

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public notice boards, information sheets and other publications, as well as individual correspondence, public and statutory documents, and reports.

### 6.1 Documents available outside of the Freedom of Information Act

The following documents are available for public inspection at the Town's Civic Centre, 109 Broome Street, Cottesloe or via the Town's website.

Online	Hard copy inspection	Document Type
✓	✓	Annual budget
✓	✓	Annual Financial Statements
	✓	Annual Returns (Annual Returns form part of the Financial Interests register) Limitation: It should be noted that s5.88(3) of the <i>Local Government Act 1995</i> 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'.
✓	✓	Annual Report
✓	✓	Business Plans (prepared under Section 3.59 of the <i>Local Government Act 1995</i> )
✓	✓	Code of Conduct
	✓	Corporate Asset Management Plan
✓	✓	Complaints Register Limitation: It should be noted that the <i>State Records Act 2000</i> , General Disposal Authority for Local Government Records requires that significant registers be retained for five years, then transferred to the State Records Office.
✓	✓	Corporate Business Plan
✓	✓	Documents released for public comment
	✓	Electoral Roll – Town of Cottesloe Owner and Occupiers or Consolidated Roll
	✓	Financial Interests Register Limitation: It should be noted that s5.88(3) of the <i>Local Government Act 1995</i> 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'.
✓	✓	Freedom of Information – Information Statement

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Online	Hard copy inspection	Document Type
✓	✓	Gift Register Limitation: It should be noted that s5.89A(6) of the Local Government Act requires that gift declarations are removed as soon as possible once a person stops being a 'relevant person' (designated employee or Elected Member). However, s5.89A(7) of the Local Government 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.
✓	✓	Local Laws (including reports or proposals relating to Local Laws)
✓	✓	Long Term Financial Plan
	✓	Media Releases
✓	✓	Minutes of Committee Meetings and Council Meetings (confirmed minutes that relate to the meeting) Limitation: Access does not extend to the inspection where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, was closed to members of the public. Nor does it extend where it relates to any debt owed to the Town.
✓	✓	Policy Manual
	✓	Rates records
✓	✓	Schedule of Fees and Charges
✓	✓	Statutory Notices
✓	✓	Strategic Community Plan
	✓	Tenders Register Limitation: It should be noted that the <i>State Records Act 2000</i> , General Disposal Authority for Local Government Records requires that significant registers be retained for five years, then transferred to the State Records Office.
✓	✓	Town Planning Scheme and Planning Policies
	✓	Workforce Plan

### 6.2 Documents available under the Freedom of Information Act

Access to documents other than those listed as accessible outside the Freedom of Information Act must be via a Freedom of Information Application.

### 6.3 Access to Information by Police Officers

Where a WA Police Officer requests access to Town of Cottesloe documents, access will be provided:

- Upon production of the Certificate of Authority (Warrant Card) of the Police Officer concerned; and/or

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- 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 Town of Cottesloe.

## 7. Freedom of Information Access

### 7.1 Right to Access Documents

The Western Australian *Freedom of Information Act 1992* gives Applicants a legally enforceable right to apply for access to documents held by the Town of Cottesloe. 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 Town is required to:

- Assist those in making an application;
- Assist those 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 Act provides a general right of access to documents it also recognises some documents require a level of protection, which is applied to those documents that meet the exemption criteria in Schedule 1 of the *Freedom of Information Act 1992*. The most frequent reasons for refusal to provide access to information are:

Reason for Refusal to Provide Access	Example Information	Clause
Personal Information	Information that would reveal personal information about an individual (for example, their name, contact details, signature etc.).	May be exempt under Schedule 1, Clause 3 of the <i>Freedom of Information Act 1992</i> and s5.95 (8) of the <i>Local Government Act 1995</i> .
Commercial Information	Information that would reveal trade secrets, information of a commercial value (for example, documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (for example, debts owed to the Town).	May be exempt under Schedule 1, Clause 4 of the <i>Freedom of Information Act 1992</i> .

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Reason for Refusal to Provide Access	Example Information	Clause
Deliberative Process	Information that would reveal a decision made during a deliberative process closed to the public (for example, confidential Council meeting).	May be exempt under Schedule 1, Clause 6 of the <i>Freedom of Information Act 1992</i> and s5.23 of the <i>Local Government Act 1995</i> .
Legal Professional Privilege	Information that would reveal legal advice.	May be exempt under Schedule 1, Clause 7 of the <i>Freedom of Information Act 1992</i> .

### 8. Lodging a Freedom of Information Application

Requests for information will, if appropriate, be considered in accordance with the *Freedom of Information Act 1992*. Under this legislation, an application fee must be forwarded with the request in writing.

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 Town with any applicable fee payable.

Proof of identity may be required. If access to documents is sought on behalf of another person, the Town of Cottesloe will require written authorisation.

A Freedom of Information Application Form is available, however, the use of this form is optional.

Freedom of Information Requests should be addressed to:

**Freedom of Information Coordinator**

**Town of Cottesloe**

**109 Broome Street**

**COTTESLOE WA 6011**

**The application is considered as officially lodged when the application fee has been paid and both parties agree on a manageable scope.**

#### 8.1 Time Limits

- A Notice of Decision must be issued within 45 days from when the application was lodged. The Town 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.
- The Applicant has 30 days in which to lodge an application for an Internal Review if dissatisfied with the Town's Notice of Decision. The Town must respond within 15 days.

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

**Please note, all time limits are in calendar days.**

### 8.2 Refusal

Section 20 of the *Freedom of Information Act 1992* states that an agency may refuse to deal with an application in certain cases.

- (1) *If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.*
- (2) *If after help has been given to change the access application the agency still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.*

### 9. Charges

Fees and charges are set under the *Freedom of Information Regulations 1993* (Section 4 and 5). The regulatory charges are as follows:

<b>Lodgement Charges</b>	
Application fee for personal information (about the applicant)	No fee
Application fee for non-personal information	\$30.00
<b>Processing Charges</b>	
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

#### 9.1 Deposits

Under section 17 of the *Freedom of Information Act 1992*, the Town is required to provide the Applicant with an estimated cost should the charges for dealing with the application exceed \$25.00.

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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 *Freedom of Information Regulations 1993*.

### 9.2 Waiver or Reduction of Fees

Under Section 3 of the *Freedom of Information Regulations 1993* fees may be reduced where the Applicant:

- a. Is impecunious; or
- b. Is 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).

#### 9.2.1 Impecunious

The *Freedom of Information Act 1992* does not specify what constitutes being 'impecunious', leaving this at the discretion of agencies. The Town of Cottesloe therefore requires such a claim to be supported by written evidence from and independent third party (such as a letter from Centrelink).

#### 9.2.2 Pensioner Concession:

The Town of Cottesloe 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%.

## 10. 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 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.

### 10.1 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;
- 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.



### 10.2 Review Process

The *Freedom of Information Act 1992* provides for a review and appeal process, as follows:

- **Internal Review:** If dissatisfied with the Town'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 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 Town'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.
- **Appeals 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 on account of charges.

### 11. Amendment of Personal Information Procedure

The right to amend personal information held by the Town 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 Freedom of Information 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 Town decides to amend the information it will usually alter the record, or add a further note in relation to the record.

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