

CITY OF BELMONT

Information

Statement 2022 – 2023

Date of Publication 08/07/2022

City of Belmont

215 Wright Street, Cloverdale Western Australia 6105

Locked Bag 379, Cloverdale Western Australia 6985

Open 8:30am - 4:45pm, Monday - Friday

9477 7222

belmont@belmont.wa.gov.au

9477 7224 (A/H)

belmont.wa.gov.au



Contents

1.	INTRODUCTION	4
2.	THE CITY OF BELMONT CREST AND LOGO	5
	2.1 Achievement of Arms	5
	2.2 Building a Real Future (logo).....	5
3.	OUR STRATEGIC VISION AND VALUES	7
	3.1 Vision Statement	7
	3.2 Our Values	7
	3.3 Strategic Community Plan	7
4.	FUNCTIONS OF THE CITY OF BELMONT	8
	4.1 General Functions	8
	4.2 Legislative Functions	8
	4.3 Executive Functions	8
5.	ORGANISATIONAL STRUCTURE AND FUNCTIONS	9
	5.1 City of Belmont Structure	9
	5.2 Decision Making Functions	10
	5.3 The Framework	10
	5.4 Meetings	11
6.	COMMUNITY PARTICIPATION	14
	6.1 Community Consultation	14
	6.2 Public Meetings	14
	6.3 Councillors.....	15
	6.4 Written Requests	15
7.	ACCESS TO DOCUMENTS.....	16
	7.1 Documents available under the <i>Local Government Act 1995</i>	16
	7.2 Publications and Corporate Documents.....	17
	7.3 Public Registers	17
	7.4 Documents held at the State Library of WA	18
	7.5 Statutory Notices	18
	7.6 Land Information	18
	7.7 Heritage Inventory	18
	7.8 Building and Development Applications	18

7.9 Local Laws	19
7.10 Access to CCTV Footage.....	19
7.11 Police Access	19
8. FREEDOM OF INFORMATION ACCESS.....	20
8.1 Amendment of Personal Information	20
8.2 Lodging an Application for Access	20
8.3 Time Limits	21
8.4 Fees and Charges	21
8.5 Deposits	22
8.6 Exemptions.....	22
8.7 Notice of Decision	22
8.8 Access Arrangements	22
8.9 Review Process.....	23
8.10 Flowchart of FOI Process.....	24

I. INTRODUCTION

The City of Belmont is required under Part 5 of the *Freedom of Information Act 1992* (“FOI Act”), to prepare and publish an annual Information Statement. This document has been produced to comply with that requirement and is correct as at June 2022.

The Information Statement includes information on:

- The structure and functions of the City of Belmont
- The functions, including the decision-making functions of the City of Belmont affecting members of the public.
- Arrangements enabling members of the public to participate in the formulation of policy and performance of functions.
- The kinds of documents held by the City of Belmont and which documents may be viewed, purchased or obtained free of charge.
- How documents held by the City of Belmont can be accessed and the procedures for giving access.
- Amending personal information in documents held by the City of Belmont.
- Process for incoming correspondence

This document is available in alternative formats upon request and can be accessed via the City’s website: <http://www.belmont.wa.gov.au>

Further information can be provided by contacting the Freedom of Information Officer during business hours Monday to Friday via:

Telephone: (08) 9477 7222
Email: Belmont@belmont.wa.gov.au
In person: 215 Wright St, Cloverdale WA
Post: 6105
LMB 379, Cloverdale WA 6985

2. THE CITY OF BELMONT CREST AND LOGO

2.1 Achievement of Arms

In preparing this coat of arms great attention has been paid to the rules of heraldry to ensure an accurate achievement. The elements composing the arms (including the colours in the field of the shield) are very symbolic of the City of Belmont.

The kiln and the stack represent the early industry of brick making and the cog charged thereon is a common symbol for industry, one of the dominating features of the City.

The two wings are symbolic of flight and Perth's International Airport, the greater part of which lies within the City.

The horse in the base of the shield symbolises the horse racing industry which in this state, is as old as Belmont itself.

The green in the shield is symbolic of public open space, the wide-open sky is symbolised by the silver and blue represents the waters of the Swan River.

The Crest which rests upon the shield is composed of a masoned crown symbolising the municipality, the crown in its turn resting upon a wreath mantled of the liveries (the colours in the top half of the field).

The mantling in this instance has been introduced for decorative purposes only. Issuing from the crown is the head of the black swan, emblem of Western Australia. Around the swan's neck is a ducal coronet symbolising Belmont's relationship to the State of Western Australia.



2.2 Building a Real Future (logo)

The colourful 'City of Opportunity' logo symbolises the enthusiasm the Council feels about the City and its future. It is not the mark of a corporate body but is symbolic of an opportunistic journey which the community of Belmont has embarked upon.



The logo is painted in an informal style because it belongs to the community. The bright colours, dominated by blue, suggest joy and expectation and the City's close proximity to the Swan River. The joyful figure strides confidently forward to embrace the opportunities the City is offering symbolised by the sun, moon and star, the traditional artistic representatives of promise and opportunity. The star in the figure's eye indicates that these opportunities will enter the lives of all who reach for them.

The arc that encloses the logo and gives it its own 'space' is an upward sloping curve that represents the growth the City has experienced in recent years, as well as the growth that is still to come. The curve is expressed as three coloured lines which mirror the three strands of Living (*Social*) Belmont, Business (*Built and Business*) Belmont and Green (*Natural*) Belmont; reflecting the 'triple bottom line' that delivers social and environmental benefits as well as economic performance in every endeavour.



3. OUR STRATEGIC VISION AND VALUES

3.1 Vision Statement

City of Belmont – City of Opportunity

We will be home to a diverse and harmonious Community, thriving from the opportunities of our unique, riverside City.

The City of Belmont's vision is ambitious, realistic, credible and desirable. It seeks to build on our character and strengths as we continue to grow and evolve.

3.2 Our Values

Our Objective: In everything we do, we will keep to a set of values that guide our attitudes and behaviours:

TEAMWORK	People building relationships to work together to achieve common goals.
LEADERSHIP	To focus and inspire people to achieve
INTEGRITY	To act in an honest, professional, open and accountable manner.
INNOVATION	To create new, innovative and alternative ways of working.
PEOPLE FOCUS	To work safely. To communicate and consult in order to understand people's needs

3.3 Strategic Community Plan

The City of Belmont Strategic Community Plan 2020 - 2040 (the Plan), developed in consultation with our community, sets the direction that Council and the City's Executive Leadership Team will follow for the City of Belmont over the next 20 years.

The Plan outlines our community's shared vision and aspirations for the future planning of our City. It encompasses the long-term goals and supporting strategies which will be employed to help achieve our community vision.

The [Strategic Community Plan 2020 - 2040](#) can be accessed by visiting the City of Belmont Civic Centre or the website www.belmont.wa.gov.au.

4. FUNCTIONS OF THE CITY OF BELMONT

Under the *Local Government Act 1995* (the Act), the City has general, legislative and executive functions.

4.1 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.

4.2 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.

4.3 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.

5. ORGANISATIONAL STRUCTURE AND FUNCTIONS

5.1 City of Belmont Structure

The City is managed by the Chief Executive Officer (CEO), who is supported by the Director Corporate and Governance, Director Development and Communities, Director Infrastructure Services and Executive Manager People and Organisational Development.

The CEO is responsible to Council for the implementation of Council policies and is to ensure financial and operational efficiency and effectiveness in the achievement of the City’s objectives, and to ensure the regulatory compliance of the organisation.

The Chief Executive Officer (CEO) provides overall strategic direction and leadership and acts as a conduit between Council and Council staff, providing accurate and timely advice to Council and the efficient administration of Council.



5.2 Decision Making Functions

The Council of the City of Belmont is the decision-making body which makes decisions on behalf of the community.

The district of the City of Belmont is divided into three wards; South, West and East ward. Each ward is represented by three Councillors. Local government elections to elect Councillors take place on the third Saturday in October biennially. The residents, landowners, and occupiers of business premises in the City of Belmont elect councillors for a four-year term.

Although voting is not compulsory, electors are urged to use their right to vote. The Mayor and Deputy Mayor are elected by the Elected Members for a period of two years.

The Elected Members form a corporate body working for the community that makes decisions on behalf of the City of Belmont through a formal meeting process, they do not have the authority to act or make decisions as individuals.

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

- govern the local government's affairs;
- take responsibility for the performance of the local governments functions;
- oversee the allocation of the local governments finances and resources, and
- determine the local government's policies.

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

- represent the interest 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 governments 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.

5.3 The Framework

The *Local Government Act 1995* provides for a system of Local Government by creating a constitution for elected local government in the State, describing the functions of local government, providing for the conduct of elections and providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.

The Act is intended to result in better decision-making, greater community participation in the decisions and affairs of local governments, greater accountability to their communities and more efficient and effective local government.

5.4 Meetings

The Act requires certain meetings to be held by the local government. To facilitate public participation and awareness of Council meetings, the City, at the commencement of each year, advertises the dates, times and location of meetings which are open to members of the public. The advertisement is placed in the local community newspaper, on the City of Belmont website; [Meeting Schedule](#) and on the notice boards of the Civic Centre and Belmont Hub.

The [Standing Orders Local Law 2017](#) relates to the procedure and conduct of meetings by which Council and Committee Meetings are run and is available on the City of Belmont website.

Public meetings are held Tuesday evenings from February through to December. The monthly meeting cycle comprises of the Agenda Briefing Forum on the third Tuesday and the Ordinary Council Meeting on the fourth Tuesday of the month.

Information Forums are held on all other Tuesdays of the month and there are four Standing Committees – Audit and Risk, Community Vision, Environmental and an Executive Committee to support the council meeting cycle. These Committees meet as required to discuss a variety of topics and refer items to Council for consideration.

The minutes of these meetings are made available on the City of Belmont website for public inspection; however the Standing Committee Meetings and Information Forums are closed to members of the public.

Figure One below shows the meeting cycle:

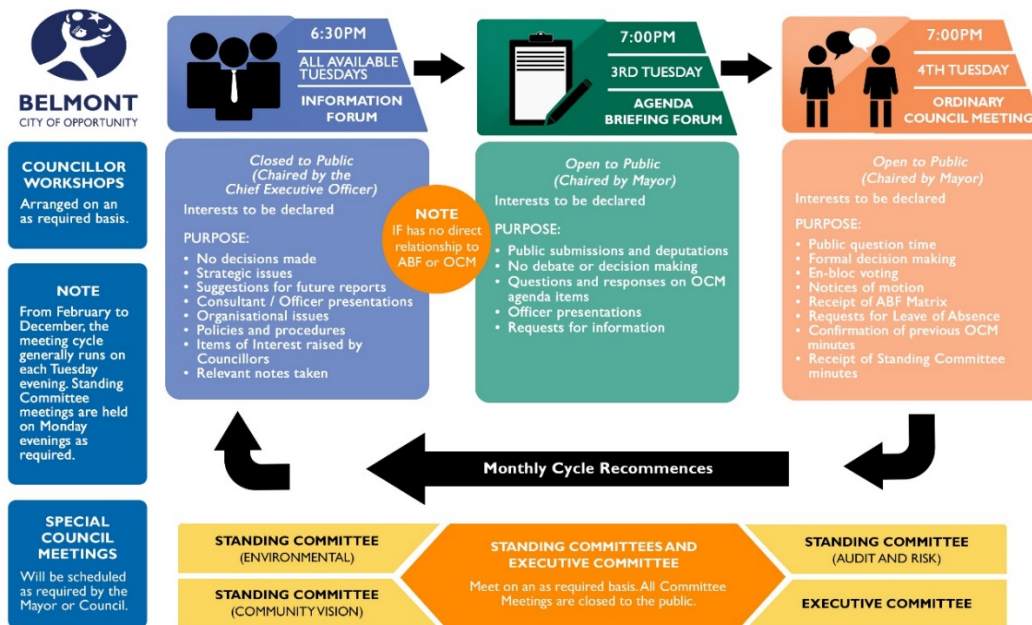


Figure One: Decision-making process

Information Forum

The Information Forum (IF) is chaired by the Chief Executive Officer and is not a decision-making meeting nor is it open for members of the public to attend. Notes are taken at the meeting and used for guidance by the administration and are not made available to the public. The purpose of this forum is to provide an opportunity for the Chief Executive Officer to inform Councillors of significant and strategic matters or projects being progressed by the City and to enable Councillors to identify matters for future consideration by Council. To enable a free flow of communication, the Standing Orders will not generally be applied; however the Code of Conduct for Council Members, Committee Members and Candidates (City's Code of Conduct) will be the guide in respect to the conduct of the forum.

Agenda Briefing Forum

The Agenda Briefing Forum (ABF) is chaired by the Mayor. The agenda for the forthcoming Ordinary Council Meeting is presented to the ABF specifically to provide Councillors the opportunity to ask questions and seek clarification on the items to be considered at the Ordinary Council Meeting. It is not a decision-making forum, nor is it open for debate on matters. Members of the public who are directly affected by a matter on the Council agenda are able to make submissions or deputations in respect of that matter at this forum, prior to matters being formally deliberated upon at the next Ordinary Council Meeting.

Ordinary Council Meeting

The Ordinary Council Meeting (OCM) is chaired by the Mayor. At this meeting the Council may formally debate issues and will make decisions on matters affecting the City. These meetings are held in accordance with the Act and the City's *Standing Orders Local Law 2017*; the OCM is open to the public. Agendas and Minutes are prepared in accordance with the Act. Elected Members and Officers are required to declare interests in accordance with legislation and the City's Code of Conduct.

Special Meetings of Council

A special meeting of Council can be convened to consider an urgent matter or a matter which otherwise involves special circumstances. Special Council Meetings can be convened at short notice should the circumstances warrant it and are conducted in much the same way as Ordinary Meetings of the Council. Members of the public can ask questions however it can only be in relation to the purpose of the Special Council Meeting.

Annual Electors' Meeting

Section 5.27 of the Act requires an Annual Electors' Meeting to be held. The Annual Electors' Meeting for the City of Belmont is generally held in December. The purpose of the meeting is to accept the City's Annual Report for the previous financial year and give City of Belmont electors the opportunity to raise any matter as General Business.

The agenda for the Annual Electors' Meeting is published from 4:00pm on the Friday of the week before the meeting. Minutes are published from 4:00pm on the Friday of the week following the meeting.

A report is prepared to confirm the minutes of the Annual Electors' Meeting and the outcomes. This report is considered at the following Ordinary Council Meeting in February, as meetings are not held in January.

Committees

The City has four Standing Committees which meet as needed throughout the year. These meetings are not open to members of the public to attend and the agendas are not published on the website. The minutes of Committee meetings are published on the City of Belmont website from 4:00pm on the Friday immediately following the meeting.

Executive Committee

This Committee reports to Council with appropriate advice and recommendations to help Council make informed decisions related to the legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer (CEO).

Standing Committee (Audit and Risk)

This Committee is responsible for helping Council meet its obligations, including the obligations related to reporting financial information, applying accounting policies and managing the financial affairs of the City in accordance with the provisions of the Act and associated regulations.

Standing Committee (Environmental)

This Committee considers matters of strategic environmental importance and relevance to the City of Belmont and make recommendations to Council.

Standing Committee (Community Vision)

This Committee examines and considers matters relating to community development, community placemaking, safety and crime prevention in the City of Belmont, and makes recommendations to Council.

6. COMMUNITY PARTICIPATION

There are a number of opportunities provided for ratepayers and residents to participate in the formulation of the City's plans, policies and strategies as well as commenting on the performance of the City's functions.

6.1 Community Consultation

The whole community may be asked to comment, 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 and some of the more commonly used methods are:

- Surveys and other online consultation platform tools;
- Independent telephone surveys;
- Information sessions, workshops,
- Co-design groups,
- Expressions of interest;
- Advertisements in the local and State newspapers;
- Leaflet drops; and
- Consultative committees.

6.2 Public Meetings

Agenda Briefing Forum – Submissions or Deputations

At these meetings members of the public who are directly affected by a matter on the Ordinary Council Meeting Agenda can register to make a submission or deputation on that matter.

Submissions are a presentation of up to three minutes, which can be made as an individual directly affected by a matter on the agenda.

Deputations are a presentation of up to fifteen minutes, which can be made as an individual or a group of up to five people directly affected by a matter on the agenda.

An [online form](#) can be completed or a [Public Submission Time and Deputation Proforma](#) can be submitted prior to the Agenda Briefing Forum by emailing the form to Belmont@belmont.wa.gov.au.

Should the City be under State COVID-19 restrictions, Agenda Briefing Forums will be held via electronic means. Submissions and Deputations are required to be submitted in writing and the individuals approved to give a submission or deputation will be invited to the Microsoft Teams Meeting to present their submission or deputation.

Ordinary and Special Council Meetings - Public Question Time

In accordance with the *Local Government (Administration) Regulations 1996*, 30 minutes of Public Question Time is allocated at each Ordinary Council Meeting. During Public Question Time, members of the public are provided an opportunity to ask the Council a question about an item on the agenda, something happening in the area they live in or a question related to a concern which could benefit the community.

All members of the public who wish to ask a question are able to provide their question in writing prior to the commencement of the meeting. [Public Question Time Form](#) can be submitted in advance of the meeting, particularly with complex questions requiring a detailed response. The form is to be emailed to Belmont@belmont.wa.gov.au during business hours on the day of the Ordinary Council Meeting. Alternatively, the completed form can be handed in to officers present in the Council Chamber prior to the commencement of the meeting.

If an answer is unable to be provided at the meeting, the question will be taken on notice and a response provided to the person raising the question. The responses to questions taken on notice are also included in the agenda for the following Ordinary Council Meeting.

Should the City be under State COVID-19 restrictions, Ordinary Council Meetings will be held via electronic means. Public Questions are required to be submitted in writing and read out at the meeting as written. Members of the public who would like to observe the meeting are to send an email to Belmont.belmont@belmont.wa.gov.au requesting a link.

Further information regarding Public Question Time and Submissions and Deputations can be obtained from the City's [website](#).

6.3 Councillors

Your Councillors have been elected to work for the community and provide an avenue for public participation and input on important decisions which affect the way you live. More information relating to your elected members can be found on the City's website [Meet Your Councillors](#).

6.4 Written Requests

Members of the public can write to the City regarding any Council policy, activity or service of the Council. A response will be provided within reasonable business timeframes in accordance with the Customer Service Charter.

7. ACCESS TO DOCUMENTS

The City maintains comprehensive records of its dealings. These records generally relate to various properties and locations within the City. The City ensures that accurate records are centrally maintained. These documents may include correspondence, memoranda, files notes, reports, plans, sketches, maps, and diagrams, documents pertaining to the keeping of records, applications, approvals and notices.

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.

If possible the city will, in all instances, seek to provide access to information upon request outside the Freedom of Information process, except where there may be legislative limitation.

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

7.1 Documents available under the *Local Government Act 1995*

The following documents are examples of documents available for public inspection under Section 5.94 of the *Local Government Act 1995*. Please note limitations apply to some documents arising out of section 5.95 of the *Local Government Act 1995* which generally relate to confidentiality.

- Any Code of Conduct*
- Any register of complaints referred to in section 5.121* of the *Local Government Act 1995*
- Any register of financial interests*
- Any register of gifts*
- Annual report*
- Annual budget*
- Schedule of fees and charges*
- A plan adopted for the future of the district made in accordance with Section 5.56 of the *Local Government Act 1995* being the City of Belmont Strategic Community Plan; the City of Belmont Corporate Business Plan
- Proposed local laws of which the City of Belmont has given State-wide public notice under Section 3.12(3) of the *Local Government Act 1995*
- Local laws made by the local government in accordance with Section 3.12 of the *Local Government Act 1995**
- Regulations made by the Governor under Section 9.60 of the *Local Government Act 1995* that operates as it were a local law of the City of Belmont
- Any subsidiary legislation made or adopted by the City of Belmont under any written law other than under the *Local Government Act 1995*
- Any written law having a provision in respect of which the City of Belmont has a power or duty to enforce

- Any rates record
- Confirmed minutes of council or committee meetings
- 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 City of Belmont in a committee for presentation at a council meeting and which have been presented at the meeting
- Any report of a review of a local law prepared under Section 3.16(3) of the *Local Government Act 1995*
- Any business plan prepared under Section 3.59 of the *Local Government Act 1995**
- A register of owners and occupiers under Section 4.32(6) of the *Local Government Act 1995* and electoral rolls
- A report on a supplementary audit prepared under section 7.12AH(1) of the *Local Government Act 1995**
- Such other information relating to the City of Belmont required by a provision of the *Local Government Act 1995* or as may be prescribed.

*Documents are available on the City of Belmont website

7.2 Publications and Corporate Documents

The City produces a range of Publications and Corporate Documents to keep residents, businesses and the wider state community informed about Council activities and provide up to date information about particular areas of the City's work.

These vary from those for statutory reporting purposes such as our Budget, to our Freedom of Information Statement, our Ward and Suburb Boundary Map, Media Releases, Fact Sheets, e-Newsletters, Belmont Business Talk and Belmont Bulletins. They are available at the City of Belmont Civic Centre and many can also be accessed through the City's [Website](#).

7.3 Public Registers

In accordance with the *Local Government Act 1995* and/or Council Policy the City of Belmont maintains and makes available to the public a number of registers. The following public registers are available on the City's [website](#)

- Contribution to Travel Register
- Gift Register
- Elected Members Contact Details and Memberships Register
- Elected Members Conference and Training Register
- Elected Members Disclosure of Interest Register
- Elected Member Fees, Allowances and Expenses
- Elected Members Functions and Events Attendance Register
- Elected Members Mandatory Training Register
- Elected Members Meeting Attendance Register
- Electoral Gift Register
- Register of Complaints – Minor Breaches
- Register of Primary and Annual Returns

7.4 Documents held at the State Library of WA

The City has provided the State Library of WA with Minute books of various Committee and Council meetings from 1899 to 1990. Rates books and Microfilm as early as 1899 through to 1966 can also be accessed through the State Library of WA.

7.5 Statutory Notices

The City of Belmont may be required to publish Statutory Notices. Statutory notices on various matters that may affect the community in respect to road closures, meetings, tenders and much more, are placed on Public Notice Boards, in local newspapers and on the [Public Notices](#) section of the City's website. The Public Notice boards are located at the City of Belmont's Civic Centre and Belmont Hub.

7.6 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.

Landgate can be contacted by emailing customerservice@landgate.wa.gov.au or by phoning (08) 9273 7373

7.7 Heritage Inventory

This is an inventory of all buildings and sites within the City of Belmont boundaries that are or may become of cultural heritage significance to the community. Details in the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status, and a digital photo of each building. Access can be obtained via the City of Belmont website; [City of Belmont Heritage Inventory 2016](#).

7.8 Building and Development Applications

The City of Belmont has a vast record of drawings and plans of buildings within the City 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.

Information relating to an approval (or refusal) for development under the City of Belmont Local Planning Scheme No.15 is available without the requirement to access documents under the *Freedom Of Information Act 1992* under a [Building Archive Request](#).

The availability of plans in all instances cannot be assured and access to this information is available subject to the consent of the current owner of the property.

Charges apply for obtaining the above information; please refer to the [Fees and Charges](#) information within the Annual Budget.

7.9 Local Laws

The City of Belmont's Local Laws are created to address a wide range of issues and activities such as how the Council will conduct its meetings, how people can utilise parks and reserves, and car parking to name a few. The [Local Laws](#) are available via the City's website.

7.10 Access to CCTV Footage

The City collects and retains CCTV Footage for the purpose of public safety. There are limitations to public access and may require an application to access under the *Freedom of Information Act 1992*.

7.11 Police Access

Where a WA Police Officer requests access to City of Belmont documents including CCTV footage, access will be provided:

- Upon production of a written request on WA Police letterhead or by email with the official WA Police signature; and
- The request must be in regard to an investigation or enquiry and should include a relevant case reference number.

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 Belmont.

7.12 Registration of Correspondence

Any incoming correspondence to the City of Belmont through its main portals e.g. email - Belmont.Belmont@Belmont.wa.gov.au and through incoming hard copy mail – Locked Bag 379 Cloverdale, is reviewed for registration into the City's recordkeeping system. Incoming correspondence to the City which requires an action or a response is registered into the Electronic Records and Document Management System (EDRMS) and tasked to the relevant officer for completion. Any information placed in the City's EDRMS is protected by security classifications to ensure only the appropriate officers have access. Timeframes for the disposal of this information is determined according to the context of the information as classified by the State Records Office Local Government General Disposal Authority.

8. FREEDOM OF INFORMATION ACCESS

The Western Australian *Freedom of Information Act 1992* (the FOI Act) gives the public a legally enforceable right to apply for access to documents held by the City of Belmont.

An applicant's right to seek access cannot be affected by their reasons for wishing to obtain access and there is no requirement to demonstrate such reasons.

Any document that is publicly available or available for a fee, does not fall within the bounds of an FOI application and must be sourced via the alternative method.

The City is required to;

- assist the applicant in making the application;
- assist the applicant 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 a general right of access to documents, it also recognises some documents require a level of protection, which is applied to documents that meet the exemption criteria in Schedule 1 of the FOI Act.

8.1 Amendment of Personal Information

Under the FOI Act any person can apply to have personal information corrected if they believe it is incorrect, inaccurate, incomplete, and out of date or misleading. An application must be lodged in writing, providing details, identification and if necessary documentation to support claims to amend personal information. The City may make the amendment by altering, striking out or deleting or inserting information or inserting a note in relation to the information. An application fee is not required access to personal information.

8.2 Lodging an Application for Access

FOI Application forms are available from:

- The City of Belmont Civic Centre, 215 Wright St Cloverdale or
- via our website, [Application for Access to Documents](#)

The use of this form is optional, however an application must;

- be in writing;
- give enough information to enable the requested information to be identified;
- provide an Australian address to which correspondence can be directed; and
- be lodged at the City with any applicable fee payable

Proof of identity may be required, and if access to documents is sought on behalf of another person the City of Belmont will require written authorisation.

Applications may be lodged at the City by:

Mail to: Freedom of Information Officer
City of Belmont
LMB 379, Cloverdale WA 6985

Email: Belmont@belmont.wa.gov.au

In person: City of Belmont Civic Centre
215 Wright St, Cloverdale WA

The [Freedom of Information](#) page on the City's website has information which may assist in obtaining documents held by the City of Belmont.

8.3 Time Limits

- The City will consider the application officially lodged when the application fee has been paid and both parties agree on a manageable scope.
- A Notice of Decision must be issued within 45 days from when the valid application was received. 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.
- 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.
- 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

8.4 Fees and Charges

Listed below is a scale of fees and charges as set under the Freedom of Information Regulations. Apart from the application fee, all charges are discretionary.

As outlined in s16 of the FOI Act charges may be waived or reduced if the applicant is impecunious and can provide evidence of this.

Fees

- | | |
|--|--------|
| ▪ Application fee for Personal information | No fee |
| ▪ Application fee for non-personal information | \$30 |

Charges

- | | |
|--|-------------|
| ▪ Staff time dealing with application (per hour, pro rata) | \$30 |
| ▪ Access time supervised by staff (per hour, pro rata) | \$30 |
| ▪ Photocopying – staff time (per hour, pro rata) | \$30 |
| ▪ Photocopy charges (per copy) | \$00.20 |
| ▪ Transcribing tape, film or computer information | Actual cost |
| ▪ Duplicating tape, film or computer information | Actual cost |
| ▪ Delivery, packaging and postage | Actual cost |

Under s17 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.

8.5 Deposits

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

8.6 Exemptions

The most frequent exemptions applied to documents or reasons for refusal to provide access to information are:

- **Personal Information**

Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the FOI Act and s5.95 (8) of the Local Government Act 1995.

- **Commercial Information**

Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the City) may be exempt under Schedule 1 Clause 4 of the FOI Act.

- **Deliberative Process**

Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the FOI Act and s5.23 of the Local Government Act 1995.

- **Legal Professional Privilege**

Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the FOI Act.

8.7 Notice of Decision

A Notice of Decision is a written notice and 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
- If access is refused, the reason for claiming the document is exempt
- Information on the rights of review and the procedures to be followed to exercise those rights.

8.8 Access Arrangements

Access to documents can be by way of;

- Inspection;
- a copy of a document;
- a copy of an audio or video tape, 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

It should be noted that the City is not obligated to provide the information in a format that is not held in at the time of the application or would not be practicable to provide.

8.9 Review Process

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

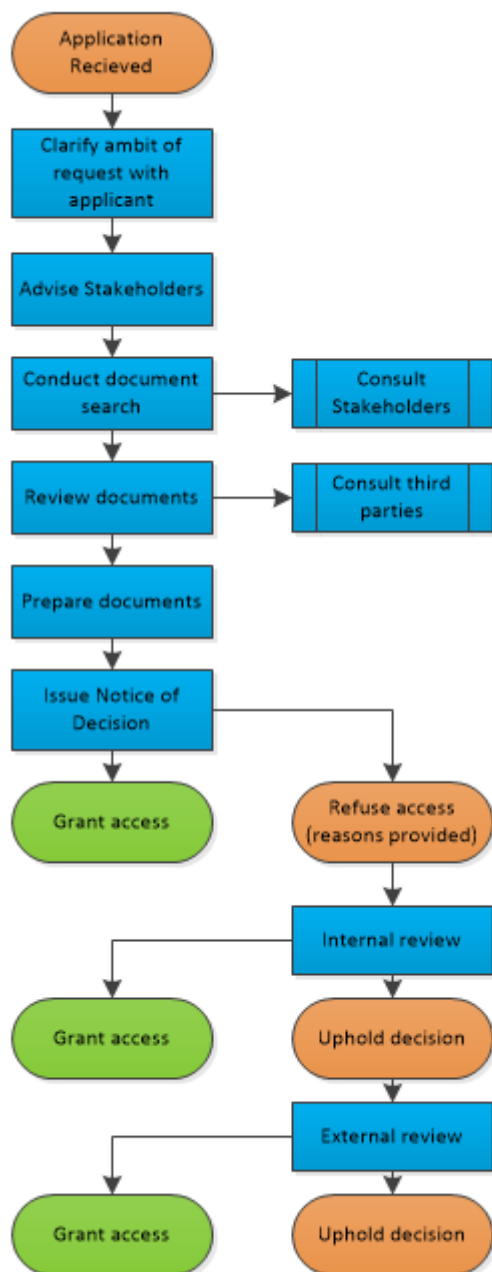
- **Internal Review**

Applicants who are dissatisfied with a decision of the City can submit an application for internal review. This must be made within 30 days of being notified of the original decision. The internal review will be carried out by the City's "Reviewer", who has 15 days to confirm, vary or reverse the decision under review. There is no charge for an internal review.

- **External Review**

If after the internal review has been completed the applicant is dissatisfied with the City's Internal Review Decision, applicants have the right to lodge a complaint with the Information Commissioner seeking an External Review. The complaint is required to be lodged in writing within 60 days of being notified of the original decision and must give details of the decision to which the complaint relates. There is no charge for an external review.

8.10 Flowchart of FOI Process



To obtain a copy of the *Freedom of Information Act 1992* or associated regulations, please visit the Western Australian Legislation [website](#) where a full copy of the Legislation is available.

Further information related to accessing information under the *Freedom of Information Act 1992* can be obtained by visiting the Information Commissioners Officer website at www.oic.wa.gov.au.