

INFORMATION STATEMENT 2017

PUBLISHED IN ACCORDANCE WITH SECTION 96 OF THE FREEDOM OF INFORMATION ACT 1992

INTRODUCTION

The City of Albany is required under the *Freedom of Information Act 1992*, Part 5, Section 96 (1), to publish annually a current Information Statement. This document has been created to comply with that requirement, and is correct as at July 2017.

The intention of the Act is to:

- Enable public access to information and documents;
- Ensure accountability of local government agencies;
- Ensure an individual's right to apply to an agency for amendment of personal information, if the information is inaccurate, out of date or misleading; and
- Obligates agencies to make publically available certain information regarding their operations.

While the Act provides access to certain information and documents, it also recognises that some documents require protection. Exemptions are listed in Schedule 1 of the Act and include:

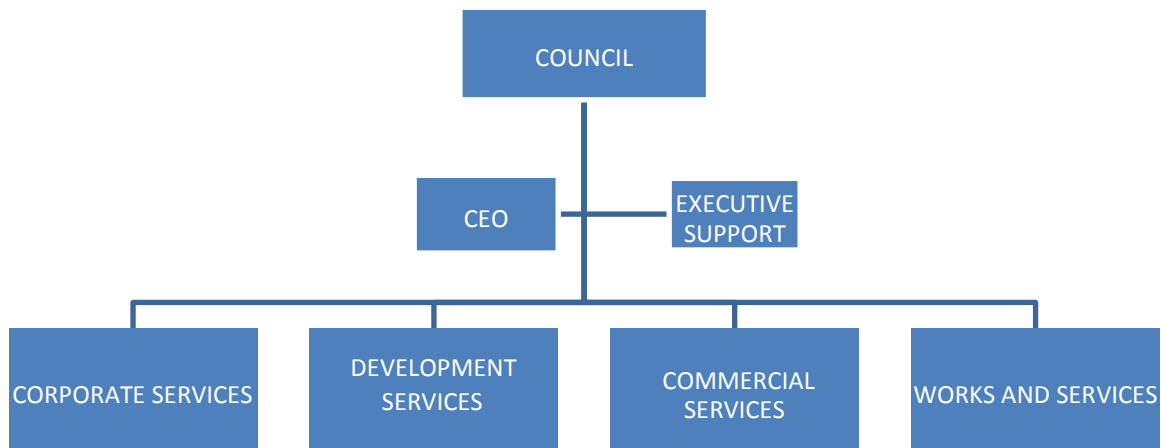
- Personal information;
- Information concerning trade secrets;
- Commercially valuable information; and
- Legal advice or any other information concerning the business, professional, commercial or financial affairs of a third party who is not an applicant.

Copies of the City of Albany's Information Statement can be obtained from:

City of Albany Administration Building and Civic Centre
102 North Road
YAKAMIA WA 6330

The Information Statement is also available on the City of Albany website at www.albany.wa.gov.au. Enquiries may be made directly to the City's Records Department on (08) 6820 3076 from Monday to Friday from 9.00am to 4.30pm, or alternatively via email records@albany.wa.gov.au.

STRUCTURE AND FUNCTIONS OF THE CITY OF ALBANY



Executive Support

Office of the CEO administers Executive Support, and consists of the Chief Executive Officer, PA to the Mayor and Councillors, Executive Assistant to the CEO, Administrative Assistant, Manager Communications and Events, Public Relations Officer, Manager Community Engagement Major Projects and Community Services.

Corporate Services

Corporate Services administers Information Management (including Records), Finance, Governance and Risk Management (Insurance), Procurement, Council Liaison, Human Resources, Land Administration (including leasing), and Indigenous Liaison.

Commercial Services

Commercial Services administer tourism development and services, business units such as Albany Airport, City of Albany Library, Town Hall, Albany Visitor Centre and Albany Leisure and Aquatic Centre.

Works and Services

Works and Services administer Asset and City Services and City Works, including Waste Management, Reserves and Infrastructure.

Development Services

Development Services administer Planning, Building and Health Services, Emergency Management and Ranger Services.

FUNCTIONS OF THE CITY

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

General Functions

Section 3.1 of the *Local Government Act 1995*

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

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.

Executive Functions

Section 3.18 of the *Local Government Act 1995*

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

CITY OF ALBANY COUNCIL AND COUNCILLORS

The City of Albany is divided into six wards. These are Breaksea, Frederickstown, Kalgan, Vancouver, West and Yakamia.

Each ward is represented by two elected members (Councillors).

Councillors are elected for a four year term, and the Mayor is elected by residents and ratepayers for a four year term.

Local Government elections are held every second year in October.

COUNCIL COMMITTEES

A Council Committee is a group of appointed representatives, consisting of elected members, City staff and/or other persons that provide advice to Council on matters pertaining to their area of expertise, and to make recommendations on matters of policy and practice.

DECISION MAKING FUNCTIONS

The general function of Council is to provide good governance to residents and ratepayers of the City of Albany.

The Chief Executive Officer is the principle officer in charge of implementing administrative and operational functions of Council. The CEO has delegated authority under Section 5.42 of the Local Government Act 1995 to make decisions and implement actions on behalf of Council.

Reports and recommendations are presented to Council at the monthly Ordinary Council Meetings. The public are welcome to attend the Agenda Briefing Sessions and Council Meetings to make submissions and ask questions relating to Council decisions.

The City of Albany consults with its residents on particular issues which may affect the community. This includes advertising in local newspapers, calling public meetings and forums and seeking responses to surveys and questionnaires. The City of Albany also conducts customer service surveys to gather information on how we can further improve our services.

PUBLIC PARTICIPATION

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

Council Meetings

Council meetings afford members of the public the opportunity to address Council about City matters generally.

Deputations

In accordance with the City of Albany Standing Orders Local Law, a member of the public may address Council personally, or on behalf of a resident or group of residents. A deputation may relate to an item on a Council meeting agenda, or a matter concerning the affairs of the City generally.

Elected Members

Members of the public may contact the City's Elected Members, including the Mayor, to discuss any issue relevant to Council.

Notifications/Advertising

Residents may be notified of issues by advertising in local newspapers, written notification or an on-site sign. Residents then have the opportunity to write to the City expressing their views.

Development Application Advertising

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

Petitions

Written petitions can be presented to the Council on any issue within Council's jurisdiction.

Public Question and Statement Time

Members of the public are welcome to attend Council Agenda Briefing Sessions and Meetings, and to ask questions on any matter affecting the City in the time set aside for this purpose at Council meetings. Only matters appearing on the agenda are able to be discussed at the Agenda Briefing Session. Members of the public may address Council regarding any matter at Ordinary Council Meetings.

DOCUMENTS HELD BY THE CITY OF ALBANY

The City holds records relating to various functions of the City as described below:

Function	Description
Commercial Activities	Competing commercially or providing services on a fee for service basis.
Community Relations	Establishing rapport with the community and promoting Council's public image including its relationship with the media and public.
Community Services	Providing, operating or contracting services to assist residents and the community
Corporate Management	Applying planning to define the corporate mission and determine methods of the City's operation.
Council Properties	Acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by Council.
Planning and Building	Regulating and approving building and development applications.
Economic Development	Improving the local economy through encouragement of industry, employment, tourism, regional development and trade.
Ranger and Emergency Services	Preventing and minimising threats to life, property and the natural environment from fire and other emergency situations. Creating a quality lifestyle for Albany residents and visitors with a high standard of municipal law enforcement.
Environmental Management	Managing and conserving environmentally sensitive areas such as remnant bushland and threatened species.
Financial Management	Managing the City's financial resources.
Governance and Compliance	Managing the election of Council representatives, ward boundaries and terms of office for Elected Members. Ensuring compliance with legislative and statutory requirements. Ensuring that the City maintains appropriate risk management and governance framework.
Grants and Subsidies	Assisting the City in diversifying its revenue base through grants, sponsorship and increasing revenue streams.
Human Resources	Managing the conditions of employment and development of Human Resources strategies for the personnel at the City.
Information Management and Information Technology	Managing the City's integration of information technology and records functions ensuring the effective delivery of information technology and information management services across the City.

COUNCIL MINUTES

Under the *Local Government Act 1995*, Council and Committee minutes are available for inspection free of charge at the City's offices. Council minutes and agendas are available on the City's website <http://www.albany.wa.gov.au/council/council/agendas-minutes/>

Minutes and agendas of Council meetings dating back to September 2000 are available on the City's website. Minutes prior to September 2000 are held in the City's archive.

RATES RECORDS

City of Albany rates records are available for the public to inspect by appointment.

BUILDING AND PLANNING APPLICATIONS

Responsible for granting planning approval and issuing building licences, the City of Albany holds drawings and plans of buildings within the municipality. The drawings and plans can include site plans, floor plans, elevations and detailed technical drawings. Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured.

MUNICIPAL HERITAGE INVENTORY

Under the *Heritage of Western Australia Act 1990*, the City of Albany is required to prepare a Municipal Heritage Inventory. This is an inventory of all building within the municipality 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 photograph of each building. This information is available on the City's website <http://www.albany.wa.gov.au/search?query=municipal+heritage&search-go=Search>

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 City will, in all instances, seek to provide access to information upon request, except where there may be issues under the *Freedom of Information Act 1992* or other relevant legislation.

Information is available through a range of mediums including public statements, media statements, 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.

DOCUMENTS AVAILABLE OUTSIDE THE FOI ACT

- Annual Budget
- Annual Financial Statements
- Business Plans (prepared under Section 3.59 of the Local Government Act 1995)
- Annual Report
- Local Planning Scheme and Planning Policies
- Code of Conduct
- Documents released for public comment
- FOI Information Statement
- Local Laws
- Media Releases
- Minutes and agendas of Council and Committee meetings
- Policy Manual
- Schedule of Fees and Charges
- Community Strategic Plan
- Corporate Business Plan

LEGISLATION ADMINISTERED BY THE CITY OF ALBANY

The City of Albany was established under, and operates in accordance with, the *Local Government Act 1995*.

Other legislation and regulations affecting the functions and operations of the City of Albany or administered by the City of Albany include:

- Argentine Ant Act 1968
- Argentine Ant Regulations
- Builders Registration Act 1939
- Building Regulations 2012
- Bush Fires Act 1954
- Bush Fire (Infringements) Regulations 1978
- Bush Fire Regulations 1954
- Caravan Parks and Camping Grounds Act 1995
- Caravan parks and Camping Grounds Regulations 1997
- Cat Act 2011
- Cemeteries Act 1986
- Control of Vehicles (Off-Road Areas Act 1978)
- Criminal Code Act Compilation Act 1913
- Disability Services Regulations 2004
- Dividing Fences Act 1961
- Dog Act 1976
- Dog Regulations 1976
- Dog (Restricted Breeds) Regulations (No. 2) 2002
- Electronic Transactions Act 2003
- Emergency Management Act 2005
- Environmental Protection Act 1986
- Environmental Protection Act Regulations 1987
- Environmental Protection (DEPM-UPM) Regulations 2007
- Equal Employment Opportunity Act 1984
- Evidence Act 1906
- Fines, Penalties and Infringement Notice Enforcement Act 1994
- Fire and Emergency Services Authority of Western Australia Act 1998
- Food Act 2008
- Freedom of Information Act 1992
- Freedom of Information Regulations 1993
- Hairdressing Establishment Regulations 1972
- Health Act 1911
- Health (Air Handling and Water Systems) Regulations 1994
- Health (Aquatic Facilities) Regulations 2007
- Health (Asbestos) Regulations 1992
- Health (ANZ Food Standards Code Adoption) Regulations 2001
- Health (Cloth Materials) Regulations 1985
- Health (Garden Soil) Regulations 1998
- Health Act (Laundries and Bathrooms) Regulations
- Health (Meat Hygiene) Regulations 2001
- Health (Offensive Trade Fees) Regulations 1976
- Health (Pesticides) Regulations 1956
- Health (Pet Meat) Regulations 1990
- Health (Poultry Manure) Regulations 2001
- Health Act (Public Buildings) Regulations 1992
- Health (Section 112(2) Prohibition) Regulations 2006
- Health (Skin Penetration Procedure) Regulations 1998
- Health (Temporary Sanitary Conveniences) Regulations 1997

- Health (Treatment of Sewerage & Disposal of Effluent & Liquid Waste) Regulations 1974
- Health Act (Underground Water Supply) Regulations 1959
- Health (Adoption of Food Standards Code) Regulations 1992
- Health (Food Standards) (Administration) Regulations 1986
- Heritage of Western Australia Act 1990
- Heritage of Western Australia Regulations 1991
- Industrial Relations Commission Regulations 2005
- Industrial Regulations Act 1979
- Interpretation Act 1984
- Land Administration Act 1997
- Land Valuation Tribunals Act 1978
- Library Board of Western Australia Act 1951
- Limitation Act 1935
- Limitation Act 2005
- Litter Act 1979
- Litter Regulations 1981
- Liquor Licensing Act 1988
- Local Government (Administration) Regulations 1996
- Local Government (Amendment of Part VIA-Employee Superannuation) Regulations 2006
- Local Government Act 1995
- Local Government (Audit) Regulations 1996
- Local Government (Constitution) Regulations 1998
- Local Government (Elections) Regulations 1997
- Local Government (Financial Management) Regulations 1996
- Local Government (Function and General) Regulations 1996
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Grants Act 1978
- Local Government (Parking for Disabled Persons) Regulations 1988
- Local Government (Uniform Local Provisions) Regulations 1996
- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- Planning and Development Act 2005
- Planning and Development (Local Government Planning Fees) Regulations 2000
- Radiation Safety Act 1975
- Rates and Charges (Rebates and Deferments) Act 1992
- Retail Trading Hour Regulations 1988
- Road Traffic Act 1974
- Sewerage (Lighting, Ventilation and Construction) Regulations 1971
- Spear-guns Control Act 1955
- State Records Act 2000
- State Records Principles and Standards 2002
- Strata Titles Act 1985
- Strata Titles General Regulations 1996
- The Privacy Act 1988
- Tobacco Products Control Act 2006
- Tobacco Products Control Regulations 2006
- Town Planning Regulations 1967
- Town Planning and Development (Subdivisions) Regulations 2000
- Transfer of Land Act 1893
- Waste Avoidance and Resource Recovery Act 2007
- Western Australia Disability Services Act 1993
- Workers Compensations and Injury Management Act 1981
- Workers Compensation and Injury Management Regulations 1982

Additionally, the City administers the following City of Albany Local Laws:

- Activities in Thoroughfares and Public Places and Trading Local Law 2011
- Animals Local Law 2001
- Health (Food) Local Laws 2009
- Jetties, Bridges and Boat Pens (Amendment) Local Law 2005
- Extractive Industries Local Law 2009
- Fencing Local Law 2010
- Health Local Laws 2001
- Keeping and Welfare of Cats Repeal Local Law 2014
- Local Government Property Local Law 2011
- Local Law Relating to the Former Perth 2001
- Parking and Parking Facilities (Amendment) Local Law 2012-Airport Metered Parking
- Parking and Parking Facilities Amendment Local Law 2012
- Prevention and Abatement of Sand Drift Local Law 2009
- Signs (Amendment) Local Law 2008
- Standing Orders Local Law 2014

APPLICATION FOR ACCESS TO DOCUMENTS – FORM
(Freedom of Information Act 1992)

Details of Applicant

Surname.....

Given Names.....

Australian Postal Address.....

.....

Postcode:..... Telephone Number(s): (.....).....

(.....).....

If application is on behalf of an organisation

Name of Organisation/Business.....

Type of Information (Please tick)

Personal Information Non Personal Information

I am applying for access to documents concerning.....

.....

.....

.....

I require a copy of the document (s)		Yes		No
I wish to inspect the document(s)		Yes		No
I require access in another format*		Yes		No

*Other – Please Specify.....

Fees and Charges – Non Personal Information

Attached is payment of \$30.00 to cover the application fee. I understand that before I obtain access to documents that I may be required to pay processing charges in respect of this application and that I will be supplied with an estimate of charges where they will be more than \$25.00.

In certain cases a reduction in processing charges may apply – see section on fees and charges on the next page of this form. If you consider you are entitled to a reduction, attach a copy of the documents which address the criteria.

If you are requesting a reduction in fees and charges, please tick the appropriate box:

Yes No

Applicants Signature:..... **Date:**.....

Lodgement of Applications

By post to:

In person at:

The Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

City of Albany Administration Centre
102 North Road
Yakamia WA 6330

Fees and Charges

The following fees and charges apply to an FOI application for non-personal information:

1. An application fee of \$30.00. (There is no application fee for personal information about the applicant.)
2. Time dealing with the application - \$30.00 per hour or pro-rata staff time. "Dealing with" applications includes consulting with third parties and the deliberative process required to arrive at a decision but does not include searching, identifying and collating documents.
3. Supervised access - \$30.00 per hour or pro-rata for staff time plus the actual additional cost the City of any special arrangements e.g. hire of facilities or equipment.
4. Additional photocopying - \$30.00 per hour or pro-rata of staff time plus 20 cents per copy.
5. Cost of transcribing information from tape or other device - \$30.00 per hour or pro-rata of staff time.
6. Cost of duplicating tape/film/computer information – actual costs.
7. Cost of delivery, package, postage – actual costs.
8. If the City estimates that the charges involved in dealing with an application will exceed \$25.00 (on top of the \$30.00 application fee) then a written estimate will be provided to the applicant who will be asked if they want to proceed.
9. The City may ask for payment in advance of up to 75% of the total estimated costs in certain circumstances.
10. A standard reduction of 25% is to be applied to charges payable by applicants who are the holder of a current Pension Health Benefits Card or Concession Card issued by the Commonwealth Government. An applicant who does not have the money to pay any estimated charges should advise the City and ask for the charges to be reconsidered.

(Office use only)

FOI Reference Number:..... FOI File Number:.....
Received:..... Deadline for Response:..... Acknowledgement sent on:.....

1. **Proof of Identity Required:** Yes No Sighted:....., What,
- When, Where and How).

Review Position and Date

This procedure is to be reviewed by the document owner on or before 17 July 2018.

Document Approval			
Document Development Officer: Jennifer Williamson		Document Owner: Jennifer Williamson	
Position Title: Council Liaison		Council Liaison	
Document Control			
File Number - Document Type:	CM.STD.5		
Document Reference Number:	PU17337		
Meta Data: Key Search Terms	Information Statement, Freedom of Information		
Status of Document:	Final		
Quality Assurance:	Manager Governance and Risk Management		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
0.1	Council Liaison		01/07/2016
1.0	Council Liaison	Update content of Information Statement in accordance with <i>Freedom of Information Act 1992</i> requirements	17/07/2017
1.1	Council Liaison	Administrative amendments to update structure and functions of the City of Albany, legislation administered by the City of Albany and City of Albany Local Laws.	19/07/2017