



City of Bayswater

Information Statement 2023

In accordance with Sections 96 and 97 of the *Freedom of Information Act 1992*



INDEX

Page No.

OVERVIEW

1.	INTRODUCTION	2
2.	VISION & MISSION AND VALUE STATEMENT	3
3.	DETAILS OF LEGISLATION ADMINISTERED	5
4.	AGENCY STRUCTURE AND FUNCTIONS	9
5.	DETAILS OF CITY OF BAYSWATER DECISION MAKING FUNCTIONS AFFECTING THE PUBLIC	12
6.	PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF AGENCY FUNCTIONS	13
7.	DOCUMENTS HELD BY THE CITY OF BAYSWATER	16
8.	THE OPERATION OF FREEDOM OF INFORMATION (FOI) IN THE CITY OF BAYSWATER	20

1. INTRODUCTION

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:

- the agency's Mission Statement;
- details of legislation administered by the agency;
- details of the agency's structure;
- details of the decision-making functions;
- opportunities for public participation in the formulation of policy and performance of agency functions;
- documents held by the agency; and
- operation of Freedom of Information (FOI) within the agency.

This document has been prepared for the City of Bayswater to satisfy Part 5 of the *Freedom of Information Act 1992* - Publication of Information About Agencies.

Copies of this document may be obtained free of charge from:

- Senior Governance Advisor
City of Bayswater
PO Box 467
MORLEY WA 6943
- mail@bayswater.wa.gov.au
- or the City of Bayswater website at <http://www.bayswater.wa.gov.au>

2. VISION AND MISSION STATEMENT

In response to community engagement in 2016, the City of Bayswater developed and adopted a new vision for the future. A Strategic Community Plan 2017-2027 (SCP) and a Corporate Business Plan 2017-2027 (CBP) were developed. These Plans form an essential component of the Integrated Planning and Reporting Framework and clearly outlines how the City will deliver on the community's expectations into the future. A minor review of the SCP was undertaken in 2019.

OUR VISION: A Place where community vision become reality.

A key part in ensuring the City delivers on the focussed outcomes in CBP will be regular reporting of milestones.

Our Overall Goals

Outcome 1: Our Community - An active and engaged community

- **A strong sense of community through the provision of quality services and facilities:**
 - Plan and promote a range of community facilities to meet current and future needs.
 - Deliver community programs that encourage community interaction and participation.
 - Deliver a safety service which builds a strong sense of community safety.

Accessible services that recognise diversity

- Ensure the City's services and facilities are accessible and inclusive.

Outcome 2: Our Natural Environment - A green and sustainable environment

- **Natural environment and biodiversity which are conserved and protected**
 - Conserve, enhance and repair natural and urban areas.
 - Develop and implement management strategies to strengthen the resilience of the environment
- **A resilient community that responds to sustainability challenges.**
 - Reduce the City's energy and water use and greenhouse gas emissions and empower the community to do the same.
 - Provide innovative waste and recycling services to reduce waste and empower the community to do the same.

Outcome 3: Our Built Environment - A quality and connected built environment

- **Appealing streetscapes**
 - Develop and maintain streetscapes
- **A connected community with sustainable and well maintained transport**
 - Advocate for safe and accessible public transport.
- **Quality built environment.**
 - Develop plans, policies and guidelines for quality built form.
 - Facilitate the development of activity nodes.

Outcome 4: The Local Economy - A business and employment destination

- **Support initiatives for local business**
 - Form partnerships to facilitate business training and support.

- Actively communicate and engage with the business community
- Implement initiatives which support business
- **Active and engaging town and city centres**
 - Increase public amenity in town /city centres to enhance community interaction and public safety.
 - Partner with and support communities to enhance their town/city centres
- **Attractive to new services, businesses and investment**
 - Attract key industries to establish within the City.
 - Work in partnership to attract regional investment in infrastructure.

Outcome 5: Leadership & Governance - Open, accountable and responsive service

- **Accountable and good governance**
 - Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.
 - Ensure policies, procedures and practices are effective.
 - Deliver long term financial planning.
- **Proactively communicates and consults.**
 - Communicate and engage with the community.
 - Provide quality customer services to the community.
- **Strong stewardship and leadership.**
 - Advocates and lobby effectively on behalf of the community.
 - Provide Council with information and support to enable informed decision making.
 - Deliver continuous improvement in all areas of the City's business.
 - Develop and foster a strong, agile, supportive and respectful organisational culture

3. DETAILS OF LEGISLATION ADMINISTERED

Enabling Legislation

The City of Bayswater is constituted as a district under the *Local Government Act 1995*. The general function of a local government is to provide for the good government of the people living and working within its district and includes legislative and executive powers and responsibilities.

Using its legislative powers, a local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed for it to perform any of its functions under the *Local Government Act 1995*.

The local government's executive powers involve administering its local laws and doing other things that are necessary or convenient to be done for, or in connection with, performing its functions under the *Local Government Act 1995*, including the provision of services and facilities.

Additionally, the City of Bayswater is wholly or partly responsible for administering the following legislation:

- ***Agriculture and Related Resources Protection Act 1976***
- ***Building Act 2011***
- ***Building Regulations 2012***
- ***Building Services (Complaint Resolution and Administration) Act 2011***
- ***Building Services (Registration) Act 2011***
- ***Building Services (Complaint Resolution and Administration) Regulations 2011***
- ***Building Services (Registration) Regulations 2011***
- ***Bush Fires Act 1954***
- ***Bush Fires (Infringements) Regulations 1978***
- ***Bush Fires Regulations 1954***
- ***Caravan Parks and Camping Grounds Act 1995***
- ***Caravan Parks and Camping Grounds Regulations 1997***
- ***Cat Act 2011***
- ***Cat (Uniform Local Provisions) Regulations 2013***
- ***Cat Regulations 2012***
- ***City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020***
- ***City of Bayswater Dogs Local Law 2016***
- ***City of Bayswater Fencing and Floodlighting Local Law 2016 (Amended 2019)***
- ***City of Bayswater Health Local Laws 2001 (Amended 2007)***
- ***City of Bayswater Keeping and Control of Cats Law 2022***
- ***City of Bayswater Local Government Property Local Law 2016***
- ***City of Bayswater Parking and Parking Facilities Local Law 2016***

- ***City of Bayswater Standing Orders Local Laws 2021***
- ***City of Bayswater Waste Local Law 2020***
- ***City of Bayswater Waste Amendment Local Law 2020***
- ***Disability Services Act 1993***
- ***Dog Act 1976***
- ***Dog Regulations 2013***
- ***Environmental Protection Act 1986***
- ***Environmental Protection (Noise) Regulations 1997***
- ***Equal Employment Opportunity Act 1984***
- ***Evidence Act 1906***
- ***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 (Cloth Materials) Regulations 1985***
- ***Health (Construction Work) Regulations 1973***
- ***Health (Garden Soil) Regulations 1998***
- ***Health (Public Buildings) Regulations 1992***
- ***Health Act (Laundries and Bathrooms) Regulations 2013***
- ***Health (Skin Penetration Procedure) Regulations 1998***
- ***Health (Temporary Sanitary Conveniences) Regulations 1997***
- ***Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974***
- ***Health Act (Carbon Monoxide) Regulations 1975***
- ***Heritage of Western Australia Act 1990***
- ***Heritage of Western Australia Regulations 1991***
- ***Industrial Relations Acts (State and Federal)***
- ***Interpretation Act 1984***
- ***Land Administration Act 1997***
- ***Legal Deposit Act 2012***
- ***Legal Deposit Regulations 2013***
- ***Library Board of Western Australia Act 1951***

- ***Limitation Act 1935***
- ***Limitation Act 2005***
- ***Liquor Licensing Act 1988***
- ***Litter Act 1979***
- ***Litter Regulations 1981***
- ***Local Government Act 1995***
- ***Local Government (Miscellaneous Provisions) Act 1960***
- ***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 (Long Service Leave) Regulations 1996***
- ***Local Government (Parking for People with Disabilities) Regulations 2014***
- ***Local Government (Regional Subsidies) Regulations 2017***
- ***Local Government (Rules of Conduct) Regulations 2007***
- ***Local Government (Uniform Local Provisions) Regulations 1996***
- ***Local Government Grants Act 1978***
- ***Main Roads Act 1930***
- ***Occupational Safety and Health Act 1984***
- ***Occupational Safety and Health Regulations 1996***
- ***Parks and Reserves Act 1895***
- ***Parliamentary Commissioner Act 1971***
- ***Planning and Development Act 2005***
- ***Planning and Development (Local Planning Schemes) Regulations 2015***
- ***Planning and Development Regulations 2009***
- ***Public Interest Disclosure Act 2003***
- ***Radiation Safety Act 1975***
- ***Radiation Safety (General) Regulations 1983***
- ***Rates and Charges (Rebates and Deferments) Act 1992***
- ***Rights in Water and Irrigation Act 1914***
- ***Road Traffic Act 1974***
- ***Sewerage (Lighting, Ventilation and Construction) Regulations 1971***

- ***State Records Act 2000***
- ***State Records Principles & Standards 2002***
- ***State Records Principles & Standards 2016***
- ***Strata Titles Act 1985***
- ***Strata Titles General Regulations 1996***
- ***Swan and Canning Rivers Management Act 2006***
- ***Swan and Canning Rivers Management Regulations 2007***
- ***Telecommunications Act (Commonwealth) 1997***
- ***Telecommunications (Low Impact Facilities) Determination 1997***
- ***Transfer of Land Act 1893***
- ***Valuation of Land Act 1978***
- ***Waterways Conservation Act 1976***

4. AGENCY STRUCTURE AND FUNCTIONS

The Council of the City of Bayswater is the overall decision-making body. The Council is comprised of elected representatives including the Mayor and ten (10) Councillors. The Elected Members are chosen democratically by the community at bi-annual elections for four-year terms. The Mayor is a popularly elected Mayor effective for the 2023 Local Government Elections and the Deputy Mayor is elected by the Elected Members both of these positions are for a two-year term. The Elected Members form a corporate body working for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the *Local Government Act 1995*.

Role of the Council

The roles of the Council and Elected Members are as follows:

The Council:

- governs City of Bayswater affairs;
- is responsible for the performance of City of Bayswater functions;
- oversees the allocation of City of Bayswater finances and resources;
- determines City of Bayswater policies.

Role of the Mayor

The Mayor:

- presides at Council meetings in accordance with the *Local Government Act 1995*;
- provides leadership and guidance to the community in the district;
- carries out civic and ceremonial duties on behalf of the City of Bayswater;
- speaks on behalf of the City of Bayswater;
- performs such other functions as are given to the Mayor by the *Local Government Act 1995* or any other written law;
- liaises with the Chief Executive Officer on City of Bayswater affairs and the performance of its functions.

Role of Councillors

Councillors:

- represent the interests of electors, ratepayers and residents of the district;
- provide leadership and guidance to the community in the district;
- facilitate communication between the community and the Council;
- participate in the City of Bayswater decision making processes at Council and Committee meetings;
- performs such other functions as are given to a Councillor by the *Local Government Act 1995* or any other written law.

Whilst the Council of the City of Bayswater is the overall decision-making body, the Council employs the Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council. The City of Bayswater administration is structured into Four directorates headed by Directors:

- Corporate Services Directorate;
- Community Services Directorate;
- Assets and Infrastructure Directorate; and
- Office of the CEO.

The Directors together with the Chief Executive Officer comprise the Executive Leadership Team (ELT).

The Role of the Chief Executive Officer

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

Role of the Office of the CEO Directorate

The Office of the CEO Directorate provides overall strategic direction, leadership, and co-ordination of the performance of the City of Bayswater. They provide timely, professional and confidential support to the Mayor and Councillors that is of a high quality and responsive in meeting the needs of Council and the community.

Governance

- Council Meetings Agenda and Minutes Preparation
- Local Laws
- Delegations
- Policy Formulation, Review and Coordination
- Local Government Elections Support
- Mayor and Elected Members Support
- Risk Management
- Internal Audit
- Insurance

Organisational Strategy

- Corporate Performance Reporting
- Organisational Development
- Organisational Strategy
- Business Improvement
- Review of Integrated Planning Review Framework, Associated Strategies and Plans
- Review of Other Strategic Plans and Projects

Role of Corporate Services Directorate

To provide management of the City's finances as a requirement to meet statutory compliance regulations to ensure full accountability and disclosure of information. Functions include:

Financial Services

- Financial Reporting
- Rates
- Accounts Payable and Receivable
- Procurement

People, Culture and Safety

- Human Resources
- Health and Safety
- Payroll
- Learning and Development

Information Services

- Information Technology
- Information Management
- Records Management

Marketing and Communications

- Media and Communications
- Marketing and Graphic Design
- Advocacy and Award Submissions

- Community Engagement

Role of Community Services Directorate

To provide guidance to all land users within the City to ensure compliance with relevant State and local laws relating to residential, commercial and industrial development; and to provide a range of services aimed at enhancing the quality of life for people within the City. Functions include:

Community Development

- Club Development
- Community Development
- Events - Community and Civic
- Volunteers
- Seniors Centres

Strategic Planning and Place

- City Property and Land Management
- Leasing
- Place Management
- Strategic Town Planning

Development Approvals

- Development Compliance
- Planning and Building Approvals
- Swimming Pool Compliance

Environmental Health

- Contaminated Sites
- Emergency Management
- Food Control
- Health Standards
- Immunisation
- Waste Education/Compliance

Library and Customer Services

- Library Services
- Customer Services

Recreation

- Public Recreation Services
- Reserves and Hall Hires
- Morley Sport and Recreation Centre Management

Rangers and Security

- Parking Management
- Security Services
- Ranger Services

Role of Infrastructure and Assets Directorate

To plan, implement and maintain a high standard of safe and effective roads, paths and facilities within the City; maintenance of parks and gardens; and to develop and maintain environmental sustainability programs. Functions Include:

Engineering Services

- Drainage
- Engineering Design
- Roads Works
- Transport Services
- Waste Management

Engineering Works

- Engineering Infrastructure Assets
- Engineering Capital Projects
- Management of Depot Stores
- Fleet Management

Building Works

- Maintenance of City Owned Buildings and Assets
- Building Renovations and Maintenance
- Building Construction
- Street Lighting

Project Services

- Sporting Reserves and Leisure Assets and Infrastructure Planning
- Golf Courses Contract Management

Asset Mapping Services

- Spatial Services
- Infrastructure Asset Services
- Land and Tenure Management
- GPS Fleet Systems

Sustainability and Environment

- Natural and Urban Environment
- Sustainability

Parks and Gardens

- Parks and Reserves Maintenance
- Urban Trees
- Developed Greenspaces

Major Works

- Coordination of the City's response to State Government major transport projects (including Bayswater Train Station, Morley- Ellenbrook Line and Tonkin Highway Gap); and
- Coordination and/or sponsorship of major City infrastructure projects.

5. DETAILS OF CITY OF BAYSWATER DECISION MAKING FUNCTIONS AFFECTING THE PUBLIC

The Council of the City of Bayswater is the decision-making body which makes decisions on behalf of the community. Ordinary Meetings of Council are held on a monthly basis on the third Tuesday of each month commencing at 7.00pm.

Special Meetings of Council are also held as and when required to consider urgent business. Agenda Briefing Forums are currently conducted the week prior to the Ordinary Council Meeting where Deputations from the public can be heard.

In order to ensure full transparency, Council Meetings and the Agenda Briefing Forums are open to the public to observe the process. However, where matters are of a confidential nature, the meetings will be closed to the public during the discussion on those matters.

Members of the public wishing to make Deputations to Council or Committees must apply to the City by 1:30pm on the day of the Council or Agenda Briefing Forum Meeting with these meetings also held at 7.00pm.

Agendas for the Council Meeting are available on the Friday prior to the respective Agenda Briefing Forum and on the Tuesday two weeks prior to the Committees. Copies of the Agendas are also available for interested members of the public at the Bayswater, Maylands and Morley Libraries, on the City's web site www.bayswater.wa.gov.au and hard copies are also made available at the Meetings.

Copies of the Minutes of Council and Committee Meetings are made available at the meetings or from the City's Civic Centre after the meeting, by appointment. They are also available from the City's Libraries and the City's web site.

6. PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF AGENCY FUNCTIONS

Members of the public have a number of opportunities to put forward their views on particular issues before Council:

Council and Committee Meetings

Council and committee meetings follow a formal written agenda, which sets out the order and details of the business to be discussed. Council meetings will mostly need to consider items requiring absolute majority and any other items normally considered by full Council. Resolutions from the Committees will be presented to Council for acceptance.

Members of the public are welcome to attend Council meetings but are not permitted to take part in debate. Council and Committee meetings are closed to the public to discuss confidential matters listed in the agenda.

Public Question Time

Public Questions are invited at Ordinary Council Meeting. All members of the community have a legislative right to ask questions at Council Meetings. The City encourages public participation in the decision-making process.

Procedure for Public Question Time:

In accordance with the City's Standing Orders Local Law 2021, written and verbal questions relating to matters of business listed on the agenda for the Council or Committee meeting will be considered in the first instance, followed by questions relating to Council business not listed on the agenda.

A member of the public who wishes to ask a question during public question time must – first state his or her name and address;

- direct the question to the presiding member;
- ask the question briefly and concisely;
- limit any preamble to matters directly relevant to the question; and
- ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment to explain the question.

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.

A verbal response will be provided at the meeting, if the question is 'taken on notice' a response will be provided in the next agenda of the relevant meeting.

A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of that meeting in accordance with section 5.25 (1) (f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11 (e).

A copy of the City's Public Question Time Form is available on the City's website www.bayswater.wa.gov.au.

Deputations

Deputations are heard at the Agenda Briefing Forum, which is held one week prior to the Ordinary Council Meeting.

What is a deputation?

A deputation is a statement or response made in relation to an item on a Committee agenda.

Deputations are an important part of community participation in the decision-making process, providing individuals or groups in the community with an opportunity to present their opinions to the meeting.

Procedure for a Deputation:

In accordance with the City of Bayswater's Standing Orders Local Law 2021 clause 6.9(1), any person may make a deputation at an Agenda Briefing Forum in relation to an item contained on the Agenda.

The application should:

- be made verbally or in writing to the Chief Executive Officer for approval.
- include information relating to the subject matter to be raised by the deputation
- contain sufficient detail to provide a general understanding of the purpose of the deputation.

Each deputation will have five minutes to present their case. If there is a group of people wishing to attend the deputation, one person should be nominated as the spokesperson.

A copy of the Council's Deputation Policy is available on the City's website

www.bayswater.wa.gov.au

Petitions

(1) A petition is to—

- (a) be addressed to the Mayor or to Council or the Local Government;
- (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; and
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the Local Government is to submit the petition to the relevant Officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).

(3) At any Council meeting or a Committee meeting open to the public, the meeting is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council or Committee has considered the issues raised in the petition.

A copy of the City's online Petitions Form is available on the City's website

www.bayswater.wa.gov.au

Petitions are in accordance with clause 6.10 of the City's *Standing Orders Local Law 2021*.

Written requests – A member of the public can write direct to the City through the Chief Executive Officer on any Council policy, activity or service.

Councillors – Members of the public may contact any Councillor on any issue relevant to Council.

Additionally, it is Council's policy to consult with the community as much as possible. At times the whole community may be asked to comment on a particular issue, whilst in other circumstances only the people directly affected by an issue will be consulted.

This consultation can take a variety of forms. Some of the more commonly used methods of consultation are:

- Public Meetings
- Workshops
- Expressions of Interest
- Advertisements in Local Newspapers
- Leaflet Drops
- Community Surveys
- Direct Mail Out
- Notices/Signs on Site
- Bayswater Bulletin
- Consultative Committees
- Engage Bayswater

There are a number of Management Committees, Advisory Committees, Working Parties and External Committees for which there are both Council delegates and community representatives. These include the following:

Management Committees

Aged Care Governance Committee
Aged Care Divestment Committee
Audit and Risk Management Committee
CEO Review Committee

Advisory Committees and Working Groups

Community Access and Inclusion Advisory Committee
Heritage Advisory Committee
Local Emergency Management Committee
Policy Review and Development Committee
Reconciliation Advisory Committee
COVID-19 Advisory Committee

External Committees

Bayswater Child Care Association Management Committee
Bayswater State Emergency Service (SES) Committee
Development Assessment Panel (Metropolitan Central)
Eastern Metropolitan Regional Council (EMRC)
Eastern Regional Road Funding Committee
WALGA East Metropolitan Zone Management Committee

7. DOCUMENTS HELD BY THE CITY OF BAYSWATER

In the years since its proclamation as a City in 1983, the City of Bayswater has collected and maintains a vast store of information relating to its administrative, fiscal, and historical functions.

Details of various information sources and how you may access them for historical research and other purposes are listed below:

CITY RECORDS – PRE 1983

Bayswater Road Board Records 1892 – 1961

Minutes dated 1897 – 1961

Some Committee Minutes and Ledgers c.1900-c.1950

Bayswater Local Board of Health Minutes 1898 – 1914

Register of Files 1923 - 1961

Shire of Bayswater Records 1961 - 1983

Minutes 1961 – 1982

Rates Books c.1900 – c.1917 and c.1900 – c.1963

General Files 1923 – 1964 and 1962 – 1979

Valuation Registers 1966 – 1981

CITY RECORDS – POST 1983 to 1988

City of Bayswater 1983 – 1988

Council Minutes 1982 – 1988

For access to the above records, contact the State Records Office Alexander Library Building Perth Cultural Centre. The State Records Office is the official repository for all state archives, with the State Records Office taking responsibility for the management of and access to information transferred from government agencies such as the City of Bayswater.

State Records staff can assist you to locate archival material relevant to your research, with various indexes available at their offices. The State Records Office Search Room is open Monday to Friday 9.30 am to 4.30 pm and access to information held by the State Records Office is free of charge however, they do need 48 hours' notice. Contact the State Records Office on telephone (08) 9427 3360 for more information.

Council Minutes 1989 - Present

Under the *Local Government Act 1995*, Council Minutes (except those deemed Confidential by the CEO) are available for free inspection at the City's Civic Centre by any person by appointment. Copies of the Council Minutes and the Council Minute searches conducted by City staff will incur charges; contact the City's Coordinator Information Management for more information.

Council and Committee Minutes covering the period 1989 to the present are available in hardcopy and are located at the City's Civic Centre, with Minutes from 2005 onwards available on the City's website www.bayswater.wa.gov.au

Correspondence Files 1983 - 2009

The City of Bayswater manages a number of archived correspondence file series. The majority of these files relate to specific property/street addresses; roads; parks and reserves; food premises; hair and beauty salons premises; skin penetration premises; pedestrian access ways; rights of ways; public buildings; subdivisions; tenders; town planning schemes; special projects and a number of subject files relating to organizations, events, services provided and general administration functions.

Files and records less than 25 years old are generally not open for public inspection in order to protect personal information and legally privileged material. However, applications to view these files will be considered on a case by case basis or via the Freedom of Information (FOI) process (**See Section 8**). Charges may apply for accessing these records. Contact the City's Coordinator Information Management for more information.

Records files prior to 2009 are located at the City's Civic Centre with electronic and correspondence registers also available.

City of Stirling Files & Records – Pre 1998

Files and records relating to the suburb of Maylands and part of the suburb of Mount Lawley which were transferred from the City of Stirling to the City of Bayswater on 1 July 1998 are located at the City's off-site storage facility and are available for viewing on request. There is a cost for retrieval of these off-site files.

City of Swan Records & Files relating to the Suburb of Noranda - Pre 2016

Files and records relating to part of the suburb of Noranda which was transferred from the City of Swan to the City of Bayswater on 1 July 2016 are located at the City of Swan. Contact the City of Swan for access to these records.

Building Permits

Archived Building Permits are available by submitting a Plan Search Request with, in some cases, written consent of the property owner and payment of the appropriate application and copying fees. Contact the City's Customer Services Team at Reception for more information.

These include City of Bayswater archived building permits from 1948 to the present; and City of Stirling archived building permits dated 1949 to 1998 relating to the suburb of Maylands and part of the suburb of Mount Lawley which were transferred from the City of Stirling to the City of Bayswater on 1 July 1998. These are located in the City's Civic Centre Archives Room.

City of Swan building permits relating to part of the suburb of Noranda which was transferred from the City of Swan to the City of Bayswater on 1 July 2016 are located at the City of Swan. Arrangement can be made to retrieve electronic copies of these permits. Contact the City's Customer Services Team at Reception for more information.

Building/Development Applications

As the authority responsible for granting planning approval for development and issuing of building permits, the City of Bayswater has a vast record of drawings and plans of buildings within the City area. These drawings and plans can include site plans, floor plans, elevations and in some cases perspective drawings.

Access to view Development Application approval plans is available on request for an appointment. However, access to Building Permit information is available subject to the written consent of the current property owner. Information about the year of construction, builder's details and cost of construction may also be available. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured. Contact the Customer Services Team at Reception for more information.

Municipal Heritage Inventory

Under the *Heritage Act of Western Australia 1990*, the City of Bayswater is required to prepare a Municipal Heritage Inventory. This is an inventory of all buildings within the City of Bayswater boundaries that are, or may become of cultural heritage significance to the community. Details of the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status and an image of each building. Contact the Strategic Planning and Place Section for more information.

Other Information

Under section 5.94 of the *Local Government Act 1995*, a person can attend the office of a local government during office hours and inspect, subject to limitations, prescribed in section 5.95, free of charge the following:

- any code of conduct;
- any regulations prescribing rules of conduct of the Council members;
- any register of complaints for breaches under the Act;
- any register of financial interests;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- any plan for the future;
- any local law made by the local government;
- 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 either been tabled at a Council or Committee meeting; or produced by the local government 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;
- any contract under section 5.39 (CEO and senior employees) and variation of such contract.

Copies of the above can be made available at a cost. Refer to the Fees and Charges Schedule on the City's web site for details.

Website Information

The following information is also freely available on the City's website:
www.bayswater.wa.gov.au

- Annual Electors Meetings Minutes 2004/2005 to 2016/2022
- Annual Reports 2004/05 to 2016/2022
- Annual Financial Statements 2004/05 to 2016/2022
- Code of Ethics - Employees January 2013
- City of Bayswater Enterprise Agreement 2019 - Inside Workforce
- City of Bayswater Enterprise Agreement 2019 - Outside Workforce
- Code of Conduct 2018 - Council Members and Committee Members
- Community Directory
- Council Budgets 2009/2010 to 2022
- Council Policies
- Council Representation on Committees 2019 - 2021
- Customer Service Charter
- Delegated Authority Register 2021/22
- Fees and Charges (current financial year schedule only)
- Management Practices (formerly known as Policies)
- Gifts Register (Online)
- Local Bike Plan July 2014
- Strategic Documents
 - Corporate Business Plan 2017-2027
 - Long-Term Financial Plan 2017-2018 to 2026-2027

- Strategic Community Plan 2016-2027
- Workforce Plan 2017-2027

Statutory Documents

- City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020
- City of Bayswater *Dogs Local Law 2016*
- City of Bayswater *Keeping and Control of Cats Local Law 2022*
- City of Bayswater *Fencing and Floodlighting Local Law 2016 (Amended 2019)*
- City of Bayswater *Health Local Law 2001* incorporating
 - City of Bayswater *Health (Eating-Houses) Local Law 2001*
 - City of Bayswater *Health (Itinerant Food Vendors) Local Law 2001*
- City of Bayswater *Local Government Property Local Law 2016*
- City of Bayswater *Parking and Parking Facilities Local Law 2016*
- City of Bayswater *Standing Orders Local Law 2021*
- City of Bayswater *Waste Local Law 2020*
- City of Bayswater *Waste Amendment Local Law 2020*
- Town Planning Scheme No. 24

8. THE OPERATION OF FREEDOM OF INFORMATION (FOI) IN THE CITY OF BAYSWATER

What Is FOI?

Access to Documents

The Western Australian *Freedom of Information Act 1992* (the FOI Act) gives the general public the right to apply for access to documents held by State Public Sector agencies which includes: Government Departments; Local Government Authorities; Statutory Authorities and Ministers.

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

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

Amendment of Personal Information

The public may also apply for access to personal information about themselves that is contained in agency documents. Any person can apply to have that information corrected if they believe it is incorrect, inaccurate, out of date, or misleading. Personal information is information about the individual whilst non-personal information is information concerning other people or matters.

The FOI Process

Making an application

Apply in writing to the agency concerned. In most agencies there is a person nominated as the FOI Coordinator who will assist. No special forms are required – a letter will do.

In the case of the City of Bayswater an application can be made via a letter, fax or email to:

**Chief Executive Officer
City Of Bayswater
PO Box 467
MORLEY WA 6943**

The application for information must identify clearly and concisely the documents concerned, or if applying for amendment of personal information the details to show how or why the agency's records are considered inaccurate, incomplete, out of date or misleading. If the request is for "everything" on a particular subject, the agency may ask the applicant to narrow the scope of the application to ensure that the work involved is reasonable. Otherwise an agency may refuse to deal with the application.

The Applicant must give an address in Australia where notices can be sent. If possible, the inclusion of a telephone number/fax number/email address will help the agency to contact them if necessary to assist in the application being dealt with efficiently.

An application fee of A\$30.00 is payable for non-personal information. No fee is payable for access to personal information. Additional fees and charges as per the *Freedom of Information Regulations 1993* may apply before access to any documents or information is given.

Review of Agencies Decisions

Internal review

If the applicant disagrees with a decision made by an agency, they can ask for that decision to be reviewed by someone else in the agency. They can ask for an internal review when –

- the agency refuses to deal with an application;
- the applicant has been refused access to some or all of the documents requested;
- the applicant has only been given access to parts of a document and they want to see the parts that are deleted;
- the agency has decided to give access but has deferred giving that access;
- the agency has decided that medical or psychiatric information will only be given through a nominated medical practitioner;
- the agency charges too much for access or if the charges seem unreasonable;
- a third party is mentioned in the documents but has not been consulted;
- the third party has been consulted but disagrees with a decision to release the documents to the applicant; and
- the agency does not agree to amend the personal information; or make a notation or attachment to the document in a form that satisfies the applicant.

Applications for Internal Review must be made within 30 days of the applicant receiving the notice of decision from the agency. Another officer who is not subordinate to the person who made the original decision, will conduct the review.

Within 15 days the agency will advise the applicant in writing of the outcome of the internal review, as well as the right to lodge a complaint with the Information Commissioner for an External Review of the agency's decision if the applicant is still dissatisfied.

External Review

After internal review, if the applicant is still dissatisfied or disagrees with the agency's decision, they can lodge a complaint with the Information Commissioner. If a complaint is made to the Information Commissioner, the complaint must –

- be in writing and include an address in Australia where notices can be sent;
- give particulars of the decision to be reviewed including details of the part, or parts of the decision the applicant wants the Commissioner to review;
- include a copy of the notice of decision sent by the agency - this is the written notice of decision provided following the agency's internal review.

Address the complaint to:

**Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000**

How much does it cost?

No fees or charges apply for applications to access personal information or amendment of personal information (e.g. medical records; details of employment etc).

Applications for other documents (i.e. which are non-personal in nature) require payment of a A\$30.00 application fee when the application is lodged, and there may be other charges imposed by the agency as follows:

- \$30.00 per hour of staff time or pro rata for part of an hour for dealing with an application (Agencies cannot charge for locating the documents within the scope of the request);
- \$30.00 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies;
- .20 cents per photocopy;
- actual cost incurred by the agency for preparing a copy of a tape, film or computerized information, or arranging delivery, packaging and postage of documents.

Estimate of charges

An applicant can ask the agency for an estimate of charges when lodging an application. If the charges are likely to exceed \$25.00 the agency must give the applicant an estimate of charges and ask whether they want to proceed with the application. The applicant must notify the agency within 30 days of their intention to proceed. In some instances, the agency may request an advance deposit. If an applicant is financially disadvantaged they may advise the agency as a 25% reduction of charges may apply.

Frequently asked questions

What happens after an application has been lodged?

The agency has a maximum of 45 calendar days to deal with an access application and to decide whether the applicant can have access to the documents. The applicant can negotiate a shorter or longer period with the agency or may apply to the Information Commissioner to reduce the time allowed for the agency to deal with the application.

What if the documents are required urgently?

The applicant should tell the agency if they need a decision about access by a particular time. They should try to agree to a timeframe with the agency. If agreement cannot be reached with the agency, then the applicant can apply to the Information Commissioner for a reduction of the time.

How will the applicant know when the agency's decision has been made and what it is?

The agency must provide the applicant with a written notice of decision informing them whether they will be provided with access to all or some of the documents requested. If the agency refuses access to any documents or parts of any documents, the written notice must provide the reasons for the decision. It must also explain any rights of review.

What if the applicant is not happy with the agency's decision?

If the applicant is dissatisfied with the agency's decision they have 30 days to make an application for internal review. The agency then has 15 calendar days to conduct a review. Another person in the agency, who is not subordinate to the original decision-maker, must make the decision on internal review.

What can the applicant do then?

If the applicant is dissatisfied with the internal review decision they may lodge a complaint with the Information Commissioner within 60 days of receiving the agency's notice of decision. If they are a third party affected by the decision of the agency they have 30 days in which to apply.

What if the decision was made by the Chief Executive Officer?

Internal review is not available for decisions made by the Chief Executive Officer, but the applicant can apply to the Information Commissioner for an external review.

Is there anything an applicant can do if the documents contain information about them that is not right?

An applicant can apply to amend personal information about themselves which they consider may be incorrect, incomplete, out of date or misleading.

How do they apply?

An application has to be in writing and must give reasons why they consider the information is wrong. The applicant must state whether they wish the amendment to be made by altering, striking out or deleting the information or inserting information by the agency adding a note explaining their view about the information. The agency must inform the applicant of its decision, its reasons, and any rights of review

What if the applicant is not happy with a decision regarding amendment of personal information?

After internal review, the applicant may apply to the Information Commissioner for an external review of the decision.

Does GST apply to fees and charges prescribed under the FOI Act?

No. Fees and charges under the FOI Act are exempt under Determination No. 2 2000, made by the Federal Treasurer (Exempt Fees and Charges) Part 5 (Western Australia) page 203.

Further Information

Further information is available from the Office of the Information Commissioner:

Phone: (08) 6551 7888

Fax: (08) 6551 7889

Freecall (WA Country): 1800 621 244

Internet: www.oic.wa.gov.au

E-mail: info@foi.wa.gov.au