Information Statement 2019/2020

This Information Statement is published by the City of Kalamunda in accordance with the requirements of Section 96 (1) of the Freedom of Information Act 1992. The City of Kalamunda is pleased to comply with the legislation and welcomes enquiries.



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VISION STATEMENT

The City will have a diversity of lifestyles and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

MISSION STATEMENT

Working together to provide effective and efficient leadership and services for our whole community.

LEGISLATION ADMINISTERED

The following is a list of enabling legislation and legislation for which the City is responsible.

STATE AND FEDERAL LEGISLATION

BUILDING CODE OF AUSTRALIA

A series of Codes prescribing building standards throughout Australia.

BUILDING ACT 2011

- An Act to provide for the following -
- Permits for building work and demolition work;
- Standards for the construction and demolition of buildings and incidental structures;
- The use and maintenance of, and requirements in relation to, existing buildings and incidental structures;
- Work affecting land other than land on which the work is done;
- The amendment of the Local Government (Miscellaneous Provisions) Act 1960 and various other Acts
- The repeal of the Building Regulations 1989and the Local Government (Prohibition on Dealings in Land) Regulations 1973

BUSH FIRES ACT 1954 AND ASSOCIATED REGULATIONS

An Act to make better provision for diminishing the dangers resulting from bushfires, for the prevention, control and extinguishment of bushfires.

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CARAVAN AND CAMPING GROUNDS ACT 1995

An Act to provide for the licensing of caravan parks and camping grounds, to regulate caravanning and camping, and to improve and promote caravanning and camping. It also ensures that the design and layout of land used for caravan parks and camping grounds and the provision and availability of amenites and services meet desirable standards. Finally, it ensures that the standards of caravans and annexes in caravan parks are adequate to protect the health and safety of the occupiers.

CITIZENSHIP ACT 2007

This Act set out how to become an Australian citizen, the circumstances in which a person may cease to be a citizen and some other matters related to citizenship.

CONTROL OF VEHICLES (OFF-ROAD AREAS) 1978

An Act to prohibit the use of vehicles in certain places, to make provision as to the use of vehicles otherwise than on a road, to provide for areas where the use of off-road vehicles shall be permitted, for the registration of off-road vehicles, and for related purposes. This Act is currently being reviewed by the Department of Local Government.

DIVIDING FENCES ACT 1961

An Act relating to the construction and repair of dividing fences between certain lands.

DOG ACT 1976 AND ASSOCIATED REGULATIONS

An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

ENVIRONMENTAL PROTECTION ACT 1986

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment.

EVIDENCE ACT 1906

An Act to consolidate and amend the statute law of evidence.



FREEDOM OF INFORMATION ACT AND REGULATIONS 1992

An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.

HEALTH ACT 1911

An Act to consolidate and amend the Law relating to Public Health.

HERITAGE OF WA ACT 1990

An Act requiring all local authorities to compile and regularly review an inventory of local places which are significant or may become significant heritage properties.

INTERPRETATION ACT 1918

An Act to amend and consolidate the law relating to the construction, application, interpretation, and operation of written law; to provide for the exercise of statutory powers and duties, and to provide for connected or incidental purposes.

JUSTICES ACT 1902

An Act to consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.

LAND ADMINISTRATION ACT 1997

An Act to consolidate and reform the law about Crown land and the compulsory acquisition of land generally, to repeal the *Land Act 1933* and to provide for related matters.

LAND VALUATION TRIBUNALS 1978

LIBRARY BOARD OF WA ACT 1951

An Act to provide for the Constitution and Functions of a Library Board and for other purposes.

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LIQUOR LICENSING ACT 1988 AND ASSOCIATED REGULATIONS

An Act, administered in part by Local Government, to regulate the sale, supply and consumption of liquor, use of premises on which liquor is sold and the services and facilities provided in conjunction with or ancillary to the sale of liquor.

LITTER ACT 1979 AND ASSOCIATED REGULATIONS

An Act to make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA).

LOCAL GOVERNMENT ACT 1995 AND ASSOCIATED REGULATIONS

An Act to provide for a system of local government in Western Australia, to amend the Local Government Act 1960 and for related purposes.

LOCAL GOVERNMENT AMENDMENT ACT 2006

An Act that changes the date of Local Government Elections.

LOCAL GOVERNMENT GRANTS ACT 1978

An Act to provide for the distribution to local governments in WA of certain financial assistance provided by the Commonwealth.

LOCAL GOVERNMENT (Miscellaneous Provisions) ACT 1960 AND ASSOCIATED REGULATIONS

An Act to deal with certain matters concerning local government.

MAIN ROADS ACT 1930

An Act to consolidate and amend the law relating to and making provision for the construction, maintenance and supervision of highways, main and secondary roads, and other roads, the control of access to roads and for other relative purposes.

METROPOLITAN REGION SCHEME

The Metropolitan Region Scheme is a statutory land use planning scheme for the Perth Metropolitan Region. It comprises a set of twelve maps and a text which, together with the

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Metropolitan Town Planning Scheme Act 1959, governs the operation of the Scheme. Under the Metropolitan Region Scheme, land is classified into reservations or broad zones, and the development of and is controlled by the various measures provided for in the Scheme text.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

This Act provides for the creation of District Planning Committees. Six geographically based groups represent the twenty-nine (29) local government authorities within the Perth Metropolitan Region.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984 AND ASSOCIATED REGULATIONS

An Act, administered in part by Local Government to promote and improve standards for occupational health, safety and welfare and to coordinate the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

PARKS AND RESERVES ACT 1895

An Act for the control and management of certain land reserved to the Crown.

PARLIAMENTARY COMMISSIONER ACT 1971

An Act to provide the appointment of a Parliamentary Commissioner for Administrative Investigations for the investigation of administrative action taken by or on behalf of certain government departments and other authorities and for incidental purposes.

PLANNING AND DEVELOPMENT ACT 2005

An Act to provide for a system of land use planning and development in the State and for related purposes.

PUBLIC INTEREST DISCLOSURE ACT 2003

An Act to facilitate the disclosure of public interest information, to provide protection for those who make disclosures and for those the subject of disclosures, and, in consequence, to amend various Acts, and for related purposes.

PUBLIC WORKS ACT 1902

An Act to consolidate and amend the laws relating to public works.

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RATES AND CHARGES (REBATES AND DEFERMENTS) ACT 1992

An Act to permit administrative authorities to allow rebates on, or the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons.

RESIDENTIAL DESIGN CODES OF WA 2002

STATE RECORDS ACT 2000

An Act to provide for the keeping of State records and for related purposes.

STRATA TITLES ACT 1985

An Act to facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental and connected purposes.

TELECOMMUNICATIONS ACT 1997

TELECOMMUNICATIONS (LOW IMPACT FACILITIES) DETERMINATION 1997

TOBACCO CONTROL ACT 1990 AND ASSOCIATED REGULATIONS

An Act, administered in part by Local Government to regulate the sale and promotion of tobacco products.

TOWN PLANNING AND DEVELOPMENT ACT 1928

This Act provides for the planning and development of land for urban, suburban and rural purposes. The general objective of this Act is to improve and develop land to the best possible advantage, and to balance the use of all land resource.

VALUATION OF LAND ACT 1978

An Act to provide for the valuation of land and for other purposes.

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WATERWAYS CONSERVATION ACT 1976

DISABILITY SERVICES ACT 1993

WORKERS COMPENSATION AND ASSISTANCE ACT 1981

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CITY OF KALAMUNDA LOCAL LAWS

City of Kalamunda Bee Keeping Local Law 2008

Enables the Council to regulate the keeping of bees to ensure they do not cause a nuisance.

City of Kalamunda Dogs Local Law 2010

Enables the Council to regulate the keeping of dogs, dog exercise areas and licensing within the City.

Local Government Model Local Laws (Extractive Industries) No 9

Enables the Council to regulate the excavation or recovery of materials from any land within the City.

City of Kalamunda Local Laws Relating to Fencing

Enables the Council to regulate fencing location and specifications in the City.

City of Kalamunda Health Local Law 2011

Local Law Relating to Numbering Houses and Buildings

Enables the Council to regulate the numbering of houses and buildings within the City.

Local Government Model By-law (Old Refrigerators and Cabinets) No.8

Enables the Council to regulate the disposal of old refrigerators and cabinets.

Parking and Parking Facilities Local Law 2019

To enable the Council to regulate parking stations, parking stalls and metered zones within the City.

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City of Kalamunda Pest Plant By-Laws, 1979

Enables the Council to control the growth of pest plants in the City.

City of Kalamunda Local Government Property Local Law

Enables the Council to maintain the amenity, regulate the use of and ensure access to the City's property for all residents of the City.

Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No.7

Enables the Council to ensure that animals and vehicles are not left to cause obstruction in any public place.

City of Kalamunda Sand Drift and Litter Control Local Law 2006

Enables the Council to control and manage sand drift, rubbish and litter, on building sites and subdivisions on land within the district.

City of Kalamunda Signs, Hoarding and Bill Posting By-Laws

Enables the Council to regulate the erection of signs, hoardings and bill posting within the City.

City of Kalamunda Standing Orders Local Law 2015

Establishes the procedures to be followed at Council meetings to ensure that they are conducted in an orderly manner.

Local Government Model By-Laws (Street Lawns and Gardens) No.11

Enables the Council to maintain the amenity of the City through the regulation of street lawns and gardens.

Trading on Thoroughfares and Public Places Local Law 2008

Enables the council to regulate trading in a public place through the requirement to obtain a licence to trade as such in the City.

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Keeping and Control of Animals and Nuisance Local Law 2011

This Local Law enable the Council to control activities or conditions which are harmful, vexatious or annoying.

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AGENCY STRUCTURE

The Council of the City of Kalamunda consists of twelve Elected Members including the City of Kalamunda Mayor.

The City has three Directors who are directly responsible to the Chief Executive Officer, who is the most senior officer within the organisation. The Directors oversee the running of the three service areas within the City – Corporate Services, Development Services and Asset Services.

All staff employed by the City are responsible to, and report to, the Chief Executive Officer.

THE COUNCIL

The Council consists of twelve Councillors including the Mayor. Each Elected Member is elected for a term of four years. The Mayor and Deputy Mayor are chosen by the Elected Members every two years, and are picked from the Elected Members. The Elected Members also choose a Chairperson for each Committee.

CEO's OFFICE

The CEO's Office ensures that the organisation is well governed, providing positive leadership, effective communications and efficient management including support to Councillors. It provides People Services, Governance and Legal Support, with Customer Services and Public Relations. It provides under Community Development such services as recreation, youth, and library services. It also provides event services

The CEO and Operational Manager titles are:

- Chief Executive Officer
- Manager People Services
- General Counsel & Executive Advisor, Governance & Legal Services, Governance
- Manager Customer & Public Relations
- Manager Community Development

CORPORATE SERVICES

The Corporate Service Area provides functions such as Rates, Finance, IT services, Corporate Systems, Records services, and FOI services. Under Economic Development Services it provides KPAC, Zig Zag, History Village as well as Economic Development within the City.

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The Director and Operational Manager titles are:

- Director of Corporate Services
- Manager Finance & Risk Services
- Manager Information Technology

DEVELOPMENT SERVICES

Development Services ensure the proper planning of the City through the processing of health, subdivisions, structure plans, building plan approvals, building licences, demolition licences, septic tank approvals and strata titles. It provides strategic planning. It also provides Ranger & Fire Protection services.

The Director and Operational Manager titles are:

- Director of Development Services
- Manager Approval Services
- Manager Community Safety & Compliance Services
- Manager Strategic Planning

ASSET SERVICES

The Directorate is responsible for Asset Management, Building Maintenance, Parks and Works in the community, including roads, drainage, footpaths, kerbing, street cleaning, traffic treatments, road verge maintenance, waste management, maintenance of the environment, parks and reserves, and street trees.

The Director and Operational Manager titles are:

- Director Asset Services
- Manager Asset & Waste Operations
- Manager Parks & Environmental Services
- Manager Asset Delivery
- Manager Asset Planning & Management

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DECISION MAKING FUNCTIONS

THE COUNCIL

The Council is made up of members of the local community who are elected to office by residents and ratepayers of the City.

The Council is led by the Mayor and there are twelve (12) councillors who serve in four wards or electoral districts. The wards are North West, South West, North and South East. As a group they are the decision making body.

THE MAYOR

The City President is the City's Civic Leader, presides at all meetings of the Council and in conjunction with the Chief Executive Officer signs every deed, conveyance, agreement and contract under the Common Seal of Council.

The President's position has special emergency powers for decision and direction to the Chief Executive Officer. The position is elected by the Councillors.

THE CHIEF EXECUTIVE OFFICER

The responsibility for the day to day management of the City rests with the Chief Executive Officer. Under his or her leadership, staff act on Council decisions by developing and putting into practice the Council policies and resolutions.

THE LOCAL GOVERNMENT ACT

The Local Government Act 1995 is an ultra vires type legislation which, in simple terms, means that unless there is something in the provisions of the Act that says a Local Authority can do something, then it is strictly prohibited from undertaking an action, activity or service.

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STANDING ORDERS

The Local Laws relating to the Conduct of Proceedings of the Business of the Council, known as the Standing Orders, govern the proceedings of the Council and Committee meetings. In governing the proceedings of a meeting, the Local Law specifically details issues such as the order of business at Council meetings, conduct of the meetings with regard to determinations by the Chairperson, rules of debate, voting and amendments and various miscellaneous matters.

PUBLIC BRIEFING FORUM

The Public Briefing Forum, which is undertaken on the second Tuesday of every month, allows for thorough investigation and consideration of items prior to going to the Full Council Meeting.

STANDING COMMITTEES

There is one Standing Committee, the Audit & Risk Committee, which meets irregularly, but generally every quarter.

The need for committees is due to a necessity for specialisation and to the considerable number of decisions required to be made by local governments in the course of the administration of the municipality. These decisions require thorough investigation and consideration.

A Standing Committee is a permanent committee of the Council established generally for a period of two years. The committee is comprised of Elected Members only and the powers and duties are determined by delegation from the Council. The function of the committee is to deliberate upon matters within its authority, as determined by the Council, to report upon the deliberations and to make recommendations to the Council.

ADVISORY COMMITTEES

Advisory Committees are established by Council, with the membership made up of Council Representatives and members of the public. Membership is renewed every two years.

POLICIES OF THE COUNCIL

In order to provide guidance for the officers of the City, the Council adopts policies which are included in a Policy Register and provide the basis for decision making. The Policy Register includes policies on Administration, Building, Community Services, Council/Members Delegated Authority, Engineering, Finance, Health, Libraries, Parks, Reserves, Planning and Recreation.

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DELEGATED AUTHORITY

The Chief Executive Officer has Delegated Authority from the Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Council's Delegation Register and are reviewed annually by the Council. Delegations from the Chief Executive Officer to staff are also listed.

COUNCIL LOCAL LAWS

The Council Local Laws adopted by Council ensure that such matters as reserves and parking facilities in the City of Kalamunda are maintained for all residents of the City to use.

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

Opportunities for public participation include:

COMMUNITY CONSULTATION

The Council seeks the views of the community in a number of projects in which it is involved. Community involvement can range from surveys seeking the opinions of residents in relation to traffic treatments, to parks design in conjunction with community projects.

ELECTED MEMBERS

How to Contact Elected Members

Members of the Public can contact their Elected Members of the Council to discuss any issue relevant to the Council.

Contact telephone numbers for the Elected Members are listed in an information sheet which is available from the City's offices. The contact details are also available on the Council's Website, at www.kalamunda.wa.gov.au, under the About Us Tab, and then under Councillors.

Residents wishing to write to the elected Members should send their correspondence to:

The City of Kalamunda, PO Box 42, KALAMUNDA 6926

Council Elections

The Council Elections are held every two years. Members are elected to the voluntary positions for a four year term, with half of the number of positions falling vacant every two years.

WRITTEN REQUESTS

Residents can write to the council on any matter relating to a policy, activity or service.

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ORDINARY MEETING OF COUNCIL

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

Petitions

Written petitions in the format as described in the Standing Orders can be addressed to the Mayor on any issue within the Council's jurisdiction.

Question Time

Question Time is held during the Ordinary Meeting of the Council for a minimum period of fifteen minutes. Electors can ask questions relating to the ordinary business of the Council and will receive an answer either at the meeting or shortly after.

Deputations

Deputations wishing to be received by Council should send a written request to the Chief Executive Officer.

Deputations cannot exceed five persons, of which only two speakers may address the Council or Committee of Council, except in reply to questions by members of Council or Committee.

STANDING COMMITTEE MEETINGS

Standing Committee Meetings are open to the public. Any member of the public wishing to ask a question or make comment on any items of the Agenda of a Committee Meeting may do so by giving notice to the appropriate member of staff prior to the commencement of the Committee Meeting.

Members of the public will be given the opportunity to make their statement/question prior to the Committee considering the item.

ADVISORY AND MANAGEMENT COMMITTEES OF THE COUNCIL

An Advisory Committee may be appointed to advise the Council on the establishment, management and control of anything for which the Council is responsible and chooses to refer to a Committee. Management Committees exercise powers delegated in relation to the control and maintenance of property for which the Council is responsible.

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The function and membership of the various advisory and management Committees are contained in the "Details of Representation on Committees" document which is available from the City offices.

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DOCUMENTS HELD BY THE CITY

DOCUMENTS AVAILABLE WITHOUT SUBMISSION OF A FREEDOM OF INFORMATION REQUEST

The following documents are available for public inspection at the City of Kalamunda offices free of charge. Most of these documents are also available via the City of Kalamunda Website. Members of the public may purchase hardcopies of these documents as per the Schedule of Fees and Charges.

Document

- Policy Register
- Fees and Charges Schedule
- Delegation Register
- Standing Orders Local Law
- Emergency Management Arrangements
- Details of Representation on Committees
- Employees Safety Handbook
- List of Properties Exempt from Rates
- Local Planning Scheme No 3 Maps
- Local Planning Scheme No 3 Text
- Schedule of Buildings and Reserves
- Financial Interest Register
- Lease and Licence Summary Details
- Information Statement Freedom of Information
- Property Index File
- Subject Index File
- Councillors Contact Details
- Community Information Directory (website only)
- Minutes of Council
- Budget
- Strategic Plan/Plan for the Future of the District
- Disability Access & Inclusion Plan
- Cultural Plan
- Aged Accommodation Strategy
- Seniors' Services Action Plan
- Youth Service Action Plan
- Sporting Reserve Development Plan
- Financial Statements
- Local Planning Strategy
- Local Housing Strategy
- Masterplans
- Documents submitted to Council (including Petitions and Reports)

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Agendas and Minutes available to the public at the following times (via the website or the Front Counter):

Public Briefing Agendas:	The Friday before the meeting
Standing Committee Minutes:	5 Business days after the meeting (unconfirmed)
Council Agenda:	The Friday before the meeting
Council Minutes:	10 Business days after the meeting (unconfirmed)

OTHER DOCUMENTS HELD BY THE CITY

The City of Kalamunda holds many different types of documents. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos.

Information is held on the City's Electronic Document Management Management System which has a classification system based on Keywords for Council.

Personnel information is held in the Electronic Document Management Management System.

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OPERATION OF FREEDOM OF INFORMATION ACT IN THE CITY

INITIAL ENQUIRIES

Initial enquiries regarding the release of information should be made to the Coordinator Corporate Systems either in person at the City of Kalamunda or by telephone on 92579917.

REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Information can be accessed via an application to the City, which is required to: be in writing,

provide enough information so that the documents requested can be identified,

provide an Australian address to which notices can be sent, and be lodged at the City with any application fee payable (application fee applies when the application is for non-personal information).

Applications and enquiries should be addressed to:

By PostIn PersonThe FOI Co-ordinatorThe FOI Co-ordinatorCity of KalamundaCity of KalamundaPO Box 422 Railway RdKALAMUNDA WA 6926KALAMUNDA WA 6076

BY Email The FOI Co-ordinator enquiries@kalamunda.wa.gov.au

Applicants will receive a response from the City as soon as possible within the statutory forty five (45) days of the Council receiving the request with the application fee.

FREEDOM OF INFORMATION CHARGES

A scale of fees and charges is set under the Freedom of Information Regulations 1993. The charges are as follows:

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- Personal information about the applicant No fee
- Application fee (for non-personal information) \$30.00
- Charge for time dealing with the application \$30.00
- (per hour, or pro rata)
- Access time supervised by staff \$30.00

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- (per hour, or pro rata)
- Photocopying time
- (per hour, or pro rata)
- Transcribing from tape, film or computer
- Per photocopy
- Duplicating a tape, film or computer information
- Delivery, packaging and postage

Not Available 0.20 Actual Cost Actual Cost

\$30.00

ADVANCE DEPOSITS

a) Advance deposit which may be required by an agency under section 18(a) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee

25%

b) Further advance deposit which may be required by an agency under Section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee.

75%

NOTICE OF DECISION

As soon as possible but in any case within 45 days applicants will be provided with a notice of decision which will include details such as:

- the date which the decision was made,
- the name and the designation of the officer who made the decision,
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document, and
- information on the right to review and the procedures to be followed to exercise those rights.

REFUSAL OF ACCESS

Applicants who are dissatisfied with a decision of the City are entitled to request an **Internal Review** by the City. Application should be made in writing within 30 days of receiving the notice of decision.

Applicants will be notified of the outcome of the review within 15 days.

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If applicants disagree with the result then application can be made to the Information Commissioner for an **External Review**, and details would be advised to applicants when the external review decision is issued.

AMENDMENT OF PERSONAL INFORMATION

If a person finds that information contained in a document is inaccurate, incomplete, out of date or misleading, then the person can apply to the City to amend the information.

Amendment can be made free of charge by forwarding the relevant information to the City. Proof may be requested to validate any amendments required.

DECISION MAKERS REGARDING ACCESS OR AMENDMENT

Council's FOI Coordinator is the Coordinator Corporate Systems who decides what information may be released and what information is exempt under the Freedom of Information Act 1992.

Decisions relating to the review of a request for information are made by the General Counsel & Executive Advisor.

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Freedom of Information Form

Freedom of Information Coordinator City of Kalamunda PO Box 42, Kalamunda WA 6926

I, _____ of _____

request information under the Freedom of Information Act of 1992.

The information requested is for Personal/Non-Personal Information (circle applicable), and includes the following:

I have attached the application fee of \$30 for Non-Personal Information (delete if

not applicable). Please contact me by phone on: (08) ______ or by

email on ______@_____ if there are any problems, or any notifications.

Form of Access (please tick appropriate box)

Will View documents at the City Offices
Please send photocopies/recording to me (I will pay photocopying/recording charges
prior to the document being sent).
Please send scanned documents via email.
Other (Please specify)

Signed:_____ Dated:__/___/

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