



City of
Greater Geraldton
a vibrant future



Freedom of Information Act 1992

City of Greater Geraldton Information Guide



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Introduction

The *Freedom of Information Act 1992 (FOI Act 1992)* has, as its objectives, to:

- Enable the public to participate more effectively in governing the state; and
- Make the persons and bodies that are responsible for the State and Local Government more accountable to the public.

The provisions of part 5, section 94 of the *FOI Act 1992* require that each agency prepares and publishes an information statement which conveys information to the public about the agency's operations, the kinds of documents it holds and the procedures for accessing them. The statement provides the public with access to the information it needs to effectively use the Freedom of Information legislation.

This City of Greater Geraldton (the City) Freedom of Information Statement (Information Statement) details, among other things;

- The profile of the City.
- How the City is governed.
- How the public can gain access to the City's documents.

Copies of the Information Statement document can be obtained from the Geraldton Civic Centre, 63 Cathedral Avenue, Geraldton; from the Mullewa District Office located at the corner of Padbury and Thomas Streets, Mullewa, or from the City website www.cgg.wa.gov.au

Enquiries may be made to the City's Freedom of Information Coordinator on (08) 9956 6600 during business hours.

The City's Mission, Vision and Values

Mission

A leading organisation that works in partnership with the community, industry and government to plan and provide quality services and infrastructure in a sustainable environment.

Vision

A creative city-region which has a prosperous, diverse and sustainable community within an attractive Western Australian setting.

City Values



Service

We will make our customers the focus of everything we do
Our service will be fair, flexible, innovative and reliable
We will show genuine concern for our customers

Trust

We will make trust the foundation of all relationships.
We will rely and depend upon each other
Our communications will be open and genuine

Accountability

We will honour our commitments
We will take responsibility for our own actions
We won't blame others
We will hold each other accountable for our performance and behaviour

Respect

We will treat others like we would like to be treated
We will listen before we talk
We will seek and value the contributions of others

Solidarity

We will be united in our decisions

Legislative Requirements

The principal legislation governing the operation of Western Australian local government is the *Local Government Act 1995 (the LG Act 1995)* and associated regulations. In carrying out its functions, a local government is to use its best endeavors to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

Local governments also operate within a framework of delegated legislation, including orders and proclamations made by the Governor, and regulations and ordinances made by other statutory authorities.

The *LG Act 1995* also gives local governments the power to make local laws, which are generally used to establish and maintain the quality of life in keeping with community expectations. The City's local laws are available on the City's website at www.cgg.wa.gov.au, or alternatively are available for viewing at all public libraries and customer service centers in the district:

- Civic Centre - 63 Cathedral Avenue Geraldton
- Geraldton Library -37 Marine Terrace Geraldton
- Mullewa District Office and Mullewa Library - Corner of Thomas and Padbury Street Mullewa

Structure and Functions

The City is a local government constituted under the *LG Act 1995*. It is responsible for providing key services and functions as required under legislation determined by the Parliament of Western Australia. The Greater Geraldton local government district consists of a no ward system and is governed by 12 council members and a popularly elected mayor.

The elected council is responsible for the delivery of good governance and the setting of local laws, policies, strategy, delegations and the budget. They are also responsible for appointing a chief executive officer (CEO). The CEO is responsible for all the City's operations, compliance and executive functions.

Integral to the City's operations is the 110 pieces of legislation which prescribe how the City provides service to the community and in some cases, constrains the City's capacity to recover costs

In accordance with the *LG Act 1995* the City has general, legislative and executive functions:

General Functions

3.1. General function

- (1) *The general function of a local government is to provide for the good government of persons in its district.*
- (2) *The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.*
- (3) *A liberal approach is to be taken to the construction of the scope of the general*

function of a local government.

3.5. Legislative power of local governments

- (1) *A local government may make local laws under this Act 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 this Act.*
- (2) *A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.*

3.18. Performing executive functions

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

5.41. Functions of CEO

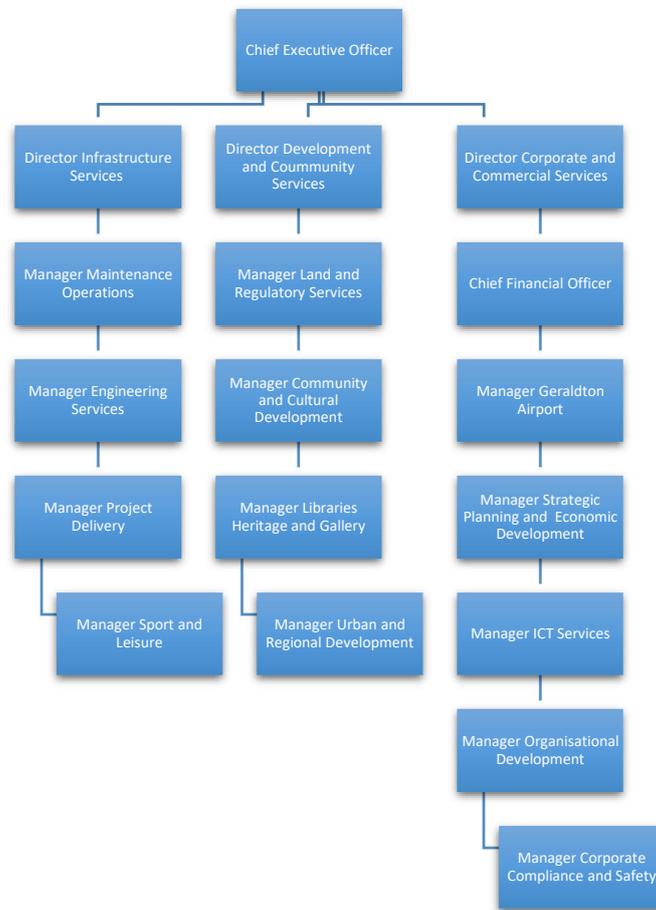
The CEO's functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) *cause council decisions to be implemented; and*
- (d) *manage the day to day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and*

the performance of the local government's functions; and

- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

The City's organisational chart is presented in the diagram below and shows the office of the CEO and the three directorates including functional units as at May 2022.



Strategic Community Plan and Corporate Business Plan

The decisions of the City of Greater Geraldton are guided by a number of key themes within the Strategic Community Plan 2021-2031. The plan is a reference point for residents, organisations, businesses and all levels of government and forms the basis of the City of Greater Geraldton's planning, informing the corporate business plan, long-term financial plan, asset management plans, operational plans and influencing potential funding opportunities.

The plan was developed drawing upon extensive community consultation undertaken over a two year period along with input from various state, regional and local plans relevant to the City to ensure a clear path leading to improved services and outcomes for the Greater Geraldton region.

The strategic community plan supports the development of improved services and outcomes for the people of Greater Geraldton and provides direction for the region, the community and business sectors in planning for Greater Geraldton's future.

Within the Strategic Community Plan, the City has four key strategic directions which reflect what matters most to the City as a progressive community ; protecting the environment, growing the

economy, creating an inclusive community where there exists a sense of place and pride and good leadership.

COMMUNITY

Our culture and heritage is recognised and celebrated. We are creative and resilient. We can all reach our full potential.

- 1.1. Enhances lifestyle through spaces, places , programs and services that foster connection and inclusion*
- 1.2. We are a community accountable for our actions*
- 1.3. Pride in place and a sense of belonging is commonplace*
- 1.4. Community safety, health and well –being is paramount*
- 1.5. The opportunity for all to reach their potential exists*
- 1.6. Community capacity, innovation and leadership is encouraged*
- 1.7. Reconciliation between indigenous and non-indigenous communities is supported*
- 1.8. Active living and recreation is encouraged*
- 1.9. A strong sports culture exists through well-planned facilities*
- 1.10. A place where people have access to , engage in and celebrate arts, culture, education and heritage*

ECONOMY

A healthy thriving and resilient economy that provides opportunities for all whilst protecting the environment and enhancing our social and cultural fabric.

- 2.1. Local business is empowered and supported*
- 2.2. Efficient and accessible intrastate and interstate connectivity*
- 2.3. The voice of the community is heard at regional, state and national forums*
- 2.4. A desirable place to live, work , play , study, invest and visit*
- 2.5. Our competitive advantages are built upon and our business success is celebrated*
- 2.6. A diverse and globally recognised regional capital*

ENVIRONMENT

Our natural environment has a voice at the table in all our decisions. We are a leader in environmental sustainability.

- 3.1. A City that is planned , managed and maintained to provide for environmental and community well being*
- 3.2. Regional leader in adapting to climate change*
- 3.3. A well-maintained, SMART, sustainable, liveable City valued by the community*
- 3.4. A desirable and sustainable built and natural environment responsive to community aspirations*

- 3.5. *An integrated emergency and land management approach*
- 3.6. *The natural environment is valued , protected and celebrated*
- 3.7. *Moving towards a circular economy*

LEADERSHIP

A strong local democracy with an engaged community, effective partnerships, visionary leadership and well informed decision-making

- 4.1. *Meaningful customer experiences created for the people we serve*
- 4.2. *Decision making is ethical , informed and inclusive*
- 4.3. *Accountable leadership supported by a skilled and professional workforce*
- 4.4. *Healthy financial sustainability that provides capacity to respond to changes in economic conditions and community priorities*
- 4.5. *A culture of safety, innovation and embracing change*
- 4.6. *A community that is genuinely engaged and informed in a timely and appropriate manner*
- 4.7. *Council understands its roles and responsibilities and leads by example*
- 4.8. *Deliver secured technology that supports sustainability , the environment, service delivery and the community*
- 4.9. *Collaboration and strategic alliances with Local Government partners delivers results for common aspirations.*

Public Participation

The extent of Council's decision making emphasises the importance of local government and consequently the importance of public participation in the decision making process. Decisions which formulate the council's policies and services are made at a number of levels, ranging from council meetings to advisory committees which discuss specific council issues and submit recommendations for consideration by the council. Many of the areas requiring council decisions are subject to policy statements aimed at providing consistency in determinations, as well as indicating to the public the council's position on a range of issues. The council policy manual is available on the website [Council Policies](#)

The public are invited to attend both the council agenda forum and the ordinary meetings of council.

Agenda Forum

When: Held on Tuesdays a week prior to the council meeting start time: 5.00pm
Where: The council chambers, Civic Centre, 63 Cathedral Avenue, Geraldton.

Agendas: Published by the prior Friday on the City's website www.cgg.wa.gov.au.

Council Meetings

When: Held every third Tuesday start time: 5.00pm

Where: The council chambers, Civic Centre, 63 Cathedral Avenue, Geraldton or Mullewa Office, Corner of Thomas and Padbury Streets Mullewa.

Notice of meeting: A local public notice of all meeting dates, times and places, is placed annually in a local newspaper, on noticeboards at City offices and the library, on the City's social media site and on the City website.

Agendas: Published by the prior Friday on the City website: [Council Meetings](#)

Minutes: Published by the Friday after the council meeting on the City's website: [Council Meetings](#)

Copies of all documents can be viewed at:

- Civic Centre, 63 Cathedral Avenue, Geraldton
- Geraldton Regional Library, 37 Marine Terrace, Geraldton
- Mullewa Office, Corner of Thomas and Padbury Streets, Mullewa

Special Council Meetings

When: Special council meetings occur as required.

Notice of meeting: A public notice is placed in a local newspaper, on noticeboards at City offices and the library, on the City's social media site and on the City website.

Agendas: Published in advance of the meeting.

Annual Meeting of Electors

The annual meeting of electors is held pursuant to Part 5, Division 2, section 5.27 the *LG Act 1995* for the purpose of acceptance of the City's annual report and general business.

Notice of meeting: A public notice is placed in a local newspaper, on noticeboards at City offices and the library, on the City's social media site and on the City website.

Agendas: Published in advance of the meeting.

Questions from Public

The City of Greater Geraldton encourages community interest in local government and allows questions to be put to the council from the public during the meeting subject to certain conditions. Details of questions from the public are available on the City website: [Questions from the Public \(Public Question Time\)](#)

A [Public Question Time Form](#) is available on the website which specifies the conditions for submitting questions. Brief questions will still be taken from the floor on the day of the meeting. Further information can be obtained by: Telephone on (08) 9956 6600 or email: council@cgg.wa.gov.au

Public questions are to be submitted marked to the attention of the Chief Executive Officer by email to council@cgg.wa.gov.au or mail to P O Box 101, Geraldton WA 6530.

Standing Orders

The rules for running a council meeting are set out in the [Meeting Procedures Local Law 2011](#) which is available on the City website.

Petitions

As per the *City's Meeting Procedure Local Law 2011* clause 5.10 *Petitions*, members of the community may present a petition to the council on any issue within council jurisdiction.

Committee Meetings

In accordance with the *LG Act 1995* the council has established a number of committees to support the operations of the City. Details of the committees are available in the Council Committee Book on the City website [Committee Meeting Book October 2021- October 2023](#)

Public Consultations

The City regularly consults with the community on a range of matters which may impact or be of interest to local residents. Consultations are advertised in Local newspapers and on the City website [Consultations](#).

Community comment

The City provides the opportunity for the community to provide comments to the City and a Customer Feedback form is available on the website [Customer Feedback Form](#)

Information held by the City of Greater Geraldton

Information and documents are held in the City's electronic and hardcopy information systems. Information is quality checked for accuracy and internal audits are performed regularly as per the City's Information Management Plan. While the City verifies various information provided it relies on the accuracy provided by the City's stakeholders and ratepayers.

Information and documents include but are not limited to:

- Electoral Gifts Register;
- Media releases/speeches;
- Minute books;
- Common Seal Register;
- Payroll details;
- Gift Register;
- Policies;
- Local laws;
- Declarations of Interest Register;
- Animal Pound Register;
- Primary and Annual Return Register;
- Art collection inventory;
- Strategic Community Plan and other corporate plans;
- Banking information;
- Training records;
- Cat registrations;
- Training videos and publications;
- CCTV Image Register;
- Workers compensation and rehabilitation records;
- Contract and tender details;
- Creditor records;

- Debtors records;
- Bore and pump licence details for parks/reserves;
- Dog registrations;
- Building condition audit (City owned buildings);
- Electoral records;
- Construction files;
- Facility booking records;
- Consultants' reports (when initiated by the business unit concerned);
- Council operated buildings maintenance records;
- Graffiti Incident Register;
- Engineering working files;
- Infringements Register;
- Independent arboriculture/tree assessments;
- Grants information;
- Independent playground operational audits;
- Insurance records;
- Legal actions;
- Waste services information;
- Roads, subdivision and drainage plans;
- Leisure activities program information;
- Private property Parking Agreement Register;
- Access and Inclusion plan;
- Rates incentive scheme information;
- Account records;
- Rates records;
- Building licences;
- Signs impound register;
- Client information;
- Sporting clubs and community groups database;
- Community information database;
- Trust and Municipal Fund details;
- Community organisation records;
- Corporate records;
- Vehicle impound register;
- Approvals, subdivision approvals, town planning scheme amendments, grant applications;
- Immunisation records;
- Citizenship records;
- Current membership records;
- Civic functions details;
- General service information;
- Code of Conduct;
- Local planning scheme documents;
- Council committee agendas and minutes;
- Local studies history records;
- Mapping information;
- Council agendas and minutes;
- Correspondence – inwards and outwards;
- Subdivision plans;

- Customer service charter;
- Town planning studies;
- Delegation Register; and
- Employee personal files.

Documents readily available to the public

The City creates and properly stores records of the City's functions. Access to information held by the City is subject to provisions established in the *LG Act 1995*, some information held may be subject to fees and charges. In all instances, the City will seek to provide access to information upon request except where restrictions apply as written in the *FOI Act 1992* and other relevant legislation.

Information is made available through a range of methods including public statements, press releases, the City's website, advertisements placed in the local and state-wide newspapers, library services information sheets and other publications.

Under section 5.95 of the *LG Act 1995*, the CEO or the council may determine that certain information held by the City as confidential.

The following documents are available for public inspection at the City's Administration Centre, 63 Cathedral Avenue, Geraldton:

- Code of conduct;
- Register of complaints referred to in section 5.121;
- Register of financial interests;
- Register of gifts;
- The Annual Report;
- Annual budget;
- List of fees and charges imposed under section 6.16;
- Plan for the future of the district made in accordance with section 5.56;
- Proposed local law of which the local government has given local public notice under section 3.12(3);
- Local law made by the local government in accordance with section 3.12;
- Regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government;
- any text that —
 - is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or
 - would be adopted by a proposed local law of which the local government has given local public notice under section 3.12(3);
- Subsidiary legislation made or adopted by the local government under any written law other than under the *LG Act 1995*;
- A written law having a provision in respect of which the local government has a power or duty to enforce;
- Rate record;
- Confirmed minutes of council or committee meetings;
- Minutes of electors' meetings;
- Notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —
 - tabled at a council or committee meeting; or

- produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;
- Report of a review of a local law prepared under section 3.16(3);
- Business plan prepared under section 3.59;
- Register of owners and occupiers under section 4.32(6) and electoral roll;
- A report on a supplementary audit prepared under section 7.12AH(1);
- Register of delegations to committees - section 5.18 ;
- Register of delegations to CEO and employees - section 5.46(1) ;
- Electoral gift register - regulation 30G(1) of the *Local Government (Elections) Regulations 1997*;
- Register of notifiable gifts;
- Regional price preference policy adopted in accordance with Part 4A of the *Local Government (Functions and General) Regulations 1996*;
- All superseded versions of each policy of the local government;
- Tender register - *Local Government (Functions and General) Regulations 1996*.

The following documents are available on the City's website:

- Map of the district;
- An up-to-date consolidated version of any local law made in accordance with section 3.12 of the *LG Act 1995*;
- Annual budget;
- An up-to-date list of fees and charges imposed under section 6.16 of the *LG Act 1995*;
- Strategic community plan section 5.56;
- Confirmed council and committee meeting minutes;
- Minutes of electors meeting;
- Notice papers and agenda relating to council or committee meetings and reports and other documents that have been -
 - tabled at a council or committee meeting; or
 - produced by the local government or a committee for presentation at a council or committee meeting and hat have been presented at the meeting;
- Register of Complaints as per section 5.121 of the *LG Act 1995*;
- Register of gifts';
- Censure orders in respect of a person who is a council member as per sections 5.110(6), 5.113 and 5.117(1) of the *LG Act 1995*;
- Any adverse recommendation made by an authorised person under section 8.13(2) and provided to the local government in respect of the local government , its council, a council member or the CEO:
- Any adverse finding, recommendation or proposition made by an oversight entity and made available to the public in respect of the local government, its council, a council member or the CEO;
- An up-to-date version of each policy of the local government;
- The name of each council member who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020;
- The position of each employee who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020; and
- The type, and the amount or value, of any fees, expenses or allowances paid to each

council member during a financial year beginning on or after 1 July 2020.

Documents available under the *FOI Act 1992*

Access to documents other than those listed as accessible outside the *FOI Act 1992* must be via a Freedom of Information (FOI) Application. Requests made under *FOI Act 1992* should be made in writing. The application form is available at the City's administration centre, Mullewa Office or on the City website: [Online Forms -GO01- Application for Access to Documents](#)

While the act provides general right of access to documents, it also recognises some documents require a level of protection, specifically those documents that meet the exemption criteria in Schedule 1 of the *FOI Act 1992*, which includes (without limitation);

Personal Information	Information that would reveal personal information about an individual (e.g. their name, contact details, signature etc.) may be exempt under Schedule 1 Clause 3 of the <i>FOI Act 1992</i> and section 5.95 (8) of the <i>LG Act 1995</i>
Commercial Information	Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would reasonably be expected to destroy or diminish commercial value), or the financial affairs of a person (e.g. debts owed to the City) may be exempt under Schedule 1 Clause 4 of the <i>FOI Act 1992</i>
Deliberative Process	Information that would reveal a decision made during a deliberative process closed to the public (e.g. confidential Council meeting) may be exempt under Schedule 1 Clause 6 of the <i>FOI Act 1992</i> and section 5.23 of the <i>LG Act 1995</i>
Legal Professional Privilege	Information that would reveal legal advice may be exempt under Schedule 1 Clause 7 of the <i>FOI Act 1992</i>
Building Licence document	Only the owner or mortgagee of a building, or their authorised representative, may inspect any plan or other document relating to that building. A non-owner may inspect or obtain a copy SUBJECT to written approval by the Owner.

Minutes of Committee Meetings and Council Meetings (including Agendas, Reports etc. that relate to the meeting	A person's right to inspect information does not extend to the inspection of information where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, is likely to be closed to members of the public. A person's right to inspect information does not extend where it relates to any debt owed to the City.
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FOI Procedures and Access Arrangements

FOI Operations

It is the aim of the City to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the *FOI Act 1992* provides the right to apply for documents held by the city and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

Freedom of Information Applications

Access applications have to -

- be in writing
- give enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable

Applications and enquiries should be addressed to the Freedom of Information Coordinator on telephone (08) 9956 6600, City of Greater Geraldton PO Box 101 Geraldton WA 6531 or council@cgg.wa.gov.au

Applications will be acknowledged in writing and you will be notified of the decision within 45 calendar days.

Freedom of Information Charges

A scale of fees and charges are set out in the FOI Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows.

- | | |
|--|-----------------------|
| • Personal information about the applicant | No fee and no charges |
| • Application fee (for non-personal information) | \$30.00 |
| • Charge for time dealing with the application (per hour, or pro rata) | \$30.00 |
| • Access time supervised by staff (per hour, or pro rata) | \$30.00 |
| • Photocopying staff time (per hour, or pro rata) | \$30.00 |
| • Per photocopy | .20 |
| • Transcribing from tape, film or computer (per hour, or pro rata) | \$30.00 |
| • Duplicating a tape, film or computer information | Actual Cost |

- Delivery, packaging and postage Actual Cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

Deposits

- An advance deposit may be required in respect of the estimated charges (25%)
- Further advance deposit may be required to meet the charges for dealing with the application (75%)

Access Arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of Decision

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

- the date the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights

Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an **internal review** by the agency. The internal review application should be made in writing within 30 calendar days after being given the agency's notice of decision. You will be notified of the outcome of the review within 15 calendar days. If you disagree with the result you then can apply to the Information Commissioner for an **external review**. The external review application should be made within 60 calendar days after being given the agency's written notice of the internal review decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the internal review decision.)

Office of the Information Commissioner

Phone: (08) 6551 7888

Freecall (WA country): 1800 621 244

Fax: (08) 6551 7889

Email: info@foi.wa.gov.au Web:

www.foi.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000