

# SHIRE OF WYNDHAM – EAST KIMBERLEY



FREEDOM OF INFORMATION ACT (1992)

INFORMATION  
STATEMENT

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## 1.0 MISSION STATEMENT

**“To work in partnership with our community to provide a balanced approach to growth and service delivery”**

In order to achieve our Vision, it is important to have clear and decisive leadership. The Shire recognises that it needs to make its decisions in a manner that meets community expectations regarding the delivery of services, whilst considering the environmental, social and economic impacts of such decisions. The Shire's decision-making will be driven by the combined Vision and Mission Statements.

## 2.0 INTRODUCTION

The information in this document is published in accordance with the requirements of Part 5 Section 94 of the Freedom of Information Act 1992.

The Shire of Wyndham - East Kimberley welcomes any enquiries for information and will make such information available to the public wherever possible and as soon as practical when a request has been made.

The Council actively supports and complies with the requirements of Part 5, Section 94 of the Freedom of Information Act 1992.

### WHAT IS THE FREEDOM OF INFORMATION ACT ALL ABOUT?

The Freedom of Information Act grants you the legally enforceable right to access records (which are not otherwise exempt) held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.

It gives you the right to apply to have personal information we hold to be altered if you believe it is inaccurate. (At no cost).

### WHAT ARE THE COSTS INVOLVED?

The costs may vary from one application to another dependant upon the information required. An initial fee of \$30.00 is payable on lodgement of the application. Charges also apply at the rate of \$30.00 per hour for processing, supervision, transcribing and photocopying time. Photocopying charges of 20 cents apply for each copy. Additional charges may apply in respect of the provision and delivery of information.

### FREEDOM OF INFORMATION CHARGES

A scale of fees and charges set under the FOI Act Regulations appears below. The Application Fee for non personal information must be paid in full. Fees can not be waived or reduced. Apart from the application fee for non-personal information, all charges are discretionary. The charges are as follows:-

Description	Charge
Personal information about the applicant	No fee
Application fee (for non personal information)	\$30.00
Charge for 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	
A4 or A3 copy	\$ .20
A0 or A1 copy	\$2.50
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

## DEPOSITS

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%

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%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable maybe reduced by 25%.

## 3.0 LEGISLATION ADMINISTRATION BY COUNCIL

### STATE AND FEDERAL LEGISLATION

- **AUSTRALIAN ACCOUNTING STANDARDS AAS27 AND AAS28**  
Provides new accounting standards under which Local Governments are to operate from 1993/94.
- **BUILDING CODE OF AUSTRALIA**  
A series of Codes prescribing building standards throughout Australia.
- **BUILDING REGULATIONS 1989**  
Details administrative procedures involved with Building Regulations.

- **BUSH FIRES ACT 1954 AND ASSOCIATED REGULATIONS**  
To make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishments of bush fires.
- **CEMETERIES ACT 1986**  
To provide for the declaration and management of cemeteries, the establishment, constitution and functions of Cemetery Boards, the licensing of Funeral Directors, and the regulation of burials.
- **Civil Aviation Safety Authority (CASA)**  
Relating to Airport Safety Requirements
- **TOWN PLANNING SCHEME NO. 7**  
The legal instrument which controls the use and development of all land in the Shire of Wyndham East Kimberley.
- **CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978**  
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.
- **DIVIDING FENCES ACT 1961**  
Relating to the construction and repair of dividing fences between certain lands.
- **DOG ACT 1976 AND ASSOCIATED REGULATIONS**  
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**  
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.
- **EQUAL OPPORTUNITY ACT 1984**  
To ensure equal employment opportunity for everyone.
- **FREEDOM OF INFORMATION ACT 1992**  
To provide 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 AND ASSOCIATED REGULATIONS**  
Consolidate and amend the Law relating to Public Health.
- **HERITAGE OF WESTERN AUSTRALIA ACT 1990**  
Requires all local authorities to compile and regularly review an inventory of local places which are significant or may become significant heritage properties.

- **INTERPRETATION ACT 1984**  
To define terminology found in many other Acts and Regulations.
- **JUSTICES ACT 1902**  
To consolidate and amend the Laws relating to Justices of the Peace and their Powers and Authorities.
- **LAND ADMINISTRATION ACT 1997**  
To make provision for the management and reservation of Crown Land.
- **LIBRARY BOARD OF WESTERN AUSTRALIA ACT 1951 AND PUBLIC LIBRARIES REGULATIONS OF 1985**  
Relates to the operation of public libraries.
- **LIQUOR LICENSING ACT 1988 AND ASSOCIATED REGULATIONS**  
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**  
To make provision for the abatement of litter, establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA).
- **LOCAL GOVERNMENT ACT 1995 AND ASSOCIATED REGULATIONS**  
· **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**  
To provide for the good rule and government, convenience, comfort and safety of persons in local authority districts.
- **LOCAL GOVERNMENT GRANTS ACT 1978**  
A provision whereby the City can apply and obtain grants.
- **MAIN ROADS ACT 1930**  
The closure of roads without notice if their condition is unsafe for vehicular movement or use. To delineate responsibility for traffic control signs.
- **OCCUPATIONAL SAFETY & HEALTH ACT 1984 AND ASSOCIATED REGULATIONS**  
Administered in part by Local Government, to promote and improve standards for occupational health, safety and welfare and to co-ordinate the administration of the laws relating to occupational safety and health for incidental and other purposes.
- **POLICE ACT 1892**  
The temporary closure of streets when conflict with pedestrians may occur.
- **PUBLIC WORKS ACT 1902**  
To consolidate and amend the laws relating to public works.

- **RATES AND CHARGES (REBATES AND DEFERMENTS) ACT 1992**  
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.
- **STRATA TITLES ACT 1985**  
To facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental and connected purposes.
- **TOBACCO CONTROL ACT 1990 AND ASSOCIATED REGULATIONS**  
Administered in part by Local Government, to regulate the sale and promotion of tobacco products.
- **TOWN PLANNING AND DEVELOPMENT ACT 1928**  
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 resources.
- **VALUATION OF LAND ACT 1978**  
To provide for the valuation of land and for other purposes.

#### **SHIRE OF WYNDHAM EAST KIMBERLEY LOCAL LAWS**

All local laws are available from the Shire of Wyndham East Kimberley Administration Office in Kununurra.

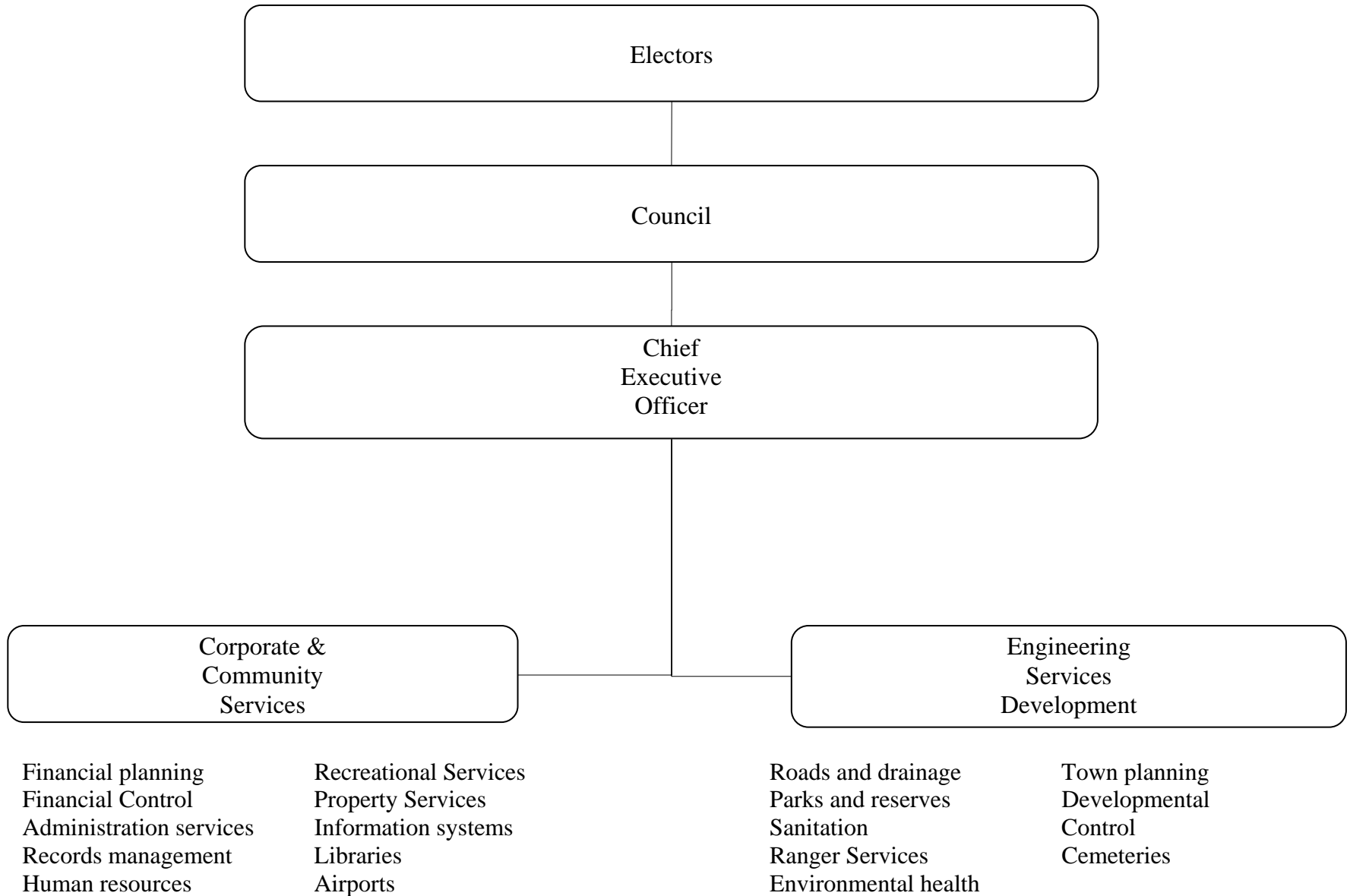
#### **4.0 COUNCIL STRUCTURE**

Council can be divided into four main parts;

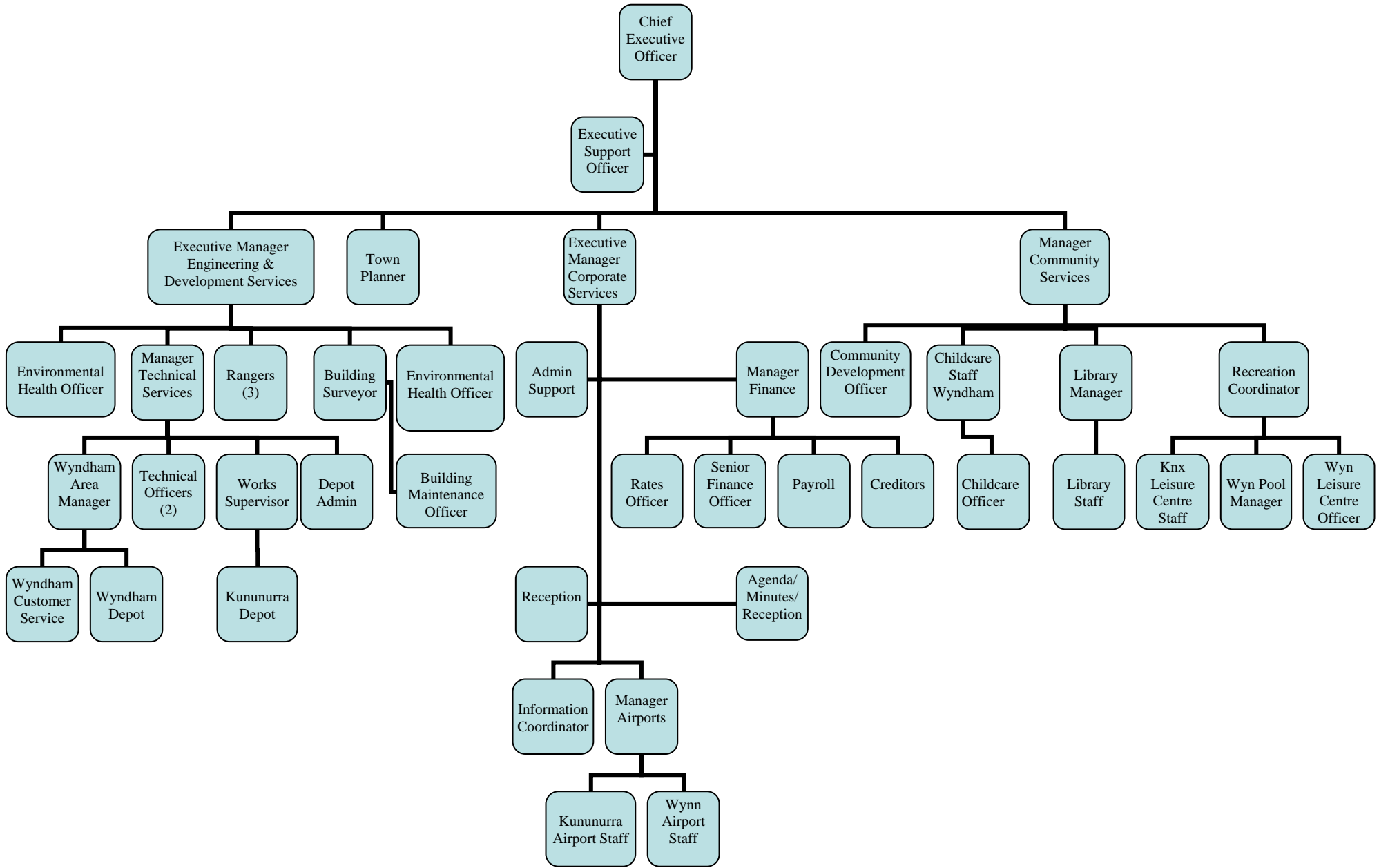
- The President of the Council who is the first citizen of the municipality and chairs the meetings of Council.
- The Councillors, (elected by ratepayers and electors) who form the Council, which is governing body of the municipality.
- The staff implement policies as set out by Councillors, advise Councillors on the legislative and practical aspects in forming policy and attend to the day to day administrations of the municipality.
- The electors, who are served by the Council and its staff.

The following flow charts display the organizational structure of The Shire of Wyndham – East Kimberley.

4.1 ORGANISATIONAL INFORMATION FLOWS AND SERVICE RESPONSIBILITIES



### 4.1.1. SHIRE OF WYNDHAM EAST KIMBERLEY STAFF ORGANISATIONAL CHART



## 5.0 DECISION MAKING FUNCTIONS

### ORDINARY MEETINGS OF THE COUNCIL

Ordinary Meetings of Council are held on the third Tuesday of each calendar month and commence at 6.00pm. Special Meetings of the Council may also be convened.

The public may attend any Ordinary or Special Meeting of Council or Committee Meeting, however, they may not take part in the debate.

Members of the public have a number of opportunities in person, by writing or contacting Elected Members to put forward their views on particular issues before the Council.

### THE LOCAL GOVERNMENT ACT 1995

The Local Government Act prescribes the parameters within which the Shire must function.

### THE PRESIDENT

The President is the Shire'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 the Council.

The Presidents position has special emergency powers for decision and direction to the Chief Executive Officer.

### THE CHIEF EXECUTIVE OFFICER

The day-to-day management of the Shire rests with the Chief Executive Officer. Under the leadership of the Chief Executive Officer, the staff act on the Council decisions by developing and implementing policies and resolutions.

### Councillors (Elected Members)

Councillors are elected by Ratepayers and Occupiers of Property within the Municipality for a term of four years.

Councillors form a working body which collectively makes decisions for the municipality. They do not have authority to act or make decisions as individuals.

Collectively, they play the major role in the policy making of council and have responsibility for:

- The direction and control of the affairs of the community
- The making of key decisions on priorities in the municipality
- The periodic review of Council's programs and performance.

Councillors play a major role in the communication between electors and Council. Councillor duties include:

- Initiating new Policies and Activities
- Evaluating Council attitudes
- Attending meetings – Council and Committee
- Deciding upon issues
- Approving of Works and Services programs
- Allocation of Council Budget.

## **Committees**

### **Standing and Occasional Committees**

Council may constitute Standing or Occasional Committees, with delegated powers, however to borrow or impose rates can not be delegated.

A Standing Committee is a Council committee ongoing until resolved by Council to cease.

An Occasional Committee is one which is constituted to deal with particular matters and ceases to operate on completion of these matters.

### **Advisory and Management Committees**

Councillors or staff may represent Council on various advisory or management committees to convey council policy or report to Council matters raised at the Advisory or Management Committee meetings.

### **Delegated Authority**

The Chief Executive Officer and other staff have some delegated authority from Council to make decisions on some specified administrative and policy matters. These delegations are listed in Council's Delegation of Authority Register and subject to review.

### **LIST OF ADVISORY AND MANAGEMENT COMMITTEES**

Kununurra Community Library  
 Agriculture WA Resources Protection Group  
 Kimberley Development Commission  
 Ewin Centre Committee  
 Halls Creek/ East Kimberley Land Conservation District Committee  
 Keep River National Park Advisory Committee  
 Kimberley Tourism Association  
 Kimberley Ward – Country Shire Councils Association  
 Kununurra Tourist Bureau/Wyndham Tourist Bureau  
 North Kimberley Land Conservation District Committee  
 Kununurra Counter Disaster Committee  
 Australian Airport Owners Association  
 Ord River Irrigation Area Land Conservation District Committee  
 Wyndham Counter Disaster Committee  
 Wyndham Family Support  
 Wyndham Neighborhood Committee

## 5.1 Infrastructure and Services Provided by Council

Areas that form the basis of Council decisions are:

- Administration and collection of Council rates and other monies
- Naturalisation ceremonies
- Junior Council
- Animal Control
- Bushfire Control
- Litter Control
- Child Care Facilities
- Recreation and Pool Facilities
- Parks and Gardens
- Health and Building Control
- Pest Control
- Maintenance of Council Buildings
- Sanitation and Refuse Collection
- Town and District Planning
- Cemeteries
- Roads, Footpaths, Verges and Street lighting
- Kununurra and Wyndham Airports
- Area Promotion

## 6.0 PUBLIC PARTICIPATION

Members of the Public have a number of opportunities to put forward their views or raise matters to the attention of Council.

Forums to have matters raised and express views are:

- **Council Meetings** During Council Meetings, time is allocated in accordance with the Local Government Act for members of the public to ask questions on any issue relevant to Council.
- **Petitions** Written petitions can be addressed to the Council on any issue within Council's jurisdiction.
- **Written Requests** A member of the public may write to council on any Council Policy, Activity or service.
- **Councilors** A member of the public may contact any member of the council to discuss any issue relevant to Council.

- **Electors Meetings** An electors meeting is held annually where members of the public have an opportunity to express their views on any particular issue relating to the year in view.
- **Community Organisations** Council has councilors and staff on various community groups and are available to advise on matters concerning these organizations and Shire in general.
- **Council Staff** A member of the public may approach a member of Council staff to discuss any issue relating to Council.

*Members of the public are welcome and encouraged to attend Council meetings.*

## 7.0 ACCESS TO COUNCIL DOCUMENTS

### 7.1 Documents Available for Public Inspection

The following documents are available for public inspection at the Council Offices free of charge. Members of the public may purchase these documents:

#### Document

Council Agenda  
 Council Meetings  
 Policy Manual  
 Council Budget  
 Annual Quarterly and Monthly Financial Statements  
 Delegation of Authority Register  
 Council Local laws  
 Planning Applications (with consent)  
 Planning Application Register  
 Building Application Register  
 Rate Book  
 Electoral Roll  
 Strategic Plan  
 Tender Register  
 Disclosure of Financial Interests Register

### 7.2 Other Information Requests

Requests for access to information not shown above will be considered in accordance with the freedom of Information provisions of the Local Government Act under this legislation. Application fees (where applicable) are payable at the time of lodging the application. Any charges relating to the application are payable before access to the documents is given.

Details regarding the application fees are contained in Freedom of Information Regulations.

There are no costs associated with access to personal information, however a charge is applicable is the applicant requires copies of documents inspected under Freedom of Information.

Applications for access to documents may be forwarded in writing or by a completed application form addressed accompanied by the application fee (if applicable) to:

*The Freedom of Information Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA WA 6743*

## **8.0 PRIVACY STATEMENT**

The Shire of Wyndham East Kimberley is committed to the Privacy Act (1988) and the National Privacy Principles included in the Information Privacy Act 2000 Amendment (Private Sector).

The Shire of Wyndham East Kimberley respects the privacy of everyone who has information stored within its systems.

### **COLLECTION OF INFORMATION**

Personal information is collected within the Shire of Wyndham East Kimberley by written correspondence, phone, fax, email and verbally at the Reception Counters.

The Shire of Wyndham East Kimberley maintains a comprehensive database of properties, which includes personal information relating to property owners such as names, addresses, and also records any issues such as complaints and enquiries relating to a property.

### **HOW YOUR INFORMATION IS USED**

This information is used for responding to requests within the Shire of Wyndham East Kimberley relating to various services that we provide. Your information is used to administer and manage those services, including billing arrangements.

Additionally, we may use your information for ongoing research and development of our services.

### **INTEGRITY OF DATA**

The Shire of Wyndham East Kimberley endeavours to ensure that personal information held is accurate, complete and up to date. The Shire of Wyndham East Kimberley will also take reasonable steps to ensure that data is protected from unauthorised access and improper use.

## **SENSITIVITY AND ANONYMITY**

The Shire of Wyndham East Kimberley will not collect sensitive information unless the individual has consented or is required by law.

The Shire of Wyndham East Kimberley will also give its customers the option to interact anonymously, providing it is in compliance with the law and practicable to do so.

## **SECURITY OF PERSONAL INFORMATION**

To prevent any unauthorised access to personal information, the Shire of Wyndham East Kimberley has a secure network which has encryption and password protection processes. These assist greatly in protecting the databases on which data is stored.

The Shire of Wyndham East Kimberley will ensure the security and maintenance of all records and personal information that it holds.

## **DISCLOSURE**

Personal information will only be used by the Shire of Wyndham East Kimberley and will not be disclosed to a third party without your consent, unless disclosure is already authorised by any State or Federal Act, which so permits.

## **9.0 AMENDMENT TO COUNCIL RECORDS – PERSONAL INFORMATION**

A member of the public may gain access to Council documents to make amendments covering their personal affairs by making a request under the Local Government Act. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date. You may be asked for identification and some of the information could possibly be subject to exemptions allowed by law under the Freedom of Information Act 1992.

To gain access to these Council records, a member of the public must complete an Application for Access to Documents form as indicated above outlining the records he/she wishes to inspect.

PETER STUBBS  
**CHIEF EXECUTIVE OFFICER**

DATE: