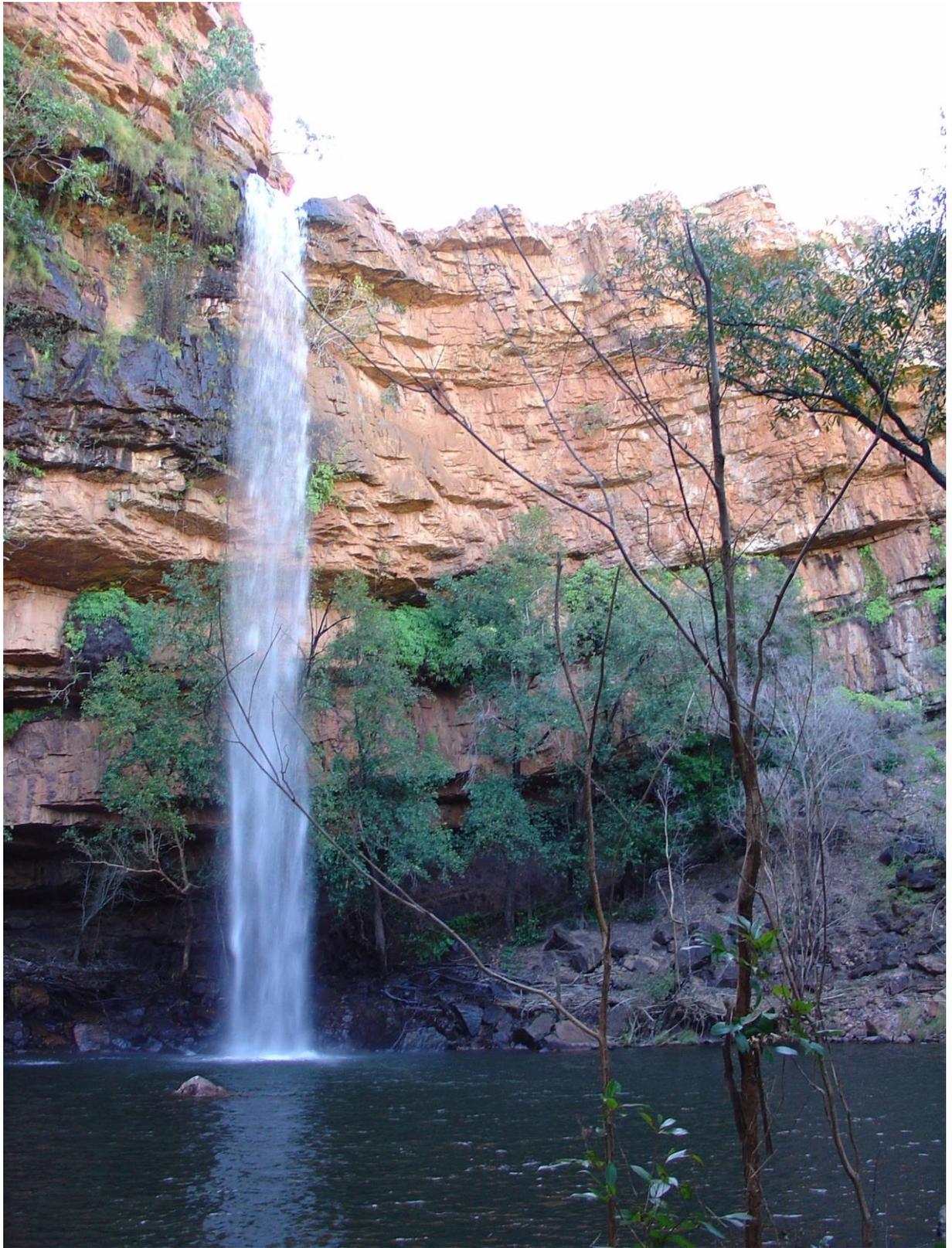




SHIRE of WYNDHAM | EAST KIMBERLEY

INFORMATION STATEMENT

2018 | 2019



Emma Gorge

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1 INTRODUCTION

This Information Statement is published by the Shire of Wyndham East Kimberley in accordance with the requirements of the *Freedom of Information Act 1992*. It is a requirement that the Shire prepares and publish an annual Information Statement. The information contained in this document is correct as at August 2018, and was adopted by the Council at the 28 August 2018 Ordinary Council Meeting.

Enquiries regarding any details contained within this Information Statement can be directed to the Shire of Wyndham East Kimberley administration office by contacting the Freedom of Information Coordinator via:

Phone: (08) 9168 4100

Fax: (08) 9168 1798

Email: mail@swek.wa.gov.au



View from the Bastion, Wyndham

COUNCIL

The Shire of Wyndham East Kimberley covers an area of 121,000 square kilometres and is one of four local governments that make up the Kimberley region. The Shire includes the towns of Kununurra and Wyndham and there are also a number of Aboriginal Communities; the largest being Kalumburu, which is situated in the northern part of the Shire.

A Councillor is a member of a team and that team is shaping the Shires future in consultation with the community. Councillors do not have any authority to act or make decisions as individuals. They are members of an elected body that makes decisions on behalf of the local government through a formal meeting process.

VISION

For the East Kimberley to be a thriving community with opportunities for all.

MISSION

To enable the East Kimberley to develop in a manner that will achieve social, cultural, economic and environmental benefits for all.

GOALS

1. Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.
2. Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.
3. Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.

2 ROLES AND RESPONSIBILITIES

Council consists of nine elected members. Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The implementation of Council's policy and plans and the ongoing management and administration of Shire affairs is the responsibility of the Chief Executive Officer and Shire officers.

The Council undertakes a range of roles which are put into practice by the Shire officers. These roles inform how the Shire will activate the Strategic Community Plan through new projects and operational activities.

Council's Role	Description	Example
Leader	Plan and provide direction through policy and practices.	Local Planning Strategy and Scheme.
Provider	Provide physical infrastructure and essential services.	Waste management, roads, drainage, parks, East Kimberley Regional Airport, sport and recreation facilities.
Regulator	Enforces State legislation and local laws.	Environmental health, land use planning, building services, ranger services and emergency management.
Advocator	Advocate and support initiatives on behalf of the local community and the Kimberley.	Ord stage two, relocation of wastewater treatment plant and drinking water reserve, Kununurra bypass and improvements to the Great Northern Highway, and an active member of the Kimberley Regional Collaborative Group and Kimberley Zone.
Facilitator	Bring stakeholders together.	Participate in human services interagency networks and Foreshore Committee.
Funder	Provide funds or other resources.	Community grants

3 CODE OF CONDUCT – COUNCIL MEMBERS, COMMITTEE MEMBERS AND EMPLOYEES

Section 5.103 of the *Local Government Act 1995* provides that every local government is to prepare a code of conduct which is to be observed by members of the Council and Shire employees.

In relation to information Council Members, Committee Members and employees have a responsibility to ensure that:

- As an Elected Member of the Council, or as a Committee Member there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council.
- Information of a confidential nature ought not to be communicated until it is no longer treated as confidential.
- Information relating to decisions of the Council must only be communicated in an official capacity by a designated officer of the Shire of Wyndham East Kimberley.
- Information concerning adopted policies, procedures and decisions of the Shire of Wyndham East Kimberley is conveyed accurately.

In addition, Elected Members are required to comply with the *Local Government (Rules of Conduct) Regulations 2007*.

4 ORGANISATION STRUCTURE

4.1 Current Elected Members

Your elected members are ratepayers or residents who have volunteered to work for the community and provide an avenue for public participation and input on important decisions which affect the community and Shire. Residents can contact the councillors to discuss any issues relevant to Council.

More information relating to your elected members can be found on the Shire of Wyndham East Kimberley website www.swek.wa.gov.au.

- President Cr David Menzel
- Deputy Cr Tony Chafer
- Cr Narelle Brook
- Cr Mat Dear
- Cr Judy Farquhar
- Cr Grant Lodge
- Cr Michelle McKittrick
- Cr Debra Pearce
- Cr Alma Petherick

4.2 Council / Committee Structure

Council has appointed a number of Committees to assist in streamlining the decision making process. These Committees regularly report to Council. Council's Committees are outlined as follows including the nominated representation:

Committee	Meetings	Responsible Officer
Legislated Committees		
Audit (Finance and Risk) Committee 1. Cr M McKittrick 2. Cr T Chafer 3. Cr G Lodge 4. Proxy: Cr J Farquhar	Every three months	Director Corporate Services
Bush Fire Advisory Committee (BFAC) 1. Cr A Petherick 2. Cr G Lodge 3. Proxy 1: Cr J Farquhar 4. Proxy 2: Cr D Pearce	Every two months	Director Infrastructure
CEO Review and Selection Panel 1. Cr D Menzel 2. Cr G Lodge 3. Cr N Brook 4. Proxy: Cr M McKittrick	As required	Facilitator
Committee	Meetings	Responsible Officer
Legislated Committees		
Local Emergency Management Committee (LEMC) 1. Cr D Menzel 2. Cr M Dear 3. Proxy 1: Cr D Pearce 4. Proxy 2: Cr T Chafer	Quarterly	Director of Infrastructure
Development Assessment Panels 1. Cr D Menzel 2. Cr T Chafer 3. Cr M McKittrick 4. Proxy: Nil	As required	Director Planning and Community Development
Regional Representation		
WALGA Kimberley Zone / Regional Collaborative Group 1. Cr D Menzel 2. Cr T Chafer 3. Proxy 1: Cr N Brook 4. Proxy 2: Cr A Petherick	Quarterly	Chief Executive Officer

Kimberley Regional Road Group 1. Cr D Pearce 2. Proxy: Cr D Menzel	Biannually	Director Infrastructure
North Kimberley Land Care District Committee (LCDC) 1. Director Infrastructure 2. Proxy: Manager Engineering Services	Biannually	Director Planning and Community Development
Local Representation		
Kununurra Community Library 1. Cr M McKittrick 2. Proxy: Cr J Farquhar	Each School Term	Director Planning and Community Development
Community and Civic Events 1. Cr J Farquhar 2. Cr N Brook 3. Cr A Petherick 4. Proxy: Nil	As required	Chief Executive Officer
Disability Access and Inclusion Planning 1. Cr M Dear 2. Cr M McKittrick 3. Proxy: Nil	Annually	Director Planning and Community Development
SWEK Roadwise Committee 1. Cr M Dear 2. Proxy: Cr M McKittrick	Every two months	Chief Executive Officer
Kununurra Visitor Centre 1. Cr J Farquhar 2. Proxy: Cr M McKittrick	Monthly	Chief Executive Officer
Kununurra and Wyndham Alcohol Accord 1. Cr T Chafer 2. Cr G Lodge 3. Proxy 1: Cr A Petherick 4. Proxy 2: Cr M Dear	6 weekly	Director Planning and Community Development
Lake Kununurra Foreshore Reference Committee 1. Cr N Brook 2. Cr D Pearce 3. Proxy 1: Cr D Menzel	Quarterly	Director Planning and Community Development
East Kimberley Marketing Group 1. Cr T Chafer 2. Proxy: Cr N Brook	Monthly	Chief Executive Officer
Australian Airports Association 1. Chief Executive Officer 2. Proxy: Manager East Kimberley Regional Airport	Biannually	Chief Executive Officer

Ord Valley Events Board 1. Nil 2. Proxy: Nil 3. No attendance as grant funding provided	As required	Chief Executive Officer
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4.3 Legislated Committees

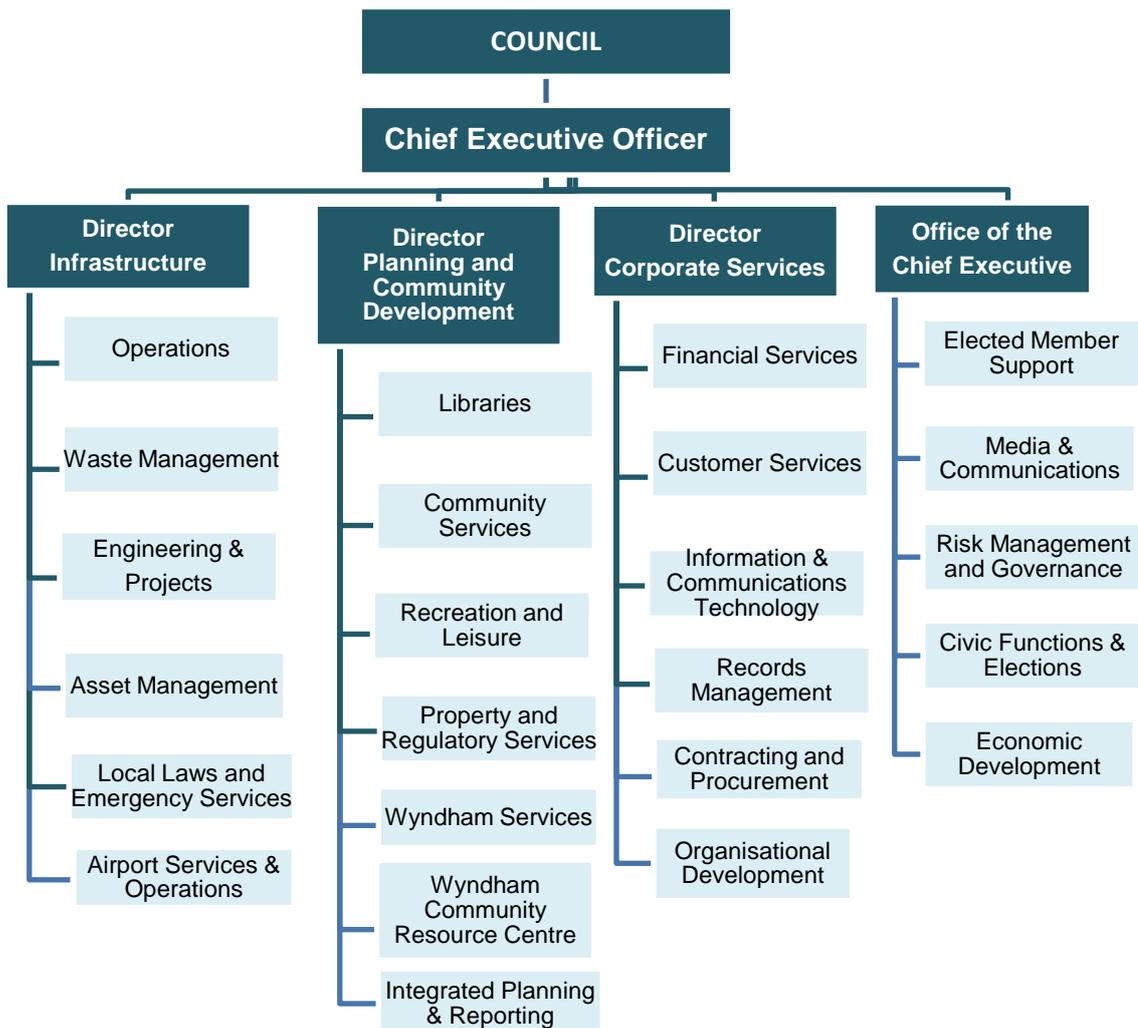
To enable public participation and awareness of Council or Committee meetings, the Shire of Wyndham East Kimberley advertises the dates, times and places of meetings that are open to members of the public.

The Shire publishes a yearly calendar including details for the Ordinary Council Meetings (OCM), Briefing sessions and the Audit (Finance and Risk) Committee Meetings. Updates to meetings are announced fortnightly in SWEK news and on the Shire’s website.

4.4 Council Committees

A number of other committees, some comprising of elected members and advisory committees and consultative groups (that may also include staff and members of the public) which have been established to deal with relevant issues.

4.5 Organisation / Management Structure



5 SERVICE DELIVERY

The four Directorates are responsible for delivering services and infrastructure to the community. Shire services are both internal and external to the organisation.

Infrastructure	Planning and Community Development	Corporate Services	Office of the Chief Executive
<ul style="list-style-type: none"> ▪ Asset Management ▪ Project Management ▪ Depot and Plant ▪ Roads and Bridges ▪ Drainage Systems ▪ Parks, Ovals and Reserves ▪ Footpaths, Trails and Cycle ways ▪ Play Spaces ▪ Waste Management ▪ Airport Management ▪ Ranger Services ▪ Emergency Services 	<ul style="list-style-type: none"> ▪ Community Development ▪ Kununurra Library ▪ Strategic and Land Use Planning ▪ Disability Access ▪ Youth Services ▪ Recreation and Leisure ▪ Building Services ▪ Property and Facility Management ▪ Environmental Health ▪ Integrated Planning & Reporting 	<ul style="list-style-type: none"> ▪ Corporate Services ▪ Information & Communications Technology ▪ Financial Services ▪ Records Management ▪ Customer Services ▪ Contracting & Procurement ▪ Insurance ▪ Organisational Development ▪ Wyndham Library ▪ Wyndham Office Services 	<ul style="list-style-type: none"> ▪ Office of the Chief Executive ▪ Council Secretariat ▪ Economic Development ▪ Media & Communications ▪ Governance ▪ Risk Management ▪ Occupational Health and Safety ▪ Civic Functions ▪ Elections

6 FUNCTIONS OF THE SHIRE

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

6.1 General Functions

Section 3.1 of the *Local Government Act 1995*

The general function of a local government is to provide for the good government of people living and working within its district. This means that local governments can do things for the good governance of the district if they are not prevented from doing so by the *Local Government Act 1995* or any other written law.

In exercising this general power, a local government can make local laws (legislative function) and provide services, facilities and infrastructure (executive functions).

6.2 Legislative Functions

Section 3.5 of the *Local Government Act 1995*

A local government may make local laws that are necessary or convenient for it to perform any of its functions. However, a local law will be inoperative to the extent that it is inconsistent with any other written law (e.g. because there is already a State law covering the same area).

6.3 Executive Functions

Section 3.18 of the *Local Government Act 1995*

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.

However, before commencing a service or providing a facility, a local government has to satisfy itself that the service or facility it provides integrates with the State or Commonwealth services and does not duplicate inappropriately any State, Commonwealth or private service and is managed efficiently and effectively.

Local government can make local laws about street trading, reserves, signs, parking, dogs, cats, health, licensing for planning schemes and much more.

7 ADMINISTRATION

The *Local Government Act 1995* is the principle statute pertaining to the functions and role of local government.

7.1 Acts of Parliament

The Council also administers a number of other Acts of Parliament which include but are not limited to:

- Building Act 2011
- Building and Construction Industry Training Fund and Levy Collection Act 1990
- Bush Fires Act 1954
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Cat Act 2011
- Disability Services Act 1993
- Dog Act 1976
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Food Act 1911
- Freedom Of Information Act 1992
- Health Act (Miscellaneous Provisions) 1911
- Heritage of Western Australia Act 1997
- Library Board and Western Australia Act 1951
- Litter Act 1979 and Associated Regulations
- Local Government Act 1995 & Local Government (Miscellaneous Provisions) Act 1960
- Local Government Grants Act 1978
- Occupational Safety and Health Act 1984 and Associated Regulations
- Parliamentary Commissioner Act 1971
- Planning and Development Act 2005
- Public Health Act 2016
- Public Interest Disclosure Act 2003
- Rates and Charges (Rebates and Deferments) Act 1992
- State Records Act 2000
- Strata Titles Act 1985

- Workers Compensation and Injury Management Act 1981

7.2 Local Laws

The Shire of Wyndham East Kimberley also has the power under the *Local Government Act 1995* (and other legislation) to adopt laws.

Local Laws are intended to benefit the community by:

- Supporting a healthy and safe community;
- Protect public assets from damage or accelerated deterioration;
- Protect the environment; and
- Support a quality of life that meets the general expectations of the community.

To do this, Local Laws are used to control activities and uses on land which may:

- Be detrimental to the amenity of the area or the environment; or
- Cause a nuisance to others in the vicinity; or
- Cause damage to Council and community assets; or
- Create an obstruction or danger or expose others to risk; or
- Interfere with the safety and convenience of people travelling on or using Council land or roads; or
- Impede free and safe access for people; or
- Affect a person's enjoyment of public and other places.

The Shire currently has local laws relating to the following activities:

- Activities in Thoroughfares and Public Places and Trading Local Law 2005
- Health (Food) Local Laws 2009
- Repeal Local Law 2003
- Local Government Property Local Law 2003
- Parking and Parking Facilities Local Law 2003
- Meeting Procedures Local Law 2016
- Cemeteries Local Law 2003
- Bush Fire Brigades Local Law 2003
- Extractive Industries Local Law 2003
- Local Laws Relating to Fencing 2003
- Dogs Local Laws 2003
- Health Local Laws 2003

The Shire's Local Laws are available to the public for perusal at the Shire administration office or available to download from the Shire website: www.swek.wa.gov.au.

8 DECISION MAKING FUNCTIONS

8.1 The Shire President

The role of the President is to:

- Preside at Council Meetings (in this role the President is required to ensure that meetings are conducted in a correct and orderly manner and to remain impartial when chairing the meeting.
- Provide leadership and guidance to the community.
- Carry out civic and ceremonial duties, such as conducting citizenship ceremonies on behalf of local government.
- Perform other such functions as are given to the President by the Local Government Act or any other written law.
- Liaise with the Chief Executive Officer on local government's affairs and the performance of its functions.
- Speak on behalf of local government as a corporate entity.

8.2 The Chief Executive Officer

The Chief Executive Officer acts as the conduit between the elected members and the employees' of the local government. All other employees ultimately receive their direction from, and are responsible to the Chief Executive Officer. Elected members acting individually do not have the authority to influence the activities, duties and operations of these employees directly. The Chief Executive Officer is the chief non-elected officer and has a number of functions such as:

- Advise Council in relation to the local government's functions.
- Ensure that advice and information is available to Council so that informed decisions can be made.
- Manage the day to day operations of the local government.
- Be responsible for the employment, management, supervision, direction and dismissal of other employees.
- Liaise with the President on local government's affairs and performance of functions.
- Cause Council decisions to be implemented.
- Speak on behalf of local government if the President agrees.
- Ensure that the records and documents of the local government are properly kept; and
- Perform any other function specified or delegated by the local government or imposed under an act or any other written law as a function to be performed by the Chief Executive Officer.

8.3 Delegations

The Chief Executive Officer and other officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters which are subject to ongoing development. These delegations are detailed in the Delegations Register and are reviewed annually by Council.

In keeping with the legislative requirements, Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development. Council has a number of Policies which enable matters to be dealt with on a consistent basis. Policies are available to be viewed on the Shires website www.swek.wa.gov.au.

9 PUBLIC PARTICIPATION

9.1 Public Notices and Advertising

The *Local Government Act 1995* and other legislation may require the Shire to provide notice of its intention to take a particular course of action or decision. The Shire may also advertise certain proposed course of action or decision in order to provide the community with an opportunity to make submissions. These notices and advertisements generally appear within the 'West Australian' and/or the 'The Kimberley Echo' newspapers along with notifications on the Shire website and Facebook page.

9.2 Council Meetings

Council's Briefing Sessions are confidential and held on the second Tuesday of each month. These meetings are designed to brief and prepare the Council of the items pending for the upcoming Ordinary Council Meeting.

Ordinary Council Meetings are generally held on the fourth Tuesday of every month.

Audit (Finance and Risk) Committee Meetings are held on a quarterly basis – generally in February, May, August and November. The meetings are timed so that should any matters arise at the Audit (Finance and Risk) Committee meetings that need to be discussed at a Council Briefing or be reported to Council, those matters can be dealt with in the same month as the Audit (Finance and Risk) Committee meeting.

For confirmation of Council meeting dates please contact the Shire on (08) 9168 4100 or visit the Shire of Wyndham East Kimberley at www.swek.wa.gov.au.

All meetings take place at the Council Chambers, Shire of Wyndham East Kimberley, 20 Coolibah Drive, Kununurra WA 6743 at 5:00 pm, however Ordinary Council Meetings are held quarterly in Wyndham in February, May, August and November.

9.2.1 Public Question Time

All Council meetings are open to the public. There is a 'Public Question Time' at the beginning of the meeting. All questions are to be submitted in writing prior to the meeting. During this time electors may raise questions for discussion and answer. Council have adopted a Policy in relation to Public Question Time, *CP/GOV-3105 Public Question Time - Management* which can be sourced on the Shire's website.

9.2.2 Presentations

With the permission of the Chief Executive Officer, members of the public can address Council on any matter on the Council Agenda.

9.2.3 Petitions

Written petitions are to be addressed to the President on any issue within Council's jurisdiction. The Council's *Meeting Procedures Local Law 2016* outlines the process for presenting petitions in clause 6.10.

9.2.4 Written Requests

A member of the public can write to Council on any Council Policy, activity or service.

9.2.5 Elected Members

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

9.2.6 Deputations

Where a member of the Community has an interest in an item listed for discussion at a Council or Committee meeting, upon prior written application to the Chief Executive Officer they are entitled to give a deputation.

Such deputations shall consist of no more than five (5) persons with only two (2) who may address the meeting for a period not exceeding 10 minutes without the agreement of the Council. Further details regarding deputations are contained in clause 6.9 of Council's *Meeting Procedure Local Law 2016* which can be found on the Shire's website.

9.3 Elector Meetings

Every financial year the Shire must hold a General Elector's Meeting at which the Shire's Annual Report is presented. Matters discussed at the Elector's Meeting include the contents of the annual report for the previous financial year and then any other general business.

Members of the public are encouraged to attend this meeting as it provides an opportunity to ask questions and raise issues with the local representatives.

9.4 Agendas and Minutes

Agendas of Council Electors and Committee Meetings are on public display at the Shire office and Library's within the Shire. Agendas can be viewed on the Shire's website at www.swek.wa.gov.au. Council Agendas are generally available from the Friday prior to the Council Meeting.

Minutes of Council, Electors and Committee meetings are available within 10 working days of the meeting and are also on display at the Shire office and Library within the Shire and can also be viewed on the Shire's website – www.swek.wa.gov.au/publications.

10 COMMUNITY CONSULTATION

The Council consults the community to seek their views on a number of projects in which it is involved in. Council can seek these views in a number of ways including advertising in local papers, calling public meetings, seeking responses to surveys and questionnaires.

Residents are notified of some Development Applications requiring the approval of Council. When an application is publicly notified, residents have the opportunity to write to Council expressing their view of the application.

Council's approach to community engagement is based on the International Association of Public Participation's (IAP2) Spectrum. The level of engagement should be determined by considering the issue, problem or opportunity requiring community engagement, the objectives to be achieved by engaging and the extent that the community can assist Council to make decisions.



Community Consultation for the 10 Year Strategic Community Plan

The IAP2 Public Participation Spectrum:

	Inform	Consult	Involve	Collaborate	Empower
Community Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain feedback on analysis, alternatives and / or solutions.	To work directly with the public throughout the process to ensure that public concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Community	We will keep you informed.	We will keep you informed, listen to and acknowledge aspirations and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are reflected in the alternatives developed and provide feedback on how community input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques	Fact Sheets, Websites, Open Houses.	Public Comments, Focus Groups, Surveys, Public Meetings.	Workshops, Deliberative polling.	Advisory Committees, Consensus Decision Making.	Citizen Juries, Ballots, Delegated decision.

11 PUBLIC LIBRARIES

11.1 Kununurra Library

The Shire of Wyndham East Kimberley has two public libraries, Kununurra Community and School Library and the Wyndham Library located in the Shire administration office, Wyndham. The Kununurra Library is a joint use facility with the Kununurra District High School. The Library aims to provide excellent and relevant library programs, resources and customer service to students, community members and visitors of Kununurra District High School and the Shire of Wyndham East Kimberley.

Kununurra Community and School Library specialises in children's services, visiting author and illustrator events, programs that promote community harmony and resources about the Kimberley.

LOCATION

The library is located on the corner of Coolibah Drive and Mangaloo Street, Kununurra and is situated on the Kununurra District School grounds.

Kununurra Library Contact Details:

Phone: 08 9169 1227

Fax: 08 9169 1128

Email: librarian@swek.wa.gov.au

Kununurra Library Open Hours:

Monday 8am - 4pm

Tuesday 8am - 5:30pm

Wednesday 8am - 12:30pm

Thursday 8am - 5:30pm

Friday 8am - 4pm

Saturday 9am - 1pm

Contact the Library or check the website for amended hours during school holidays or special program details.



Rhyme time at the Kununurra Library

11.2 Wyndham Library

The Wyndham Library aims to provide excellent and relevant library programs, resources and customer service to the community of Wyndham.

LOCATION

The Library is located in the Shire of Wyndham East Kimberley offices, 990 Koolama Street, Wyndham.

Wyndham Library Contact Details:

Phone: 08 9161 1200

Fax: 08 9161 1295

Email: wyndham.library@swek.wa.gov.au

Wyndham Library Open Hours:

Monday 8am – 12pm, 1pm - 4pm

Tuesday 8am – 12pm, 1pm - 4pm

Wednesday 8am – 12pm, 1pm - 4pm

Thursday 8am – 12pm, 1pm - 4pm

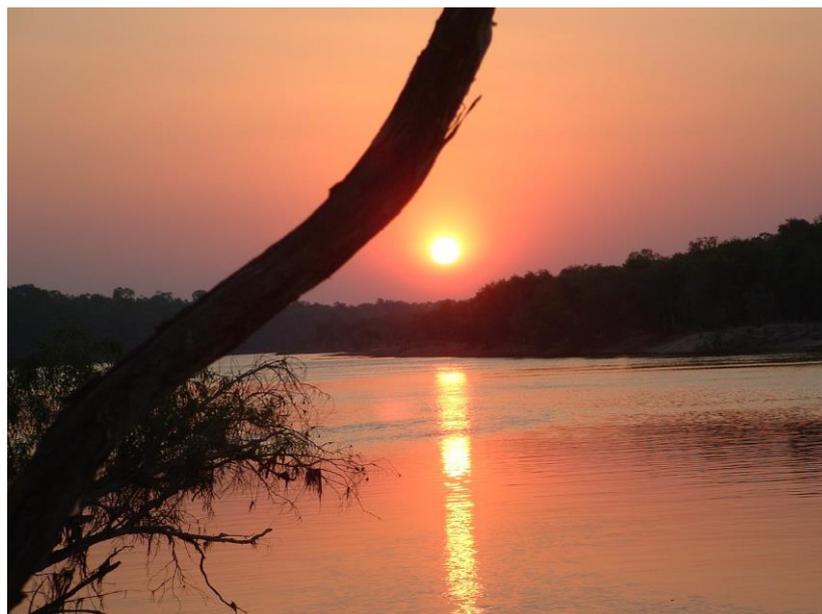
Friday 8am – 12pm, 1pm - 4pm

ACTIVITIES FOR CHILDREN AND PARENTS

WELA Story Time is held in the Wyndham Library on Thursday mornings starting at 8:30am. As part of the Better Beginnings program, the Library offers parents and children a large collection of Story Time and Better Beginnings books, audiobooks and access to State Library of Western Australia e-resources, including TumbleBooks and StoryBox.

CATALOGUE

An online catalogue is available to assist you in sourcing the required book, audiobook or DVD you require: <http://www.swek.wa.gov.au/wyndham-community-library.aspx>



12 FREEDOM OF INFORMATION

12.1 What is Freedom of Information?

The *Freedom of Information Act 1992* (the FOI Act) is an Act to provide for public access to documents, and to enable the public to ensure that personal information in documents held by the Shire is accurate. Under the FOI Act, the right to access applies to documents held by most State government agencies, Ministers and local government. These bodies are referred to as “agencies”.

The type of documents accessible under the FOI Act include paper records, plans, drawings, photographs, tape recordings, films, videotapes or electronic documents. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost.

Individuals can also apply to have personal information about them listed in any government documents amended if that information is inaccurate, incomplete, out of date or misleading.

There are two main categories of documents held by the Shire of Wyndham East Kimberley, those available for inspection or purchase outside of the FOI Act and those through their content must be held confidentially and public access considered only through the provision of the FOI Act. Wherever possible the Shire of Wyndham East Kimberley is required to provide access to documents outside of the FOI process.

People have the right of access to documents held by Ministers, State Government departments, local governments and other statutory authorities and can apply for access to the documents of an agency or local government. This right is not affected by any reason the person has for wishing to obtain access or the local government’s belief as to what the reasons are for wishing to obtain access.

The agency does have the right to refuse access to documents, or certain information in them, if that information is deemed exempt under the FOI Act. These exemptions include:

- personal information about individuals other than your own personal information;
- the protection of essential public interest;
- commercial information that would reveal trade secrets or information of a commercial value;
- documents that are covered by legal professional privilege;
- the deliberate processes of local government.

It is the Shire’s intention to provide access to requested documents, wherever possible, in the ordinary course of daily work provided that in so doing no harm is inflicted upon the rights or interests of private individuals or commercial organisations. Where requested documents are of a sensitive nature, the application will be dealt with under the provisions of the Act taking into account all parties concerned. It is our belief that that this strategy will facilitate the provision of information to the public in a prompt and cost effective manner whilst still observing the need to preserve the confidentiality of classified information.

12.2 Documents Available Outside the 'FOI' Act

The Shire of Wyndham East Kimberley is required under the *Local Government Act 1995*, Section 5.94 and 5.95 to make available for inspection to the public the following documents. You can request to view these documents by attending the Shire's Administration office and copies can be obtained upon payment of the relevant charges for production. Many of these documents can also be found on the Shire's website at www.swek.wa.gov.au.

- Code of Conduct
- Complaints Register of Minor Breaches
- Annual Budget
- Annual Financial Statements
- Schedule of Fees and Charges
- Strategic Community Plan
- Corporate Business Plan
- Local Laws (including amendment of text or appeals of local laws)
- Rates Records – Rate Book
- Minutes of Committee Meetings and Council Meetings (confirmed minutes that relate to the meeting)
 - Limitation – Access does not extend to the inspection where a meeting of Council or Committee, or a part of such a meeting, to which the information refers, was closed to members of the public. Nor does it extend where it relates to any debt owed to the City.
- Electoral Roll – Shire of Wyndham East Kimberley Owner and Occupiers or Consolidated Roll
- Registers – Tenders, Gift
- Information Statement
- Documents released for public comment
- Delegated Authority (and decisions made under Delegation)
- Building and Development Applications via Search and Retrieval Application and subject to fees
- Shire of Wyndham East Kimberley Enterprise Agreement

12.3 Documents Available Under the 'FOI' Act

12.3.1 How to Apply

For access to documents other than those listed as accessible outside the 'FOI' Act a Freedom of Information application must be submitted. This application will be subject to legislation regarding the *Freedom of Information Act 1992* as outlined in this information statement.

A Freedom of Information application must be in writing and include an Australian address to where notices can be sent. It is beneficial to include as much information as possible as outlined on the application form including your full name, telephone contact and email address.

A prescribed fee of \$30 will be applicable upon submission of the application in order for the Information Coordinator to begin the document assessment process. The identified documents will then be reviewed to determine if any exemptions apply. The response to the original application must be provided to the applicant in the shortest possible time (or within 45 days) at the lowest reasonable cost.

The application should include enough information to clearly identify the requested documents. Try to include information such as subject matter, clearly defined dates where possible and the types of documents required.

You can contact the Shire's Freedom of Information Coordinator prior to completing your application for assistance to clarify and/or reduce your scope. The Shire can refuse to deal with any application that it considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it (*Freedom of Information Act 1992, Part 2, s.20(1)*).

Application forms can be collected in person from the Shire Administration office or downloaded from the Shire website. Forms can be submitted in person or by mail and the application must include the prescribed payment to be considered valid.

The Shire of Wyndham East Kimberley
Freedom of Information Coordinator
20 Coolibah Drive
KUNUNURRA WA 6743

PO Box 614
KUNUNURRA WA 6743

Phone: 08-9168 4100
Email: mail@swek.wa.gov.au
Website: www.swek.wa.gov.au

12.3.2 Fees and Charges

No fees or charges apply for information relating to personal information or the amendment of personal information. All other applications are subject to the prescribed application fee.

FEES AND CHARGES	FEE
FEES (GST EXEMPT)	
Application fee for non-personal information (Mandatory)	\$30.00
Application fee for personal information	No Fee
CHARGES (GST APPLICABLE)	
Charge for staff dealing with application and photocopying	\$30.00 / hr
Supervised access to records for inspection only	\$30.00 / hr
Transcribing information from tape, film or computer	\$30.00 / hr
Photocopying	\$0.20 / page

FEES AND CHARGES	FEE
Duplicating a tape, CD, DVD or computer information	Actual Cost
Delivery, packing and postage	Actual Cost
DEPOSITS	
An advance deposit may be required	25%
An additional advance deposit may be required for large applications	75%

For financially disadvantaged applicants of those issued with prescribed pensioner concession cards, (apart from the application fee) the charge payable is reduced by 25%.

There are no application fees or charges for internal or external reviews.

12.3.3 Notice of Decision (s.49)

A “Notice of Decision” will be provided by the chief decision maker at the Shire. This “Notice of Decision” will advise the outcome of your application. If the outcome is positive it will also include information as to how to obtain the required documents. If access is refused or only partial access is granted, the “Notice of Decision will outline the reasons as to why you have been denied access to any or all documents.

12.3.4 Decision and Reasons for Decision (s.49)

The FOI Act allows agencies to refuse access without confirming or denying the existence of a document in certain narrow circumstances. These are where a document, if it existed, would be exempt under section 33 (documents affecting national security, defence or international relations) or section 37(1) (documents affecting enforcement of law and protection of public safety).

12.3.5 Your Review Rights – Internal Review (s.39)

If you are dissatisfied with the Shire’s decision (which is deemed to be a refusal to grant access), you may apply for internal review or seek the Information Commissioner review the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

12.3.6 Decision and Reasons for Decision (s.49)

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review the decision. An application for review by the Information Commissioner must be made in writing within 60 days after being given the agency's decision, and be lodged in one of the following ways:

Online: <https://www.oic.wa.gov.au/en-au/AppforExtRev>
Email: info@foi.wa.gov.au
Address: Albert Facey House
469 Wellington St
PERTH WA 600

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

12.3.7 Appeals to the Supreme Court (s.85)

Any party to a complaint may appeal to the Supreme Court on any question of law arising out of a decision of the Information Commissioner, except for a decision as to the deferral of access to a document, the charges to be imposed for dealing with an access application and the payment of a deposit on account of charges.

12.4 Time Limits

12.4.1 Notice of Decision

Must be issued within 45 calendar days from when the application was received. Should the application be unusually large, or require consultation with a significant number of third parties, consultation with the Applicant to arrange an agreed period of extension should take place as soon as is practicable within the assessment process.

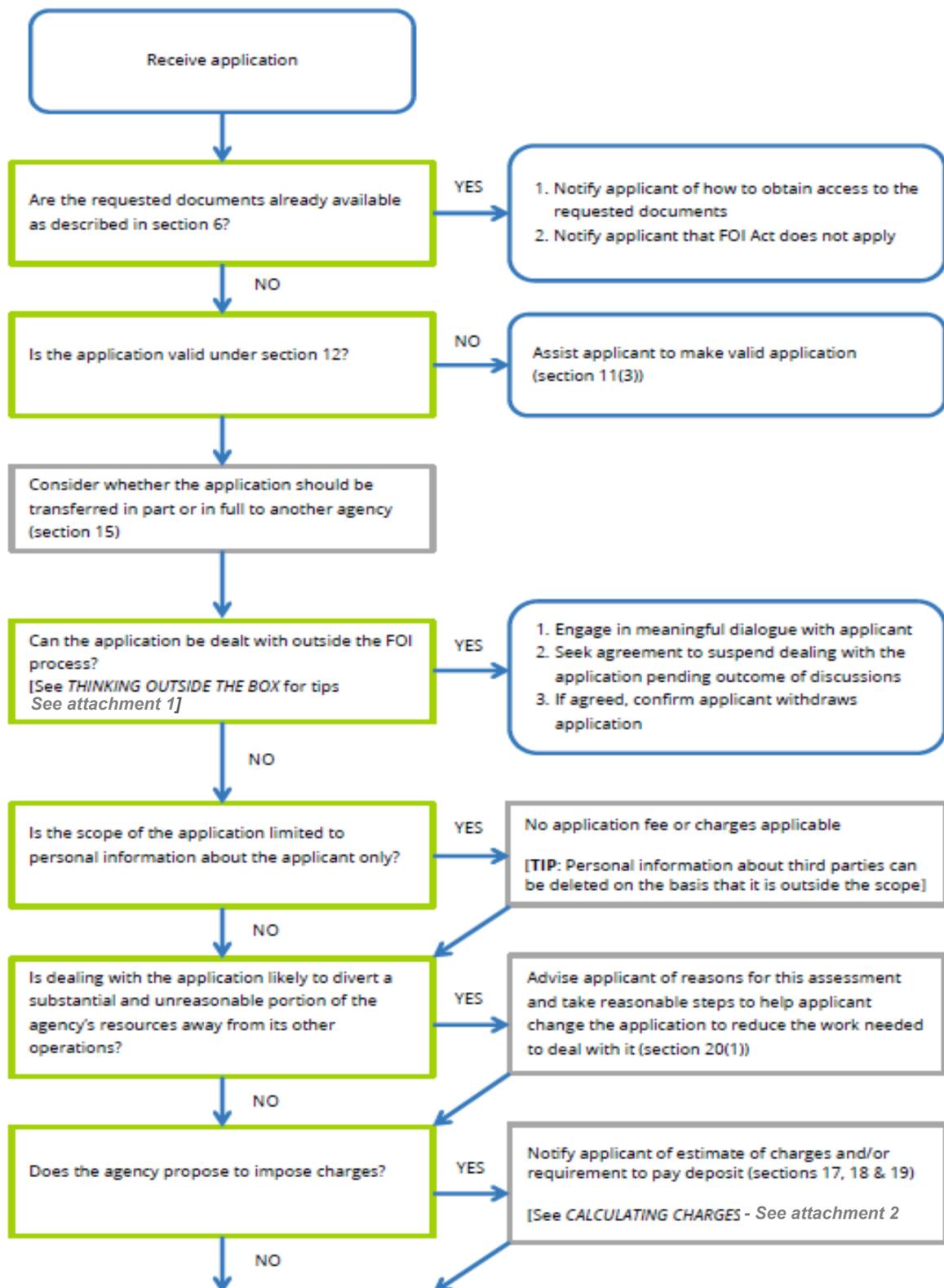
12.4.2 Internal Review

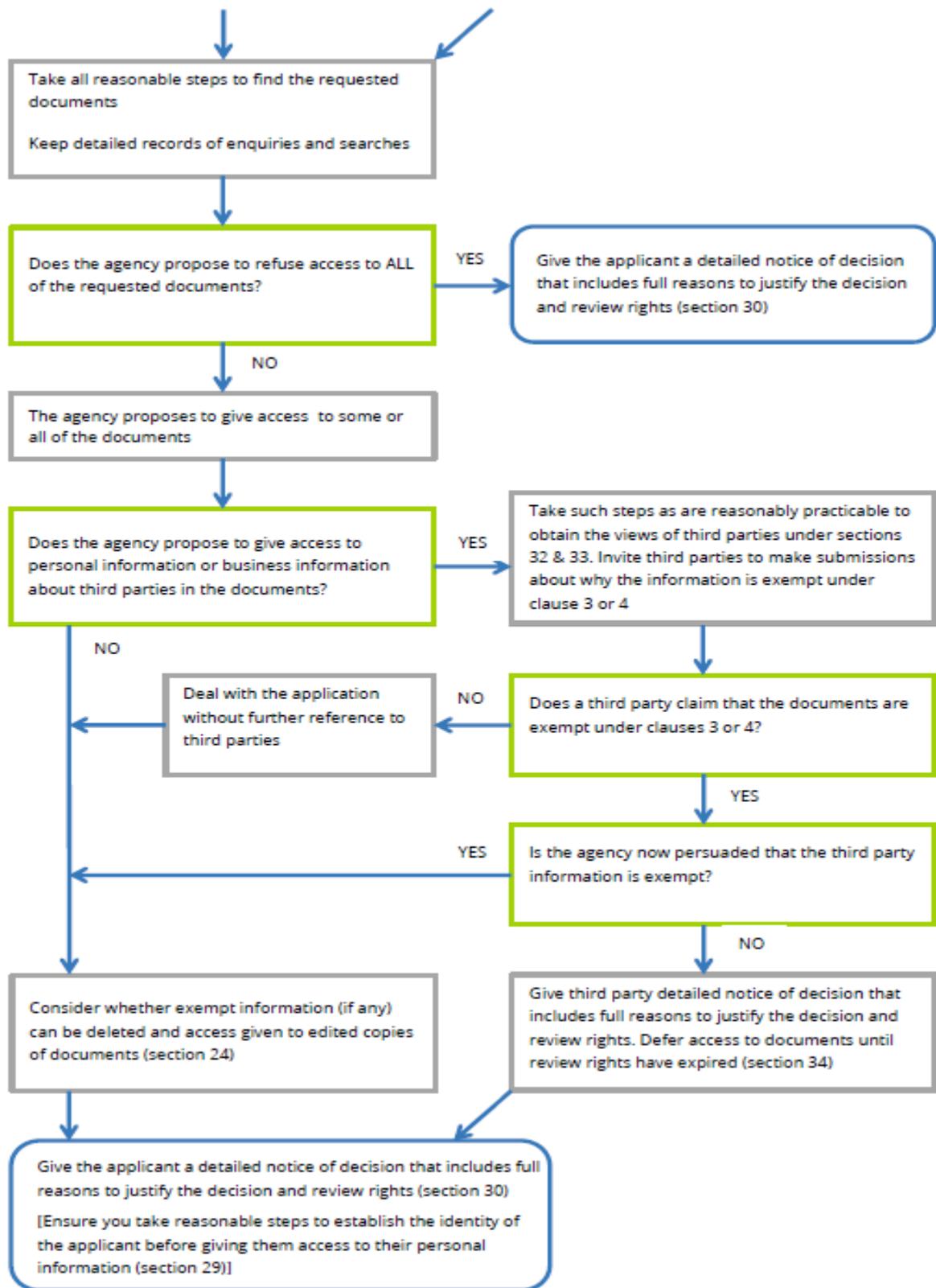
Must be lodged within 30 calendar days by the applicant if they are dissatisfied with the Shire's Notice of Decision. The Shire in turn must respond within 15 days upon receipt of the Internal Review application.

12.4.3 External Review

Must be lodged within 60 calendar days by the applicant if they are dissatisfied with the Shire's Internal Review decision. The Information Commissioner in turn must respond within 30 days upon receipt of the External Review application.

12.5 Freedom of Information Process Flow





12.6 Amending Personal Information

The 'FOI' Act allows you to seek amendment of personal information held by the Shire. This ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression or is incorrect or inaccurate. Applications must be provided to the Shire administration office in writing to request a correction, amendment or annotation to the documents containing an individual's personal information.

The written application must include:

- the details, and if necessary, documentation to support claims that the information the Applicant seeks to amend is inaccurate, incomplete, out of date or misleading.
- direction from the applicant as to whether they require the amendment to the information to be made by altering, striking out or deleting the information or inserting information or a note in relation to the information.

The agency can refuse to annotate a record if they consider the annotation to be voluminous, defamatory or irrelevant. They can also attach their own comments to the annotation.

The Shire will inform the applicant of its decision and the reasons for arriving at that decision, together with rights of review if dissatisfied with the Shire's decision.

The Privacy Act 1988 (Privacy Act) also provided you with rights to request that Ministers and agencies change information they hold about you. These rights are separate from your rights under the 'FOI' Act.

13 CHANGE OF ADDRESS / DETAILS REQUEST

If you are a current rate payer, creditor or debtor within the Shire of Wyndham East Kimberley and you required to amend any details of where your notices and accounts are sent, a 'Change of Address / Details Request' form must be completed and returned to the Shire administration office. The form can be downloaded from Shire's website at <http://www.swek.wa.gov.au> under Find a Form or you can request a copy either in person or by email directly from the Shire administration office.

Freedom of Information Application Form



PO Box 614 Kununurra 6743
 20 Coolibah Drive KUNUNURRA
 Koolama Street WYNDHAM
 T | 9168 4100
 F | 9168 1798
 E | mail@swek.wa.gov.au
 W | www.swek.wa.gov.au
 8.00am - 4.00pm MON - FRI

Pursuant to the *Freedom of Information Act 1992, Section 12*

1. DETAILS OF APPLICANT

Surname:	_____	Given Names:	_____
Australian Postal Address:	_____ _____		
Daytime Contact Number:	_____	Mobile:	_____
Email Address:	_____		
Agency Name and Contact Details (if applicable):	_____ _____		

2. DETAILS OF REQUEST

Information Type	Application Fee	Details
Personal documents	<input type="checkbox"/> Nil	Request must only contain personal information about the applicant eg. Family details, details of employment, material in personal records, medical reports etc.
Non-Personal documents	<input type="checkbox"/> \$30.00	\$30.00 application fee and associated charges, and may, subject to the Act and/or consultation, contain information regarding third parties.
I wish to apply for access to documents concerning: _____ _____		
Please indicate a time period for the documents, if possible:		
Start Date:	_____	End Date: _____

3. FORM OF ACCESS

Inspection: <input type="checkbox"/>	Hard Copy: <input type="checkbox"/>	Electronic Copy: <input type="checkbox"/>
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Thinking outside the FOI box

The objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public. For this reason, when dealing with requests for documents or making decisions under the Act, agencies are not merely complying with an administrative process. They are dispensing justice to the people of Western Australia.

This may require thinking outside the FOI box.

One of the most effective things agencies can do to achieve the objects of the Act is to disclose information outside the FOI process unless there is a good reason not to do so. This can be done by proactively publishing information, or by providing requested information without the need for a formal FOI application.

Even a formal access application does not prevent agencies from engaging in open and meaningful dialogue with an applicant with a view to finding an outcome which meets the person's needs. For example, an applicant may be able to obtain access to the requested documents more quickly and at lesser cost if the applicant agrees to exclude unwanted information from the scope of the application.

When the decision is made, the requirements for a valid notice of decision are described in the Act. These requirements need to be followed. However, an FOI decision-maker can go further than the requirements by asking: Would I understand the decision? Would I feel that my interests and arguments have been taken into account? Would I consider that I have been given a thorough and fair hearing?

A good notice of decision will allow all of these questions to be answered "yes".

If you have any general enquiries about the FOI process, please see our website or contact our office.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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



Calculating charges

Applicants are entitled to have access to documents at the lowest reasonable cost ([section 4](#)).

The FOI Act and FOI Regulations outline the charges an agency can impose for dealing with an access application ([section 16](#), regulations [3](#) and [5](#) and [Schedule 1](#) to the Regulations).

No fees or charges apply for applications that are limited to personal information about the applicant only.

The Information Commissioner has found that charges may be imposed for:

- consulting with third parties, if necessary;
- examining documents, exercising judgment and making decisions on access;
- deleting exempt matter where appropriate;
- preparing a notice of decision; and
- providing access in the manner required.

The Information Commissioner considers that an agency is not entitled to impose a charge for searching for documents. Although section 16(1) of the FOI Act clearly contemplates that a charge for conducting a routine search may be required to be paid by an applicant, no charge for searching for documents is presently prescribed by the FOI Regulations.

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