



INFORMATION STATEMENT 2021



Shire of Derby/West Kimberley

Prepared by the Shire of Derby/West Kimberley
in compliance with the requirements of the
Freedom of Information Act 1992

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INTRODUCTION

This Information Statement is provided in accordance with the requirements of Part 5 of the *Freedom of Information Act 1992 (WA)*. The purpose of the Information Statement is to ensure that information concerning the structure and functions of the Shire of Derby/West Kimberley (the Shire) and types of documents held by the Shire are available to the public. Comprehensive information regarding the operations of the Shire may be found on the Shire's website address www.sdwk.wa.gov.au

Copies of this document may be obtained from www.sdwk.wa.gov.au or

Shire of Derby/West Kimberley
Administration Building
30 Loch Street
PO Box 94
DERBY WA 6728

Enquiries may be made to that office on telephone 08 9191 0999 Monday to Friday from 8.00am to 4.00pm, or by email at sdwk@sdwk.wa.gov.au

VISION, MISSION AND VALUES

The Shire's strategic direction is articulated through the following Vision, Mission and Values within the Shire of Derby/West Kimberley Strategic Community Plan 2012-2021.

Our Vision

"A friendly and diverse place with awesome opportunities"

Our Mission

"To provide leadership, infrastructure and services that meet the needs of the local and wider communities"

Our Values

Respectful by being helpful, friendly and supportive

Integrity through honesty, accountability and ethical behaviour

Leadership by the Shire at the local and regional level and through encouragement of community leaders

Knowledgeable by being well informed and accurate in what we do

Building Good Relationships by being communicative, responsive and inclusive



ENABLING LEGISLATION

The Shire of Derby/West Kimberley is constituted as a district under the *Local Government Act 1995*. Under the *Local Government Act 1995*, the Shire has general, legislative and executive functions.

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.

Legislative Functions

Section 3.5 of the Local Government Act 1995

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

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 under the *Local Government Act 1995*.

The Shire of Derby/West Kimberley's local laws are available on the Shire's website, or alternatively are available for viewing at all Shire of Derby/West Kimberley public libraries or customer service centres.

Many other Acts of Parliament affect the conduct of the business of a local government including, but not limited to, the following principal Acts:

- *Building Act 2011*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*
- *Cat Act 2011*
- *Disability Services Act 1993*
- *Dog Act 1976*
- *Environmental Protection Act 1986*
- *Food Act 2008*
- *Health Act 1911*
- *Land Administration Act 1997*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Planning and Development Act 2005*
- *Rates and Charges (Rebates and Deferments) Act 1992*
- *State Records Act 2000*
- *Waste Avoidance and Resource Recovery Act 2007*

Local government's also operate within a framework of delegated legislation, including orders and proclamations made by the Governor, by-laws, regulations and ordinance made by other statutory bodies.



STRUCTURE OF THE SHIRE OF DERBY/WEST KIMBERLEY

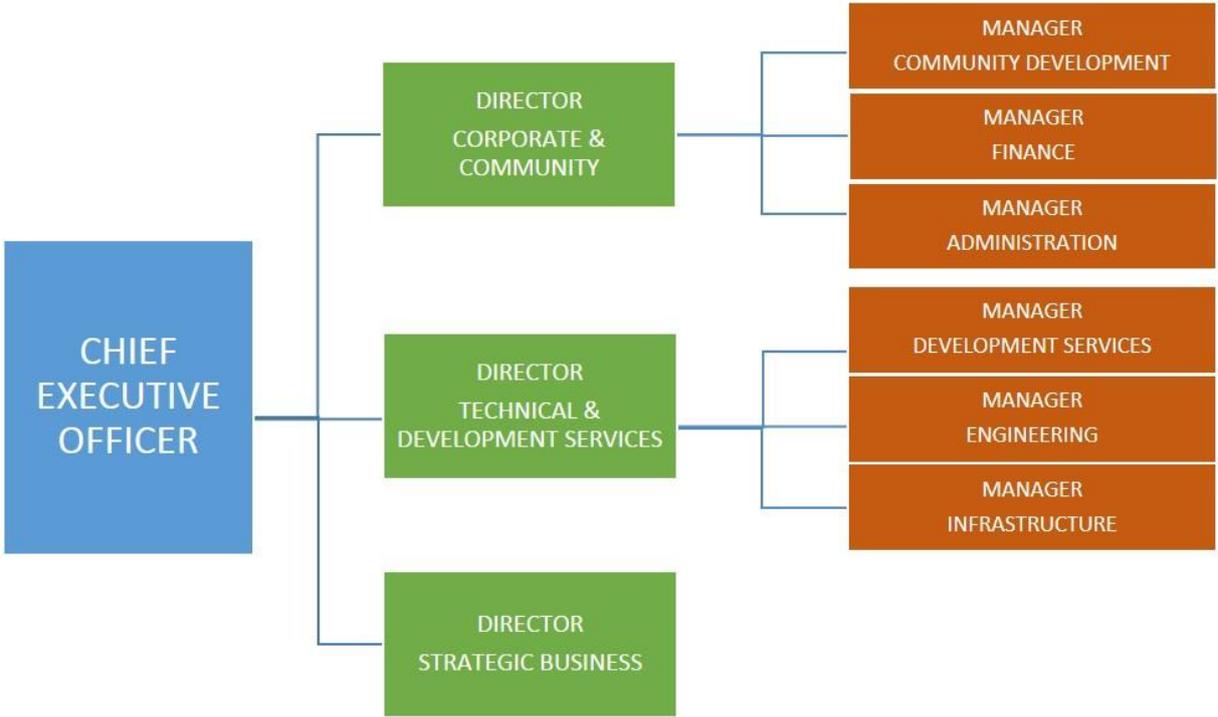
The Shire of Derby/West Kimberley is a body corporate, constituted under the *Local Government Act 1995*.

The Council acts as a corporate body, establishing policies and making decisions within a range of Parliamentary Acts and regulations, covering a wide range of issues affecting the community.

Councillors contact details are available on our website <https://sdwk.wa.gov.au/our-council/councillors>

ROLE AND KEY FUNCTIONS

The Shire’s operations are managed by the Chief Executive Officer, who is supported by a Deputy Chief Executive Officer, Directors and Managers. The Chief Executive Officer’s role is to carry the ultimate responsibility for the efficient and effective utilisation of the organisations resources in achieving Council’s objectives and direction.





Executive Services

- Executive and Risk Services
- Strategic Planning
- Economic Development
- Human Resources

Corporate Services

- Financial Services
- Administrative Services
- Governance Services
- Customer Service

Ports Services

- Ports Development
- Airports and Aerodromes
- Water Transport Facilities

Community Services

- Community Development
- Aquatic and Recreation Services
- Youth Services
- Library Services

Technical Services

- Infrastructure Management Services
- Parks, Gardens, Reserves Maintenance
- Asset Management

Development Services

- Compliance and Regulatory Services
- Waste Management
- Emergency Management



THE COUNCIL, ELECTED MEMBERS AND COMMITTEES

The Shire comprises of elected representatives including the President and eight Councillors. The elected members are chosen democratically by the community and act to represent the whole district of the Shire of Derby/West Kimberley. The Council establishes policies and makes decisions within the rules of the *Local Government Act 1995* on a wide range of issues affecting the community. Elected Members work for the community and do not have the authority to act or make decisions as individuals. Decisions are made as a consensus of the Council in accordance with the *Local Government Act 1995*.

Ordinary meetings of Council are held on the last Thursday of every month and members of the public are welcome to attend.

Agendas of all Council and Committee meetings are available to members of the public on the Shire website at <https://www.sdwk.wa.gov.au/council-meetings/past>

Committees of Council

Council has appointed committees to assist with its decision making process. These committees are assigned certain areas of responsibility and report to Council with their recommendations.

CEO Performance Review Committee

The CEO Performance Review Committee undertakes the performance review of the Chief Executive Officer and negotiates changes to the Chief Executive Officer's contract of employment for subsequent Council consideration.

Audit Committee

The Audit Committee provides an independent oversight of the financial systems of the local government on behalf of the Council. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit. It also assists the Council with Internal Audit and Risk Management.

Local Emergency Management Committee (LEMC)

The functions of the Local Emergency Management Committee are;

- (a) To advise and assist the Shire in ensuring that local emergency management arrangements are established for the district; and
- (b) (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) To carry out other emergency management activities as directed by the State Emergency Management Committee (or as prescribed by the regulations)

Delegated Authority

The Chief Executive Officer and other council officers have the delegated authority to make decisions on a number of specified administrative matters.

These delegations are listed in the register of delegated authority and are reviewed annually by Council <https://www.sdwk.wa.gov.au/documents/180/register-of-delegated-authority>



PUBLIC PARTICIPATION

Members of the public are welcome to attend any open meeting of Council or a committee and have a number of avenues available to put forward their views on particular issues.

COUNCIL MEETINGS

Public Question Time

Members of the public are able to ask questions on any matter affecting the Shire in the time set aside for this purpose at meetings of the Council and committees that are open to the public. Requirements are documented on our website <https://www.sdwk.wa.gov.au/council-meetings/>

Deputations

With the permission of the presiding member, a member of the public can personally, or on behalf of a resident or group of residents, address the Council, or one of its committees.

Petitions

Written petitions can be presented to the Council through the Chief Executive Officer or an Elected Member on any issue within the Council's jurisdiction.

Written Requests

A member of the public can write to the Shire on any matter within the Shire's jurisdiction.

Notifications/Advertising

Residents may be notified of issues that affect their neighbourhood or development applications by advertising in the local newspaper, written notification, calling public meetings, seeking responses to surveys and questionnaires or a sign on-site requiring the approval of Council. Residents then have the opportunity to write to the Shire expressing their views and to address the Shire or the Council before a decision is made.

Elected Members

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

Special Meetings of Council

A Special Meeting of Council can be convened to consider an urgent matter or a matter which otherwise involves special circumstances. Special Meetings can be convened at short notice should the circumstances warrant. If necessary, notice by electronic means or telephone is acceptable.

Annual General Meeting of Electors

Section 5.27 of the *Local Government Act 1995* has a requirement to hold an Annual General Meeting of Electors. Such meetings afford members of the public the opportunity to ask Councillors and staff questions about Shire matters generally.

Complaints and Feedback

Any complaints or feedback/suggestions regarding any aspect of the Shire, its operations, staff or policies will be accepted and dealt with under the Complaints Management System or the Customer Service Charter as appropriate. Further information can be obtained from the Customer Services team on 9191 0999 or in person at the Council Administration Building.



DOCUMENTS HELD BY THE SHIRE OF DERBY/WEST KIMBERLEY

The Shire holds records relating to various functions of the Shire as described below:

Essential Files

- Agendas and Minutes
- Licenses, Agreements and Registers
- Logos, Forms and Templates
- Maps and Corporate Images
- Tenders and Contracts
- Sensitive and Special Retention

Project Files

- Executive Services
- Corporate Services
- Community Development
- Development Services
- Technical Services
- Ports Services

Property Assessment Files

Executive Subject Files

- Economic Development
- Compliance and Strategy
- Governance

Corporate Subject Files

- Corporate Management
- Financial Management
- Grant Management
- Personnel
- Risk Management

Community Services Subject Files

- Community Development
- Recreation
- Culture
- Community Welfare

Development Services Subject Files

- Regulatory Management
- Public Health

Technical Services Subject Files

- Asset Management
- Infrastructure Management

Ports Subject Files

- Berthing and Mooring
- Charter Operations
- Port Facility Hire and Use
- Landing and Passengers

Access to information held in the above listed files is subject to the provisions of the *Local Government Act 1995* and the *Freedom of Information Act 1992*.

Council Minutes

Under the *Local Government Act 1995* the Council minutes are available for free inspection at the Shire's Offices by any person. Copies of Council minutes and the minute searches conducted by the Shire's staff will incur charges.

The Council minutes since 1972 are stored in hardcopy in the administration buildings strongroom.

Council Minutes prior to 1972 are in our archives at Derby Airport.

Rates Book

Currently the Shire of Derby/West Kimberley rates information is listed by assessment number or property address.

Building/Development Applications

As the authority responsible for granting planning approvals for development and issuing building licences, the Shire of Derby/West Kimberley has a large range of drawings and plans



of buildings within the Shire. The drawings and plans can include site plans, floor plans, elevations and in some cases perspective drawings.

Access to this information is available subject to the consent of the current owner of the property. Information about the year of construction, builder details and cost of construction can also be obtained. Charges apply for obtaining this information and the availability of plans in all instances cannot be assured.

Municipal Heritage Inventory

Under the *Heritage of Western Australia Act 1990* the Shire of Derby/West Kimberley has prepared a municipal heritage inventory. This is an inventory of all buildings within the Shire of Derby/West Kimberley boundaries that are or may become of cultural significance to the community. Details of the inventory include property address, ownership, description, historical information, architectural information, bibliography, listing status.

ACCESS TO COUNCIL DOCUMENTS

Availability of information is subject to provisions established in legislation such as the *Freedom of Information Act 1992* and the *Local Government Act 1995* and may be free, or subject to fees and charges. The Shire will, in all instances, seek to provide access to information upon request except where there may be issues under the *Privacy Act 1998* or *Freedom of Information Act 1992*, or other relevant legislation.

DOCUMENTS AVAILABLE OUTSIDE THE FOI ACT

The following documents are available for inspection at the Shire's administration building:

- Annual Budget
- Annual Financial Statements
- Business Plans (prepared under section 3.59 of the *Local Government Act 1995*)
- Annual Report
- Planning Schemes and Planning Policies
- Code of Conduct
- Corporate Asset Management Plans
- Strategic Community Plan
- Workforce Plan
- Long Term Financial Plan
- Corporate Business Plan
- Documents released for Public Comment
- Electoral Roll – Owner and Occupiers or Consolidated Roll
- FOI Information Statement
- Local Laws (including reports or proposals relating to Local Laws)
- Media Releases
- 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 Shire.

- Policy Manual
- Rates Records
- Registers – such as Debentures, Delegated Authority (and decisions made under Delegation), Financial Interests, Gifts, Owners and Occupiers and Tenders
- Schedule of Fees and Charges
- Statutory Notices

Available via the Freedom of Information Act

Access to documents other than those listed as accessible outside the *Freedom of Information Act 1992* must be via a freedom of information application.

Retention and Disposal of Council Records

All of the Shire's records are retained in accordance with an approved local government retention and disposal schedule. This schedule stipulates how long a record must be kept and is available for inspection.

Access to Information by Police Officers

Where a Western Australian Police Officer requests access to Shire of Derby/West Kimberley documents, access will be provided:

- Upon production of the certificate of authority (warrant card) of the Police Officer concerned; and/or
- With the signature of the Police Officer concerned on a statement identifying the document(s) requested and verifying that they are required for a bona fide police enquiry or investigation.

Documents released under these circumstances are considered confidential and must not be divulged or released to any third parties without prior consent of the Shire of Derby/West Kimberley.

AMENDING PERSONAL INFORMATION

The right to amend personal information held by the Shire ensures information does not unfairly harm the person referred to, misrepresent facts about them or give a misleading impression. An application can be made to the FOI Coordinator to correct or amend any documents containing an individual's personal information.

The application must be in writing, providing details and, if necessary, documentation to support claims that the information the applicant seeks to have amended is inaccurate, incomplete, out of date or misleading.

Furthermore, applicants must indicate whether they wish 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.

If the Shire decides to amend the information it will usually alter the record, or add a further note in relation to the record.



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

FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS

Right to Access Documents

The *Freedom of Information Act 1992* gives applicants a legally enforceable right to apply for access to documents held by the Shire of Derby/West Kimberley.

An applicant's right to seek access cannot be affected by their reasons for wishing to obtain access, and there is no need to demonstrate as such.

The Shire of Derby/West Kimberley is required to:

- Assist those in making an application;
- Assist those in obtaining access to documents promptly at a reasonable cost; and
- Ensures that personal information captured in documents is accurate, complete, up to date and not misleading.

While the *Freedom of Information Act 1992* provides for a general right of access to documents it also recognises that some documents require a level of protection, which is applied to those documents that meet the exemption criteria in schedule 1 of the *Freedom of Information Act 1992*.

The most frequent reasons for refusal to provide access to information are:

- 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 *Freedom of Information Act 1992* and section 5.95(8) of the *Local Government Act 1995*.
- Commercial Information -
Information that would reveal trade secrets, information of a commercial value (e.g. documents containing technical designs that, if released, would harm the company), or the financial affairs of a person (e.g. debts owed to the Shire) may be exempt under schedule 1 clause 4 of the *Freedom of Information Act 1992*.
- 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 *Freedom of Information Act 1992* and section 5.23 of the *Local Government Act 1995*.
- Legal Professional Privilege -
Information that would reveal legal advice may be exempt under schedule 1 clause 7 of the *Freedom of Information Act 1992*.

Access to the Shire of Derby/West Kimberley records, personal or non-personal can be made via an application to the Freedom of Information Coordinator located in the administration building at 30 Loch Street, Derby.

Who can I Contact to make Enquiries?

You may ring the Shire of Derby/West Kimberley Freedom of Information Coordinator on (08) 9191 0999 between the hours of 8am and 4pm Monday to Friday if you have any queries. Alternatively you can send an email to sdwk@sdwk.wa.gov.au.

How do I Lodge an Application?

You must lodge your application in writing:

By Post, addressed to:	In Person, at:
FOI Coordinator	FOI Coordinator
Shire of Derby/West Kimberley	Administration Building
PO Box 94	30 Loch Street
DERBY WA 6728	DERBY WA 6728

See Appendix 1 for a copy of an FOI application form. Please note the use of this form is optional.

What can I do if I'm Denied Access to Something?

Internal Review

If you are dissatisfied by a decision that we make concerning your application then you can apply to the Shire for an internal review of this decision. To apply for an internal review you must put your request in writing and lodge it with the Shire within 30 days of being notified of the original decision. There is no charge for an internal review.

External Review by the Information Commissioner

If you are still dissatisfied after the internal review has been completed, you may seek a review by the Information Commissioner. This request must be made in writing to the Information Commissioner giving details of the decision to which your complaint relates.

Appeals to the Supreme Court

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.

Fees and Charges

Item	Fee
Personal information about the applicant	No fee
Application fee under section 12(1)(e) of the FOI Act (for non-personal information)	\$30.00
Charge for time taken by staff dealing with 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 rate)	\$30.00
Photocopying – as per Councils fees and charges	A4: 55c A3: \$1.10
Transcribing information from a tape or other device (per hour or pro rata)	\$30.00



Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

Deposits

Advance deposits may be required of the estimated charges – section 18(1) of the FOI Act	25%
Further advance deposit may be required by written notice if the Shire considers they are necessary to meet the charges for dealing with the application – section 18(4) of the FOI Act	25%
Financially disadvantaged applicants or those issues with a prescribed pensioner concession card, the charge payable is reduced	25%
