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SHIRE OF BROOME

INFORMATION STATEMENT  
2010-2011

*As required under the Freedom of Information Act 1992*

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## 1. INTRODUCTION

The Shire of Broome is an agency within the meaning of the *Freedom of information Act 1992*. Accordingly, the requirements of the Act apply to the Shire of Broome from the commencement date of that legislation, being 1 November 1993.

The Intention of the Act is to:

- Confer upon persons a general right of access to information held by agencies;
- Confer upon individuals a right to apply to an agency for an amendment of personal information to ensure that it is accurate, complete, up to date and not misleading;
- Place an obligation on agencies to make publicly available certain information about their operations.

Section 96(1) of the Act requires that agencies, including local government, prepare and publish an Information Statement that sets out:

- The Agencies Mission Statement.
- Details of the legislation administered.
- Details of the Agency Structure.
- Details of decision making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency.
- The operation of Freedom of Information (FOI) in the agency.

This document has been prepared by the Shire of Broome in accordance with the requirement of the Act and is correct as at April 2011.

Copies of this document are available from the Shire of Broome Administration Office and Library at 27 Weld Street Broome and on the Shire website <http://www.broome.wa.gov.au/>

Enquiries may be made to the office Monday to Friday 8.00am to 4.00pm or by telephone (08) 9191 3456 or e-mail to [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au) .

Council is pleased to comply with the legislation and welcomes enquiries.

A review of this Information Statement will take place at least every twelve months.

**2. VISION AND MISSION STATEMENT**

**VISION STATEMENT**

"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

**MISSION STATEMENT**

"We provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle"

**CORE VALUES**

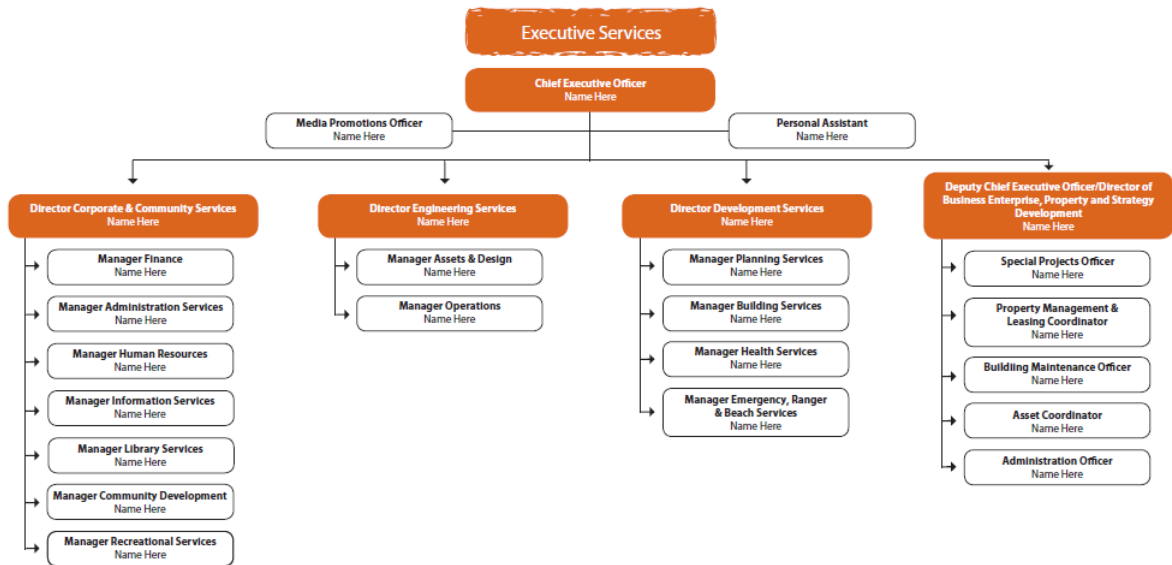
- Communication      Actively consult, collaborate and communicate with the community, internal/ external customers and stakeholders.
- Respect                Always recognise and respect the individual and unique requirements of all people, cultures and groups.
- Integrity              Be honest, equitable and ethical in all business dealings and the way in which we work with residents, staff and all stakeholders.
- Transparency        Ensure that there is a high level of openness and accountability in all activities.
- Courtesy              Provide courteous service and helpful solutions to customer enquiries and needs.

*Our Place*

*Our People*

*Our Prosperity*

### 3. ORGANISATIONAL STRUCTURE



Executive Services Org Chart - 12 February 2011

## **4. ACCESS TO COUNCIL AND COMMITTEE MEETINGS**

### **Council**

Ordinary Council meetings are held monthly (approximately every 4 weeks) on Thursdays commencing at 5pm, with the exception of meetings held at communities, which generally will commence at 12.00 noon.

Meeting dates for Council are advertised annually in the local paper.

From time to time, special meetings of Council are held to deal with urgent or specific issues. Information on these will be made available to the public as soon as practicable.

Council meetings are open to the public and members of the public may ask questions of Council during the allocated period for Public Question Time or Council may, on occasions, move a motion to allow questions of a proponent who is present in the public gallery upon arriving at that item in the agenda.

Prior advice to the Chief Executive Officer that you intend presenting questions during Public Question Time will assist in expediting the process and allowing a quick, accurate response.

Agendas for Council meetings are available for perusal on the Friday preceding the meeting from the Customer Service area of the Administration Office, the Shire Library, the Shire Website, and several copies are available at the meetings.

Unconfirmed Minutes of the meetings are available within 10 working days.

### **Committees**

Committee meetings are only open to the public where the Committee has been delegated by Council the specific power to make the decision on an issue. As this is generally not the case, it is recommended you contact Council offices prior to attending a Committee meeting.

Meeting dates for Committees that have delegated authority are advertised annually in the local paper and available for viewing on the Shire Website.

## **5. ACCESS TO COUNCIL STAFF**

Council staff are available to advise you and answer your queries in relation to all matters pertaining to Council.

Should you wish to speak with a Director, it is advisable to telephone beforehand to make an appointment as availability is often limited.

Enquiries of a general nature and payments of any kind may be made during normal office hours at the Customer Service Area of the Administration Office.

## 6. ACCESS TO COUNCIL DOCUMENTS

The following documents are available for public inspection at the Council offices free of charge:

- Ordinary Council Meeting Agendas
- Ordinary Council Meeting Minutes
- Coastal Park Management Committee Agenda
- Coastal Park Management Committee Minutes
- Audit Committee Agendas
- Audit Committee Minutes
- Policy Manual
- Annual Budget
- Annual Report
- Annual Financial Statements
- Local Laws
- Town Planning Schemes
- Planning Approvals made under Delegated Authority
- Planning Strategies and Development Plans
- Registers as required under the Local Government Act 1995
- Strategic Action Plan

Members of the public may obtain copies of these documents. A list of Fees and Charges under Council's jurisdiction is available under separate cover.

Requests for information other than the above will be considered in accordance with the Freedom of Information Act.

## 7. LEGISLATION ADMINISTERED

### **Building Code of Australia**

A series of Codes prescribing building standards throughout Australia.

### **Building Regulations 1989**

Details administrative procedures involved with Building Regulations e.g. procedures for making building applications, classifications of buildings and precautions to be followed during construction.

### **Bush Fires Act 1954 and associated regulations**

To make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires and other purposes.

### **Caravan Parks and Camping Grounds Act 1995 and associated regulations**

To provide for the licensing, regulation, improvement and promotion of caravan parks and camping grounds and ensure design and layout meeting desirable standards, including health and safety of the occupiers.

### **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 regulations of burials.

**Conservation and Land Management Act 1984**

To make better provisions for the use, protection and management of certain public lands and waters and the flora and fauna thereof, to establish authorities to be responsible therefore, and for incidental or connected purposes.

**Control of Vehicles (Off Road Areas) Act 1978 and associated regulations**

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.

**Dangerous Goods Safety Act 2004**

Relating to the safe storage, handling and transport of dangerous goods and for related purposes.

**Dividing Fences Act 1961**

Relating to the construction and repair of dividing fences between certain lands and for incidental and other purposes.

**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.

**Emergency Management Act 2005**

To provide for prompt and coordinated organisation of emergency management in the State, and for related purposes.

**Environmental Protection Act 1986 and associated regulations**

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 and for matters incidental to, or connect with, the foregoing.

**Equal Opportunity Act 1984**

To ensure equal employment opportunity for everyone.

**Freedom of Information (FOI) Act 1992**

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

**Health Act 1911 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 of the Peace Act 2004**

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

**Library Board of Western Australia Act 1951 and public Libraries Regulations 1985**

To provide for the Constitution and Functions of a Library Board and for other purposes.

**Liquor Control Act 1988 and associated regulations**

Administered in part by Local Government to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to repeal the Liquor Act 1970, and for related matters.

**Litter Act 1979 and associated regulations**

To make provision for the abatement of litter, to establish, incorporate and confer powers upon the Keep Australia Beautiful Council (WA), and for incidental and other purposes.

**Local Government Act 1995 and associated regulations**

The primary legislation under which the Shire of Broome operates. The purpose of the Act is to provide the framework for good rule and governance, leading to the convenience, comfort and safety of persons in municipal districts.

**Local Government (Miscellaneous Provisions) Act 1990**

To provide for the good rule and government, convenience, comfort and safety of persons in local authority districts.

**Main Roads Act 1930**

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

**Occupational Safety and 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 coordinate the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.

**Parliamentary Commissioner Act 1971**

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

**Planning and Development Act 2005**

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

**Police Act 1892**

To consolidate and amend the law relating to the Police in Western Australia.

**Public Works Act 1902**

To consolidate and amend the laws relating to public works.

**Road Traffic Act 1974**

To consolidate and amend the law relating to road traffic, to repeal the Traffic Act 1919 – 1974 and for incidental and other purposes.

**Shire of Broome Town Planning Scheme No. 4**

The intent of this scheme is to direct and control the development of the scheme area (hereinafter referred to as the District) in such a way as shall promote and safeguard the health, safety and convenience, economic and general welfare of its inhabitants and the amenities of every part of the district.

**State Administrative Tribunal Act 2004**

To establish a tribunal with jurisdiction under this and other Acts to review certain Administrative decisions and deal with certain other matters, and for related purposes.

**State Records Act 2000**

To provide for the keeping of State records and for related purposes.

**Strata Titles Act 1985**

To facilitate the subdivision of land into cubic spaces and the disposition of titles thereto, to provide for incidental connected purposes and to repeal the Strata Titles Act 1966.

**Town Planning and Development (Subdivisions) Regulations 2000****Town Planning Regulations 1967****Workers Compensation and Injury Management Act 1981**

To amend and consolidate the law relating to compensation for, and the rehabilitation of, workers suffering disability by accident or disease in the course of their employment.

**Valuation of Land Act 1978**

To provide for the valuation of land and for other purposes.

## **8. FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS**

The Shire of Broome aims to make information available promptly and at the least possible cost. Documents will be provided outside of the FOI process wherever possible.

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire of Broome and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading. Under the provisions of the Act, applications may be made to:

- Gain access to a document;
- Amend personal information; or
- Review a previous FOI decision regarding access to, or amendment of a document.

The Act does not apply to information that is:

- Available for purchase or free distribution to the public
- Available for inspection under Part 5 or another enactment
- Available for inspection in State Archives
- Publicly available library material held for reference purposes; or
- Made or acquired by an art gallery, museum or library and preserved for public reference or exhibition purposes
- Personal Information

### **Freedom of Information Applications**

FOI application is to be made to the Shire. As specified in the Act, an application must:

- Be in writing;
- Provide sufficient information to enable the requested documents to be identified;
- Provide an Australian address for correspondence; and
- Be accompanied by the prescribed application fee if the document requested is for non personal information;
- Specify the preferred manner in which access is requested, e.g. copy requested.

Applications and enquiries shall be addressed to:

Freedom of Information Coordinator  
Shire of Broome  
PO Box 44  
BROOME WA 6725

Applications will be acknowledged in writing.

### **Fees and Charges**

A scale of fees and charges is set under the FOI Act Regulations. Apart from the application of fees for non personal information, all charges are discretionary. The charges are as follows:

• Personal information about the applicant	No Fee
• 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	0.20
• 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

### Deposits

• Advance deposit may be required of the estimated charges	25%
• Further advance deposit may be required to meet the Charges for dealing with the application	75%

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

### 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, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

### Notice of Decision

As soon as possible within 45 days you will be provided with a notice of decision which will include details such as:

- The date which the decision was made.
- The name and the designation of the officer who made the decision.
- The reasons for classifying a document or matter exempt or providing access to an edited document.
- Information on the right to review and the procedure to be followed to exercise those rights.

### Refusal of Access

Applicants who are dissatisfied with a decision of the Shire of Broome are entitled to ask for an **internal review** by the Shire of Broome. Application should be made in writing within 30 days of receiving the notice of decision.

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

If you disagree with the result you can then apply to the information Commissioner for an **external review**. Details would be advised to applicants when the internal review decision is issued.