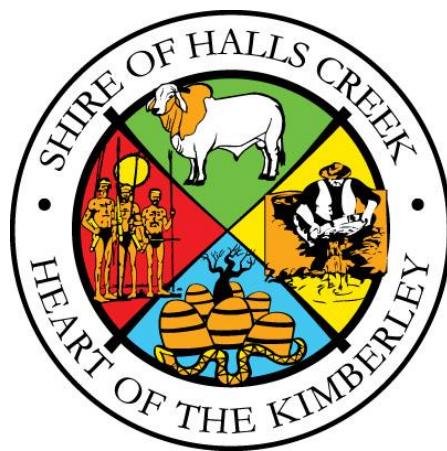




Shire of Halls Creek
INFORMATION STATEMENT
2017/2018



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1.1 Introduction

This Information Statement is published by the Shire of Halls Creek 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 October 2017, and was adopted by the Council at the 12 October 2017 Ordinary Council Meeting.

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

Phone: (08) 9168 6007

Fax: (08) 9168 6235

Email: hcshire@hcshire.wa.gov.au



Town of Halls Creek



1.2 COUNCIL

Located in the Kimberley region, the Shire of Halls Creek is one of Australia's iconic outback regions with a unique cultural and heritage environment. Predominantly Aboriginal populations live in a number of remote communities around the district and the town site of Halls Creek.

The Shire of Halls Creek covers 142,908 square kilometres of the Kimberley is located approximately 2,850 kilometres to the North East of Perth and 362 kilometres south of Kununurra. The Northern Territory forms the Eastern boundary of the Shire with the Shire of Wyndham-East Kimberley to the North, the Shire of Derby West Kimberley to the West and the Shire East Pilbara to the South and West.

The remote communities of Balgo (Wirrimanu), Billiluna (Mindibungu), Mulan, Kundat Djaru (Ringer Soak), Warmun (Turkey Creek) and Yiyili are an integral part of the district with 3,218 people residing outside of the Halls Creek town site¹. Throughout the Shire there are a number of smaller communities. The Region is connected by 391km of sealed roads and 1,449km of unsealed roads, which require extensive maintenance work due to seasonal flooding.

1.3 VISION

The Shire of Halls Creek town and remote communities are economically diverse, caring, and proactive with a strong sense of responsibility and pride.

2. Roles and Responsibilities

2.1 COUNCIL

Council is the governing body of the Local Government and is made up of seven Elected Members (also called Councillors). The role of Council is defined in the *Local Government Act 1995* (the Act):

- To direct and control the local government's affairs; and
- To be responsible for the performance of the local government's functions

Each Elected Member is elected for a four year term, however Local government elections take place every second year on the third Saturday in October, with half the Council retiring at each election. Retiring Council members are eligible for re-election. After each election Elected Members select a Shire President and Deputy Shire President from amongst themselves.

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.

Elected Members do not have authority to act or make decisions as individuals; they are members of an elected body (Council) that makes decisions on behalf of the local government through a formal meeting process.

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, Post Office, 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.	Tanami and Duncan Road projects, active member of the Kimberley Regional Collaborative Group and Kimberley Zone.
Facilitator	Bring stakeholders together.	Participate in human services interagency networks.
Funder	Provide funds or other resources.	Community grants

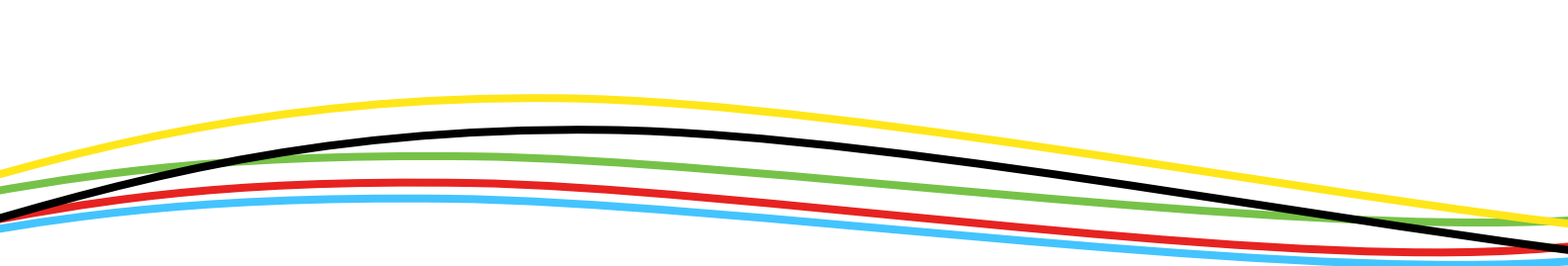
2.2 Chief Executive Officer And Staff

The Act states that a local government is to employ a Chief Executive Officer (CEO) and such other persons as the Council believes are necessary to carry out the functions of the local government and the council.

Each Council employs staff to:

- Advise council members on matters to be discussed at meetings;
- Administer the day-to-day operations of Council; and
- Implement Council decisions.

The CEO acts as a conduit between Council and staff. All staff are ultimately responsible to the CEO.



The CEO is responsible to Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Shire.

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.

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

(a) Council Members, Committee Members and staff will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Local Government.

(b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

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 democratically elected representatives. Elected members represent the community, provide leadership and guidance and facilitate communication between the community and the Council. Residents can contact the councillors to discuss any issues relevant to Council.



The Shire of Halls Creek has seven (7) Councillors elected to represent the whole of the Shire.

4.2 Organisation Structure

The Shire of Halls Creek management structure consists of seven principal departments, Finance, Corporate, Executive, Health and Regulatory, Youth and Community Development, Strategic Planning and Infrastructure and Assets, each led by a Director under the direction of the Chief Executive Officer.

- Finance is responsible for accounts receivable and payable including payroll and for the overview development and implementation of the budget;
- Health and Regulatory is responsible for environmental health, building control, statutory planning, ranger services and the landfill site;
- Infrastructure and Assets is responsible for engineering design, civil works construction and maintenance, parks and gardens and building maintenance;
- Corporate is responsible for administration and information technology;
- Executive is responsible for governance and human resources;
- Strategic Planning is responsible for community consultation and overseeing the direction of the Shire; and
- Youth and Community is responsible for youth services and community engagement.

A number of other operational areas also exist and report to the Corporate Services Manager, except for Economic Development reporting to the Chief Executive Officer. These are:

- Economic Development;
- Travel and Tourism;
- Post Office;
- Aquatic and Recreation; and
- Arts Development.

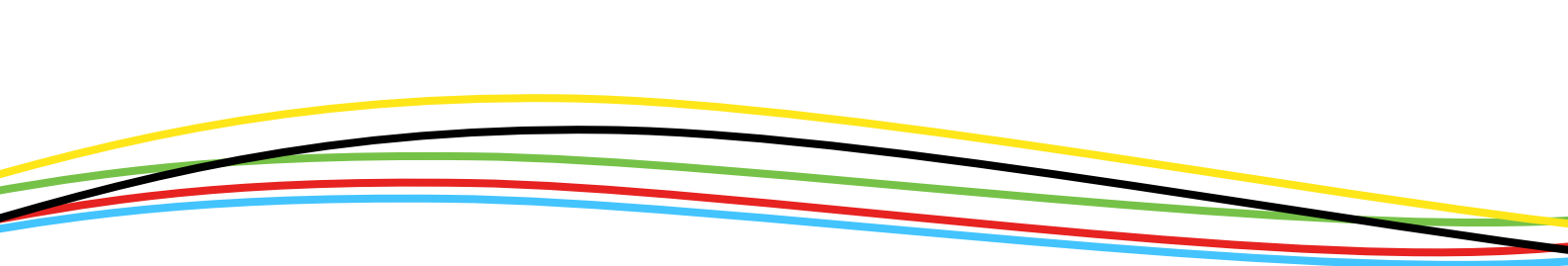
5. Functions of the Shire

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

5.1 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).

5.2 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).

5.3 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.

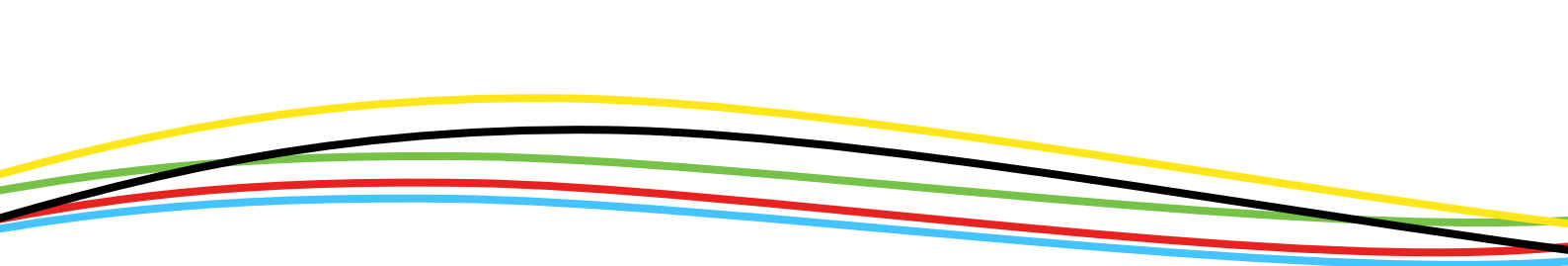
6. Administration

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

6.1 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 1961
- Dog Act 1976
- Environmental Protection Act 1986
- Equal Opportunity Act 1984
- Food Act 1911
- Freedom Of Information Act 1992
- Health Act 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 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

6.2 Local Laws

The Shire of Halls Creek 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 the environment.

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**

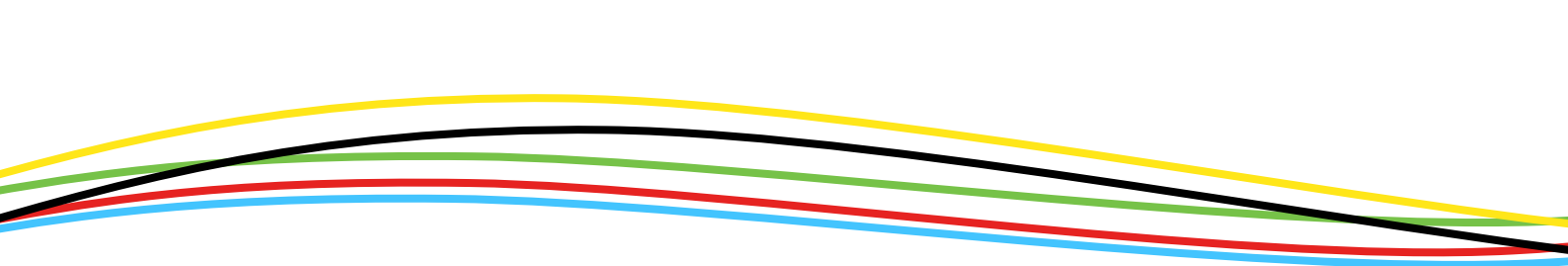
The Shire's Local Laws are available to the public for inspection at the Shire administration office, 7 Thomas Street, Halls Creek or available to download from the Shire website: www.halls creek.wa.gov.au.

7. Decision Making Functions

7.1 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.

7.2 Chief Executive Officer

The Chief Executive Officer acts as the channel 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. 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.

7.3 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.halls creek.wa.gov.au.



8. Public Notification and Participation

8.1 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 Notice boards.

8.2 Council and Committee Meetings

Ordinary Council Meetings are generally held on the third Thursday of every month commencing at 11am at the Council Chambers, 7 Thomas Street, Halls Creek 6770. Meetings are also held twice a year at one of the communities, and there are no meetings held in January.

For confirmation of Council meeting dates please contact the Shire on (08) 9168 6007 or visit the Shire of Halls Creek at www.hallscreek.wa.gov.au.

Public participation in meetings of Council can be obtained in the following ways:

2.1 Public Question time

All Council meetings are open to the public, and public question time is held at the beginning of the meeting. All questions are to be submitted in writing at least 72 hours prior to the meeting by either letter, email or facsimilie.

8.2.2 Presentations

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

8.2.3 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 3.5.

8.2.4 Written Requests

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

8.2.5 Elected Members

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

8.2.6 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 15 minutes without the agreement of the Council. Further details regarding deputations are contained in clause 3.12 of Council's *Meeting Procedure Local Law 2016* which can be found on the Shire's website.

The Council Committees including the nominated representatives are listed below:

Committee	Representatives	Meetings	Responsible Officer
Legislated Committees			
Audit (Finance and Risk) Comm	1. Cr Malcolm Edwards 2. Cr Virginia O'Neil 3. Cr Anthony Taylor 4. (Vacant)	Quarterley	Chief Financial Officer
Local Emergency Management Committee (LEMC)	1. Cr Patricia McKay 2. Cr Christopher Loessl	Quarterley	Director Corporate Services
Development Assessment Panel	1. Cr Malcolm Edwards 2. Cr Virginia O'Neil 3. Cr Anthony Taylor 4. Cr Patricia McKay	A required	Chief Executive Officer
Regional Representation			
Western Australia Local Government Association Kimberley Zone/Regional Collaborative Group	1. Cr Malcolm Edwards 2. Chief Executive Officer	Quarterley	Chief Executive Officer
Local Representation			
OSH Committee	1. Staff representatives	Quarterley	Director Infrastructure Assets
Cemetery Committee	1. Cr Trevor Bedford 2. Cr Virginia O'Neil 3. Cr Patricia McKay	Quarterley	Director Health & Regulatory Services

8.3 Elector's 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.

8.4 Agenda 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.halls creek.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 can also be viewed on the Shire's website – www.halls creek.wa.gov.au.

8.5 Community Consultation

The Shire of Halls Creek consults with 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, travel to remote communities, and seeking responses to surveys.

9. Public Library

The Shire of Halls Creek public library is located in the Shire administration office, Halls Creek. The Library aims to provide the community with relevant resources and customer service community members and visitors to the town.

Halls Creek Library Contact Details:

Phone: 08 9168 6007

Fax: 08 9168 3235

Email: www.halls creek.wa.gov.au.

The Halls Creek Library is open from 8am to 4pm Monday to Friday.

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



Halls Creek Public Library

10. Freedom of Information

10.1 What is Freedom of Information?

The Western Australian *Freedom of Information Act 1992* gives the public a legally enforceable right to apply for access to documents held by the Shire of Halls Creek. 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.

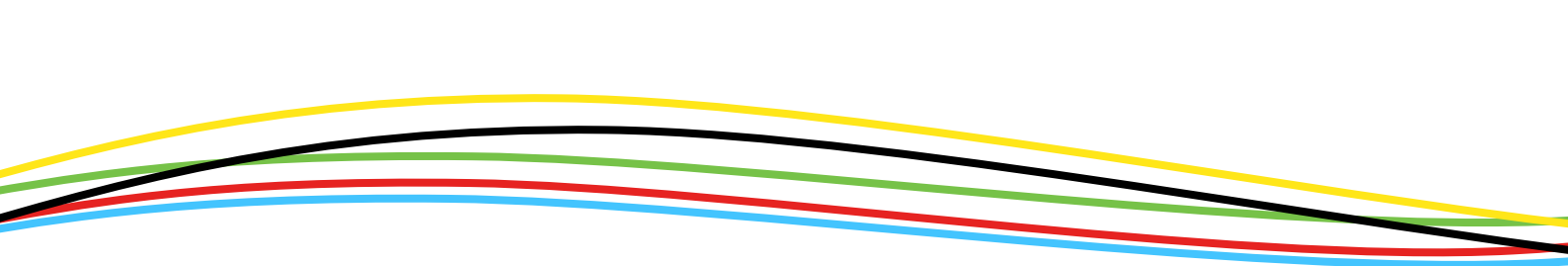
Individuals can also apply to have personal information about them listed in any government documents amended if that information is inaccurate, incomplete, out of date or misleading.

While the Act provides a general right of access to documents, it also recognises some documents require a level of protection. This is applied to documents that meet the exemption criteria in Schedule 1 of the *FOI Act 1992*.

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	Information that would reveal personal information about an individual (such as their name, contact details, signature etc.) may be exempt under Clause 3 .
Commercial or business information	1. Information that would reveal trade secrets, 2. Information that has a commercial value (such as documents containing technical designs that, if released, would harm the company), 3. Information about the professional, commercial or financial affairs of a person, may be exempt under Clause 4
Deliberative processes	Material which forms part of the decision-making of the local government, when circumstances require confidentiality of those deliberations, may be exempt under Clause 6 .
Legal professional privilege	Protects the confidentiality of communications made between a lawyer and their client. The privilege belongs to the client and may only be waived by the client. Clause 7 .

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.

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.

10.2 Documents Available Outside the 'FOI' Act

The Shire of Halls Creek 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.halls creek.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 Halls Creek 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

10.3 Documents Available Under the 'FOI' Act

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.

- 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.

Applications can be submitted in person or by mail and the application must include the prescribed payment to be considered valid.

The Shire of Halls Creek
Freedom of Information Coordinator
7 Thomas Street
HALLS CREEK WA 6007

PO Box 21
HALLS CREEK WA 6007

Phone: 08-9168 6007
Email: hcshire@hcshire.wa.gov.au
Website: www.hallscreek.wa.gov.au

10.3.1 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.

- 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.

Application fee for personal information	No Fee
Application fee for non-personal information (Mandatory)	\$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	\$30.00
Photocopying per page	\$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

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For financially disadvantaged applicants of those issued with prescribed pensioner concession cards, (apart from the application fee) the charge payable is reduced by 25%.

Deposits

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

10.3.2 Notice of Decision

As soon as possible, but within 45 days from receiving the application and fee, applicants will be given a written "Notice of Decision". This notice will include the following information:

- The date when the decision was made;
- The name and designation of the employee who made the decision;
- The reason why a document is considered exempt or why access is given to an edited document; and
- Information on the right of review and the procedures to be followed to exercise those rights.

10.3.3 Decision and Reason 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).

10.3.4 Review Process

The FOI Act provides for a review and appeal process as follows:

- **Internal Review** – if the applicant is dissatisfied with the decision of the Shire's FOI Coordinator, an application for internal review can be made within 30 days of being notified of the original decision. The internal review will be carried out by the Shire's Chief Executive Officer, who has 15 days to confirm, vary or reverse the decision under review. There is no charge for an internal review.
- **External Review** – if after the internal review has been completed the applicant is still dissatisfied with the Shire's decision, an external review by the Information Commissioner can be sought. External review requests must be made within 60 days of being notified of the original decision, must be in writing to the Information Commissioner and must give details of the decision to which the complaint relates. There is no charge.

The Information Commissioner can be contacted:

In writing: The Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000



Telephone: (08) 6551 788
Fax: (08) 6551 7889
Email: info@foi.wa.gov.au
Web: www.foi.wa.gov.au

10.5 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.

The Shire will inform the applicant of its decision and its reasons and will advise the applicant or their right of review should they be dissatisfied with the Shire's decision.