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1. Introduction

The objects of the Freedom of Information Act 1992 (FOI Act) are to:

- A. Enable the public to participate more effectively in the governing of the State; and
- B. Make the persons and bodies that are responsible for State and Local Government more accountable to the public.

Under Part 5, Section 96 of the FOI Act, the Town of Port Hedland (Town) is required to publish an Information Statement annually. This Information Statement provides a guide to the information sources of the Town, including its functions, responsibilities and structure.

The Information Statement includes information on:

- The structure and functions of the Town;
- Decision making functions;
- Community participation in the formulation of the Town's decisions and performance of the Town's functions;
- The description of the type of documents generated and held by the Town and which documents may be viewed, purchased or obtained free of charge;
- How to access documents and personal information held by the Town; and
- How to amend personal information in documents held by the Town.

This document can be obtained by accessing the Town's website:

<http://www.porthedland.wa.gov.au/documents/public-documents>

Information Statement



Further information can be provided by contacting the Town as follows:

By Post / In person:
Freedom of Information Officer
Town of Port Hedland
P O Box 41 / 13 McGregor Street
Port Hedland WA 6721
Telephone: (08) 9158 9300
Email: council@porthedland.wa.gov.au

This information is correct as at July 2020.

2. Town of Port Hedland's vision, mission and values

Our vision

Our collective vision is 'to be Australia's leading Port Town embracing community, culture and environment'. Central to this vision are the four following themes and outcomes, which represent the Town's values:

- Our Community: We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and a strong civic dialogue;
- Our Economy: We build prosperity for all – enabling sustained economic growth;
- Our Built and Natural Environment: We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built forms; and
- Our Leadership: We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.

Our mission

Our mission as employees of the Town is to be 'a cohesive team working together to provide efficient, sustainable and quality services to our diverse community, who are proud to call Port Hedland home'.

Our values

As employees of the Town, our values are:

- Integrity: We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence;
- Unity: We work as one team and actively share our ideas and information across the organization; and
- Quality: We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.

3. Structure and functions

The Town is established under and operates in accordance with the Local Government Act 1995.

The Council of the Town is the usual overall decision making body. However, following the suspension and subsequent lack of quorum of the Council in July 2019, the Minister and Governor in Executive Council declared the remaining offices of the Council as vacant and the Honourable Fredrick Riebeling was appointed as Commissioner, pending the election and appointment of new councillors.

The Council employs a Chief Executive Officer who is charged with the responsibility of putting into effect the decisions of the Council.

Chief Executive Officer

The Chief Executive Officer leads the Town and is responsible for the overall management of the administration. This includes providing timely advice to Council, ensuring Council decisions are implemented, overseeing the daily management of operations and ensuring resources are effectively and efficiently managed.

The Chief Executive Officer's key performance indicators provide a framework for what our organisation needs to achieve over the next five years. These are based on our Strategic Community Plan and Corporate Business Plan, documents which may be accessed via the Town's website:

<http://www.porthedland.wa.gov.au/documents/public-documents/strategicdocuments>

Office of the Chief Executive Officer

- Human Resources / Payroll / Organisational Health and Safety; and
- Corporate Affairs / Marketing / Communications.

Director Corporate Services

The Corporate Services directorate includes the following services:

- Financial Services (operations and management);
- Governance / Legal / Procurement / Records; and
- Planning and Analysis.

Director Regulatory Services

The Regulatory Services directorate includes the following services:

- Planning and Development Services;
- Environmental Health and Community Safety (incorporating Rangers and Emergency Management); and
- Waste Operations.

Director Infrastructure Services

The Infrastructure Services directorate includes the following services:

- Infrastructure Projects and Assets; and
- Infrastructure Operations (including Parks, Reserves, Depot Operations and maintenance of Town properties and facilities).

Director Community Services

The Community Services directorate includes the following services:

- Community Development; and
- Leisure Facilities.

4. Town of Port Hedland Council / Commissioner

The Town is usually served by a Mayor and eight Councillors, in a single ward structure.

However, Elected Members were suspended from Council for a period of 12 months, commencing from 9 July 2019. The Hon. Fredrick Riebeling AM JP was appointed as the Town of Port Hedland's Commissioner, until the offices of elected members are filled and the new Council holds its first meeting.

Decisions are made by Council in accordance with the Local Government Act 1995. For further information about the Town's Council, please visit our website:

<http://www.porthedland.wa.gov.au/our-council/council/your-councillors.aspx>

Role of the Council

- Directs and controls the Local Government affairs;
- Is responsible for the performance of the Local Government functions;
- Oversees the allocation of Local Government finances and resources; and
- Determines the Local Government's policies.

Role of Mayor / Commissioner

- Presides at meetings in accordance with the Local Government Act 1995;
- Provides leadership and guidance to the community in the Town;
- Carries out civic and ceremonial duties on behalf of the Local Government;
- Speaks on behalf of the Local Government;
- Performs such other functions as are given to the Mayor / Commissioner by the Local Government Act 1995 or any other written law; and
- Liaises with the Chief Executive Officer on Local Government affairs and the performance of its functions.

Role of the Councillors

- Represent the interests of electors, ratepayers and residents of the Town;
- Provide leadership and guidance to the community in the Town;
- Facilitate communication between the community and the Council;

- Participate in the Local Government's decision making processes at Council and Committee meetings; and
- Perform such other functions as are given to an Elected Member by the Local Government Act 1995 or any other written law.

5. Decision making structure

The framework

The *Local Government Act 1995* provides for a system of Local Government by creating a constitution for elected Local Government representatives in the State, describing the functions of Local Governments, providing for the conduct of elections and providing a framework for the administration and financial management of Local Governments and the scrutiny of their affairs.

The *Local Government Act 1995* and its subsidiary legislation is intended to result in better decision making, greater community participation in the decisions and affairs of Local Government, greater accountability to their communities and more efficient and effective Local Government.

The Town of Port Hedland Standing Orders Local Law 2014 are the local laws by which Council and Committee meetings are run. They relate to the conduct of proceedings of the business of the Council and Committee meetings.

For further information about the Town's Standing Orders Local Law 2014, please visit our website:

<http://www.porthedland.wa.gov.au/our-council/council/local-laws.aspx>

Ordinary and Special Council Meetings

Ordinary Council Meetings generally take place on the fourth Wednesday of the month. From time to time, a Special Meeting of Council may be called to consider matters that cannot wait until the next scheduled Ordinary Meeting of Council. Special Council Meetings are advertised in the local newspaper and/or via community notices.

Annual General Meeting of Electors

The Annual General Meeting of Electors is convened following the adoption of the Town's Annual Report, which includes the audited financial statements.

Agenda and Minutes for Council and Electors Meetings

The Town will endeavour to make the agenda for Council and Electors Meetings available to the public approximately two weeks prior to the date of meeting, and the Minutes within 10 business days of the meeting.

The notices of meeting and agenda for both Ordinary and Special Council Meetings are advertised on the Town's website at:

<http://www.porthedland.wa.gov.au/council-meetings/>

Public Agenda briefings

Public Agenda briefings generally take place on the Wednesday one week prior to the Ordinary Council Meetings, in Council Chambers. Public Agenda briefings give Elected Members and members of the public the opportunity to ask the Town's officers questions they may have on any of the items listed in the Agenda. During the period of the Commissioner's appointment, the Town has not conducted any Public Agenda briefings.

Confidential briefings

Confidential briefings generally occur on the first Wednesday of the month and are not open to members of the public. They are an opportunity for officers to present to Council on future projects and/or strategies that may result in a formal report to Council.

Whilst confidential briefings are not open to the public, the Attendance Register is available to the public and can be found on the Town's website.

Audit, Risk and Compliance (ARC) Committee

The ARC Committee was established in accordance with Part 7 of the *Local Government Act 1995* to:

1. Liaise with the auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the auditor and develop a process for selection and appointment of a person as the auditor;
2. Receive quarterly budget review reports;
3. Review and suggest improvements to risk management within the organisation; and
4. Assist the organisation in the development of an internal audit program and make recommendations to Council regarding:
 - Financial management;
 - Risk management;
 - Internal controls;
 - Legislative compliance; and
 - Internal and external audit planning and reporting.

ARC Committee meetings usually take place on a quarterly basis, on the second Tuesday of the month in Council Chambers.

A copy of the ARC Terms of Reference is found on the Town's website:

https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/20191219_Adopted_ARC_Terms_of_Reference.pdf

Strategy Committee

The Strategy Committee was established in accordance with Part 5 of the Local Government Act 1995.

The Strategy Committee Terms of Reference can be found on the Town's website:

https://www.porthedland.wa.gov.au/Profiles/porthedland/Assets/ClientData/20200527_Adopted_Strategy_Committee_Terms_of_Reference.pdf

Due to the nature of business considered at these meetings, attendance is not open to members of the public.

The appointments of Strategy Committee members will follow after the Extraordinary Local Government Elections, which is proposed to be held in October 2020. The Strategy Committee will comprise of three Elected Members.

The Strategy Committee Meetings for the 2020 calendar year, as adopted by Council, are:

- 17 June 2020; and
- 18 November 2020.

Public Notices

There are a number of sections within the *Local Government Act 1995* that require the Town to provide notice to the community. This can be in relation to a proposed decision or a decision that has been passed. In such instances, the Town will provide such notice on public notice boards in the Civic Centre building, the libraries, on the Town's public website (www.porthedland.wa.gov.au) on the Town's Facebook page and in State or local newspapers.

Where local public notice is required, it shall be undertaken in the North West Telegraph newspaper.

Where state-wide public notice is required, it shall be undertaken through the West Australian newspaper.

6. Public participation

Community consultation

The whole community may be asked to comment and 'have their say' on a particular issue, while in other instances only the community members directly affected by an issue will be consulted. The consultation process may take many forms and some of the more commonly used methods are:

- Online and hard copy surveys;
- Information sessions;
- Workshops;

- Expressions of interest;
- Advertisement in the State or local newspapers;
- Leaflet drops;
- Committees;
- Forums; and
- Public displays.

Deputations

In accordance with the Town's Standing Orders Local Law 2014, any person or group can make a deputation at a Committee or Council meeting.

Public Question time

In accordance with the *Local Government (Administration) Regulations 1996*, a minimum of 15 minutes is available for public question time for each Committee and Council meetings. During public question time, members of the public and Elected Members are given an opportunity to ask three questions about any issues concerning the meeting at which it is asked.

The Town promotes the practice of questions being supplied in advance of the meeting, particularly if a detailed response is required, as this provides officers with the opportunity to fully address the question at the meeting. If an answer is unable to be provided at the meeting, the question will be taken on notice and a response will be provided to the person raising the question. The responses to questions taken on notice are also included in the next agenda for the meeting.

Information regarding public question time, along with the public question form, can be found on the Town's website:

<http://www.porthedland.wa.gov.au/our-council/council/minutes-and-agendas/public-question-time.aspx>

Public Statement time

In accordance with the Town's Standing Orders Local Law 2014, members of the public can make a public statement at a Council and / or Committee Meeting regarding a matter concerning the Local Government.

Petitions

A petition is defined as a formal written request, signed by members of the public, appealing to an authority for some cause. The cause or subject of the submission must be something that the Council has the authority to deal with or has a decision making role.

Written requests

A member of the public can write to the Town on any Council Policy, activity or service of the Council. A response will be provided in accordance with the Town's Customer Service Charter and the Town's Feedback, Complaints and Suggestion Policy. These documents can be found on the Town's website.

Customer Service Charter

<http://www.porthedland.wa.gov.au/our-council/news-and-information/custoer-service-charter.aspx>

Feedback, Complaints and Suggestion Policy

<https://www.porthedland.wa.gov.au/about-council/council/policies.aspx>

7. Access to documents held by the Town

There are two categories of documents held by the Town. These can be broadly categorised as those available for inspection or purchase, and those which must be held confidentially because of their content, with public access considered only through the provisions of the Act.

The following schedule categorises the documents available at the Town:

Document Description

- Strategic Community Plan;
- Corporate Business Plan;
- Strategic Resource Plan;
- ICT Strategic Plan;
- Annual report;
- Code of Conduct;
- Annual budget documents;
- Agendas & Minutes of Council & Committee & Electors meetings;
- Delegation Register;
- Disclosure of Interest Register (Financial and Impartiality for Elected Members);
- Annual and Primary Returns Register;
- Customer Service Charter;
- Policy Manual;
- Register of Owners & Occupiers under section 4.32(6) of the Local Government Act 1995;
- Electoral Rolls;
- Confidential Concept Forum Attendance;
- Proposed Local Laws for which state wide notice has been given;
- Local laws made under 3.12 of Local Government Act 1995;
- Schedule of Fees & Charges;
- Rates Records;
- Tender Register;
- Record Keeping Plan;
- Town Planning Scheme;

- Disability Access and Inclusion Plan; and
- Community Engagement Strategy.

8. Documents subject to the *Freedom of Information Act 1992 (FOI Act)*

The FOI Act gives people the right to seek access to documents held by the Town.

The Towns required to:

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

The Town is mindful of its obligations and provides general right of access to documents. If possible, the Town will initially try to provide the public with the documents outside of the Freedom of Information process. The right to apply is not affected by any reasons a person may have to obtain access.

While the FOI Act provides a general right of access to documents, it also recognises that some documents require a level of protection and these documents must meet specific exemption criteria referred to in Schedule 1 of the FOI Act.

Personal information

If access to personal information is requested, the Town will require identification to be produced.

Amendment of personal information

The FOI Act gives a person the right to apply for amendment of personal information which is inaccurate, incomplete, out of date or misleading. The Town may make the amendment by:

- Altering information;
- Striking out or deleting information;
- Inserting information; and
- Inserting a note.

Submitting a Freedom of Information (FOI) application

The Town's FOI application form must:

- Be in writing;
- Give enough information to enable the requested documents to be identified;
- Give an address in Australia to which notices under this Act can be sent;
- Give any other information or details required under the regulations; and
- Be lodged at the Town of Port Hedland with an application fee.

Application forms can be found on the Town's website <http://www.porthedland.wa.gov.au/i-need/online-forms/freedom-of-information.aspx> and may be lodged at the Town of Port Hedland.

By post, addressed to:

FOI Officer

Town of Port Hedland

PO Box 41

Port Hedland

WA 6721

In Person, to:

FOI Officer

Town of Port Hedland

Civic Centre, 13 McGregor Street

Port Hedland

WA 6721

FOI Fees & Charges

Listed below are a scale of fees and charges set under the Freedom of Information Act Regulations 1993. Apart from the application fee, all charges are discretionary and are set by the Town as a part of the annual review of fees and charges. Fees and charges are GST exempt.

Type of fee

- Personal Information about the applicant No fee
- Application fee for non-personal information \$30.00

Council Charges

- Freedom of Information Research (per hour) \$30.00
- Per photocopy (A4) \$0.40
- Per photocopy (A3) \$0.60
- Transcribing from tape, film or computer (per hour, or pro rata) Actual Cost
- Duplicating of a tape, film or computer information Actual Cost
- Delivery, packaging and postage Actual Cost

The Town may require an advanced deposit on charges payable.

Notice of decision

A notice of decision must be issued within 45 days (calendar days) from when the application was received and deemed valid (application includes sufficient information to identify the documents). The Town aims to respond as soon as practical to any application and will negotiate with the applicant for an extension should the application be unusually large or require consultation with a significant number of third parties.

The written 'Notice of Decision' will include:

- The date on which the decision was made;
- The name and designation of the officer who made the decision;
- The reason why a document is considered exempt, or the fact that access is given to an edited document;

- If access is refused, the reason for claiming the document is exempt; and
- Information on the rights of review and the procedures to be followed to exercise those rights.

Access Arrangements

Access to documents can be by way of:

- An inspection; or
- A copy of a document.

Documents include, but are not limited to, maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV Footage and electronic records including emails.

Review process

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

Internal review

Applications who are dissatisfied with a decision of the Town are entitled to ask for an internal review. An application must be made in writing within 30 days of receiving the Notice of Decision and must provide particulars of the decision to be reviewed.

There is no lodgement fee for an application for internal review, and there are no charges for dealing with an internal review request. The application will not be dealt with by the person who made the initial decision, or by any person subordinate to the original decision maker. The outcome of the application for internal review may result in a confirmation, variation or reversal of the initial decision under review. The applicant will be notified of the outcome within 15 days of the application.

External review

If still dissatisfied with the Town's decision after the internal review has been completed, a review by the Information Commissioner can be sought. External Review requests must be made in writing within 60 days of the original decision, to the Information Commissioner and give details of the application decision to which the request relates.

There is no charge for lodging a request for an external review with the Office of the Information Commissioner, details are as follows:

By Post / In person:
Office of the Information Commissioner
Albert Facey House
469 Wellington Street (entry off Forrest Place)
Perth WA 6000
Telephone: (08) 6551 7888
Country Callers: 1800 621 244 (<i>Western Australia only</i>)
Facsimile: (08) 6551 7889

Copies of the *Local Government Act 1995* and the *Freedom of Information Act 1992* and their subsidiary legislation can be found online by visiting the State Law publisher website at www.slp.wa.gov.au