



# Kimberley Development Commission

## Information Statement 2025

(Freedom of Information Act 1992, S94-97)

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## DOCUMENT CONTROL

This document has been endorsed and approved for use by:



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<b>DOCUMENT REFERENCES</b>	
Policy Reference	COM-04
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Associated Documents	Record Keeping Plan
Associated Legislation	Freedom of Information Act 1992 State Records Act 2000
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File References	

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## INTRODUCTION

This Information Statement is provided in accordance with sections 96 and 97 of the Freedom of Information Act 1992 (WA) (FOI Act).

The purpose of the Information Statement is to ensure that information concerning the structure and functions of the Kimberley Development Commission (Commission) and the types of documents held is available to the public. The Commission's Information Statement is made available as a standalone document and may be obtained from the Commission's Offices or on our [website](#).

The FOI Act provides the public with the right to access information held by State and local governments not routinely available to the public. It also assists the public to ensure that personal information held by government is accurate, complete, up to date, and not misleading.

The Commission is committed to assist the public to obtain prompt access to documents at the lowest reasonable cost in the spirit of the FOI Act, to ensure openness, transparency, and accountability as a government agency.

## OUR PRIORITIES

The Commission is a statutory authority of the West Australian Government, set up in 1994 under the Regional Development Commissions Act 1993. The Commission is run by a board of management and is accountable to the Minister for Regional Development. Our purpose is to coordinate and promote the economic and social development of the Kimberley.

The Commission has a strong and unified Vision.

The Kimberley aspires to a long-term future transformed into one of the world's most successful and sustainable regions. The hallmarks of the success will be:

People – A culturally vibrant, well-educated, and healthy people enjoying an exceptional lifestyle in thriving and sustainable communities.

Place – A place where Country is looked after and people find connection and meaning.

Prosperity – Shared prosperity arising from the success of modern and diversified industries including resources and energy, tourism, creative industries, agriculture, aquaculture, pastoral industries, and the services sector.

## PURPOSE

To foster shared prosperity for all Kimberley people and to ensure WA Government decisions affecting our region are well-informed and effective.

### **Enabling Legislation and Policy**

The Commission was established under Section 21 of the Public Service Act 1978 on January 1, 1993. This Commission became a Statutory Authority upon proclamation of the Regional Development Commissions Act 1993 on April 8, 1994.

The following legislation applies to the Commission's operations:

#### Regional Development Commissions Act 1993

An Act to establish Regional Development Commissions to coordinate and promote the economic development of regions of Western Australia, to provide for the establishment of Regional Development Advisory Committees, to establish a Regional Development Council, to continue existing regional development bodies as commissions under this *Act*, to repeal certain Acts and for related purposes.

#### Constitutions Acts Amendment Act 1899

An Act to amend the *Constitutions Act 1889*, and to amend and consolidate the Acts amending the same.

Industrial Relations Act 1979 An Act to consolidate and amend the law relating to the prevention and resolution of conflict in respect of industrial matters, the mutual rights and duties of employers and employees, the rights and duties of organisations of employers and employees, and for related purposes.

#### Workers Compensation and Rehabilitation Act 1981

An Act to provide legislative framework for Workers Compensation and Rehabilitation.

#### Equal Opportunity Act 1984

An Act to promote equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, family responsibilities, race, religious or political conviction or involving sexual harassment.

#### Government Employees Superannuation Act 1987

An Act to provide superannuation schemes for employees of the Government and certain other persons; to constitute the Government Employees Superannuation Board; to constitute and provide for the administration and investment of the Government Employees Superannuation Fund and for connected purposes.

#### Freedom of Information Act 1992

An Act 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.

#### Disabilities Services Act 1993

An Act for the establishment of the Disability Services Commission and the Advisory Council for Disability Services, for the furthering of principles applicable to people with disabilities, for the funding and provision of services to such people that meet certain objectives, for the resolution of complaints by such people, and for related purposes.

#### Workplace Agreements Act 1993

An Act to provide for the making of agreements between employers and employees as to their respective rights and obligations, for the registration of such agreements by a public official, for the effect of such agreements, and for their enforcement, to confer qualified immunity for certain industrial action relating to such agreements, and to provide for related matters.

#### Minimum Conditions of Employment Act 1993

An Act to provide for minimum conditions of employment for employees in Western Australia and for related purposes.

#### Public Sector Management Act 1994

An Act to provide for the administration of the Public Sector of Western Australia and the management of the Public Service and of other public sector employment, to repeal the Public Service Act 1978; and to provide for related matters.

#### State Records Act 2000

An Act to provide for the keeping of State records and for related purposes.

#### Financial Administration Act 2006

An Act to make provision for the administration of public authorities and other bodies, to provide for annual reporting by departments and statutory authorities and to authorise and regulate the investment of certain public moneys.

#### Procurement Act 2020

An Act to modernise the processes for Government procurement of goods, services and works.

#### Work Health and Safety Act 2020

An Act to make provision about, and in connection with the health and safety of workers, at workplaces and risks to health and safety arising from work.

### **Statutory Objectives and Functions**

The Commission provides an integral component of a 'whole-of-government' approach to the requirements of regional development. By assisting in the co-ordination of responsibilities of a wide range of agencies having impact on regional development, the Commission performs an important role in identifying needs and providing advice on the appropriate application of Government resources to the region.

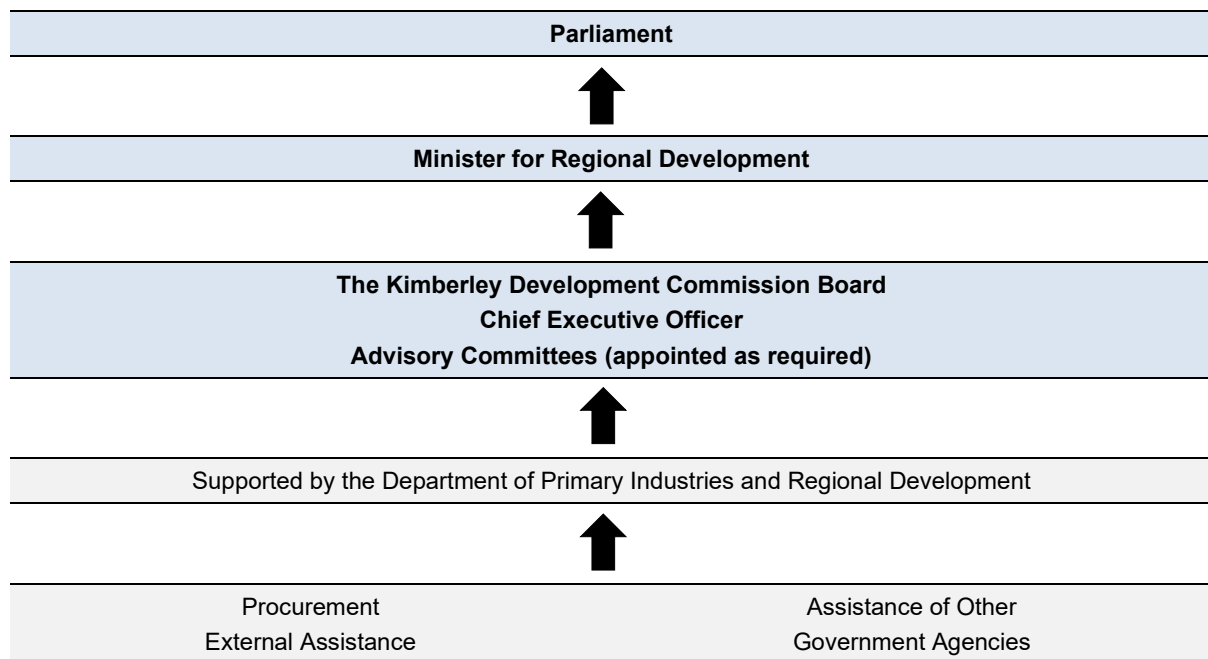
As prescribed under Section 23(1) of the Regional Development Commissions Act, 1993, the objectives of the Commission are to:

- maximise job creation and improve career opportunities in the region;
- develop and broaden the economic base of the region;
- identify infrastructure services to promote economic and social development within the region;
- provide information and advice to promote business development within the region;
- seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- generally, take steps to encourage, promote, facilitate and monitor the economic development in the region.

In order to meet its objectives, the Commission is to:

- promote the region;
- facilitate co-ordination between relevant statutory bodies and State Government agencies;
- cooperate with representatives of industry and commerce, employer and employee organisations, education and training institutions and other sections of the community within the region;
- identify the opportunities for investment in the region and encourage that investment;
- identify the infrastructure needs of the region and encourage the provision of that infrastructure in the region; and
- co-operate with:
  - a) Departments of the Public Service of the State and the Commonwealth, and other agencies, instrumentalities and statutory bodies of the State and Commonwealth; and
  - b) Local government authorities, in order to promote equitable delivery of services within the region.

### **KIMBERLEY DEVELOPMENT COMMISSION REPORTING STRUCTURE**



Each separate Regional Development Commission is an “agency” under the FOI Act as, being “an organisation specified in column 2 of Schedule 2 of the Public Sector Management Act 1994”, each commission is a “public body” as defined in the FOI Act. Therefore, each Regional Development Commission is subject to the FOI Act in its own right (separately to the Department of Primary Industries and Regional Development [DPIRD]).

The Commission reports to the Minister for Regional Development (Minister). The Minister has the power to direct the Commission, either generally or with respect to a

particular matter, on the exercise and performance of its powers, functions and duties under the Regional Development Commissions Act 1993. The Commission must give effect to such directions.

Under the Regional Development Commissions Act 1993, the Minister is provided with the authority to appoint Board members, including the Chair, the Deputy Chair and the Chief Executive Officer (CEO) of the Commission (ex-officio).

### **KIMBERLEY DEVELOPMENT COMMISSION BOARD & STAFF**

The Commission is governed by a Board of Management established under Sections 7, 15 & 16 of Regional Development Commissions Act 1993, and comprises the following membership:

- two members representing the regional community;
- two members representing Local Government;
- two members appointed at the Minister's discretion; and
- the Commission's CEO.

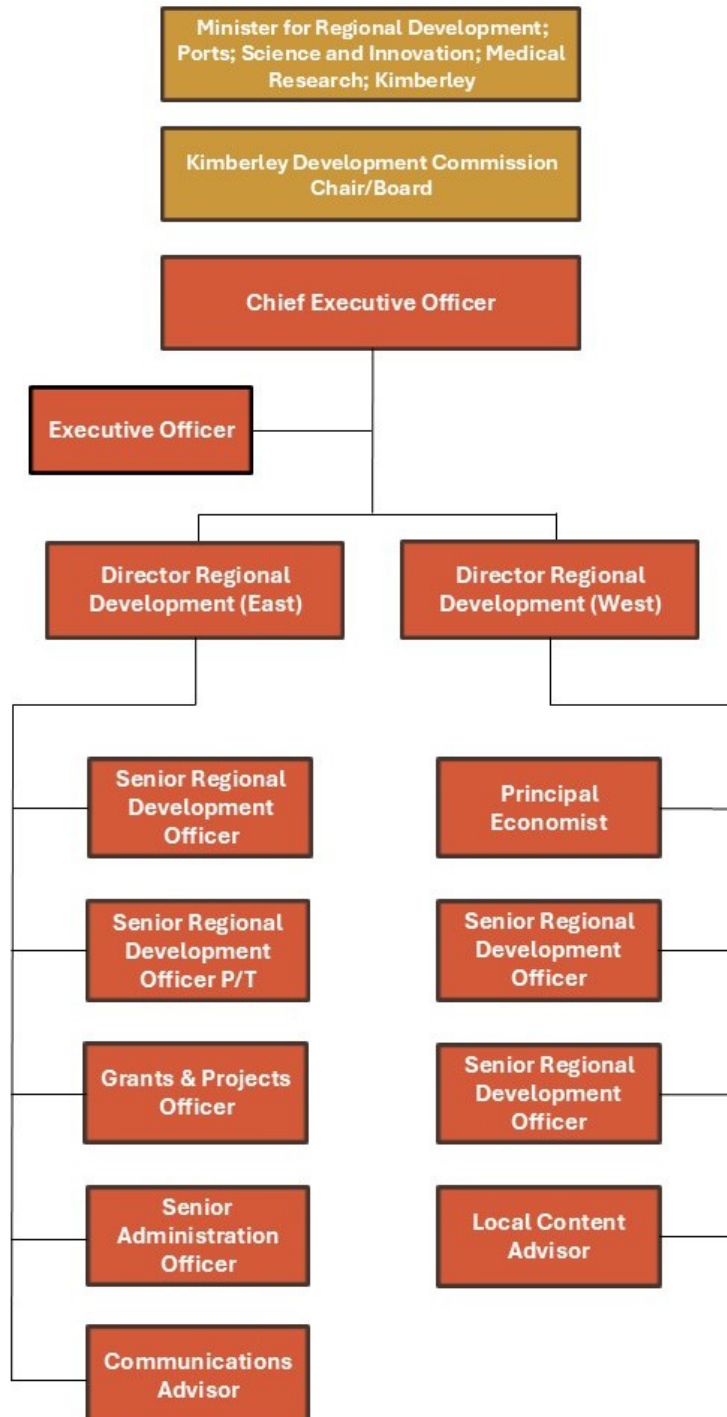
With the exception of the CEO, all members are appointed for a period of up to three years.

The Board is appointed by and responsible to the Minister for Regional Development. The Kimberley Development Commission is a Statutory Authority and advises the Minister on matters affecting the development of the region and sets the primary directions for the Commission.

The DPIRD supports the Commission and is the employing agency for staff working for the Commission and responsible to the CEO.

The Commission's current organisational structure as at June 2025 is:

## Kimberley Development Commission



## **OPPORTUNITIES FOR PUBLIC PARTICIPATION**

There are two Community representative positions on the Commission Board. These positions are available to people who are residents in the region. Expressions of interest for nomination to the Board are advertised from time to time as appointments expire and positions become available. Nominees will be considered on their 'decision-making' ability at an executive level, a demonstrated involvement in either the economic, environmental or social development of the Kimberley Region and the ability to work cooperatively to achieve agreed goals across a wide range of social and economic issues.

The Commission welcomes public input to assist in the formulation of policy and the performance of the agency's functions. Members of the public with an interest in regional development, and particularly the development of the Kimberley region, are invited to contact Board members or Commission staff to discuss relevant issues.

General participation is possible in the following way:

- making oral or written representations to the Commission;
- putting submissions to the Board on matters chaired by the Commission; and
- providing expert or specialist advice on matters on an 'ad hoc' basis.

## **DOCUMENTS HELD BY THE KIMBERLEY DEVELOPMENT COMMISSION**

To support its role in regional development, the Commission maintains administrative and functional files. In addition, it holds information from various sources including reports, studies, journals and research papers. A range of updated information is available from the Commission's Offices either as a copy or for reference.

Information is usually provided free of charge. However, the provision of some documents and reports may require payment. Publications available on the Commission's website ([www.kimberley.wa.gov.au](http://www.kimberley.wa.gov.au)) include:

### Corporate Publications

- Strategic Plans
- Annual Reports
- Freedom of Information Statements

### Sector Profiles

- Childcare in the Kimberley
- Kimberley Residential Housing and Land Snapshot 2023
- 2036 and Beyond A Regional Investment Blueprint for the Kimberley

Other types of documents held by the Commission for which a Freedom of Information Application is required include (but is not limited to):

- Audit reports and supporting documentation
- Business plans
- Correspondence

- Ministerial correspondence
- Minutes, agendas and papers of meetings
- Personnel information
- Records relating to administrative operations
- Service Level Agreements
- Memorandums of Understanding
- Strategic Development Plans
- Tender and quotation responses

### **Accessing Information held by the Kimberley Development Commission**

Under the State Records Act 2000 (SR Act) the Commission is required to have an approved recordkeeping plan. This plan sets out how records are created, managed, and stored before they are destroyed. The Commission's Recordkeeping Plan was approved by the State Records Commission and is updated regularly in accordance with Section 28(5) of the SR Act.

Personal information collected by the Commission is managed in accordance with the Australian Privacy Principles as contained in Schedule 3 of the Commonwealth Privacy Act 1988. The Commission's policy framework details procedures in place to prevent the misuse of personal information within or by the Commission.

Most requests for information held by the Commission are easily satisfied by a personal visit or telephone call to one of the two offices of the Commission, in Kununurra and Broome. A range of information, in addition to the documents above, is also available on our website: [www.kimberley.wa.gov.au](http://www.kimberley.wa.gov.au)

The FOI Act provides for access to certain information held by the Commission. The FOI Act is designed to promote openness and transparency by providing a general right of access to documents held by State and local government agencies. The Commission is committed to providing public access to documents at the lowest reasonable cost, and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading. An applicant may be entitled to access documents in electronic or hard copy form, or by way of inspection. Whenever possible, documents will be provided outside the Freedom of Information (FOI) process.

### **Accessing Information under the Freedom of Information Act, 1992**

#### **Lodgement of Applications**

Applications to access information, held by the Commission, under the *FOI Act*, should be made in writing.

A valid application must:

- be in writing addressed to the Freedom of Information Coordinator, Kimberley Development Commission, PO Box 620, KUNUNURRA WA 6743, by post, hand or email ([foi@kdc.wa.gov.au](mailto:foi@kdc.wa.gov.au));
- be accompanied by a \$30 application fee for non-personal information;

- give an Australian address for correspondence;
- give enough information to enable identification of the documents being requested; and
- indicate what kind of access is required.

Applications may be delivered in person to the Freedom of Information Coordinator, Kimberley Development Commission, Kununurra office located at 7 Ebony Street, Kununurra.

When seeking access to general information it is preferable to first discuss the issue with the Commission's Freedom of Information Co-ordinator by telephoning 08 9148 2100

### Refusal of Access

While the Western Australian FOI Act encourages open government through the release of documents and information, there is provision under Section 23 of the FOI Act, to refuse access on a range of grounds, these include:

- Exempt documents with an exemption certificate;
- A document that does not belong to this Commission;
- A document where access would contravene a limitation (relates to private collections);
- A document that is an edited copy;
- A document containing personal information relating to a child who has not turned 16; and
- A document containing personal information relating to a person who is intellectually handicapped.

### Notice of Decision

Once a written application for access to information under the FOI Act has been received, the Commission will decide as soon as possible, within forty-five (45) calendar days, whether or not to grant access to the information requested.

Applicants will be notified of the Commission's decision in writing. In accordance with the FOI Act, this letter will include the following details:

- the day on which the decision was made;
- the name and designation of the officer who made the decision;
- whether or not access to the information will be granted;
- if access is refused, the reason for claiming the information or part thereof is exempt;
- any fees likely to be incurred;
- the applicant's right to a review of the decision; and
- the review process in the event that access to information has been refused.

## Personal Information

Employee details with respect to both personal and employment information are retained on the Commission's online human resource management system as well as on individual personnel files.

The online recording system is security protected; personnel files are retained by the Commission and are locked daily. Access to personnel files is restricted to Human Resource staff. An individual wishing to access his or her own personnel file can do so only under the direct supervision of the Senior Administration Officer or Director People & Place.

No fee or charge is payable in respect of an application to amend personal information or a request for a notation or attachment disputing the accuracy of information which the Commission has decided not to amend. All applications relating to personal information should be in writing.

Personal information can be factual or routine information, opinions or evaluative material, such as advice or recommendations of a third party. Applications will be dealt with as quickly as possible and in any case within 30 days of receipt.

The right to amend personal information in a document held by the Commission exists to ensure that personal information which may be used by the Commission does not unfairly harm the person referred to, does not misrepresent facts about him or her or does not give a misleading impression.

Personal information must be about the applicant and proof of identity is required before the Commission can begin to process the application.

Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. Applications for the amendment of personal information must:

- be in writing.
- provide sufficient details to enable the document that contains the personal information to be identified.
- provide details of the information that is inaccurate, incomplete, out of date or misleading.
- provide reasons for holding that belief.

In addition, applicants must indicate how they wish the amendment to be made within the options set out in the FOI Act, for example:

- altering information;
- striking out or deleting information;
- inserting information;
- inserting a note in relation to information.

On reaching a decision, the Commission will, within 30 days of receipt of the application, give the applicant written notice of its decision. Where a decision is made to amend the information, the notice will give details of the amendment, and where practical will include a copy of the amended documents.

If the decision is not to amend the information, the notice will inform the applicant of the reason/s for the decision, along with details of an applicant's right of review and/or appeal, and the right to request that a notation be added to the document, disputing the accuracy of the information.

Any enquiries concerning personal information should be directed to the Freedom of Information Coordinator, Kimberley Development Commission.

#### Arrangements for Access to Information

Access to documents may be granted by way of inspection at one of the Commission's offices or by provision of the information in an appropriate format, for example, a hard or electronic copy of a document. Arrangements for access are negotiable and will be as considered appropriate and acceptable to both the Commission and the applicant.

Access will usually be available between 8.30am and 4.30pm, Monday to Friday (excluding public holidays) at the Commission's offices. However, prior arrangements should be made with the FOI Co-ordinator before visiting the offices with a view to inspecting information. This is to ensure that all requested information is assembled for viewing. Some may have to be retrieved from archives. Any enquiries concerning access to documents or other matters relating to Freedom of Information should be directed to the Freedom of Information Co-ordinator, Kimberley Development Commission.

#### Right of Review

The FOI Act provides for a review and appeal process. Applicants who are dissatisfied with a decision of the FOI Co-ordinator are entitled to ask for an internal review. If they are still dissatisfied following the internal review, then a review by the Information Commissioner may be requested. If still not satisfied, applicants may appeal to the Supreme Court.

Application for such a review should be made in writing within thirty (30) days of receiving the notice of decision.

Applicants will be notified of the outcome of the review within fifteen (15) days or any longer period agreed between the applicant and the Commission.

The Internal Review will be carried out by the CEO. There is no charge for an internal review.

If an applicant disagrees with the result of the internal review, then an application may be made to the Information Commissioner for an external review. An application for an external review must be made within sixty (60) days of receiving notice of the internal review decision.

This request must be made in writing, giving details of the decision to which the complaint relates. Complaints should be made to the Information Commissioner and addressed as follows:

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

A complaint to the Information Commissioner must:

- be in writing;
- include a copy of the Commission's decision; and
- provide an Australian address

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 for Accessing Information

A scale of fees and charges is set out in the FOI Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. No fees or charges apply for applications that are limited to requests for access to personal information about the applicant only.

In accordance with the Regulations the Commission charges the following fees for applications for information:

- personal information about the applicant - no fee
- non personal information \$30.00
- for financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

If an application is likely to divert a substantial and unreasonable portion of the Commission's resources away from its other operations, the Commission may decide to impose charges. Charges that may be imposed, include:

Type of fee	Charge
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
Transcribing from tape, film or computer	\$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. In cases where charges are likely to be higher than \$25 the applicant can request details of the estimated charge as soon as possible after lodging their application.

The Commission reserves the right to request a deposit of between 25-75% in advance for the work to be undertaken.