

LORD HOWE ISLAND BOARD

AGENCY INFORMATION GUIDE

STRUCTURE AND FUNCTIONS

The Lord Howe Island Board is a statutory authority established under the provisions of the *Lord Howe Island Act, 1953*. The Board is directly responsible to the Minister for the Environment and comprises four Islanders elected by the local community every three years and three members appointed by the Minister for a term of up to three years.

It is charged with the care, control and management of the Island and the affairs and trade of the Island. It is also responsible for the care, improvement and welfare of the Island and residents.

The Board carries out all local government functions on behalf of approximately 400 Island residents. It controls all land tenure on the Island and administers all residential and other leases in accordance with the Act. The Board operates one trading enterprise: a liquor distribution outlet, and is responsible for the generation and reticulation of electricity and operation of the Island aerodrome and wharf facilities. The Board assists with the administration of the Island's health services including maintenance of the Gower Wilson Memorial Hospital on behalf of the South East Sydney Local Health District (SESLHD).

The Island Group is inscribed on the World Heritage List and the Board manages the Island Permanent Park Preserve and the protection and conservation of the Island's fauna and flora. The Board also maintains the functions of other Government agencies, including the Passports office, Local Court and Registry of Births, Deaths and Marriages.

Tourism is the major industry and source of income on the Island. Approximately 17,000 people visit the Island each year and there are currently 21 lodge operators. The Board regulates and controls tourism operations, and provides support for the Lord Howe Island Tourism Association Inc., which is responsible for marketing and promoting Island tourism.

The Chief Executive Officer is the most senior employee of the Board. Three managers report to the CEO, and are responsible for departments including Business and Corporate Services, Infrastructure and Engineering Services, and Environment and Community Services.

Details of Board member and senior staff appointments of the Board are included in every annual report.

BOARD MEETINGS

Board meetings are generally held in public on a quarterly basis with the exception of items relating to commercial and business affairs, staff and personnel issues, legal matters and items affecting the private affairs of individuals. Members of the public are informed of the outcome of meetings through publication of minutes of the meetings.

The Board has adopted a Code of Conduct which includes meeting procedures and copies of the Code are available to the public free of charge.

EFFECT OF THE BOARD'S FUNCTIONS ON MEMBERS OF THE PUBLIC

As can be seen from the Structure and Functions section much of the Board's operations relate to local government type functions. The Board's decisions affect Island residents in regard to:

- Owner Consent, Development Applications and Construction Certificates.

- Fees and charges for any service or commodity and licence fees for tourist and commercial undertakings.
- Local government charges including electricity tariffs.
- Importation of motor vehicles, flora and fauna.
- Public Health safety including food safety inspections and groundwater management.

PUBLIC PARTICIPATION IN POLICY DEVELOPMENT

Board meetings are held on the Island and are open to the public except for sections dealing with the trading operations, finances, staff matters, lease matters and legal matters. Individuals are permitted to participate in discussion and local community groups are encouraged to make representation on policy issues which are considered by the Board. Elected Island members are available for discussion with Island residents on particular issues which may be taken into consideration by Board members in the decision making process. All amendments to public policy are placed on public exhibition for up to 28 days.

CATEGORIES OF DOCUMENTS HELD BY THE BOARD

- Annual report of the Lord Howe Island Board
- Code of Conduct
- Guarantee of Service
- Various Policies including: Privacy Policy, Non-smoking Policy, Work Health and Safety Policy
- Administration - all aspects of internal administration including Board minutes, budget and financial matters, correspondence, internal audit, management information systems and the Board's own agendas and reports
- Island residents' land tenure files
- Capital Works - all aspects of capital works programs including working papers and plans
- Ministerial Parliamentary Enquiries
- All correspondence to and from members of Parliament in relation to the Board activities
- Staff Matters
- All files relating to recruitment and training of staff and staff members personal files. Staff may have access to their personal files.
- Contracts and Tendering Documentation

ACCESSING AND AMENDING THE BOARD'S DOCUMENTS

The Board is bound by the provisions of the *Government Information (Public Access) Act 2009* and is required to publish a range of public access information.

This information includes our disclosure log, details of information not disclosed, detail of documents tabled in Parliament, policy documents, publication guide and a register of government contracts.

Access to this information is available via the Board's website www.lhib.nsw.gov.au

The *Privacy and Personal Information Act 1998* and the *Health Records and Information and Privacy Information Act 2002* regulates the way the Board deals with personal and health information and

gives people a legally enforceable right of access to their information.

Applications can be made to access, or amend, personal information held by the Board that may be in-complete, incorrect, misleading or out-of-date.

Any queries or complaints regarding privacy are handled by the Department of Planning and Environment (DPE) Information Access & Privacy Unit:

Information Access & Privacy Unit

Locked Bag 5022

Parramatta NSW 2124

Phone: 02 9860 1440

Email: privacy@dpie.nsw.gov.au

HOW DO APPLICANTS MAKE VALID FORMAL ACCESS APPLICATIONS?

A valid formal application for access to information must:

- Be in writing
- State that it is made under the Government Information (Public Access) Act 2009 (NSW)
- Have an Australian postal address for return correspondence
- Provide enough detail to help the agency identify the information the applicants want; and
- Enclose the application fee of \$30.00

WHAT ARE THE COSTS FOR FORMAL ACCESS APPLICATIONS?

The formal application fee is \$30, however applicants may be entitled to a 50 per cent reduction of processing charges on financial hardship grounds, or if the information requested is of special benefit to the public generally.

If the Board decides to provide the applicant with access to the information, the applicant may be asked to pay a further processing charge. Processing costs per hour of \$30 covers the time needed to deal efficiently with the application.

The Board may ask an applicant to pay up to 50 per cent of the expected processing charge in advance. This request must be in writing and the applicant must be given at least four weeks to pay.

If applicants seek access to their own personal information, the first 20 hours processing time are free of charge

HOW LONG DOES A FORMAL ACCESS APPLICATION TAKE?

The Board will notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time.

The Board may also extend the time by 10 – 15 days where consultation with a third party is required, or if it needs to retrieve records from archives. If access is deferred by the Board then the Board will notify the applicant and include the reason for deferral and the date on which the applicant will be given access.

A decision to defer access is reviewable (review rights).

If the Board does not decide the applicant's access application within 20 days, it is considered "refused". The application fee will be refunded and the applicant may seek internal or external review (review rights) of this refusal.

This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

WHAT ARE THE REVIEW OPTIONS AND THE TIME LIMITS?

Applicants have three options if they have been refused access to information:

1. INTERNAL REVIEW

Applicants can apply to the Board for an internal review. This is review by someone more senior than the original decision maker and there is a \$40 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.

2. REVIEW BY THE INFORMATION & PRIVACY COMMISSION

If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information & Privacy Commission (IPC). Applicants have eight weeks from being notified of a decision to ask for this review.

3. REVIEW BY THE ADMINISTRATIVE APPEALS TRIBUNAL

If an applicant is not satisfied with the decision of the Information & Privacy Commission, or the internal reviewer, or if they do not want to take these options they can apply to the Civil & Administrative Tribunal (NCAT). If the applicant has already had a review by the Information & Privacy Commission they have four weeks from notification of the decision to make this application. If they haven't had a review by the Information & Privacy Commission they have eight weeks from notification of the decision to make this application.

WHERE CAN I GET MORE INFORMATION ABOUT ACCESS TO INFORMATION?

- Go to www.ipc.nsw.gov.au
- Email ipcinfo@ipc.nsw.gov.au
- Mail GPO Box 7011, Sydney NSW 2001
- Visit Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
- Call 1800 472 679 between 9:00am to 5:00pm, Monday to Friday (excluding public holidays)