



# Freedom of Information Statement

<b>Policy/Procedure Type</b>		Governance	
<b>Responsible Department</b>		Office of the Chief Executive Officer	
<b>Responsible Officer</b>		Chief Executive Officer	
<b>Related policies and / or procedures</b>		Public Consultation Policy Order Making Policy Code of Conduct for Council Members Code of Practice: Council Meeting Procedures Complaints Policy and Procedure	
<b>Date adopted</b>	<b>5 November 2019</b> <b>By SMT</b>	<b>Minute Number</b>	
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<b>Next Review</b>			

This Freedom of Information Statement is published by the District Council of Elliston Council (Council) in accordance with the *Freedom of Information Act 1991* (FOI Act).

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian (Local) Government agencies such as Councils. The purpose of this statement is to assist members of the public to identify the functions and decision making processes of Council, detail the type of information held by Council and advise how it can be accessed by the public.

## 1. Structure of Council

Council is established under the *Local Government Act 1999 (the Act)* to provide for the government and management of the area. The provisions of the Act are supported by the Local Government (General) Regulations. The District Council of Elliston includes staff administration, a Mayor and seven (7) Elected Members who are elected for a four year term.

The Mayor is chosen by the Elected Members of the Council. All Elected Members are elected by the electors of the area as a representative of the area as a whole. The District Council of Elliston operates as a single area Council with no Wards.

Council elections are held every four (4) years, with the next election to take place in November 2022. Residents and ratepayers of the area are eligible to vote in Council elections.

The Council is required to review its composition at least every 8 years as prescribed in Section 12 of the Act to provide fair and equitable representation for the community. This was most recently conducted in April 2013 and is due to be reviewed again in 2020.



# Freedom of Information Statement

Council is primarily accountable to the local community and also to State, legal and administrative review systems.

The Mayor carries out the civic and ceremonial duties of the office and therefore attends most functions on behalf of the Council. The Mayor is the principal spokesperson of the Council and chairs all Council meetings.

The Elected Members participate in the deliberations and civic activities of the Council, keeping the objectives and policies of Council under review as well as Council's resource allocation, efficiency and effectiveness of service delivery.

The Elected Members represent the interests of residents and ratepayers and provide the community with leadership and guidance and facilitate communication between the community and the Council.

The Chief Executive Officer is responsible for staff and the day to day operations and affairs of the Council, as well as providing advice to the Council as necessary.

## **2. Council Functions**

The functions of Council, set out in Section 7 of the Act, include:

- a) to plan at the local and regional level for the development and future requirements of its area;
- b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- f) to provide infrastructure for its community and for development within its area;
- g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- h) to establish or support organisations or programs that benefit people in its area or local government generally;
- i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- j) to manage, improve and develop resources available to the Council;



## Freedom of Information Statement

- k) to undertake other functions and activities conferred by or under the Act. (Section 6 Local Government Act).

### 3. Decision making structure

The *Local Government Act 1999* provides for decisions to be made at Council meetings – by committees and subsidiaries of Councils; by the Chief Executive Officer (specifically in relation to staffing matters); and by council staff and other authorised people through delegated powers from Council.

Council determines policy and makes other decisions at Council meetings on an ongoing basis. Policies and budgets endorsed by the Council provide a framework for the provision of services and programs and for day-to-day operational decision-making. Provided a quorum is present, a decision is made by the votes of the majority of those Elected Members present at a meeting.

The Presiding Member of Council or a Council Committee has a deliberative vote, not a casting vote. The Presiding Member at a Committee meeting has a deliberative vote, but not a casting vote.

Individual Elected Members can not make decisions nor give directions to staff. Their key role is to develop and review policy as a group, leaving the day-to-day administration and operational matters to staff.

### 4. Council and Council Committee Agendas and Minutes

All agendas and minutes of a meeting of Council, or a key Council Committee are publicly displayed at the Council office, 21 Beach Terrace, Elliston. These documents are also available on Council's website at [www.elliston.sa.gov.au](http://www.elliston.sa.gov.au). Click here to view [Agendas and Minutes](#).

Items on the Agenda considered under Section 90 of the Act are unavailable for viewing and that part of the meeting will be closed to the public.

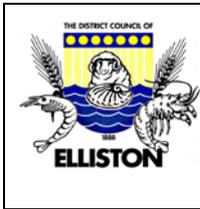
Agendas can be accessed no less than three (3) working days prior to the meeting and minutes are available within five (5) working days after the meeting.

Members of the public are encouraged to attend Council meetings. They are currently held on the 3<sup>rd</sup> Tuesday of each month commencing at 9.00am in the Council Chambers located at the Council offices, 21 Beach Terrace, Elliston. The dates of all Council and Committee meetings are published on Council's website.

The *Local Government Act 1999* and the *Local Government (procedures at Meetings) Regulations 2000* apply to all Council and Council Committee meetings (with the exception of the Council Assessment Panel).

### 5. Council Committees

Committees are generally established by Council under Section 41 of the *Local Government Act 1999*, the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* and do not have any delegated decision-making power (unless specified otherwise by



## Freedom of Information Statement

Council). They are advisory in nature and their purpose is set out in each Committee's Terms of Reference or Charter located on Council's website.

Council must determine the membership and the reporting requirements of each of its key Committees. The Council encourages community participation by including community representation on its Committees.

A list of Council Committees is listed below:

- Audit Committee
- Council Assessment Panel

Council is a member of 1 regional subsidiary – the Eyre Peninsula Local Government Association. A subsidiary is ultimately subject to the joint direction and control of its constituent Councils. The objectives are to provide leadership and advocacy for member councils on regional issues.

The Council Assessment Panel (CAP) comprises Independent Members and is established under the *Planning, Development and Infrastructure Act 2016*. The role of the Committee is outlined in the CAP Terms of Reference:

5.1 To act as a delegate of the Council in accordance with the requirements of the Act

5.2 As it thinks fit, to provide advice and reports to the Council on trends, issues and other matters relating to the planning or development that have become apparent or arisen through its assessment of applications under the Act; and

5.3 To perform other functions (other than functions involving the formulation of policy) assigned to it by the Council.

### 6. Delegations

Pursuant to Section 44 of the *Local Government Act 1999* the Council has delegated relevant powers, duties and functions to the Council committees, Council Assessment Panel, the Chief Executive Officer and the Mayor. Section 101 of the *Local Government Act 1999* allows the Chief Executive Officer to sub delegate to Council staff. The Delegations Register was reviewed in September 2019 with the next review due following the 2022 Council elections. A copy of the register is available to be viewed by the public at the Council office during ordinary working hours.

[Delegations Register](#)

### 7. Services provided by Council

The following services are provided by Council, as required by legislation:

- Planning, Development and Building Assessment
- Environmental Health Services
- Regulatory Services
- Fire Prevention
- Dog and Cat Management



## Freedom of Information Statement

- Development of Strategic Management Plans for the area, including Long Term Financial Plans, Infrastructure and Asset Management Plans and preparation of the Annual Budget.
- Establishment of an Audit Committee and other Committees as required
- Establish policies and processes for dealing with complaints, requests for service and internal review of Council decisions
- Determine the type, range and scope of projects to be undertaken by the Council
- Development of appropriate policies, practices, reports and procedures of internal control and performance objectives
- Provision of administrative requirements such as supporting the elected Council.

Other services and activities are provided through the decision-making processes of Council in response to local needs, interests and aspirations of individuals and groups within its community to ensure that Council resources are used equitably.

Council may also partner with other Councils or State Government Departments to plan, fund and deliver services to local communities.

Examples of other services that Council provides are:

Libraries and free internet	Monitoring of insanitary conditions
Control of pest animals and plants	Food safety inspections
Stormwater drainage	Footpaths
Roads (local)	Parks & Gardens
Street lighting	On street parking
Traffic management	Reserves and picnic areas
Recreation facilities and centres	Ovals
Rubbish collection and disposal	Recycling
Information services	Skate Parks
Community Development Programs	Arts and Cultural Programs
Economic Development	Tourism information and support Visitor Information Centre
Environmental Management	Festivals and events
Caravan Parks	Heritage Support
Coastcare projects	Business Support
Local Area Water Catchment Plans	Dry Zones
Septic tank effluent disposal schemes	

### 8. Public Participation

Members of the public have a number of opportunities to express their views on particular issues before Council. These include:

**Deputations/Presentations** - Deputations or presentations provide an opportunity for an organisation, Council officer(s) or member of the public to provide a Committee or the Council with information relevant to a matter currently under consideration. Deputations are required to be submitted in writing to Council by 5.00pm on the Tuesday prior to the next Council or Committee meeting.



## Freedom of Information Statement

**Petitions** – Petitions allow the public to bring to the attention of Council any matter they believe requires action. Written petitions can be addressed to the Council on any issue within the Council's jurisdiction. They should set out clearly the request or submission of the petitioners and be delivered to the Council office by 5.00pm on the Tuesday prior to the next Council or Committee meeting.

Please note that the District Council of Elliston requires all attendees at meetings to abide by the [Code of Practice for Council and Committee Meetings](#).

**Elected Members** – Members of the public can contact Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's website.

**Written Requests** – Members of the public can write to Council on any Council policy, activity or service.

### 9. Community Consultation

The District Council of Elliston is committed to open, honest, accountable and responsible decision making. Council's Public Consultation Policy facilitates effective communication between Council and the community, encouraging community involvement and partnerships in planning and decision making. The Policy sets out the steps Council will take in relation to public consultation and ensures that the most cost-effective methods of informing and involving the community, which are appropriate for specific circumstances and consultation topics, are used. The Policy is available via Council's website.

Council has a range of methods to engage with the community including Council's website and Facebook page, Instagram, information sessions, mail outs, newspaper articles, workshops, survey/questionnaires etc

Community consultation or notification also occurs on matters associated with development in the area as prescribed in the *Planning, Development & Infrastructure Act 2016*. Examples may include:

- Development Plan Amendments
- Notice of an application under Category 3 development

Click here to view the [Public Consultation Policy](#).

### 10. Access to Council Documents

Most information and documentation held by Council is available for public viewing and is readily available without recourse to the *Freedom of Information Act* and we invite you to discuss your information needs with us.

**Records System:** Council operates an electronic records and document management system for the effective management of Council's records.

**Land and Property Information System:** Council's Land and Property Information system contains property-related information (valuation, rates, ownership details) on each property in the Council area.



## Freedom of Information Statement

### Policy documents available for inspection

Council Policy documents can be accessed from Council's website and are available for public inspection at the Council Office during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

### Other Council Documents Available

Annual Business Plan and Budget	Website and Customer Care
Annual Report	Website and Customer Care
Asset Management Plan	Website
Assessment Record	Customer Care
Long Term Financial Plan	Website
Code of Conduct for Council Members	Website
Code of Practice for Public Access to Meetings	Website
Community Land Management Plans	Customer Care
Procurement Policy	Website
Council Agendas and Minutes	Website and Customer Care
Delegations Register	Website and Customer Care
Freedom of Information Statement	Website and Customer Care
Fees and Charges	Website and Customer care
Order Making Policy	Website
Public Consultation Policy	Website and Customer Care
Rating Policy	Website and Customer Care
Gifts and Benefits Register	Website and Customer Care
Council Bylaws	Website
Register of Community Land	Customer Care
Elected Member Register of Interests	Website and Customer Care
Employees' Salaries and Wages Register	Customer Care
Strategic Plan	Website
Development Applications	Website
Dog and Cat Management Plan	Website
Development Plan December 2017	Website and Customer Care



## Freedom of Information Statement

### Other Information Requests

Requests for other information not publicly available will be considered in accordance with the FOI Act. Under this legislation, applicants seeking access to documents held by Council must provide sufficient information to enable the correct documents to be identified and must complete the required application form and lodge it at the Council office.

Applications must be in writing and must specify that the request is made under Section 13 of the FOI Act.

If the documents relate to the applicant's personal affairs, proof of identity may be requested. Requests will be dealt with as soon as practicable (and in any case, within 30 days) after receipt. If documents are being sought on behalf of another person relating to their personal affairs, Council may ask for a consent form signed by that person.

Forms of access may include inspection or copies (subject to copyright laws) of documents, hearing and/or viewing of audio and/or video tapes, transcripts of recorded documents, transcripts of words recorded in shorthand or encoded form, or the reproduction of documents from digitised information.

Council, on receiving a FOI application, may assist the applicant to direct the application to another agency or transfer the application to another agency if appropriate.

If Council refuses access to a document, a certificate stating why the document is a restricted document must be issued.

In some cases, retrieving the requested information involves considerable staff time. It is important to specify what is required as clearly as possible so staff can assist quickly and efficiently. If extraordinary staff time is required to comply with an information request, charges may apply.

All general enquiries on FOI Act issues should be directed to the Freedom of Information Officer.

### 11. Freedom of Information Application Fees and Processing Charges

Information not included in the Item 10 above may require the lodgement of a Freedom of Information application. These applications will be processed under the provisions of the *Freedom of Information Act 1991*. Under this legislation, an application fee must be forwarded with the application unless the applicant has been granted an exemption. Current fees are included in the Council Fees and Charges Schedule.

Fees will be waived for disadvantaged persons, as set in the Freedom of Information Regulations. i.e. No fee is required for current concession holders or if payment of the fee would cause financial hardship. At all times Council retains a discretion to waive, reduce or remit a fee for any reason it thinks fit.

If, in the Council's opinion, the cost of dealing with an application is likely to exceed the application fee, an advance deposit may be requested. The request will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated. The



## Freedom of Information Statement

Freedom of Information Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

Freedom of Information requests to Council are to be addressed to:

Freedom of Information Officer  
PO Box 46  
Elliston SA 5670

An online freedom of information application and payment tool that can be used by individuals to lodge applications to state government agencies is managed by State Records and available at <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application>

### 12. Amendment to Council Records

Under the *Freedom of Information Act 1991*, persons may request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a person must complete and lodge with Council an application form as indicated above outlining the records that he/she wishes to inspect.

If it is found that these require amendment, details of the necessary changes are to be lodged with Council's Freedom of Information Officer. There are no fees or charges for the lodgement, or the first two hours of processing of this type of application and where there is a significant correction of personal records and the mistakes were not the applicant's, any fees and charges paid for the original application will be fully refunded.

### Review History

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	November 2019	New Document, November 2019