

	<h1>FREEDOM OF INFORMATION STATEMENT</h1>
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<b>Policy/Procedure Type</b>	Freedom of Information
<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>	10 July 2023
<b>File Ref</b>	13.63.1/1
<b>Version</b>	4.0
<b>Last Reviewed</b>	July 2023
<b>Next Review</b>	July 2024

## 1. Introduction

This Freedom of Information Statement is published by the District Council of Elliston (**Council**) in accordance with Section 9 of the *Freedom of Information Act 1991* (SA) (**FOI Act**). The District Council of Elliston is pleased to comply with the legislation and publishes an updated Information Statement every twelve months to provide an overview of the types of information held by Council.

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.

## 2. Structure of Council

District Council of Elliston operates to provide for the government and management of its area at the local level. The *Local Government Act 1999* (**LG Act**) states that councils are particularly to:

- a) act as a representative, informed and responsible decision-makers in the interest of its community; and
- b) provide and co-ordinate various public services and facilities and to develop its community and resource in a socially just and ecologically sustainable manner; and
- c) encourage and develop initiatives within its community for improving the quality of life of the community; and
- d) represent the interests of its community to the wider community; and
- e) exercise, perform and discharge the powers, functions and duties of local government under the LG Act and other acts in relation to the area for which it is constituted. [S.6, LG Act]



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### 3. Functions of Council

In accordance with Section 7 of the LG Act, the functions of Council include to:

- a) plan at the local and regional level for the development and future requirements of its area;
- b) provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- c) determine the appropriate financial contribution to be made by ratepayers to the resources of the Council;
- d) provide for the welfare, well-being and interests of individuals and groups with its community;
- e) take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- f) manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- g) provide infrastructure for its community and for development within its area;
- h) promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- i) establish or support organisations or programs that benefit people in its area or local government generally;
- j) manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- k) manage, improve and develop resources available to the Council;
- l) undertake other functions and activities conferred by or under the Act. (S6, LG Act).

### 4. Full Council and provisions for meeting procedures

The Council, comprising of the Mayor and seven Councillors, is the decision-making body on policy matters. The Mayor and Councillors represent the interests of the community and ultimately are responsible for the workings of the Council. Elected Members vote on action that will be taken with regard to issues brought before the Council.

Ordinary meetings of the Council are held in the Council Chambers, on the third Tuesday of each month at:

21 Beach Terrace  
Elliston SA 5670

All meetings are open to the public, with the exception of any matters subject to an order of confidentiality. (S90, LG Act).

Notices of all meetings of Council and its Committees are available on the website and displayed at the Council Customer Service Centre Notice Board.

Community members can put forward their views on particular issues to a Council Meeting via a deputation or presentation. Deputations/presentations must be received in writing a minimum of five (5) business days before the Council Meeting date. All submissions must be approved by the Council Mayor and the address by the deputation should be limited to under ten (10) minutes.

Visit Council's website for more information on [Deputations](#).



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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](#).

At Council Meetings, there is a provision for Questions from Members of the Public. Public questions to an Ordinary Meeting are to be set out on the required [Public Question Time application form](#). All public questions must be submitted to Council by 2:30pm on the day prior to the Ordinary Meeting or at the time of the meeting at the Mayor's discretion.

### 5. Council Committees

Committees are generally established by Council under Section 41 of the LG Act and do not have any delegated decision-making power (unless specified otherwise by 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 and Risk Committee

The Audit and Risk Committee monitors and makes recommendations to Council about a range of matters related to financial reporting, internal controls, risk management systems and other relevant functions, as set out in the [Audit and Risk Committee's Terms of Reference](#).

Council is a member of one (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.

### 6. Council and Council Committee Agendas and Minutes

All [agendas and minutes](#), dates of a meeting of Council, or a key Council Committee are available on Council's website.

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.

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

### 7. Information and Briefing Sessions

Information and briefing sessions provide a valuable opportunity to enhance council decision-making processes by providing opportunities for council members to become better informed on issues and seek further clarification prior to making decisions at formally constituted council meetings. Informal gatherings are for information purposes only and not for decision making.

The council or the CEO may arrange for the holding of an information or briefing session.



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To constitute an information or briefing session under the LG Act more than one (1) member of the council or council committee must be invited to attend or be involved in the session. The session must be convened for the purposes of providing information or a briefing to attendees (S90A(1) of the LG Act).

### 8. Delegations

Pursuant to Section 44 of the LG Act the Council has delegated relevant powers, duties and functions to the Council committees, the Chief Executive Officer and the Mayor. Section 101 of the LG Act allows the Chief Executive Officer to sub delegate to Council staff in particular circumstances. Delegated powers, functions, authorisations and duties are set out in Council's Delegation Register which is available to be viewed by the public via the Council website on the [Public Registers page](#).

The Delegations Register was reviewed 17<sup>th</sup> May 2023 and the next review is due following the 2026 Council elections in November.

### 9. Services to the community

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
- Development and adoption 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 and Risk 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:

- |                          |                                      |
|--------------------------|--------------------------------------|
| Animal Control           | Arts and Culture Programs            |
| Business Support         | By-Laws                              |
| Coastcare Projects       | Community Development and Engagement |
| Community Safety         | Dry Zones                            |
| Economic Development     | Emergency Management                 |
| Environmental Management | Festivals and Events                 |
| Food Safety Inspections  | Heritage Support                     |



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Information Services	Infrastructure and Asset Maintenance
Library Services	Local History
Monitoring of Unsanitary Conditions	Parks, Gardens and Reserves
Pest and Weed Control	Playground Maintenance
Roads (local)	Septic Tank Effluent Disposal Schemes
Stormwater Management	Strategic Planning and Governance
Street Lighting	Traffic Management
Visitor Information and Tourism	Waste Collection and Recycling

### 10. Community Engagement and Public Participation

The community and /or individuals have a number of opportunities to express their views on particular issues before Council. These include:

**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.

**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, or submit a [Customer Feedback Form](#).

### 11. 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, Social Media (Facebook Instagram), information sessions, mail outs, newspaper articles, workshops, survey/questionnaires, call for Submissions to Council, notices/posters, Council newsletter, public displays, various pamphlets or publications and public meetings.

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

### 12. Access to Council Documents

Council holds a number of different types of documents. There is no charge to inspect certain documents without recourse to the *Freedom of Information Act 1991 (SA)* and many are available on Council's website. In most cases, copies of the documents (or extracts) may be purchased by the public for the fee set by Council. Details of [fees and charges](#) that apply are available via Council's website.

Where copyright laws apply to a document Council must have written permission of the copyright owner to reproduce it e.g. house plans, soil reports, engineering reports etc.

Council publishes all of its [by-laws](#), [policies](#) and [registers](#) on the Council website ensuring that they are available to the public.

The following documents are available only for public inspection at the Council Office, 21 Beach Terrace Elliston SA 5670 from 9.00am to 5.00pm Monday to Friday, closed public holidays.

Availability of documents will be facilitated with due respect for legislative limitations and prescribed procedures.

Document Name	Website	Council Office
Campaign Donation Returns prepared by Candidates	No	Yes
Community Land Register	Yes	Yes

Enquiries concerning the procedures for inspecting and purchasing Council policy documents should be made to Customer Service.

**13. 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.

Before making an application you may wish to speak to the FOI officer. They will be able to tell you if making an FOI application is the best approach.

Applications must be in writing and must specify that it is made under Section 13 of the FOI Act. Application forms are available from the Council and [State Records Website](#).

Under freedom of information you can apply to have documents concerning your personal affairs amended, by completing an [Amendment Application Form](#), if they are:

- o incomplete
- o incorrect
- o misleading or
- o out-of-date.

If the documents relate to the applicant’s personal affairs, proof of identity may be requested. 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.

On receiving an FOI application, an officer may assist the applicant to direct the application to another agency or transfer the application to another agency if appropriate.

Requests will be dealt with as soon as practicable (and in any case, within thirty (30) days) after receipt.





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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.

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

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

Freedom of Information applications are to be addressed to:

Freedom of Information Officer  
PO Box 46  
Elliston SA 5670

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

Approved application fees are set in the *FOI (Fees and Charges) Regulations 2003 (Regulations)*. Payment for the appropriate amount must be forwarded to Council with the Freedom of Information Application. Processing charges may also apply for dealing with the application. These charges are also set in the Regulations and may include some free time when the request relates to the personal affairs of the applicant.

Current [fees and charges](#) relating to Freedom of Information applications are available to view on the Council website.

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

### 15. Review of Statement

This Statement will be reviewed and updated each financial year and the updated Statement published on Council's website.

### Version Control

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



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2.0	July 2021	Amended document	
3.0	July 2022	Amended document	NGR223958
4.0	July 2023	Amended document	NGR234773