

## FREEDOM OF INFORMATION STATEMENT

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<b>References and related Policies, Procedures and Forms:</b> <i>Freedom of Information Act 1991</i> <i>Freedom of Information (Fees and Charges) Regulations 2018</i> <i>Local Government Act 1999</i> <i>Local Government (Elections) Act 1999</i> <i>Planning, Development and Infrastructure Act 2016</i>		

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## FREEDOM OF INFORMATION STATEMENT

This Freedom of Information Statement is published by the District Council of Streaky Bay 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.

An updated Information Statement will be published on the Council's website each financial year. This statement was released on the 11.01.2022.

# 1. Structure and Functions of Council

## 1.1 Full Council and provisions for meeting procedures

The Council consists of the Mayor and seven (7) Elected Members who represent residents and ratepayers in the Flinders and Eyre Ward.

Mayor Travis Barber (Flinders Ward)

Eyre Ward  
Graham Gunn  
Guy La China  
Greg Limbert  
Neville Trezona

Flinders Ward  
Clifford Pudney  
Philip Wheaton  
Sally Trezona

“Council” is the body corporate consisting of elected members as constituted under the *Local Government Act 1999*. Council is established to provide for the government and management of its area at the local level and, in particular:

- a) to act as a representative, informed and responsible decision-makers in the interest of its community; and
- b) to 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) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of local government under the *Local Government Act 1999* and other acts in relation to the area for which it is constituted. [s.6, Local Government Act]

Ordinary meetings of Council are held every 2<sup>nd</sup> Tuesday of each month at the Visitor Centre and commence at 12.00pm and 5.00 pm alternatively. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality. [s.90 of the Local Government Act]. Notices of all meetings of Council and its Committees are available on the website and from all Council Offices.

One of the main opportunities for the community to gain information about the business of Council is its agendas and associated reports prepared for Council and Committee meetings. Agendas, including minutes of the previous meetings and supporting documentation, are placed on public display no less than three days prior to meetings. They are available on Council's website at [www.streakybay.sa.gov.au](http://www.streakybay.sa.gov.au) and at each office of the Council that is open to the public for the general administration of Council business.

Notice of a meeting and the agenda are kept on public display and continue to be published on the website until the completion of the relevant meeting.

## 1.2 Council Committees and subsidiaries

[Schedule 1](#) of this statement lists the various committees of Council and identifies under which section of the Local Government Act or Development Act they have been formed.

Also listed are Council's working parties, which advise Council of important issues within the Community.

Committees streamline Council business and assist in the performance of its functions. The membership of Council Committees and their Terms of Reference are determined by the Council.

Committees meet at intervals determined in their Terms of Reference (available on Council's website and at Council Offices) and make recommendations to Council. Meetings of Committees are open to the public with the exception of any matters subject to an order of confidentiality [s.90, Local Government Act], and are publicly notified in the same way as Council meetings. (See 1.1 above)

Chapter 6 of the Local Government Act and the Local Government (Procedures at Meetings) Regulations prescribe the way meetings of a Council and its Committees are to be conducted.

## 1.3 External Committees/Boards/Associations

Council participates in a number of external Committees, Boards and Associations, comprising Elected Members, staff and the public and these are listed in [Schedule 1](#). The minutes of meetings of external Committees, Boards and Associations are included in the agenda for the meetings of the full Council (or appropriate Committee).

## 1.4 Delegations

The Chief Executive Officer has delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee or a Committee. Council's Delegations Register reflects the delegated authority from the Council to the CEO (and subsequently any further sub-delegations). The Delegations Register is reviewed annually by Council and is available to be viewed by the public at the Council Office during ordinary working hours.

## 1.5 Functions of Council

The functions of Council, set out in s .7 of the Local Government 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;
- k) to undertake other functions and activities conferred by or under the Act. [s.6, Local Government Act]

Section 41 of the Local Government Act empowers a Council to establish committees

- to assist the Council in the performance of its functions;
- to enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- to provide advice to the Council; and
- to exercise, perform or discharge delegated powers, functions or duties.

## 1.6 Services for the Community

Council is required by legislation to:

- determine policies to be applied by the Council;
- develop and adopt Strategic Management Plans;
- prepare and adopt annual business plans and budgets;
- establish an Audit Committee;
- develop appropriate policies, practices and processes of internal control;
- set performance objectives;
- 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;
- deliver planning and development, dog and cat management, fire prevention and certain public health services; and
- provide the necessary administrative services to support Council's functions.

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 the community to ensure that Council resources are used equitably.

Other core services provided by Council include:

- Aerodrome
- Bicycle Tracks
- Boat Ramps
- Caravan Park
- Carparks
- Clean Air Control
- Community Halls & Centres
- Community Libraries
- Community Waste
- Management Systems
- Dog and Cat Management
- Environmental Health Matters
- Foreshore Facilities
- Immunisation Programs
- Parking Bays
- Parks, Gardens and Reserves
- Parking Control
- Planning Controls
- Playground Equipment
- Public Cemeteries
- Public Toilets
- Public Seating
- Recreational/Sporting Facilities
- Refuse Collection/Litter Bins
- Refuse Depots
- Roads/Footpaths/Kerbing
- Stormwater Drainage
- Street Closures
- Street Lighting
- Street Tree Planting
- Traffic Control Devices
- War Memorials

## 2. Public Participation

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

**Deputations to Council** – With the written permission of the Presiding Member of the Committee or the Mayor, a member of the public may address a Committee or the Council personally or on behalf of a group of residents for up to 10 minutes on any item that is relevant to that Committee or the Council, depending on the number of deputations scheduled for a particular meeting.

**Petitions** – Written petitions may be addressed to the Council on any issue within the Council's jurisdiction.

### **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.

The duration is up to 10 minutes and generally is limited to one presentation per meeting. Deputation Request Forms are available on Council's website at <http://www.streakybay.sa.gov.au/webdata/resources/files/FINAL%20Deputation%20Forms.pdf>.

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

### **Community Consultation**

The District Council of Streaky Bay 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.



### 3. Access to Council Documents

#### 3.1 Documents held by Council

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 District Council of Streaky Bay area.

#### 3.2 Policy documents available for inspection

At the time of publishing this statement the following 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.

Accounting Policy	Internal Financial Control Policy
Advertising Signage Policy	Internal Review of Council Decisions
Animal Management Plan	Informal Gathering Policy
Annual Business Plan and Budget Policy	Internet and Email Policy
Asset Management Policy	Leases, Licences and Permits Policy
Asbestos Management Plan Policy	Leave Management Policy
	Memorial Policy
Boat Launch Policy	Mobile Food Vendor Policy
Booking Cancellation Refund Policy	Movable Signs Policy
Building and Swimming Pool Inspection Policy	Ombudsman's Enquiry Policy
Caretaker Policy	Order Making Policy
Cat Traps and Trapping Policy	Performance Management Framework
Cemetery Operating Policy	Performance and Development Policy
Child and Young Safe Environment Policy	Personal Information Security Policy
Code of Conduct for Council Members	Private Business use of Road Reserves Policy
<a href="#">Code of Practice for Access to Council Meetings &amp; Documents</a>	Private Hire of Council Plant and Equipment Policy
Community Bus Hire Policy	Private Works Policy
Community Wastewater Management Scheme Customer Charter Policy	Procurement Policy
Community Wastewater Management Scheme Pricing Policy Statement	Prudential Management Policy
Complaints Handling Procedure under Council Members Code of Conduct	Public Consultation Policy
Consultation and Communication Policy	Public Grates and Grids Policy
Council Role in Disaster and Emergency Response Policy	Public Interest Disclosure Policy
Contractor Management Policy	Rating Policy
Credit Card Policy	Rate Rebate Policy

Cross Over, Road Verge and Driveway Policy	Records Management Policy
Customer Complaints Policy	Regional Assessment Panel Review of Decision of Assessment Manager
	Return to Work Policy
Debt Collection Policy	Risk Policy
Digitisation and Disposal Temporary Source Records Policy	Risk Framework Policy
Disposal of Land and Assets Policy	Road and Place Naming Policy
Elected Members Records Management Policy	Rubble Pits and Royalties Policy
Employee Assistance Program Policy	Rural Property and Premise Addressing
Employee Code of Conduct Policy	Social Media Policy
Emergency Management	Streaky Bay Institute and Supper Room Hire Policy
Enforcement Policy	Sustainability and Environment Policy
Engineering Design Standards	Training and Development Policy for Council Members
Fair Treatment Policy	Treasury Management Policy
Fraud, Corruption, Misconduct and Maladministration Prevention Policy	Tree Management Policy
Financial Hardship Policy – Sewer and Water	Unmade Road Development Policy
Financial Hardship Policy - Rates	Vegetation on Road Reserves Policy
Freedom of Information Statement	Volunteer Management Policy
Gifts and Benefits Policy	Work Health Safety Administration Policy
Hazard Management Policy	Workplace Bullying Policy
Hazardous Work Policy	Waste Management Policy
Health, Wellbeing and Fit for Work Policy	

### 3.3 Other Council Documents

Other documents which can be accessed on Council's website include:

Animal Management Plan	Engineering Design Standards
Annual Business Plan	Environmental Health Management Plan
Annual Report	Fees and Charges Schedule
Asbestos Management Plan	General Approval to Place Election Signs on Road
Asset Management Long Term Program	Infrastructure and Asset Management Plans
Code of Conduct – Council Employees	Long Term Financial Plan
Code of Conduct for Council Members	Ombudsman Enquiry Procedure
Code of Practice for Access to Council Meetings and Documents	Procedure for Internal Review of Council Decisions
Council By-laws	Roadside Vegetation Management Plan
Council & Committee Minutes	Risk Management Framework
Community Notice Board Procedure and Guidelines	Section 30 Strategic Directions Report
Complaints Handling Procedure under Council Members Code of Conduct	Strategic Management Plan
Council & Committee Agendas	Terms of Reference all Committee
Council Corporate Work Plan	

The following documents are available for public inspection and purchase from Council's Principal Office, 29 Alfred Terrace, Streaky Bay SA 5680.

<i>List available documents using the list as a guide</i>	
Assessment Book	By laws Register
Delegations Register	Development Application Register – historical only
Financial Statements	Parking Control Register
Register of Elected Members - Allowances and Benefits	Register of Employees' Salaries & Wages and Benefits
Register of Fees and Charges levied by Council	Register of Public Streets and Roads
Register of Interest	Supplementary Development Plans previously on exhibition
Voters Roll	

### 3.4 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 need to provide sufficient information to enable the correct documents to be identified and must complete the required application form and lodge it at the Council offices.

Applications must be in writing and must specify that it 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, The District Council of Streaky Bay must issue a certificate stating why the document is a restricted document.

In rare 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 Freedom of Information Officer.

### Adoption of the Annual Business Plan

## 4 Freedom of Information Application Fees & Processing Charges

Approved application fees are set in the FOI (Fees and Charges) Regulations 2003. A cheque/money order/cash 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 are set in the Freedom of Information Regulations and may include some free time when the request relates to the personal affairs of the applicant.

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.

Freedom of Information requests to the District Council of Streaky Bay are to be addressed to:

Freedom of Information Officer  
District Council of Streaky Bay  
PO Box 179  
Streaky Bay SA 5680

Application forms are available by [clicking here](#).

Fees and Charges for Freedom of Information access are made as per the [Freedom of Information \(Fees and Charges\) Regulations](#).

## 5 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.

## Schedule 1 Committees of Council

### **(Local Government Act 1999) Section 41 Committees:**

- Chief Executive Officer's Performance Review Committee
- Finance and Risk Audit Committee
- Community Strengthening, Planning and Development Committee
- Assets and Infrastructure Advisory Group

### **(Planning, Development and Infrastructure Act 2016) Section 56A Committee**

- Eyre Peninsula Regional Assessment Panel

### **Committees with Council Representatives**

- Australia Award Selection
- Eyre Peninsula Local Government Association
- Eyre Peninsula Local Government Association – CEO Group
- Eyre Peninsula Local Government Association – Tourism Advisory Committee
- Regional Development Australia Eyre Peninsula Board
- Streaky Bay Area School Governing Council
- Streaky Bay and District Road Safety Group
- Streaky Bay Hospital Advisory Committee
- Streaky Bay Tourism and Business Association
- Streaky Bay and Districts Medical Clinic Inc

### **Register of Committees of Council**

- Emergency Planning & Control Committee
- Leadership Committee
- Health, Safety and Risk Committee