

## **FREEDOM OF INFORMATION STATEMENT 2022/23**

This Freedom of Information Statement is published by Coorong District Council ('Council') in accordance with Section 9 of 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.

The information statement will be updated every twelve (12) months and the next review will occur in August 2024.

### **1 Structure and Functions of Council**

#### **1.1 Structure**

The Council consists of the Mayor and eight (8) area Council Members who represent the residents and ratepayers across the district.

The Council Members were elected to Council in accordance with the provisions relating to elections outlined by the Local Government (Elections) Act 1999 and the Local Government (Elections) Regulations 2010.

#### **1.2 Full Council and provisions for meeting procedure**

"Council" is the body corporate consisting of council 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. (section 6, Local Government Act 1999).

Ordinary meetings of the Council are at the Coorong Civic Centre, Tailem Bend (as determined by resolution of Council) and commence at 5:00pm on the third Tuesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality (refer to section 90, Local Government Act 1999).

One of the main opportunities for the community to gain information about the business of Council is through its agendas and associated reports prepared for Council and Committee meetings. Agendas 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.coorong.sa.gov.au](http://www.coorong.sa.gov.au) and at each office of the Council that is open to the public. Minutes of previous meetings are also available to view on Council's website or at any of Council's offices.

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

### **1.3 Council Committees and subsidiaries**

The various committees of Council under the Local Government Act 1999 are:

- Audit & Risk Committee
- Coorong District Local Action Plan Committee
- Finance Committee
- Roads & Infrastructure Committee
- Coonalpyn Soldiers Memorial Swimming Pool & Caravan Park Committee
- Meningie Cemetery Committee
- Pangarinda Botanic Garden Committee
- Taillem Bend Town Hall Committee
- Tintinara Community Gymnasium Committee
- Tintinara War Memorial Hall Committee

Under the Planning, Development and Infrastructure Act 2016:

- Coorong Assessment Panel

Committees streamline Council business and assist in the performance of its functions. The membership of Committees and their Terms of Reference are determined by 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 (refer to section 90, Local Government Act 1999), and are publicly notified in the same way as Council meetings (see 1.2 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. In addition Council has a Code of Practice for Meeting Procedures on its website.

#### **1.4 External Committees/Boards/Associations**

Council participates as observers in a number of external Committees, Boards and Associations, comprising Council Members, staff and the public. 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).

#### **1.5 Delegations**

The Coorong Assessment Panel and the Chief Executive Officer have 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 Coorong Civic Centre, Taillem Bend during ordinary working hours.

#### **1.6 Functions of Council**

The functions of Council, set out in section 7 of the Local Government Act 1999 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;
- ba. to determine the appropriate financial contribution to be made by ratepayers to the resources of the council;
- 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 (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any 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 an Act.

Section 41 of the Local Government Act 1999 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
- To exercise, perform or discharge delegated powers, functions or duties

## 1.7 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 & Risk 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 services
- Deliver dog and cat management services
- Deliver fire prevention services
- Provide any necessary administrative services to support Council's functions

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

## 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 can address a Committee or the Council personally or on behalf of a group of residents for up to ten (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 can be addressed to the Council on any issue within the Council's jurisdiction.

**Presentations** – Presentations provide an opportunity for an organisation, Council officer(s) or members of the public to provide a Committee or the Council with information relevant to a matter currently under consideration. The duration is up to ten (10) minutes and generally is limited to one presentation per meeting.

**Council Members** – Members of the public can contact Councillors to discuss any issue relevant to Council.

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

**Community consultation** – Council is committed to open, honest, accountable and responsible decision making. Council's Community Engagement 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 – [www.coorong.sa.gov.au](http://www.coorong.sa.gov.au).

### 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. This system has been in place since 2010 with the majority of records prior to this date (including pre amalgamation [1997]) being sentenced and/or processed into the electronic system as time permits.

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.

#### 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 Coorong Civic Centre, Taillem Bend during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Annual Business Plan & Budget Policy	Arts & Cultural Policy
Asset Accounting Policy	Asset Management Policy
Behavioural Management Policy	Caretaker Policy
Cemeteries & Burial Policy	Code of Conduct for Council Employees
Community & Sporting Clubs Leases and Licences Policy	Community Engagement Policy
Community Grants Policy	Community Group Loan Policy
Community Wastewater Management Scheme (CWMS) Hardship Policy	Complaints and Compliments Policy
Corporate Credit Card Policy	Council Members Allowance, Benefits and Support Policy
Council Members Training & Professional Development Policy	Customer Service Charter
Debt Recovery & Financial Hardship Policy	Disposal of Council Land and Other Assets Policy
Electronic Communications Policy	Emergency Management Policy
Enforcement Policy	Fee Waiver (Community Groups) Policy
Fraud, Corruption, Misconduct and Maladministration Policy	Funding Policy
General Ledger Policy	Human Resource Policy
Individual Achievement Policy	Information Security Policy
Interaction of the Development Act, State Records Act and Freedom of Information Act with the Copyright Act Policy	Internal Financial Control Policy
Kerbside Waste, Recycling & Green Organics Policy	Mayor Seeking Legal Advice Policy
Media Policy	Motor Vehicle Policy
Naming of Roads and Public Places Policy	Order Making Policy
Privacy Policy	Procurement Policy
Prudential Management Policy	Public Interest Disclosure Policy

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Quarrying Policy and Procedure	Rating Policy
Records Management Policy	Requests for Service Policy & Procedure
Risk Management Policy	Roadside Fallen Timber Collection Policy
Roadside Signage Policy	Safe Environments – Children & Other Vulnerable People Policy
Street Traders and Mobile Food Vans Policy	Treasury Management Policy
Tree Management Policy and Procedure	Volunteer Policy

### **3.3 Other Council Documents**

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

Animal Management Plan	Annual Business Plans
Annual Reports	Building Asset Management Plan
Codes of Practice	Council Bylaws
Council & Committee Agendas	Council & Committee Minutes
Development Plan	Fees and Charges Schedule
Long Term Financial Plan	Road Asset Management Plan
Roadside Vegetation Management Plan	Strategic Management Plan (Community Vision Plan 2021-25)
Register of Employees' Salaries & Wages and Benefits	Recycled Waste Pricing Policy Statement

The following documents are available for public inspection and/or purchase from the Coorong Civic Centre, 95 - 101 Railway Terrace, Tailem Bend:

Assessment Book	Delegations Register
Financial Statements	Register of Public Streets and Roads
Register of Council Members - Allowances and Benefits	Voters Roll
Register of Interests	Supplementary Development Plans previously on exhibition

### **3.4 Other Information Requests**

Requests for other information not publicly available will be considered in accordance with the Freedom of Information (FOI) Act 1991. 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 Freedom of Information Act 1991.

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 thirty [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, then Council must issue a determination 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 Freedom of Information Act issues should be directed to Freedom of Information Officer.

#### **4. Freedom of Information Application Fees and Processing Charges**

Approved application fees are set in the Freedom of Information (Fees and Charges) Regulations 2018. A cheque/cash or credit card 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 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.

<b>Schedule</b>	<b>Fees and Charges as at 1 July 2023</b>
On application for access to an agency's documents (section 13(c))	\$40.75
For dealing with an application for access to an agency's document and in respect of the giving of access to the document (section 19(1)(b) and (c))— (a) In the case of a document that contains information concerning the personal affairs of the applicant— (i) for up to the first 2 hours spent by the agency in dealing with the application and giving access no charge (ii) for each subsequent 15 minutes so spent by the agency (b) in any other case – for each 15 minutes so spent by the agency	No charge  \$14.70  \$14.70
Where access is to be given in the form of a photocopy of the document (per page) (in addition to the fees outlined above as applicable)	25 cents
Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page) (in addition to the fees outlined above as applicable)	\$8.70
Where access is to be given in the form of a copy of a photograph, x-ray, DVD or other medium in or on which information is recorded or stored (in addition to the fees outlined above as applicable)	The actual cost incurred by the agency in producing the copy
Postage or delivery charges	If the applicant requires that a document be posted or delivered, the applicant must pay the actual costs incurred by the agency in posting or delivering the document.
An application for review by an agency of a determination made by the agency under Part 3 of the Act (section 29(2)(b))	\$40.75

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

A Member of Parliament who applies for access to an agency's documents under the Act is entitled to access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1) totalling more than \$1,000.

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 Coorong District Council must be completed inline with the requirements of the Act. The exact requirements, supporting documents and information can be located on the State Records Freedom of Information page:

<https://www.archives.sa.gov.au/content/foi-forms>

Applications are to be addressed to:

Freedom of Information Officer  
Coorong District Council  
PO Box 399  
TAILEM BEND SA 5260  
email: [council@coorong.sa.gov.au](mailto:council@coorong.sa.gov.au)

A Freedom of Information application form is available on Council's website.

## **5 Amendment to Council Records**

Under the Freedom of Information Act 1991, a person 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.