

	FREEDOM OF INFORMATION STATEMENT 2019/20	Version No:	1.4
		Issued:	July 2019
		Next Review:	July 2020

This Freedom of Information Statement is published by the District Council of Lower Eyre Peninsula 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.

1 Structure and Functions of Council

1.1 Full Council and provisions for meeting procedures

The Council consists of 7 Elected Members who represent residents and ratepayers who elect a Mayor from amongst their number. "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 and other acts in relation to the area for which it is constituted. [s.6, Local Government Act]

Ordinary meetings of the Council are held at the Cummins Council Office and commence at 9 am on the third Friday of each month. 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.lowereyrepeninsula.sa.gov.au and in the Port Lincoln Branch office and the Cummins Council office.

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.

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1 Structure and Functions of Council cont'd:

1.2 Council Committees and subsidiaries cont'd:

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.

It also lists 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 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 Council 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 Cummins Council office during ordinary working hours.

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1 Structure and Functions of Council

cont'd:

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
- To exercise, perform or discharge delegated powers, functions or duties

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1 Structure and Functions of Council

cont'd:

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
- 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:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Roads / Footpaths / Kerbing • Traffic Control • Street Tree Planting • Refuse Collection • Fire Protection & Prevention • Waste Transfer Stations • Recreation Grounds • Refuse Collection • Boat ramps • Building & Planning Control • Aircraft Landing Areas • Playground equipment • Dog Control | <ul style="list-style-type: none"> • Public Cemeteries • Litter Bins • Public Conveniences • Public Libraries • Australia Day Awards • Recreation Grounds • Immunization Programmes • Campgrounds • Port Lincoln Airport • Environmental Health matter • Foreshore facilities • Walking trails |
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2 Public Participation

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

Deputations / Presentation to Council – With the written permission of 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 10 minutes on any item that is relevant or under consideration by 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.

Council 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.

Community Consultation

The District Council of Lower Eyre Peninsula is committed to open, honest, accountable and responsible decision making. Council's Community Engagement Strategy and Public Consultation Policy. The Community Engagement Strategy 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 to meet any legislated consultation obligations to inform and involve the community. Both documents are 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 ahead of time.


3.2 Charges for documents readily available to the public

Members of the public can purchase copies of some of these documents with charges outlined within the fees and charges policy available on Council's website.

3.3 Policy documents available for inspection

Policies and Codes can be accessed from Council's website and are available for public inspection at Office(s) of Council during ordinary business hours.

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3 Access to Council Documents cont'd:

3.4 Other Council Documents

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

- Animal Management Plan
- Annual Reports
- Committee minutes & agendas
- Strategic Plan
- Cemetery Management Plans
- Infrastructure & Asset Management Plans
- Annual Business Plan 2019/20
- Community land management plans
- Council & Committee Agendas
- Development Plan
- Fees and Charges Schedule
- Long Term Financial Plan

The following documents are available upon request for public from Council's Principal Office, 32 Railway Terrace, Cummins.

- Assessment Book
- Delegations Register
- Financial Statements
- Voters Roll
- Register of Employees' Salaries & Wages and Benefits
- Register of Public Streets and Roads
- Development Application Register
- Register of Interests
- Register of Fees and Charges
- Register of Elected Members - Allowances and Benefits

3.5 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.

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3 Access to Council Documents cont'd:

3.5 Other Information Requests cont'd:

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 Lower Eyre Peninsula must issue a certificate stating why the document is a restricted document.

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 Freedom of Information Officer.

4 Freedom of Information Applications

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. (For fees relating to Freedom of Information requests, refer to Councils fees and charges policy).

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 Lower Eyre Peninsula are to be addressed to:

Freedom of Information Officer
PO Box 41
CUMMINS SA 5631

To download an Application Form, please visit:


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

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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.

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Schedule 1 Committees of Council

Council Committees and subsidiaries

- Cummins Homes Committee
- Staff Committee
- Audit Committee
- Council Assessment Panel

External Committees/Boards/Associations

- Local Government Association
- Eyre Peninsula Local Government Association