

## FREEDOM OF INFORMATION STATEMENT 2020/21

This Freedom of Information Statement is published by Barunga West 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.

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 the Principal Member (*Mayor*) and 8 Elected Members who represent all residents and ratepayers district-wide. "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 of the Local Government Act]

Ordinary meetings of the Council are held *at the main Council Office at Port Broughton and in locations throughout the Council area as determined by resolution of Council* and commence at 6.00pm on the second Tuesday 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.barungawest.sa.gov.au](http://www.barungawest.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. 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 of the 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 Development 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 can be found on Council's website.

## 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 (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- 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; and
- k) to undertake other functions and activities conferred by or under an 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

#### 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:

- Cemeteries
- Citizenship Ceremonies
- Dog Registration
- Community Library
- Rubbish and Recycling
- STARCLUB Development Program
- Rural Transaction Centre:
  - Bute Post Office
  - Centrelink
  - Services SA
  - Medicare

## 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 Council, a member of the public can address the Committee or the Council personally or on behalf of a group of residents for generally up to *15 minutes* on any item that is relevant to that Committee or the Council, depending on the number of deputations scheduled for a particular meeting. A member of the public may make one (1) deputation per meeting. A written request must be forwarded to the Presiding Member at least one (1) week prior to the 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 member of the public to provide a Committee or the Council with information relevant to a matter currently under consideration. The duration is generally *up to 15 minutes*, and is generally limited to one presentation per meeting. A written request must be forwarded to the Presiding Member at least one (1) week prior to the 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.

### Community Consultation

Barunga West Council 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 a physical and *electronic Records 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.

### 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 Council's principal office, 11 Bay Street, Port Broughton during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

<b>Policies:</b>	
Access to Council Meetings and Documents	Accounting Policy
Animal Management Plan – 2006	Asset Accounting Policy
Administration of the WHS Management System	Building & Swimming pool inspection
Burial & Interment of Ashes	Communication & consultation
By-Laws 2010	Caretaker Policy
Code of Conduct – Elected Members	Code of Conduct – Employees
Community funding & Progress Associations	Complaints handling
Contractor Management	CWMS pricing
Donated goods	Development Plan Assessments
Code of Practice – Access to Council Meetings	Community Consultation – Capital Works SEPT 2011
Disposal of Assets Policy	Elected Members Conduct – Complaint Handling
Elected Members Allowance & Benefits	Election Signs
Emergency Management	FOI Statement
Fraud and Corruption Policy	Information Privacy 2011
Hazardous work	Horses on Beaches
Internal Review of Council Decisions	Member Allowances and Benefits
Informal Gathering	Information Privacy
Kerbside Waste Collection	Leases Licences & Permits
Members Training and Development	Order Making
Mobile Food vending	Naming of Roads & Public Places
Procurement Policy	Public Consultation Policy
Rating and Rebate Policy	Safe Environment Policy
Request for service	Shipping Container
Sign Policy – May 2014	Tendering Contracting and Disposal of Land
Treasury Management Policy	Tree Policy
Whistleblower Policy	Volunteer Policy
Work Health Safety & Return to Work	Supplementary Election

### 3.3 Other Council Documents

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

Annual Business Plan 2020/21	Annual Reports since 2001/2002
Long Term Financial Plan	Council Bylaws
Council & Committee Agendas	Council & Committee Minutes
Development Plan	Development Application Register
Fees and Charges Schedule 2020/21	Infrastructure and Asset Management Plans
Strategic Management Plan 2020-23	Terms of Reference, Audit Committee
Register of Elected Member declarations of conflict of interest	

The following documents are available for public inspection from Council's principal office, 11 Bay Street, Port Broughton.

Assessment Book	By laws Register
Delegations Register	Financial Statements
Parking Control Register	Register of Dogs
Register of Elected Members - Allowances and Benefits	Register of Employees' Salaries & Wages and Benefits
Register of Fees and Charges levied by Council	Register of Interests
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, Barunga West Council 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.

#### 4. Freedom of Information Application Fees and 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.

Schedule	Fees and Charges (as at 1 July 2020)
On application for access to an agency's documents (section 13(c))	\$37.50
For dealing with an application for access to an agency's documents 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	No charge
(ii) for each subsequent 15 minutes so spent by the agency	\$13.80
Where access is to be given in the form of a photocopy of the document (per page)	20 cents
Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$8.25
Where access is to be given in the form of a copy of a photograph, x-ray, video tape, computer tape or computer disk the actual cost incurred by the agency in producing the copy	The actual cost incurred by the agency in producing the copy
Postage or delivery charges	The actual cost incurred by the agency
On application for review by an agency of a determination made by the agency under Part 3 of the Act (section 29(2)(b))	\$37.50

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 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 Barunga West Council are to be addressed to:

*Freedom of Information Officer*

*Barunga West Council*

*P O Box 3, Port Broughton SA 5522*

*To download an Application Form, please visit Council's website*

*[www.barungawest.sa.gov.au](http://www.barungawest.sa.gov.au)*

## 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.

Maree Wauchope  
**Chief Executive Officer**

Dated: 7 August 2020

**Schedule 1 Committees of Council**

<b>Council Committee</b>	<b>Section</b>	<b>Legislation</b>
Audit Committee	s.41	Local Government Act 1999
Executive Committee	s.41	Local Government Act 1999
Council Development Assessment Panel	s.83(1)(b)(i)	Planning, Development and Infrastructure Act 2016
<b>Council Subsidiaries</b>	<b>Section</b>	<b>Legislation</b>
Central Local Government Region (Regional Subsidiary)	s.43	Local Government Act 1999
<b>External Committee / Board / Association / Working Party</b>		
Barunga Village Inc.		
Barunga West Community Road Safety Group		
Flinders Mid North Yorke Bushfire Management Committee		
Home and Community Care (HACC)		
Central Local Government Regional Transport Advisory Panel		
Port Broughton Area School Council		
Port Broughton Hospital and Health Services – Health Advisory Council		
Port Broughton Community Library		
Southern Yorke Peninsula Group of MNYP NRM Board		
Yorke Mid North Zone Emergency Management Committee (ZEMC)		
Yorke Peninsula Community Transport Inc.		
Yorke Peninsula Tourism Board		