



# **Freedom of Information Statement**

**2017-2018**

# DISTRICT COUNCIL OF GRANT

## FREEDOM OF INFORMATION STATEMENT 2017-2018

This Freedom of Information Statement is published by the District Council of Grant (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. This statement was released on 1 July 2018.

### 1. STRUCTURE AND FUNCTIONS OF COUNCIL

#### 1.1 Full Council and provisions for meeting procedures

The Council consists of the Mayor and 9 Elected Members who represent residents and ratepayers in three wards (Port MacDonnell Ward (1 member), Central Ward (7 members) and Tarpeena Ward (1 member)). "Council" is the body corporate consisting of elected members as constituted under the *Local Government Act 1999* (LG Act). 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 LG Act and other acts in relation to the area for which it is constituted [s.6 of the LG Act].

Ordinary meetings of Council are held twice monthly, on the first and third Monday at 5.30 pm at the Council Chambers, 324 Commercial Street West, Mount Gambier. In the event that such Monday is a public holiday, the meeting is deferred to the Wednesday following the public holiday. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality [s.90 of the LG 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 and supporting documentation, are placed on public display no less than three days prior to those meetings. Minutes are placed on display within five days of meetings. These documents are also available on the District Council of Grant website at [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au).

#### 1.2 Council Committees

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.

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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 LG Act]' and are publicly notified in the same way as Council meetings.

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

### 1.2.1 Section 41 Committees

Section 41 of the LG 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.

The following Committees have been formed by Council under Section 41 of the LG Act.

#### 1.2.1.1 Works Committee

The Works Committee meetings are held when matters relating to the Works Committee are required to be considered.

#### 1.2.1.2 District Council of Grant Audit Committee

The Audit Committee holds a minimum of four meetings throughout the year at appropriate times in the reporting and audit cycle or as otherwise required.

#### 1.2.1.3 Mount Gambier Airport Advisory Committee

The Airport Committee meets at least four times a year at times and places determined by the Committee, taking into account the availability and convenience of Members of the Committee.

#### 1.2.1.4 Mount Gambier and District Saleyards Advisory Committee

The Saleyards Committee meets at times and places determined by the Committee, taking into account the availability and convenience of Members of the Committee.

### 1.2.2 District Council of Grant Assessment Panel (CAP)

In addition to the Committees listed above, in order to facilitate the assessment of applications made to the Council, Council has established the District Council of Grant Assessment Panel (CAP) as the relevant authority to exercise or perform, its powers and functions in accordance with the Planning, Development and Infrastructure Act 2016.

The District Council of Grant Assessment Panel is scheduled for the second Wednesday of each month subject to there being business to consider. Meetings commence at 5.00pm at the Council Chambers, 324 Commercial Street West, Mount Gambier.

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### 1.2.2 Planning and Development Committee

The Planning and Development Committee (established pursuant to Section 101A of the Development Act 1993) are scheduled to meet quarterly on the fourth Monday of each designated month at 5.30pm (minimum of four meetings each year unless otherwise determined).

### 1.3 Delegations

The Chief Executive Officer has delegated authority from Council to make decisions on a number of specified administrative and policy matters. The Chief Executive Officer may sub-delegate such authority 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 offices during ordinary working hours.

### 1.4 Functions of Council

The functions of Council, set out in s7 of the LG 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 of the LG Act]

### 1.5 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 management, fire prevention and certain public health services
- Provide the necessary administrative services to support Council's functions

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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.

Some core services provided by Council include:

- Bicycle Tracks/Walking Paths
- Boat Ramps
- Car Parks
- Community Halls and Centres
- Development Control
- (Building/Planning/Land use)
  - Dog Control
- Effluent Disposal – CWM Schemes
- Environmental Health Matters
- Foreshore Facilities
- Impounding of Livestock
- Litter Bins
- Mount Gambier Airport
- Parking Controls
- Parks, Reserves and Gardens
- Playground Equipment
- Public Cemeteries
- Public Libraries
- Public Toilets
- Quarries
- Recreational/Sporting Facilities
- Roads/Footpaths/Kerbing
- Roadside/Street tree planting
- Stock Saleyards
- Street Lighting
- Stormwater Drainage
- Traffic Control Devices
- Waste Management

## 2. PUBLIC PARTICIPATION

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

**Deputations** – with the permission of the Mayor or Presiding Member of a Committee, a member of the public can address Council or a Committee personally or on behalf of a group of residents on any item that is relevant to the Council or Committee.

**Presentations to Council** – with prior notification and arrangement with the Mayor, a member of the public can address the Council on any issues relevant to Council.

**Petitions** – written petitions can be addressed to the Council on any issues 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 the Council on any Council policy, activity or service.

### Website and Facebook

Council has a website [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au) which provides an opportunity for comment and feedback.

Our Facebook page <https://www.facebook.com/GrantDistCouncil/> provides another option to the community for information and feedback.

### Community Consultation

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.

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### 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 FOI 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 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 Council Offices during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Access to Information by Elected Members Policy	Access to Properties Policy
Annual Business Plan and Budget Policy	Asset Accounting Policy
Asset Management Policy	Boat Ramp Policy
Building and Swimming Pool Inspection Policy	Caretaker Policy
Cash Handling Policy	CAP Complaint Handling Policy
Cemetery Policy	Code of Conduct for Council Employees
Code of Conduct for Council Members	Code of Practice for Access to Council and Committee Meetings and Associated Documents
Code of Practice for Meeting Procedures	Collection of Firewood Policy
Community Funding and Support Policy	Community Wastewater Management Systems
Customer Service Charter	Customer Service, Complaints and Request for Service Policy
Debt Management Policy	Development Applications – Refund of Fees Policy
Development Delegations Policy	Disaster Relief Donations Policy
Disposal of Land and Other Assets Policy	Drafting and Livestock Handling Policy
Elected Member – Recognition of Service Policy	Elected Members Allowances and Support Policy
Elected Members Training and Development Policy	Electronic Use Policy
External Grant Funding Policy	Fraud and Corruption Prevention Policy
Free Camping Policy	Guidelines for the Control of Election Signs
Hardship Policy for Residential Customers – CWMS	Hire/Use of Council Facilities
Informal Gatherings Policy	Internal Financial Control Policy
Internal Review of Council Decisions	Land Division Open Space Policy
Land Management Agreement Policy	Leases and Licenses Policy
Loans to Community Groups Policy	Mobile Food Business Policy

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Mobile Phone Policy	Motor Vehicle Policy – Passenger Fleet
Non-Compliant Tagging Policy	Order Making Policy
Privacy Policy	Private/Direct Sale Livestock Policy
Private Tourist Accommodation Policy	Private Works Policy
Procurement Policy	Protocols for Council Meetings & Major Events/Functions
Public Consultation Policy	Prudential Management Policy
Rating Policy	Rate Rebate Policy
Register of Interests	Records Management Policy
Residential & Rural/Country Living Roads Design	Risk Management Policy
Roadside and Declared Plants Policy	Rural Property Addressing Policy
Safe Environments Policy	Second Dwelling Policy
Selection of Road Names Policy	Smoke Free Workplace Policy
Social Media Policy	Stock on Roads Policy
Suspect Livestock Policy	Temporary Living Premises Policy
Township Burning Permit Policy	Treasury Management Policy
Tree Management Policy	Visibility at Corners Policy
Volunteer Management Policy	Waste Management Policy
Whistleblower Protection Policy	Wood Products Encouragement Policy

### 3.3 Other Council Documents

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

Animal Management Plan	Annual Business Plan
Annual Reports	Buildings Asset Management Plan
Council By-laws	Council & Committee Agendas
Council & Committee Minutes	CWMS Asset Management Plan
Development Plan	Economic Development Framework
Fees and Charges Schedule	Fleet Asset Management Plan
Saleyards Asset Management Plan	Long Term Financial Plan
Terms of Reference for various Committees	Strategic Management Plan
Industrial Land Review and Master Plan	Tarpeena Community Plan
Port MacDonnell Urban Design Framework and Master Plan	Regional Health Plan

The following documents are available for public inspection (and purchase) from Council's offices.

Assessment Book	Delegations Register
Development Application 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	Register of Public Streets and Roads
Register of Interests	Voters Roll (not available for purchase)

### 3.4 Other Information Requests

Requests for other information not publicly available above 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.

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Applications must be in writing and must specify that it is made under Section 13 of the FOI Act.

If 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 Grant 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 the 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 FOI 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 2018
On application for access to an agency's documents (section 13(c))	\$35.00
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 (ii) for each subsequent 15 minutes so spent by the agency	No charge \$13.10
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)	\$7.85
Where access is to be given in the form of a copy of a photograph, x-ray, video tape, computer tape or computer	The actual cost incurred by the agency in producing the copy



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disk the actual cost incurred by the agency in producing the copy	
Postage or delivery charges	The actual cost incurred by the agency
An application for review by an agency of a determination made by the agency under Part 3 of the Act	\$35.00

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 should be addressed to:

Freedom of Information Officer  
District Council of Grant  
PO Box 724  
MOUNT GAMBIER SA 5290

An FOI application form is available on Councils website.

### 5. AMENDMENT TO COUNCIL RECORDS

Under the FOI Act, 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.

### 6. APPLICATIONS

The District Council of Grant processed Two (2) Freedom of Information applications during 2017/2018 (compared to four in 2016/2017).

One applicant was granted full access to the documents that were requested and the other applicant was refused access to the documents that were requested as they were exempt under the Freedom of Information Act.

Authorised by:



David Singe  
CHIEF EXECUTIVE OFFICER  
1 July 2018