

REGIONAL COUNCIL OF GOYDER

	<i>FREEDOM OF INFORMATION STATEMENT</i>	Department	Governance
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		Responsibility:	CEO

This information statement is published by Regional Council of Goyder (Council) in accordance with Section 9(1a) of the Freedom of Information Act 1991 (FOI Act)

An updated Information Statement will be published on Council's website each financial year. This statement was released on **31 August 2023**.

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 advises how it can be accessed by the public.

1. STRUCTURE AND FUNCTIONS OF COUNCIL

1.1 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 assist 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.

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1.2 Full Council and provisions for meeting procedures

The Council consists of the Principal Member (Mayor) and six Elected Members who all represent residents and ratepayers in four wards. "Council" is the body corporate consisting of elected members as constituted under the *Local Government Act 1999*. Section 6 of the Act shows that 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-maker in the interests of its community;
- b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner;
- c) to encourage and develop initiatives within its community for improving the quality of life of the community;
- d) to represent the interests of its community to the wider community;
- 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.

Ordinary meetings of the Council are held on the third Tuesday of every month, in the Burra Council Chambers at the Burra Office, commencing at 1.00pm. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality. Notices of all meetings of Council and Committees are available on the website.

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 provided on Councils website.

Notice of a meeting is on display at Councils principal office and will be published on the website until the completion of the relevant meeting. *Members of the public are welcome to attend Council and Section 41 Committee meetings.*

1.3 Council Section 41 Committees

Section 41 of the *Local Government Act 1999* allows Council to establish Committees

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

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

Committees meet at intervals determined by their Terms of Reference 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 (section 90 of the Act), and are publicly notified in the same way as Council Meetings.

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Chapter 6 of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* prescribe the way meetings of a Council and its Committees are to be conducted.

The following committees have been formed under Section 41 of the Local Government Act;

- Audit Committee
- Performance Management Panel (CEO)
- Goyder Bushfire Prevention Advisory Committee
- Goyder Youth Advisory Committee

1.4 Other Committees

Goyder Building Fire Safety Committee

- 1.1 The Goyder Building Fire Safety Committee is established under Section 157(17) of the Planning, Development, and Infrastructure Act 2016. The BFSC is established for the purposes of acting as the 'appropriate authority' (as that term is defined in the PDI Act) in respect of all fire safety matters arising under the PDI Act (including those commenced under Section 71 of the Development Act 1993).

Mid North Regional Assessment Panel

The Mid North Regional Assessment Panel (MNRAP) was constituted as a relevant authority under Section 84(1)(c)(ii)(A) by the Minister. The following Councils agreed to enter into a Memorandum of Understanding acknowledging their consent to constitute the Panel, and to otherwise facilitate the constitution and operation of the Panel:

1. Clare & Gilbert Valleys Council;
2. Regional Council of Goyder;
3. Northern Areas Council; and
4. Wakefield Regional Council.

The Panel meets as required.

1.4 External Committee/Boards/Associations

Council participates in some external Committees, Boards and Associations, comprising of Elected Members, staff and the public.

1.5 Delegations

The Chief Executive Officer has delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may then sub-delegate to an employee or 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 by Council and is available on Councils website.

1.6 Administration

Council employs a number of people to implement the decisions of Council. This is generally known as the Council Administration. It is headed by the Chief Executive Officer.

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Three separate divisions report to the Chief Executive Officer:

- Finance & Administration
- Infrastructure and Technical Services
- Office of the Chief Executive Officer

1.7 Services to 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 and 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, 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.

2. PUBLIC PARTICIPATION

Members of the public are encouraged to participate in Governance of Council and in particular in the formulation of strategic policies and in the delivery of Council's functions. There are 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 Section 41 Committee or the Mayor a member of the public can address a Section 41 Committee or the Council personally or on behalf of a group of residents for up to 5 minutes on any item that is relevant to that Committee or the Council, depending on the number of deputations scheduled for a particular meeting. Refer to the Council website for requirements.
- Petitions** – Written petitions can be addressed to the Council on any issue within the Council's jurisdiction. Refer to the Council website for requirements.
- Presentations** - Presentations provide an opportunity for an organisation, Council officer(s) or member of the public to provide a Section 41 Committee or the Council with information relevant to a matter currently under consideration. The duration is 5 minutes and is limited to one presentation per meeting.

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- d) **Council Members** – Members of the public can contact the Elected Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's website.
- e) **Written Requests** – Members of the public can write to Council on any Council policy, activity or service.
- f) **Become a member of a Committee** - Some Committees of Council invite participation by community members. Advertisements are placed on Council's website and sometimes advertised in local papers seeking applications.
- g) **Community Consultation** - Council is committed to open, honest, accountable and responsible decision making. Council's Community Engagement Charter and 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.
- h) **Attending Council Meetings** – Members of the community are encouraged to attend Council and Section 41 Committee meetings.
- i) **Voting in Local Government Elections** - Council elections are held every four years and are governed by the *Local Government (Elections) Act 1999*. The next election is due in November 2026. Voting is voluntary and available to all persons on the Council Voters Roll. Persons who are registered on the State Electoral Roll are automatically on the Council roll but other residents or landowners must apply to go on the roll. They should enquire at the Council offices.
- j) **Standing as candidates for election** - Persons included on Council's Voters Roll and who are Australian citizens are eligible (with some exceptions) to stand for election.

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 1991* and we invite you to discuss your information needs with us.

The *Local Government Act 1999* and other relevant Acts require that Councils must make certain information and documents publicly available and requires that Council must keep the following Registers:

- Members Register of Interests – section 68
- Members Register of Allowances & Benefits – section 79
- Officers Register of Salaries – section 105
- Officers Register of Interests – section 116
- Employees Register of Gifts and Benefits – section 119A

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- Register of Fees & Charges – section 188
- Register of Community Land section 207
- Register of Public Roads – section 231
- Register of Internal Reviews – section 270

Records System: Council operates an electronic records and document management system for the effective management of Council's records.

3.2 Other Council Documents

Current Policies can be accessed from Council's website. Any new policy adopted by Council after publication of this statement will be similarly available.

A number of documents can be accessed from Council's website. Members of the public may purchase copies of these documents in accordance with Council's fees and charges policy.

The following documents are available for inspection at the Burra and Eudunda office during business hours. Members of the public may purchase copies of these documents in accordance with Council's fees and charges policy.

- Assessment Book
- Delegations Register
- Register of Public Streets and Roads
- Elected Member Allowances & Benefits
- Register of Employees' Salaries

3.4 Other Information Requests

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

Applications must be in writing and 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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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 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, hourly charges may apply in addition to the application fee.

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 *Freedom of Information (Fees and Charges) Regulations 2018* are available at www.legislation.sa.gov.au. Payment of the appropriate amount must be forwarded to Council with the Freedom of Information Application and can be made at any Council office.

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 out 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. Council may seek proof of concession or 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.

During 2022 - 2023, Council processed one (1) Freedom of Information requests and provided its annual return to State Records.

Freedom of Information requests to the Regional Council of Goyder are to be addressed to:

via post:
Freedom of Information Officer
Regional Council of Goyder
1 Market Square
BURRA SA 5417

via email:
council@goyder.sa.gov.au

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5 RECORDS

All records should be treated in accordance with Local Government GDS40.

6. REVIEW AND EVALUATION

This document shall be reviewed by Council annually as required by legislation or on change to legislation or aspects included in this policy that could affect the health and safety of workers.

7. REVIEW HISTORY

Document History	Version No:	Issue Date:	Description of Change:
	1.0	Aug 2018	Adopted
	2.0	July 2019	Reviewed and amended
	2.0	July 2020	Reviewed with minor amendments ESO
	3.0	July 2021	Reviewed with minor amendments ESO
	4.0	July 2022	Reviewed with minor amendments in relation to LG Reforms
	5.0	Aug 2023	Reviewed with minor amendments EA/GO