

# **Freedom of Information Statement 2023/2024**

This information statement is published by the Mount Barker District Council in accordance with the requirements of the Freedom of Information Act 1991.

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 27 September 2023.

## **1. STRUCTURE AND FUNCTION OF COUNCIL**

### **1.1 Structure:**

The Council consists of the:

#### **Mayor**

David Leach

#### **North Ward**

Cr Harry Seager

Cr Jessica Szilassy

Cr Simon Westwood (Deputy Mayor)

#### **Central Ward**

Cr Ian Grosser

Cr Sally Harding

Cr Samantha Jones

Cr Bradley Orr

#### **South Ward**

Cr Narelle Hardingham

Cr Rebecca Hewett

Cr Rowan Voogt

The Mayor and Councillors 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.

The Deputy Mayor has been chosen by the members of Council, from amongst their own number, to hold office for one year.

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

“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 Laratinga Pavilion (100 Springs Road, Mount Barker) and commence at 7pm on the first Monday of each month other than January when it is on the third Monday. Council Meetings are also live streamed via webinar at the time the meeting is conducted. A recording of the Council meeting webinar will be available, where possible, within 7 days of publication of the draft minutes of the relevant meeting.

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 the Local Government Centre.

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 clear days prior to meetings. They are available on Council’s website at [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au) and at the Local Government Centre 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.

## **1.3 Council Committees and subsidiaries**

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

- Community Grants Assessment Committee
- Audit and Risk Committee
- Regional Sports Hub Board

Under the Planning, Development and Infrastructure Act 2016:

- The Council Assessment Panel

Regional Subsidiaries that Council is a member of:

- Adelaide Hills Region Waste Management Authority
- Southern and Hills Local Government Association

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 1.2 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 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 quarterly by Council and is available 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;
- 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

Refer Item 1.3

## **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.

## **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 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.
- Council Meeting – Questions can be asked at a Council 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 or email Council on any Council policy, activity or service.
- 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.

## **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.

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 Local Government Centre during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Aboriginal Cultural Heritage Policy	Annual Service Charges for Wastewater Policy
Asset Accounting Policy	Asset Management Policy
Budget Management Policy	Building and Swimming Pool Inspection Policy
Caretaker Policy	Car Parking Contribution Fund Policy
Child Safe Environment Policy	Commercial Policy
Community Gardens Policy	Compliments and Complaints Handling Policy
Contractors WHS Management Policy	Council Members Access to Information Policy
Council Members Allowances and Benefits Policy	Council Members Induction Policy
Council Members Media & Electronic Communications Policy	Council Members Training and Development Policy
Council Publications Policy	Development Act Delegations Policy
Disposal of Council Land and Other Assets Policy	Driveway Access Crossover
Emergency Management Operations Policy	Enforcement Policy
Equality and Diversity Policy	Flags Policy
Fraud, Corruption, Misconduct and Maladministration Prevention Policy	Funding Policy
Hardship Policy	Heritage Plaques
Indirect Developer Contributions Policy	Infrastructure Contributions – Separate Rate Relief Policy
Internal Control Policy	Internal Review of Council Decisions Policy
Kerbside Waste and Recycling Collection Policy	Mobile Food Vendors Location Rules Policy
Order Making Policy	Outdoor Dining Policy
Policy Framework	Privately Funded Development Plan Amendment Policy
Procurement Policy	Prudential Management Policy
Public Art Policy	Public Consultation Policy
Rates Fines Policy	Rate Rebate Policy
Rating Policy	Records and Information Management Policy

Records Management Procedure – Council Members	Recreation Sport and Community Infrastructure In Kind Contributions
Recycled Water Non-Residential Customer Charter	Recycled Water Sale Policy – Non Residential
Request for Service Policy	Risk Management Policy
Road and Public Name Policy	Sealing Unsealed Roads Policy
Separate Rate – Developer Contributions Payment Rebate Postponement Policy	Septic Tanks Desludge Program Policy
Service Awards for Council Members Policy	Significant Environment Benefit Policy
Strategic Partnerships Policy	Summit Sport & Recreation Park Hiring Policy
Summit Sport & Recreation Park Sponsorship Policy	Tourism Signs Policy
Town Entrance Statement and Wall Policy	Trade Waste Policy
Transport Infrastructure In-Kind Policy	Treasury Management Policy
Tree Management Policy	Unreasonable Complainant Conduct Policy
Unsolicited Proposal Policy	Use of Council Logo by External Organisations
Volunteer Policy	Wastewater Accounting Principles Policy
Wastewater Infrastructure Fees and Augmentation Costs Policy	Wastewater Service and Residential Non-Drinking Water Supply Customer Charter

### 3.3 Other Council Documents

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

Animal Management Plan	Annual Business Plan
Annual Reports	Bylaws
Codes of Conduct	Codes of Practice
Council & Committee Agendas	Council & Committee Minutes
Delegations Register	Development Application Register
Development Plan	Economic Development Strategy
Engineering Standards	Fees and Charges Schedule
Gift Registers	Long Term Financial Plan
Newsletters	Recreation Plans
Register of Roads	Register of Salaries
Register of Interest – Council Members	Register of Council Members Allowances & Benefits
Representation Review	Strategic Asset Management Plan
Terms of Reference, Council Committees	Transport Master Plan

The following documents are available for public inspection and purchase from Local Government Centre, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker SA 5251

Assessment Book
Register of Dogs
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, The 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 1 - Fees as at 1 July 2023

1	On application for access to an agency's documents (section 13(c))	\$40.75
2	<p>(1) 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))—</p> <p>(a) In the case of a document that contains information concerning the personal affairs of the applicant—</p> <p>(i) for up to the first 2 hours spent by the agency in dealing with the application and giving access no charge</p> <p>(ii) for each subsequent 15 minutes so spent by the agency \$15.40</p> <p>(b) in any other case – for each 15 minutes so spent by the agency \$15.40</p> <p>(2) In addition to the fees specified in subclause (1), the following fees are payable in respect of the giving of access to an agency's documents:</p> <p>(a) Where access is to be given in the form of a photocopy of the document (per page) \$0.25</p> <p>(b) Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page) \$9.10</p> <p>(c) 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 The actual cost incurred by the agency in producing the copy</p>	
3	On 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. No fee is required for current concession card such as health care card or pension card 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 Mount Barker District Council are to be addressed to:

Freedom of Information Officer  
PO Box 54  
Mount Barker SA 5251

An FOI application form is available on Council's website  
[www.mountbarker.sa.gov.au](http://www.mountbarker.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.