

# **Freedom of Information Statement 2019-2020**



## **Introduction**

This Freedom of Information Statement is published by Southern Mallee District Council in accordance with the Freedom of Information Act 1991 (FOI Act),

Subject to certain restrictions, the FOI Act 1993 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 2020

## **Structure and functions of Council**

Southern Mallee District Council is a regional council located on the South Australian/Victorian border south of the Riverland. Southern Mallee is a central hub to the Riverland, Murray Mallee and South East regions of the State. As the centrally located local government in the region, Council works closely with other governments and agencies in the region. The Council includes staff administration and seven elected members who represent the whole district for a four-year term. Council and committee meetings are public meetings where the Council considers reports, information and recommendations from Council administration to assist with Council decision making. This includes matters such as policies, budgeting, community engagement and strategic planning. Council administration implements the decisions of Council and performs daily operations under the direction of the Chief Executive Officer.

The *Local Government Act 1999* (the Act) is the primary legislation for the operation of Local Government in South Australia. The provisions of the Act are supported by the *Local Government (General) Regulations 2013* and the *Local Government (Procedures at Meetings) Regulations 2013*. These regulations apply to all council committees with the exception of the Council Assessment Panel which is established in accordance with the provisions of the *Planning, Development and Infrastructure Act 2016*.

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

Following the local government elections held in November 2018, the Council consists of seven elected members who represent residents and ratepayers in the Southern Mallee District Council.

“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;
- b) to provide and coordinate various public services and facilities and to develop its community and resource 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; 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 in the Council Chambers in either Lameroo or Pinnaroo or in locations throughout the Council area as determined by resolution of Council. These meetings commence at 6:30 pm on the third Wednesday 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 and associated minutes of Council and its committees are available on the website and from the Council offices.

One of the main opportunities for the community to gain information about the business of Council is through meeting 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. Council also holds informal information gatherings and these dates along with Council meeting dates and associated information are available on Council’s website at [www.southernmallee.sa.gov.au](http://www.southernmallee.sa.gov.au) and at the Council offices.

### 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 1999 or Development Act 1993 they have been formed. 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 the Council offices) and make recommendations to Council. Meetings of Section 41 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.

## 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.

## 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 subdelegations). The delegations register is reviewed annually by Council.

## Functions of Council

The functions of Council, set out in s7 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 (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;
- (k) to undertake other functions and activities conferred by or under an Act.

Section 41 of the Local Government Act 1999 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

Council's Strategic Management Plan is developed based on community consultation and informs Council's Annual Business Plan and Budget.

## 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 services provided by Council include:

- Road networks
- Open space facilities
- Community waste water management schemes
- Retirement villages
- Outdoor swimming pools
- Economic development

## Public participation

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

**Deputations to Council** – With the written permission of the Presiding Member of Council or a committee, 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. If a decision is required from the deputation, Council seeks a report from administration to be presented at the next appropriate 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 elected 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**

Southern Mallee District 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. This policy sets out the steps Council will take in relation to community engagement 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. This document is available via Council's website.

### **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 and hardcopy 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.

### **Access to documents**

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

- Access to council and committee meetings and documents code of practice (April 2020)
- Asset accounting policy (June 2018)
- Asset management policy (June 2018)
- Building and swimming pool inspection policy (May 2020)
- Caretaker policy (March 2020)

- Community facility usage policy (June 2019)
- Community grants policy (May 2019)
- Complaints handling policy (January 2018)
- Corporate purchase card policy (May 2020)
- Council members conduct complaint handling policy (May 2015)
- Council member training and development (March 2020)
- Council policy framework policy (May 2020)
- Disposal of land and assets policy (October 2017)
- Elected members allowance, benefits and general policy (August 2018)
- Elected members legal advice policy (November 2019)
- Elected members recognition of years of service policy (December 2015)
- Election process policy (March 2020)
- Electronic communications policy (November 2015)
- Employee conduct policy (June 2019)
- Fraud and corruption prevention policy (May 2019)
- Funding policy (May 2019)
- Funeral flag use policy (December 2015)
- Hardship policy for residential customers of minor and intermediate water retailers (June 2015)
- Informal gatherings policy (April 2020)
- Internal financial control policy (May 2019)
- Internal review of a council decision policy (January 2016)
- Media and communications policy (February 2015)
- Memorials and monuments policy (November 2019)
- Mobile garbage bin collection service policy (July 2015)
- Order making policy (March 2020)
- Pinnaroo retirement village policy (April 2020)
- Privacy policy (August 2016)
- Procurement policy (March 2020)
- Prudential and strategic decision making policy (January 2018)
- Prudential management policy (May 2020)
- Public consultation policy (June 2016)
- Public interest disclosure policy (October 2019)
- Rating policy (March 2020)
- Records management elected members policy (December 2015)
- Residential waste and recycling service range policy (February 2014)
- Risk management policy (November 2018)
- Road infrastructure expenditure controls (August 2013)
- Safe environment policy (February 2014)
- Selection of road and public place name policy (March 2020)
- Service range policy (September 2013)
- Treasury management policy (February 2019)

- Tree and streetscape policy (February 2014)
- Unreasonable complaints policy (August 2016)
- Venue hire policy (April 2019)
- Volunteer code of conduct policy (May 2014)

### Other Council documents

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

- Animal management plans
- Annual business plans
- Annual reports
- Application forms
- Asset management plans
- Audited financial statements
- Committee terms of references
- Confidential items register – retained items
- Confidential items register – released items
- Council and committee agendas and minutes
- Customer charter – water and sewerage services
- Development application register
- Development plan
- Elected members register of interests
- Environmental management plans
- Freedom of information statements
- Gift and benefits register – elected members
- Gift and benefits register – council staff
- Long term financial plan
- Roadside vegetation management plan
- Strategic management plan
- 

The following documents are available for public inspection and purchase from Council's Principal Office, Day Street, Pinnaroo.

- Assessment book
- Register of employees' salaries and wages and benefits
- Voters roll
- Register of public roads and streets

### Other information requests

Requests for other information not publicly available will be considered in accordance with the Freedom of Information Act 1991. 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 Freedom of Information Act 1991. Council has also resolved that the name of the person lodging a request will be made available when undertaking third party consultation unless there is a legal impediment not to do so.

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 freedom of information 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, 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 Freedom of Information Act 1991 issues should be directed to an accredited freedom of information officer.

### **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 lodgment, 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.

## Freedom of information application summary

A summary of Freedom of Information applications received as identified in Council's Annual Report.

	<b>15-16</b>	<b>16-17</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>
Applications processed	0	0	0	1	2
Applications determined	0	0	0	1	2
Full release	0	0	0	1	2
Partial release	0	0	0	0	0
Refused access	0	0	0	0	0
Proceeded to internal review	0	0	0	0	0

## Freedom of information application fees and processing

Approved application fees are set in the FOI (Fees and Charges) Regulations 2018.

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.

<b>Schedule</b>	<b>Fees and Charges as at 1 July 2020</b>
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 (ii) for each subsequent 15 minutes so spent by the agency	No charge \$14.10 \$14.10
Where access is to be given in the form of a photocopy of the document (per page)	\$0.20
Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$8.40

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
An application for review by an agency of a determination made by the agency under Part 3 of the Act	\$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 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 endeavor to work with the applicant to define the scope of the request and the costs involved.

Freedom of information requests to Southern Mallee District Council are to be addressed to:

Accredited Freedom of Information Officer  
PO Box 49  
PINNAROO SA 5304

To download an application form, please visit:

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

## Schedule 1 – Committees of Council

### Council Committees

### SCHEDULE 1 – SOUTHERN MALLEE DISTRICT COUNCIL – COMMITTEE STRUCTURE

Name of Committee	Applicable Legislation	Decision Making Authority	Membership	Function
<b>Audit Committee</b>	Local Government Act, 1999 - S126 Established under S41	Advisory Only	<ul style="list-style-type: none"> <li>• Independent Chairperson x 1 <i>(payment provided for meeting attendance)</i></li> <li>• Independent Members x 1</li> <li>• Council Members x 3</li> </ul>	<ul style="list-style-type: none"> <li>• Plays a critical role in the financial reporting framework of Council by overseeing and monitoring the participation of Management and external auditors in the financial reporting process.</li> <li>• Addresses issues such as the approach being adopted by Council and management to address business risks, corporate and financial governance responsibilities and legal</li> <li>• Compliance as well as receiving reports from Council's internal controls.</li> </ul>
<b>Building Fire Safety Committee</b>	Development Act, 1993 – S71	Delegated Authority	<ul style="list-style-type: none"> <li>• Independent Presiding Member x 1</li> <li>• Metropolitan Fire Service representatives</li> <li>• Country Fire Service representatives</li> <li>• Council appointed authorised officers,</li> </ul>	Responsible for the checking of fire safety provisions in new and existing buildings. Of particular interest to the Committee are those types of buildings that may constitute a high fire safety risk, such as large commercial/industrial buildings, motels and hotels

<b>Council Assessment Panel</b>	Planning Development and Infrastructure Act 2016 S83	Delegated Authority	<ul style="list-style-type: none"> <li>• Elected Member of Council x 1</li> <li>• Independent Members x 4</li> </ul>	<ul style="list-style-type: none"> <li>• To act as a delegate of the Council in accordance with the requirements of the Development Act during transition from the Development Act to the Act;</li> <li>• Thereafter, to act as a relevant authority under the Act;</li> <li>• To act in accordance with the requirements of this Terms of Reference.</li> <li>• The CAP may provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of development applications;</li> <li>• The CAP may cause an Annual Performance Review (APR) to be undertaken of the CAP, examining the composition of the CAP from a 'needs' perspective, the contribution, behaviour and conduct of CAP Members, the function and procedures of the CAP, and other relevant matters. The outcome of any APR undertaken by the CAP shall be reported to Council within one month of being completed.</li> </ul>
---------------------------------	--	---------------------	--	---

<b>Lameroo Town Centre Plan Project Steering Committee</b>	Local Government Act, 1999 - Established under S41	Advisory Only	<ul style="list-style-type: none"><li>• Council Members x 2</li><li>• Community Members x 6</li><li>• Council Staff x 3</li></ul> <ul style="list-style-type: none"><li>• Play a leadership role in the delivery of the Lameroo Town Centre Plan project</li><li>• Promote and champion the Lameroo Town Centre Plan project</li><li>• Represent the broad interests of the community and stakeholders</li><li>• Help ensure effective engagement with the community</li><li>• Provide advice on project matters such as community engagement, draft documents, plan development, project timelines, media, communications and project direction, as required</li><li>• Contribute to the successful project delivery through considered, innovative and enthusiastic involvement in the project</li><li>• Work in a collaborative way with the firm appointed by Council to provide professional expertise and project delivery.</li></ul>
--	--	---------------	---

<b>Pinnaroo Village Green Masterplan Project Steering Committee</b>	Local Government Act, 1999 - Established under S41	Advisory Only	<ul style="list-style-type: none"><li>• Council Members x 2</li><li>• Community Members x 5</li><li>• Council Staff x 3</li></ul> <ul style="list-style-type: none"><li>• Play a leadership role in the delivery of the Pinnaroo Village Green Masterplan project</li><li>• Promote and champion the Pinnaroo Village Green Masterplan project</li><li>• Represent the broad interests of the community and stakeholders</li><li>• Help ensure effective engagement with the community</li><li>• Provide advice on project matters such as community engagement, draft documents, plan development, project timelines, media, communications and project direction, as required</li><li>• Contribute to the successful project delivery through considered, innovative and enthusiastic involvement in the project</li><li>• Work in a collaborative way with the firm appointed by Council to provide professional expertise and project delivery.</li></ul>
---	--	---------------	---

<b>Business and Visitor Wayfinding Signage Project Steering Committee</b>	Local Government Act, 1999 - Established under S41	Advisory Only	<ul style="list-style-type: none"> <li>• Council Members x 2</li> <li>• Community Members x 5</li> <li>• Council Staff x 3</li> </ul> <ul style="list-style-type: none"> <li>• Play a leadership role in the delivery of the Business and Visitor Wayfinding Signage project</li> <li>• Promote and champion the Business and Visitor Wayfinding Signage project</li> <li>• Represent the broad interests of the community and stakeholders</li> <li>• Help ensure effective engagement with the community</li> <li>• Provide advice on project matters such as community engagement, draft documents, project development, project timelines, media, communications and project direction, as required</li> <li>• Contribute to the successful project delivery through considered, innovative and enthusiastic involvement in the project</li> <li>• Work in a collaborative way with the firm appointed by Council to provide professional expertise and project delivery.</li> </ul>
---	--	---------------	--

## Council Subsidiaries

### SCHEDULE 2 – Southern Mallee District Council – Regional Subsidiary Structure

(established under Section 43, Local Government Act 1999)

Name of Regional Subsidiary	Membership	Purpose
<b>Murraylands and Riverland Local Government Association</b>	<ul style="list-style-type: none"> <li>• Berri Barmera Council</li> <li>• Coorong District Council</li> <li>• District Council Karoonda East Murray;</li> <li>• District Council of Loxton Waikerie;</li> <li>• District Council of Mid Murray</li> <li>• District Council of Renmark Paringa;</li> <li>• Rural City of Murray Bridge</li> <li>• Southern Mallee Council</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake coordinating, advocacy and representational roles for its constituent Councils at a regional level.</li> <li>• Facilitate and co-ordinate activities of local government at a regional level related to environment, economic and social development with the object of achieving continuing improvement for the benefit of the communities of its constituent Councils.</li> <li>• Develop, encourage, promote, foster and maintain consultation and cooperation and to strengthen the representation and status of local government when dealing with other levels of government, private enterprise and the community.</li> <li>• Develop further cooperation between its constituent Councils for the benefit of the communities in the region.</li> <li>• Develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities in the region.</li> <li>• Undertake projects that benefit the region and its communities</li> </ul>

## External committees/boards/ associations

- Local Government Association
- Local Government Finance Authority
- Mallee and Coorong Local Government Natural Resource Management Group