

 City of Mount Gambier	FREEDOM OF INFORMATION STATEMENT	Issued:	July 2023
		Next Review:	July 2024

This Information Statement is published by the City of Mount Gambier in accordance with the requirements of Section 9 (1a) of the Freedom of Information Act 1991 ("FOI Act").

Subject to certain exemptions, 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.

This Information Statement was published in July 2023.

A variety of Council documents are available on Council's website www.mountgambier.sa.gov.au including Council and Committee Agendas, Minutes and Terms of Reference, Policies, Strategic Documents and Registers.

STRUCTURE AND FUNCTIONS OF COUNCIL

The Council consists of the Principal Member being the Mayor and eight (8) Councillors who represent residents and ratepayers in the City of Mount Gambier. The Council is the body corporate consisting of Elected Members as constituted under the Local Government Act 1999 ("LG Act"). The Council is established to provide for the government and management of its area at the local level and, in particular to:

- (a) act as representative, informed and responsible decision-makers in the interest of its community; and
- (b) 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) encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) represent the interests of its community to the wider community; and
- (e) exercise, perform and discharge the powers, functions, and duties of local government under the Act and other acts in relation to the area for which it is constituted. (s.6 of the LG Act).


Ordinary meetings of the Council are held in the Council Chamber at the Principal Council Office, Civic Centre, 10 Watson Terrace, Mount Gambier and commence at 6pm on the third Tuesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality (under s.90 of the LG Act).

One of the main opportunities for the community to gain information about the business of Council is its agendas and associated reports and minutes prepared for Council and Committee meetings.

Meeting notices and agendas, including minutes of previous meetings, are available no less than three days prior to ordinary meetings and until the completion of the relevant meeting:

- on the Council website; and
- at Council's Principal Office between the business hours of 9:00am to 5:00pm.

Minutes and the resolutions from meetings are also published on Council's website and accessible within five (5) days of the meeting. This includes confidential items only where conditions for release have been met.

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Council and Committees

The various committees of Council are listed below including the legislation under which they have been formed. Committees support Council in its decision making processes by considering relevant matters and making recommendations to Council.

The membership of Committees and their Terms of Reference are determined by the Council and Committees meet at intervals determined in their Terms of Reference (available on the Council website) and in accordance with the provisions of the LG Act.

Meetings of Committees are open to the public, with the exception of any matters subject to an order of confidentiality (under s.90 of the LG Act), and notices, agendas and minutes are published and accessible in the same manner as for 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.

Section 41 Committees

- Junior Sports Assistance Fund
- Chief Executive Officer Performance Review Committee

Statutory Committees

- Audit Committee
- Building Fire Safety Committee

Council Subsidiaries

- Limestone Coast Local Government Association (a Regional Subsidiary established under s43 of the LG Act)

External Committees/Boards/Associations


Council participates in a number of external Committees, Boards and Associations that comprise Elected Members, Council Officers, representatives of other government and non-government organisations, and the public. Agendas and minutes of meetings of such external Committees, Boards and Associations may be published or otherwise accessible from their respective organisations in accordance with their own governing arrangements.

Delegations

Council is charged with making decisions which determine its strategic direction and other activities, functions and services related to a broad range of powers and duties of Council.

Council delegates relevant powers and duties to the Council Assessment Panel, Committees, Chief Executive Officer and other Council Officers to make decisions on certain matters on its behalf, and the Chief Executive Officer may further sub-delegate to another person or position. Council's Delegations Register records the powers and duties delegated by the Council and sub-delegated by the Chief Executive Officer.

Delegations are reviewed periodically by Council and a Register is published on the Council website and is accessible for viewing at Council's Principal Office during Council's business hours.

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Functions of Council

The functions of Council as set out in s 7 of the LG Act include to:

- (a) plan at the local and regional level for the development and future requirements of its area;
- (b) provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- (c) provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) Take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to improve amenity;
- (f) provide infrastructure for its community and for development within its area;
- (g) Promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- (h) establish or support organisations or programs that benefit people in its area or local government generally;
- (i) manage and if appropriate, develop, public areas vested in, or occupied by, the Council;
- (j) manage, improve and develop resources available to the Council;
- (k) undertake other functions and activities conferred by or under the Act (s.6 of the LG Act).

Section 41 of the LG Act empowers a Council to establish committees to:


- assist the Council in the performance of its functions;
- enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- provide advice to the Council;
- exercise, perform or discharge delegated powers, functions or duties;
- determine policies to be applied by the Council in exercising its discretionary powers;
- determine the type, range and scope of projects to be undertaken by the Council; and
- develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council.

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 and (sub)delegates in response to local needs, interests and aspirations of individuals and groups within the community to ensure that Council resources are used equitably.

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Core services provided by Council include:

Roads/Footpaths/Kerbing	Stormwater Drainage
Traffic Control	Traffic Lights/School Crossings
Public Cemeteries	Parking Bays/Street Closures
Street Lighting	Street Sweeping
Street Tree Planting	Litter Bins
Refuse Collection	Public Conveniences
Fire Protection	Public Libraries
Garbage Disposal	Senior Citizens
Playground Equipment	Community Services - General
Aquatic Facilities	Dog Control
Waste Management/Recycling	Parking Controls
Waste Minimisation	Car Parks and on street parking
Building Control	Heritage Recognition
Planning Control	Environmental Health Matters
Clean Air Control	Community Health/Well Being
Tourism	Emergency Services
Animal and Pest Plants	Crime Prevention
Economic and Industry Services	Recreation/Sporting Facilities
Parks, Reserves and Gardens (Public)	Arts/Cultural and Art Gallery
Special Needs Programmes - Donations	Environmental Protection/Sustainability
Youth Services	Food Premises/Sampling


PUBLIC PARTICIPATION

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

- Deputations/Presentations to Council or a Committee – upon prior written request to the Chief Executive Officer and with the permission of the relevant Presiding Member, a member of the public or a group can address Council or a Committee for a time limit set by the Presiding Member on any item that is relevant to the Council or Committee.
- Petitions - written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- Elected Members - members of the public can contact the Elected Members of Council to discuss any issues relevant to Council. Contact details for Elected Members are available on Council's website.
- Written Requests - members of the public can write to (including email) the Council on any Council policy, activity or service.

Community Consultation and Engagement

Council is committed to open, honest, accountable and responsible decision making. In accordance with Section 50 of the LG Act Council has adopted a Community Consultation and Engagement Policy that 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 community 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. This policy is available on Council's website.

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ACCESS TO COUNCIL DOCUMENTS

Documents held by Council

Much information and documentation held by Council is readily accessible for viewing without recourse to the FOI Act and we invite you to discuss with us any information that you are seeking. Council holds information in:

- an electronic document records management system (EDRMS) for the effective management of Council's records.
- a Land and Property Information System relating to property information (e.g. legal description and common address, valuation, rates, ownership details) on each property in the Council area.

Documents to be made available by the Council


A range of Council documents including the following are published on the Council website www.mountgambier.sa.gov.au and hardcopies are accessible at Council's Principal Office (on payment of a fee, if any, fixed by the Council[^]) during Councils' ordinary business hours:

- Council Policies (refer Appendix A), including
 - Contracts and Tenders Policy
 - Member Allowances & Benefits Policy
 - Public Consultation Policy
 - Behavioural Management/Support Policies
 - Order Making Policy
 - s92/Reg7 Code of Practice (Policy C410)
 - S270 Internal Review Policy and Reports
- Register of (Certified) By-Laws
- Register of Confidential Items
- Elected Member Register of Interests
- Register of Elected Members Allowances and Benefits
- Gifts & Benefits Register (Members and Staff)
- Register of (Employees) Salaries
- Community Land/Management Plan Register
- Register of Land Management Agreements
- Public Road Register
- Delegation Register
- Meeting Notices, Agenda, Reports, Attachments, Recommendations and Minutes
- Schedule of Meetings
- Records under s90A(4), (5) & (7)
- Subsidiary Charters (LCLGA)
- Strategic Management Plans (including Long Term Financial Plan and Infrastructure and Asset Management Plan)
- Draft Annual Business Plan and Budget
- Adopted Annual Business Plan & Budget
- Annual Report
- Adopted Budget/ Financial Statements
- Audited Financial Statements
- Schedule of Fees and Charges
- Employee Behavioural Standards
- Representation Options Paper

The following documents, where applicable, are also accessible to inspect from Council's Principal Office during Council's ordinary business hours and hardcopies/extracts are available (on payment of a fee, if any, fixed by the Council[^])

- Assessment Record extract
- Community Land Management Plans
- Public Consultation Policy

[^]For relevant fees and charges please refer to Council's [Schedule of Fees and Charges](#).

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Other Information Requests

Requests for information not published or otherwise available for viewing or release under the LG Act or other legislation will be considered in accordance with the provisions of the FOI Act. Under this legislation, applicants seeking access to documents held by Council need to make application with payment of the relevant fee and provide sufficient information to enable the specific documents being requested to be identified.

Applications made under the FOI Act for access to Council's document(s) must be:

- (a) in writing; and
- (b) specify that it is made under s13 of the Freedom of Information Act; and
- (c) accompanied by such application fee as may be prescribed by Regulation; and
- (d) contain such information as is reasonably necessary to enable the document to be identified; and
- (e) specify an address in Australia to which notices under the Act should be sent; and
- (f) lodged with Council and may request that access to the document be given in a particular way.

If the documents relate to the applicant's personal affairs or are sought on behalf of another person relating to their personal affairs, Council may ask for proof of identity or a consent form signed by that person.

Forms of access may include inspection or copies (subject to copyright law) 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.

On receiving an FOI application Council 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 some instances, retrieving the requested information may involve considerable staff time or other document production costs. It is important to specify what is specifically sought as clearly as possible to assist staff in quickly and efficiently identifying and locating the relevant document.


Charges may be applied to the time spent dealing with an application in accordance with the Regulations.

Enquiries concerning the lodgement procedures for FOI requests, the procedures for inspecting or purchasing the identified Council documents, procedures for access to other Council documents and amendments of any Council records concerning the personal affairs of a member of the public are to be directed to the Council's Freedom of Information Officer:

Freedom of Information
c/o Manager Governance and Property
Civic Centre, 10 Watson Terrace
MOUNT GAMBIER SA 5290

or emailed to city@mountgambier.sa.gov.au

Applications will be responded to as soon as possible within the statutory period of 30 days (or such extended period as approved by the Chief Executive Officer) of Council receiving the appropriately completed FOI request together with the application fee and all other information necessary for a qualified response to be provided.

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FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES

Approved application fees are set in the Freedom of Information (Fees and Charges) Regulations 2019 and are available at www.legislation.sa.gov.au. A payment 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 FOI Act Regulations with requests relating to personal affairs of the applicant including the first 2 hours spent by the agency being at no charge.

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. Such a request will be accompanied by a notice setting out the basis on which the advance deposit amount has been calculated.

The FOI Officer will endeavour to work with an applicant to define and minimise the scope of the request and the costs involved.

AMENDMENT OF COUNCIL RECORDS

Under the FOI Act, persons may request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.


To request amendment of such Council records, a completed application form and fee must be lodged with Council outlining the records that are to be corrected.

Where any corrections required did not result from any act or omission on the part of the applicant, any fees and charges paid for the original application will be fully refunded.

Michael McCARTHY

MANAGER GOVERNANCE AND PROPERTY

28 July 2023

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File Reference:	AF11/1190
Applicable Legislation:	Freedom of Information Act 1991 – s91(a) Freedom of Information (Fees and Charges) Regulations 2019 SA Government Gazette - 4 June 2020, page 3161

DOCUMENT DETAILS

Responsibility:	MANAGER GOVERNANCE & PROPERTY
Last revised date:	28 July, 2023
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Reviewed/Amended:	August 2016, November 2018, March 2020, August 2021, September 2022, July 2023

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APPENDIX A - Council Policies (as at July 2023)

A240 - Assemblies and Events on Streets and Other Council Land
A270 - Australia Day Awards
A515 - Animal Control - Dogs
A520 - Animal Control
A900 - Asset Management
Asset Accounting
B150 - Building - Sewer Connections, Waste Management Control and Provision of Toilet Facilities
B300 - Budget Framework Policy
Behavioural Management
C120 - Cemeteries - Carinya Gardens and Lake Terrace Cemetery
C140 - Main Corner Complex - Hire
C200 - Request for Service and Complaint Policy
C290 - Internal Review of Council's Decisions
C320 - Council Chamber and Reception Area - Use of
C355 - Council Land - Irrigation Policy
C410 - Conduct of Meetings (s92 Code of Practice)
C700 - Corporate Branding and Identity
CCTV
Council Election Caretaker Policy (formerly C305 - Caretaker Policy)
D150 - Building and Swimming Pool Inspections
D230 - Donations - Authority to Approve Requests
Dual Naming
E115 - Elections - Council Entitlement to Vote
E135 - Encroachments - Protection of Public During Building and Maintenance Works
E200 - Employees - Service Awards - Gifts as Resignation/Retirement
Emergency Management
F110 - Fencing Costs - Contributions by Council
F125 - City Burning
F135 - Flammable Undergrowth
F140 - Flags - Protocol
F175 - Footways and Crossovers
F190 - Footways - Paving in City Centre Zone
F225 - Fraud and Corruption Prevention Policy
F500 - Footways and Council Land - Removal of Objects
F505 - Footways and Council Land - Sale of Commodities
F510 - Inspectorial - Footways and Council Land - Fundraising and Promotion
H120 - Historical Matters - Collection of
H125 - Historical Matters - Copyright - 'The Les Hill Photographic Collection'
Illumination of Assets
Internal Controls
L130 - Land Divisions
L230 - Licensed Premises
M130 - Media - Statements on behalf of Council
M205 - Members - Mayor - Anniversary Messages

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M225 - Members - Service Recognition
M270 - Members - Mayor Seeking Legal Advice
M405 - Council Members - Allowances and Benefits
M500 - Members Training & Development Policy
Memorials
O110 - Order Making
P135 - Entertainment Venues
P155 - Privacy
P195 - Community Consultation and Engagement Policy
P415 - Prudential Management
P420 - Procurement and Disposal of Land and Assets
P900 - Public Interest Disclosure
P910 - Provision of Loans or Guarantees to Community Groups
R105 - Rates - Rating Policy
R130 - Rates - General Matters
R155 - Rates - Rebate Policy
R180 - Records Management
R200 - Reserves - Lease/Licence/Rental Arrangements
R270 - Road Pavement - Excavation and Reinstatement Of
Risk Management
S115 - Fencing of Stormwater Retention Basins
S120 - Street Signs - Directional, Tourist and Other Scenic Facility Signs
S135 - Street - Naming of
S140 - Street Numbering
S400 - Supplementary Elections
T120 - Tree Policy
T150 - Treasury Management
U900 Unsolicited Proposals
Unreasonable Conduct
V140 - Visits by Parliamentary / Governmental Representatives
W115 - Waste Management - Receiving of Waste - Caroline Landfill
W125 - Waste Management - Kerbside Refuse Collection