

 City of Mount Gambier	<b>FREEDOM OF INFORMATION STATEMENT</b>	<b>Issued:</b>	November 2018
		<b>Next Review:</b>	November 2019

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 (the 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 each 12 months. This statement was released on 23 November 2018.

A variety of Council documents are available on Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au) including: Council and Committee Agendas, Minutes, Terms of Reference, Policies, Community Plan, Long Term Financial Plan, Annual Business Plan and Budget, Register of Confidential Items and delegations Register.

## STRUCTURE AND FUNCTIONS OF COUNCIL

The Council consists of the Principle Member being the Mayor and eight (8) Elected Members 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 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 Act).

Ordinary meetings of the Council are held in the Council Chamber at the main Council Office, 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 (s.90 of the Act). Notices of all meetings of Council and its Committees are available on Council's website and from Council's main office.

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 no less than three days prior to meetings on:

- Council's website; and
- Public display at Council's main office during Council's normal business hours.

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.

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Council's main office is

Civic Centre  
10 Watson Terrace  
MOUNT GAMBIER SA 5290

### Council and Committees

The following sections list the various committees of Council and identifies under which section of the Local Government Act or Development Act 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 Council main office) 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 Act), and are publicly notified in the same way as Council meetings.

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

### Standing Committees

Standing Committees have been formed to streamline Council business. These committees normally meet the week prior to the Council meeting each month and make recommendations to Council. Members of the public are again welcome to attend. The standing committees are:

- Strategic Standing Committee – Monday 5.30 p.m.
- Operational Standing Committee - Tuesday 7.30 a.m.

### Sub-Committees

The following Sub-Committees have been established by Council or Standing Committees:

- Strategic Standing Committee – nil sub committees
- Operational Standing Committee
  - Environmental Sustainability Sub Committee
  - Community Engagement and Social Inclusion Sub Committee
  - Heritage Sub Committee.

### Section 41 Committees

- Audit
- Junior Sports Assistance Fund
- CEO Review
- Regional Sport and Recreation Centre Committee.

### Statutory Committees

- Building Fire Safety
- Council Assessment Panel.

### Agendas and Minutes

Agendas of all Council and Committee meetings are placed on Council's website and on public display not less than three days prior to those meetings. Minutes and the recommendations and/or resolutions from these meetings are also placed on Council's website and public display within five (5) days of the meeting being held. This includes confidential items, when release conditions have been met.

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### Delegations

Council is charged with making decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services and the resources which are made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications for various forms of activities and development.

The Chief Executive Officer has 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 annually by Council and is available to be viewed by the public at the Council's main office during Council's ordinary working hours.

### Functions of Council

The functions of Council as set out in s 7 of the 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 Act).

Section 41 of the Local Government 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

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- 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. Core services provided by Council and include:

Roads/Footpaths/Kerbing

Traffic Control

Public Cemeteries

Street Lighting

Street Tree Planting

Refuse Collection

Fire Protection

Garbage Disposal

Playground Equipment

Aquatic Facilities

Waste Management/Recycling

Waste Minimisation

Building Control

Planning Control

Clean Air Control

Tourism

Animal and Pest Plants

Economic and Industry Services

Parks, Reserves and Gardens (Public)

Special Needs Programmes - Donations

Youth Services

Stormwater Drainage

Traffic Lights/School Crossings

Parking Bays/Street Closures

Street Sweeping

Litter Bins

Public Conveniences

Public Libraries

Senior Citizens

Community Services - General

Dog Control

Parking Controls

Car Parks and on street parking

Heritage Recognition

Environmental Health Matters

Community Health/Well Being

Emergency Services

Crime Prevention

Recreation/Sporting Facilities

Arts/Cultural and Art Gallery

Environmental Protection/Sustainability

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 to Council - with the permission of the Presiding Member of the Committee, a member of the public can address a Council or Committee personally or on behalf of a group of residents/interested persons for up to a time limit set by the Presiding Member on any item that is relevant to that Committee or the Council, depending on the number of deputations scheduled for a particular meeting.
- Petitions - written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- Presentations to Council - require prior notification and approval of the Mayor.
- Deputations / presentations - provide an opportunity for an organisation, Council officer(s) or member of the public to provide a Committee or the Council with information relevant to a

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matter currently under consideration. The duration is set by the Presiding Member and generally is limited to one presentation per meeting.

- 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

Council is committed to open, honest, accountable and responsible decision making. In accordance with Section 50 of the 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. The policy is available on Council's website.

This Policy applies to those initiatives or activities of Council on which consultation is required by the Local Government Act, 1999 and other legislation or will be undertaken as a matter of Council policy on other issues.

The areas that Council is required to follow the relevant steps set out in its Community Consultation and Engagement Policy are:

- Changes to the manner, places and times at which Council Offices will be open for business (Section 45)
- Adoption, alteration or substitution of a code of practice relating to the principles, policies, procedures and practices to apply for meetings and documents (Section 92)
- The Adoption of Council's Annual Business Plan (Section 123)
- Changes to the basis of Rating (Section 151)
- Rating - Differential Rates (Section 156)
- The revocation of Local Government land from the classification as community land (Section 194)
- The adoption, amendment or revocation of a management plan for community land (Sections 197 and 198)
- The granting of a lease or licence over community land (Section 202)
- The granting of a permit over a public road granting exclusive occupation or restricting access to a road, or in relation to a use or activity for which public consultation is required (Section 223)
- The planting of vegetation on a public road that may have a significant impact on residents, businesses or advertisers (Section 232).

When a matter under Council's consideration is not specifically required by the Act to follow the steps set out in its Community Consultation and Engagement Policy, but specific sections within the Act do specify that certain community consultation steps must be followed, Council will be guided by the steps outlined in the relevant sections of the Act. This will apply to:

- |                                    |              |
|------------------------------------|--------------|
| • Representation Review            | Section 12   |
| • Status of Council or Name Change | Section 13   |
| • Certain Commercial Activities    | Section 48   |
| • Public Consultation Policy       | Section 50   |
| • Strategic Management Plans       | Section 122  |
| • Making of By-Laws                | Section 249  |
| • Order Making Policies            | Section 259. |

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The Community Consultation and Engagement Policy is to be implemented in accordance with the Community Consultation and Engagement Toolkit.

## ACCESS TO COUNCIL DOCUMENTS

### 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 (FOI Act) and we invite you to discuss your information needs with us.

**Records System:** Council operates an electronic document records management system (EDRMS) 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.

### Policy and other documents available for inspection

At the time of publishing this statement Council's policies and a range of other documents including the following are available on Council's website and for public inspection at Council's main office during Councils' ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Community Plan	Annual Business Plan and Budget
Fees and Charges Register	Infrastructure and Asset Management Plan
Long Term Financial Plan	Annual Report
Terms of Reference for Committees	Council By Laws
Management Plans	Council and Committee Agendas and Minutes

The following documents are available for public inspection and purchase from Council's main office during Council's ordinary hours.

Delegations Register	Financial Statements
Register of Elected Members	Development Register
Allowances and Benefits	Parking Control Register
Register of Public Streets and Roads	Register of Employees' Salaries and Wages
Voters Roll	

### 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's main office.

Applications made under the FOI Act for access to Council's document(s) must specify that it is made under Section 13 of the FOI Act and a formal application must be:

- (a) In writing; and
- (b) Specify that it is made under the Freedom of Information Act; and
- (c) Accompanied by such application fee as may be prescribed; 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 this Act should be sent; and
- (f) Lodged at the Council's office or relevant agency, and may request that access to the document be given in a particular way.

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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.

All general enquiries on FOI Act issues are to be directed to Council's Freedom of Information Officer.

Manager- Executive Administration  
Civic Centre, 10 Watson Terrace  
MOUNT GAMBIER SA 5290

Council, on receiving an 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 specifically 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 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 FOI Officer:

Applications will be responded to as soon as possible within the statutory period of 30 days of Council receiving the appropriately completed FOI request together with the application and search fee and all other information necessary for a qualified response to be provided.

### **FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES**

Most documents identified in this FOI Statement are also available for viewing, download and printing from Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

Approved application fees are set in the Freedom of Information (Fees and Charges) Regulations 2018 and available at [www.legislation.sa.gov.au](http://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 Regulations and may include some free time when the request relates to the personal affairs of the applicant.

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 FOI Officer will endeavour to work with the applicant to define 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 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.

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If it is found that these require amendment, details of the necessary changes are to be lodged with Council's FOI 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.

**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER  
12 November 2018

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File Reference:	AF11/1190
Applicable Legislation:	Freedom of Information Act 1991 – s91(a)

**DOCUMENT DETAILS**

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