



Wudinna District Council

FREEDOM OF INFORMATION STATEMENT to 30 June 2022

This Freedom of Information Statement is published by Wudinna District Council in accordance with the Freedom of Information Act 1991 (FOI 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 on the Council's website each financial year. This statement was released as at 20 July 2021.

1 STRUCTURE AND FUNCTIONS OF COUNCIL

1.1 Full Council and Provisions for Meeting Procedures

The Council consists of the Mayor and six (6) Elected Members who represent residents and ratepayers throughout the Council area.

"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 (Section 6 Local Government Act).

Ordinary meetings of the Council are held at the Council Office, 11 Burton Terrace, Wudinna (Council's Office) and commence at 1pm 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 pursuant to Section 90 of the Local Government Act. Notices of all meetings of Council and its Committees are available on the website and from Council's 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 on public display no less than three days prior to meetings. They are available on Council's website at www.wudinna.sa.gov.au and at Council's office during normal business hours.

Notice(s) 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.

1.2 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 or other legislation they have been formed.

It also lists Council's working parties which advise Council of important issues within the community.

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 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 (Section 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.

1.3 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. The minutes of meetings of external Committees, Boards and Associations are, when provided by the bodies, included in the agenda for the meetings of the full Council (or appropriate Committee).

1.4 Delegations

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 that authority to an employee or a Committee. Council's Delegations Register reflects the delegated authority from the Council to the Chief Executive Officer (and any further sub-delegations). The Delegations Register is reviewed annually by Council and is available to be viewed by the public at the Council Office during normal business hours.

1.5 Functions of Council

The functions of Council, set out in Section 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 (*Section 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; and
- To exercise, perform or discharge delegated powers, functions or duties.

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; and
- 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 Chairperson of the Committee or the Council's Chairperson, a member of the public may address a Committee or the Council personally or on behalf of a group of residents for up to ten (10) minutes 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. Individuals or organisations wishing to 'speak to the petition' will need to seek the written permission of the Mayor.

Presentations (Deputations) - Presentations also referred to as 'Deputations' 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 matter currently under consideration. The duration is up to 20 minutes and generally is limited to one presentation per meeting.

Written requests for a Presentation must be lodged with the Council Office no less than seven (7) days prior to the next Ordinary Meeting of the Committee or Council and should indicate the name of the organisation's delegated spokesperson and the expected number of attendees. The Committee or Council Chairperson may grant permission for other members of the organisation to address the meeting,

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 to 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 Council's Office during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

COMMUNITY RELATIONS

Public Consultation Policy
Request for Service Policy & Procedure
Mobile Vendor Policy
Ancillary Services & Activities Policy & Procedure

DEVELOPMENT CONTROL

Code of Conduct Schedule 3 of the Planning
Development and Infrastructure Act 2016
Planning, Building and Wastewater Management
Enforcement Policy
Building Inspection Policy
Privately Funded Development Plan Amendments
Policy

ECONOMIC DEVELOPMENT

Local Business Development Policy

ENVIRONMENTAL MANAGEMENT

Street Tree and Tree Management Policy
Wudinna Community Water Schemes Policy
Waste Collection & Disposal Service Policy

EQUIPMENT & STORES

Community Bus Policy

FINANCIAL MANAGEMENT

Asset Management & Accounting Policy
Debt Recovery Policy
Financial Management and Internal Control Policy
Procurement and Disposal Policy
Treasury Management Policy
Water Industry Act 2012 – Customer Hardship Policy
Water Industry Act 2012 – Customer Charter –
Sewerage Services

Prudential Management Policy

Budget Preparation & Review Policy

HUMAN RESOURCE MANAGEMENT

Human Resources Policy
Fair Treatment Policy & Procedure
Employee Conduct Policy
Working From Home Policy

INFORMATION MANAGEMENT

Records Management Policy
Freedom of Information Statement

INFRASTRUCTURE

Selection of Road Names Policy
School Bus Warning Signs Policy
Rubble Pit & Royalties Policy

GOVERNANCE

Caretaker Policy
Code of Conduct for Elected Members
Code of Conduct for Council Employees
Access to Council and Committee Meetings and
Information – Code of Practice
Code of Practice - Meeting Procedures
Committees & Subsidiaries Policy
Elected Members Allowances and Support Policy
Guidelines & General Approval for the Placement or
Affixation of Election Signs
Fraud and Corruption Prevention Policy
Complaints Policy & Procedure
Complaints Handling Procedure – Council Members
Code of Conduct
Internal Review of Council Decisions Policy &
Procedure
Involvement in Emergency Response Operations Policy
Emergency Management Policy
Training and Development for Council Members Policy
Public Interest Disclosure Policy
Public Interest Disclosure Procedure
Informal Gatherings Policy
Elected Member Casual Vacancy Policy
Enforcement Policy
Ombudsman Enquiry Procedure
Legislative Compliance Procedure

LEGAL PROVISIONS

Order Making Policy
Privacy Policy

PROPERTY MANAGEMENT

Council Property & Infrastructure Management Policy
Cemetery Management Policy

SOCIAL, CULTURAL & COMMUNITY SERVICES

Safe Environment Policy

STRATEGIC MANAGEMENT

Risk Management Policy
Risk Management Framework

TECHNOLOGY & COMMUNICATION

Electronic Communication Facilities Policy
Social Media Policy

TRAFFIC MANAGEMENT

Outdoor Dining Policy

3.3 Other Council Documents

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

Animal Management Plan	Annual Business Plan
Annual Report	Infrastructure & Asset Management Plan
Council Bylaws	Annual Budget
Council & Committee Agendas	Annual Rates Declarations
Corporate Plan	Council & Committee Minutes
Fees and Charges Schedule	Terms of Reference, Audit Committee
Long Term Financial Plan	Work Health & Safety Statement, Policies & Procedures
Register of Salaries	
Disability Access and Inclusion Plan	Regional Public Health Plan

Note: The Development Plan has been replaced by the Planning and Design Code accessible via the Plan SA website - plan.sa.gov.au.

The following documents are available for public inspection and purchase from Council's Office.

Assessment Book	By laws Register
Delegations Register	Development Application Register
Financial Statements	Parking Control Register
Register of Dogs	Register of Elected Members - Allowances and Benefits
Register of Employees' Salaries & Wages and Benefits	Register of Fees and Charges levied by Council
Register of Public Streets and Roads	Register of Interests
Supplementary Development Plans previously on exhibition	Voters Roll
Waste Water Systems Applications Register	

3.4 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, applicant's seeking access to documents held by Council need to provide sufficient information to enable the correct documents to be identified and must complete the prescribed 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*.

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 complex cases, retrieving the requested information may involve 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 the Chief Executive Officer who is Council's delegated Freedom of Information Officer.

4 FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES

Approved application fees are set in the *Freedom of Information (Fees) Notice 2021 under the Legislation (Fees) Act 2019 (as amended)*. 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.

Fees and Charges Schedule as set by legislation as at 1 July 2021 (Government Gazette-40 3 June 2021)	
On application for access to an agency's documents (Sec 13(c))	\$38.25
For dealing with an application for access to an agency's documents and in respect of the giving of access to the document (Sec 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	\$14.40
(b) In any other case – for each 15 minutes so spent by the agency	
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)	\$8.55
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 (Sec 29(2)(b))	\$38.25

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 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 Council are to be addressed to:

Freedom of Information Officer
Wudinna District Council
PO Box 6
WUDINNA SA 5652

To download an Application Form, please visit:

https://www.archives.sa.gov.au/sites/default/files/Request%20for%20Access%20Application%20Form%202017-18%20Final%20V3_0.pdf

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.

SCHEDULE 1 COMMITTEES OF COUNCIL

Council Committees and Subsidiaries

- Audit Committee
- Australia Day Committee
- Bushfire Management Advisory Committee
- Civic Facilities Committee
- Competitive Neutrality Complaints Committee
- Health & Safety Committee (Workplace Health & Safety Act 2012)
- Emergency Planning Committee (Fire & Emergency Services Act 2005)
- Machinery & Works Committee
- Public Consultation Strategy Committee
- Strategic Planning & Development Policy Committee
- Town Development & Amenities Committee
- Water Management Committee
- Wudinna Homes for the Aged Committee (Retirement Villages Act 2016)

External Committees/Boards/Associations

- Eyre Peninsula Local Government Association
- Upper Eyre Regional Building Fire Safety Committee (being reviewed under the Development Planning and Infrastructure Act 2016)
- Upper Eyre Peninsula Bushfire Management Committee
- Eyre Peninsula Zone Emergency Management Committee
- Karcultaby Area School/Community Library Board
- Wudinna Area School Library Advisory Board
- Minnipa Progress Association
- Wudinna Business & Tourism Association
- Wudinna Swimming Pool Committee
- Wudinna & Districts Telecentre Management Committee
- Wudinna Community Directions Group
- Wudinna Area School Council
- Wudinna Sports and Recreation Facilities Committee