



DISTRICT COUNCIL of TUMBY BAY

FREEDOM OF INFORMATION STATEMENT

1 July 2023 – 30 June 2024

This Freedom of Information Statement is published by the District Council of Tumby Bay (Council) in accordance with Section 9 of 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 on 25 July 2023.

1 Structure and Functions of Council

1.1 Full Council and provisions for meeting procedures

The Council consists of the Mayor and 6 Elected Members who represent residents and ratepayers in the district.

"Council" is the body corporate consisting of elected members as constituted under the *Local Government Act 1999* (the Act). Per Section 6 of the Act, 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-maker in the interests of its community; and
- b) to provide and co-ordinate various public services and facilities and to develop its community and resources 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 this Act and other acts in relation to the area for which it is constituted.

Ordinary meetings of the Council are held at the Council Chamber, Mortlock Street, Tumby Bay, or in locations throughout the Council area as determined by resolution of Council, and commence at 5.30pm on the second Tuesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality per Section 90 of the Act. Notices of all meetings of Council and its Committees are available on the website and from the Council office.

One of the main opportunities for the community to gain information about the business of Council is through 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.tumbybay.sa.gov.au and at the Council office.

Notice of a meeting and the agenda are kept on public display and continue to be published on the website until the completion of the relevant meeting.

1.2 Council Committees and Subsidiaries

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 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 per Section 90 of the Act, and are publicly notified in the same way as Council meetings. (See 1.1 above)

Chapter 6 of the Act and the *Local Government (Procedures at Meetings) Regulations 2013* prescribe the way meetings of a Council and its Committees are to be conducted.

Council Committees and subsidiaries:

- Audit and Risk Committee

1.3 External Committees/Boards/Associations

Council participates in a number of external Committees, Boards and Associations, comprising Elected Members, staff and the public.

External Committees/Boards/Associations:

- Eyre Peninsula Local Government Association
- Eyre Peninsula Regional Assessment Panel

1.4 Delegations

The Regional Assessment Panel and the Chief Executive Officer have delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee or a Committee. Council's Delegations Register reflects the delegated authority from the Council to the CEO (and subsequently any further sub-delegations). The Delegations Register is regularly reviewed by Council and is available to be viewed by the public on the Council's website.

1.5 Functions of Council

The functions of Council, set out in Section 7 of the 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;
- ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council;
- 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 an Act.

Section 41 of the Act empowers a Council to establish committees

- To assist the council in the performance of its functions;
- To inquire 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.

1.6 Services for the Community

Council is required by legislation to:

- Determine policies to be applied by the Council
- Develop and adopt Strategic Management Plans
- Prepare and adopt annual business plans and budgets
- Establish an Audit Committee
- Develop appropriate policies, practices and processes of internal control
- Set performance objectives
- Establish policies and processes for dealing with complaints, requests for service, and internal review of Council decisions
- Determine the type, range and scope of projects to be undertaken by the Council
- Deliver planning and development, dog and cat management, fire prevention and certain public health services
- Provide the necessary administrative services to support Council's functions

Other services and activities are provided through the decision-making processes of Council in response to local needs, interests and aspirations of individuals and groups within the community to ensure that Council resources are used equitably.

Other core services provided by Council include:

Aerodrome	Animal control	Bicycle tracks/skate parks
Boat ramps	Building inspection	Cemeteries
Effluent disposal systems	Environmental health	Events
Fire prevention	Immunisation program	Jetties
Kerbing and footpaths	Library	Parks and gardens
Public conveniences	Public lighting	Recreational/sporting facilities
Road construction and maintenance	Signage	Stormwater management
Traffic control	Waste management	

2 Public Participation

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

Deputations/Presentations

Deputations or presentations provide an opportunity for an organisation or member of the public to address a Committee or Council on any item that is relevant to that Committee or Council. Written permission of the Presiding Member of the Committee or the Mayor is required, and the maximum duration is 10 minutes.

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 an Elected Member 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 Community 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 without recourse to the FOI Act on the Council website and at the Council office.

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 on Council's website and are available for public inspection at the Council office during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Section 1 – Administration	
1.01 Customer Service	1.03 Internet and Email
1.04 Freedom of Information	1.06 Itinerant Traders
1.08 Records Management	1.09 Special Event Permit
1.10 Council Chamber Use	
Section 2 – Governance	
2.01 Media Statements	2.02 Council Meeting Correspondence
2.03 Community Consultation	2.04 Visiting Ministers, Government Officials and Other Dignitaries
2.05 Elected Members Casual Vacancy	2.06 Elected Members Allowances and Benefits
2.09 Community Delegates/Representatives Reporting	2.10 Council Meetings Timing and Frequency
2.11 Deputations to Council	2.12 Elected Members Training and Development
2.13 Gifts, Benefits and Hospitality	2.14 Fraud Prevention
2.15 Public Interest Disclosure	2.19 Elected Members Records Management
2.20 Social Media Councillors	2.21 Australia Day Awards
2.22 Caretaker Period	2.23 New Council Induction
2.24 Risk Management	2.25 Digitisation and Disposal of Source Records
2.26 Complaint Handling	2.27 Internal Review of a Council Decision
2.28 Citizenship Ceremony Dress Code	2.29 Elected Member Behavioural Management
Section 3 – Transport	
3.01 Road Names	3.02 Community Bus
3.03 Rubble Pits Agreement to Enter and Occupy Land	3.04 Roads Level of Service
3.05 Kerbing and Access to Properties	3.07 Employee Use of Council Plant
3.08 National Heavy Vehicle Access	

Section 5 – Finance and Internal Control	
5.01 Budget Framework	5.03 Private Works
5.04 Cash Management and Investments	5.06 Loans to Incorporated Sporting Bodies and Incorporated Community Groups
5.09 Depreciation	5.13 Debtors
5.16 Credit Card Use	5.17 Donations by Council
5.18 Procurement	5.19 Disposal of Land and Assets
5.20 Budget Carry Forwards and Reserve Funds	5.21 Rates Rebates
5.22 Rating	5.23 Investments
5.24 Treasury	5.25 Revenue and Financing
5.26 Reserves	5.27 Asset Management
5.28 Rates Customer Hardship	5.30 Prudential Management
5.31 Internal Controls	
Section 6 – Regulatory Services	
6.01 Enforcement	6.03 Burning Within Townships
6.10 Order Making	6.11 Environmental Health Inspection and Fees
Section 7 – Development	
7.08 Cost Sharing of Fences Adjoining Council Owned Land	7.10 Guide for Developers
Section 9 – Recreation Services	
9.01 Council and Community Event Funding	9.02 Tumby Bay Soldiers’ Memorial Hall Hire
9.03 Tumby Bay Soldiers’ Memorial Hall Sound System Hire	
Section 10 – Community Facilities and Services	
10.05 Establishing Property Units for Community Wastewater Management Systems	10.06 Community Wastewater Management System Connections and Wastewater Disposal
10.08 Cemeteries	10.09 Street Stalls
10.10 Community News Publications	10.11 Community Wastewater Management System Customer Hardship
10.12 Customer Charter Sewerage Services	10.13 Busking
10.18 Port Neill Community Wastewater Management System	
Section 12 – Public Order and Safety	
12.02 i-Responda	12.03 Installation and Operation of CCTV
Section 14 – Other Services	
14.01 Township Tree Removals	
Council Codes	
Volunteer Drivers Code of Conduct	Code of Practice – Access to Council and Committee Meetings and Documents
Code of Practice – Procedures at Meetings	

3.3 Other Council Documents

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

Animal Management Plan	Annual Business Plan
Annual Report	Annual Budget and Financial Statements
Committee Terms of Reference	Council By-Laws
Council and Committee Agendas and Minutes	Delegations Register
Disability Access and Inclusion Plan	Disclosure of Conflict of Interest Register
Emergency Management Plan	Fees and Charges Schedule
Infrastructure and Asset Management Plans	Long Term Financial Plan

Register of Interests	Strategic Plan
-----------------------	----------------

The following documents are available for public inspection and/or purchase from Council's Principal Office, Mortlock Street, Tumbly Bay.

Assessment Record	Community Land Management Plans
Register of Elected Members Allowances and Benefits	Register of Employees' Salaries, Wages and Benefits
Register of Public Streets and Roads	Voters Roll

3.4 Other Information Requests

Requests for other information not publicly available will be considered in accordance with the FOI Act. Under this legislation, applicants seeking access to documents held by Council need to provide sufficient information to enable the correct documents to be identified and must complete the required application form and lodge it, with payment of the application fee, at the Council office.

Applications must be in writing and must specify that it is made under Section 13 of the FOI Act.

If the documents relate to the applicant's personal affairs, proof of identity may be requested. Requests will be dealt with as soon as practicable (and in any case, within 30 days) after receipt. If documents are being sought on behalf of another person relating to their personal affairs, Council may ask for a consent form signed by that person.

Forms of access may include inspection or copies (subject to copyright laws) of documents, hearing and/or viewing of audio and/or video tapes, transcripts of recorded documents, transcripts of words recorded in shorthand or encoded form, or the reproduction of documents from digitised information.

Council, on receiving 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, 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, additional charges may apply.

All general enquiries on FOI Act issues should be directed to Freedom of Information Officer.

4 **Freedom of Information Application Fees and Processing Charges**

Approved application fees are set in the *Freedom of Information (Fees and Charges) Regulations 2018*. Payment 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 FOI Regulations and may include some free time when the request relates to the personal affairs of the applicant.

Schedule		Fees and Charges as at 1 July 2023
1	On application for access to an agency's documents (section 13(c))	\$40.75
2 (1)	For dealing with an application for access to an agency's document 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	\$15.40
	(b) in any other case – for each 15 minutes so spent by the agency	\$15.40
2 (2)	In addition to the fees specified in subclause (1), the following fees are payable in respect of the giving of access to an agency's document:	
	(a) where access is to be given in the form of a photocopy of the document (per page)	\$0.25
	(b) where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$9.10
	(c) where access is to be given in the form of a copy of a photograph, x-ray, DVD or other medium in or on which information is recorded or stored	The actual cost incurred by the agency in producing the copy
	Postage or delivery charges	The actual cost incurred by the agency
3	On application for review by an agency of a determination made by the agency under Part 3 of the Act (section 29(2)(b))	\$40.75

Fees will be waived for disadvantaged persons, as set in the FOI 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 endeavour to work with the applicant to define the scope of the request and the costs involved.

Freedom of Information requests to the District Council of Tumby Bay are to be addressed to:

Freedom of Information Officer
PO Box 61
TUMBY BAY SA 5605

Or via email to dctumby@tumbybay.sa.gov.au.

An FOI application form is available on Council's website.

5 Amendment to 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 they wish 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.