

COPPER COAST COUNCIL

FREEDOM OF INFORMATION

Information Statement 2021-2022



Released – 1st March 2022

This Information Statement is published by Copper Coast Council (Council) in accordance with Section 9 of the *Freedom of Information Act 1991*. The Information Statement will be available on Council's website and updated each financial year.

Subject to certain restrictions, the *Freedom of Information Act* gives members of the public a legal right to access information held by the Copper Coast Council. The purpose of this statement is to assist members of the public to understand the type of information held by Council and how it can be accessed by the public.

1. STRUCTURE AND FUNCTIONS OF THE COUNCIL

1.1. Structure of the Council

The District Council of Copper Coast was established through the amalgamation of the District Council of Northern Yorke Peninsula and the Corporation of Wallaroo in May 1997; and then formally changed its name in July 2017 to the Copper Coast Council.

The Council consists of the Mayor and nine Council Members who represent residents and ratepayers.

The Mayor is elected across the entire Council area. The Deputy Mayor is elected by full council from the elected Councillors on a biannual basis. The current Council was elected at the November 2018 Local Government Election.

1.2. Function of the Council (as set out in *Local Government Act 1999*).

Council is the body corporate consisting of elected members as constituted under the system of local government established by the *Local Government Act*, to provide for the government and management of its area at the local level and, in particular:

- To act as a representative, informed and responsible decision-maker in the interests of its community.
- 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.
- To encourage and develop initiatives within its community for improving the quality of life of the community.
- To represent the interests of its community to the wider community.
- To exercise, perform and discharge the powers, functions and duties of local government under the *Local Government Act* and other legislation in relation to the area for which it is constituted.

The functions of a council are set out in Chapter 2, Section 7 of the *Local Government Act 1999* and include:

- To plan at the local and regional level for the development and future requirements of its area;
- To provide services and facilities that benefit its area, ratepayers and residents and visitors to its area;
- To determine the appropriate financial contribution to be made by ratepayers to Council resources;
- To provide for the welfare, well-being and interests of individuals and groups within its community;
- To take measures to protect its area from natural and other hazards and to mitigate the effects of such;
- To manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- 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);
- To promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- To establish or support organisations or programs that benefit people in the local government area;
- To manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- To manage, improve and develop resources available to the council;
- To undertake other functions and activities conferred by or under an Act.

1.3. Council Meetings

The Elected Council's role is to provide for the government and management of the Council area. It does this through representing the interests of the community, providing and coordinating public services and facilities, encouraging and developing initiatives to improve the community's quality of life and exercising, performing and discharging its functions under legislation in relation to the Council area.

Full Council consists of the Mayor and nine Councillors and is the ultimate decision-making body of Council.

Ordinary Council meetings are held on the 1st Wednesday of each month, except as otherwise advertised. Meetings are held at 51 Taylor Street, Kadina. Meetings are held in attendance and live streamed.

Agendas and Minutes of all Council and Committee meetings (including Information or Briefing Sessions and Committees) are available for inspection at the main Council Office and on Council's website www.coppercoast.sa.gov.au. Agendas are available no less than three working days prior to those meetings and Minutes are available within five working days after the meeting.

Chapter 6 of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* prescribe the way meetings of a Council and its Committees are to be conducted.

1.4. Information or Briefing Sessions of Council

Information or briefing sessions are an event organised and conducted by or on behalf of a council or the Chief Executive Officer to which members (of the council or a committee) have been invited and involves discussion of a matter that is, or is intended to be, part of the agenda for a formal council or committee meeting. Unless a specific exemption applies, these gatherings are open and members of the public are welcome to attend. However, they generally will not be provided with the opportunity to participate in the discussion or to address the Council Members present.

1.5. Committees of Council

Section 41 of the *Local Government Act 1999* allows Council to establish Committees:

- To assist Council in the performance of its functions,
- To enquire into and report to Council on matters within the ambit of Council's responsibilities,
- To provide advice to the Council,
- To exercise, perform or discharge delegated powers, functions or duties.

Under statutory requirements of the *Local Government Act 1999* and the *Planning Development and Infrastructure Act 2016*, the following committees have been formed;

- Audit Committee
- Building Fire Safety Committee
- Chief Executive Officer Performance Review Committee
- Council Assessment Panel

1.6. Regional Subsidiaries of Council

The following subsidiary has been formed under Section 43 of the *Local Government Act 1999*:

- Legatus Group (Central Local Government Region)

1.7. Advisory Groups

Advisory Groups (including some working groups), operate under their own terms of reference, provide advice and support to Council's Administration and do not report directly to Council.

The following advisory groups which Council are associated with:

- Community Care and Transport
- Flinders, Mid North, Yorke Bushfire Management Committee

1.8. Other Committees

- Cemetery Working Party
- Community Emergency Risk Management Plan Steering Committee

1.9. External Committee/Boards/Associations

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

1.10. Delegations

In accordance with Section 44 and 101 of the *Local Government Act 1999* the Council has delegated relevant powers or functions to the Chief Executive Officer who has delegated authority to make decisions on specified administrative and policy matters. The Chief Executive Officer may then sub-delegate to an employee or committee. Council's Delegations Register reflects the delegated authority from the Council to the Chief Executive Officer (and subsequently any further sub-delegations).

The Delegations Register of Delegations is reviewed at a minimum, annually by Council and is available to be viewed by the public at the Council Office during ordinary working hours and on Council's website.

1.11. Administration

Council employs a number of people to implement the decisions of Council. This is generally known as the Council Administration. It is headed by the Chief Executive Officer and three separate divisions report to the Chief Executive Officer:

- Corporate and Community Services
- Infrastructure Services
- Development Services

1.12. Services to 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. Local Government partners with a number of State Government departments to plan, fund and deliver services to the local community. Council makes decisions on policy issues relating to services that are provided for members of the public and uses its own resources or that of State and Federal Governments to deliver a range of services in its local area.

Council's services currently include (but are not limited to):

Abandoned Vehicles	Footpaths
Arts & Cultural Programs	Free Internet in Libraries
Bicycle Tracks	Graffiti Control
Building Applications and Approvals	Heritage Protection
Bus Shelters	Libraries
Bushfire Prevention	Local Museums & Heritage
Burning Permits	Local Roads
Busking Permits	Online Services
By-laws	On Street Parking
Caravan Parks	Ovals
Cemeteries	Parks & Gardens
Children's Services & Support	Picnic Areas Planning Applications
Community Buses	Playground
Community Centres	Public Swimming Pools
Community Leadership & Advocacy	Public Toilet
Community Wastewater Management Systems (CWMS)	Rates
Control of Public Nuisances	Recreation & Sport Facilities Recycling

Cultural Development	Skate Parks
Dog & Cat Management	Stormwater Drainage & Reuse
Disability Services	Street Cleaning
Economic Development & Business Support	Street Lighting and Street Signs
Employment/Training Programs	Tourism & Information Centres
Environmental Services	Traffic Control
European Wasp Control	Vermin Control
Festivals & Events	Waste Management
Fire Prevention	Youth Support
Food & Health Inspections	Zoning

2. PUBLIC PARTICIPATION

Members of the public are encouraged to participate in Governance of Council with the formulation and delivery of Council's functions. Opportunity to express views on particular issues include:

- Presentation/Representation/Deputations to Council – with the prior approval of the Mayor or Committee Chairman, a Member of the Public, can address Council or a Committee personally or on behalf of a group of residents. Each representation is limited to a maximum time of five (5) minutes on any item that is relevant to Council or that Committee, depending on the number of deputations scheduled for a particular meeting.
- Petitions – Written petitions can be addressed to Council on any issue within the Council's jurisdiction.
- Written Requests – a member of the public can write to Chief Executive Officer of Council on any Council service, activity or policy.
- Meeting with Council Members – Members of the public can contact the Elected Members of Council to discuss any issue relevant to Council.
- Become a Committee Member - Some Committees of Council invite participation by community members. Advertisements are placed in local papers (and on Council's website) seeking applications.
- Community Consultation - Council is committed to open, honest, accountable and responsible decision making. Council's Community Engagement Charter and 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.
- Attending Council Meetings – Members of the community are encouraged to attend Council meetings in person or via livestreaming.
- Attending Section 41 Council Meetings – Members of the community are encouraged to attend Section 41 Committee meetings in person.
- Voting in Local Government Elections - Council elections are held every four years and are governed by the *Local Government (Elections) Act 1999*. The next election is due in November 2022. Whilst voting is voluntary, members of the public, 18 years of age and over, living, owning or occupying property within the Copper Coast are encouraged to enrol and participate in Local Government Elections.
- Standing as a Candidate for Elections - Persons included on Council's Voters Roll and who are Australian citizens, are eligible (with some exceptions) to stand for election.
- My Local Service app – receive instant notification of critical information.
- Facebook – Primarily a platform for engaging with Council's community by providing a range of information relevant to Council activities, events, art and culture, programs and services. The public are able to interact with Council by reacting to posts, commenting on posts, or sending a private message to the page administrators.

3. ACCESS TO COUNCIL DOCUMENTS

Most information and documentation held by Council is available for public viewing and is readily available without having to submit a Freedom of Information Act request.

The *Local Government Act 1999* and other relevant Acts require that Councils must make certain information and documents publicly available and requires that Council must keep the following Registers;

- Register of Interests (Members)

- Register of Allowances & Benefits (Members)
- Register of Remuneration, Salaries & Benefits (Staff)
- Register of Interests (Staff)

Records System: Council operates an electronic records and document management system for the effective management of Council's records.

3.1. Policy Documents Available For Inspection

Current policies can be accessed via Council's website www.coppercoast.sa.gov.au and are available for public inspection at the Council Offices during business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Council Mandatory and Discretionary Policies are:

Access to Council Committee Meetings Documents COVID19	Internal Control Policy
Asset Accounting Policy	Internal Review of Council Decision Policy
Audit Committee Terms of Reference	Land Management Agreement (LMA) Delegation Policy
Banner Pole Policy	Landscaping Policy
Behaviours in the Library Policy	Leave Policy
Body Worn Cameras, CCTV Systems and GPS Technology Policy	Making Available Information to the Public Policy
Budget Reporting and Amendment Policy	Management and Disposal of Unmade Roads Policy
Caretaker Policy	Media and Communications Policy
Carparking Fund Discretionary Policy	Mobile Phone Usage Policy
Cemetery Management Policy	Mobile Vending Policy
Children and Vulnerable Persons Policy	Motor Vehicle and Equipment Use Policy
Code of Conduct for Council Members	Naming of Streets, Roads and Public Places Policy
Code of Conduct for Employees Policy	Open Space Policy
Code of Practice for Meeting Procedures COVID19	Order Making Policy
Collection Development Policy	Outdoor Advertising Policy
Community Support Policy	Outdoor Trading Policy
Community Wastewater Management System (CWMS) Policy	Port Hughes and Moonta Bay Cliff Top Seawall Policy
Complaints Policy	Postponement of Rates Policy
Conduct Counselling and Discipline Policy	Primary and Ordinary Returns - CM Register of Interest
Contracts and Tenders Policy	Privacy Policy
Control of Election Signs Policy	Procurement Policy
Council Employees and Volunteer Recognition of Service Policy	Prudential Management Policy
Council Enforcement Policy	Public Asset Donations to Council Policy
Council Induction Policy	Public Consultation Policy
Council Member Recognition of Service Policy	Public Interest Disclosure Policy
Council Members Allowance and Benefits Policy	Rates Rebate Policy
Council Members' Code of Conduct Complaints Policy	Rating Policy
Credit Card Policy	Records Management Policy
DDA Access and Inclusion Policy	Recruitment and Selection Policy
Debt Collection Policy	Request for Services Policy
Development Assessment Application Fee Waiver and Refund Policy	Roadside Signage Policy and Guidelines
Disposal of Land and Other Assets Policy	Safe Handling and Disposal of Biosolids Policy
Drone Policy	Shipping Container Policy
Drug and Alcohol Policy	Social Inclusion and Diversity Policy
Elected Member Training and Development Policy	Staff Development Review Policy
Electronic Communications Policy	Street Permit Policy
Employee Assistance Policy	Street Stall Policy
Employee Grievance Policy	Supplementary Election Policy
Equal Opportunity/Sexual Harassment Policy	Terms of Reference of the Council Assessment Panel
External Communication Policy	Training and Development Policy
External Grant Funding Policy	Travel and Accommodation Policy
Farm Shed Hire Policy	Treasury Management Policy

3.2. Documents Required by Legislation

A number of documents are required to be made available to the public under various legislation, and the majority can be accessed on Council's website. In some instances, to obtain an extract or copy, payment of a fee will be required in accordance with Council 2021-2022 *Register of Fees and Charges*.

The following is a list of documents that are available in accordance with Council's legislative obligations:

- Annual Reports and Financial Statements
- Assessment Record
- Cemeteries Register
- Council By-Laws
- Notice of Agenda and Meetings
- Community Land Management Plan and Register - Council maintains a Community Lands Register and Community Land Management Plan for all land under its care and control that defines ownership details, location, principal usage, user groups, maintenance requirements and capital replacement criteria. The Register lists community lands and does not include any lands revoked or excluded under the *Local Government Act 1999*.
- Council Member Gifts and Benefits Register
- Council Members' Register of Interests
- Delegations Register
- Employee Gifts and Benefits Register
- Fees and Charges Register
- Disability Access and Inclusion Action Plan
- Dog and Cat Management Plan
- Cycling and Walking Strategy
- Five Year Transport Plan (includes 5 Year Transport Plan – Reseal, Reconstruct and Resheeting, Five Year Sealed Footpath Plan, 5 Year Stormwater Management Plan and Sealing of Unsealed Roads within Built-up Areas)
- Community Emergency Risk Management Plan
- Yorke Peninsula Recreation, Sport and Open Space Policy
- Yorke Regional Alliance Disability Access and Inclusion Plan
- Roadside Vegetation Management Plan
- Infrastructure and Asset Management Plan
- Yorke Peninsula Alliance Regional Public Health Plan
- Register of Public Streets and Roads
- Elected Member Allowances & Benefits
- Register of Employees' Salaries
- Strategic Plan
- Separate Rate Reports
- Public Consultation Reports

4. FREEDOM OF INFORMATION

4.1. Request to Access Information Not Publicly Available

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 with the application fee.

Applications must be in writing and must specify that it is made under Section 13 of the *Freedom of Information 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 a 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 determination 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, hourly charges may apply in addition to the application fee.

All general Freedom of Information enquiries must be directed to Council's Freedom of Information Officer.

4.2. Application Fees & Processing Charges

Approved application fees are set in the *Freedom of Information (Fees and Charges) Regulations 2018* are available at www.legislation.sa.gov.au. Payment of the appropriate amount must be forwarded to Council with the Freedom of Information Application and can be made at any Council office.

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 will be waived for disadvantaged persons, as set out 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. Council may seek proof of concession or 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.

Council processes Freedom of Information requests and lodges an annual return with the State Records which is included in the Annual Report in accordance with the Section 90 of the *Local Government Act*.

To download an FOI Application Form, please visit Councils website www.coppercoast.sa.gov.au.

Freedom of Information requests to the Copper Coast Council are to be addressed to:

via post: Freedom of Information Officer
Copper Coast Council
PO Box 396, KADINA SA 5554

via email: info@coppercoast.sa.gov.au

5. CONFIDENTIAL MINUTES

Council excludes the public from Council meetings from time to time to enable matters to be considered under confidentiality and these matters are summarised in the Annual Report in accordance with Section 91 of the *Local Government Act*.

6. AMENDMENT TO COUNCIL RECORDS

Any member of the public may inspect Council Documents relating to their personal affairs by a request under Part 4 Division 1 of the *Freedom of Information Act*. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect or misleading, or out-of-date.

Access to relevant Council records by a member of the public shall be made either in writing or by completion of an FOI Request Form. Amendment to any Council records, under this section, shall be requested either in writing or by completion of a Freedom of Information Amendment of Records Form.

Russell Peate
CHIEF EXECUTIVE OFFICER

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