



Naracoorte Lucindale Council

Better by Nature

FREEDOM OF INFORMATION STATEMENT

July 2023

This Information Statement is published in accordance with the requirements of the *Freedom of Information Act, 1991*. An Information Statement must be published every twelve months.

Subject to certain restrictions, the Freedom of Information Act gives members of the public a legally enforceable right to access information held by South Australian 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.

STRUCTURE AND FUNCTIONS OF COUNCIL

Council

Council consists of the Mayor and ten Councillors (the Elected Members); all elected “at large” (by electors from the whole Council area).

Council is, established under the *Local Government Act, 1999* 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
- provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner
- encourage and develop initiatives within its community for improving the quality of life of the community
- represent the interests of its community to the wider community

- exercise, perform and discharge the powers, functions and duties of local government under the *Local Government Act 1999* and other Acts in relation to the area for which it is constitute.

The functions of Council are set out in s7 of the *Local Government Act 1999*, 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 manager, 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 (s6 *Local Government Act 1999*).

Council Meetings

Ordinary meetings of the Council are held on the 4th Tuesday of each month, with the exception of the December meeting, which is held on the 3rd Tuesday of the month.

Meetings are held in the Council Chambers at DeGaris Place, Naracoorte, commencing at 5pm.

Meeting times are advertised on Council's website.

All Council Meetings are open to the public. On occasion Council will consider some items 'in confidence'. In these circumstances, the public will be excluded from the meeting while the item is considered. The process to exclude the public from a meeting is governed by the *Local Government Act*.

Ordinary Meetings held in the Council Chambers at DeGaris Place, Naracoorte, are also live streamed on Council's chosen social media platform and a recording made available on Council's website (effective from June 2023).

Council Committees

Section 41 of the *Local Government Act 1999* allows Councils to establish Committees to assist Council in the performance of its functions, to inquire into and report to Council on matters within the ambit of Council's responsibilities, to provide advice to the Council, or to exercise delegated powers, functions or duties. These Committees may include members who are not members of the Council.

The Naracoorte Lucindale Council has the following committees formed under Section 41 of the *Local Government Act 1999*:

- Audit & Risk Committee
- CEO Recruitment, Performance Review and Remuneration Committee
- Naracoorte Regional Livestock Exchange Board
- Strategic Asset & Planning Committee.

Each of these Committees makes recommendations to Council. Terms of reference, agendas and minutes for each committee are available on Council's website.

Minutes of Committee meetings are presented to Council for review and to consider any recommendation/s. Meeting times are advertised on Council's website.

All Committee Meetings are open to the public. On occasion a Committee will consider some items 'in confidence'. In these circumstances, the public will be excluded from the meeting while the item is considered. The process to exclude the public from a meeting is governed by the *Local Government Act*.

Northern Limestone Coast Regional Assessment Panel

The Regional Assessment Panel (RAP) is appointed as a relevant authority under Sections 82 and 83 of the *Planning, Development and Infrastructure Act 2016* (Act).

The Regional Assessment Panel (RAP) includes the Naracoorte Lucindale, Tatiara and Kingston Councils.

The Northern Limestone Coast RAP replaces the Council Assessment Panel for each Council and will enable a more consistent approach to planning across the three Council areas, as well as creating opportunities for resource sharing and providing greater efficiency in the assessment process for planning applications.

The RAP will meet as needed and Agendas and Minutes for meetings will be available on each Council's website.

Decisions made by the RAP cannot be overruled or amended by Council.

Limestone Coast Local Government Association (LCLGA)

Council is a member of the LCLGA which is a Regional Subsidiary established under Section 43 of the *Local Government Act 1999*. LCLGA's overall goal is to represent and serve its Constituent Councils and to advance the Limestone Coast communities

through effective advocacy, facilitation and innovation. Documents in relation to the LCLGA are available at www.lclga.sa.gov.au

Council Agendas and Minutes

A copy of Agendas for Council and Committee meetings (excluding any items recommended by the Chief Executive Officer to be considered in confidence under section 90 of the *Local Government Act 1999*), are available for inspection no less than 3 clear days prior to the meetings at Council's principal office located at DeGaris Place, Naracoorte. Copies or extracts may be purchased for the fee as set out in Council's Fees and Charges Guide.

In the case of ordinary meetings, a copy of the agenda will be available on Council's website at least six clear days before the date of the meeting (*Local Government Act 1999 - section 83 - Notice of ordinary or special meetings*). Agendas will be available on Council's website for a minimum of 3 years. Previous years are available in hard copy at Council's Naracoorte office.

A copy of Agendas and Minutes (excluding any items being retained in confidence refer section 91(7) of the *Local Government Act 1999*) may be inspected at Council's Offices at Lucindale and Naracoorte. Copies or extracts can be purchased for the fee as set out in Council's Fees and Charges Guide.

Council and Committee minutes will be available on Council's website within five days after a meeting (*section 91, Local Government Act 1999 - Minutes and release of documents*). Minutes will be available on Council's website for a minimum of 3 years. Previous years are available in hard copy at Council's Naracoorte office.

For more details of Council meeting procedures refer to the "Code of Practice for Council and Committee Meeting Procedures" and the "Code of Practice- Access to Council and Committee Meetings and Associated Documents". Both of these documents are available on Council's website.

Management

Council's management team includes the Chief Executive Officer, one Director and four Managers. The Management Team is responsible for providing advice to Council on policy and strategic direction, ensuring that Council meets its statutory obligations and implementing Council decisions.

Decision Making

Council makes strategic decisions about how to address the needs of the community. This includes setting objectives to meet local requirements, establishing priorities between competing demands, and deciding how resources should be raised and allocated.

Council makes policy decisions - establishing the rules, regulations and guidelines by which the community is governed - within the parameters of the legislation set by the State Parliament.

The legislation and policy framework, together with the council's strategic management plans, provides the direction for the ongoing management and operation of the council.

The Chief Executive Officer has delegated authority from Council to make decisions on a number of specified administrative and policy matters. The Chief Executive Officer may sub-delegate such authority to other officers. Delegated and sub-delegated powers and functions are set out in Council's Delegations Register, which is available on Council's website.

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 & Risk Committee
- Develop appropriate policies, practices and processes of internal control
- Set performance objectives
- Establish policies and processes for dealing with complaints, request 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.

Key services that Council currently provides:

- Aerodromes
- Car parks
- Community halls
- Community Wastewater Management System
- Economic Development
- Fire protection & prevention
- Library services
- Naracoorte Regional Livestock Exchange
- Naracoorte Waste Transfer Station
- Parks and reserves
- Playground equipment
- Recreational facilities
- Street cleaning
- Stormwater drainage
- Roads
- Visitor Information Services
- Building controls
- Cemeteries
- Community Services and Events
- Dog control
- Environmental Health
- Footpaths
- Livestock control
- Naracoorte Swimming Lake
- Parking controls
- Planning and development controls
- Public toilets
- Rubbish bins in public places
- Street lighting
- Street trees
- Traffic control
- Waste and recycling collection & disposal.

PUBLIC PARTICIPATION IN THE DECISION-MAKING PROCESS

There are three ways community members can express their views at a Council or Committee meeting.

1. Questions during the Public Forum section of the agenda
2. Petitions (prescribed by Regulation 10)
3. Deputation (prescribed by Regulation 11)

For more detailed information refer to Council's "Code of Practice for Council and Committees Meeting Procedures" which is available on Council's website, can be inspected at Council's offices or purchased for the fee set out in Council's Fees and Charges Guide.

Members of the public can contact elected members and Council Officers to discuss issues relevant to Council. Contact details for Elected Members are listed on Council's website. A member of the public can write to / email Council on any Council plan, policy, action or service.

Public Consultation and Community Engagement

Under the *Local Government Act 1999*, Council is required to consult on a range of issues and to prepare and adopt a public consultation policy. There are situations where there is no legislative requirement to consult the community, but Council may choose to undertake varying levels of community engagement.

Council is committed to providing opportunities for the community to contribute to solutions and be involved in its decision making processes. While Council encourages input from the community and will take into consideration community feedback, under the *Local Government Act 1999* the final decision remains the responsibility of the Elected Members.

Council's Public Consultation and Community Engagement Policy, which is available on Council's website, outlines:

- how Council will undertake public consultation
- when Council will undertake public consultation and
- the steps Council will follow

ACCESS TO COUNCIL REGISTERS, CODES, POLICIES AND ADMINISTRATIVE DOCUMENTS

The Local Government Act 1999 and *Local Government (Elections) Act 1999* require that Councils must make certain information and documents publicly available and requires that Councils must keep the following Registers and Codes of Conduct or Practice:

List of registers required to be kept

- Register of Interests (Elected Members)
- Register of Allowances and Benefits

- Register of Remuneration, Salaries and Benefits
- Register of Interests (Prescribed Officers)
- Register of Community Land
- Register of Public Roads
- Register of Building Upgrade Agreements
- Register of Interests (Northern Limestone Coast Regional Assessment Panel Members)
- Register of Elected Members Disclosure of Conflict of Interests
- Register of Gifts and Benefits received by employees of the council
- Register of Gifts and Benefits received by elected members.

List of Codes required to be kept

- Code of Practice - Access to Council Meetings and Documents
- Code of Practice - Council and Committee Meeting Procedures.

Documents available for inspection

The following documents are available for public inspection at Council's principal office during business hours. The principal office is located at DeGaris Place, Naracoorte. Most of the documents may also be viewed on Council's website.

Members of the public may purchase copies of these documents for a fee fixed by Council. A copy of the Fees and Charges Guide is available on Council's website.

Local Government Act 1999

	Available for inspection at principal office	Available for inspection on Council's website
Access to meetings and documents – code of practice	✓	✓
Agendas, documents and reports for council and council committees	✓	✓
Annual Audited Financial Statements	✓	✓
Annual Business Plan and Budget (including the summary of the Annual Business Plan and Budget and draft Annual Business Plan and Budget)	✓	✓
Annual Report	✓	✓
Assessment Record (extracts only)	✓	
By-Laws (and proposed by-laws)	✓	✓
Codes of Conduct	✓	✓
Codes of Practice	✓	✓
Community Land Management Plans	✓	✓

(and proposed plans)		
Conflict of Interest (actual, and material)	✓	✓
Contract and tenders' policies	✓	✓
Delegations Register	✓	✓
Fees and Charges Guide	✓	✓
Freedom of Information Statement	✓	✓
	Available for inspection at principal office	Available for inspection on Council's website
Meeting dates, times and places set for meetings of Council and Council committees		✓
Minutes of meetings of Council or Council committees	✓	✓
Order Making Policy and Draft Order Making Policy	✓	✓
Policies	✓	✓
Procedures for Review of Decisions	✓	✓
Prudential Reports	✓	
Public Consultation documents	✓	✓
Public Consultation Policy	✓	✓
Public Notices	✓	✓
Rating Proposed Change Report	✓	
o Basis of rating		
o Basis of differential rates		
Register of Allowances and Benefits	✓	
Register of Building Upgrade Agreements	✓	
Register of By-Laws and Certified Copies	✓	
Register of Community Land	✓	
Register of Elected Members Disclosure	✓	✓

of Conflict of Interests		
Register of Elected Members' Allowances and Benefits	✓	
Register of Gifts and Benefits received (officers and Elected Members)	✓	✓
Register of Interests (Elected Members)	✓	Partially available
Register of Public Roads	✓	✓
	Available for inspection at principal office	Available for inspection on Council's website
Register of Salaries	✓	
Reimbursement of expenses policy	✓	✓
Representation Review documents	✓	✓
Road naming Policy	✓	✓
Strategic Management Plans	✓	✓
Training and Development policy	✓	✓

LG Elections Act 1999

	Available for inspection at principal office	Available for inspection on Council's website
Voters roll	✓	

Planning, Development and Infrastructure Act 2016

	Available for inspection at principal office	Available for inspection on Council's website or PlanSA
A response from a Prescribed Body under Section 122	✓	✓ (Plan SA website)
Register of Land Management Agreements	✓	
Register of Interests (Assessment Panel Members)	✓	

Council's Policy Documents

- Accommodation and Associated Expenses
- Accounting for Infrastructure, Property, Plant and Equipment
- Australian Defence Force - Reservist Leave
- Budget Development, Reporting and Review
- Building and Swimming Pool Inspection
- CFS Support
- Caretaker Guidelines
- Cemetery
- Child Safe Environment
- Code of Conduct for Child Safe Environments
- Civic and Ceremonial
- Access to Council and Committee Meetings and Associated Documents (Code of Practice)
- Community Organisations - Financial and Other Support
- Council and Committees Meeting Code of Practice
- Council Land - Permit to Use
- Customer Service and Complaint Handling
- Complaints and Dispute Resolution Procedure - Sewerage Services
- Customer Charter - Sewerage Services
- Delegations Register
- Disclosure of Interests
- Drug and Alcohol (Policy)
- Drug and Alcohol (Procedure)
- Driveway
- Emergency Management
- Enforcement
- Elected Members - Code of Conduct
- Elected Members Allowances and Benefits
- Elected Members Casual Vacancy
- Elected Members Complaint Handling Procedure
- Elected Members Training and Development
- Employee Assistance Program
- Employees - Recognition of Service, Personal Events and Occasions
- Employee Behaviour Standards
- Employees - Corporate Uniform, Protective Clothing & Equipment
- External Communications
- Fingerboard Signs
- Footpaths
- Firearms
- Footpath Dining

- Fraud, Corruption, Misconduct and Maladministration
- Flag Flying
- Grievance/Review of Decision
- Informal Gatherings and Discussions
- Hardship Policy for Residential Customers of Minor and Intermediate Water Retailers
- Use of Council Equipment by Community and Sporting Organisations
- Internal Controls
- Investments
- Livestock Exchange OHS&W Guidelines
- Live Streaming and Recording of Public Meetings
- Motor Vehicles, Plant and Machinery
- Order Making
- Procurement
- Prudential Management
- Quarry Activities
- Rate Rebates
- Re-employment of Work Injured Former Employee Procedure
- Removal of Vegetation on Roadsides (Timber Collection and Roadside Grazing)
- Return to Work from a Work Injury & Provision of Suitable Employment Procedure
- Risk Management
- Road and Place Naming
- Road Network Extension and Upgrade
- Sale or Disposal of Land and Other Assets
- Smoke Free Policy
- Sponsorship
- Technology and Communication
- Venue Hire
- Tree Management Policy
- Volunteer
- Work Health and Safety and Return to Work

Access to Documents

Documents listed as available for public inspection may be viewed at or purchased from Council's principal office during business hours.

Council's principal office is located at DeGaris Place, Naracoorte and is open to the public from Monday to Friday, 8.30am to 5.30pm.

In the first instance inquiries concerning the procedures for inspecting and purchasing Council's policy documents should be made by contacting Council on 8760 1100 or council@nlc.sa.gov.au

Documents may also be inspected at Council's Lucindale office, Musgrave Avenue, Lucindale when open.

Council's website is www.naracoortelucindale.sa.gov.au

Other Information Requests

Requests for other information not specified above will be considered in accordance with the *Freedom of Information Act, 1991*. Under this legislation an application fee and a search fee must be forwarded with the completed request form as set out in *Freedom of Information (Fees and Charges) Regulations*, unless the applicant is granted an exemption. The fees are set by the State Government and are reviewed each year.

Freedom of Information enquiries and requests should be addressed to:

Freedom of Information Officer
Naracoorte Lucindale Council
PO Box 555
NARACOORTE SA 5271

or email council@nlc.sa.gov.au

Applicants will be responded to as soon as possible and within the statutory 30 calendar days of Council receiving the properly completed FOI request form together with the application and search fees.

Freedom of Information Requests for the period 2022 -2023

The number of Freedom of Information requests received between 1 July 2022 - 30 June 2023 under the provisions of the *Freedom of Information Act 1991* totalled Zero (0).

Amendment of Council Records

A member of the public may obtain access to Council documents to make amendments concerning their personal affairs by making a request under the *Freedom of Information Act*. A member of the public may then make application in the prescribed form for a correction to any information about themselves that is incomplete, incorrect, misleading, or out of date. To gain access to these Council records, a member of the public must complete a Freedom of Information request as specified above, outlining the records that he or she wishes to inspect.