

# *Appendix One*

# APPENDIX 1

## Freedom of Information Statement and Legal Disclosures

This Freedom of Information Statement is published by The Barossa Council in accordance with the *Freedom of Information Act 1991*.

## Introduction

Subject to certain restrictions, the Freedom of Information Act ("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 Freedom of Information Statement is to assist members of the public to identify the functions and decision making processes of The Barossa Council ("Council"), detail the type of information held by Council and how it can be accessed by the public.

Council is pleased to comply with the FOI Act and welcomes enquiries. An updated Information Statement will be published on Council's website each financial year. This Information Statement is reflective of Council's Administration as at 30 June 2018.

## 1. STRUCTURE AND FUNCTIONS OF THE COUNCIL

### 1.1 FULL COUNCIL AND PROVISIONS FOR MEETING PROCEDURES

Full Council is the decision making body on all Council policy matters. Full Council currently consists of the Mayor and 11 Councillors also known as Elected Members. Council is not divided into Wards.

The following table compares The Barossa Council's representation quota with neighbouring and other comparable councils. The representation quota is obtained by dividing the total number of electors for each council by the number of Elected Members as at 28 February 2018.

Council	Number of Councillors (including Mayor)	Eligible Electors	Electors representative per
Alexandrina	12	20,211	1684
<b>Barossa Council</b>	<b>12</b>	<b>17,555</b>	<b>1462</b>
Berri Barmera	9	7319	813
Copper Coast	11	11,231	1021
Light Regional	11	10,358	941
Loxton Waikerie	11	8,272	752
Murray Bridge	10	14,372	1437
Port Pirie	10	13,031	1303
Victor Harbour	10	12,418	1241
Wattle Range	12	8,506	708
Yorke Peninsula	12	9,197	766

The operations of Council are primarily determined by requirements of the *Local Government Act 1999* ("the LG 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 the community;
- (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;
- (c) To encourage and develop initiatives within its community for improving the quality of life of the community;
- (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 LG Act).

The provisions of the LG Act are supported by the Local Government (Procedures at Meetings) Regulations (the 'Regulations') 2013. The Regulations apply to all Council Meetings and Committees with the exception of the Barossa Assessment Panel (BAP) which is established in accordance with the provisions of the Development Act 1993. BAP meeting procedures are provided in the BAP's Terms of Reference which are endorsed by Council.

Ordinary meetings of Council are held in the Council Chambers, 43-51 Tanunda Road, Nuriootpa, on the third Tuesday of every month at 9.00am. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality under section 90 of the LG Act. Notices of all meetings of Council and its Committees are available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au).

The community can access information about the business of Council through the agendas and associated reports prepared for Council and Committee meetings. Agendas, including Minutes of the previous meetings and supporting documents, are placed on public display no less than five days prior to Council meetings and are available on Council's website and at the Principal Office and branches of Council. Minutes of meetings are available on the website within five days of the Council 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 LG Act, Development Act or Planning and Development Infrastructure Act they have been formed. It also lists Council's advisory groups and working parties which advise Council of important issues within the community. Committees streamline Council business and assist in the performance of its functions. Committees meet at intervals determined in their Terms of Reference and make recommendations to Council. Meetings are open to the public with the exception of any matters subject to an order of confidentiality under section 90 of the LG Act.

Chapter 6 of the LG Act and the 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 Committees, Boards and Associations, which have been established outside of the LG Act or are hosted beyond Barossa borders, comprising Elected Members, staff, and the public, and these are listed in Schedule 1.

## 1.4 DELEGATIONS

In accordance with sections 44 and 101 of the LG Act, the Council has delegated relevant powers and/or functions to the Chief Executive Officer who then sub-delegates to an employee, a Committee, or an authorised person.

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 is reviewed annually and updated as legislation changes and is available to be viewed by the public on request at the Principal Office during ordinary working hours or anytime on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au).

## 1.5 FUNCTIONS OF COUNCIL

The functions of Council are set out in section 7 of the LG Act and are listed below:

- 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, its ratepayers and residents, and visitors to its area including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities),

health, welfare or community services or facilities and cultural or recreational services for facilities.

- 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 hazards.
- 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 its area or local government generally.
- To manage and, if appropriate, develop public areas vested in, or occupied by, Council.
- To manage, improve and develop resources available to Council.
- To undertake other functions and activities conferred by or under an Act.

Section 41 of the LG Act empowers Council to establish Committees:

- To assist Council in performance of its functions.
- To inquire into and report to Council on matters within the ambit of Council's responsibilities.
- To provide advice to 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 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 processes for the internal review of Council actions
- determine the type, range and scope of projects to be undertaken by the Council
- deliver planning and development services
- deliver dog and cat management services
- deliver fire prevention services and
- provide any necessary administrative services to support Council's functions.

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

Other services provided by Council:

Arts Programs  
Car Parks  
Civic Affairs – Citizenship Ceremonies  
Community Halls  
Community Home Assistance Services

Public Cemeteries  
Public Libraries  
Public Seating  
Public Swimming Pools  
Public Toilets

Cycle Tracks  
Customer Service Information  
Development Controls  
Dry Zones  
Emergency Services  
Environmental Health  
Flood Prevention  
Food Inspections  
Gallery Exhibitions  
Garbage Collection  
Heritage Preservation  
Litter Bins  
Immunisation Programs  
Parking Bays  
Parking Controls  
Parks and Reserves  
Playground Equipment

Rate Collection  
Recreational / Sporting Facilities / Reserves  
Recycling  
Road / Footpath / Kerbing  
School Crossings / Traffic Lights  
Septic Tank Effluent Disposal Schemes  
Street Beautification  
Street Closures  
Street Lighting  
Street Sweeping  
Stormwater Drainage  
Traffic Control Devices  
Transport Assistance  
Visitor / Tourist Information  
Volunteer Coordination  
Youth Development  
War Memorials

## 2. PUBLIC PARTICIPATION

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

- **Deputations at Meetings** - With the permission of the Mayor or Committee Chair, a member of the public can address the Council or a Committee on any issue within the Council's jurisdiction.
- **Petitions** - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- **Written requests** - A member of the public can write to the Council on any Council policy, activity or service.
- **Elected Members** - Members of the public can contact any Elected Member of Council to discuss any issue relevant to Council.
- **Staff Members** - Members of the public can contact Council staff to discuss any issue relevant to Council.
- **Participation** - Any member of the public can provide feedback to Council during a community consultation process.
- **Council's website** – Members of the public can leave a customer request on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) and at Council's online engagement portal <http://ourbetterbarossa.com.au/>
- **Social Media** – Members of the public can discuss issues of concern via Council's Facebook page at <https://www.facebook.com/thebarossacouncil/>

### 2.1 PUBLIC CONSULTATION POLICY

Public consultation is undertaken and promoted in accordance with Council's Public Consultation Policy and section 50 of the LG Act. Section 50 requires the Policy to identify steps Council intends to take where the Act requires consultation and provides for the steps to vary according to the class of decisions to be made by Council. A copy of Council's Public Consultation Policy is available on Council's website. To fulfil the requirements of this Policy, Council has identified a range of options available to it to communicate information to interested persons and invite submissions. Council can add to these options for specific purposes.

As a minimum, Council will publish a Notice in a newspaper circulating in the area, as well as on its website, describing the matter for which public consultation is required, and invite interested persons to make submissions to Council within a period, being at least twenty one days from the date of the Notice. Council will consider any submission received as part of its decision making process and will also have regard to any relevant legislation.

### 3. ACCESS TO COUNCIL DOCUMENTS

#### 3.1 DOCUMENTS AVAILABLE FOR INSPECTION

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 Council invites members of the public to discuss their information needs with staff members.

The documents listed in Schedule 2 of this Statement are available for public inspection at Council's Principal Office, 43-51 Tanunda Road, Nuriootpa, during ordinary office hours (9am to 5pm, Monday to Friday) free of charge. Members of the public may also purchase copies of these documents at the cost indicated by Council (postage and packing additional if mailed) as detailed on Council's website. Council is working towards inclusion of all these documents and Council's policies on its website where the public may view them.

#### 3.2 OTHER INFORMATION REQUESTS UNDER THE FREEDOM OF INFORMATION ("FOI") ACT

##### 3.2.1 Access to Council Records

Requests for other information not included in paragraph 3.1 above will be considered in accordance with the FOI Act.

An application for access to Council information which is not publicly available must meet all of the following criteria before Council's Accredited FOI Officer can process it. The application should:

- Be in writing (Council has a [Freedom of Information Application](#) available on the website and at all Council offices);
- Specify that it is made under section 13 of the FOI Act;
- Be accompanied by an application fee (unless the individual is entitled to have the fee waived and can supply relevant concession card proof);
- Contain such information concerning the requested document(s) as is reasonably necessary to enable the Council to identify it;
- Specify an address (which must be in Australia) to which notices regarding the application should be sent; and
- Be lodged at the Principal Office (43-51 Tanunda Road, PO Box 867, Nuriootpa, SA 5355) or Council branch office during normal opening hours – applications to be marked for the attention of the Accredited Freedom of Information Officer.

If the documents relate to the applicant's personal affairs, proof of identity will be requested.

If the documents are being sought on behalf of another person relating to their personal affairs, Council will ask for a consent form signed by that person.

Forms of access may include:

- inspection or copies (subject to copyright laws) of documents
- transcripts of recorded documents
- a photograph, x-ray, DVD or other medium in or which information is recorded or stored

An application will be dealt with on behalf of Council by the Accredited FOI Officer as soon as practicable and within 30 days after it is received in the required format, unless an extension of time is sought in accordance with the FOI Act. The Accredited FOI Officer may assist the applicant to direct the application to another agency or transfer the application to another agency if appropriate.

If the FOI Officer refuses access to a document, s/he will confirm in writing why the document is restricted.

In accordance with the Freedom of Information (Fees and Charges) Regulations 2003 the following inclusive fees will apply. (No fee required for current concession card holders or if payment of the fee would cause financial hardship). Council retains at all times a discretion to waive, reduce or remit a fee for any reason it thinks fit (s53 (2a) FOI Act).

Application Fee	\$35.00
Administration costs for processing personal affairs application	2 hours free, then \$13.10 per 15 mins
Administration costs for processing all other applications	\$13.10 per 15 mins
Photocopy charge	\$0.20 per A4 page
Application Fee for Internal Review of FOI determination by Council	\$35.00

*Fees are accurate at the time of printing but are subject to review of the FOI Regulations and Council's Fees and Charges Register.*

If, in the FOI Officer'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.

### 3.2.2 Amendments to Council Records

The FOI Act also provides for the amendment of documents held by Council which contain personal information which is incomplete, incorrect, and out of date or misleading. To gain access to these Council records, a person must complete and lodge with Council an application form as outlined in paragraph 3.2.1 above outlining the records that s/he wishes to inspect.

If it is found that the records require amendment, details of the necessary changes are to be lodged with Council's Accredited FOI Officer. There are no fees or charges for the lodgement or the first two hours of processing 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.

Further information regarding the FOI Act can be located at the State Records website, [www.archives.sa.gov.au/content/foi-in-sa](http://www.archives.sa.gov.au/content/foi-in-sa)

**Martin McCarthy**  
**Chief Executive Officer**

6 November 2018 *(all information accurate at the time of publishing)*

## Schedule 1: Council Committees

### COUNCIL COMMITTEES ESTABLISHED UNDER SECTION 41 OF THE LOCAL GOVERNMENT ACT

- Audit – to monitor the participation of management and the external auditors in the financial reporting process; oversee and make recommendations on the approach used by management to address business risks; review and make recommendations on how Council's corporate, financial governance and legal responsibilities are addressed.

Allowances for external members of the Audit Committee are set by Council, and are as follows:

Chairperson	\$555 (GST exclusive) per meeting
Independent Members	\$355 (GST exclusive) per meeting
Elected Members	NIL

- Community Assistance Scheme - to consider requests for financial assistance from non-profit groups, clubs and organisations within the Council district, towards projects and activities that contribute community development.
- Disability Access Review – to promote equitable participation in the community by people with disability. (dissolved by Council resolution on 17 October 2017 and transitioned to Disability Action and Inclusion Advisory Group)
- Strategic Asset Management Advisory Committee – to contribute to Council's financial sustainability through its development of a robust strategic asset management framework.

### Facilities Management and Township Committees

- Barossa Bushgardens
- Barossa Regional Gallery

### COUNCIL ADVISORY GROUPS ESTABLISHED BY COUNCIL RESOLUTION

- Angas Recreation Park and Hall Volunteer Group
- Community and Economic Development Forum
- Community Transport and Home Assist Advisory Group
- Disability Action and Inclusion Advisory Group (established on 1 November 2017)
- Moculta Recreation Park and Hall Volunteer Group
- Rowland Flat Community Centre Volunteer Group
- Sport and Recreation Forum
- Stockwell Recreation Park and Hall Volunteer Group
- Volunteering Barossa and Light Advisory Group
- Williamstown Queen Victoria Jubilee Park Volunteer Group
- Youth Advisory Committee

### Working Parties

- Angaston Recreation Park – Detailed Design Working Group
- Angaston Railway Precinct – Station Building Restoration Working Group
- Angaston Railway Precinct – Playground and Civils Working Group
- Angaston Railway Precinct Reference Group
- Business Continuity
- Dry Zone Working Party
- Nuriootpa War Memorial Swimming Pool Working Group
- Regional Public Health Working Group
- Tanunda Recreation Park Detailed Design Working Group
- Tanunda Recreation Park Early Works, Electrical and Lighting Upgrade Working Group
- Tanunda Recreation Park Show Hall Upgrade Working Group
- The Big Project – Barossa Regional Culture Hub – Detailed Design Working Group
- The Big Project – Talunga Recreation Park – Detailed Design Working Group
- The Big Project – Tanunda Rugby Site – Detailed Design Working Group

- The Big Project – Lyndoch Recreation Park – Detailed Design Working Group
- The Big Project – Tanunda Recreation Park – Detailed Design Working Group
- The Big Project – Williamstown Queen Victoria Jubilee Park – Detailed Design Working Group
- The Big Project – Nuriootpa Centennial Park and Coulthard Reserve – Detailed Design Working Group
- The Big Project – Angas Recreation Park – Detailed Design Working Group
- Tour Down Under

#### COUNCIL COMMITTEES ESTABLISHED UNDER SECTION 42 OF LOCAL GOVERNMENT ACT (SINGLE COUNCIL SUBSIDIARY)

- **Nuriootpa Centennial Park Authority** - manages the Caravan Park, and sporting facilities within the Park, on behalf of Council.

#### COUNCIL COMMITTEES ESTABLISHED UNDER SECTION 43 OF LOCAL GOVERNMENT ACT

- **Gawler River Floodplain Management Authority** includes the Councils of Adelaide Plains (formerly Mallala), Adelaide Hills, Gawler, Barossa, Light and Playford and co-ordinates the construction, operation and maintenance of flood mitigation in the Gawler River area.
- **Central Local Government Region (trading as Legatus Group)** consists of Barossa, Barunga West, Clare and Gilbert Valleys, Copper Coast, Flinders Ranges, Light, Adelaide Plains (formerly Mallala), Mount Remarkable, Northern Areas, Orroroo/Carrieton, Peterborough, Port Pirie, Wakefield and Yorke Peninsula and is established to undertake co-ordinating, advocacy and representational roles on behalf of its Constituent Councils at a regional level.

#### COUNCIL COMMITTEES ESTABLISHED UNDER THE DEVELOPMENT ACT 1993 AND PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016

- **Building Fire Safety Committee** - responsible for all matters arising under section 71 of the Development Act 1993 which are of a building fire safety nature.
- **Barossa Assessment Panel** - responsible for all matters arising under Part 4 of the Development Act 1993 and the Development Regulations 1993 which are of a development control nature (subject to prescribed limitations). Allowances for external Barossa Assessment Panel members are set by Council, and are as follows:

Chairperson	\$550 (GST inclusive) per meeting
Independent Members	\$300 (GST exclusive) per meeting
Elected Members	NIL

- **Strategic Planning and Development Policy Committee** - to develop strategic planning and development policy and initiate projects for the orderly and sustainable development for all areas of Council.

#### EXTERNAL COMMITTEES / BOARDS / ASSOCIATIONS

Council participates in a number of External Committees, Boards and Associations, comprising Elected Members, staff and members of the public. They are:

- Adelaide Mount Lofty Ranges Region – International Mountain Bike Destination Reference Group
- Barossa Arts and Convention Centre Management Committee
- Barossa Partnerships
- Barossa Regional Procurement Group
- Barossa Zone Emergency Management Committee
- Eastern Hills and Murray Plains Catchment – Local Action Planning Committee
- Local Government Association
- Local Government Emergency Liaison Officer
- Local Government Finance Association of South Australia
- Penrice Community Consultative Committee

- Ranges to River Local Government Advisory Committee
- Regional Development Australia - Barossa
- Seniors' Collaborative Action Project (SCAP)
- SA Housing Trust/Adelaide Brighton Cement Cottages Committee
- South Australian Cricket Infrastructure Strategy Reference Group
- South Para Biodiversity Project Group Inc.
- St John Ambulance – Mount Pleasant Division Board
- The Barossa, Light and Gawler Regional Heritage Network
- Tourism Barossa Inc.
- Mount Lofty Ranges World Heritage Bid Project Steering Group

## Schedule 2: Documents Available for Inspection

### GENERAL

- Council Agendas
- Council Minutes
- Documents and reports to the Council or Council committee that are not of a confidential nature under section 90 of the LG Act
- Recommendations adopted by resolution of the Council
- Section 41 Committee Agendas not of a confidential nature under section 90 of the LG Act
- Section 41 Committee Minutes not of a confidential nature under section 90 of the LG Act
- Annual Budget
- Annual Report
- Annual Financial Statements
- Council By-Laws
- Current Plan Amendment Reports
- Voters' Roll
- Freedom of Information Statement

### CODES OF CONDUCT OR PRACTICE KEPT AS REQUIRED BY THE LOCAL GOVERNMENT ACT 1999

- Code of Conduct for Council Members
- Code of Conduct for Employees
- Code of Practice for Access to Council and Committee Meetings and Associated Documents

### REGISTERS KEPT AS REQUIRED BY THE LOCAL GOVERNMENT ACT 1999

- Authorised Officers and Persons
- Assessment Book
- Candidate Assistance (for Local Government Elections)
- Community Land
- Development Applications
- Barossa Assessment Panel Members' Interests
- Delegations
- Elected Members Allowances and Benefits
- Elected Members' Gifts and Benefits
- Elected Members' Interests and online extract of the Register of Interests
- Dogs
- Employees' Gifts and Benefits
- Employees' Interests
- Employees' Salaries, Wages and Benefits
- Fees and Charges
- Public Streets and Roads
- Parking Controls
- Released Confidential Items (Council)
- Released Confidential Items (Audit Committee)
- Released Confidential Items (Tender Committee)
- Roads

## **REGISTERS KEPT AS REQUIRED BY THE LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

There are no registers required to be kept under this Act. However, campaign donation returns are prepared by candidates and saved in this Register.

## **PLANS**

- Annual Budget
- Annual Business Plan
- Annual Report
- Audited Financial Statement
- Community Land Management Plans
- Development Plans
- Long Term Financial Plan
- Strategic Management Plans

## **POLICIES**

- Access to Information
- Assessing and Handling Criminal History Information
- Asset Accounting
- Asset Management (Recording Tracking and Disposal of Non-Current Assets)
- Budget and Business Plan and Review
- Building and Swimming Pool Inspection
- Building Fire Safety
- Caretaker
- Community Assistance Scheme
- Community Safety
- Complaints
- Copyright Management
- Corporate Wardrobe
- Council Motor Vehicle
- Debt Recovery
- Development Fee Exemptions for Community Organisation
- Development Plan Consent Delegations
- Disposal of Land and Other Assets
- Elected Members' Allowances and Benefits
- Elected Members' Training and Development
- Emergency Management
- Emergency Services Leave
- Employee Assistance Program
- Employee Travel and Accommodation
- Equal Opportunity, Equity, Diversity, and Inclusion
- Farm Buildings
- Fraud and Corruption Prevention
- Funding
- Graffiti
- Hazard Management
- Hazardous Work
- Health Septic Tanks
- Hospitality
- Human Resource Management
- Induction
- Informal Gatherings
- Internal Review of Council Decisions
- Legacy Policy Statements
- Long Service Leave

- Media and Communications
- Memorials on Community Land
- Mobile Device Policy
- Order Making
- Performance Appraisal
- Privacy
- Procurement
- Property Identification
- Prudential Management
- Public Consultation
- Rates Hardship
- Rating
- Records Management
- Recognition of Employee Service
- Register of Interests
- Request for Service
- Risk Management
- Safe Environment (Minimising the Risk of Harm to Children and Vulnerable Adults)
- Social Media
- Supplementary Elections
- Supplementary Hardship for Residential Water Service Customers
- Training and Professional Development (Employees)
- Transportable Buildings
- Travel and Accommodation (Employees)
- Treasury Management
- Use of Council ICT Resources
- Use of Council Plant for Private Works
- Waste Management Services
- Whistleblower Protection
- Work Health Safety Administration
- Work Health Safety Consultation and Communication
- Work Health Safety Contractor Management
- Work Health and Safety and Return to Work

*A number of other Council documents are made available for public inspection at the Principal Office at 43-51 Tanunda Road, Nuriootpa SA 5355 in accordance with Section 132 and Schedule 5 of the Local Government Act 1999. Members of the public may purchase copies of these documents by payment of the fees set out in the Fees and Charges Register. Many of these documents are also available for viewing on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au).*