

FREEDOM OF INFORMATION

Information Statement

This information statement is published by the Municipal Council of Roxby Downs in accordance with the requirements of Section 9 (1a) of the *Freedom of Information Act 1991 (FOI Act)*. The information contained herein will be reviewed and updated annually.

1. STRUCTURE OF THE COUNCIL

The Municipal Council of Roxby Downs is located in outback South Australia and encompasses an area of 110 square kilometres. Roxby Downs was built as a service centre for the nearby Olympic Dam Mine and the Council operates under the provisions of the *Roxby Downs (Indenture Ratification) Act 1982* and *Local Government Act 1999*.

Council operates with all the powers, functions and duties of a South Australian Local Government Authority but with a number of exceptions. These include:

- the appointment of an Administrator who performs all the functions of a council. The requirement to have elected members has been suspended.
- the operation of power and water authorities
- the requirement that the State Government and BHP approve the Council budget and fund an annual operating Municipal deficit
- External contractors carrying out all construction and maintenance work.

2. COUNCIL FUNCTIONS (as set out in the LOCAL GOVERNMENT ACT 1999)

A council, under the system of local government created by the *Local Government Act 1999*, is established 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 this and other Acts in relation to the area for which it is constituted.

The functions of a council 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, its ratepayers and residents, and visitors. This includes general public services or facilities such as 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 or 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, the council
- to manage, improve and develop resources available to the council
- to undertake other functions and activities conferred by or under an Act.

3. DECISION MAKING STRUCTURE

The decision-making structures of Roxby Council are unique in South Australia. Under the *Roxby Downs (Indenture Ratification) Act 1982 ("Indenture")* the position of Administrator is an Officer of the Crown subject to the direction of the Minister for Energy and Mining. Decisions of the Administrator become the decisions of the Council like any other council in South

Australia. Compliance with the *Local Government Act 1999* and other legislation is still required, albeit with minor modifications as set out in the Indenture.

3.1. Council Meetings

Ordinary Council meetings are held on the fourth Wednesday of each month unless otherwise advertised. Meetings are held at 6 Richardson Place, Roxby Downs.

Agendas are placed on public display no less than three clear days prior to those meetings. Minutes are available for public inspection within five days of the meeting.

3.2. Section 41 Committees

The provisions of the Indenture suspend the requirement for elected members while there is an Administrator, and as a result the normal mechanism of establishing a Committee of Council pursuant to the provision of Section 41 of the *Local Government Act 1999* cannot be applied.

3.3. Audit Committee

Council is required to establish an Audit Committee in accordance with Section 126 of the *Local Government Act 1999*. The Audit Committee makes recommendations to the Council within its terms of reference. The role of the Audit Committee is to assist Council in the discharge of its responsibilities for financial reporting, maintaining a reliable system of internal controls and risk management, asset management and liaising with the external auditor. The Audit Committee comprises three independent members. Audit Committee meetings are scheduled 4 times per year and as required.

3.4. Development Assessment Panel

Pursuant to Section 83 of the Planning, Development and Infrastructure Act 2016 (PDI Act), Council established a Council Assessment Panel (CAP). Recommendations for members of the panel were endorsed at the Ordinary Council Meeting dated 29 July 2020. The CAP comprises of three (3) members;

- Council Administrator
- Two (2) Independent Members.

All of Council's decision under PDI Act are undertaken by the Council as the relevant Authority defined in section 34 of the Act. The Council makes decisions following independent advice from Council's Planning Consultant.

3.5. Delegations

The Administrator performs all the functions of Council. The Chief Executive has the delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Delegations Register and are reviewed annually by Council.

In keeping with the legislative requirement, the Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the resources which are able to be made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

4. SERVICES PROVIDED BY COUNCIL

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 and Audit Committee
- Develop appropriate policies, practices and processes of internal control
- Set performance objectives
- Establish policies and procedures for dealing with complaints, requests for service and internal review of Council decisions
- Determined 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 administration 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 Council's resources are used equitably.

Council makes decisions on policy issues relating to services that are provided to ratepayers, residents and members of the public. These services are listed below and include but are not limited to:

- Administration
- Animal Control
- Art Gallery
- Asset and Risk Management
- Building Fire Safety
- Bushfire Management
- Cemetery
- Administration
- Animal Control
- Art Gallery
- Asset and Risk Management
- Building Fire Safety
- Bushfire Management
- Cemetery
- Civic Events

- Communications
- Community Buildings
- Community Consultation
- Community Development
- Community Youth Centre
- Corporate Planning
- Council meetings and committees
- Customer Services
- Development Assessment
- Dog and Cat management
- Economic Development
- Electricity retail and distribution
- Emergency Management
- Environmental Health
- Environmental Management
- Festivals and events
- Finance
- Fire Prevention
- Fleet management
- Food premises inspections
- Footpaths
- Human resources
- Information Services
- Information Technology
- Library Services
- Liquor Licensing
- Litter Control
- Marketing
- Parking Control
- Parks, Reserves and Ovals
- Pest Plants and Weeds
- Playgrounds
- Policy Development
- Public Conveniences
- Public Relations
- Public Seating
- Purchasing and Contract Management
- Rates and Assessments
- Road construction and maintenance
- Service SA
- Signage
- Sport and Recreation Facilities
- Stormwater
- Strategic Planning
- Street Lighting
- Street Sweeping
- Street Tree Maintenance
- Traffic Management
- Vandalism
- Visitor Information Services
- Waste Management
- Water and Sewerage Retail and distribution

- Work Health and Safety

5. PUBLIC PARTICIPATION

5.1. Council Meetings

Members of the public have a number of options to put forward their views on particular issues before Council via the following methods:

- (1) **Deputations:** With the permission of the Administrator, a member of the public may address the Council personally or on behalf of a groups of residents for up to five (5) minutes.
- (2) **Presentations to Council:** With prior notification and arrangement with the Administrator, a member of the public may address the Council for up to five (5) minutes on any issue relevant to Council.
- (3) **Petitions:** Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.

5.2 Community Participation and Consultation

Additional ways to have a say include:

- (1) **Written Requests:** A member of the public can write to the Council on any Council policy, activity or service. This can be carried out by post addressed to the Chief Executive, Municipal Council of Roxby Downs, PO Box 124, Roxby Downs, SA 5725 or by email to roxby@roxbycouncil.com.au
- (2) **In person:** Contacting a member of staff to discuss any issues relevant to Council
- (3) **Public meetings or community consultation sessions**

Council uses a range of methods to keep the community up to date including information sessions and displays, mail outs, Community Board and Forum meetings, Council website and social media notifications.

Examples where Council will seek consultation include:

- Annual Business Plan & Budget
- Long Term Financial Plan
- Infrastructure & Asset Management Plan
- Classification of Community Land
- Proposals for major infrastructure or community asset development
- A Council by-law
- Significant service level charges
- Community Land Management Plan
- Public Health Plan
- Revocation of Community Land Classification

6. INFORMATION PUBLICALLY AVAILABLE

6.1 Documents available for inspection at the Council Office

The following policies, codes and registers are available through Council's Reception (6 Richardson Place, Roxby Downs) for inspection and/or purchased by the public (for a fee as set out in Council's Fees & Charges Policy). Many of these can also be accessed on Council's website at no charge.

Local Government Act 1999 Registers

- Register of Employees' Salaries and Wages and Benefits (Section 105)
- Officer's Register of Interests (Section 116)
- Fees and Charges (Section 188)
- Community Management Plans (Sec 196)
- Community Land (Section 207)
- Public Roads (Section 231)
- By-laws made (Section 252)
 - Permits and Penalties (No.1)
 - Dogs (No.2)
 - Cats (No.3)
 - Local Government Land (No.4)
 - Moveable Signs (No.5)
 - Roads (No.6)
 - Waste Management (No.7)
 - Interim Cats By-law (No.8)

Local Government Act 1999 Codes

- Local Government (General) Employee Code of Conduct) Variation Regulations 2018.

Local Government Act 1999 Statutory Policies

The following policies are available for inspection on Council's website:

- Prudential Management Policy (Section 48)
- Procurement Policy (Contracts and Tenders) (Section 49)
- Public Consultation Policy (Section 50)
- Financial Internal Control Policy (Section 125)
- Naming of Roads and Public Places Policy (Section 219)
- Order Making Policy (Section 259)
- Review of Council Decision Policy (Section 270)

Policies

The following additional policies are available for inspection on Council's website:

- Asset Accounting Policy
- Bad Debt Policy
- Budget Management Policy
- Building Inspection Policy
- Business Units Financial Accounting Policy

- Child and Vulnerable Persons Safe Environment Policy
- Climate Change Policy
- Complaints Policy
- Corporate Credit Card Policy
- Customer Service Policy
- Development - Maintenance and Verges Policy
- Disposal of Land and Assets Policy
- Dog and Cat Management Policy-Procedure
- Dog and Cat Registrations Policy
- Emergency Management Policy
- Employee Code of Conduct Policy
- Enforcement Policy
- Equal Opportunity, Discrimination, Harassment and Workplace Bullying Policy
- Expiation Notice Review Policy
- Financial Internal Control Policy
- Fitness for Work Policy
- Flag Management Policy
- Food Hygiene Policy
- Fraud and Corruption Prevention Policy
- Funding Policy
- Gifts and Benefits Policy
- Grievance Policy
- Healthy Eating Roxby Link Café and Kiosk
- Hospitality, Gifts and Employee Expenses Policy
- Issue of Parking Expiation Notices Policy
- ICT Policy
- Leases and Licenses to Sporting and Community Organisations Policy
- Library Conditions of Use Policy
- Media Policy
- Microchip Scanner Use Policy
- Mobile Food Vendors Policy
- Municipal Rating Policy
- Order Making Policy
- Privacy Policy
- Procurement Policy
- Public Consultation Policy COVID-19
- Public Interest Disclosure Policy
- Rates Debt Recovery Policy
- Records Management Policy
- Recycled Water Pricing Policy
- Review of Council Decisions Policy
- Risk Management Policy
- Roxby Council Municipal Rates Hardship Policy
- Roxby Power Electricity Bond Policy
- Roxby Power Hardship Policy
- Roxby Water Customer Charter Policy
- Roxby Water Hardship Policy
- Roxby Water Pricing Policy
- Social Media Policy

- Sponsorship and Donations Policy
- Street Tree Policy
- Tendering Procedures Manual
- Town Oval Policy
- Treasury Policy
- Utilities Charges Internal Policy
- Vehicle Policy
- Volunteer Management Policy
- Waste Collection Policy
- Water Leakage Allowance Policy
- Whistleblower Protection Policy
- Work Health Safety and Return to Work Policy

Council Plans

The following plans are available on Council's Website:

- Annual Business Plan and Budget
- Annual Financial Statements
- Annual Report
- Community Land Management Plan
- Infrastructure and Asset Management Plan
- Regional Public Health Plan
- Strategic Management Plan

6.2 Other requests for information

Various Council documents and other information are available on Council's website without the need for a formal application under the Freedom of Information Act 1991 ("FOI Act"). Some information may be available for viewing at no charge whilst some may be copied at a small charge, providing that the copying does not infringe copyright. In some cases, where an extraordinary amount of staff time is required to comply with a request for information, charges may be imposed to recover costs.

7. INFORMATION SUBJECT TO A FOI REQUEST

Requests for information other than that provided in clause 6 will be considered in accordance with the FOI Act which gives individuals the right to access documents (subject to certain restrictions) that are in Council's possession.

7.1 Requirements for submitting a FOI request

A person wishing to seek access to the Council's documents that are not available publicly must apply in writing. As prescribed in the FOI Act the application must:

- Be in writing and preferably on the form provided;
- Specify that it is made under the *Freedom of Information Act 1991*;
- Be accompanied by the application fee as prescribed on the form; and include proof of identity where documents relate to the applicant's personal affairs;

- Must contain information as is reasonably necessary to enable the document to be identified; and
- Specify an address in Australia to which notices under the FOI Act should be sent; and
- Be lodged at the Council Office and may specify that access to the document be given in a particular way

The application will be dealt with by an accredited Freedom of Information Officer of the Council and will be dealt with within 30 days after it has been received. The Freedom of Information Officer will work with the applicant to define the scope of the request and the costs involved.

Access to documents under the FOI Act is subject to exceptions and exemptions necessary to protect essential public interests and the private and business affairs of persons. Council supports the aims of the FOI Act which is to promote openness and accountability in government and to emphasize the importance of government held information being made available to the public. If Council refuses access to a document, it will issue a letter stating, why the document is a restricted document.

Under this legislation, unless the applicant is granted an exemption, an application fee must be forwarded with the application to Council's Freedom of Information Officer. In the event that the applicant requires copies of any documents requested pursuant to a FOI request, charges may apply. If extraordinary staff time is required to comply with an information request additional charges may also apply.

The State Records website also has detailed information on the FOI process, or you can also contact Council's FOI Officer on 86710010. FOI requests should be addressed to:

**Freedom of Information Officer
Roxby Council
PO Box 124
ROXBY DOWNS SA 5725**

7.2 Amendment to Council Records

Under the FOI Act any member of the public 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 the "Request to Amend a Document Containing Personal Affairs Information" with Council outlining the records that he/she wishes to inspect.

If it is found that these require amendment, details of the necessary changes are to be lodged with the Council's

Freedom of Information Officer. There are no fees or charges for the lodgment 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 refunded.

Roy Blight
Chief Executive
March 2022