

A vibrant mosaic artwork of a lizard, possibly a spiny-tailed lizard, rendered in shades of blue, green, orange, and grey. The lizard is positioned on the left side of the page, facing right, and is set against a background of geometric mosaic tiles. The artwork is partially framed by a white diagonal line.

**DISTRICT COUNCIL OF  
KIMBA**

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**1.26  
FREEDOM OF  
INFORMATION STATEMENT**



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**2024**

This document has been endorsed and approved for use by:

*Debra Larwood*

13/03/2024

Debra Larwood  
Chief Executive Officer

Date

### Document Version Control

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<b>Version</b>	<b>Issue Date</b>	<b>Author</b>	<b>Reasons for Change</b>	<b>Review Due</b>
1	14/03/2018	L Keane	New policy	March 2019
2	13/03/2019	L Keane	Review	March 2020
3	13/05/2020	EM & KF	Review	March 2021
4	10/03/2021	EM & KF	Review	March 2022
5	09/03/2022	EM & DL	Review	March 2023
6	08/03/2023	EM	Review	March 2024
7	13/03/2024	EM	Review	March 2025

# FREEDOM OF INFORMATION STATEMENT

**2024**

This Freedom of Information Statement is published by the District Council of Kimba (Council) in accordance with the *Freedom of Information Act 1991* (FOI Act) and Schedule 4 1(gb) of the *Local Government Act 1999*.

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian (Local) Government agencies such as Councils. The purpose of this statement is to assist members of the public to identify the functions and decision making processes of Council, detail the type of information held by Council and advise how it can be accessed by the public.

An updated Information Statement will be published on the Council's website each financial year. This statement was released on 13 March 2024.

## **1 Structure and Functions of Council**

### **1.1 Full Council and provisions for meeting procedures**

The Council consists of the Principal Member, a Mayor, and six Elected Members who represent residents and ratepayers within the District of Kimba Local Government Area boundary. "Council" is the body corporate consisting of Elected Members as constituted under the *Local Government Act 1999*. 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-makers in the interest of its community; and
- b) to provide and coordinate various public services and facilities and to develop its community and resource in a socially just and ecologically sustainable manner; and
- c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of Local Government under the *Local Government Act 1999* and other acts in relation to the area for which it is constituted. [section 6 of the *Local Government Act 1999*].

Ordinary meetings of the Council are held in the chambers of the District Council of Kimba at 9 Cross Street, Kimba, and commence at 2pm on the second Wednesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality pursuant to s90 of the *Local Government Act 1999*. Notices of all meetings of Council and its committees are available on the website and from the Council office.

One of the main opportunities for the community to gain information about the business of Council is its agendas and associated reports prepared for Council and committee meetings. Agendas, including minutes of the previous meetings and supporting documentation, are placed on public display no less than three clear days prior to meetings. They are available on Council's website at [www.kimba.sa.gov.au](http://www.kimba.sa.gov.au) and at each office of the Council that is open to the public for the general administration of Council business.

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

## 1.2 Council committees and subsidiaries

Schedule 1 of this statement lists the various committees of Council. Committees streamline Council business and assist in the performance of its functions. The membership of committees and their terms of reference are determined by the Council.

Committees meet at intervals determined in their terms of reference (available on Council's website and at the Council office) and make recommendations to Council. Meetings of committees are open to the public with the exception of any matters subject to an order of confidentiality pursuant to s90 of the *Local Government Act 1999*, and are publicly notified in the same way as Council meetings. (See 1.1 above)

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.

## 1.3 External committees/boards/associations

Council participates in a number of external committees, boards and associations, comprising Elected Members, staff, and the public, and these are listed in Schedule 1. The minutes of meetings of external Committees, Boards and Associations are included in the agenda for the meetings of the full Council (or appropriate committee).

## 1.4 Delegations

The Regional Assessment Panel, the Chief Executive Officer and Manager Development Services have delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee or a Committee. Council's Delegations Register reflects the delegated authority from the Council to the CEO (and subsequently any further sub-delegations). The Delegations Register is reviewed annually by Council and is available to be viewed by the public at the Council Administration Office during ordinary working hours.

## 1.5 Functions of Council

The functions of Council, 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 manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- f) to provide infrastructure for its community and for development within its area;
- g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- h) to establish or support organisations or programs that benefit people in its area or Local Government generally;
- i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- j) to manage, improve and develop resources available to the Council;
- k) to undertake other functions and activities conferred by or under the Act. [s6 of the *Local Government Act 1999*]

Section 41 of the *Local Government Act 1999* empowers a Council to establish committees:

- To assist the Council in the performance of its functions;

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

### 1.6 Services for the Community

Council is required by legislation to:

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

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

Other core services provided by Council include the provision of waste management and recycling services within the District of Kimba Local Government Area, and the management and maintenance of Council-controlled roads.

## 2 **Public Participation**

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

**Deputations to Council** – With the written permission of the Presiding Member of the committee or the Mayor, a member of the public can address a committee or the Council personally or on behalf of a group of residents for up to 15 minutes on any item that is relevant to that committee or the Council, depending on the number of deputations scheduled for a particular meeting.

**Petitions** – Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.

**Presentations** – Presentations provide an opportunity for an organisation, Council officer(s) or member of the public to provide a committee or the Council with information relevant to a matter currently under consideration. The duration is up to 15 minutes and generally is limited to one presentation per meeting.

**Council Members** – Members of the public can contact Elected Members to discuss any issue relevant to Council. The contact details for all Elected Members are available on Council's website.

**Written requests** – Members of the public can write to Council on any Council policy, activity or service.

**Community consultation** - The District Council of Kimba is committed to open, honest, accountable and responsible decision making. Council's 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. The policy is available on Council's website.

### 3 Access to Council Documents

#### 3.1 Documents held by Council

Most information and documentation held by Council is available for public viewing and is readily available without recourse to the *Freedom of Information Act 1991* and we invite you to discuss your information needs with us.

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

**Land and property information system:** Council's land and property information system contains property-related information (valuation, rates, ownership details) on each property in the District Council of Kimba area.

#### 3.2 Policy documents available for inspection

At the time of publishing this statement, the following documents can be accessed from Council's website and are available for public inspection at the office of Council during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

Members Training and Development Policy	Contracts, Tenders and Purchasing Policy
Internal Review of Council Decisions Policy	Order Making Policy
Public Consultation Policy	Code of Conduct for Employees
Building Inspection Policy	Access to Council Meetings, Council Committees and Council Documents Policy
Council Member Casual Vacancy Policy	Selection of Road Names Policy
Code of Conduct for Elected Members	Internal Financial Control Policy
Elected Members Allowances and Support Policy	Swimming Pool Inspection Policy
Customer Complaints, Service and Comments Policy	Fair Treatment Policy
Caretaker Policy	Hardship Policy
Prudential Management Policy	Outdoor Business Policy
Risk Management Framework	Waste Management Policy
Fraud and Corruption Prevention Policy	Social Media Policy
Rating Policy	
Tree Management Policy	
Safe Environment Policy	
Unsealed Roads Policy	

### 3.3 Other Council documents

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

Animal Management Plan	Annual Business Plans
Annual Reports	Asset Management Long-Term Program
Council By-laws	Council and Committee Agendas
Council and Committee Minutes	Development Plan
Environmental Health Management Plan	Fees and Charges Schedule
Infrastructure and Asset Management Plans	Long-Term Financial Plan
Strategic Plan	Audit Committee terms of reference
Register of Salaries	Annual Budget

### 3.4 Other information requests

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

Applications must be in writing and must specify that it is made under s13 of the FOI Act.

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

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

Council, on receiving 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 District Council of Kimba must issue a certificate stating why the document is a restricted document.

In rare cases, retrieving the requested information involves considerable staff time. It is important to specify what is required as clearly as possible so staff can assist quickly and efficiently. If extraordinary staff time is required to comply with an information request, charges may apply.

All general enquiries on FOI Act issues should be directed to Council's Freedom of Information Officers, which are the Chief Executive Officer and Manager Corporate Services.

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

Approved application fees are set in the *Freedom of Information (Fees and Charges) Regulations 2018*. A cheque/money order/cash for the appropriate amount must be forwarded to Council with the Freedom of Information Application. Processing charges may also apply for dealing with the application. These are set in the Freedom of Information Regulations and may include some free time when the request relates to the personal affairs of the applicant. *Fee schedule below is a guide and will change as gazetted.*

<b>Schedule</b>	<b>Fees and Charges as at 1 July 2023</b>
On application for access to an agency's documents (section 13(c))	\$40.75
For dealing with an application for access to an agency's documents and in respect of the giving of access to the document (section 19(1)(b) and (c))—	

(a) In the case of a document that contains information concerning the personal affairs of the applicant— (i) for up to the first 2 hours spent by the agency in dealing with the application and giving access no charge (ii) for each subsequent 15 minutes so spent by the agency (b) in any other case – for each 15 minutes so spent by the agency	No charge \$15.40 \$15.40
Where access is to be given in the form of a photocopy of the document (per page)	25 cents
Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$9.10
Where access is to be given in the form of a copy of a photograph, x-ray, video tape, computer tape or computer disk the actual cost incurred by the agency in producing the copy	The actual cost incurred by the agency in producing the copy
Postage or delivery charges	The actual cost incurred by the agency
An application for review by an agency of a determination made by the agency under Part 3 of the Act	\$40.75

Fees will be waived for disadvantaged persons, as set 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. At all times Council retains a discretion to waive, reduce or remit a fee for any reason it thinks fit.

If, in the Council's opinion, the cost of dealing with an application is likely to exceed the application fee, an advance deposit may be requested. The request will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated. The Freedom of Information Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

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

Freedom of Information Officer  
District Council of Kimba  
PO Box 189  
Kimba SA 5641

An FOI application form is available on Council's website. Alternatively, the form is available to be downloaded from the State Records of South Australia by clicking [here](#).

## 5 Amendment to Council records

Under the *Freedom of Information Act 1991*, persons may request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a person must complete and lodge with Council an application form as indicated above outlining the records that he/she wishes to inspect.

If it is found that these require amendment, details of the necessary changes are to be lodged with Council's Freedom of Information Officer. There are no fees or charges for the lodgement, or the first two hours of processing of this type of application and where there is a significant correction of personal records and the mistakes were not the applicant's, any fees and charges paid for the original application will be fully refunded.



## Schedule 1 Committees of Council

### Council committees and subsidiaries

Audit Committee  
Australia Day and Other State Awards Selection Committee  
Bushfire Management Advisory Committee  
Emergency Management Team  
Work Health and Safety Committee  
Kimba Tourism Committee

### External committees/boards/associations

Eyre Peninsula Local Government Association