



## FREEDOM OF INFORMATION STATEMENT

**2017-2018**

This Freedom of Information Statement is published by the City of Unley Council (Council) in accordance with the Section 9 of the *Freedom of Information Act 1991* (FOI Act)

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 types 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 the 1 July 2017.

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

#### **1.1 Functions of Council**

The functions of Council, set out in section 7 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 an Act.

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

The Council consists of the Mayor and 12 Elected Members who represent residents and ratepayers in Fullarton Ward, Clarence Park Ward, Goodwood Ward, Parkside Ward, Unley Park Ward and Unley Ward.

“Council” is the body corporate consisting of elected members as constituted under the *Local Government Act 1999* (the ‘Act’). Section 6 of the Act shows that a 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 co-ordinate various public services and facilities and to develop its community and resources 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 and other acts in relation to the area for which it is constituted.

Ordinary meetings of the Council are held in the Council Chamber at the Unley Civic Centre as determined by resolution of Council and commence at 7.00 pm on the fourth Monday of every month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality [section 90 of the Act]. Notices of all meetings of Council and its Section 41 Committees are available at the Council Office and on the Council website at [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

One of the main opportunities for the community to gain information about the business of Council is through the agendas and associated reports prepared for Council and Section 41 Committee meetings. Agendas, including minutes of the previous meetings and supporting documentation, are placed on public display no less than three days prior to meetings. They are available on Council’s website at [www.unley.sa.gov.au](http://www.unley.sa.gov.au)

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.

*Members of the public are welcome to attend Council and Section 41 Committee meetings.*

## **1.3 Council Section 41 Committees and subsidiaries**

Section 41 of the Act 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
- To exercise, perform or discharge delegated powers, functions or duties

Schedule 1 of this statement lists the various committees of Council and identifies under which section of the Act or *Development Act 1993* they have been formed. Council may also establish other sub-committees and working groups to assist in the performance of its functions.

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 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 [section 90 of the Act], and are publicly notified in the same way as Council meetings. (See 1.2 above)

Chapter 6 of the *Act* and the *Local Government (Procedures at Meetings) Regulations 2013* prescribe the way meetings of a Council and its Committees are to be conducted along with the Council's *Code of Practice – Procedures at Meetings*.

#### **1.4 External Committees/Boards/Associations**

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

#### **1.5 Delegations**

The Development Assessment Panel and the Chief Executive Officer have delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may then sub-delegate to an employee. 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 by Council and is available to be viewed by the public at the Council Office during ordinary working hours and also available on the Council website.

#### **1.6 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.

Four separate divisions report to the Chief Executive Officer:

- Business Support and Improvement
- City Development
- City Services
- Office of the Chief Executive Officer

#### **1.7 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.

## 2 Public Participation

Members of the public are encouraged to participate in Governance of Council and in particular in the formulation of strategic policies and in the delivery of Council's functions. There are a number of opportunities to express their views on particular issues before Council. These include:

- a) **Deputations to Council** – With the written permission of the Presiding Member of the Section 41 Committee or the Mayor a member of the public can address a Section 41 Committee or the Council personally or on behalf of a group of residents for up to 5 minutes on any item that is relevant to that Committee or the Council, depending on the number of deputations scheduled for a particular meeting. Refer to the Council website for requirements; [www.unley.sa.gov.au](http://www.unley.sa.gov.au)
- b) **Petitions** – Written petitions can be addressed to the Council on any issue within the Council's jurisdiction. Refer to the Council website for requirements; [www.unley.sa.gov.au](http://www.unley.sa.gov.au)
- c) **Presentations**  
Presentations provide an opportunity for an organisation, Council officer(s) or member of the public to provide a Section 41 Committee or the Council with information relevant to a matter currently under consideration. The duration is 5 minutes and is limited to one presentation per meeting.
- d) **Council Members** – Members of the public can contact the Elected Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's website.
- e) **Written Requests** – Members of the public can write to Council on any Council policy, activity or service.
- f) **Become a member of a Committee**  
Some Committees of Council invite participation by community members. Advertisements are placed in local papers (and on Council's website) seeking applications.
- g) **Community Consultation**  
The City of Unley is committed to open, honest, accountable and responsible decision making. Council's Community Engagement 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. The policy is available via Council's website.
- h) **Attending Council Meetings** – Members of the community are encouraged to attend Council and Section 41 Committee meetings.
- i) **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 2018. Voting is voluntary and available to all persons on the Council Voters Roll. Persons who are registered on the State Electoral Roll are automatically on the Council roll but other residents or landowners must apply to go on the roll. They should enquire at the Council offices. The Voters Roll will close several months before voting in November 2018.

j) **Standing as candidates for election**

Persons included on Council's Voters Roll and who are Australian citizens are eligible (with some exceptions) to stand for election.

### 3 Access to Council Documents

#### 3.1 Documents held by Council

Most information and documentation held by Council is available for public viewing at the Council Office between 8.30 am and 5.00pm Monday to Friday and the library during the following times:

<p><b><u>Unley Civic Library</u></b>          181 Unley Road, Unley          Phone: 8372 5100          Fax: 8272 2544</p>	<p><b>Opening hours:</b>          Monday: 1pm - 6pm          Tuesday: 10am - 6pm          Wednesday: 10am - 6pm          Thursday: 10am - 8pm          Friday: 10am - 6pm          Saturday: 10am - 4pm          Sunday: 2pm - 5pm</p>
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(The Council office and library are closed on public holidays)

**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 City of Unley 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 Council Offices during ordinary business hours. Any new policy adopted by Council after publication of this statement will be similarly available.

-  [Asset Management](#)
-  [Banners](#)
-  [Building and Swimming Pool Inspection](#)
-  [Car Parking Contribution Fund](#)
-  [Caretaker](#)
-  [City Relationships](#)
-  [Code of Conduct for Council Employees](#)

-  [Code of Conduct for Council Members](#)
-  [Code of Conduct for Council Members – Complaints Handling Procedure](#)
-  [Code of Practice - Access to Council Meetings and Documents](#)
-  [Code of Practice - Procedures at Meetings](#)
-  [Commercial Fitness Training Activities on Community Land](#)
-  [Community Engagement and Consultation](#)
-  [Community Grants Program](#)
-  [Conservation Grants](#)
-  [Construction of Crossing Places and Stormwater Pipes to Properties](#)
-  [Deputation Information Sheet and Request Form](#)
-  [Disposal of Surplus Non Community Land](#)
-  [Elected Member Allowances and Benefits](#)
-  [Elected Member Induction](#)
-  [Elected Member Training and Development](#)
-  [Election Sign Guidelines](#)
-  [Encroachments](#)
-  [Environmental](#)
-  [Flag Management](#)
-  [Fraud and Corruption Prevention](#)
-  [Graffiti Removal](#)
-  [Hire of Community Centres and Town Hall Fee Discount](#)
-  [Informal Gatherings](#)
-  [Land Under Roads](#)
-  [Memorials](#)
-  [Naming of Roads and Public Assets](#)
-  [Nature Strips](#)
-  [Order Making](#)
-  [Outdoor Dining](#)
-  [Permits for Business Purposes](#)
-  [Petitions - Display of Petitions within Council Facilities](#)
-  [Private Car Park Amalgamation Incentive](#)
-  [Procurement](#)
-  [Property Management](#)
-  [Prudential Management](#)
-  [Public Arts](#)
-  [Rate Rebate](#)
-  [Requests For Services, Compliments and Complaints](#)
-  [Residential On-street Parking](#)
-  [Review of a Council Decision Procedure](#)
-  [Risk Management](#)
-  [Safe Environment](#)
-  [Seeking Legal Assistance and Advice](#)

-  [Small Sponsorship and Donations Scheme](#)
-  [Sport and Recreation](#)
-  [Treasury Management](#)
-  [Vegetation Management](#)
-  [Volunteer Management](#)
-  [Waste - Kerbside Waste & Recycling Collection Service](#)
-  [Whistleblowers' Protection](#)
-  [Youth Sponsorship Program](#)

### 3.3 Other Council Documents

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

Animal Management Plan 2016 - 2020	Event Planning Toolkit
Annual Business Plan 2017 - 2018	Fees and Charges Schedule 2017 - 18
Annual Financial Statements	Function Dates
Annual Reports	Gifts and Benefits Register - Councillors
Business Directory	Gifts and Benefits Register - Staff
Community Information	Grants Information
Community Plan 2033	Land Management Agreements
Community Profile	Local Government Elections Information
Council Agendas and Minutes	Long Term Financial Plan
Council By-laws	News and Media Releases
Council S.41 Committee Agendas & Minutes	Registers for public view
Council S.41 Committee Terms of Reference	Strategic 4 Year Plan
Development Assessment Panel Agendas & Minutes	Strategies
Development Assessment Panel Terms of Reference	Traders Associations
Development Plan	Unley Life Magazine
	Ward Maps

The following documents are available for public inspection and purchase from Council's Principal Office, 181 Unley Road Unley.

Assessment Book (extract only)	Register of Community Land
By-laws Register	Register of Dogs (extract only)
Campaign Donations Returns (2014 election)	Register of Elected Members Allowances and Benefits
Delegations Register	Register of Employees' Salaries, Wages and Benefits
Development Application Register	Register of Fees and Charges levied by Council
Development Plan Amendments previously on exhibition	Register of Public Streets and Roads
Financial Statements - Annual	Voters Roll (inspection only)

### 3.4 **Other Information Requests**

Requests for other information not publicly available will be considered in accordance with the Freedom Of Information Act 1991 (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 with the application fee.

Applications must be in writing and must specify that it is made under Section 13 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 City of Unley 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 enquiries on FOI Act issues should be directed to Freedom of Information Officer.

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

Approved application fees are set by the State Government in the FOI (Fees and Charges) Regulations 2003. 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.

<b>Schedule</b>	<b>Fees and Charges as at 1 July 2017</b>
On application for access to an agency's documents (section 13(c))	\$34.25
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	No charge  \$12.80

agency (b) In any other case – for each 15 minutes so spent by the agency	\$12.80
Where access is to be given in the form of a photocopy of the document (per page)	20 cents
Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$7.70
Where access is to be given in the form of a copy of a photograph, 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
On application for review by an agency of a determination made by the agency under Part 3 of the Act (section 29(2)(b))	\$34.25

Fees will be waived for disadvantaged persons, as set in the Freedom of Information Regulations. That is no fee is required for current concession holders (The applicant's name MUST be the Primary Cardholder) or if payment of the fee would cause financial hardship. At all times Council retains 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.

During 2016-2017, Council processed 48 Freedom of Information requests and provided its annual return to State Records.

Freedom of Information requests to the City of Unley are to be addressed to:

Freedom of Information Officer  
City of Unley  
PO Box 1  
UNLEY SA 5061

An FOI application form is available on Council's website, to download an Application Form, please visit [Freedom of Information](#)

## 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.

## **6 City of Unley Contact Details**

Street address: 181 Unley Road, Unley SA 5061  
Postal Address: PO Box 1, Unley SA 5061  
Telephone: 08 8372 5111  
Facsimile: 08 8271 4886  
Internet: [www.unley.sa.gov.au](http://www.unley.sa.gov.au)  
E-mail: [pobox1@unley.sa.gov.au](mailto:pobox1@unley.sa.gov.au)

## Schedule 1

### **Council Section 41 Committees and subsidiaries**

#### **Audit and Governance Committee**

Established under Section 41 of the *Local Government Act 1999*, for the purposes of Section 126 of the *Local Government Act 1999* and in compliance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*

#### **City Strategy and Development Policy Committee**

Established under Section 41 of the *Local Government Act 1999* and Section 101A of the *Development Act 1993*

#### **Strategic Property Committee**

Established under Section 41 of the *Local Government Act 1999*

#### **Unley Business and Economic Development Committee**

Established under Section 41 of the *Local Government Act 1999*

#### **Centennial Park Cemetery Authority**

Regional Subsidiary established under Section 43 of the *Local Government Act 1999* in conjunction with the City of Mitcham

### **Development Act 1993**

#### **Development Assessment Panel**

Established under Section 56 A of the *Development Act 1993*