

Freedom of Information Statement



District Council of Cooper Pedy

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Responsible Officer/Department: Office of the Chief Executive Officer		Next Review Date: Annually - April 2027
Applicable Legislation: <i>Freedom of Information Act 1991 – Section 9</i> <i>Local Government Act 1999</i>		
<u>Related Policies:</u> Community Engagement / Public Consultation Policy Order Making Policy Behavioural Management for Elected Members Employee Code of Conduct Customer Complaint Handling Policy		
<u>Other Related Documents:</u> Behavioural Management for Elected Members Code of Practice Access to Council Meetings and Documents Code of Practice for Council and Council Committee Meeting Procedures Disability Access and Inclusion Plan 2026-2030 Community Health and Wellbeing Plan 2025-2029		

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1. INTRODUCTION

This Information Statement is published by the District Council of Coober Pedy in accordance with requirements under the *Freedom of Information Act 1991 (FOI Act)*.

2. STRUCTURE AND FUNCTIONS OF COUNCIL

2.1 Council

The District Council of Coober Pedy is currently in Administration and as such the Principal Administrator and two Supporting Administrators have been appointed by the Governor of South Australia until such time as Council ceases to be a defaulting Council – pursuant to the *Local Government (Defaulting Council) Proclamation 2019 under section 273 of the Local Government Act 1999. 1999 (Act)*.

When this occurs Council will comprise a Mayor and Councillors who will form the decision making body on all policy matters.

Ordinary meetings of the full Council are held at the Council Chambers on the fourth Wednesday of each month commencing at 3.00pm.

Notices of the meetings of Council and its Committees are available on the Council website, posted on Facebook and sent to registered recipients via Mailchimp. They are also displayed at the Council Customer Service Centre in Coober Pedy.

All meetings of Council are open to the public except for any matters subject to an order of confidentiality. (Section 90 of the *Local Government Act 1999*). To promote transparency and accountability required for good governance, the closure of meetings is applied as infrequently as reasonably possible.

Members of the public are welcome to attend and have an opportunity to participate in the Public Forum section of the Agenda.

In keeping with legislative requirements, Council:

- Acts as an informed and responsible decision maker in the interests of the community;
- Provides and coordinates various public services and facilities and develops its community and resource in a socially just and ecologically sustainable manner;
- Encourages and develops initiatives within its community for improving the quality of life of the community;
- Represents the interests of the community to the wider community;
- Exercises, performs and discharges the powers, functions and duties of local government body under the Act and other acts in relation to the area for which it is constituted (Section 6 of the Act).

2.2 Function

In accordance with Section 7 of the Act, the functions of Council include to:

- a. Plan at the local and regional level for the development and future requirements of its area;
- b. Provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- c. Determine the appropriate financial contribution to be made by ratepayers to the resources of the Council;
- d. Provide for the welfare, wellbeing and interests of individuals and groups within its community
- e. Take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- f. Manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- g. Provide infrastructure for its community and for development within its area;
- h. Promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- i. Establish or support organisations or programs that benefit people in its area or local government generally;
- j. Manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- k. Manage, improve and develop resources available to the Council;
- l. Undertake other functions and activities conferred by or under the Act. (Section 6 of the Act).

Pursuant to section 8 of the Act, the Council must act to uphold and promote observance of the following principles in the performance of its roles and functions:

- a. Provide open, responsive and accountable government;
- b. Be responsive to the needs, interests and aspirations of individuals and groups within its community;
- c. Participate with other councils and with State and national objectives;
- d. Give due weight , in all its plans, policies an activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- e. Seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- ea. Seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost-

effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;

- f. Seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- g. Manage its operations and affairs in a manner that emphasises the importance of service to the community;
- h. Seek to ensure Council resources are used fairly, effectively and efficiently and Council services, facilities and programs are provided effectively and efficiently;
- i. Seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- ia. Seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- j. Achieve and maintain standards of good public administration;
- k. Ensure the sustainability of the Council's long-term financial performance and position.

Whilst the majority of the functions of the Council are set out in the Act, it also has functions under other pieces of legislation including but not limited to:

- Planning, Development and Infrastructure Act 2016
- South Australian Public Health Act 2011
- Food Act 2001
- Road Traffic Act 1961
- Dog and Cat Management Act 1995
- Environment and Protection Act 1993

The way in which the functions of the Council affect members of the public include the nature of the services, facilities and programs provided by the Council that benefit the Council's community. The Council is required to use its resources fairly, effectively and efficiently as well ensure equitable access. Decisions made by the Council can affect the community as a whole or individuals as the Council is responsible for the government and management of its local area. The Council's regulatory role can affect members of the public who act in contravention of legislation. Further, the Council imposes rates and charges on ratepayers which is used to fund the activities of the Council. Rating decisions can affect individual and groups within the Council's community differently.

2.3 Decision Making Forums and Processes

Decision making is the most important activity undertaken by Council and also by Council Officers under delegation. Effective decision making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community. Council can only make decisions by resolution, that is, a motion being considered at a formal meeting of Council.

Each month Council meets to consider information, reports and recommendations from the Council's Chief Executive Officer (directly or via other senior officers) to set budgets and arrive at decisions on strategies and policies to benefit the community.

Council's Code of Practice Access to Council and Council Committee Meetings and Documents (**Code**) details Council's commitment to the principle of open and accountable government and encourages appropriate community participation in the business of Council.

2.4 Agendas and Minutes

Agendas of Council and Council Committees are placed on public display no less than three (3) full days prior to the meeting.

Minutes of the meetings are placed on public display within five (5) days following the meetings. Agendas and Minutes can be viewed on Council's website www.cooberpedy.sa.gov.au and at the Council Office.

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 committee meetings.

2.5 Public Participation

The community can participate in Council meetings through deputations, petitions and the Public Forum section. Comment during the Public Forum section should be relevant to that Meeting's agenda and be for a period of no more than three (3) minutes.

2.6 Committees established under the *Local Government Act 1999*

2.6.1 Section 41 Committees

Committees established under the *Local Government Act 1999* are colloquially known as section 41 Committees as this is where Council derives the power to establish such Committees. Each Committee performs a specific purpose, and its recommendations are presented to Council as the decision making body.

Committees may comprise (when not in Administration):

- Elected Member only.

- Elected Members and Independent Members.
- Elected Members and members of the community.
- Solely Independent and/or members of the community

Current in Administration Committees may comprise:

- Administrators only
- Administrators and Independent Members
- Administrators and members of the community
- Solely Independent Members and/or members of the community

All Committees are required to operate within their own Terms of Reference which are set by Council and may be required to make recommendations to Council. The recommendations will only take effect when adopted by Council. Some Committees may be granted delegations from Council to make their own decisions on some matters which are set out in the Committee's Terms of Reference.

Council currently has the following section 41 Committee:

- CEO's Performance Review Committee

2.6.2 Audit and Risk Committee

The Audit and Risk Committee is established under Section 126 of the Act and comprises three (3) Independent Members and two (2) Administrators with an Independent Member being the Presiding Member (Chairperson).

The Committee evaluates and provides advice to Council on ways to improve the effectiveness of Council such as:

- Draft Annual Budget and Business Plan
- Financial management
- Risk management
- Internal and external audit
- Internal controls
- Policies

2.7 Delegations

The Chief Executive Officer has the delegated authority from Council to make decisions on some administrative and regulatory matters. The Chief Executive Officer may sub-delegate such authority to other officers in particular circumstances.

Delegated powers, functions, authorisations and duties are set out in Council's delegation register which is available on Council's website:

<https://www.cooberpedy.sa.gov.au/council/council-documents/council-delegations>

The delegation register was reviewed on 28 August 2024 and updated on 13 August 2025. The next review is due following the 2026 Council elections in November. If Council is in Administration at that time it is still proposed to review the delegations then.

3. SERVICES FOR THE COMMUNITY

Council makes decisions on policy issues relating to services that are provided to the community. These services currently include, but are not limited to:

1. Administrative Services including supporting the Council Members/Administrators
2. Asset and Infrastructure Management and Maintenance
3. Community Services
4. Community Wastewater Management Scheme
5. Construction and Project Management
6. Corporate Communications and Marketing
7. Corporate Planning
8. Development Assessment
9. Economic and Business Development
10. Electricity Supply
11. Elections
12. Environmental Management
13. Financial Management
14. Fleet Management
15. Footpaths
16. Governance
17. Historical Records
18. Library Service
19. Legislative Compliance
20. Parks and Gardens
21. Policy Development
22. Public Health
23. Roads and verges
24. Significant Trees
25. Stormwater

- 26. Tourism
- 27. Town Planning and Building assessment in conjunction with the State Government
- 28. Dog and Cat Management
- 29. Water Supply

4. COMMUNITY ENGAGEMENT

The community and / or individuals have several opportunities to express their views on particular issues before Council. These include:

Public Forum – Early in each Council meeting Council provides an opportunity for members of the public to speak to Council on matters before the Council in the meeting agenda. These sessions are limited to 3 minutes per speaker.

Deputations – members of the public may seek the approval of the Presiding Member of any public meeting to make a deputation to the Council. Applications should be referred to Council's Chief Executive Officer.

Petitions – Petitions allow the public to bring to the attention of Council any matter they believe requires action. Written petitions can be addressed to the Council on any issue within Council's jurisdiction. They should set out clearly the request or submission of the petitioners and be delivered to the Council office by 5.00pm on the Wednesday prior to the next Council or Committee meeting.

Administrators/Council Officers – Members of the public can contact Council Officers or Administrators in the first instance to discuss any issue relevant to Council on (08) 8687 4600 or the contact details provided on Council's website.. This can be done in person at the Council Offices or by telephone, email or text messaging.

Written Requests – Members of the public can write to Council on any Council policy, activity or service, or email Council at dccp@cpcouncil.sa.gov.au.

Council is committed to open, honest, accountable and responsible decision making. Some decisions of Council require formal public engagement before being finalised by Council.

Community engagement or notification also occurs on matters associated with development in the area as prescribed in the *Planning, Development & Infrastructure Act 2016* if required.

5. ACCESS TO COUNCIL DOCUMENTS

There is no charge to inspect certain documents without recourse to the *Freedom of Information Act 1991* (SA) and many are available on Council's website, including by-laws, codes, policies and registers.

In most cases, copies of the documents (or extracts) may be purchased by the public for the fee set by Council (refer Fees and Charges Schedule): <https://www.cooberpedy.sa.gov.au/council/finance/fees-and-charges>).

Where copyright laws apply to a document Council must have written permission of the copyright owner to reproduce the document e.g. house plans, soil reports, engineering reports etc.

For more information on how to access these documents please email Council at dccp@cpcouncil.sa.gov.au

6. POLICY DOCUMENTS

• Accounting for Assets Policy • Asset Management Policy • Australia Day Awards Policy • Behavioural Management for Elected Members Policy • Budget Preparation Policy • Caretaker Policy • Cemetery Management Policy • Child Safe Environments Policy • Childcare Payment of Fees Policy • Code of Practice Access to Council and Council Committee Meetings and Documents • Code of Practice for Council and Council Committee Meeting Procedures • Community Engagement Policy • Community Grants and Sponsorships Policy • Corporate Credit Care Policy • Customer Complaint Handling Policy • De3bt Recovery Policy • Disposal of Land and Assets Policy • Elected Members Allowances and Benefits Policy • Elected Members Training and Development Policy • Employees Code of Conduct • Fees and Charges Policy • Financial Sustainability Policy • Food Inspections Policy • Fraud, Corruption, Misconduct and Maladministration Prevention Policy • Freedom of Information Statement • Gifts and Benefits Policy	• Hardship Policy for Residential Customers – Minor and Intermediate Retailer (Water and CWMS) • Induction for New Council Policy • Information Technology Usage Policy • Internal Controls Policy • Internal Review of Council Decisions Policy and Procedure • Order Making Policy • Overheads Allocation Methodology Policy • Policy and Procedure Framework Policy • Presiding Member Seeking Legal Advice Policy • Privacy Policy • Procurement Policy • Prudential Management Policy • Public Interest disclosure Policy • Public Road and Place Identification Policy • Rate Rebate Policy • Rating Policy • Records Management Policy • Request for Service Policy • Risk Management Policy • Signs, Banners and Flags Policy • Social Media Policy • Street and Public Lighting Policy • Temporary Road Closures for Events on Council Roads • Treasury Management Policy • Unmade Roads Development Policy • Water Leakage Policy • Water Pricing Policy
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7. ACCESS TO THIS STATEMENT

The Freedom of Information Statement is available on Council's website: www.cooberpedy.sa.gov.au, via email to dccp@cpcouncil.sa.gov.au or for public inspection at the Council offices located at Hutchison Street, Coober Pedy South Australia.

8. FREEDOM OF INFORMATION

Requests for access to other Council documents will be considered in accordance with the *Freedom of Information Act 1991*. Under this legislation, a written application, which complies with the standard as defined in the *Freedom of Information Act 1991*, accompanied by the prescribed application fee, is required.

Under the Freedom of Information Act 1991 applicants seeking documents held by Council need to provide sufficient information to enable the documents to which the application relates to be identified. Proof of identity may be requested if the documents relate to the applicant's personal affairs.

The application fee and the fees for dealing with the application, including photocopying of documents, are prescribed in the Freedom of Information (Fees and Charges) Regulations 2018. The Council must waive or remit fees for pensioner card holders and other prescribed persons. At all times Council retains a discretion to waive, reduce or remit a fee for any reason it deems 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 accredited FOI Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

Freedom of Information requests should be addressed to:

Freedom of Information Officer
District Council of Coober Pedy
PO Box 425
COOBER PEDY SA 5723

Forms are available at the Council Office or Council's website.

Applications will be responded to as soon as practicable and in any event within thirty (30) days of Council receiving a complaint, written request, together with the prescribed application fee.

9. AMENDMENT OF COUNCIL RECORDS

A person to whom access to Council documents has been given may apply under the *Freedom of Information Act 1991* for the amendment of the Council's records if:

- The document contains information concerning the person's personal affairs; and

- The information is available for use by the Council in connection with its administrative functions;
- The information is, in the person's opinion, incomplete, incorrect, out of date and misleading.

Applications must be in writing and contain the information specified in section 31 of the *Freedom of Information Act 1991*.

10. CONTACT DETAILS

For further information on this Policy, please contact:

Title: Office of the Chief Executive Officer
 Telephone: 8672 4600
 Email: dccp@cpcouncil.sa.gov.au

11. VERSION CONTROL

Version #	Date Adopted	Resolution #	File # Record #	Description of Change
1	29 May 2024	598		Adapted from the Local Government Association of South Australia (LGASA) Model Policy
1.1	23 July 2025	803	18.63.1/1 NPO202554	Correction of grammar/spelling, included further text from the LGASA model template.
1.2	24 June 2026	927	18.63.1/1 NPO202554	Updated template, added further information on Council's responsibilities, updated relevant policies, added list of Council policies