



Freedom of Information Statement


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Information Statement

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

Subject to certain exemptions, 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.

1. Structure of the Council

The Council is established under the *Local Government Act 1999* to provide for the government and management of its area. The provisions of the *Local Government Act 1999* are supported by the *Local Government (General) Regulations 2013* and the *Local Government (Procedures at Meetings) Regulations 2013*. "Council" is the body corporate consisting of 10 Council Members as constituted under the *Local Government Act 1999*.

The Mayor is elected by the electors of the area (not chosen by the members of the Council) and nine Councillors elected by the electors of the electorate as a representative of the area as a whole. It operates as a single area council with no wards.

Council elections are held every four years with the next election to take place in November 2026. Residents and ratepayers of the area are eligible to vote in Council elections.

The Council is required to review its composition at least once in each relevant period that is prescribed by the Regulations to provide fair and equitable representation for the community, this was conducted in April 2017, with the next review period due in April 2024 – April 2025.


Council is primarily accountable to the local community and also to State, legal and administrative review systems.

1.1 Mayor

The Mayor carries out the civic and ceremonial duties of the office and therefore attends most functions on behalf of the Council. The Mayor is the principal spokesperson of the Council and Chairs all Council Meetings.

1.2 Council Members

Council Members participate in the deliberations and civic activities of the Council, they keep the objectives and policies of Council under review as well as Council's resource allocation and efficiency and effectiveness of service delivery.



Council Members represent the interests of residents and ratepayers. They provide the community with leadership and guidance, and also assist with facilitation of communication between the community and the Council.

1.3 Chief Executive Officer

The Chief Executive Officer is responsible for staff, and the day-to-day operations and affairs of the Council, as well as providing advice to the Council as necessary.

2. Council Functions


Section 7 of the Local Government Act 1999 sets out the functions of a Council as follows:

- (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, residents, and visitors to its area;
- (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the Council;
- (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 (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);
- (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 Section 6 of the *Local Government Act 1999*.

3. Decision making structure

The *Local Government Act 1999* provides for decisions to be made at Council meetings - by committees and subsidiaries of Councils; by the Chief Executive Officer - specifically in relation to staffing matters; and by Council employees and other authorised people through delegated powers from Council.

Council determines policy and makes other decisions at Council meetings on an ongoing basis. Policies and budgets endorsed by the Council provide a framework for the provision of services and programs and for day-to-day operational decision-making. Provided a quorum is present, a decision is made by the votes of the majority of Council Members present at a meeting.



The Mayor does not have a deliberative vote at Council meetings but has a casting vote if there is a tied vote. A Chairperson at a Committee meeting has a deliberative vote, but not a casting vote.

Individual Council Members cannot make decisions nor give directions to Council employees. Their key role is to develop and review policy as a group, leaving day-to-day administration and operational matters to the Chief Executive Officer and Council employees.

The Council Assessment Panel is a decision-making body established by Council under Section 83 of the *Planning, Development and Infrastructure Act 2016*. The Council Assessment Panel decisions are made where possible by consensus. In the event of consensus not being arrived at, a vote of all members present shall be taken and a decision made on the basis of a majority vote. If there is a tied vote, the Presiding Member will have the casting vote.

3.1 Council and Council Section 41 Committee Agenda and Minutes

All agendas and minutes of a meeting of Council or Section 41 Committees will be publicly displayed at the Principal Office at 1 Bay Road, Victor Harbor until the completion of the meeting. These documents are also available on Council's website at www.victor.sa.gov.au.

The agenda can be accessed at least three clear days prior to the meeting and minutes are published within five clear days after the meeting.

Council's *Code of Practice for Access to Meetings and Documents* provides further detail in relation to public access of Council documents.

The dates of all Council and Committee meetings are published on Council's Website.


3.2 Council Meetings

Ordinary Council Meetings are currently held on the fourth Monday of each month commencing at 5.30pm (or the next business day in the case of the Monday being a public holiday) in the Council Chambers of the Principal Office at 1 Bay Road, Victor Harbor.

Council encourages members of the public to attend Council meetings. Ordinary and Special Council meetings held in the City of Victor Harbor Council Chambers are livestreamed, where possible, recorded and published in accordance with the *Live Streaming and Recording of Council Meetings Policy* and are able to be accessed via Council's website (excluding Confidential Items).

3.3 Council Committees

Committees are generally established by Council under *Section 41 of the Local Government Act 1999* or the *Planning, Development and Infrastructure Act 2016* and do not have any delegated decision-making power (unless specified otherwise by Council),



they are advisory in nature and their purpose is set out in each Committee Terms of Reference or Charter located on Council's Website.

Council must determine the membership and the reporting requirements of each of its key Committees. The Council encourages community participation by including community representation on its Committees.

The Key Section 41 Committees are listed below:

- **Audit Committee** is responsible for overseeing auditing, corporate governance and risk management
- **CEO Performance Review Committee** works with the Chief Executive Officer to establish relevant performance objectives and undertakes the annual formal review of the performance of the Chief Executive Officer
- **Disability Access and Inclusion Advisory Committee** assist Council in enabling people with a disability to engage in all aspects of community life and have equitable access to goods services and facilities.
- **Fleurieu Region Community Services Advisory Committee** assist to improve the quality of life, independence, and wellbeing of Fleurieu region communities. This committee supports a regional approach between the City of Victor Harbor, Alexandrina Council and District Council of Yankalilla.
- **Southern Communities Transport Scheme Advisory Committee** assist in addressing the needs of transport disadvantaged people by supporting a regional approach between the City of Victor Harbor and Alexandrina Council to the planning, development and coordination of services.
- **Recreation Centre Management Committee** provide advice to Council on the management of the City of Victor Harbor's Recreation Centre.

3.4 Council Advisory and Working Groups

Council has established a number of Advisory and Working Groups, to provide advice and guidance to Council on a variety of matters. These groups are not formal committees established under Section 41 of the *Local Government Act 1999*. The Advisory and Working Groups are:

- **Arts and Culture Advisory Group** has been established to assist Council to plan and support the implementation of the City of Victor Harbor Community Plan 2030 with initiatives that cultivate a vibrant community culture.

- **Heritage Advisory Group** has been established to provide advice on heritage related matters.
- **Renewable Energy Advisory Group** has been established to consider opportunities for the Council and the community to adopt renewable energy solutions that lead to reduced levels of carbon emissions, positive economic outcomes and secures Victor Harbor's energy future.
- **Victor Harbor Oval Planning Group** has been established to scope plans and costings for possible future development options of the Victor Harbor Oval and Surrounds in keeping with the Community Land Management Plan and the Recreation and Open Space Strategy 2017.
- **Agribusiness Working Group** has been established to provide advice to the committee on matters directly relative to agribusiness, primary production and rural affairs.
- **Boating Facilities Working Group** has been established to provide advice to the committee on boating and marine facilities for the City of Victor Harbor.
- **Recreation and Sport Grant Working Group** assess all applications received for the two rounds of Recreation and Sport Grant Funding and make recommendations to Council in relation to the applications.
- **Youth Advisory Committee** is a sub-committee of the Fleurieu Region Community Services Advisory Committee and provide advice on youth related matters including but not limited to being an advocate on behalf of the youth, contribute to the development of youth led initiatives, activities and events and assist Council to consult more broadly with the youth.

3.5 Subsidiaries

Council is a member of three regional subsidiaries - the Fleurieu Regional Aquatic Centre Authority (FRACA), the Fleurieu Regional Waste Authority (FRWA) and the Southern and Hills Local Government Association (SHLGA). A subsidiary is ultimately subject to the joint direction and control of its constituent councils. The objectives are to provide leadership and advocacy for member councils on regional issues.

The **Victor Harbor Horse Tram Authority** (the Authority) has been established as a single Council Subsidiary of the Council pursuant to *Section 42 of the Local Government Act 1999*. The Authority is governed by a board of management that is responsible for ensuring the Authority acts in accordance with its Charter and all other relevant legislation.

3.6 Other Committees

Council Assessment Panel has been established by Council in accordance with Section 83(1) of the *Planning, Development and Infrastructure Act 2016*. The Council Assessment Panel is a relevant authority in its own right and has delegated powers and functions under the *Planning, Development and Infrastructure Act 2016* including (but limited to) matters against which development must be assessed, performance assessed development, building consent, application and provision of information, outline consent.

Building Fire Safety Committee has been established in accordance with Section 157(17) of the *Planning, Development and Infrastructure Act 2016* to act as the appropriate authority to ensure the safety of building occupants and users by performing inspections to ensure building owners are maintaining appropriate fire safety standards within their buildings.

3.7 Delegations Register

The Chief Executive Officer has the delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee.

Council's Delegations Register reflects the delegated authority from the Council to the Chief Executive Officer (and subsequently any sub-delegations). The Delegations Register is available on Council's website.

4. Conduct of Meetings

The *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* apply to all Council and Council Committee meetings (with the exception of the Council Assessment Panel and the Building Fire Safety Committee).

Council's meeting procedures are recorded in its '*Code of Practice for Meeting Procedures*' available on the website. This document provides extracts from the *Local Government Act 1999* and the *Local Government (Meeting Procedures) Regulations 2013* in relation to meeting procedures. In addition, Council has adopted a *Code of Practice for Access to Meetings and Documents*, also available on its website www.victor.sa.gov.au or available for viewing or purchase at the Principal Office of the Council.

5. Services provided by Council

The following services are provided by Council, as required by legislation:

- Development of strategic management plans for the area including Long Term Financial Plan, Asset Management Plans and Annual Business Plan and Budget
- Determine the type, range and scope of projects to be undertaken by the Council.
- Establish policies and processes for dealing with complaints, requests for service, and internal review of Council decisions

- Development of appropriate policies, practices, reports and procedures of internal control and performance objectives.
- Establishment of an Audit Committee and Strategic Planning Committee and other Council Committees as required.
- Provision of administrative requirements such as supporting the elected Council.
- Planning, development and building assessment
- Environmental health services
- Regulatory services
- Fire prevention
- Dog and cat management

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 its community to ensure that Council resources are used equitably.

Council may also partner with other councils, private sector partners, Commonwealth or State Government departments to plan, fund and deliver services to local communities.

Examples of other services that Council provides are:

Libraries and free internet	Food safety inspections
Roads (local)	Footpaths
Stormwater drainage	Parks and gardens
Street lighting	On street parking
Traffic management	Reserves and picnic areas
Recreation facilities and centres	Ovals
Rubbish collection and disposal	Recycling
Information services	Skate parks
Community development programs	Arts and cultural programs
Community services such as Home and Community Care	Economic Development
Visitor Services	Community buses
Environmental management	Festivals and events
Youth Support Services	Caravan parks
Wetlands	Heritage support
Coast care and dune care projects	Business support
Dry zones	Landcare Programs
Crime prevention	Cycling tracks
Monitoring of insanitary conditions	Septic tank effluent disposal

6. Community participation

Members of the public are able to participate and have opportunities to bring matters to the attention of the Council as follows:

6.1 Council and Council Committee Meetings

Members of the public are encouraged to attend Council or Council Committee Meetings. Agenda for Council and Committee meetings are provided on Council's website or available for viewing at the Principal office.

6.2 Briefing Sessions

A Briefing Session may be held between Council Members and/or Council Employees.

The purpose of the Briefing Sessions is to discuss a matter that will or is intended to be on the Agenda of an Ordinary Council Meeting or a Council Committee Meeting.

Briefing Sessions will be advertised on Council's website and where a session is closed to the public, an explanation will be provided on the Agenda.

6.3 Deputations to Council

A deputation is a person or group of persons (up to 3) who wish to appear personally before Council in order to address the Council on a particular matter that is relevant to the Council. With the written permission of the Presiding Member of the Committee or the Mayor for Council meetings, a member of the public can address a Committee or the Council personally on behalf of a group of residents/ratepayers, individual and/or community group. Each deputation is allowed a maximum of 10 minutes to make their presentation on any item that is relevant to Council and/or committee. For more details refer to the *Code of Practice for Meeting Procedures*.

6.4 Petitions

Petitions can be submitted to 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 principal office. A form to assist petitioners with the requirements of sending in a petition is available on Council's website. For more details refer to the *Code of Practice for Meeting Procedures*.

6.5 Questions from the Gallery

Members of the public are able to ask a question from the gallery at a Council meeting. For more details refer to the Council's *Code of Practice for Meeting Procedures* document on the website.

6.6 Written Requests

Members of the public can write to Council on any service or activity of the Council and provide feedback through Council's website.

6.7 Council Members

Members of the public can contact a Council Member to discuss any issue relevant to Council. Contact details for Council Members can be found on Council's website:

www.victor.sa.gov.au/councilmembers

7. Community Consultation

The City of Victor Harbor 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. For more details refer to the *Public Consultation Policy* on the website.

Council uses a range of communications and engagement tools to promote opportunities to get involved, inform of projects and consult with its community. Some examples of these tools include fact sheets and frequently asked questions, advertisements, media releases, direct email, e-newsletters, City of Victor Harbor website. Your Say Victor Harbor online engagement hub, surveys, listening posts, social media, public meetings, focus groups and kitchen conversations kits.

Examples where Council will seek consultation include:

- Development and review of its Strategic Management Plans, Annual Business Plan and Budget, Long Term Financial Plan and Infrastructure and Asset Management Plans
- Proposals for major infrastructure or community asset development
- Major roadworks that affect the broader community
- Classification of community land
- Permanent Road Closures under the Local Government Act or the Road Traffic Act.
- Preparation of stormwater management plan
- Significant vegetation clearance
- Policy development of a substantive nature
- Initiating and coordinating special events and celebrations
- Making a Council by-law
- Council Boundary reviews

Community consultation or notification also occurs on matters associated with development in the area as prescribed in the *Planning, Development and Infrastructure Act 2016*.

8. Access to Council Documents

Council documents including policies, strategies and other documents are available for public inspection at the Civic Centre, 1 Bay Road, Victor Harbor or at www.victor.sa.gov.au, without requiring to lodge a Freedom of Information application.

8.1 Registers

The *Local Government Act 1999*, requires Councils must make public available the following registers and are available on council's website:

- Members Register of Interests – Section 68
- Member Register of Allowances and Benefits – Section 79

- Confidential Items Register – Section 90
- Register of Salaries – Section 105
- Fees and Charges Register – Section 188
- Community Land Register – Section 207
- Register of Public Roads – Section 231
- Register of By-laws – Section 252
- Register of Internal Reviews – Section 270

8.2 Council Policy Documents

Council has adopted several Policies, Strategic Plans and Documents which are available on council's website.

Any new Policy adopted by Council after publication of this statement will be similarly available.

Members of the public, who wish to inspect or purchase copies of the above documents should contact the Council during ordinary office hours 9.00am to 5.00pm Monday to Friday on 8551 0500 at 1 Bay Road, Victor Harbor. Fees are set out in Council's Fees and Charges Register. Council documents available on [Council's website](#).

8.3 Documents available for inspection

The following documents are made available on Council's [website](#) (*within a reasonable time after they are available at the Council Office in accordance with Section 132 of the Local Government Act 1999*). In addition to those documents prescribed by legislation, Council makes available all key documents on its [website](#) for public convenience, these include Strategic Management Plans, documents and reports to Council and Council Committees and Council Policies.

- Council and Council Committee agendas and minutes (except any confidential items made under *Section 90 of the Local Government Act*)
- Codes of conduct or codes or practice adopted by the Council under this Act or the *Local Government (Elections) Act 1999*
- Council's contract and tender policies, public consultation policy and order making policies
- Council's draft Annual Business Plan and Budget, Annual Business Plan and Budget and summary of the Annual Business Plan required under *Chapter 8 Part 2 of the Local Government Act 1999*
- Council's budget
- Fees and Charges Register imposed by the Council
- By-laws made by Council and any determination in respect of a by-law made under *Section 246(3)(e)*

8.4 Other Documents to be made available (in addition to Local Government Act)

- Agenda and Minutes of Council's Assessment Panel
- Register of Land Management Agreements (in accordance with the Development Regulations)
- Register of Development Applications up to March 2021, now transferred to the Plan SA website at www.plan.sa.gov.au
- Documents relating to approved development (in accordance with the relevant consents and/or copyright obligations)
- Planning and Design Code
- Rates Policy Summary (refer to Annual Business Plan)

Enquiries should be directed to Customer Service for all:

- Council/Committee documents eg Agenda, Minutes, Reports
- Policy Documents, Codes and Registers
- Freedom of Information enquiries
- Public consultation enquiries
- Development enquiries
- For enquiries in relation to this document contact the Governance and Policy Officer

9. Freedom of Information (FOI) Requests

Requests for information other than that provided above will be considered in accordance with the *Freedom of Information Act 1991* which gives individuals the right to access documents (subject to certain restrictions) that are within the Council's possession. It also allows for the amendment of documents which contain personal information that is incomplete, incorrect, out of date or misleading.

9.1 Requirements for submitting a Freedom of Information 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 *Freedom of Information Act 1991* the application must:

- Be in writing, preferably on the form provided on Council's website;
- Specify that it is made under the *Freedom of Information Act 1991*; and
- Be accompanied by the application fee as prescribed on the form; and
- 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 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.

9.2 Fees

Fees will be determined by the accredited Freedom of Information Officer in accordance with the *Freedom of Information (Fees) Notice 2023*.

Fees will be waived for concession card holders or persons under financial hardship.

The *Freedom of Information (Fees) Notice 2021* currently provides the fee structure as follows (also refer Council's Fees and Charges Register on Council's website):

Application fee	\$40.75
For each 15 minutes spent by Council	\$15.40
For dealing with an application for access to Councils documents in the case of a document that contains information concerning the personal affairs of the applicant.	For the first two hours spent in dealing with the application – no charge For each subsequent 15 minutes spent by Council \$15.40
In addition to the fees specified above the following fees are payable in respect to the giving of access to a Council document.	
Where access is given in the form of a photocopy of the document (per page)	\$0.25cents/per page
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 Council in producing the copy
On application for review by the Council of a determination made by the Council under Part 3 (Section 29(2)(b)) of the Act	\$40.75

The Accredited 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 *Freedom of Information Act 1991* is subject to the exceptions and exemptions necessary to protect essential public interests and the private and business affairs of persons.

10. Definitions

Accredited Freedom of Information Officer means the principal officer of the agency; or an officer of the Council who has completed training of a type approved by the Minister for an accredited Freedom of Information Officer; and has been designated by the principal officer of the agency as an accredited Freedom of Information Officer for the agency.

Agency means the Council

Agenda means a list of items of business to be considered at a meeting.

Council means the City of Victor Harbor, which includes the Elected Body

Council Member means a person appointed or elected as a councillor of a Council under the *Local Government Act 1999*

Principal Officer means the Chief Executive Officer of the City of Victor Harbor

Policy Document means:

- (a) a document containing interpretations, rules, guidelines, statements of policy practices or precedents; or
- (b) a document containing a statement of the manner, or intended manner, of administration of any legislative instrument or administrative scheme; or
- (c) a document describing the procedures to be followed in investigating any contravention or possible contravention of any legislative instrument or administrative scheme; or
- (d) any other document of a similar kind

that is used by the agency in connection with the exercise of its functions as it affects or is likely to affect rights, privileges or other benefits or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject, but does not include a legislative instrument.

11. Document History

Version	Issue Date	Adopted by	Description
1.0	1 July 2017	SMT	Adopted Freedom of Information Statement
2.0	16 July 2018	SMT	Annual Review
3.0	19 August 2019	SMT	Annual Review
4.0	6 July 2020	SMT	Annual Review and endorsement of Freedom of Information Statement
5.0	12 July 2021	SMT	Annual Review and endorsement of Freedom of Information Statement
6.0	13 July 2022	SMT	Annual Review and endorsement of Freedom of Information Statement
7.0	26 June 2023	SMT	Annual Review and endorsement of Freedom of Information Statement

12. Document Control

Policy Category	Statutory
Department/Officer	Office of Chief Executive Officer/Governance and Policy Officer
Applicable Legislation	Freedom of Information Act 1999
Related Policies	Nil
Date Adopted	1 July 2017
Next Review	1 July 2024
Review Frequency	At least once every financial year