Freedom of Information Statement

This Freedom of Information Statement is published by Berri Barmera Council (Council) in accordance with 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 Government agencies such as councils.

An updated Information Statement is published on Council's website at www.berribarmera.sa.gov.au and in Council's Annual Report at intervals of not more than 12 months.

Structure of Council

Council and meeting procedures

The Council consists of the Mayor and 8 Elected Members who represent residents and ratepayers in the Council area.

Council is the body corporate as constituted under the *Local Government Act 1999* (the Local Government Act) and 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-maker 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 at the Principal Office, 5 Riverview Drive, Berri and commence at 6.00pm on the fourth Tuesday of each month. All meetings are open to the public, with the exception of any matters subject to an order of confidentiality (section 90 of the Local Government Act 1999). From time to time a

special meeting may be called. Notices of all meetings of the Council and its Section 41 Committees are available at the Council office and on Council's website.

One of the main opportunities for the community to gain information about the Council business is through the agendas and associated reports prepared for Council and committee meetings. The Notice and Agenda for an Ordinary Council meeting are publicly available at least three (3) clear days before the meeting. Minutes are published on Council's website within five (5) days after the meeting, subject to any confidentiality requirements. Printed copies can be provided on request from Council's principal office 5 Riverview Drive, Berri subject to payment of a fee fixed by the Council

Council committees and subsidiaries

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

- to assist the Council in the performance of its functions.
- to inquire 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.

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 make recommendations to Council and meet at intervals determined through their Terms of Reference which are available on Council's website.

Meetings of a committee are open to the public with the exception of any matters subject to an order of confidentiality (section 90 of the Local Government Act 1999). Public notification of meetings is made in the same way as Council meetings.

Chapter 6 of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013 along with Council's Code of Practice Procedures at Meetings prescribe the way Council and Committee meetings are to be conducted.

Section 41 committees:

Pursuant to section 41 of the Local Government Act 1999, Council has established committees to assist in the performance of its functions and provide advice and recommendations to Council.

Council has established the following section 41 committees:

- Audit and Risk Committee - provides independent advice to Council on financial management, audit, internal controls, risk management and governance.

- Land, Property, Grants and Awards Committee – Considers land and property matters, including leases, licences and Community Land Management Plans and considers community grants and awards programs and applications before making recommendations to Council.
- Growth, Infrastructure, Strategy and Planning Committee – Considers strategic matters relating to infrastructure, asset management, planning and economic development, and makes recommendations to Council.
- CEO Review Panel Committee - Oversees the recruitment, appointment and performance management of the Chief Executive Officer and makes recommendations to Council.

Other Statutory Bodies

Riverland Regional Assessment Panel
The Riverland Regional Assessment Panel was constituted by the Minister for Planning under the Planning, Development and Infrastructure Act 2016 and undertakes development assessment functions for the Berri Barmera Council, Renmark Paringa Council and the District Council of Loxton Waikerie

Subsidiaries
Pursuant to section 43 of the Local Government Act 1999, Council participates in regional subsidiaries with other councils to deliver shared services, undertake regional initiatives and perform functions more effectively on behalf of their constituent councils.

Council currently participates in the following regional subsidiaries:

Riverland Regional Waste Management Authority – Established by the Berri Barmera Council, District Council of Loxton Waikerie and Renmark Paringa Council to provide regional waste management services including waste disposal, resource recovery and the delivery of efficient waste management initiatives across the region.

Murraylands and Riverland Local Government Association – Represents member councils across the Murraylands and Riverland region by promoting regional collaboration, advocacy, strategic planning, resource sharing and the delivery of projects and initiatives that benefit local communities.

Regional Collaboration
Council works collaboratively with neighbouring councils through regional partnerships and initiatives, including the G3 Councils (Berri Barmera Council, Renmark Paringa Council and the District Council of Loxton Waikerie) to deliver shared projects, advocate for regional priorities and improve service delivery.

Delegations
The Council exercises a range of statutory powers and functions under the Local Government Act 1999 and other legislation. To support the efficient administration of Council's responsibilities, certain powers and functions are delegated to the Chief Executive Officer in accordance with the relevant legislation. The Chief Executive Officer may further subdelegate powers where authorised by the legislation.

Council's Register of Delegations records the powers and functions delegated by Council and any sub-delegations made by the CEO. The Register is reviewed periodically and following each ordinary local government elections. The Register is available for inspection at Council's principal office during normal business hours and is also available on Council's website.

Functions of Council

Pursuant to section 7 of the Local Government Act, the functions of the Council include:

a) planning for the current and future development and requirements of its area;

b) providing services, facilities, infrastructure and programs for the benefit of the community;

c) determining the appropriate financial contribution to be made by ratepayers to Council resources;

d) promoting the welfare, well-being and interests of its community;

e) protecting the area from natural and other hazards;

f) managing, protecting, and enhancing the environment in an ecologically sustainable manner

g) promoting economic development, business, commerce, industry and tourism;

h) establishing or supporting organisations and programs that benefit the community or local government generally;

i) managing and developing public assets and resources;

j) undertaking the functions and activities conferred on Council under the Act and other legislation.

In performing its functions, Council acts in accordance with the principles set out in section 8 of the Act. These principles include providing open, responsive and accountable government; responding to the needs of the community; working collaboratively with other councils and governments; supporting sustainable development; delivering services, facilities and programs efficiently and equitably; managing Council resources responsibly; maintaining high standards of public administration; and ensuring Council's long-term financial sustainability. Whilst the majority of the functions of the Council are set out in the Local Government Act, Council exercises powers and performs functions under a range of other legislation including the:

- Planning, Development and Infrastructure Act 2016;
- South Australian Public Health Act 2011;
- Food Act 2001;
- Road Traffic Act 1961; and

- Dog and Cat Management Act 1995.

Council's functions affect members of the public through the delivery of services, facilities, infrastructure and programs for the benefit the community. Council is required to use its resources fairly, effectively, and efficiently and to provide equitable access to its services, facilities and programs.

Council's decisions may affect the community as a whole or individual members of the public through its responsibilities for the government and management of its area, including planning and development, public health, environmental management, infrastructure, roads, regulatory functions, and the provision of community services.

Council also imposes rates and charges in accordance with the Act to fund services, facilities and activities it provides. Decisions relating to rates and charges may affect ratepayers and the wider community in different ways.

Public Participation

Members of the public have a number of opportunities to participate in Council's decision-making processes and express their views on matters within Council's responsibilities including:

- **Attendance at public meetings** – Members of the public are welcome to attend Council and committee meetings that are open to the public.
- **Deputations to Council** – A person or group may make a written request to address the Council by way of a deputation in a Council meeting for up to 10 minutes. Further information is available from Council's Governance Officer on 8582 1922.
- **Petitions** – Written petitions may be presented to Council on matters within its responsibilities. Information about preparing and submitting a petition is available on Council's website
- **Contacting Council Members** – Members of the public may contact the Mayor or Elected Members to discuss matters relating to Council. Contact details are available on Council's website.
- **Written Requests** – Members of the public may write to Council regarding any Council policy, activity or service by emailing bbc@bbc.sa.gov.au or writing to Council's principal office.
- **Community Engagement** – Council is committed to open, transparent and accountable decision making. Community engagement is undertaken in accordance with Council's Community Engagement Policy which outlines how Council will consult with the community and encourage participation in planning and decision making. The policy is available on the Council's website.

Access to Council Documents

Documents held by Council

Council is committed to providing access to information in accordance with the Freedom of Information Act 1991, the Local Government Act 1999 and other applicable legislation.

Many Council documents are publicly available without the need to make a formal application under the Freedom of Information Act 1991. Members of the public are encouraged to contact Council to discuss their information needs, as the requested information may already be available.

Council maintains a number of information systems to support its operations and the management of Council records including:

Records Management System - Council uses Synergy as its primary electronic records management system to capture, manage and store its official records. Some records may also be maintained in physical format where appropriate.

Land and Property Information System - Council maintains a land and property information system containing information relating to properties within the Council area including property ownership, valuations and rates information, where permitted by law.

Council Policies and public documents available for inspection

Council makes a range of documents publicly available through its website at www.berribarmera.sa.gov.au. Printed copies may be provided on request, subject to payment of a fee fixed by Council.

Policies

In accordance with section 9(3)(a) of the Freedom of Information Act 1991, the following Council policy documents are available:

- Access to Council and committee Meetings and Documents Code of Practice
- Asset Accounting Policy
- Asset Management Policy
- Behavioural Management Policy
- Budget Framework Policy
- Support (Business and Residential Development) Policy
- Camping, Caravanning and Recreational Vehicle Policy
- Children and Vulnerable Persons' Safety Policy
- Citizenship Ceremonies Policy
- CEO Performance Review Policy
- (CCTV) Closed Circuit Television Policy
- Code of Conduct – Council Employees
- Code of Practice Meeting Procedures Policy

- Community Grants and Assistance Policy
- Community Group Loans Policy
- Community Wastewater Management Scheme (CWMS) Policy
- Community Engagement Policy
- Confidentiality Provisions – Code of Practice
- Council Members Access to Information Policy
- Council Representation and Delegations Policy
- Credit Card Purchasing Policy
- Debt Recovery Policy
- Delegations Policy
- Deputy Mayor | Chairperson Council Committees Policy
- Disposal of Land and Assets
- Driveways (Crossings) Policy
- Elected Member – Electronic Communication and iPad Policy
- Elected Member Training Policy
- Elected Members and Committee Members – Code of Conduct
- Elected Members Records Management Policy
- Elected Member Support Policy
- Elections – Caretaker Policy
- Elections Casual Vacancy Policy
- Electronic Communications Policy
- Emergency Management Policy
- Fees and Charges Policy
- Financial Hardship (CWMS) Policy
- Fines Rates Recovery Policy
- Firearms Policy
- Flag Flying Policy
- Food Business Inspection Policy – Food Act 2001
- Footpath Construction Policy
- Fraud Corruption Misconduct Maladministration Prevention Policy
- Full Cost Attribution Policy
- General Ledger Policy
- Grants Policy
- Horse Riding on Council Land (Lake Bonney) Policy
- Informal Gathering Policy
- Internal Control Policy
- Kerbside Waste, Recycling and Green Waste Service Policy
- Land Development Infrastructure Guidelines Policy
- Lease, Licences and Permits Policy
- Library Collection Development Policy
- Library Conditions of Use Policy
- Managing Elected Members – Code of Conduct (Breach of Code) Complaints Procedure
- Mayor Chairpersons Seeking Legal Advice Policy

- Media and Communications Policy
- Meetings (Access to) Code of Conduct
- Memorial and Plaque Establishment Policy
- Memorial and Plaque Establishment Procedure
- Mobile Temporary Vending Policy
- Order Making Policy
- Outdoor Dining Policy
- Permit Parking Policy
- Petty Cash Policy
- Petty Cash Procedure
- Rating Policy
- Privacy Policy
- Private Works Policy
- Procurement Policy
- Prudential Management Policy
- Public Interest Disclosure Act 2018 Policy
- Public Interest Disclosure Model Procedure
- Rate Capping Rebate Policy
- Rate Rebate Application Form
- Rate Rebate Policy
- Rate Remission Policy
- Rate Remission Application Form
- Rates Charges Financial Hardship
- Review of Council Decisions (including Handling Complaints) Policy
- Risk Management Policy
- Road and Street Naming Policy
- Road and Street Naming Procedure
- Roads (Construction of Unmade Roads) Policy
- Rural and Urban Addressing Policy
- Signage (Community / Town Entrance / Tourism / Real Estate Signs) Policy
- Treasury Management Policy
- Trees Township and Rural Policy
- Unclad Bathing Policy
- Unreasonable Complainant Conduct Policy
- Unsolicited Proposal Application Form
- Unsolicited Proposal Policy
- Unsolicited Proposal Procedure
- Use of Body Worn Cameras Policy
- Use of Body Worn Cameras Procedure
- Roads (Valuation of Land Under Roads) Policy
- Vaughan Terrace War Memorial Policy
- Motor Vehicle Policy
- Volunteer Management Policy
- Water Trading Policy

Other documents available for inspection

In addition to Council policies listed above, the following documents are also available for public inspection:

- By-Laws;
- Codes;
- Strategic Management Plans
- Annual Report
- Annual Business Plan and Budget
- Long Term Financial Plan
- Infrastructure and Asset Management Plan
- Audited Financial Statements
- Register of Allowances and Benefits
- Register of Training and Development (Council Members)
- Register of Gifts and Benefits
- Schedule of Fees and Charges;
- Register of Community Land
- Register of Delegations
- Register of Public Roads;
- Register of Salaries
- Register of Confidential Items
- Council and Committee meeting Notices, agendas and minutes, reports, attachments (non-confidential)
- Extract of Assessment Book
- Campaign Donation Returns
- Development Application Register (available via the PlanSA portal. Development application records lodged before March 2021 may be available from Council, subject to applicable legislative requirements and copyright restrictions.)
- Planning and Design Code Amendments (via PlanSA portal)
- Voters Roll (available for inspection only. Free of charge at the Council office. Copies are only available to nominated candidates during a local government election period in accordance with the Local Government (Elections) Act 1999).
- Representation review papers and reports;
- Schedule of Council and committee meeting dates
- Community Land Management Plans
- Procedures for the Internal Review of Council decisions and reports prepared under section 270(8)
- Regional subsidiary charters.

The current versions of these documents are available on Council's website at www.berribarmera.sa.gov.au unless otherwise indicated.

General inquiries regarding access to Council documents may be made by emailing bbc@bbc.sa.gov.au or phoning 08 8582 1922.

Freedom of Information Application Fees and Processing Charges

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

Freedom of Information Officer

PO Box 229

BERRI SA 5343

An Application Form is available on Council's website or from the State Records South Australia website https://www.archives.sa.gov.au/finding-information/sa-government-information/making-a-freedom-of-information-application

Requests for information not publicly available will be considered in accordance with the Freedom of Information Act 1991. An application under the Freedom of Information Act must:

- be in writing
- state that it is made under section 13 of the Freedom of Information Act 1991;
- provide sufficient information to enable the requested documents to be identified.
- specify an address in Australia to which notices may be sent and
- be lodged with Council together with the prescribed application fee (unless the fee is waived or remitted)

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 within the timeframes prescribed by the Freedom of Information Act 1991. 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.

Applications must be made in accordance with the requirements set out in the FOI Act and will be determined by an accredited Freedom of Information Officer on behalf of the Council. Where required by the Act, the Council may consult with third parties before making a determination. Applicants will be notified in writing of Council's decision and advised of any rights of internal and external review.

In addition to the application fee, fees and charges may apply for processing an application in accordance with the FOI Act 1991 and FOI (Fees and Charges) Regulations.

If the Council considers that the cost of processing an application is likely to exceed the application fee, it may require the payment of an advance deposit. Any request for a deposit will include details of how the amount has been calculated. Where

appropriate, the accredited FOI Officer will work with the applicant to clarify or refine the scope of the application to assist in minimising processing costs.

Amendment of Council Records

A person who has been given access to a Council document may apply under the FOI Act to have information concerning their personal affairs amended where the information is used by Council in connection with its administrative functions and is incomplete, incorrect, misleading or out of date.

Applications for amendment of personal records must be made in accordance with the requirements of the FOI Act and submitted to Council's accredited Freedom of Information Officer.

There is no application fee and no processing charge for the first two hours spent dealing with the application. Where a significant amendment to personal records is made and the error was not caused by the applicant, any fees and charges paid in relation to the original access application will be refunded.

Fees and Charges

Application fees and processing charges are prescribed under the Freedom of Information Act and the Freedom of Information (Fees) Notice 2026 and are reviewed periodically by the State Government.

As at 1 July 2026, the application fee is $44.70. Processing charges may also apply depending on the nature and complexity of the application. No application fee is payable by current concession card holders or where payment of the fee would cause financial hardship. Council may also waive, reduce or remit a fee in accordance with the Act and Regulations.

If the estimated cost of processing an application is likely to exceed the application fee, Council may require payment of an advance deposit.