City of Port Lincoln
Seafood Capital of Australia

FREEDOM OF INFORMATION STATEMENT 2026-2027

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This Freedom on Information Statement is published by the City of Port Lincoln in accordance with the requirements of the Freedom of Information Act 1991 Section 9(1a). An updated Information Statement will be published on Council's Website each financial year.

1. PURPOSE

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by the 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.

2. STRUCTURE & FUNCTIONS OF COUNCIL

"Council" is the body corporate consisting of elected members as constituted under the Local Government Act 1999. The Council consisting of nine Councillors and the Mayor, is the decision-making body on all policy matters. 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 resource in a socially just and ecologically sustainable manner; and

c) to encourage and develop initiatives within its community for improving the quality of life of the community; and

d) to represent the interests of its community to the wider community; and

e) to exercise, perform and discharge the powers, functions and duties of local government under the Local Government Act and other acts in relation to the area for which it is constituted. (Section 6 of the Local Government Act)

3. FULL COUNCIL AND PROVISIONS FOR MEETING PROCEDURES

Ordinary meetings of the Council are held in the Council Chambers, commencing at 6.30pm on the third Monday of every month (except public holidays when meetings are held on the following Tuesday).

All meetings of Council are open to the public, with the exception of any matters subject to an order of confidentiality. Notices of all meetings of Council and its Committees are available on the Council Website www.portlincoln.sa.gov.au. A person or group who wishes to appear before a Council meeting may make an application to make a presentation or deputation to speak on a particular matter. A request for a deputation or a presentation should be made in writing and received via email addressed to the Executive Assistant by midday on the Monday preceding a Council or Committee meeting at which the person or group wishes to appear.

One of the main opportunities for the community to gain information about the business of Council is its agendas and associated reports prepared for Council and Committee meetings. Meeting Agendas and all reports which form the basis of recommendations to Council and Committees, are available to the public. The Agendas of Ordinary Council, Eyre Peninsula Regional Assessment Panel and committees established pursuant to Section 41 of the Local Government Act are published on Council's website at www.portlincoln.sa.gov.au or can be viewed at the Council's Civic Centre Administration office no less than three days prior to those meetings.

Minutes are available for inspection by the public at the Civic Centre administration office within five days of the meeting being held and are published on Council website at www.portlincoln.sa.gov.au.

4. COUNCIL COMMITTEES AND SUBSIDIARIES

Council has established a number of committees under *Section 41 of the Local Government Act 1999* and the *Planning, Development and Infrastructure Act 2016.* These committees support Council in performing its functions. Some committees are advisory in nature and do not have delegated decision-making powers, while others, such as the Eyre Peninsula Regional Assessment Panel, operate with delegated authority under the relevant legislation.

The membership of all Council Committees and their Terms of Reference are determined by Council and reviewed annually in accordance with Council's decision-making structure. Council Committee meetings take place on a scheduled basis as determined within their Terms of Reference.

Chapter 6 of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013 prescribe the way meetings of a Council and its Committees are to be conducted.

The details of Council's current and past committees, including Terms of Reference, Agendas and Minutes, can be found on Council's website.

Committees established under section 41 of the *Local Government Act 1999*

- Audit & Risk Committee
- CEO Review Committee
- Ravendale Sporting Precinct Management Committee

Committees established under the *Planning, Development and Infrastructure Act 2016*

- Eyre Peninsula Regional Assessment Panel
- Building Fire Safety Committee

4.1. Audit & Risk Committee

The Audit and Risk Committee membership comprises of two (2) Councillors and three (3) independent members (appointed by the Council) and shall meet at least four times per year on such dates, times and places as the Committee may determine and may hold additional meetings as otherwise required by the Committee or the Council.

Members of the public can attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the Local Government Act 1999.

The Committee is established for the specific purpose of providing independent assurance and advice to the Council on accounting, financial management, internal controls, risk management and governance matters.

4.2. Chief Executive Officer Review Committee

The Chief Executive Officer Review Committee membership comprises the Mayor and four Councillors and shall meet at least once per year on such dates and at such times as the Committee determines at the City of Port Lincoln Council Chambers, Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln.

Members of the public can attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the Local Government Act 1999.

The Committee is established to fulfil the following functions:

- Appraise the performance of the Chief Executive Officer (the Officer) annually using a formal performance appraisal methodology;
- Set performance indicators and objectives based on the objectives included in the position description;
- Review the Officer's remuneration in accordance with the contract of employment on an annual basis;
- Prepare a report for Council on the outcomes of the annual appraisal and include recommendations in respect to the remuneration review; and
- To do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed.

4.3. Ravendale Sporting Precinct Management Committee

The Ravendale Sporting Precinct Management Committee is an advisory committee of the Council and was established to provide advice to the Council in relation to the efficient, equitable and proper management of the Ravendale Sporting Precinct.

The committee comprises two employees of the Council (as appointed by the Council, including the Chief Executive Officer, and two representatives from each of the Stakeholder Groups identified in Schedule 1 of the Terms of Reference).

The committee shall meet at least four times per year and may hold additional meetings as resolved by the committee or otherwise required by the Council. Meetings will be held on such dates, times and places as the committee may determine by resolution, or in the absence of a resolution as determined by the presiding member.

Members of the public can attend all meetings of the committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the Local Government Act 1999.

Agendas and minutes of the meeting are available for inspection (without charge) at the Council office and a copy of the documents can be obtained on payment of a fixed fee by Council.

4.4. Eyre Peninsula Regional Assessment Panel

Operating under the Planning, Development and Infrastructure Act 2016 (PDI Act), the Eyre Peninsula Regional Assessment Panel (EPRAP) comprises ten council areas being, the City of Port Lincoln, the District Council of Ceduna, District Council of Cleve, District Council of Elliston, District Council of Franklin Harbour, District Council of Kimba, Lower Eyre Council, District Council of Tumby Bay, District Council of Streaky Bay and Wudinna District Council. The EPRAP is the relevant authority for considering qualifying Development Applications within the 10 council areas and consists of five independent members who are accredited planning professionals.

The City of Port Lincoln acts as the host Council and Assessment Manager for a further five-year term.

The role of the EPRAP is to make decisions on planning applications, as required, in accordance with the relevant Planning policy. All members have a keen interest in community planning and have comprehensive knowledge of the relevant legislation under which their decision making is guided. All members have the appropriate qualifications and/or experience required to undertake a development assessment role.

The role of the Assessment Manager is to manage the staff and operations of the Panel and to provide advice to the Panel as appropriate.

EPRAP meetings are open to the community and are scheduled for the second Monday of every month at 5.30pm, or on an as need basis, at the City of Port Lincoln Council Chambers, Level One, 60 Tasman Terrace, Port Lincoln, with the Agenda being available on the participating councils' websites four (4) days prior to the meeting.

The EPRAP came into operation on 31 July 2020.

4.5. Building Fire Safety Committee

Pursuant to Section 157(17) of the Planning, Development and Infrastructure Act 2016 (PDI Act), the Council has established a body known as the City of Port Lincoln Building Fire Safety Committee (BFSC).

The Building Fire Safety Committee is established for the purpose of acting as the "appropriate authority" (as that term is defined in the PDI Act) in respect of all fire safety matters arising under the PDI Act. The Building Fire Safety Committee comprises of three members and meets at least twice per year on such dates and times as the Committee determines at the Council Office, Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln or at such other places as the Committee may from time to time determine.

Members of the public are unable to attend the meetings of the Committee due to the sensitive nature of matters.

The Committee's responsibilities and functions are to:

- Scrutinise the fire safety of buildings that have been identified as having inadequate fire safety provisions;
- Issuing Notices of Fire Safety Defects to building owners;
- Forward advice on fire safety notices to the Council administration for inclusion in Section 7 enquiries; and
- Negotiate cost effective performance solutions with a building owner to reduce fire safety risk to an acceptable level.

5. ADVISORY & PROJECT MANAGEMENT TEAMS

Council may establish Boards and Advisory bodies, which comprise Elected Members, Staff, Government Officers and members of the public, to act in a range of advisory roles.

Council determines when the composition, structure and Terms of Reference of these teams are reviewed either by a resolution of Council or by the adopted Terms of Reference except after each periodic election when the newly elected Council is required to re-establish any committees, boards and advisory panels and determine the composition, structure and Terms of Reference.

6. DELEGATIONS

The Chief Executive Officer (CEO) has delegated authority from Council to make decisions on specified administrative and policy matters. The Chief Executive Officer may sub-delegate to an employee or a Committee. Council's Delegations Register reflects the delegated authority from the Council to the CEO, (and subsequently any further sub-delegations). The Delegations Register is reviewed by Council within 12 months of an election period or as required on changes to legislation or Council operations.

The delegations register is available to be viewed by the public at the Council Administration Office, Level One 60 Tasman Terrace Port Lincoln, during ordinary working hours or via Council website www.portlincoln.sa.gov.au/documents/registers.

7. FUNCTIONS OF THE COUNCIL

The functions of Council are prescribed in the Local Government Act 1999, Section 7 as listed below:

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 (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 the Act.

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

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

8. SERVICES PROVIDED BY COUNCIL

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.

Other core services provided by Council include:

- Animal Management
- Civic Events
- Community Development & Engagement

- Community Facilities
- Community Safety
- Emergency Management
- Financial Management
- Infrastructure
- Land Use Planning
- Library Services
- Parking Control
- Parks, Gardens & Reserves
- Public & Environmental Health
- Rates and Assessments
- Records Management
- Recycled Water Management
- Road Construction & Maintenance
- Sport & Recreation Facilities
- Strategic Planning & Governance
- Visitor Information and Tourism
- Waste & Recycling

For further information on Council services, refer to Council's Annual Report.

9. PUBLIC PARTICIPATION

Members of the public can attend Council or Council Committee meetings to listen to proceedings (other than confidential items). The community (and or individuals) have a number of opportunities to put forward their views on particular issues to the Council and/or Council Committee meetings. These include:

Deputations to Council - Deputations or presentations provide an opportunity for an organisation, or member of the public to provide a Committee or the Council with information relevant to a matter currently under consideration. The process for making a deputation is as per Council Policy 18.63.2 Code of Practice Council and Committee Meetings.

Petitions – Written petitions can be addressed to the Council on any issue within the Council's jurisdiction. The processes for handling of petitions received are as per Council Policy 18.63.2 Code of Practice Council and Committee Meetings.

Council Members – Members of the public can contact Members of the Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's website www.portlincoln.sa.gov.au.

Feedback & Requests – Members of the public can write to Council on any Council policy, activity, project or service or complete a Customer Feedback/Complaints form or Report an Issue available on Council's the website.

For further information regarding meeting procedures, refer to Council Code of Practice policies 18.63.1 Code of Practice Access to Meetings and Documents and 18.63.2 Code of Practice Council and Committee Meetings.

10. COMMUNITY CONSULTATION

The City of Port Lincoln is committed to open, honest, accountable and responsible decision making. Council's Community Engagement Policy, which is available on Council's website, 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.

Council invite community participation as per Council's Community Engagement Policy 2.63.1, on a range of Council activities, including but not limited to:

- Strategic Plans/Vision;
- Major Project Plans;
- Annual Business Plan/Budget;
- Community land proposals;
- Council policies;
- Council by-laws.

11. ACCESS TO COUNCIL DOCUMENTS

Many of Council's corporate documents are available on the website for viewing or downloading free of charge. This includes Council and Committee Agendas and Minutes, Policies, By-Laws, Codes of Conduct, Registers, Annual Reports, Financial Statements, Budget documents and Strategic planning documents. Other documents and registers can be viewed at the Council administration Office during ordinary business hours and copies of documents or extracts of documents may be purchased at Council's administration office Level 1, 60 Tasman Terrace, Port Lincoln, for a fee. A full list of Council policies can be found on Council's website - Policies of Council.

Most information and documentation held by Council is available for public viewing and is readily available without recourse to the Freedom of Information Act and we invite you to discuss your information needs with us. It must be noted that some documents may only be available subject to an application under the requirements of the Freedom of Information Act, 1991.

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

Council's Land and Property Information system contains property-related information (valuation, rates, ownership details) on each property in the City of Port Lincoln Council area.

12. OTHER INFORMATION REQUESTS

Requests for other information not publicly available will be considered in accordance with the Freedom of Information Act 1991.

Freedom of Information applications should be submitted using the correct application form and need to provide sufficient information to enable the correct documents to be identified. Application forms are available from the State Records Website.

Application forms must be in writing and must specify that it is made under Section 13 of the FOI Act.

Freedom of Information requests to the City of Port Lincoln are to be addressed to:

Freedom of Information Officer
PO Box 1787
Port Lincoln SA 5606
Or via email: plcc@plcc.sa.gov.au

For other personal information in relation to the individual or a third party, an application direct to Council, without Freedom of Information, may be applicable. This may include seeking amendment in relation to a member of the public's personal affairs. This can be done by completing a Request for Personal Information form available at the Council administration Office or Council's website.

Forms of access may include inspection of 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 Port Lincoln Council must issue a certificate stating why the document is a restricted document.

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

All general enquiries on FOI Act issues should be directed to Council's Freedom of Information Officer.

13. FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES

Approved application fees are set by the Minister in accordance with the FOI (Fees and Charges) Regulations 2018. 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.

Fees will be waived for disadvantaged persons, as set in the Freedom of Information Regulations i.e. no fee is required for current concession holders or if payment of the fee would cause financial hardship. At all times, Council retains 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 upon 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.

14. 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 they wish 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.