

# Information Statement

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## Introduction

Council is required under Section 9(1a) of the Freedom of Information Act 1991 and Section 132(3)(j) of the Local Government Act 1999 to publish an Information Statement (**this document**).

The purpose of the Statement is to provide a snapshot of what the Council does, the types of documents held by Council, and how they can access such information.

This Statement includes information pertaining to:

- The structure and functions of the Council and Committees.
- How the functions of the Council affect members of the public.
- The various types of documents held by the City of Mitcham which are available for access.
- A description of how the public can obtain access or seek amendment to documents.

This Statement also includes information about how members of the community may participate in Council's processes and decisions.

**This Statement was last updated in September 2023.**

## Structure and functions of Council

Council is established to provide for the governance 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 interests of its community
- (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
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community
- (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 1999* and other Acts in relation to the area for which it is constituted.

The functions of Council are set out in Section 7 of the *Local Government Act 1999* (the Act) and include:

- (a) to plan at the local and regional level for the development and future requirements of its area
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity
- (f) to provide infrastructure for its community and for development within its area

- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism
- (h) to establish or support organisations or programs that benefit people in its area or local government generally
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council
- (j) to manage, improve and develop resources available to the council
- (k) to undertake other functions and activities conferred by or under an Act.

In addition, Council is involved in the determination of policies, the adoption of strategic management plans and the adoption of a budget which outlines the services Council facilitates and provides, together with a range and scope of projects to be undertaken.

## Council composition

Council comprises the Mayor and twelve Ward Councillors, a total of thirteen Council Members representing the residents and ratepayers in six wards. Information about ward composition is available on our website:

<https://www.mitchamcouncil.sa.gov.au/Our-city-and-council/your-council/ward-maps>

Council is a body corporate and can only make decisions by resolution. Decisions made by the Full Council provide the direction and authority for Council's ongoing operation. These decisions also provide direction to the Chief Executive Officer and are implemented by Council staff.

Council meets once per month at 7pm on the second Tuesday of each month in the Council Chambers at the Civic Centre located at 131 Belair Road, Torrens Park.

Members of the community are encouraged to attend.

## Section 41 Committees of Council

Section 41 of the Act empowers Council may establish committees to:

- assist it in the performance of its functions
- inquire into, and report on, matters within the ambit of its responsibilities
- provide advice to the Council
- exercise, perform or discharge delegated powers, functions or duties.

Section 41 committees make recommendations to Council on a range of matters.

## Current Council Committees

[Audit and Risk Committee](#)

[Australia Day Awards Selection Committee](#)

[CEO Performance Review](#)

[Council Assessment Panel](#)

[Grants Committee](#)

[Independent Member Selection Committee](#)

## Council and Committee meetings to be open to the public

Council and Committee meetings are open to the public and attendance is encouraged, except where the Council (or the Council Committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when the need for confidentiality outweighs the principle of open decision-making, in accordance with the provisions of Section 90(3) of the Act.

Council has adopted a Code of Practice – Access to Meetings and Documents relating to the principles, policies, procedures and practices that the Council applies in relation to confidential matters. The Code is available at the Council Civic Centre and on Council's website.

## Agendas and Minutes

Agendas for all ordinary meetings of Council, its Committees and the Council Assessment Panel, are on public display no less than three days prior to the meeting at Council Civic Centre, 131 Belair Road, Torrens Park.

### Access to Agendas and Minutes

Minutes are also available no later than five days after the meeting. Audio recordings of Full Council Meetings are published on the website.

Special meetings of Council or Committees can be called with only four hours' notice and on these occasions, Agendas are posted within four hours at the Council Civic Centre.

Agendas and Minutes from Full Council, Committee and the Development Assessment Panel meetings are also available from Council's website.

## Briefings and Information Sessions

Briefing and information sessions provide a valuable opportunity to enhance council decision-making processes by allowing Council Members to become better informed on issues and seek further clarification before making decisions at formally constituted council meetings.

Briefing and information sessions are held in accordance with direction of Full Council and [Section 90A of the Local Government Act 1999](#) to:

- discuss issues involving strategy and policy
- discuss a planning session of a general or strategic nature, or
- brief Council Members on issues relating to their decision-making function.

Briefing and information sessions are not used for conducting the general business of the Council or making Council decisions in any way that the Council may subsequently deal with at a formal meeting.

A session may be closed to the public to allow attendees to receive, discuss or consider information or a matter listed in Section 90(3) of the Local Government Act, subject to an order being made to that effect. If an order is made to close a session under a confidential provision then that order can be made by either Council or the CEO.

Please note, if all topics for discussion are of a confidential nature, the briefing and information session will not be open to the public. If one or more of the topics are confidential, they will be considered at the end of the agenda allowing the public to leave before the discussion.

## Section 43 Regional Subsidiaries

Section 43 of the Act enables Council to establish a Regional Subsidiary. Regional Subsidiaries allow more than one Council to join together to perform a particular function, beneficial to all its members.

The City of Mitcham has three regional subsidiaries:

- Centennial Park Cemetery Authority
- Eastern Waste Management Authority
- Brown Hill and Keswick Creeks Stormwater Board

### Centennial Park Cemetery Authority

Centennial Park Cemetery Authority is a regional subsidiary established by the City of Mitcham and the City of Unley for the purpose of ensuring that the assets and facilities of the Authority are maintained and operated in an efficient manner delivering effective and sustainable service provision for the constituent Councils and customers of the Authority.

A Board of Management consisting of two Councillors from each Council and three independent members (chosen for their specific areas of expertise) are responsible for the administration of affairs of the subsidiary. A formal charter agreed on by the two constituent Councils sets out the powers, functions and duties of Centennial Park Cemetery Authority. The main interface between the Authority and the public involves provision of cemetery, memorial, cremation and chapel services and facilities.

### Eastern Waste Management Authority

Eastern Waste Management Authority is a regional subsidiary established by the City of Mitcham, City of Burnside, City of Norwood, Payneham & St Peters, City of Prospect, Adelaide Hills Council, Campbelltown City Council, and Corporation of the Town of Walkerville. It is responsible for the collection and disposal of Waste, primarily within the areas of the constituent Councils.

A Board of Management consisting of four Councillors and three Chief Executive Officers representing the constituent Councils and an independent chair are responsible for the administration of the affairs of the subsidiary. A formal Charter agreed on by all Constituent Councils sets out the powers, functions and duties of Eastern Waste Management Authority.

### Brown Hill and Keswick Creeks Stormwater Board

A regional subsidiary, the Brown Hill and Keswick Creeks Stormwater Board was established by the Cities of Mitcham, Adelaide, Burnside, Unley and West Torrens. The Board was approved by the South Australian Government to act on behalf of the five catchment councils to manage the implementation of the approved Brown Hill and Keswick Creeks Stormwater Management Plan and to assume responsibility for the construction, management and ongoing maintenance of all flood mitigation works as part of the Brown Hill and Keswick Creeks Stormwater Project.

[More information available online](#)

## Delegations

The Council Assessment Panel and the Chief Executive Officer (CEO) have delegated authority from Council to make decisions on specified administrative and policy matters. This is because it

is not practical or efficient for Council as a body of Council Members to perform the many operational activities that are required in the day-to-day administration of the Council's role and functions. The CEO may further sub-delegate to other responsible staff.

A list of all the delegations from Council to the Panel and CEO (and subsequent sub-delegations) is available on Council website.

#### [Access to Delegation Registers](#)

These delegations are reviewed on a regular basis by Council and, after a periodic election, are required to be reviewed within 12 months in accordance with Section 44(6)(a) of the Local Government Act 1999.

## Administration

Council employs people to implement the decisions of Council. This is generally known as the Council Administration, headed by the Chief Executive Officer.

Four separate divisions report to the Chief Executive Officer:

- Corporate Services & Innovation
- Engineering & Horticulture
- Development Services & Community Safety
- Organisational & Community Development

A list of the broad functions undertaken, and services provided by each division appears in **Appendix 1**.

Council sets its direction for Administration through its strategic management plans, Mitcham 2030 and the Four Year Delivery Plan.

#### [Access to Mitcham 2030 and Four Year Delivery Plan](#)

These documents outline Goals, Themes, Priority Themes and Priority Investments.

## Community involvement and information

### Voting in Local Government Elections

These are held every four years. Voting is voluntary and available to all persons on Council's Voters Roll. Persons who are registered on the State Electoral Roll are automatically on the Council roll, but other residents or landowners must apply to be on the roll through the supplementary process. Council will promote this opportunity in the lead up to the next Council election in 2026.

### Standing as Candidates for Election

All persons included on Council's Voters Roll and who are Australian citizens are eligible to stand as a candidate in a Local Government election.

### Contacting Elected Members

Members of the community are encouraged to contact their Elected Members directly with any issues of concern or questions. The contact details for all Elected Members of Council are available on Council's website.

## Attending Council Meetings

Members of the community are encouraged to attend Council and Committee meetings.

## Signing a Petition

Members of the public may collect names, addresses and signatures on a petition and present this to Council for its consideration. To ensure your petition is treated in the best possible way, please read Council's Code of Practice – Meeting Procedures, located on Council's website.

### [Access to Council Policies](#)

A petition template is available from the Council Civic Centre and also on Council's website. Electronic petitions may also be accepted in accordance with Council's policy.

## Making a Deputation

Anyone can make a written request to the Chief Executive Officer seeking permission to make a deputation to Council or a Committee.

The Chief Executive Officer will then refer the request to the Presiding Member of Council or the Committee for approval (or refusal).

To ensure your Deputation is treated in the best possible way, please read Council's Code of Practice – Meeting Procedures, located on Council's website.

A deputation request form is available from the Council Civic Centre and also on Council's website.

## Gallery Question Time

Council provides the general public with an opportunity to ask questions during Gallery Question Time. Members of the gallery may ask two questions. These questions must be in writing and supplied to the Minute Secretary. The name and suburb of the questioners, along with the questions and answers will be recorded in the minutes, or in a later agenda if necessary.

## Writing to Council

Anyone can write to Council about any Council policy, activity, service or other issues. Letters should be addressed in the first instance to the Chief Executive Officer and can be sent by post or by email to [mitcham@mitchamcouncil.sa.gov.au](mailto:mitcham@mitchamcouncil.sa.gov.au).

## Becoming a Member of a Committee

Some Committees of Council invite participation by community members. Advertisements are placed in local papers (and on Council's website) seeking applications.

## Participating in a Consultation

Council undertakes public consultation from time to time in relation to policy development, and specific issues or projects. These consultations may be promoted across the Council area using any number of methods including Council's website, and other media. Interest groups and individuals within the community may also be identified as key stakeholders and be specifically approached to participate in a consultative process.

Consultation is undertaken in accordance with the Public Consultation Policy or a specific resolution of Council.



## Responding to Development Applications

Some development applications may require notification by Council before Council can make a decision on the application. Notifications are sent to adjacent property owners with some applications advertised in The Advertiser newspaper. Submissions are accepted within the stated timeframes. Queries or concerns from community members are then brought before the Council Assessment Panel for consideration.

## Review of Council Decisions

The Act requires Council to develop a policy and procedure for the internal review of Council decisions. The policy (Independent Review of Decision Policy) is available on Council's website.

### [Access to Council's Independent Review of Decision Policy](#)

The policy provides for a formal review to take place when a written application for a is received. The independent reviewer will review the decision in question to ensure that the decision-maker complied with all procedural requirements and made the best possible decision in the circumstance. It may not necessarily mean the decision will be overturned.

## Community information

### Documents held by Council

Council holds documents available for public inspection and/or purchase in accordance with legislation. These are listed in **Appendix 2**.

There is no charge to inspect the documents, and many are available on Council's website. In most cases copies of the documents (or extracts) may be purchased by the public at a small fee set by Council.

The summary of the Annual Business Plan is available free of charge.

There is a range of other documents that Council makes available for public inspection. These can be accessed at the Customer Service Centre during ordinary business hours and many are available on Council's website.

Council policies are available on the website.

### [Access to Council Policies](#)

## Right to Inspect Documents

Section 12 of the Freedom of Information Act 1991 (the FOI Act) gives a person a legally enforceable right to gain access to most Council documents. However, some documents are not available for inspection.

Requests for publicly available information should, in the first instance, be directed to a Council Officer through the Customer Service Centre.

Requests for other information not publicly available must be accompanied by a completed Freedom of Information Application (FOI) Form and addressed to:

Freedom of Information Officer  
City of Mitcham  
PO Box 21  
Mitcham Shopping Centre  
TORRENS PARK SA 5062

The FOI Application Form and information relating to FOI are available on Council's website.

Council has a right to charge an application fee as well as a charge related to the time it takes to satisfy the request and are set by the FOI Act. Details are available in Council's Schedule of Fees and Charge on Council's website.

[Access to Council's Fees and Charges](#)

## Amendment of Records

Under Section 30 of the FOI Act, members of the public may apply to have any information contained in documents which relate to their personal affairs amended. Such request must be in writing and addressed to the Freedom of Information Officer (details provided above). The request must contain sufficient information to identify the document and the information to be updated and be accompanied by relevant supporting documentation/information.

The FOI Application Form – Request for Amendment is available on the State Records of South Australia website.

[Access to Freedom of Information](#)

## Access to information and documents

All inquiries to inspect or purchase Council documents should in the first instances be directed to a Council Officer at Customer Service Centre located at the Council Civic Centre.

Members of the community are encouraged to make use of Council information services and publications to become informed of services provided and of the issues presented to Council.



## Appendix 1 Organisational Structure & Functions

## Appendix 2 Documents Available for Public Inspection

Document	Inspect	Purchase	Availability	Type of document
<b>Registers and Returns</b>				
Register of Gifts and Benefits – Elected Members [cl.3.10, Code of Conduct for Council Members]	✓ cl.3.10	---	Governance	Hard copy/ Website
Register of Interests - Elected Members [s68, LG Act 1999]	✓ s70(1)	✓ s70(2)	Governance	Hard copy
Register of Members' Allowances and Benefits [s79, LG Act 1999]	✓ s79(3)	✓ s79(4)	Governance	Hard copy
Register of Remuneration, Salaries and Benefits (Council Employees) [s105, LG Act 1999]	✓ s105(3)	✓ s105(4)	Finance	Hard copy/ Website
Register of Community Land [s207, LG Act 1999]	✓ s207(3)	✓ s207(4)	Customer Service	Hard copy
Register of Building Upgrade Agreements [s13 of Schedule 1B, LG Act 1999] <sup>1</sup>	---	---	---	---
Register of Roads [s231, LG Act 1999]	✓ s231(3)	✓ s231(4)	Engineering Services	Electronic
Register of By-laws [s252, LG Act 1999]	✓ s252(3)	✓ s252(4)	Customer Service	Hard copy
Voters roll [s15, LG (Elections) Act 1999]	✓ s15(14)	---	Rates	Hard copy
Register of Campaign Donation Returns [s87, LG (Elections) Act 1999]	✓ s87(2)	✓ s87(3)	Governance	Hard copy
Register of Dogs [s26 Dog & Cat Management Act 1995]	✓ s26(1)(ad)	✓ s26(6)	Customer Service	Electronic
Register of Planning and Building Applications [r98, Development Regulations 2008]	✓ r98(1)	✓ r98(3)	Planning Services	Electronic
Register of Land Management Agreements (LMAs) [s57, Development Act 1993]	✓ s57(2c)	✓ s57(2d)	Planning Services	Hard copy
Register of LMAs – development applications [s57A, Development Act 1993]	✓ s57A(6)	✓ s57A(7)	Planning Services	Hard copy

<sup>1</sup> Council has not entered into any Building Upgrade Agreements at the time this publication was published

Document	Inspect	Purchase	Availability	Type of document
<b>Codes</b>				
Code of Conduct for Elected Members [s63, LG Act 1999]	✓ s63(4)	✓ s63(5)	Customer Service	Hard copy/ Website
Code of Conduct for Council Employees [s110, LG Act 1999]	✓ s110(6)	✓ s110(7)	Customer Service	Hard copy/ Website
Code of Practice - Access to Meetings and Documents [s92, LG Act 1999]	✓ s92(6)	✓ s92(7)	Customer Service	Hard copy/ Website
Code of Practice – Meeting Procedures [r6(1), LG (Procedures at Meetings) Regulations 2013]	✓ r6(5)	✓ r6(5)	Customer Service	Hard copy/ Website
<b>Meeting papers</b>				
Public notice and agenda (inc. reports) of Council meetings – with exception of confidential items [s84, LG Act 1999]	✓ s84(2)	✓ s84(3)	Customer Service	Hard copy/ Website
Public notice and agenda (inc. reports) of Committee meetings - with exception of confidential items [s88, LG Act 1999]	✓ s88(2)	✓ s88(3)	Customer Service	Hard copy/ Website
Minutes of Council and Committee meetings – with exception of confidential items [s91, LG Act 1999]	✓ s91(4)	✓ s91(6)	Customer Service	Hard copy/ Website
<b>Policy and Administrative documents</b>				
Assessment Record [s172, LG Act 1999]	✓ s174(1)	✓ s174(2)	Customer Service	Electronic
Delegations Register [s44, LG Act 1999]	✓ s44(7)	✓ s44(8)	Governance	Hard copy/ Website
Procurement Policy [s49, LG Act 1999]	✓ s49(4)	✓ s49(5)	Customer Service	Hard copy/ Website/
Public Consultation Policy [s50, LG Act 1999]	✓ s50(8)	✓ s50(9)	Customer Service	Hard copy Website
Elected Members' Allowances and Support Policy [s77, LG Act 1999]	✓ s77(3)	✓ s77(4)	Customer Service	Hard copy/ Website
Induction Training & Development for Elected Members Policy [80A(1), LG Act 1999]	✓ s80A(4)	✓ s80A(5)	Customer Service	Hard copy/ Website

Document	Inspect	Purchase	Availability	Type of document
Strategic Management Plans - inc. long term financial plan and asset management plans [s122, LG Act 1999]	✓ s122(7)	✓ s122(7)	Customer Service	Hard copy/ Website
Annual Business Plan [s123, LG Act 1999]	✓ s123(9)(b)	✓ s123(9)(b)	Customer Service	Hard copy/ Website
Summary Annual Business Plan [s123, LG Act 1999]	✓ s123(9)(b)	s123(9)(b) <b>No Cost</b>	Customer Service	
Annual Budget [s123, LG Act 1999]	✓ s123(9)(b)	✓ s123(9)(b)	Customer Service	Hard copy/ Website
Audited financial statements [s127, LG Act 1999]	✓ s127(5)	✓ s127(5)	Customer Service	Hard copy/ Website
Annual Report [s131, LG Act 1999]	✓ s131(8)	✓ s131(8)	Customer Service	Hard copy/ Website
Fees and charges [s188, LG Act 1999]	✓ s188(6)	---	Customer Service/ Rates	Hard copy/ Website
Road Naming Policy [s219(5), LG Act 1999]	✓ s219(7)	---	Customer Service	Hard copy/ Website
Order Making Policy [s259, LG Act 1999]	✓ s259(6)	✓ s259(7)	Customer Service	Hard copy/ Website
Procedure for the Review of Council Decisions [s270, LG Act 1999]	✓ s270(5)	✓ s270(5)	Customer Service/ Governance	Hard copy/ Website
Charter for Centennial Park Cemetery Authority [Sch.5, LG Act 1999]	✓ Sch.5	✓	Customer Service/ Governance	Hard copy/ Website
Charter for East Waste Management Authority [Sch.5, LG Act 1999]	✓ Sch.5	✓	Customer Service/ Governance	Hard copy/ Website
Policy - Applications for determination by the Development Assessment Panel (Policy 03.04) [s34(27)(a), Development Act 1993]	✓ s34(27)(b)	---	Customer Service	Hard copy/ Website
Development Plan and Development Plan Amendments [s31, Development Act 1993]	✓ s31(3)	✓ s31(3)	Customer Service	Hard copy Website
Information Statement [s9, Freedom of Information Act 1991]	✓ s10(1)	✓ s10(1)	Customer Service/ Governance	Hard copy/ Website

Document	Inspect	Purchase	Availability	Type of document
Electoral Roll [s26, Elections Act 1985]	✓ s26(1)	---	Rates	Microfiche

**Please note:**

Unless otherwise stated, copies of public documents, or extracts from public documents are available on Council's website and can be purchased (refer to the Schedule of Fees and Charges available on Council's website). A summary of the Annual Business Plan must be provided on request at no cost.

**City of Mitcham**

131 Belair Road, Torrens Park SA 5042

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[www.mitchamcouncil.sa.gov.au](http://www.mitchamcouncil.sa.gov.au)