City of
Mount Gambier

AGENDA

Ordinary Council Meeting

Tuesday 17 June 2025

I hereby give notice that an Ordinary Meeting of Council will be held on:

Time: 6:00 pm

Date: Tuesday 17 June 2025

Location: City Hall
Cave Gardens/Thugi, Mount Gambier

Sarah Philpott
CHIEF EXECUTIVE OFFICER
13 June 2025

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

4.1 CONFIRMATION OF COUNCIL MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 20 May 2025 be confirmed as an accurate record of the proceedings of the meeting.

5 MAYORAL REPORT

5.1 MAYORAL REPORT - JUNE 2025

- LGA OGM and Conference, including South Australian Mayor's networking dinner (Adelaide)
- Radio interview with Llew Jones, 5GTR-FM
- LGA Board training webinar (virtual)
- Weekly meetings with CEO
- Meeting with community member, Mr Graham Walkom
- Chief Executive Officer Performance Review Committee Meeting
- Elected Member Briefing – Tree Management and Policy
- Limestone Coast Jobs, Skills & Careers Showcase
- Community Renewables Program – photo / video shoot with ShineHub
- Citizenship Ceremony
- Limestone Coast Careers Tour - Dinner Networking Event
- Fortnightly LCLGA Mayors Catch Ups (virtual)
- Fortnightly meetings with media and communications coordinator
- Year 4/5 Melaleuca Park Primary School students – Council Chamber tour and Mayoral presentation
- Meeting with Colin Byles – LCLGA Interim Executive Officer and Charlotte Edmunds, new LCLGA Executive Officer
- Photo opportunity with North Gambier Football Club (Vansittart Park)
- St Paul's 140th Anniversary Mass (followed by lunch)
- The Big Project Presentation – PurpleOrange (City Hall)
- Radiotherapy Working Group Meeting
- Elected Member Briefing – AI Policy
- Elected Member Briefing – Council Meeting Procedures

- Briefing with Tony Elletson – LCLGA – Switch the Play Program Outline – FeelBetter Limestone Coast
- Catch up with Kelly-Anne Saffin (SA Cross Border Commissioner)
- Catch up with Colin Byles, LCLGA
- Meeting with Telstra representatives, with General Manager Corporate and Regulatory Services
- Audit and Risk Committee Pre-Meeting Workshop
- Audit and Risk Committee Meeting
- LCLGA General Meeting (District Council of Grant)
- SA Affiliate State 8 Ball Carnival
- Ordination of Rev. David Sigley
- Community Drop In Sessions – Draft Annual Business Plan & Budget 2025-2026 and Draft Long Term Financial Plan 2026-2035
- Regional Public Transport consultation session
- Elected Member Briefing – Waste Masterplan
- Elected Member Briefing – Unlocking Projects
- Confidential Elected Member Briefing – Strategic Property – Strategic Relationships Matter – Legal and Other Advice
- Filming of promotional video for Headspace – the Push Up Challenge
- CEO Selection Panel Committee Meeting
- Community Drop In Session – Draft Annual Business Plan & Budget 2025-2026 and Draft Long Term Financial Plan 2026-2035
- The Australian Ballet – Opening Night The Nutcracker Act II and other works in XYZ
- 150 Years of Plantation Forestry in SA Gala Dinner, with General Manager City Infrastructure
- Portraits of our Elders exhibition opening
- Lions Club of Mount Gambier Inc 62nd Changeover Dinner
- Refugee Week Community Morning Tea & Finding Freedom Exhibition Stories and Canvas Paintings
- Meeting with Mount Gambier Residents and Ratepayers Association committee members
- Monthly catch up with General Manager City Infrastructure
- Special Council Meeting – Budget

RECOMMENDATION

That the Mayoral Report be received.

6 REPORTS FROM COUNCILLORS

6.1 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Mount Gambier History Group 40th Anniversary Celebrations, SES Wear It Orange Event, “In Conversation” with The Bennies and Montaigne
Cr Jason Virgo	National Volunteer Week Celebration
Cr Sonya Mezinec	Meeting of Christmas Parade Advisory Committee, Community Drop In Session – Draft Annual Business Plan & Budget 2025-2026 and Draft Long Term Financial Plan 2026-2035, Portraits of our Elders Launch, Refuge Week Event

Cr Frank Morello	Community Drop In Session – Draft Annual Business Plan & Budget and Draft Long Term Financial Plan 2026-2035

RECOMMENDATION

That the reports made by Councillors be received.

7 QUESTIONS WITH NOTICE

Cr Sonya Mezinec gave notice of her intention to ask the following question:

7.1 QUESTION – SA DRAFT WASTE STRATEGY 2025-2030

Consultation on SA's Draft Waste Strategy 2025-2030 has opened and Green Industries SA is seeking feedback by 5.00 p.m. Wednesday 23 July. The draft strategy has seven target areas and nine focus areas each with specific actions with assigned Leads and Partners including Local Government.

Will Council administration be examining and providing feedback on this strategy?

Answer:

To be provided at the meeting.

8 QUESTIONS WITHOUT NOTICE

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO REVOKE OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RECOMMENDATION

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

ATTACHMENTS

1. Information Briefing Session - Elected Members - Record of Proceedings - 27/05/2025 - Tree Management and Policy [**12.1.1** - 1 page]
2. Information Briefing Session - Elected Members - Record of Proceedings - 03/06/2025 - AI Policy - Council Meeting Procedures - Briefing with Tony Elletson - LCLGA - Switch the Play Program [**12.1.2** - 2 pages]
3. Information Briefing Session - Elected Members - Record of Proceedings - 10/06/2025 - Waste Masterplan - Unlocking Project - Strategic Property / Strategic Relationships Matter / Legal and Other Advice [**12.1.3** - 2 pages]

INFORMATION / BRIEFING SESSION
5:00 PM TUESDAY 27 MAY 2025

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 27 May 2025
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 was open to the public.

1. TREE MANAGEMENT AND POLICY

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Paul Jenner	General Manager City Infrastructure
Cr Sonya Mezinec	General Manager People Place and Liveability
Cr Josh Lynagh	General Manager Corporate and Regulatory Services
Cr Jason Virgo	Manager Operations Infrastructure
Cr Frank Morello	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins	Nil
Cr Mark Lovett	

DISCUSSION:

Discussed Tree Policy in detail.

Discussion closed at 6.25 p.m.

INFORMATION / BRIEFING SESSION
5:00 PM TUESDAY 3 JUNE 2025

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 3 June 2025
Conference Room, Level 1, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The sessions described at Item 1, 2 and 3 were open to the public.

1. AI POLICY

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Frank Morello	General Manager City Infrastructure
Cr Max Bruins	General Manager Corporate and Regulatory Services
Cr Sonya Mezinec	Manager Governance and Property
Cr Josh Lynagh	
Cr Jason Virgo (virtual)	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Paul Jenner	Nil
Cr Mark Lovett	

DISCUSSION:

Presentation and discussion on AI Policy.

2. COUNCIL MEETING PROCEDURES

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Frank Morello	General Manager City Infrastructure
Cr Max Bruins	General Manager Corporate and Regulatory Services
Cr Sonya Mezinec	Manager Governance and Property
Cr Josh Lynagh	
Cr Jason Virgo (virtual)	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Paul Jenner	Nil
Cr Mark Lovett	

DISCUSSION:

Presentation and discussion on meeting procedure provisions in the Local Government Act and Local Government (Procedures at Meetings) Regulations.

3. BRIEFING WITH TONY ELLETSON - LCLGA - SWITCH THE PLAY PROGRAM OUTLINE

GUEST:-

Tony Elletson, Connected and Active Communities Officer, LCLGA

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Frank Morello	General Manager City Infrastructure
Cr Max Bruins	General Manager Corporate and Regulatory Services
Cr Sonya Mezinec	Manager Governance and Property
Cr Josh Lynagh	
Cr Jason Virgo (virtual)	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Paul Jenner	Nil

DISCUSSION:

Presentation from Tony Elletson, LCLGA on the Switch the Play Outline FeelBetter Limestone Coast.

Discussion closed at 6.57 p.m.

INFORMATION / BRIEFING SESSION
5:00 PM TUESDAY 10 JUNE 2025

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 10 June 2025
Conference Room, Level 1, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

The session described at Item 1 was open to the public.

1. WASTE MASTERPLAN

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	General Manager City Infrastructure
Cr Sonya Mezinec	General Manager Corporate and Regulatory Services
Cr Frank Morello	Environmental Sustainability Business Partner
Cr Max Bruins	Manager Waste, Reuse and Environment
Cr Jason Virgo	
Cr Paul Jenner	
Cr Josh Lynagh	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Nil	Nil

DISCUSSION:

Overview on Councils Draft Masterplan.

The session described at Item 2 was open to the public.

2. UNLOCKING PROJECT

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	General Manager City Infrastructure
Cr Sonya Mezinec	General Manager Corporate and Regulatory Services
Cr Frank Morello	Manager Engineering Design and Assets
Cr Max Bruins	Manager Performance and Capability
Cr Jason Virgo	
Cr Paul Jenner	
Cr Josh Lynagh	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Nil	Nil

DISCUSSION:

Overview on unlocking projects - Asset Management, Business Systems and Workforce Planning.

The session described at Item 3 will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

(h) legal advice.

3. STRATEGIC PROPERTY - STRATEGIC RELATIONSHIPS MATTER - LEGAL AND OTHER ADVICE

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	General Manager City Infrastructure
Cr Sonya Mezinec	General Manager Corporate and Regulatory Services
Cr Frank Morello	
Cr Max Bruins	
Cr Jason Virgo	
Cr Paul Jenner	
Cr Josh Lynagh	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Nil	Nil

DISCUSSION:

Update on legal advice.

Discussion closed at 7.30 p.m.

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 AUDIT AND RISK COMMITTEE

14.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON 4 JUNE 2025

That having considered the recommendations of the Audit and Risk Committee in regard to the agenda items:

5.1 Draft 2025/2026 Annual Business Plan and Budget
5.2 Draft Long Term Financial Plan for Public Consultation
5.3 Asset Management Planning Approach
5.4 Risk Appetite Statement
5.5 2024/2025 External Audit Interim Management Report
5.6 Quarterly Internal Audit Update
5.7 Internal Audit Procurement and Contract Management
5.8 Work Health Safety (WHS) and Wellbeing Quarterly Report - January - March 2025
5.9 Audit and Risk Committee Meeting Report

RECOMMENDATION

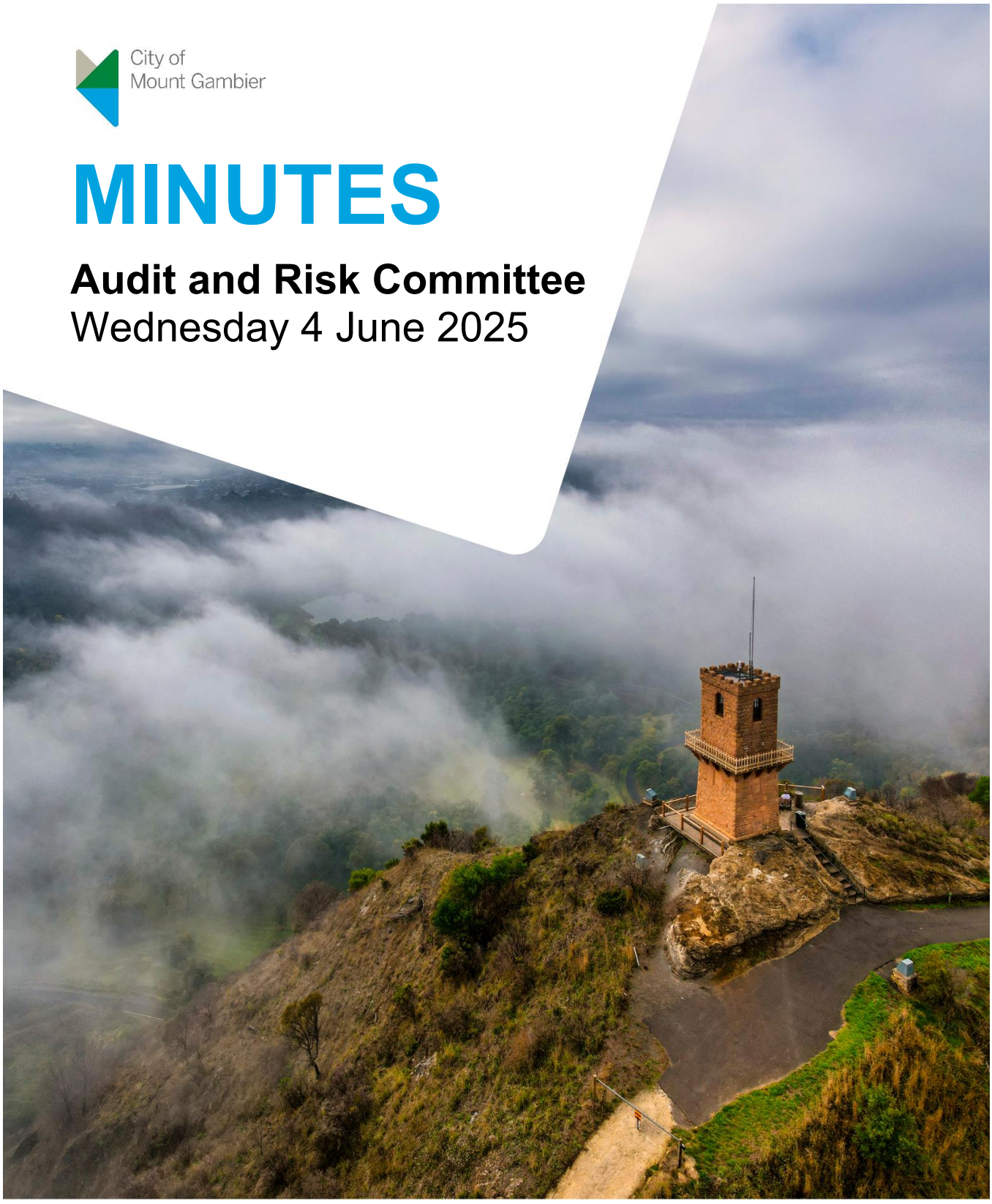
Council receive and note the minutes of the Audit and Risk Committee meeting held on 4 June 2025.

Audit and Risk Committee Minutes

City of
Mount Gambier

MINUTES

Audit and Risk Committee
Wednesday 4 June 2025



Minutes of the Audit and Risk Committee held at:

Time:	5:30 pm
Date:	Wednesday 4 June 2025
Location:	Council Chamber - Civic Centre 10 Watson Terrace, Mount Gambier

PRESENT:	Mayor Lynette Martin (OAM) Mr Paul Duka (Presiding Member) Cr Paul Jenner Mr Alexander Brown Ms Belinda Johnson	
OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Financial Services	- Ms K Rolton
	Manager Engineering, Design and Assets	- Abdullah Mahmud
	Manager Governance and Property	- Ms B Shelton (virtual)
	Executive Administrator	- Mrs S Spears

1 ACKNOWLEDGEMENT OF COUNTRY

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2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION ARC 2025/16

Moved: Alexander Brown
Seconded: Belinda Johnson

That the minutes of the Audit and Risk Committee Meeting held on 2 April 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 DRAFT 2025/2026 ANNUAL BUSINESS PLAN AND BUDGET

COMMITTEE RESOLUTION ARC 2025/17

Moved: Alexander Brown
Seconded: Cr Paul Jenner

1. That the Audit and Risk Committee report titled 'Draft 2025/2026 Annual Business Plan and Budget' as presented on Wednesday 4 June 2025 be noted.

2. That the Audit and Risk Committee feedback on Council's Draft 2025/2026 Annual Business Plan and Budget and/or the associated processes and risks, as follows:
   - Notes the achievement of a balanced budget for 25/26 and the positive trend in the other financial indicators;
   - The Annual Business Plan and Budget final to include the financial ratios;
   - Consideration for the next draft Annual Business Plan and Budget to include the rate in the dollar and average rate increase and the final then to demonstrate the degree of change since the draft, if practicable;
   - Congratulations to the Council and Administration on the new structure of the document; and
   - Notes the response to the ESCOSA recommendations contained across both the Annual Business Plan and Budget and the Long Term Financial Plan;

   be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on the17 June 2025 for consideration of the adoption of the Draft 2025/2026 Annual Business Plan and Budget.

CARRIED

5.2 DRAFT LONG TERM FINANCIAL PLAN FOR PUBLIC CONSULTATION

COMMITTEE RESOLUTION ARC 2025/18

Moved: Paul Duka
Seconded: Belinda Johnson

1. That the Audit and Risk Committee report titled 'Draft Long Term Financial Plan for Public Consultation' as presented on Wednesday 4 June 2025 be noted.

2. That the Audit and Risk Committee feedback on Council's Draft Long Term Financial Plan 2026-2035 and/or the associated processes and risks, as follows:
   - Financial sustainability in the longer term demonstrates careful debt management, surplus budgets and positive asset renewal funding for the term of the plan;
   - Consideration during the Rating Review about how growth is treated in future iterations of the budget and long term financial plan;

- Next iteration of the Long Term Financial Plan to consider the application of accumulated cash to either offset the sustainability margin or offset asset management plan requirements;
- Notes the response to the ESCOSA recommendations contained across both the Annual Business Plan and Budget and the Long Term Financial Plan;
- Notes that the Waste management costs increases are predicated on the current waste financial models, and final outcomes will be dependant on design of future cells and capping, and other issues including, but not limited to leachate;
- Notes that the Long Term Financial Plan is giving a more accurate projection of the longer term, informed by work on asset management, depreciation analysis, waste financial modelling and other inputs; and
- Congratulations to the Council and Administration on the new structure of the document;

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on the17 June 2025 for consideration of the adoption of the Draft Long Term Financial Plan 2026-2035.

CARRIED

5.3 ASSET MANAGEMENT PLANNING APPROACH

COMMITTEE RESOLUTION ARC 2025/19

Moved: Cr Paul Jenner
Seconded: Mayor Lynette Martin

1. That the Audit and Risk Committee report titled ‘Asset Management Planning Approach’ as presented on Wednesday 4 June 2025 be noted.
2. That the Audit and Risk Committee:
   (a) Endorse the progress made from July 2024 to February 2025 in implementing the Asset Management Strategy;
   (b) Note the ongoing actions to reconcile renewal expenditure against depreciation and improve asset condition data collection for the purposes of ensuring depreciation accurately reflects the rate of asset consumption and that asset renewal and replacement is fully funded; and
   (c) Support the continued development of class-by-class breakdowns in the Asset Management Plans, ensuring alignment with the Long-Term Financial Plan (LTFP);
3. That a further report will be presented to the Audit and Risk Committee following the conclusion of the detailed condition audits (currently in progress) that includes considerations to maintenance scheduling and depreciation.
4. That the integrated approach of the Assets and Finance teams to progressing the asset management strategy is acknowledged.

CARRIED

5.4 RISK APPETITE STATEMENT

7:01pm - Brittany Shelton joined meeting virtually.

7:20pm - Brittany Shelton left the meeting.

COMMITTEE RESOLUTION ARC 2025/20

Moved: Alexander Brown
Seconded: Belinda Johnson

1. That the Audit and Risk Committee report titled 'Risk Appetite Statement' as presented on Wednesday 4 June 2025 be noted.
2. That the Audit and Risk Committee receive and note the draft Risk Appetite Statement for City of Mount Gambier and amended Risk Management Policy.

CARRIED

5.5 2024/2025 EXTERNAL AUDIT INTERIM MANAGEMENT REPORT

COMMITTEE RESOLUTION ARC 2025/21

Moved: Mayor Lynette Martin
Seconded: Cr Paul Jenner

1. That the Audit and Risk Committee report titled '2024/2025 External Audit Interim Management Report' as presented on Wednesday 4 June 2025 be noted.
2. That the Audit and Risk Committee:
   (a) Have reviewed the findings of the audit with the external auditor, Dean Newbery at a workshop held prior to the commencement of the meeting;
   (b) Are satisfied with the external auditor's effectiveness to arrive at their findings and considerations raised for balance date audit;
   (c) Have reviewed Management's responses contained in this report and are satisfied they address the findings of the external auditor per the interim audit management letter.
3. That actions arising as a result of the interim audit 2024/2025 will be overseen by the Audit and Risk Committee as updated/completed.

CARRIED

5.6 QUARTERLY INTERNAL AUDIT UPDATE

COMMITTEE RESOLUTION ARC 2025/22

Moved: Mayor Lynette Martin
Seconded: Belinda Johnson

1. That Audit and Risk Committee report titled 'Quarterly Internal Audit Update' as presented on Wednesday 4 June 2025 be noted.
2. That Audit and Risk Committee note the progress achieved on the actions resulting from the internal audits already completed be noted.
3. That Audit and Risk Committee note that two internal audit projects—Procurement and Contract Management—have been completed, with reports to be presented to the Committee in June 2025, and that the Rating Review audit is underway, scheduled for completion in the 2025/2026 financial year in line with Council's request.

CARRIED

5.7 INTERNAL AUDIT PROCUREMENT AND CONTRACT MANAGEMENT

COMMITTEE RESOLUTION ARC 2025/23

Moved: Paul Duka
Seconded: Alexander Brown

1. That the Audit and Risk Committee report titled 'Internal Audit Procurement and Contract Management' as presented on Wednesday 4 June 2025 be noted.
2. That it be noted that progress achieved on the actions resulting from the internal audits for procurement and contract management will be reported in future internal audit updates.

CARRIED

5.8 WORK HEALTH SAFETY (WHS) AND WELLBEING QUARTERLY REPORT - JANUARY - MARCH 2025

COMMITTEE RESOLUTION ARC 2025/24

Moved: Alexander Brown
Seconded: Mayor Lynette Martin

1. That the Audit and Risk Committee report titled 'Work Health Safety (WHS) and Wellbeing Quarterly Report - January - March 2025' as presented on Wednesday 4 June 2025 be noted.

CARRIED

5.9 AUDIT AND RISK COMMITTEE MEETING REPORT

COMMITTEE RESOLUTION ARC 2025/25

Moved: Paul Duka
Seconded: Cr Paul Jenner

1. That Audit and Risk Committee report titled 'Audit and Risk Committee Meeting Report' as presented on Wednesday 4 June 2025 be noted.
2. That the Audit and Risk Committee be provided with a summary of the outcomes of this meeting within 5 business days and will provide feedback prior to inclusion in the Council Meeting Agenda for 17 June 2025.

CARRIED

6 URGENT MOTIONS WITHOUT NOTICE

Nil

7 CONFIDENTIAL ITEMS

Nil

8 MEETING CLOSE

The meeting closed at 7:39 pm.

The minutes of this meeting were confirmed at the Audit and Risk Committee Meeting held on DD MMMM YYYY.

.....

PRESIDING MEMBER

15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

15.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 27 MAY 2025

That having considered the recommendations of the Chief Executive Officer Performance Review Committee in regard to the agenda items:

5.1 Remuneration Tribunal
5.2 Chief Executive Officer – Appointment of Selection Panel

RECOMMENDATION

Council receive and note the minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 May 2025.

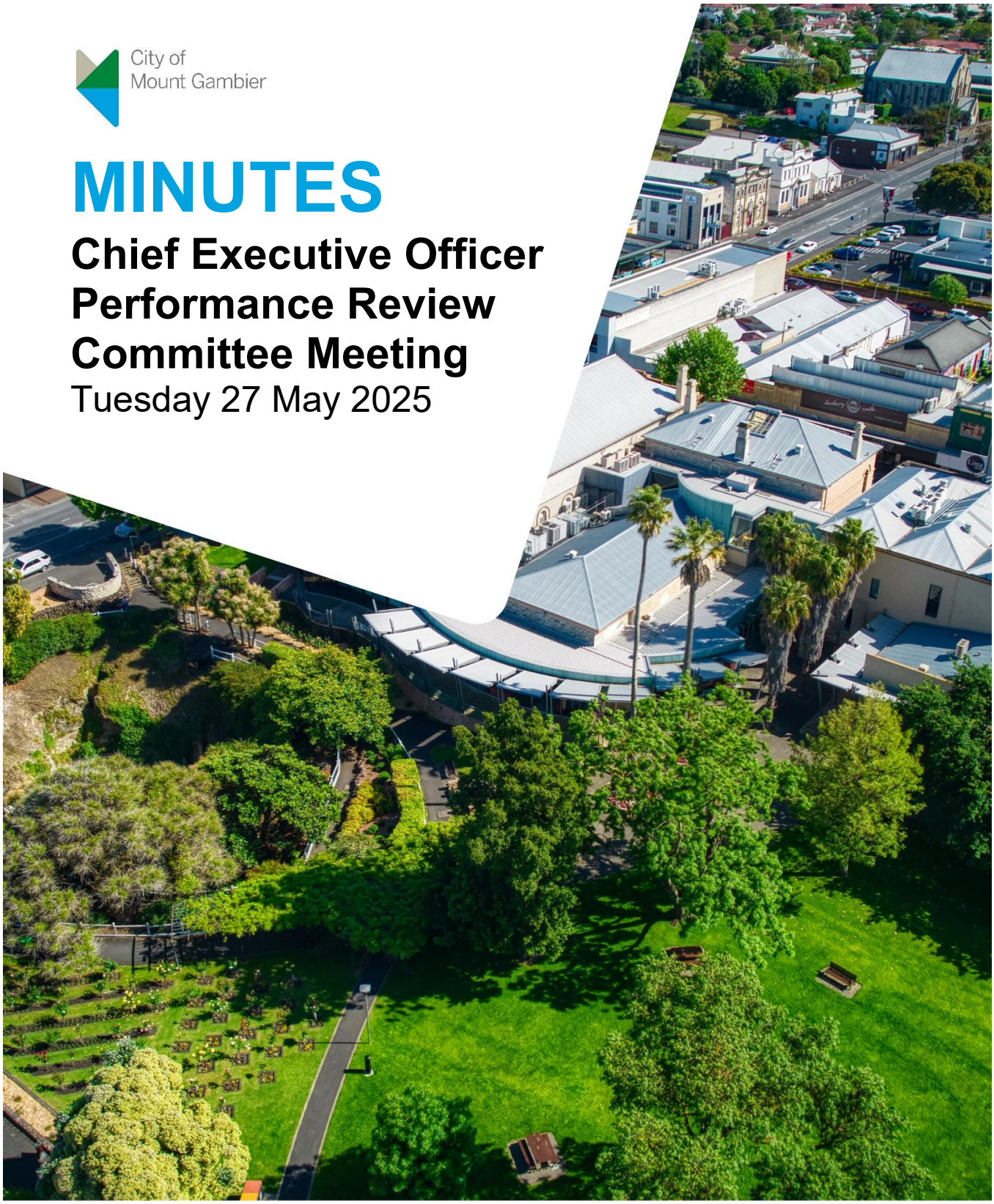
Chief Executive Officer Performance Review Committee Minutes

City of
Mount Gambier

MINUTES

Chief Executive Officer Performance Review Committee Meeting

Tuesday 27 May 2025



Minutes of Chief Executive Officer Performance Review Committee held at:

Time: 4:00 pm
Date: Tuesday 27 May 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier

City of Mount Gambier 27 May 2025
Chief Executive Officer Performance Review Committee Meeting Minutes

PRESENT: Mayor Lynette Martin (OAM)
Cr Josh Lynagh
Cr Sonya Mezinec
Cr Frank Morello

IN ATTENDANCE: Cr Paul Jenner

OFFICERS IN ATTENDANCE: General Manager Corporate and Regulatory Services - Mrs J Fetherstonhaugh
Executive Administrator - Mrs S Spears

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

COMMITTEE RESOLUTION CEOPR 2025/13

Moved: Cr Sonya Mezinec
Seconded: Cr Josh Lynagh

That the apology from Max Bruins be received.

CARRIED

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION CEOPR 2025/14

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

That the minutes of the Chief Executive Officer Performance Review Committee Meeting held on 25 March 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 REMUNERATION TRIBUNAL

COMMITTEE RESOLUTION CEOPR 2025/15

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Mezinec

1. That Chief Executive Officer Performance Review Committee report titled 'Remuneration Tribunal' as presented on Tuesday 27 May 2025 be noted.

CARRIED

5.2 CHIEF EXECUTIVE OFFICER RECRUITMENT - APPOINTMENT OF SELECTION PANEL

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To discuss item 5.2

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 4.06pm

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 4:24pm

COMMITTEE RESOLUTION CEOPR 2025/16

Moved: Cr Frank Morello
Seconded: Cr Josh Lynagh

1. That the Chief Executive Officer Performance Review Committee report titled '{item-title-do-not-remove}' as presented on 27/05/2025 be noted.
2. That the Committee

   a) Establish a CEO Selection Panel to oversee the recruitment process for a new Chief Executive Officer, in accordance with Section 98(4) of the *Local Government Act 1999* (the Act) and the Committee's Terms of Reference;
   b) Appoint the following Elected Members to the CEO Selection Panel:

   Mayor Lynette Martin (OAM)
   Cr Max Bruins
   Cr Josh Lynagh
   Cr Frank Morello
   Cr Jason Virgo
   Cr Paul Jenner

   c) Note that an independent panel member will be considered at a future Committee meeting and a recommendation made to Council for appointment in accordance with Section 98(4a) of the Act;

   d) Note that the Request for Quote procurement process to appoint a Qualified Independent Person (HR consultant) has commenced and the proposals received will be presented to the Committee at a future meeting, in order to for the Committee to make a recommendation to Council.

CARRIED

6 URGENT MOTIONS WITHOUT NOTICE

Nil

7 CONFIDENTIAL ITEMS

Nil

8 MEETING CLOSE

The meeting closed at 4:28 pm.

The minutes of this meeting were confirmed at the Chief Executive Performance Review Committee Meeting held on DD MMMM YYYY.

.....

PRESIDING MEMBER

That having considered the recommendations of the Chief Executive Officer Performance Review Committee in regard to the agenda items:

7.1 Chief Executive Officer – Recruitment Consultancy Selection

RECOMMENDATION

Council receive and note the minutes of the Chief Executive Officer Performance Review Committee meeting held on 11 June 2025.

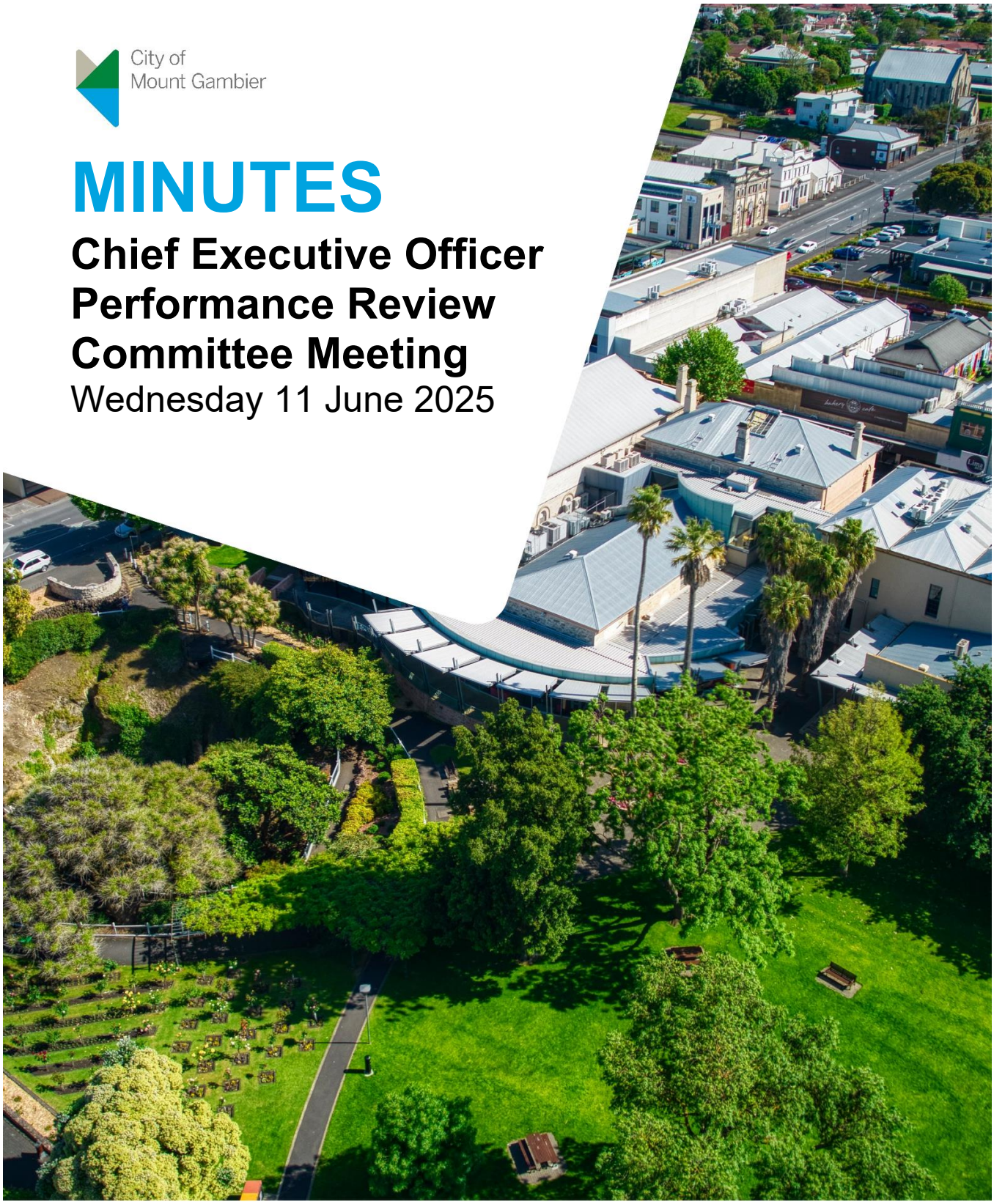
Chief Executive Officer Performance Review Committee Minutes

City of
Mount Gambier

MINUTES

Chief Executive Officer Performance Review Committee Meeting

Wednesday 11 June 2025



Minutes of Chief Executive Officer Performance Review Committee held at:

Time: 4:00 pm
Date: Wednesday 11 June 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier

PRESENT: Mayor Lynette Martin (OAM)
Cr Max Bruins
Cr Josh Lynagh
Cr Frank Morello
Cr Paul Jenner
Cr Jason Virgo

OFFICERS IN ATTENDANCE: General Manager Corporate and Regulatory Services - Mrs J Fetherstonhaugh
Executive Administrator - Mrs S Spears

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION CEOPR 2025/19

Moved: Cr Frank Morello
Seconded: Cr Josh Lynagh

That the minutes of the Chief Executive Officer Performance Review Committee Meeting held on 27 May 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

6 URGENT MOTIONS WITHOUT NOTICE

Nil

7 CONFIDENTIAL ITEMS

7.1 CHIEF EXECUTIVE OFFICER - RECRUITMENT CONSULTANCY SELECTION

RESOLUTION CEOPR 2025/20

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Chief Executive Officer - Recruitment Consultancy Selection.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

(b) information the disclosure of which -
(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
(ii) would, on balance, be contrary to the public interest.
(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
(ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be presented and discussed is regarding the recruitment of the Chief Executive Officer, and relates to consideration of submissions for the provision of consultancy services which includes commercial information the disclosure of which would confer benefit on third parties and prejudice the commercial position of Council in obtaining best value on behalf of the community.

CARRIED

RESOLUTION CEOPR 2025/21

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Chief Executive Officer - Recruitment Consultancy Selection and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

(b) information the disclosure of which -

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest.

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest.

be kept confidential and not available for public inspection until 2 years after execution of a contract, with the name and value of the selected supplier to be released immediately upon execution of a contract.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

8 MEETING CLOSE

The meeting closed at 4:50 pm.

The minutes of this meeting were confirmed at the Chief Executive Performance Review Committee Meeting held on DD MMMM YYYY.

.....

PRESIDING MEMBER

16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

17 BUILDING FIRE SAFETY COMMITTEE

Nil

18 COUNCIL REPORTS

18.1 AUDIT AND RISK COMMITTEE MEETING REPORT

Author: Kahli Rolton, Manager Financial Services
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Audit and Risk Committee Meeting Report' as presented on Tuesday 17 June 2025 be noted.
2. That the Council notes the report provided by the Audit and Risk Committee, summarises the work of the Committee
   (a) in the lead up to its meeting, held on 4 June 2025 and
   (b) the observations of the Committee and discussions from the workshop held immediately prior to the meeting and during the meeting.

PURPOSE

A report to Council after the Audit and Risk Committee meeting, summarising the work of the committee preceding the meeting and the outcomes of the meeting.

RELEVANT LEGISLATION

Section 126 of the Local Government Act effective from 30 November 2023

requires that the following report is prepared as shown below:

(8) A council audit and risk committee must—

(a) provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting;

BACKGROUND / OPTIONS

Period Preceding the June Meeting:

1. **Workshop 4 June 2025 –** A workshop for Audit and Risk Committee Members and Council Elected Members was held immediately prior to the meeting. This workshop included presentations from consultants about two topics:
   - Internal Audit, procurement and contract management – UHY presented their findings and recommendations from 2 internal audits completed in relation to procurement and contract management.
   - External Audit, Interim Management Letter – Dean Newbery presented their findings from completion of the interim audit.
2. **Email to Presiding Member 3 April 2025 –** Draft 2025 External Audit Plan – Forward Dean Newbery proposed audit procedures and key audit matters for the external audit of

the City of Mount Gambier for the financial year ending 30 June 2025 for the purposes of completing the interim audit.

3. **Email to Committee 7 April 2025 -** Summary Report to Council – The Committee reviewed the draft report prepared for Council, summarising the work of the Committee preceding the meeting and the outcomes of the meeting.
   Feedback was received from two members and changes incorporated and confirmed from the Audit and Risk Committee Presiding Member prior to the report being presented to Council at their April meeting.
4. **Email to Committee 30 April 2025 –** No Special Meeting for May 2025 - A special meeting was proposed for 7 May 2025 to review the Annual Business Plan and Budget. Due to the documentation not being ready at this time, the meeting was not required.
5. **Email to Committee 1 May 2025 –** Work Health Safety and Wellbeing Report January to March 2025 for noting.
6. **Email to Committee 23 May 2025 –** Memorandum sent to Committee Members advising them of recent Council decision to increase independent member sitting fees.
7. **Email to Committee 27 May 2025 –** Draft copy of Annual Business Plan and Budget 2025/2026 and Draft Long Term Financial Plan 2026-2035 to be reviewed prior to Audit and Risk Meeting 4 June 2025.
8. **Council Member Briefing –** Meeting held as required between the Council Member Audit and Risk Committee representative and General Manager Corporate and Regulatory Services to provide a briefing on the reports included in the agenda prior to the meeting.
9. **Presiding Member Pre-Meeting -** Meeting held as required between the Manager Financial Services and the Presiding Member to discuss the agenda prior to the meeting.
10. **Discussion Independent Member Pre-Meeting** – phone conversation held with an independent member to raise and answer questions prior to the meeting.

Outcomes of the Workshop 4 June 2025:

A workshop was held immediately prior to the Audit and Risk Committee meeting to discuss the Internal Audits completed for Procurement and Contract Management and the findings from the Interim Audit by the external auditors.

Representatives from UHY Haines Norton presented on their findings and recommendations following their completion of internal audits for procurement and contract management. Questions and discussion centred around manual processes, automated and integrated reporting, systems and contract management framework/administration principle. The Committee raised concern about capacity and timelines to deliver improvements, requesting that detailed timeframes be included in future quarterly updates.

Representatives from external auditors, Dean Newbery presented on their observations and findings following their completion of the interim audit for 2024/2025. Overall, Dean Newbery were satisfied the controls are working well. Their focus will be on reviewing further developments and training in contract management. The Committee raised questions about the superannuation guarantee obligations for independent committee members. Council administration has already brought in an accrual for back payments, amounts are not considered material and letters will be sent to independent committee members for both Audit and Risk and Regional Assessment Panel shortly to start gathering information so that payments can be made immediately following release of a ruling which is pending with the ATO.

Outcomes of the Meeting 4 June 2025:

The following reports were discussed at the 4 June 2025 meeting. The outcomes of the reports are outlined in the meeting minutes.

5.1 Draft 2025/2026 Annual Business Plan and Budget

The Committee raised questions around rating growth and best practice treatment. At present Council has built in 0.5% growth (on average 0.76% over last 7 years) with anything outside of the 0.5% being absorbed/discounting other ratepayers. Key discussion points arising from this question included:

- Disservice if growth is absorbed as it is future money that should be banked for the provision of service growth. Would strongly support banking additional growth.
- Growth can be used to go into an open space fund, to help fund increase services in the future.
- Rating Review would be the optimum place in the context of broader policy position to make a change to the treatment of growth.

The Committee commented on making tough decisions in the past over higher rate increases and acknowledged the challenging work from not just a financial perspective, but also the human perspective involved with this.

The following improvements/suggestions were tabled for consideration:

- Expand on financial ratios
- For added transparency and only where practical include declaration of rate in the dollar in the draft document instead of TBA and note that it is subject to final adoption. To be updated at the final version once final figures known.
- ESCOSA commentary reads well in LTFP, consider expanding ABP&P to be similar
- Definition in LTFP for treatment of growth over the longer term.

Recommendations were adjusted to reflect the final views of the Committee for Council consideration.

ADMINISTRATION ACTION:

- Rating Review workshop to be held with Audit and Risk Committee prior to next meeting (August 2025).
- Updates to made to final version of business plan following public consultation

5.2 Draft Long Term Financial Plan for Public Consultation

The Committee thanked Council for taking on their comments regarding the ESCOSA recommendations and about reducing the sustainability margin from the previously adopted LTFP. Following discussion regarding growth at item 5.1, expanded the consideration of taking growth in lieu of sustainability margin instead of absorbing it.

Further comments were made in relation to stretching the timing of revaluations so not all occurring in one year due to financial pressure and capacity to deliver. It was confirmed that this was being investigated by Management.

The Committee reiterated that continual review of asset management plans with long term financial planning is required to provide a more realistic view of cash holdings in year 10, suggesting to update asset management plans to take up additional capacity to fully fund asset renewal or other projects and reflect this in future versions of the LTFP.

A question was raised around the interest rate assumptions used in the LTFP. The recent decrease in RBA interest rate was passed on immediately by the LGFA and it is anticipated that a further two rate cuts will occur from July 2025. The LTFP assumes a certain percentage

of cash advance debentures will be drawn down at any point in time and a conservative approach has been taken in respect to this which is another influence on calculated interest expense aside from the percentage rate.

The Committee was complimentary that each version of the document is improving and providing a more accurate representation over time.

Recommendations were adjusted to reflect the final views of the Committee for Council consideration.

ADMINISTRATION ACTION:

- Inclusion of definition for treatment of growth in final version of LTFP
- Continued review of Asset Management Plans and integration with LTFP especially in later years of plans.
- Formatting updates to LTFP for final version

5.3 Asset Management Planning Approach

The Committee commented on the commitment between the finance and engineering teams to work together and to ensure continuation of this close working relationship to advance the strategic asset management strategy.

Question was raised around AASB13 and making sure fair values are appropriate

5.4 Risk Appetite Statement

Extensive discussion was held with the Committee regarding the process undertaken and maturity benchmarking framework. The Committee were complimentary to Mangement for pulling the work together and made the following observations/comments for consideration:

- Overlap on doubling up on legislative requirements
- Inclusion for funding for WHS that will reduce issues and further reduce risk
- Expand/define length for prolonged outages under business continuity plan
- Inclusion of sub-categories to separate areas within a broad category that may have different risk ratings
- Questioned who the audience was for the statement
- Noted that controls may be incorporated at operational level as risk maturity advances
- Important how Executive set the tone.

5.5 2024/2025 External Audit Interim Management Report

The Committee noted the report as it was discussed as part of the workshop held prior to the meeting.

5.6 Quarterly Internal Audit Update

The Committee noted the report.

5.7 Internal Audit Procurement and Contract Management

The Committee noted the report as it was discussed as part of the workshop held prior to the meeting.

A further comment was made around the variances between the external audit compared to the internal audit and the emphasis on systems. A system is nice to have and will only be as good as the practice in place. The committee also reiterated the key is in defining roles and responsibilities for contract management and training is paramount.

5.8 Work Health Safety (WHS) and Wellbeing Quarterly Report – January –March 2025

Concerns were raised at the time it was taking to close out hazards and incidents in the system.

Discussion was held whether this level of report was required at Audit and Risk Committee as it is quite operational. The Committee would prefer to receive a high level dashboard half yearly summarising number of incidents and hazards and outstanding items, lifting to a more strategic level with only high or extreme risks to be detailed.

5.9 Audit and Risk Committee Meeting Report

The Committee noted the report.

CONCLUSION

The recommendation to Council is that they note the report as presented (in conjunction with the minutes of the meeting).

ATTACHMENTS

Nil

18.2 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Request for Internal Review of Council Decision' as presented on Tuesday 17 June 2025 be noted.
2. That Council, having considered the within request for internal review of council decisions, and with the provision of additional options and information, in accordance with section 270 of the Local Government Act 1999 and Council's Internal Review of Council's Decisions Policy C290 determines that:

   (a) the Chief Executive Officer (or delegate) be authorised to engage an external legal professional to conduct the relevant investigation and assessment in relation to Council resolutions (decisions) OCM 2025/96 - OCM 2025/104 (inclusive) made at the ordinary meeting of 15 April 2025, and the appointed external legal professional, having undertaken the requisite natural justice processes, produce and present a recommendation report to Council for consideration.

   OR [delete whichever is not selected]

   (b) the Chief Executive Officer (or delegate) be authorised to engage an external legal professional to provide advice in respect of the request for legal review and a suitably qualified and experienced industry professional to conduct the balance of the relevant investigation and assessment in relation to Council resolutions (decisions) OCM 2025/96 - OCM 2025/104 (inclusive) made at the ordinary meeting of 15 April 2025, and the appointed professional, having undertaken the requisite natural justice processes, produce and present a recommendation report to Council for consideration.

PURPOSE

To present to Council the various options to close out the Request for Internal Review of Council Decision made in accordance with section 270 of the Local Government Act 1999 (the Act), as previously presented to the ordinary meeting of 20 May 2025.

BACKGROUND / OPTIONS

The Identified Decision/s

At the ordinary meeting of 15 April 2025, Council considered five (5) items 'in confidence' in accordance with the requirements of section 90(3) of the Act. The Council ordered that the public be excluded in order to receive, discuss and consider the following Agenda Items:

- 21.1 Strategic Projects Update
- 21.2 Music SA - Update 21.2 Music SA - Update
- 21.3 Electricity Supply Contract - Large and Unmetered Supply
- 21.4 Wulanda Recreation and Convention Centre - Contractual Matters
- 21.5 Wulanda Recreation and Convention Centre - Project Update

Whilst the majority of these items currently remain in confidence, the name and value of the supplier for Item 21.3 has already been released, the trigger for Item 21.1 is July of this year, and Council is asked to consider release of the report and resolution for Item 21.1 by way of separate report to this meeting. On balance, the only items which will remain entirely in confidence after 31 July will be Items 21.4 and 21.5.

Request for Internal Review

Following the meeting, Council received the **attached** Request for Internal Review of Council Decision in accordance with section 270 of the Act and Council's Policy. The request calls for a review of all resolutions (decisions) made by the Council following the first section 90(3) order to exclude the public, and specifically Resolution OCM 2025/96 - Resolution OCM 2025/104 (inclusive).

The basis for such request is that whilst debate on the making of confidential orders was undertaken publicly for Item 21.1, the consideration, discussion and debate of Council in relation to the making of confidential orders for the remaining Items 21.2 - 21.5 occurred after the public had already vacated the gallery, and had not been invited back in to observe the section 90(3) considerations for each of the subsequent Items.

Additional Context – Security and Meeting Management

At the conclusion of the Council Meeting held 18 March 2025, a security incident occurred involving an unauthorised individual entering the Level 4 Reception Area at approximately 8:50pm, after the meeting had ended while members and staff were preparing to leave. The individual displayed concerning behaviour and was assisted to safely exit the building by one of the members present. This incident highlighted a security vulnerability during and following Council Meetings, particularly when the public is excluded, where there are effectively no security measures in place preventing access to an otherwise empty building (while all members and staff present are occupied within the Chamber).

As a result, it was determined that for all future Council Meetings, Committee Meetings and Information of Briefing Sessions, the front entrance to the Civic Centre should be locked once the meeting enters the confidential section of the Agenda. This new process was followed for the 15 April 2025 meeting, and enacted by two senior staff members at the conclusion of the 'open' Agenda items. It is relevant to note that Council's usual practice is to hold all confidential items at the end of any relevant meeting, for efficiency and public convenience.

Whilst not specifically related to the request for internal review, this procedural change may have relevance to how Council manages public attendance during transitions to confidential Agenda items, and will likely be a relevant contextual consideration in the broader discussion around transparency, accessibility, and safety at Council meetings.

S270 Considerations

There are several relevant considerations under Council's Policy which must be applied prior to commencing the review process, which are set out in further detail below.

1. Is there a 'reviewable' decision?

   Yes, in this instance the decisions identified by the Applicant, and specifically resolutions OCM 2025/96 - OCM 2025/104 (inclusive), are decisions of Council capable of review in accordance with section 270 of the Act. That being said, some of these decisions may have already been 'perfected' (i.e. the discussion has already occurred in confidence)

and therefore in effect are unable to be materially varied or revoked, however that will be an issue for the person (or agency) appointed to investigate, assess and produce a recommendation report to Council.

2. Does the decision fall within the contemplation of section 270 of the Act, or is there another more appropriate mechanism to deal with the review (i.e. is there a right of review enlivened under alternative legislation)?

   Yes. Whilst there may be other relevant avenues available to address the Application, such as reporting the matter to the OPI, ICAC, or SA Ombudsman, these processes are likely to be more protracted than an internal review, and may not yield the specific outcomes sought by the Applicant (i.e. Council's particular consideration of the validity of the relevant decisions).

3. Does the Applicant have sufficient interest to request such a review?

   Yes, the Applicant is a current resident and ratepayer of the City of Mount Gambier. This is a sufficient interest in the context of ensuring that Council and Committee meetings are conducted in a place open to the public.

4. Are there any relevant exclusions that need to be considered?

   No, there are no reasonable grounds under which the Council might determine not to take action, or refuse to deal with the Application.

In contemplation of the above, the Request for Internal Review must be referred to the elected Council for consideration.

It is noted that the request has been formally acknowledged by Council, and the Applicant has confirmed that they are aware and comfortable that the details of their request (including their name) will form part of a public Agenda.

Consideration of Council

Following the previous presentation of this matter to the May ordinary meeting, Council noted they required some additional information to appraise their decision. The relevant additional context has been further set out in this report. It should be noted that at the May meeting, Council did not resolve "not to deal with the matter", but rather that the recommendation about the approach to be taken as proposed by Officers was lost. This does not therefore prevent Council from considering options for addressing the section 270, given the provision of additional information.

It is also worth noting that the Presiding Member has implemented an immediate change to practice at the May meeting, in advance of the outcome of any section 270 review, and ultimately the procedure to be followed will be informed by the outcome of the said review.

IMPLICATIONS TO CONSIDER

Legal	Council has relevant obligations under the Local Government Act 1999 (the Act) with respect to conducting council and committee meetings in a place open to the public, except where a valid order under section 90(2) and (3) is made to exclude the public to the extent that the council considers it to be necessary and appropriate to receive, discuss or consider information in confidence.

	Council is further obligated to establish procedures for the review of decisions of council, its employees, or persons acting on its behalf (agents). Council has established such procedure, which is enlivened upon receiving a valid request from a person with sufficient interest to review a 'reviewable' decision. This process is prescriptive and must be followed in accordance with natural justice principles.
Financial and Budget	There is likely to be financial implications as a result of engaging an external legal professional to conduct the relevant investigation, assessment and provide a recommendation for Council's consideration, and costs for such action are contained below in the report.
Community Consultation and Engagement	N/A
Other Resources	N/A

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Council is found to be in breach of key legislative requirements, and receives a financial penalty, or is subject to litigation to challenge impacted decisions.	Minor (2)	Rare (1)	Low	Annual budget allocation of funds for legal advice as required, as well as contingency 'risks' identified.
Reputation – Trust with the community is eroded as a result of a perceived lack of transparency.	Minor (2)	Likely (4)	Moderate	Consistent adherence to appropriate confidentiality protocol, regular media and communication updates to community on council meeting activity in a digestible mode.
Legal / Regulatory / Policy - Council is found to have breached a key legislative requirement and is subject to intervention by an integrity agency.	Minor (2)	Unlikely (2)	Low	Agenda publishing software with relevant confidentiality prompts for report writers, legal advice on retainer as required, governance support at council meetings.

Service Delivery – Resources are diverted from regular business activities / services to support internal review of decisions.	Insignificant (1)	Likely (4)	Low	Appropriate resource capacity building to account for adhoc work arising.
People - Morale of staff, or recruitment / retention of staff, is negatively impacted by media profile.	Insignificant (1)	Likely (4)	Low	Regular pulse surveys to monitor staff morale, protocols to protect staff from the impact of negative public profile incidents, EAP service
Infrastructure – N/A	Choose an item.	Choose an item.	Choose an item.	N/A
Environmental - N/A	Choose an item.	Choose an item.	Choose an item.	N/A

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

6.1 Ensure Elected Council Members are meeting their civic obligations and making informed, strategic decisions in the best interests of the community.

6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

6.3 Ensure decisions and activities of Council are communicated in a timely, clear and proactive manner.

This report contributes to delivery of the following key strategic project(s):

N/A

RELEVANT COUNCIL POLICY

Internal Review of Council's Decisions - C290
s92 Code of Practice for Access to Meetings and Documents

IMPLEMENTATION AND NEXT STEPS

Council is responsible for determining who will undertake the investigation, assessment and provision of a recommendation report for Council consideration. This may be the CEO, his/her delegate, or an expert party from outside the organisation. Where the elected Council is not the reviewer, a review methodology to suit the nature of the internal review to be undertaken will be chosen from the following:

- CEO
- A Senior Officer (General Manager/Manager)
- A panel comprised of Council Members and/or Senior Staff
- An external person
- A panel of external experts

It is relevant to note that wherever possible and appropriate, Council will seek to involve an external person or panel to assist with the review, which may include employees of other Councils. The reason for this is to ensure an arms-length, independent assessment is undertaken and can be relied upon by the Applicant to be free from bias or undue influence.

Refusing an application for review

A council, or a person assigned to consider the application, may refuse to consider an application for review if—

- the application is made by an employee of the council and relates to an issue concerning his or her employment; or
- it appears that the application is frivolous or vexatious; or
- more than 6 months has elapsed from the time of the decision; or
- the applicant does not have a sufficient interest in the matter; or
- alternative statutory review processes exist, including but not limited to:
    - Electoral issues (Local, State and Commonwealth)
    - Planning Development and Infrastructure Act and Regulations
    - Freedom of Information Act matters
    - Expiation of Offences matters
    - By-Laws and Orders
    - Rates and Property Valuations
    - Code of Conduct and Employment related issues
    - Conflict of Interest matters – Elected Members
    - Decisions made through delegations under other Acts

Such matters will be considered for the conduct of a section 270 review on the merits of the individual application.

Refusing an application for review will not be done lightly and reasons for the refusal will need to document the evidence on which a refusal is based.

Council may determine not to review a matter if the application has already been the subject of a review by the council or an investigation, inquiry, or review by another authority. The decision maker in these circumstances shall be the reviewer assigned to consider the application. A member of the public who is dissatisfied with such determination remans entitled to make a complaint to the Ombudsman.

Council will not refuse to deal with, or to take no further action in relation to:

1. complaints about council members made pursuant to sections 262A to 262E of the Local Government Act.
2. relating to a recommendation of the Ombudsman.

Frivolous and vexatious

In the context of legal or complaints-related terminology, frivolous typically means something trivial, without merit, or not worth serious consideration.

Vexatious, on the other hand, implies being deliberately annoying, troublesome, or intended to cause harassment, especially in a legal context.

The Council must turn its mind to both the factual and legislative (legal) basis of the within request, in order to determine whether this is an appropriate manner to resolve the matter.

Costs

Noting the concern regarding uncertainty of costs, the administration has obtained quotes from appropriate law firms to undertake the investigation, assessment and furnish Council with a recommendation report for consideration, including:

Kelledy Jones Lawyers = $3,250 + GST

Norman Waterhouse Lawyers = $8,500 - $10,000 + GST for a comprehensive merits review and report, or $2,500 - $3,000 + GST for specific legal advice around the validity of the section 90(3) orders and subsequent impact

Non-legal report options

Whilst there are inherent legal issues which will require the provision of legal advice in order to ultimately resolve the within review request (i.e. does the process issue identified invalidate the confidential orders made for the final four confidential items considered at the 15 April 2025 meeting, and will there be a subsequent requirement to release any reports, minutes and attachments subject to those orders) it is possible that the elements of the review process may be able to be separated out as follows:

- The critical legal advice is obtained on the requisite issue/s, and
- The balance of the investigation, assessment and provision of a recommendation report be undertaken by an alternative 'reviewer'.

To this end, enquiries have been made with the Local Government Assocation of SA (the LGA) to determine whether an appropriate governance professional may be available to undertake the balance of the review, upon receipt of the key legal advice. The LGA has advised that they are unable to provide such support, however have recommended that the CEO network may be able to offer governance professionals with the requisite skills and availability. To that end, we have made enquiries with the network seeking suitable expressions.

Importance for arms-length review

Whilst it is open to Council to appoint either the CEO or other senior staff to conduct the relevant investigation, assessment and provision of a recommendation report for Council consideration, it is not recommended on the basis that all senior staff have been materially involved in the operation of the process for dealing with confidential items, and would almost certainly be seen as biased in reviewing the decision/s.

CONCLUSION

In contemplation of the legal complexity, nuance, and confidentiality of the decisions subject to the review, it is recommended that Council appoint an independent person with relevant expertise in Local Government Governance to undertake the investigation, assessment and provision of a recommendation report for Council consideration. To that end, two options are provided for Council's consideration.

ATTACHMENTS

1. Request for Internal Review - Graham Walkom [**18.2.1** - 3 pages]

P1

C290 - INTERNAL REVIEW OF MT GAMBIER COUNCIL'S DECISIONS

Date current issue decisions were made: **15 April 2015**

Issue: Invalid Council Resolutions - minute items 21.1 to 21.5

Events: Failure to follow statutory process according to section 90 of the Local Government Act 1999; relevant meeting regulations; LGASA specific guidelines.

Failure to follow LGASA Guidelines to validate the motions 'excluding public' and 'keeping agenda items confidential'.

Council process witnessed:

I was a witness at the 15 April 2025 Council meeting, in calling item 21.1 the presiding member accepted the as read agenda item put by Cllr Mezinec but neither allowed nor encouraged debate in the at that time public meeting to ensure that council and public gallery were satisfied the agenda item proposed should indeed be followed and was clearly understood.Compliance with the stated reasons in the agenda was assumed without validation, but the gallery was removed regardless.

The presiding member simply announced that the 13 persons in the public gallery had to leave for all the remaining agenda items "as they were all to be confidential".

Now it is unclear to me as a member of that gallery whether this motion was actually as recorded in the minutes or whether it was an "en block" motion. Even if it was "en block" it is invalid for items discussed or to be discussed in confidence.

Still, the entire public gallery was firmly informed that they had to leave at that time for all the remaining items on the agenda.

I specifically requested of those staff ushering us out, firstly from the chamber and then the building, if we would be notified when the first item was concluded and the public gallery was allowed back, to be firmly advised 'no, we are exiting for all items' and were ushered downstairs, through the foyer, outside the building with the main entrance doors locked behind all 13 of us. Seemingly for good measure and message the external lights were switched off for several seconds as soon as all public was outside the building:quite a sordid farewell and I hope all members receive apologies for the wrongful treatment and advice. The public were not invited back! And many are not likely to come back. But is that not council's intent?

Serious administration error:

The staff's reference to it being for all remaining items, like the presiding member's stipulation was entirely incorrect. Every item planned to be discussed in confidence as well as all others must on completion have the meeting return to being a public meeting. I quote the LGASA guidelines to confirm this...

> "If a meeting is considering multiple items that are recommended to be held in confidence then the meeting must apply sections 90(2) and 90(3) on an item-by-item basis to enable the relevant ground under section 90(3) to be applied and to ensure the meeting resolves to apply section 90 when the meeting is open to the public. This means the public must be invited to return to the meeting after the conclusion of every item that has previously been considered in confidence." and...
>
> "The grounds under section 90(3) are deliberately limited because of the statutory premise that meetings are open to the public and the fundamental principle of transparency and accountability." and

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"the District Court of South Australia has noted that to satisfy the test it requires more than merely showing that there is something adverse to the public interest likely to flow from disclosure. "Rather, on balance, the factors in the public interest against disclosure must outweigh the factors in favour of disclosure.""

In The Public Eye, the public interest reasons for a meeting to remain open to the public include:

- ensuring accountability;
- maintaining transparency of public expenditure;
- facilitating public participation;
- assisting public awareness; and
- allowing for the scrutiny of information.

Because there is, in my mind at least, a lack of clarity regarding whether Resolution OCM 2025/95 applied to just one or to more agenda items I accept the minutes as recorded - it is applicable to only the first "confidential" item 21.1 and so this is valid.

From this point onwards though, none of the "Keep Confidential" resolutions nor any of the motions/ resolutions to "exclude the public "are valid as they were not considered in open session of council **as confirmed by the formal minutes.**

So we have the following items from the 15 April agenda with the following status and this requested review is directed to council decisions OCM 2025/100, OCM 2025/96, OCM 2025/101, OCM 2025/97, OCM 2025/102, OCM 2025/98, OCM 2025/103, OCM 2025/99, OCM 2025/104:

1)	RESOLUTION OCM 2025/95	Strategic Projects Update - decision to remove public… VALID
2)	RESOLUTION OCM 2025/100 INVALID	Strategic Projects Update - decision to keep confidential:
3)	RESOLUTION OCM 2025/96	Music SA. I…decision to remove public…INVALID
4)	RESOLUTION OCM 2025/101	Music SA.- decision to keep confidential: INVALID
5)	RESOLUTION OCM 2025/97	Unmetered Electriciy Supply -decision to remove public-INVALID
6)	RESOLUTION OCM 2025/102 INVALID	Unmetered Electriciy Supply - decision to keep confidential:
7)	RESOLUTION OCM 2025/98 INVALID	Wulanda Contract Matters decision to remove public…
8)	RESOLUTION OCM 2025/103 INVALID	Wulanda Contract Matters decision to keep confidential:
9)	RESOLUTION OCM 2025/99	Wulanda Project Update: decision to remove public…INVALID
10)	RESOLUTION OCM 2025/104 INVALID.	Wulanda Project Update: decision to keep to confidential:

Council's routine abuse of 'in confidence process' requires a full investigation

I absolutely accept that my own impressions that council considers far more items in confidence than the OmbudsmanSA's guidelines of 3% maximum, (ideally < 2%) is a subjective impression, so I checked using council's own records as follows…

2023/24 total number of resolutions moved into confidence…circa 109 (council's 2023/24 annual report)

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2023/24 total number of council meeting resolutions for the financial year c301 (of which c50% are indicated as procedural)

Now I do not know if council is intentionally keeping the consideration of such items from the public being self conscious of its very performance, or if it is just very sloppy meeting process, but it is apparent to most in this community that council appears to go out of its way to keep any, indeed all information on their very financially embarrassing Wulanda project away from their ratepayers. A casual observer of council would most likely support this assertion noting that there were two Wulanda items included in the above list.

And that casual observer of this council (or indeed all 24,000 of them) might say of course council will cover its Wulanda mess. Well if that and burying other possible mismanagement issues is what is happening in council meeting process to create the bizarre number of confidential items, council needs to think again because the Local Government Act addresses this viz.:

Section 90(4): In deciding to consider a matter in confidence it is irrelevant that discussion of the matter in public may –

- Cause embarrassment to the council, council committee, members or employees
- Cause a loss of confidence in the council or council committee
- Involve discussion of a controversial matter*
- Make the council susceptible to adverse criticism*
  [*Added to section 90(4) by amendment commencing 31 March 2016]

In closing, I would add additional contextual comment

a) that the bible for local government, the LGAct 1999 is very serious about councils holding meetings and their business open to the public is a fundamental requirement.

b) This failure appears to be a serious public integrity issue for the Mount Gambier Council.

c) It is very disappointing that neither the Presiding Member nor any councillor is able to summarise an agenda item in public session in an appropriate manner to justify going into confidence.
N.B. It is council not the staff who are required under the act to make this justification and they are neither doing it nor attempting to do it.

d) In this instance alone, there are 5 items that council has felt must be considered 100% in confidence and kept 100% in confidence. From my experience as councillor, there are many agenda items that can be redacted and satisfy both public interest and essential confidentiality.

In the case of the items in question here, Council needs to note that the relevant documents and confidential retention of them and their meeting considerations are not now confidential and must be published directly.

Thank you for considering this requested review.

G Walkom

Graham Walkom
21 April 2025

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18.3 BUDGET REVIEW 3 2024/2025

Author: Kahli Rolton, Manager Financial Services

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Budget Review 3 2024/2025' as presented on Tuesday 17 June 2025 be noted.
2. That Council adopts the Budget Review 3, being prepared as at 31 March 2025 for the financial year ending 30 June 2025.

PURPOSE

The purpose of the budget review as at 31 March 2025 is to provide Council, the community and other interested parties, a record of the budgeted financial activities and the financial position of the Council, compared to the original budget for the year ending 30 June 2025.

Budget Review 3 is the third reforecast for 2024/2025 financial year, following the adoption of the Annual Business Plan and Budget in June 2024, the approved budget including carry forwards in September 2024, the first budget review adopted in November 2024 and the second budget review adopted in March 2025. The full year forecast has been developed in consultation with staff across the organisation for known material changes to operating revenue, expenditure, capital revenue and capital expenditure.

BACKGROUND / OPTIONS

Operating Position

Table 1 provides an extract from the attached forecast financial statements showing key variances. The draft budget review (BR3) resulting in a net increase to budget of $172k from BR2. Table 2 shows the total movement including moperating and capital expenditure.

Table 1: Summary of Comprehensive Income totals and variance $'000

City of Mount Gambier - Forecast Statement of Comprehensive Income						
2024 Actual	Comprehensive Income	2025 ABP	2025 BR1*	2025 BR2	2025 BR3	Variance
42,061	Total Income	48,574	52,596	53,159	53,168	9
47,229	Total Expenses	50,257	50,669	51,136	51,018	-118
(5,168)	Operating Surplus / (Deficit)	(1,683)	1,927	2,023	2,150	127
(4,374)	Net Surplus / (Deficit)	(433)	3,116	2,956	3,128	172
40,874	Total Comprehensive Income	(433)	3,116	2,956	3,128	172

*BR1 figures have been adjusted by $40k between grants, subsidies and contributions and other income revenue lines due to an error
found in the reporting template. This was identified at BR2 and updated.

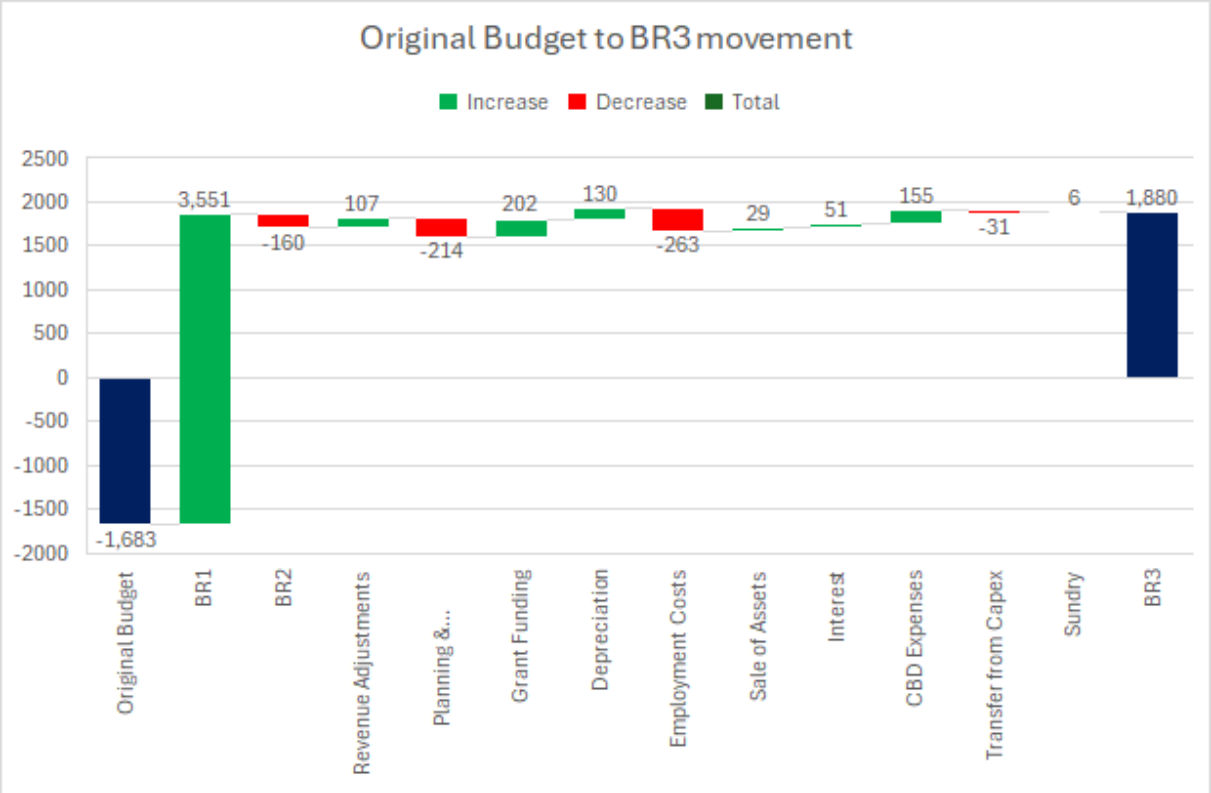
Details of revised amounts/variances from original budget to BR3:
Consolidated position including operating and capital movements
The following graphic provides a summary of movement based on functional/significant categorisation. For noting when interpreting the graph, the adopted budget for 2024/2025 started with an operating deficit of ($1,683k), movements of $3,551k for BR1, ($160k) movements for BR2 and $172k movements for BR3 bring the total consolidated surplus to $1,880k.

The graph includes additional movement from BR2 of $29k for recognition of asset disposals and $16k for new capital grants, coupled with movement from BR1 & BR2 of ($67k) for asset disposals and a ($250k) for an unsuccessful capital grant for new or upgraded assets ($2,150 - $250k - $67k +$44k +$3k rounding = $1,880). This graphic has been included as it is often easier to interpret than the movement to financial statements (refer Graphic 2 below) as it highlights the net movement for functional areas that may include various income and expenditure element changes.

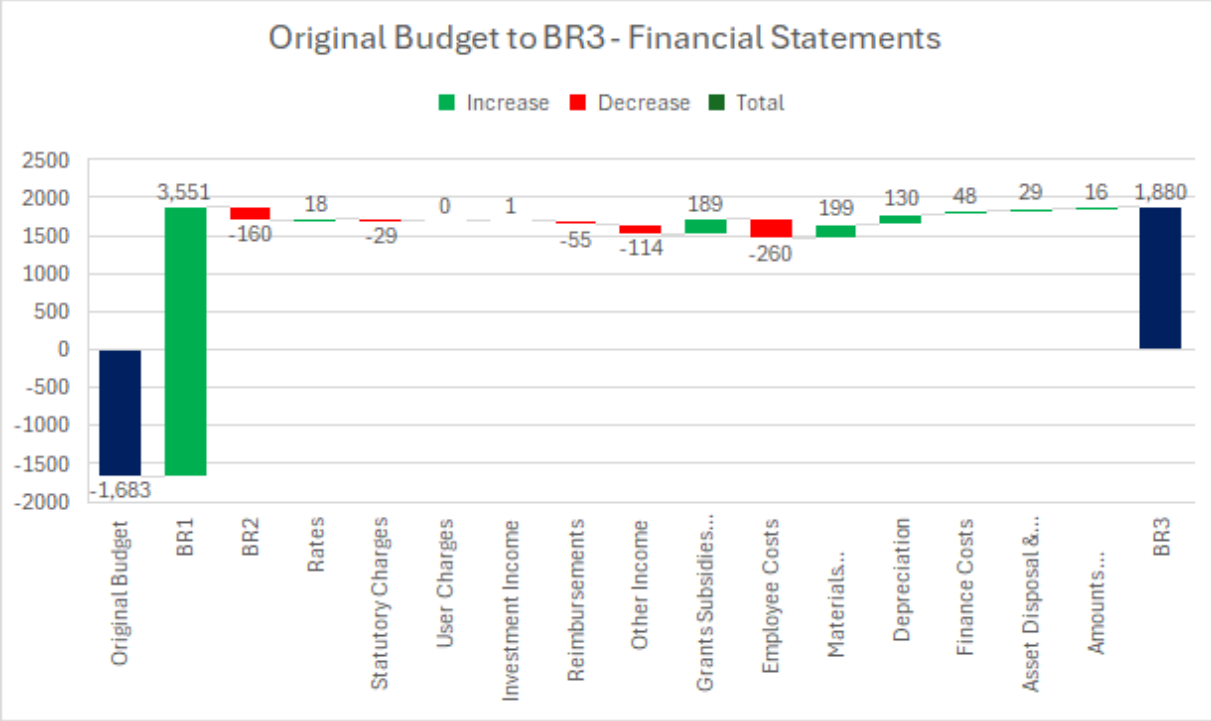
Table 2: Budget movement overview $'000

Budget Component	Adopted Budget	BR1 Movement	BR2 Movement	BR3 Movement	Revised Total
Operating	-$1,683	2,068	-143	172	414
Capital (net)	–	1,483	-17	0.5	1,466
Total Surplus					**1,880**

Graphic 1 – Functional Movement



Graphic 2 – Financial Statement movement



Operating Income is $9k or 0.01% higher than 2024/2025 budget revision 2.

- **Grants Subsidies and Contributions favourable increase $189k** :
  - $97k LRCI phase 3 finalised and received funding earlier than first anticipated. These funding amounts have been allocated against capital projects already budgeted for.
  - $47k Roads to Recovery funding brought forward. This funding amount has been allocated against an existing capital project.
  - $39k estimate based on prior year for Regional Transport Subsidy.

- **Other Income unfavourable decrease ($114k)**
  - Majority of this adjustment is a result of open space revenue ($156k) not going to be received. There are currently no development applications in place that require an open space contribution.
  - Carbon Credit royalties from Caroline Landfill gas extraction. Due to receive $28k.
  - Insurance claims c$5.5k

- **Reimbursements unfavourable decrease ($55k)**
  - Majority of this adjustment relates to the on-charging of utilities for Wulanda ($58k). This has been offset by corresponding reduction in expenditure.

- **Statutory Charges unfavourable decrease of ($29k)**
  - Reduced planning and building development fees ($63k) due to the budget being overestimated.
  - Increase in animal fines $28k

- **User Charges** whilst the net movement in user charge revenue is nil, there are some notable underlying movements including increase to revenue for Engelbrecht $32k offset by a reduction to revenue from recycling contracts ($29k) plus other minor adjustments.

- **Rates favourable increase $18k**
    - Increase in fines income of $11k compared to budget
    - Decrease in mandatory rebates, favourable improvement $6k

Operating Expenditure is $118k or 0.23% less than 2024/2025 budget revision 2.

- **Employment costs unfavourable increase ($260k)** budget correction for long service leave.
- **Materials, contracts and other expenses favourable decrease $199k**, made up of a lot of moving parts including reallocations between accounts with some of the more significant items as follows:
    - CBD activation and master planning $155k, underway but will not be completed, has been re-budgeted next financial year
    - Wulanda net decrease of $45k, includes reduction as listed above to reimbursement of utilities and further underspends of $50k have been offset against ($50k) for contractual works
    - Plant Repairs ($34k) partially offset by reduction to workshop trainee $15k
    - Accrual for superannuation on independent committee members ($10k)
    - Net amounts transferred from capex ($31k), total transfer of $56k offset by existing budget savings of $26k
    - Planning and Development legal costs and recovery favourable variance to budget of $11k
    - Timing issue $28k for building costs in relation to civic lift

- **Depreciation, amortisation & Impairment favourable decrease $130k**
    - There is an under-allocation of depreciation due to Cell 3C being overfilled while construction of Cell 4A being finalised. This will create a timing issue across financial years where waste may be required to be shifted from the overfilled cell to the newly constructed cell.

- **Finance Costs favourable decrease $48k** due to interest savings on borrowings

Other Comprehensive Income is $45k or 1.5% more than 2024/2025 budget revision 2.

- Amounts Received Specifically for New or Upgraded Assets favourable variance of $16k to bring in successful grant funding for Defibrillators.
- **Asset Disposal & Fair Value Adjustments favourable variance $29k** bring in estimates based on known information following sales of surplus land and buildings, plant and machinery items year to date. Theis represents the difference between cash received for sales and their current written down value.

Capital Expenditure is ($429k) or 3.2% lower than 2024/2025 Budget Revision 2.

Table 2 summarises movements to capital expenditure from original budget to BR3, noting carry forwards, BR1 and BR2 previously presented and approved by Council. This table is followed by graphical representation of movements for BR3 grouped by materiality.

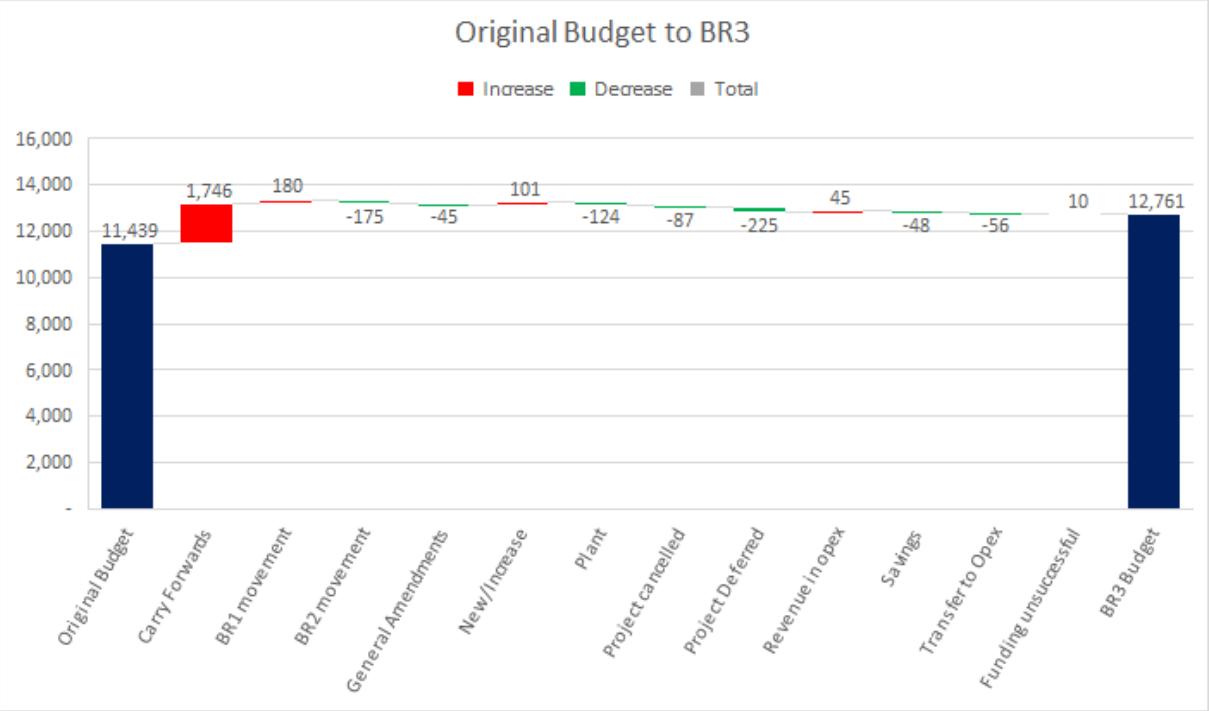
- **Capital Increases of $156k** have been offset by capital decreases and relate to:
    - New/Increase of $101k, made up of $50k for AEDs (defibrillators) required to be installed on public buildings and $51k Council Chamber AV System. For noting that AEDs have been partially funded by $16k grant contribution.

- Revenue in Opex of $45k for Roads to Recovery (R2R) projects Anthony Street and Truman Street, where R2R revenue increase at a previous budget revision.
- Funding Unsuccessful $10k for shared path masterplan.

- **Capital Decreases ($585k)** have offset increases above and relate to:
  - General budget amendments ($45k) is made up of many movements to bring the budget as best as possible on target. The main contributors include: Old Gaol ($100k) used to offset new/increase expenditure listed above, Pinehall Avenue $25k, Shepherdson Rd $37k due to mains water requiring lowering. Savings on Boandik terrace ($78k) offset increased expenditure on Shelley Crescent ($80k). Marngo Place increase of $38k offset by many minor savings across completed projects and stormwater drainage project coming in under budget of ($22k).
  - Savings ($48k) for Gallery floor renewal ($7k) due to expenditure crossing over financial years, Wehl Street North Road ($29k) and IT Assets ($10k)
  - Project deferred of ($225k) for Crematorium/Chapel Renewal ($75k) has been re budgeted FY25/26 and City Centre Signage ($149.7k).
  - Project cancelled of ($87k) for conservation park electric fencing $37k and Sinclair Street footpath ($49k).
  - Amounts transferred to operating ($56k) include environment sustainability mains/electricity monitoring ($12k), Railway Lands playground concept designs ($26k) and various items under the capital threshold such as Mig Welder, new burial section at Carinya and Library Storage Cupboards. For noting that some budget underspends in operating have resulted in a reduced impact to the net operating position in operating where transfer from capital has not been required to be fully taken up.
  - Plant ($124k) made up of many movements, mostly savings with offsets from only minor increases to budget. Notable savings including garbage compactor ($58k) and Landfill Tana ($36k).

Table 2: Summary of Capital Expenditure movements

Capital Expenditure 2024/2025	Adopted Budget	Carry forward	BR1	BR2	BR3	BR2 to BR3 Variance
	$'000	$'000	$'000	$'000	$'000	$'000
Buildings & Structures	2,786	3,497	3,479	3,276	2,901	(227)
Caroline Landfill	-	200	200	200	200	-
Infrastructure	4,034	4,583	4,750	4,836	4,885	34
IT	163	193	191	191	206	41
Other	386	497	542	542	392	(150)
Plant and Equipment	4,069	4,215	4,203	4,146	4,177	(128)
	11,438	**13,184**	**13,365**	**13,190**	**12,761**	**(429)**



Financial Indicators:
Compared to the original budget and first revision, the key financial indicators which measure the financial sustainability and performance of Council are tabled below. For noting that the increase in the asset sustainability ratio is mainly due to carry forward renewals. This should be compared against an adjusted ratio target of c110%.

Financial Indicators	Target	Adopted Budget	BR1	BR2	BR3
Operating Surplus Ratio	Above 0	-3.5%	3.6%	3.8%	4.0%
Net Financial Liabilities Ratio	100% or less	100%	86%	87%	86%
Asset Renewal Funding Ratio	90-110%	100%	109%	109%	105%

Changes incorporated as part of BR3 remain within all conditions of borrowings and forecasts for FY2026/2027.

IMPLICATIONS TO CONSIDER

Legal	The Local Government Financial Regulations 2011 Part 2 Section 9 requires Council to reconsider its budget at least three times between 30 September and the 31 May.
Financial and Budget	Due to the nature of this report the detailed implications have been included in the body of the report. Other risk items identified but not included in the actual revised figures include: **Hub and Spoke Model:** Finalisation of the Hub and Spoke tourism visitor services model is still in progress with Engelbrecht coming onboard in July, Umpherston/Balumbul in October and dates for the Main Corner forecast pending other factors including staffing, EOI and relocation strategy. Initial review of the financial impact of the model is not cost neutral for FY2025 with work continuing in relation to revenue opportunities and operating models. Where facilities were

	previously run by external parties to Council, there is an element of unknown and trial at the outset. Operational review is underway, especially in consideration of off-peak visitor times which may result in a reduction to operational hours where demand is reduced. The full operational review is due to be presented to Council in September 2025. **Cleaners in house:** Due to changes in operations, it is estimated that the initial estimate for bringing cleaning services inhouse will be exceeded. Contributors to this include expansion of operating sites to Engelbrecht, Umpherston/Balumbul and the Old Town Hall. Rosters have been modelled for FY25/26 budget and included. **Wulanda:** The planned and routine maintenance budget included estimates for labour for contracts known at the time of preparation of the original budget. Work continues to be undertaken to proactively align routine maintenance contracts across all relevant Council sites to gain economies of scale. **Extreme weather event:** In November 2024 an extreme weather event occurred affecting some assets (buildings) Council controls and operates. Works have almost been completed to rectify the damage in consultation with the Assessor appointed by LGRS. It is flagged as risk for consideration at future budget revisions, noting that expenditure will be offset by insurance recovery. Where the insurance claim can be reliably measured it will be accrued to offset the expenditure currently incurred. This is currently estimated at c$60k. **Depreciation:** EPA have recently approved initial capping designs for Cell 3C, which was filled past it's conceptual height approval (as approved by the EPA). Early indicators suggest that Council will not be required to shift the full amount of waste overfilled from Cell 3C to the newly constructed Cell 4A, however there will be a requirement to shift a portion of the waste. The initial budget for depreciation assumed that Council would incur a full year of depreciation, however due to the timing of the capping approval, this will now cross over two financial years. A decrease in depreciation at BR3 (this report) will require an increase at Budget Review in FY25/26 once actual amounts of waste shifted are known. A provision has been included on the financial statements for the capping of Cell 3C which will be revised as detailed information becomes available. The timing of this information will be critical to whether any estimates can be reliably measured to be reflected in the financial statements.
Community Consultation and Engagement	N/A
Other Resources	N/A

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Budget Revision is unrealistic,	Minor (2)	Possible (3)	Moderate	Ensure new or revised budgets of Council include

inaccurately recorded, does not reflect strategic objectives and is not compliant with legislation.				reference to strategic objectives and legislative requirements. Ensure independent review of figures loaded to the finance system.
Reputation - Users of the report are not fully informed or make inaccurate assumptions regarding the report contents.	Insignificant (1)	Possible (3)	Low	Hold workshops with Elected Members prior where able to. Ensure accurate representation in social media from Council.
Legal / Regulatory / Policy – Budget Revision does not meet legislative timeframe requirements.	Minor (2)	Unlikely (2)	Low	Ensure staff appropriately trained on legislative requirements. Review, monitor and execute annual work plans. Regular reporting via Audit and Risk Committee.
Service Delivery - Service delivery is compromised due to lack of resources, changing priorities, decision making, inadequate planning or events outside of Council Control.	Minor (2)	Possible (3)	Moderate	Continue to review ability to deliver services at each budget revision with relevant managers. Ensure services remain pertinent to the strategic plan.
Infrastructure - That the capital works program is not completed by 30 June 2025. Factors outside the control of Council eg weather, supply issues.	Moderate (3)	Likely (4)	High	Quarterly reviews and updates. Review for internal versus external supply options. Tender for large plant items early in the year.
Environmental - Waste and emergency management matters as flagged in this report are being worked on	Moderate (3)	Possible (3)	Moderate	Progressing the outlined work will further inform Council for future reports/risk mitigation

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

N/A

This report contributes to delivery of the following key strategic project(s):

N/A

RELEVANT COUNCIL POLICY

Asset Accounting
Budget Policy - B300

IMPLEMENTATION AND NEXT STEPS

Following adoption of this report, the budget will be updated to reflect the changes herein this report.

Budget Revision 3 is flagged for presentation to Council in June 2025, following analysis of figures to 31 March 2025.

CONCLUSION

It is a legislative requirement that Council reconsiders its budget at regular intervals during the year. The budget assesses the financial requirements of Council as best estimated as at 31 March 2025 for the 2024/2025 financial year. Budget reviews provide forecasts of financial outcomes and ensure continuation of delivery of community services and strategic work outcomes. This revision resulted in a favourable movement of $172k.

ATTACHMENTS

1. Forecast Financial Statements B R 3 F Y 2024-2025 [**18.3.1** - 4 pages]

City of Mount Gambier - Forecast Statement of Comprehensive Income

2024 Actual	Comprehensive Income	2025 ABP	2025 BR1*	2025 BR2	2025 BR3	Variance
	Income					
26,488	Rates	30,314	30,317	30,325	30,343	18
781	Statutory Charges	896	896	846	817	(29)
9,179	User Charges	9,812	9,969	10,317	10,317	(0)
559	Grants, Subsidies and Contributions - Capital	388	348	588	733	145
1,102	Grants, Subsidies and Contributions - Operating	5,250	9,094	9,094	9,138	44
54	Investment Income	57	57	78	79	1
1,230	Reimbursements	1,192	1,196	1,195	1,140	(55)
2,668	Other Income	665	719	716	602	(114)
42,061	**Total Income**	**48,574**	**52,596**	**53,159**	**53,168**	**9**
	Expenses					
15,292	Employee Costs	16,324	16,542	16,964	17,224	260
19,320	Materials, Contracts & Other Expenses	20,148	20,173	20,195	19,996	(199)
10,795	Depreciation, Amortisation & Impairment	11,857	11,930	11,950	11,820	(130)
1,822	Finance Costs	1,928	2,024	2,027	1,979	(48)
47,229	**Total Expenses**	**50,257**	**50,669**	**51,136**	**51,018**	**-118**
(5,168)	**Operating Surplus / (Deficit)**	**(1,683)**	**1,927**	**2,023**	**2,150**	**127**
2,053	Physical Resources Received Free of Charge	1,000	1,000	1,000	1,000	0
216	Amounts Received Specifically for New or Upgraded Assets	250	250	0	16	16
(1,475)	Asset Disposal & Fair Value Adjustments	0	(61)	(67)	(38)	29
(4,374)	**Net Surplus / (Deficit)**	**(433)**	**3,116**	**2,956**	**3,128**	**172**
40,874	**Total Comprehensive Income**	**(433)**	**3,116**	**2,956**	**3,128**	**172**

City of Mount Gambier - Forecast Statement of Financial Position						
2024 Actual	$'000s	2025 ABP	2025 BR1	2025 BR2	2025 BR3	Variance
	ASSETS					
	Current Assets					
270	Cash & Cash Equivalents	507	485	500	500	(0)
2,531	Trade & Other Receivables	2,056	2,774	2,797	2,493	(304)
76	Inventories	71	78	78	78	0
335	Assets held for sale	0	335	0	0	0
3,212	**Total Current Assets**	**2,634**	**3,673**	**3,375**	**3,071**	**-304**
	Non-Current Assets					
445,641	Infrastructure, Property, Plant & Equipment	448,700	450,466	450,266	449,988	(278)
0	Other Non-Current Assets	0	0	0	0	0
445,641	**Total Non-Current Assets**	**448,700**	**450,466**	**450,266**	**449,988**	**-278**
448,853	**TOTAL ASSETS**	**451,334**	**454,139**	**453,641**	**453,059**	**-582**
	LIABILITIES					
	Current Liabilities					
5,317	Trade & Other Payables	5,705	5,350	5,102	5,035	(67)
9,986	Borrowings	1,337	1,337	1,337	14,590	13,253
3,561	Provisions	3,176	3,664	3,664	3,664	0
18,864	**Total Current Liabilities**	**10,218**	**10,351**	**10,103**	**23,290**	**13,186**
	Non-Current Liabilities					
27,079	Borrowings	35,266	36,220	34,740	20,838	(13,902)
1,608	Provisions	5,486	3,148	4,540	4,502	(38)
28,687	**Total Non-Current Liabilities**	**40,752**	**39,368**	**39,280**	**25,340**	**-13,940**
47,551	**TOTAL LIABILITIES**	**50,970**	**49,720**	**49,383**	**48,630**	**-753**
401,302	**Net Assets**	**400,364**	**404,420**	**404,258**	**404,429**	**172**
	EQUITY					
87,287	Accumulated Surplus	84,173	90,405	90,243	90,414	171
312,693	Asset Revaluation Reserves	313,869	312,693	312,693	312,693	0
1,322	Other Reserves	2,322	1,322	1,322	1,322	0
401,302	**Total Equity**	**400,364**	**404,420**	**404,258**	**404,429**	**171**

City of Mount Gambier - Forecast Cash Flow						
2024 Actual		2025 ABP	2025 BR1	2025 BR2	2025 BR3	Variance
	Cash Flows from Operating Activities					
	Receipts:					
26,501	Rates Receipts	30,314	30,317	30,059	30,380	321
781	Statutory Charges	896	896	846	817	(29)
9,179	User Charges	9,812	9,969	10,317	10,317	0
1,102	Grants, Subsidies and Contributions (operating purpose)	5,250	9,094	9,094	9,138	44
54	Investment Receipts	57	57	78	79	1
1,230	Reimbursements	1,192	1,196	1,195	1,140	(55)
1,349	Other Revenue	422	433	716	602	(114)
	Payments:					0
(14,663)	Payments to Employees	(16,324)	(16,542)	(16,964)	(20,226)	(3,262)
(19,843)	Payments for Materials, Contracts & Other Expenses	(21,167)	(21,188)	(20,269)	(17,224)	3,045
(1,719)	Finance Payments	(1,928)	(2,055)	(1,859)	(1,780)	79
3,971	**Net Cash provided (or used in) Operating Activities**	**8,524**	**12,177**	**13,213**	**13,242**	**29**
	Cash Flows from Investing Activities					
	Receipts:					
307	Grants Utilised For Capital Purposes	388	388	588	733	145
216	Amounts Received Specifically for New/Upgraded Assets	250	250	0	16	16
110	Sale of Replaced Assets	332	454	454	454	0
0	Sale of Surplus Assets	0	0	335	335	0
	Payments:					0
(3,528)	Expenditure on Renewal/Replacement of Assets	(8,696)	(9,514)	(9,438)	(9,126)	312
(6,188)	Expenditure on New/Upgraded Assets	(2,743)	(3,850)	(3,753)	(3,636)	117
(9,083)	**Net Cash provided (or used in) Investing Activities**	**(10,469)**	**(12,273)**	**(11,814)**	**(11,223)**	**591**
	Cash Flows from Financing Activities					
	Receipts:					
8,374	Proceeds from Loans	3,402	1,762	281	4,750	4,469
64	Proceeds from Bonds and Deposits					0
	Payments:					0
(2,930)	Repayments of Loans	(1,269)	(1,269)	(1,269)	(6,387)	(5,118)
(202)	Repayment of Lease Liabilities	(181)	(181)	(181)	(181)	0
0	Repayment of Bonds and Deposits					
5,306	**Net Cash Flow provided (used in) Financing Activities**	**1,952**	**311**	**(1,169)**	**(1,818)**	**(649)**
194	**Net Increase/(Decrease) in Cash & Cash Equivalents**	**7**	**215**	**230**	**201**	**(29)**
76	**plus: Cash & Cash Equivalents - beginning of year**	**500**	**270**	**270**	**270**	**507**
270	**Cash & Cash Equivalents - end of the year**	**507**	**485**	**500**	**471**	**478**

City of Mount Gambier - Forecast Uniform Presentation of Finances

2024 Actual	$'000s	2025 ABP	2025 BR1	2025 BR2	2025 BR3	variance
	Income					
26,488	Rates	30,314	30,317	30,325	30,343	18
781	Statutory Charges	896	896	846	817	(29)
9,179	User Charges	9,812	9,969	10,317	10,317	0
559	Grants, Subsidies and Contributions - Capital	388	388	588	733	145
1,102	Grants, Subsidies and Contributions - Operating	5,250	9,094	9,094	9,138	44
54	Investment Income	57	57	78	79	1
1,230	Reimbursements	1,192	1,196	1,195	1,140	(55)
2,668	Other Income	665	676	716	602	(114)
42,061	**Total Income**	**48,574**	**52,594**	**53,160**	**53,169**	**10**
	Expenses					
15,292	Employee Costs	16,324	16,542	16,964	17,224	260
19,320	Materials, Contracts & Other Expenses	20,148	20,169	20,195	19,996	(199)
10,795	Depreciation, Amortisation & Impairment	11,857	11,929	11,950	11,820	(130)
1,822	Finance Costs	1,928	2,024	2,027	1,978	(49)
47,229	**Total Expenses**	**50,257**	**50,664**	**51,135**	**51,017**	**-118**
(5,168)	**Operating surplus / (deficit)**	**(1,683)**	**1,930**	**2,025**	**2,153**	**128**
-4914	Timing Adjustment for grant revenue					
(10,082)	**Adjusted Operating Surplus (Deficit)**	**(1,683)**	**1,930**	**2,025**	**2,153**	**128**
	Net outlays on existing assets					
(3,528)	Capital expenditure on renewal and replacement of existing assets	(8,696)	(9,514)	(9,438)	(9,126)	312
10,795	Depreciation, amortisation and impairment	11,857	11,929	11,950	11,820	(130)
110	Proceeds from sale of replaced assets	332	454	454	454	0
7,377	**Net outlays on existing assets**	**3,493**	**2,869**	**2,966**	**3,148**	**182**
	Net outlays on new and upgraded assets					
(6,188)	Capital expenditure on new and upgraded assets *(including investments property & real estate developments)*	(2,743)	(3,850)	(3,753)	(3,636)	117
775	Amounts received specifically for new and upgraded assets	16	250	0	16	16
	Proceeds from sale of surplus assets *(including investment property and real estate developments and non-current assets held for resale)*				364	364
(5,413)	**Net outlays on new and upgraded assets**	**(2,727)**	**(3,600)**	**(3,753)**	**(3,256)**	**497**
(8,118)	**Annual net impact to financing activities (surplus (deficit))**	**(917)**		**1,238**	**2,045**	**807**

18.4 RECONCILIATION ACTION PLAN

Author: Madeleine Brookes, Economy, Strategy and Engagement Project Officer
Authoriser: Chris White, General Manager People Place and Liveability

RECOMMENDATION

1. That Council report titled 'Reconciliation Action Plan' as presented on Tuesday 17 June 2025 be noted.

PURPOSE

To provide a summary of the outcomes achieved through the City of Mount Gambier's inaugural Reconciliation Action Plan (RAP) and outline the next steps for the development of Council's second RAP, in alignment with Reconciliation Australia's framework and Council's Strategic Plan 2024-2028.

BACKGROUND / OPTIONS

City of Mount Gambier has a commitment to lead and support reconciliation in our community. Our inaugural Reconciliation Action Plan (RAP), known as the Yerkalalpata, was formally endorsed by Council on 3 March 2020 following years of collaboration with Elders, community leaders, Elected Members, and Council staff. The plan, launched on 1 June 2020, aligned with Reconciliation Australia's Innovate RAP framework and included over 70 deliverables scheduled over two years, concluding in March 2022. While initially a two-year plan, this work has continued, ensuring ongoing progress toward reconciliation.

Recognising that the success of many RAP actions relies on strong community partnerships, Council established the Yerkalalpata RAP Community Reference Group. This group provides advice and guidance to support delivery of RAP actions, ensures initiatives reflect community needs and aspirations, helps foster a culturally safe and respectful workplace, and acts as a key liaison for Council staff in advancing reconciliation efforts.

Since the first RAP concluded, Council has upheld many commitments, reflecting on achievements and areas for growth. Developing a second RAP is a priority within the Strategic Plan 2024-2028, with the forthcoming Innovate RAP building on progress, reinforcing successful initiatives, and strengthening partnerships with Traditional Owners and the broader Aboriginal and Torres Strait Islander community.

Reconciliation Australia advises that organisations may remain at the Innovate RAP level when foundational actions require further embedding. The next RAP will increase cultural capability, advance ongoing initiatives, and align with evolving organisational and community goals.

Once Council re-engages with Reconciliation Australia, it will have 12 months to prepare a draft RAP, with guidance provided throughout the process.

The attached report summarises key outcomes from the first RAP and identifies areas of growth to guide the next phases of our reconciliation journey.

Next steps

Council is progressing the development of the next Reconciliation Action Plan (RAP) through a structured approach. The next step includes engaging Reconciliation Australia to review frameworks and best practices. Alongside this, discussions with the Yerkalalpata Community

Reference Group continue. Consultation with Elected Members, Council staff, and First Nations leaders will shape key actions, ensuring transparency and shared decision-making. The RAP will then be drafted, refined with stakeholder input, and aligned with measurable outcomes before seeking formal endorsement from Reconciliation Australia and Council. Once approved, implementation will focus on meaningful initiatives, community engagement, and ongoing progress monitoring.

CONCLUSION

Council's ongoing commitment to reconciliation is reflected in the continued progress beyond the first RAP. The next RAP will build on achievements, strengthen partnerships, and align reconciliation efforts with evolving community needs. Developing the second RAP is a priority within the Strategic Plan 2024-2028, ensuring reconciliation remains central to Council's long-term vision.

Once Council re-engages with Reconciliation Australia, the development process will commence, ensuring the next RAP builds on achievements while addressing areas for growth.

ATTACHMENTS

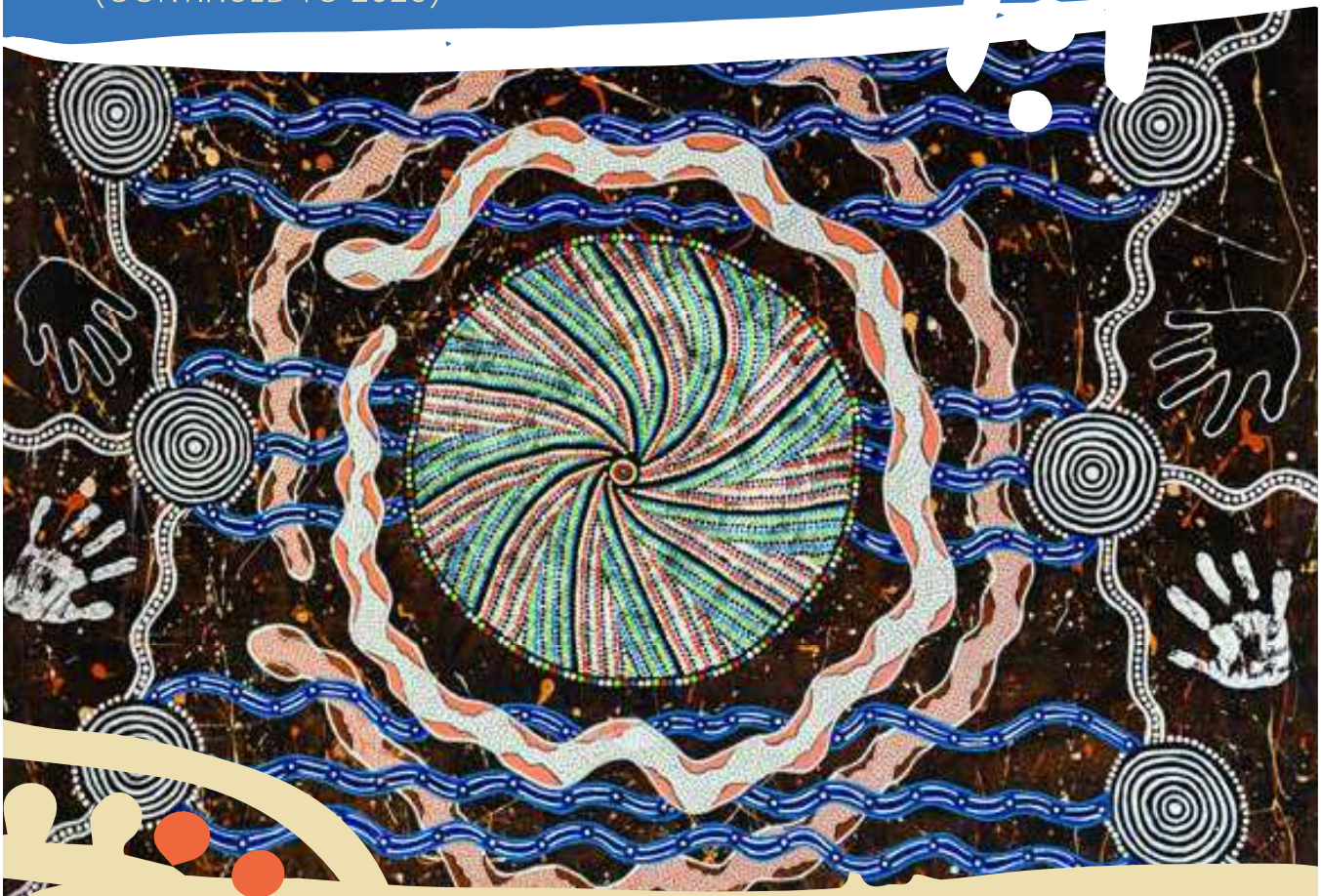
1. Yerkalalpata Reconciliation Action Plan 2020 - 2022 (extended) - Final Report [**18.4.1** - 14 pages]

Yerkalalpata

[LEADING THE WAY]

RECONCILIATION ACTION PLAN
FINAL REPORT

MARCH 2020 -MARCH 2022
(CONTINUED TO 2025)

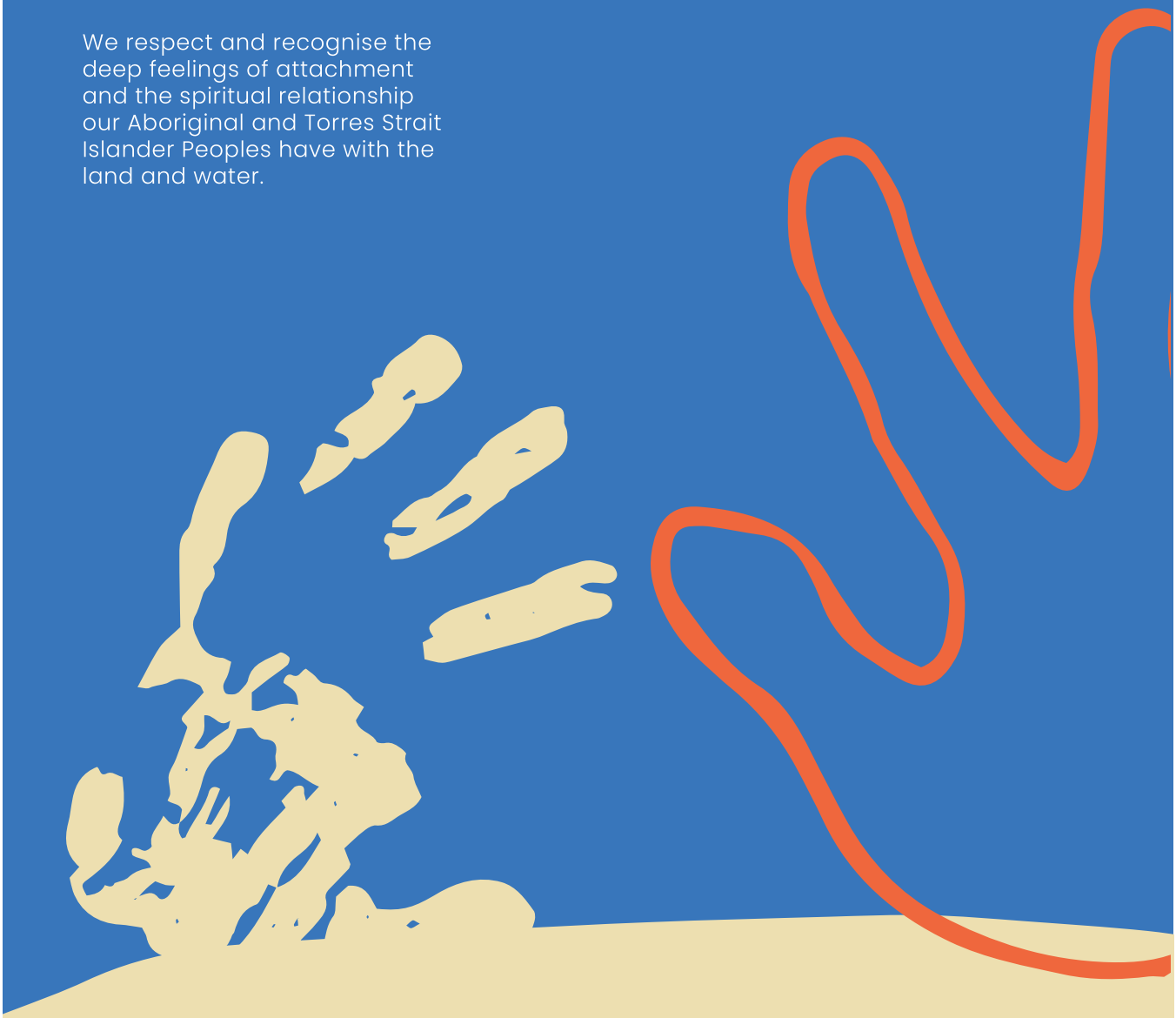


RECONCILIATION ACTION PLAN
INNOVATE

City of Mount Gambier

THE CITY OF MOUNT GAMBIER ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND MOUNT GAMBIER SITS UPON TODAY.

We respect and recognise the deep feelings of attachment and the spiritual relationship our Aboriginal and Torres Strait Islander Peoples have with the land and water.



Council's Reconciliation Action Plan (RAP) was developed through the commitment and dedication of the Reconciliation Action Plan Focus group, Elders, Elected Members, Council staff, community and Reconciliation Australia.

Please note that Bunganditj language (reclaimed language of the Boandik people) is used throughout this document with the permission of Elders and the Bunganditj Language Reclamation Committee.

VISION FOR RECONCILIATION

Working together with our Aboriginal and Torres Strait Islander communities, the City of Mount Gambier has the following vision for reconciliation:

- **A society free of racism and prejudice** where Aboriginal and Torres Strait Islander peoples feel a strong sense of belonging and are able to participate fully in the life of our community.
- **A city which supports expressions of cultural identity**, where cultural practices, traditional sites and significant places are acknowledged, celebrated and preserved.
- **A community characterised by social justice** which advocates for enriching the lives of Aboriginal and Torres Strait Islander peoples.

This vision was originally written as part of a Statement of Commitment to Aboriginal and Torres Strait Islander Communities presented as part of the official unfurling of the Aboriginal and Torres Strait Islander Flags for permanent display in the Council Chamber in 2014.

OUR RECONCILIATION ACTION PLAN

City of Mount Gambier's inaugural RAP focused on strengthening positive relationships, acknowledging and respecting Aboriginal and Torres Strait Islander cultures, and providing opportunities to ensure that our First Nations peoples have the same life opportunities as other Australians.

Work on the RAP commenced in 2015 with a series of workshops delivered in conjunction with Reconciliation South Australia, Boandik Elders and Aboriginal and Torres Strait Islander representatives of a range of sectors including justice, education, culture and health.

At this stage, a RAP Focus Group was formed, which also incorporated the participation of CEO's from both local Aboriginal Controlled Organisations (Pangula Mannamurna and Burrandies). Staff representing the Office of the CEO, General Managers, City Infrastructure, Environmental Sustainability, Library Services and Community Development have participated in the RAP Focus Group since its commencement and will continue to advocate for the RAP through its delivery.

The RAP Focus Group evolved into a RAP Community Reference Group, which played a crucial role in guiding the ongoing delivery of the plan, ensuring community engagement and input throughout the process.

The inaugural RAP was endorsed in March 2020, with its official term concluding in March 2022. Council has continued to implement the actions outlined in the plan, alongside additional reconciliation initiatives. This final report provides a moment for reflection, recognising the progress made while also identifying areas where additional support or focus may be needed to take further steps toward reconciliation.

WHAT WE ARE PROUD OF OF

For many years, City of Mount Gambier has worked to support, implement, and partner in a range of initiatives that recognise, acknowledge, and celebrate the contributions of Aboriginal and Torres Strait Islander peoples to the local community. These efforts have been carried out through the duration of our Reconciliation Action Plan, with ongoing initiatives extending through to 2025. Below are just a few key projects and accomplishments we are proud to share:

YERKALALPATA COMMUNITY REFERENCE GROUP (CRG)

The Yerkalalpata Community Reference Group has been central to the success of our RAP, providing cultural guidance, feedback, and leadership throughout its delivery.

Formed to support the implementation of the RAP, the group has grown into a trusted partner in shaping broader Council projects and strengthening connections with the Aboriginal and Torres Strait Islander communities in Mount Gambier.

This collaboration reflects the core values of reconciliation-respect, inclusion, and genuine partnership.

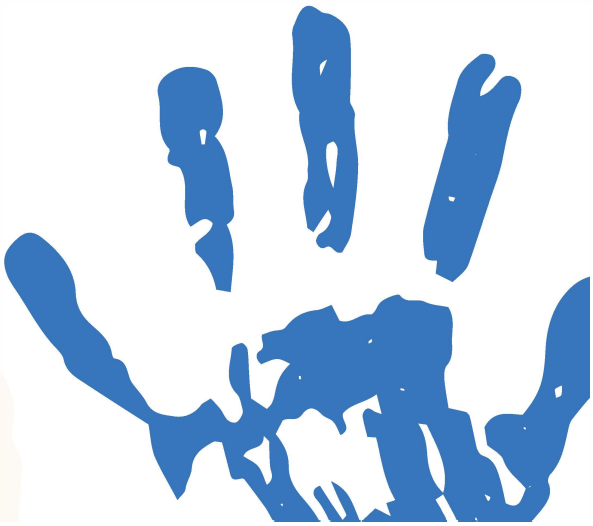
DUAL NAMING OF SIGNIFICANT SITES

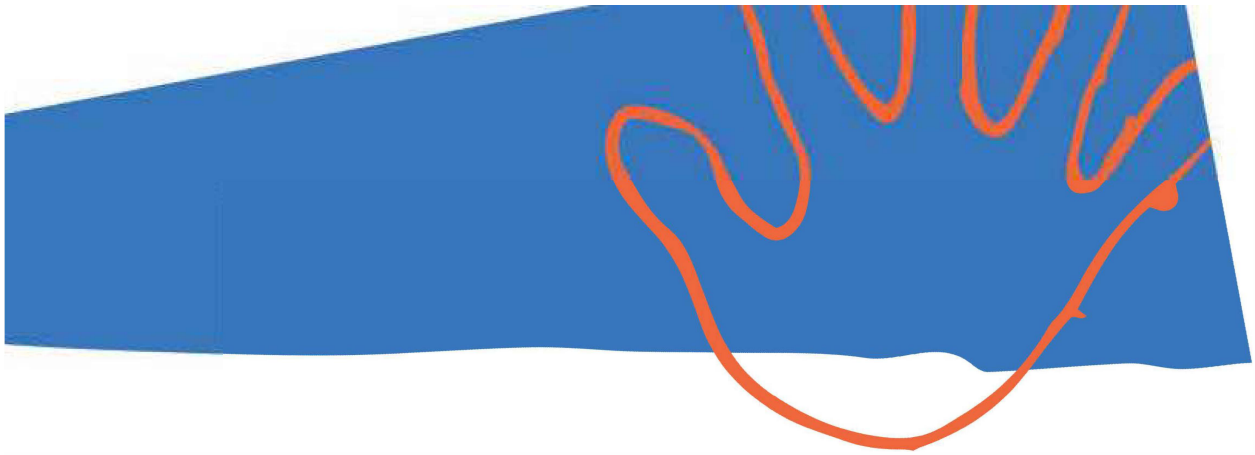
In February 2022, Council adopted a Dual Naming Policy that paved the way for Bunganditj language to feature alongside the place names of six local sites including, Umpherston Sinkhole/Balumbul, Cave Garden/ Thugi, Leg of Mutton Lake/Yatton Loo, Browne Lake/ Kroweratwari, Valley Lake/Ketla Malpi and Blue Lake/ warwar.

In March 2023, formal approval was received from the Government of South Australia.

WULANDA RECREATION AND CONVENTION CENTRE NAME AND BRAND

The Wulanda Recreation and Convention Centre was officially named in December 2020 following extensive community consultation for name suggestions and a public vote. To honour the cultural significance of the name Wulanda meaning 'to cherish or enjoy', Council commissioned local First Nations artist Belinda Bonney to create artwork to be incorporated within the centre's brand identity.





RECONCILIATION WEEK CULTURAL IMMERSION PROGRAM

During Reconciliation Week 2022, Council facilitated a cultural immersion program for staff and Elected Members, deepening understanding and respect for First Nations culture, knowledge, and connection to Country. Guided by Elders and cultural leaders, participants took part in smoking ceremonies, language sessions, traditional basket weaving, and a full day "Get Out on Country" tour.

This immersive learning strengthened our collective cultural awareness and reaffirmed our commitment to truth-telling, reconciliation, and working in partnership.

PROVISION OF CULTURAL AND CEREMONIAL LEAVE

Recognising the importance of cultural connection and wellbeing, Council provides approved leave for employees to observe cultural national days, including those of Aboriginal and Torres Strait Islander peoples. This leave is included in the Administration Staff Enterprise Agreement, reflecting the Council's commitment to respect and reconciliation.

BUDJ BIM CULTURAL LANDSCAPE TOUR

In 2023, Council led a special day tour to Gunditjmara Country to experience the Budj Bim Cultural Landscape, one of the world's oldest and most significant aquaculture sites. Joined by Elected Members, staff, Yerkalalpata CRG members, and local partners, participants explored the living culture, history, and land management practices of the Gunditjmara people through a guided tour and Q&A.
The visit deepened our understanding of cultural interpretation, sustainable tourism, and infrastructure planning - valuable insights that continue to inform local projects like the Crater Lakes Activation Plan.

MOUNT GAMBIER 2035

Mount Gambier's Community Vision, created by the community, begins with a powerful Acknowledgement of Country by Boandik Elder Aunty Michelle Jacquelin-Furr. Strong themes of land care and the celebration of First Nations culture are woven throughout, reflecting a deep community commitment to sustainability, cultural recognition, and reconciliation. The Vision is a collective expression of shared values and priorities that helped shape Council's Strategic Plan.

RELATIONSHIPS

Meaningful relationships will assist the Council to respond to the needs and aspirations of our local Aboriginal and Torres Strait Islander community. The Council seeks to develop and strengthen its relationships with Aboriginal and Torres Strait Islander peoples and work in partnership towards providing a healthy, active, engaged and resilient community.

ACTION	DELIVERABLE	OUTCOME	NOTES
Promote positive race relations through anti-discrimination strategies.	Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs.	Complete	
	Develop, implement and communicate an anti-discrimination policy for our organisation.	Complete	The Equal Opportunity, Diversity, and Dealing with Discrimination administrative procedure was developed, implemented, and communicated. This procedure will be regularly reviewed and updated as required.
	Engage with Aboriginal and Torres Strait Islander staff and/or Aboriginal and Torres Strait Islander advisors to consult on our anti-discrimination policy.	Incomplete	
	Educate senior leaders on the effects of racism.	Complete	Anti-Racism and Cultural Safety Training was conducted with the Executive Leadership Team and People Leaders.
Maintain RAP Focus Group to actively monitor RAP development, implementation of actions, tracking progress and reporting.	RAP Focus Group meets at least twice a year to monitor and report on RAP implementation.	Complete	
	Ensure Aboriginal and Torres Strait Islander peoples are represented on the RAP Focus Group.	Complete	The Yerkalalpata CRG comprises up to three Boandik Elders, four First Nations community members, and representatives from local Aboriginal Community Controlled Organisations.
	Establish Terms of Reference for the RAP Focus Group.	Complete	
Develop and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander Peoples, communities and organisations to support positive outcomes.	Hold annual meetings with CEO's and Chairs of local Aboriginal Controlled Organisations to highlight key issues and collaboration opportunities with the Council.	Complete	Meetings held annually.
	Meet with Aboriginal and Torres Strait Islander leaders and organisations to establish guiding principles for community engagement.	In progress	Key engagement channels have been identified. Guiding principles for community engagement are to be established.
	Develop and implement an engagement plan to work with our Aboriginal and Torres Strait Islander stakeholders.	Incomplete	
	Invite Aboriginal and Torres Strait Islander participation in the Council's community engagement activities.	Complete	Engagement with Aboriginal and Torres Strait Islander communities has been undertaken across key initiatives, including: • Wulanda Recreation and Convention Centre, • Mount Gambier 2035, • Crater Lakes Bushfire Rehabilitation Program, • Riddoch Strategic Plan, and • Regular discussions on significant matters, ensuring Boandik and First Nations perspectives are considered in decision-making processes.

Celebrate and participate in National Reconciliation Week (NRW).	Support an external NRW event.	Complete	Despite COVID-19 restrictions on community gatherings, Council supported Reconciliation Australia's nationwide virtual Acknowledgement of Country initiative with a video featuring the Mayor, CEO, and eight staff members. Reconciliation programs were delivered in partnership with local schools, Elders, Aboriginal Community Controlled Organisations, and community groups. Activities included film screenings, a Q&A session, and the launch of the dual-named Mount Gambier Library Children's Cave/Yulangu Kanapinan.
	Ensure our RAP Focus Group participates in an external event to recognise and celebrate NRW.	Complete	Although participation in NRW events was limited due to COVID-19, Yerkalalpata CRG members actively contributed to Council-led programming across The Riddoch Arts and Cultural Centre, Mount Gambier Library, and Civic events. Members also led cultural immersion activities for staff and the broader community.
	Host an internal event for NRW and invite Aboriginal and Torres Strait Islander community members to be involved.	Complete	
	Register NRW event on Reconciliation Australia's website.	Complete	Events have been registered annually.
	Actively encourage staff to attend NRW activities.	Complete	Staff were invited to participate in NRW events through internal communication channels.
Raise internal and external awareness of our RAP to promote reconciliation across our business and sector.	Deliver a launch event for our Reconciliation Action Plan.	Complete	A virtual launch was delivered via video due to COVID-19 restrictions.
	Develop and implement a strategy to communicate our RAP to all internal and external stakeholders.	Complete	A communications plan was developed and implemented, utilising media releases, social media platforms, and video content. Regular CEO updates to all staff reinforce Council's commitment to reconciliation.
	Promote reconciliation through ongoing active engagement with all stakeholders.	Complete	
	Include the RAP as part of staff and Elected Member induction processes.	Complete	
	Encourage other Council's in our local area to develop a RAP.	Complete	Council has engaged with neighbouring Councils regarding RAP development, including offers to collaborate on regional opportunities.

RESPECT			
The City of Mount Gambier acknowledges the Boandik people as the Traditional Owners of the land and water our city sits upon today. The Council recognises the importance of the development of respect through building cultural awareness, knowledge sharing and understanding of Aboriginal history, cultures and customs.			
ACTION	DELIVERABLE	OUTCOME	NOTES
Engage employees in cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements.	Develop, implement and review an Aboriginal and Torres Strait Islander cultural awareness training strategy for our staff which defines cultural learning needs of employees in all areas of our business and considers various ways cultural learning can be provided (online, face to face workshops or cultural immersion).	Incomplete	Initial cultural awareness and immersion activities have been implemented; however, an ongoing training strategy has yet to be developed.
	Ensure the CEO, General Managers and Elected Members undertake Aboriginal and Torres Strait Islander cultural awareness training.	Complete	Compulsory cultural awareness training delivered to staff and Elected Members.
	Ensure that induction training for all new staff members and volunteers includes an introduction to cultural awareness within the workplace.	Incomplete	
	Investigate opportunities to work with local Traditional Owners and/ or Aboriginal and Torres Strait Islander consultants to develop cultural awareness training.	Complete	Community leaders have advised of a gap in locally delivered cultural training. Opportunities for future 'train the trainer' programming have been explored, subject to budget and interest. Ongoing monitoring is required.
	Provide opportunities for RWG members, RAP Champions, HR Managers and other key leadership staff to participate in cultural training.	Complete	Compulsory cultural awareness training delivered to staff and Elected Members.
	Investigate local cultural immersion opportunities.	Complete	Cultural immersion activities included a bus tour to the Budj Bim Cultural Landscape, Reconciliation Week programming featuring a coastal tour led by a cultural leader, as well as language and weaving workshops. To promote cultural respect, site ind uctions were implemented for event organisers and key projects taking place on culturally significant sites, including the Crater Lakes.
Engage employees, elected members, volunteers, community and stakeholders in understanding the significance of Aboriginal and Torres Strait Islander cultural protocols, such as Welcome to Country and Acknowledgement of Country, to ensure there is a shared meaning.	Implement and communicate a cultural protocol for Welcome to Country and Acknowledgement of Country.	Incomplete	A formal cultural protocol has not yet been developed.
	Develop and communicate an internal procedure for the engagement of agreed community representatives to conduct Welcome to Country activity.	Incomplete	A formal internal procedure has not yet been developed.
	Invite an agreed community representative to conduct a Welcome to Country at significant Council events.	Complete	
	Include an Acknowledgement of Country at the commencement of important internal and external meetings and on all Council meeting agendas.	Complete	Council's Acknowledgement of Country wording was developed in consultation with the Yerkalalpata CRG.
	Include an Acknowledgement of Country on the Council's website and electronic communication.	Complete	

	Include an Acknowledgement of Country on significant Council publications, such as the Annual Report.	Complete	An Acknowledgement of Country by a Boandik Elder was included in the community-led document, Mount Gambier 2035.
	Encourage the inclusion of Welcome to Country or Acknowledgement of Country for all Council sponsored/supported events.	Complete	Inclusion is encouraged through the Grants and Sponsorship program. An Acknowledgement of Country banner has been developed as a resource. Cultural site inductions are undertaken by Burrandies Aboriginal Corporation for events on culturally significant sites. Council events either feature a Welcome to Country by a cultural leader or include an Acknowledgement of Country. Permanent Acknowledgement of Country signage has been installed in the Mount Gambier Library's Children's Cave/Yulangu Kanapinan.
Celebrate and mark important dates associated with Aboriginal and Torres Strait Islander peoples, cultures, lands, waters, histories and rights and promote this within the local community.	Promote a calendar of Aboriginal and Torres Strait Islander dates of significance to all staff.	Complete	CEO updates to all staff acknowledge and promote Aboriginal and Torres Strait Islander dates of significance.
	Promote and acknowledge the Council's observance or celebration of: • Anniversary of the National Apology to the Stolen Generations; • National Sorry Day; • Reconciliation Week; • NAIDOC Week; and • National Aboriginal and Torres Strait Islander Children's Day.	Complete	
Provide opportunities for the Council and the wider community to recognise the importance of NAIDOC Week as it relates to Aboriginal and Torres Strait Islander cultures and achievements.	Provide opportunities for staff to participate in NAIDOC week activities.	Complete	Staff are provided the opportunity to participate in the NAIDOC Street March and other events throughout the week.
	Provide support to community-led NAIDOC Week event/s.	Complete	Council delivers the NAIDOC Week launch event in collaboration with Aboriginal Controlled Organisations and participates on the Berrin Reconciliation Action Group.
	Review HR policies and procedures to ensure there are no barriers to staff participating in NAIDOC Week.	Complete	
	Provide opportunities for all Aboriginal and Torres Strait Islander staff to participate with their cultures and communities during NAIDOC Week.	Complete	
Promote Aboriginal culture and history in public places through the provision of signage.	Review the Council's policies for the naming of public spaces to provide for the allocation of dual-naming of sites of cultural significance.	Complete	A review was conducted and a Dual Naming Policy endorsed by the CRG and Council. The Library Children's Cave was dual-named Yulangu Kanapinan during NRW 2021, with signage, QR codes for pronunciation, and updates on the website and booking forms.
	Commence the application of agreed Bunganditj language in reference to places in documentation, including significant Council publications, such as the Annual Report.	Complete	

	Collaborate with the Aboriginal and Torres Strait Islander community in projects which support the development of interpretive material for sites of cultural significance.	Incomplete	To be delivered in alignment with Signage Strategy and Crater Lakes Trails Signage implementation.
	Commence the implementation of dual naming of places of cultural significance throughout Mount Gambier in consultation with local Aboriginal and Torres Strait Islander peoples.	Incomplete	To be delivered in alignment with Signage Strategy and Crater Lakes Trails Signage implementation.
	In collaboration with the Bunganditj Language Reclamation Committee: • Explore the use of Bunganditj language through the delivery of actions within the RAP, for example 'Yerkalalpata – Leading the Way', use in interpretive signage or translation of the Acknowledgement of Country. • Develop and communicate agreed protocols which simplifies the appropriate use or application of Bunganditj language within the community.	In progress	Respecting our Boandik community retain priority in reclaiming Bunganditj language, Council continues to take considered steps in adoption of Bunganditj within its work.
Promote local Aboriginal culture, history and languages within the community.	Promote awareness of the various groups that make up the Boandik Nations.	Incomplete	
	Expand and promote the resources available at the Library which relate to Aboriginal and Torres Strait Islander peoples, particularly regarding the history, culture and language of the Boandik Nations.	Complete	First Nations books are purchased regularly with South Australian Public Library Services funding. First Nations books and authors are promoted through displays, social media posts, and reader's advisory services. A dedicated First Nations genre has been established within the adult non-fiction collection to highlight works by and about First Nations people, cultures, and history.
	In consultation with the Aboriginal and Torres Strait Islander community, develop and implement a strategy which encourages greater representation of Aboriginal and Torres Strait Islander peoples within the programming, exhibitions and content creation for the Riddoch Art Gallery.	In progress	The Riddoch Arts and Cultural Centre is developing its Strategic Plan, embedding a First Nations First approach that prioritises Aboriginal and Torres Strait Islander voices across exhibitions and programming. The draft plan commits to ongoing consultation and representation. Past initiatives include *Yarning Seasons* (14 May – 17 July 2022), curated in partnership with Boandik Elder Aunty Michelle to showcase regional First Nations artists during Reconciliation and NAIDOC Weeks. The Riddoch has partnered with Burrandies and Charlotte Lovett to present *Portraits of our Elders* (14 June – 20 July 2025), with a book launch during NAIDOC Week on 20 July.

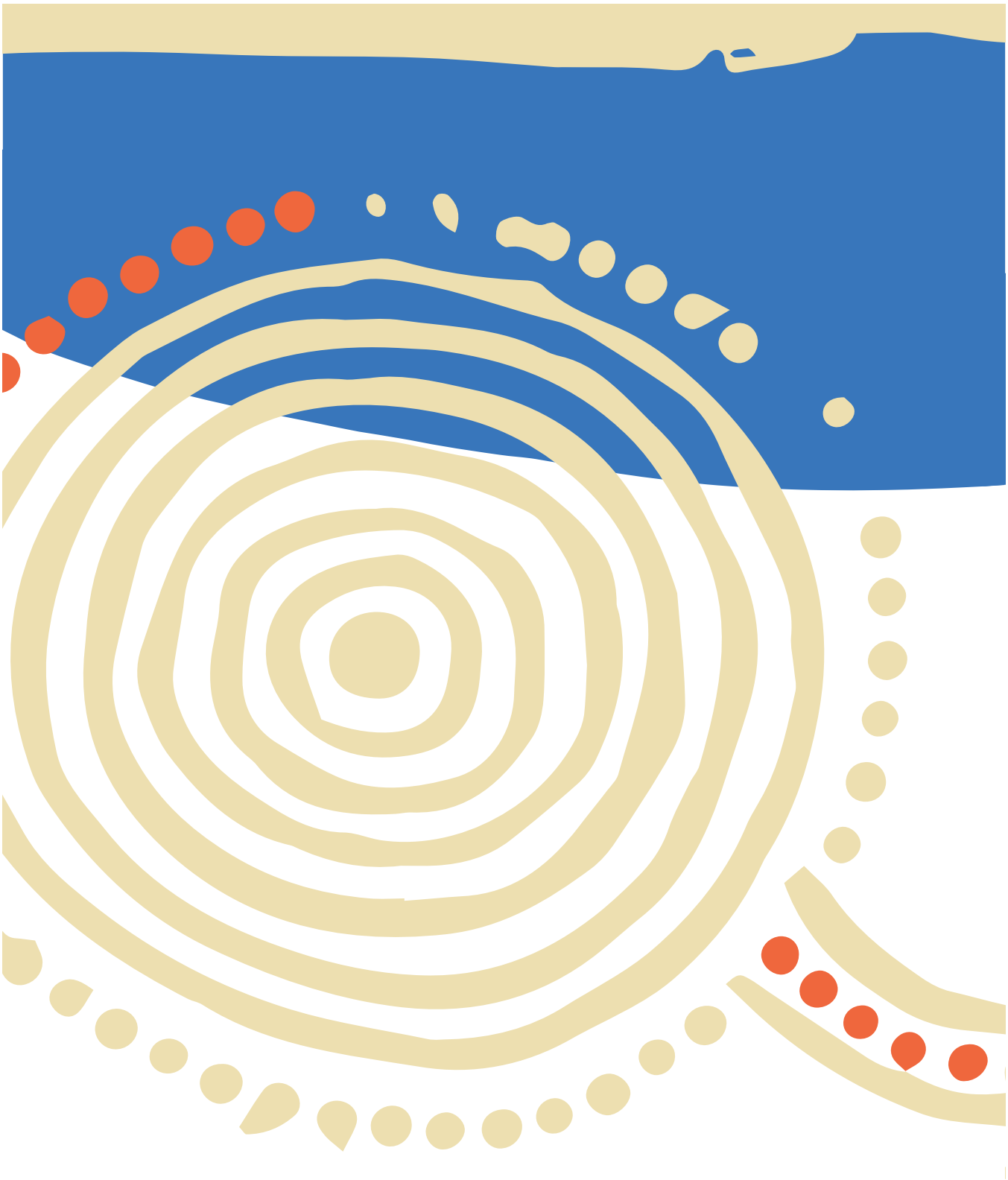
OPPORTUNITIES

As an organisation, the Council will work to ensure that its systems, services and programming is accessible to, and engaging of, our Aboriginal and Torres Strait Islander people. In creating more opportunities for our Aboriginal and Torres Strait Islander peoples, we lead by example in strengthening the City of Mount Gambier as a vibrant, dynamic and resilient community.

ACTION	DELIVERABLE	OUTCOME	NOTES
Investigate opportunities to improve and increase Aboriginal and Torres Strait Islander employment opportunities within our workplace.	Establish internal systems that allows the Council to identify workforce participation of Aboriginal and Torres Strait Islander people.	Partially complete	Cultural leave provisions are included in the City of Mount Gambier Administration Staff Enterprise Agreement. Cultural leave is not currently included in the City of Mount Gambier AWU Enterprise Agreement.
	Review HR and recruitment procedures to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants participating in our workplace (including consideration of cultural leave).	In progress	A review of HR and recruitment procedures is currently underway.
	Review advertising methods to ensure that employment opportunities are reaching Aboriginal and Torres Strait Islander community members.	Incomplete	
	Include a statement in all job advertisements that encourages applications from Aboriginal and Torres Strait Islander community members.	Complete	
	Develop and implement an Aboriginal and Torres Strait Islander employment and retention strategy.	Incomplete	
	Engage with existing Aboriginal and Torres Strait Islander staff to consult on employment strategies including professional development.	Incomplete	
Investigate and provide opportunities for Aboriginal and Torres Strait Islander businesses within the local community to be included in the supplier diversity available for Council's procurement.	Review and update procurement policies and procedures to ensure there are no barriers to procuring goods and services from Aboriginal and Torres Strait Islander businesses.	Complete	Procurement policy and procedure reviewed/amended and endorsed by Council in April 2022.
	Commence the collection of cultural background data as part of the process of becoming a Pre-qualified Contractor of the Council to identify Aboriginal and Torres Strait Islander owned suppliers, contractors or service providers.	Incomplete	
	Provide direct support for Aboriginal and Torres Strait Islander owned businesses to become Pre-qualified Contractors of the Council.	Complete	
	Actively encourage and support local Aboriginal and Torres Strait Islander businesses to consider registration with Supply Nation.	Complete	Supply Nation information has been incorporated into the Pre-qualified Contractor application process.
	Develop at least one commercial relationship with an Aboriginal and/or Torres Strait Islander owned business.	Complete	
	Develop and communicate to staff a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services.	Incomplete	
	Investigate Supply Nation Membership for the organisation.	Complete	Supply Nation membership was explored but not feasible at this time.

Increase opportunities for Aboriginal and Torres Strait Islander community members to enhance the Council's programming and service delivery.	Create a minimum of three opportunities to engage Aboriginal artists, speakers, musicians, performers, creators, innovators and/or subject matter experts in the delivery of activities, events, performance and/or programming.	Complete	Cultural leaders have been engaged through library and community programming.
	Create commercial opportunities for local Aboriginal artwork or merchandise to be displayed and sold to general public and visitors within the region e.g. Visitor Information Centre, Main Corner/ Riddoch Art Gallery Gift Shop.	Complete	Aboriginal and Torres Strait Islander artists are now represented in the Riddoch Gift Shop through a variety of artworks and products. Engagement with Elders and community leaders is ongoing to explore further opportunities and strengthen cultural connections.
	Pursue provision of opportunities for public art projects which highlight Aboriginal and Torres Strait Islander culture within the public realm.	Complete	A retail commission form now includes an option for artists to identify as Aboriginal and Torres Strait Islander, supporting visibility and recognition. The Yerkalalpata CRG provides cultural guidance to ensure appropriate representation and address cultural considerations across public art initiatives.

GOVERNANCE, TRACKING PROGRESS AND REPORTING			
ACTION	DELIVERABLE	OUTCOME	NOTES
Report RAP achievements, challenges and learnings to Reconciliation Australia.	Develop and implement systems and capability needs to track, measure and report on RAP activities.	Complete	Council adopted cloud-based software to track the delivery of actions. New system to be considered for subsequent RAP.
	Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually.	Complete	
	Investigate participating in the RAP Barometer.	Complete	Reconciliation Australia barometer survey completed.
Report RAP achievements, challenges and learnings internally and externally.	Provide regular updates through the Council's standard reporting processes.	Complete	
	Publically report our RAP achievements, challenges and learnings.	Complete	Communicated achievements and initiatives through Council's media and communication channels.
Review, refresh and update RAP.	Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements.	To come	
	Send draft RAP to Reconciliation Australia for review and feedback.	To come	
	Submit draft RAP to Reconciliation Australia for formal endorsement.	To come	



City of
Mount Gambier

18.5 GRANTS AND SPONSORSHIP PROGRAM - BRASS BAND FESTIVAL

Author: Biddie Shearing, Manager Economy, Strategy and Engagement
Authoriser: Chris White, General Manager People Place and Liveability

RECOMMENDATION

1. That Council report titled 'Grants and Sponsorship Program - Brass Band Festival' as presented on Tuesday 17 June 2025 be noted.
2. That Council authorises the Chief Executive Officer to enter into a multi-year partnership agreement (with funding from the existing Grants and Sponsorship Program) with Lions Club of Mount Gambier Inc. as the auspicing body for the Blue Lake Brass Band Festival as follows:
   3. 2025/2026, $15,000 cash
   4. 2026/2027, $15,000 cash + CPI
   5. 2027/2028, $15,000 cash + CPI

PURPOSE

The purpose of this report is to recommend an allocation of funding via the Grants and Sponsorships Program to the Lions Club of Mount Gambier as the auspicing body for the Blue Lake Brass Band Festival.

BACKGROUND / OPTIONS

Council has received a proposal from Lions Club of Mount Gambier Incorporated to deliver the Brass Bands Festival, with an anticipated participation of up to 150 musicians.
The proposal presents Council with an opportunity to build on previous years sponsorships and evolve the long-term arrangements into a formal multi-year partnership. This will support community capacity building and the cultural vibrancy of Mount Gambier while further contributing to live music initiatives that position Mount Gambier on a national platform.

Investment Background:
In 2019, City of Mount Gambier and the Lions Club of Mount Gambier entered a three-year funding partnership for the Blue Lake Brass Band Festival. Council continued to fund the event in 2022 and 2023 for $14,000 each year as per below table.

Year	City of Mount Gambier investment	Notes
2019/2020	$10,000 cash	Three year funding partnership
2020/2021	$7,000 cash	Three year funding partnership
2021/2022	$7,000 cash	Three year funding partnership
2022/2023	$14,000 cash	
2023/2024	$14,000 cash	

Council did not receive an application in the 2024/2025 Grants and Sponsorship Program for the Blue Lake Brass Band Festival.

Through discussion with the festival organisers and recognising the level of forward planning required for this festival to attract bands from across Australia, the proposal attached to this report requests a three-year funding agreement, commencing Financial Year 2025/2026 through to and including Financial Year 2027/2028 - Attachment 1 and 2.

This proposal is before Council for consideration outside of the Grants and Sponsorship Program normal schedule to ensure the necessary lead time is maximised to deliver a successful and well attended festival. The proposed three-year commitment will also allow the festival profile to build incrementally on a national platform therefore attracting participation.

While the Blue Lake Brass Band Festival stands as a distinct festival, it is recognised that visiting bands also participate in the Mount Gambier Christmas Parade. Their involvement adds vibrancy and colour to the parade, enhancing its appeal for both the community and visitors.

To assist with the efficiencies and understanding the nuances of this festival, it is also suggested that 90% of the requested amount be paid to the Lions Club of Mount Gambier City for the Blue Lake Brass Band Festival upfront and the remainder on acquittal.

IMPLICATIONS TO CONSIDER

<table>
<tr><td>Legal</td><td>Successful applicants are required to obtain all necessary land use, landholder and development approvals and complete works in accordance with relevant legislative and compliance standards. Applicants must sign an Acceptance of Grant Conditions agreement, with terms set out by Council, prior to commencing project/event.</td></tr>
<tr><td>Financial and Budget</td><td>This report recommends a three-year financial commitment for the Blue Lake Brass Band Festival. This will require pre-allocations of Grants and Sponsorship Program funds for the Financial Years of 2025/2026, 2026/2027 and 2027/2028, outlined below as per the final proposal from the proponent.

Noting that Council has previously endorsed pre-allocations for Pioneers Basketball and Generations in Jazz with five-year Corporate Partnership Agreements and Fringe Berrin Inc. with a three-year Corporate Partnership Agreement.

This is summarised in the table below.
<table>
<tr><th>Financial Year</th><th>2025/2026</th><th>2026/2027</th><th>2027/2028</th><th>2028/2029</th><th>2029/2030</th></tr>
<tr><td>Pioneers Basketball pre-allocation</td><td>$50,000 and up to $15,000 in-kind, plus a further contribution of $48,000 in-kind, plus CPI*</td><td>$50,000 and up to $15,000 in-kind, plus a further contribution of $48,000 in-kind, plus CPI*</td><td>$50,000 and up to $15,000 in-kind, plus a further contribution of $48,000 in-kind, plus CPI*</td><td>$50,000 and up to $15,000 in-kind, plus a further contribution of $48,000 in-kind, plus CPI*</td><td>$50,000 and up to $15,000 in-kind, plus a further contribution of $48,000 in-kind, plus CPI*</td></tr>
<tr><td>Generations in Jazz pre-allocation</td><td>$35,000 and up to $15,000 in-kind, plus CPI</td><td>$35,000 and up to $15,000 in-kind, plus CPI</td><td>$35,000 and up to $15,000 in-kind, plus CPI</td><td>$35,000 and up to $15,000 in-kind, plus CPI</td><td>$35,000 and up to $15,000 in-kind, plus CPI</td></tr>
</table>
</td></tr>
</table>

	<table><tr><td>Fringe Berrin Inc. pre-allocation</td><td>$51,500 and up to $7,000 in-kind</td><td>$53,045 and up to $7,500 in-kind</td><td>$56,000 and up to $8,000 in-kind</td><td></td><td></td></tr><tr><td>Brass Band Festival</td><td>$15,000</td><td>$15,000, plus CPI</td><td>$15,000, plus CPI</td><td></td><td></td></tr><tr><td>Total pre-allocations to date</td><td>$151,500, plus CPI</td><td>$153,045, plus CPI</td><td>$156,000, plus CPI</td><td></td><td></td></tr></table> ** To host the season of Home Game Nights at Wulanda Recreation and Convention Centre & drive event delivery efficiencies in order to sustain the Pioneers capacity to remain competitive for the NBL1 South Conference licence.* It is noted that future funding proposals from the proponent would need to be presented in time to inform Council's consideration of the 2028/2029 annual budget (and subsequent years).
Community Consultation and Engagement	Ongoing discussions have been held with Council and festival organisers regarding funding support and key event considerations.
Other Resources	With previous knowledge of the festival requirements, it is anticipated that the morning street march and the massed band march in Commercial Street East will require street closure. Given the day of the Blue Lake Brass Band Festival is on the same day as the Christmas Parade, the street closure and associated requirements will be in place regardless. The Blue Lake Brass Band Festival will be required to submit a special Events Permit foe the above 'marches' to occur. festival There is no in-kind allocation required.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Council experiences financial loss as a result of inappropriate allocation of funds.	Minor (2)	Possible (3)	Moderate	Applicants must sign an Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event.
Reputation - Council experiences negative news profile, public agitation and loss of trust as a result of inadequate allocation of funds.	Moderate (3)	Possible (3)	Moderate	Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.

Legal / Regulatory / Policy - Failing to adhere to Council's Grants and Sponsorship policy.	Minor (2)	Possible (3)	Moderate	Adherence to Council policies. Applications assessed against predetermined criteria and considered as part of Grants and Sponsorship Program.
Service Delivery – Funded event/projects are not delivered in accordance with grant conditions. Precedence now exists for allocating multi-year partnership agreements.	Minor (2)	Possible (3)	Moderate	Applicants must sign an Acceptance of Grant Conditions Agreement, with terms set out by Council, prior to commencing project/event. Explore criteria for multi-year approvals as part of the policy & procedure.
People - Negative impact to community engagement and satisfaction as a result of the new Grants and Sponsorship process and administrative requirements.	Minor (2)	Unlikely (2)	Low	Ongoing and regular contact between applicants and key council personnel. Feedback collated to review process and refine.
Environmental - Environmental damage to community land caused by inadequate land use planning and management.	Moderate (3)	Possible (3)	Moderate	Applications, including event location, considered as part of Grants and Sponsorship Program. Community Land Use Permit requirements. Ongoing and regular contact between applicants and key council personnel.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 4: Economic and Business Growth

4.10 Enhance Mount Gambier's appeal as a year-round destination through marketing, events and infrastructure.

Priority 5: A Vibrant Community

5.7 Support and foster a program of festivals, events and arts initiatives that celebrate and promote diversity, accessibility and inclusivity, ensuring that everyone can fully participate in the cultural and social life of the city.

5.8 Cultivate community led festivals, events and collaboration.

5.11 Position Mount Gambier as a regional centre for live performance.

5.12 Recognise, encourage and support artists, emerging artists, writers and performers through promotion of the arts and supporting opportunities to exhibit and perform.

5.13 Foster creative expression and enhance public spaces by supporting artists to produce public art that engages the community and travellers in meaningful artistic experiences.

This report contributes to delivery of the following key strategic project(s):

Priority 5: A Vibrant Community
Pursue programs and opportunities that enhance the live entertainment in our city.

RELEVANT COUNCIL POLICY

Grants and Sponsorship

IMPLEMENTATION AND NEXT STEPS

Pending the Council resolution on 17 June 2025, Council administration will follow the notification process to advise the proponents.

It is proposed Council administration continues to meet regularly with the Blue Lake Brass Band Festival organisers to ensure all opportunities are explored, monitored and measured, with a report provided by the proponents to Elected Members by 31 January annually.

CONCLUSION

It is recommended that Council enter into a multi-year Corporate Partnership Agreement with the Lions Club of Mount Gambier for the purposes of delivering the Blue Lake Brass Bands Festival, as follows:

Year	City of Mount Gambier investment
2025/2026	$15,000
2026/2027	$15,000 + CPI
2027/2028	$15,000 + CPI

ATTACHMENTS

1. Brass Band Festival Submission [**18.5.1** - 3 pages]
2. Brass Band Festival Budget [**18.5.2** - 1 page]

Lions Club of Mount Gambier Inc
P.O Box 990
Mount Gambier SA 5290
President elect: Allen Woodham OAM
0438 188 041
Secretary elect: Beccy Field
0438 334 630

Blue Lake Brass Band festival

Authored by Allen Woodham OAM

The following outlines the structure and history of the brass band festival.

History:

The band carnival, as it was then known, commenced around the time of the beginning of the MG Christmas Parade. It ran under the auspices of the MG City Band and back then featured groups from around the SE district and Western Victoria. Many of these groups no longer exist as they have ceased to function.

In the late 1990's I (Allen Woodham) was recruited into the MG City band as the band's secretary and was encouraged to reset the event to entice bands from further away to come to Mount Gambier to participate. For a couple of years it remained rather limited in its impact and it was decided a major event was required to bring it to notice across the band world.
In 2001 the by-centenary band festival was then held which, with business sponsorship, attracted bands to Mount Gambier from Qld, NSW, Victoria and South Australia.
A visit by the then Governor-general was also arranged who officially took the salute of the street march. The event attracted officials from the National Band Council of Australia who shortly after approached Allen to take on the position of Executive officer of the NBCA, a position I filled for 12 years.

This was an excellent opportunity to highlight the festival held in Mount Gambier and resulted in some of the most prestigious A Grade groups making the journey to our city.
From the contacts made we were able to utilize some of the finest composers and musical directors from the medium as adjudicators for the afternoon performances in the Sir Robert Helpmann Theatre. This included well recognized and respected men and women from across Australia and New Zealand.
Bands were encouraged to perform music that would be featured as compulsory test items at the forthcoming national contest the following Easter. In this way they could get a critique of their performance from a leading adjudicator which would assist their efforts at the said nationals. Several bands, over years, went on to win their sections under this practice.

. 2

Live Streaming

I introduced the idea of Live Streaming the complete day's events using Tim Kelly, a technician and band enthusiast. This was quite revolutionary at this time in its early days. I Also encouraged Tim to live stream the State and National brass and concert band contests each year. Tim took up our project and streamed the day via **brassbanned.com** and later additionally on **YouTube**. This was without remuneration from the festival as Tim regarded it as part of his NBCA contract. The introduction of live streaming via Tim's outlet gave us virtually a global audience and raised the profile of Mount Gambier prolifically across the band world internationally.
It attracted comment from James Morrison who subsequently accepted the position as patron of the NBCA, a situation that still exists I understand.

Future outlook

The event has much to offer for the Mount Gambier community, firstly by having brass bands in the annual Christmas Parade which the locals and Livestream viewers generally relate to. Additionally the morning street march event and the massed band march in Commercial Street East in the morning before the Christmas parade always attracted a large crowd of onlookers who occupied the street areas with their coffee bought from local café's and having breakfast. These venues would be so crowded it was difficult at times to access them to get a morning fix.

It will require some dedicated work and persuasion to get all of the bands to return initially. After the COVID-19 exercise many bands in SA and Victoria have folded. When one is unable to continue the normal routine that is a part of life one fills the time in with other activities and often former activities are not resumed. This occurred with our own groups, both brass, concert and the orchestra however they are all now showing good signs of recovery and commitment from those involved as well as new members joining.

Funding required

I am requesting $15,000 per year which will allow the event to resume with, for example 8 to 10 bands initially, paying them an attendance fee for the Christmas Parade involvement; This payment they only receive if they participate fully in that event. Other disbursements would be for winning or being runner up in their music division, street march etc. Possibly 4 music divisions A to D grade.
Also adjudicator air fares and service payments (to be negotiated); Helpmann Theatre costs; program sourcing etc.
If our initial revived event runs a surplice that will be utilized for the following year and so on as the event will grow once it becomes known it is functional in an ongoing situation. There are usually additional costs or charges that are incurred however, there will be the usual close attention made to keep things as frugal as possible.
Council will be suitably acknowledged in the official program and the Mayor will be invited to submit a welcome message to our participants and visitors as in the past.

. 3

The Lions Club of Mount Gambier will contribute funds to the ***Band of the year Award*** which is a perpetual trophy awarded for the last 16 years, of Lions participation, apart from the COVID-19 years and 2024. This is awarded to a selected band for their service to their own community which is verified by their submission.
I am confident the goodwill and appreciation from bands earned over many years of this event will ensure a positive interest once bands are contacted the event is being resumed.

Once it is confirmed this event can be resumed I will confirm its resumption with the lions Club as a staged Lions event – which provides suitable insurance cover etc. and a massed mail out to the bands registered on the NBCA data base will occur. This will include and expression of interest form which is to be returned giving us an indication that the event will be staged successfully.

Thank you all for your consideration to this document and I look forward to confirmation to proceed with the planning and implementation of the November event.

Yours faithfully

Allen Woodham OAM
President Elect - Lions Club of Mount Gambier Inc.

Lions Club of Mount Gambier Inc.

Sample Budget allocation Band festival Project 2025

Expenses

Christmas Parade 8 X band payments	$4,000.00
Adjudicator Air fare and payments	$1,750.00
Major band awards	$4,000.00
Best Band in Parade award	$ 300.00
Stage Music awards	$3,200.00
Frank Thompson awards	$ 300.00
M. Johnson Award	$ 200.00
Theatre deposit	$ 440.00
Theatre hire settlement	$1,450.00
Trophies and engraving	$ 500.00
Printing program covers	$ 300.00
Budgeted Total expenses	**$16,440.00**

Income

Mount Gambier City Council	$15000.00
Lions Chub of Mount Gambier	$ 2000.00
Total anticipated	**$17,000.00**

This is a draft budget given it is unknown what we are actually dealing with and would be adjusted as needs determined. All of the above is open to revision and/or adjustment. This is based on a past staged successful event.

Allen Woodham OAM

18.6 PRIVATE SALE OF VEHICLES - JUBILEE HIGHWAY EAST

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Private Sale of Vehicles - Jubilee Highway East' as presented on Tuesday 17 June 2025 be noted.
2. That Council authorise the CEO or delegate to seek approval from the Minister in such form required to install, maintain, alter or operate a traffic control device on the portion of Jubilee Highway East, Mount Gambier, between the intersections with Penola Road and Hedley Street (on both sides of the highway), in accordance with section 17 of the Road Traffic Act 1961.

PURPOSE

To present options for Council's consideration to address the ongoing issue of business use of a portion of road, specifically Jubilee Highway East, adjacent to the Mount Gambier Bowls Club.

BACKGROUND / OPTIONS

Historically, Council has struggled with business activity, most commonly the private sale of vehicles and firewood, on the portion of Jubilee Highway East, between the intersections of Penola Road and Hedley Street (refer map extract below). Council has and continues to receive numerous complaints about safety and amenity of the area as result of such activity, however has had limited enforcement options to materially deter the behaviour.

This is because Jubilee Highway, as an arterial road, is under the care and control of the Commissioner of Highways pursuant to the Highways Act 1926 (SA), administered by the Department for Infrastructure and Transport (DIT).

Council has obtained legal advice which explains why, based on the current circumstances, there is insufficient evidence to establish any offence arising from the vehicles parked along the side of this road and, therefore, limited ability for the Council to take any enforcement action. The advice is set out in further detail as follows:

Clause 10.2 of the Council's Moveable Signs By-law (the By-law) does not assist in the circumstances, because:

- It applies only in relation to a 'moveable sign' and as that term is defined under the Local Government Act 1999 (the Act), which is effectively, a sign that can be easily moved by an authorised person.
- None of the vehicles generally display a moveable sign on or attached to the outside of the vehicle. A sticker stuck to the inside of a vehicle and/or writing on any window of a vehicle is not a 'moveable sign' that is actionable under the By-law.
- Even if the stickers, writing, or signs on the inside of the vehicles were within the meaning of a 'moveable sign', clause 10.2 of the By-law only applies where the vehicle in question is parked primarily for the purpose of advertising a product for sale. Without more concrete evidence of the reason why the driver has parked the vehicle in the location, this cannot be established.

Unfortunately, there is nothing to suggest that the vehicles appear not to be lawfully parked on the road. There is nothing to suggest that the vehicles are parked specifically for commercial or business purposes (despite the fact that there appears to be a trend or pattern in this particular area, it is not definitive).

If the same person or entity is regularly parking vehicles that are 'for sale' in this location then this might support an assertion that the parking of the vehicles amounts to the unauthorised use of a road for a business purpose contrary to section 222 of the Act. In order for this offence to be made out, the evidence would need to show that the vehicles are parked in connection with a vehicle trading business and it's not simply a case of them being lawfully parked on the road (as any vehicle can be).

If the Council has or is able to obtain evidence to establish an offence under section 222 of the Act in relation to the vehicles offered for sale, then an Authorised Person of the Council can issue an expiation notice for an offence under section 222 of the Act, noting the power to expiate this offence derives from the Expiation of Offences Act 1993 and is not a power an Authorised Person is precluded from exercising under section 211 of the Act in relation to a DIT road (refer extract below).

> *211—Highways*
> *(1) A council may exercise its powers under this Part in relation to a highway if (and only if)—*
> *(a) the council is acting under an agreement with the relevant authority; or*
> *(b) the council is acting under or in accordance with a notice of the Commissioner of Highways under section 26 of the Highways Act 1926.*
> *(2) In this section— relevant authority means the Commissioner of Highways or other authority that has the care, control and management of the highway.*

This is on the assumption that the Commissioners of Highways has not authorised the asserted business purpose occurring on the road (if it has there is no offence to expiate), noting that it is the Commissioner that has the powers of the Council under Part 2 of Chapter

11 of the Act in respect of roads under its care control and management per section 26(6) of the Highways Act 1926.

The operation of section 222 of the Act is also relevant in relation to the firewood displayed for sale. This is on the basis the use of the road to sell firewood is the use of a road for a business purpose. Accordingly, an offence will arise in relation to the road if this use is not authorised by the Commissioner (similar to private sale of vehicles).

The issue with this course of action lies in Council being able to ***definitively*** prove that a vehicle is parked for a business purpose, and not merely using the road as allowed. The advice received indicates that if tested in Court, this is unlikely to be successful, in circumstances where the Court will generally take a conservative approach to taking pecuniary action without compelling evidence.

Enforcement Options

Taking the above into account, as an enforcement strategy, the Council could reasonably consider attaching warning letters to the vehicles that:

- Remind the drivers of the vehicles of their obligations under clause 10.4 the By-law and under section 222 of the Act; and
- Warns that unauthorised use of the road for a business purpose is an offence under the Act and that if persons continue to offer goods for sale on the road they may be liable to an expiation fee of $210.

It may be that a warning letter in these terms results in a change of behaviour. However, without evidence to address the matters set out above, the Council is limited in taking further enforcement action in relation to the vehicles via this mechanism.

Alternatively, it is also open to the Council to consider implementing a parking control strategy on the relevant portion of road. For example, the introduction of restricted timed or paid parking (or other controls) may be a practical way of addressing the issue. Whilst this does not prevent the private sale of vehicles, it does practically limit such activity, in circumstances where it would be onerous comply with time restrictions for any prolonged period, effectively deterring the behaviour in such a concentrated, high-use area.

In the event Council wishes to explore this option further, it is relevant to note that the ability to install such devices on a DIT road will require approval of the Minister under section 17 of the Road Traffic Act 1961 (refer extract below).

> *17—Installation etc of traffic control devices—general provision*
> *(1) A road authority may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.*
> *(2) A road authority may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), remove a traffic control device or cause a traffic control device to be removed.*
> *(3) Any authority, body or person may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), install, display, alter, operate or remove traffic control devices—*
> *(a) in relation to an area where persons are engaged in work or an area affected by works in progress; or*
> *(b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or*
> *(c) for any temporary purposes.*
> *(4) An approval of the Minister under this section may be issued—*

(a) in relation to an authority, body or person of a class determined (from time to time) by the Minister; or
(b) in relation to an authority, body or person on an application under this section.
(5) An application for an approval of the Minister must be made in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and be accompanied by a fee fixed by, or calculated in accordance with, the regulations.
(6) An approval issued by the Minister under this section may—
(a) be subject to such conditions as the Minister thinks fit; and
(b) be varied, suspended or revoked at any time by the Minister (including, without limitation, as a penalty for breach of conditions of the approval or while any alleged breach of conditions is under investigation).
(7) Without limiting the circumstances in which the Minister may refuse to issue an approval for the purposes of this section, the Minister may refuse to issue an approval if any person who has been found guilty of an offence against section 21 is to be responsible for installing, displaying, altering, operating or removing traffic control devices pursuant to the approval.

Other Relevant Considerations

It is important to note that this report sets out the enforcement options only, it does not delve into the resourcing implications for enforcement of those options, nor does it specifically contemplate community consultation on the proposal, or precedent setting.

In regard to resourcing, it would be necessary for Council to deploy parking inspectors to this location on a fairly consistent basis, in order to have the desired deterrent effect. This is not currently resourced, and whilst there is currently capacity for the contracted service to be extended, this would be at a cost to Council.

It is also entirely possible that acknowledging whilst Council receives negative feedback regarding the current situation, that there is a substantial portion of the community who appreciate having the private sale of vehicles or firewood in a centralised, community-accepted location, rather than being dispersed throughout the City of Mount Gambier. It is also possible that if consulted, stakeholders, such as adjacent businesses or sporting clubs may not be in favour of such an approach.

Further, it should be considered whether taking enforcement action in this location specifically will simply shift the issue to an alternate location. When discussing this issue with other metropolitan councils, there have been several instances highlighted where this was the case.
All of the above considerations should be weighed when ultimately reaching a determination as to the appropriate course of action.

CONCLUSION

Based on the above advice, it is recommended that Council explore the option of implementing parking controls over the subject portion of Jubilee Highway East, Mount Gambier.

A further report will be presented to Council to determine the appropriate particulars, if an indication of support is provided by the Minister.

ATTACHMENTS

Nil

18.7 RISK APPETITE STATEMENT

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That the Council report titled 'Risk Appetite Statement' as presented on Tuesday 17 June 2025 be noted.
2. That the Risk Appetite Statement for City of Mount Gambier and amended Risk Management Policy be endorsed and adopted.

PURPOSE

To present to the Council, along with the commentary from the Audit and Risk Committee, for their consideration and adoption, the Risk Appetite Statement and amended Risk Management Policy.

BACKGROUND / OPTIONS

Industry Benchmarking and Maturity Model

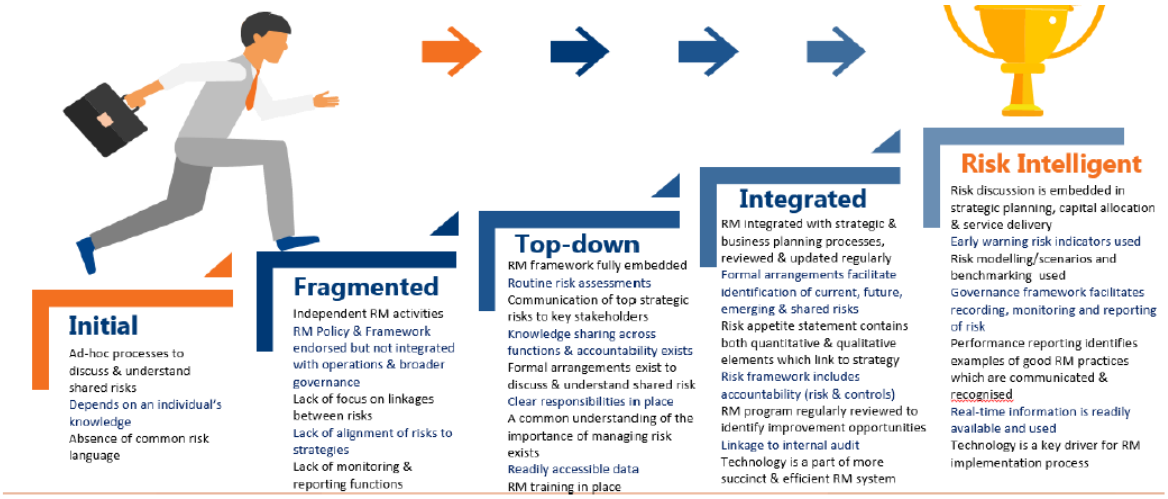
In June 2023, the Local Government Risk Services (LGRS) supported Council to undertake a risk maturity benchmarking activity, resulting in the **attached** Risk Maturity Assessment. The risk maturity assessment, which is based upon AS ISO 31000:2018 Risk Management Guidelines and the Local Government Association Mutual Liability Scheme (LGAMLS) model Risk Management Framework, considers the following five focus areas:

1. Risk Culture
2. Risk Appetite
3. Integration
4. Identification and Assessment
5. Reporting and Monitoring

These five focus areas underpin the requisite foundations for successful Enterprise Risk Management. The focus areas cannot be applied in isolation, there must be correlation, connection and fluency between each for successful implementation of Council's Risk Management Policy and Framework.

The risk maturity model provides a roadmap for the development and continuous improvement of the City of Mount Gambier's risk management systems. The risk maturity assessment offers an insight into the organisation's progress towards implementing an integrated enterprise risk management (ERM) system and an organisational risk culture that supports strategic and business planning.

Each phase of the model demonstrates a gradual advancement in ERM system development, knowledge and the use of risk information as a key input into strategic planning and decision making. City of Mount Gambier was assessed as being at the 'Initial' phase of ERM (refer diagram below).



When further broken down into the relevant focus areas, one of the particular exposure areas identified was Council's risk appetite (refer to diagram below).

City of Mount Gambier's Risk Maturity Benchmark Assessment

Based on the results of the maturity benchmarking assessment, the following recommendations were made by LGRS, to assist the City of Mount Gambier to increase its risk maturity:

- Consideration be given to the resourcing required to assist with, and drive a consistent risk management approach across the organisation;
- Providing risk management awareness sessions (elected members, managers and staff);
- Encouraging management and staff participation in identification, evaluation and management of risks within their departments;
- Considering the use of technology to record, monitor and report strategic and operational risks;

- Developing and operationalising formal risk appetite statements by integrating this into the decision making process;
- Enhancing reporting mechanisms to support strategic and operational decision making; and
- Encouraging elected members to interrogate and consider risks when they arise.

From late 2024 / early 2025, the following activities have been undertaken towards actioning these recommendations, generally:

1. Enterprise risk portfolio has been transitioned to the Governance and Property team in recognition of resourcing constraints.
2. Risk assessment built into all Council reports, to improve organisational awareness, staff participation of the identification and evaluation process, consideration of risk in making of strategic decisions, and risk reporting.
3. Education sessions facilitated by LGRS with Elected Members and senior staff.
4. Current investigations into appropriate software options to manage enterprise risk management.
5. Development of clearly articulated risk appetite and tolerances for the City of Mount Gambier.

Risk Appetite Statement

In February 2025, Members participated in a survey and subsequent workshop, which resulted in the creation of two new risk categories, as well as informed the development of the **attached** draft Risk Appetite Statement and relevant amendments to the **attached** Risk Management Policy.

The City of Mount Gambier (Council) Risk Appetite Statement defines the level and type of risk that Council is willing to pursue or tolerate in order to achieve its strategic objectives. It assists the Council to align its risk management strategy with its vision, mission, values, and culture.

Establishing the Council's risk appetite is fundamental to implementing a systematic approach to identifying, assessing, and managing risk within the organisation. The Council recognises that it is not practical or desirable to avoid all risk. As not all risks are equally important or acceptable, decisions need to be made about how much risk the Council is willing to take or to what extent it is required to avoid. Risk appetite statements are a useful tool in decision making, prioritising opportunities, and resource allocation.

Using a risk appetite statement to manage risk involves applying it to our risk management activities and processes. Risk appetite statements can be used to guide risk identification, assessment, response, and reporting. For example, when undertaking an activity or program, firstly evaluate the likelihood and consequence and compare the risk rating to the risk appetite levels. The risk appetite statement can then be used to decide how to respond to the risks, whether by accepting, sharing, transferring, reducing or avoiding them.

Council's risk appetite statement exists within the hierarchy of our enterprise risk management framework. The risk appetite of Council informs the strategic decision-making process (refer diagram below).

Audit and Risk Committee Commentary

The Audit and Risk Committee provided the following commentary upon review of the draft Risk Appetite Statement at their meeting 4 June 2025:

- It was noted there is overlap in the risk appetite with legislative obligations of Council – it was noted that was a conscious decision of members to call-out obligations as non-negotiables via the risk lens as well as the legal compliance lens,
- It was mentioned there may be an opportunity to include or leverage pursuit of WHS funding to implement or support risk initiatives,
- It was suggested that the definition of 'prolonged outages' under the IT risk category be expanded upon to clarify, or linked to Maximum Allowable Outages provided in the Business Continuity Plan for alignment,
- Possibility to include sub-categories into the identified risk categories where the area is broad and one element may influence the overall appetite (e.g. IT – sub-category cyber security),
- Highlighted the importance to be clear on who the intended audience is for the documents (i.e. is this an outward facing document for commitment to the public, or an internal reference document for Council members and staff).

It is for Council determine if they wish to incorporate any or all of the above observations and commentary into the Risk Appetite Statement document prior to adopting.

IMPLICATIONS TO CONSIDER

Legal	Whilst there is no prescriptive requirement under the legislation for Council to adopt a Risk Appetite Statement, the below provisions are achieved (or materially contributed to) by doing so: • Section 99(1)(ia) of the Local Government Act 1999 ('LG Act') requires the CEO to ensure that effective policies, systems and processes are established and maintained for the identification,

	assessment, monitoring, management and annual review of strategic, financial and operational risks. • Section 125 of the Local Government Act 1999 ('LG Act') LG Act requires Council to ensure that appropriate policies practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives. • Section 132A of the LG Act requires Council to ensure that appropriate policies, practices and procedures are implemented and maintained in order to ensure compliance with statutory requirements and achieve and maintain standards of good public administration. • Section 134(4) (b) of the LG Act requires Council to adopt risk management policies, controls and systems.
Financial and Budget	N/A
Community Consultation and Engagement	N/A
Other Resources	As noted in the report generated by LGRS, Council does not currently have any resources specifically dedicated to Enterprise Risk Management, and in order to achieve the desired maturity level, this is a relevant consideration of the efficiency and quality of work able to be achieved by the administration. The risk portfolio has recently been transferred to the Governance and Property portfolio, in acknowledgement of resourcing constraints, and subject matter expertise.

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance – Council is unable to apply a strategic risk lens to projects / business activities of significance, exposing Council to financial inefficiency or loss	Major (4)	Rare (1)	Moderate	Establishment of a mature risk culture, effective and embedded risk management activities which lead to risk-informed decision-making, supported by a contemporary Risk Management Framework
Reputation – Council is unable to clearly articulate its risk management culture / activities, eroding trust with the community	Moderate (3)	Possible (3)	Moderate	As above
Legal / Regulatory / Policy – Council is	Major (4)	Rare (1)	Moderate	As above

not taking a mature approach to cognoscente risk management, leaving is exposed to legislative breach or litigation				
Service Delivery - A lack of organisational risk maturity leaves the organisation exposed to business continuity disruption	Moderate (3)	Rare (1)	Low	As above
People – A lack of mature risk culture prevents staff from being able to take advantage of opportunities, or perform to their potential	Minor (2)	Unlikely (2)	Low	As above
Infrastructure – Council does not have the necessary tools to make informed decisions as to resource allocation / asset management planning for infrastructure and assets, resulting in deterioration or loss of assets	Moderate (3)	Possible (3)	Moderate	As above
Environmental - Council does not have the necessary tools to make information decisions about the impact of projects and business activities on the environment, resulting in negative environmental impact or harm	Moderate (3)	Rare (1)	Low	As above

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

This report contributes to delivery of the following key strategic project(s):

Priority 6: Excellence in Leadership and Governance

Deliver business systems and infrastructure improvements that support us to deliver our services more efficiently and effectively to the community.

RELEVANT COUNCIL POLICY

Risk Management

IMPLEMENTATION AND NEXT STEPS

Further work towards organisational integration and increased risk maturity is planned, including:

- Review and amendment of the Risk Management Administrative Principle (Framework),
- Staff education workshops,
- Review of the strategic risk reporting and review function,
- Establishment of and Operational Risk Register,
- Establishment of a standard Project Risk process,
- Implication of regular risk reporting processes at Executive Leadership level, and Elected Council level,
- Integration of a contemporary enterprise risk management software,
- Integration of risk management culture throughout the organisation.

CONCLUSION

The Risk Appetite Statement and amended Risk Management Policy are now presented to Council for adoption. The above identified actions will occur over the short, medium and long-term and continuous maturity benchmarking will occur to monitor the progress of the organisation.

ATTACHMENTS

1. DRAFT City of Mount Gambier - Risk Appetite Statement - March 2025 [**18.7.1** - 13 pages]
2. FINAL Mount Gambier Risk Maturity Report V 1.0 20230621 [**18.7.2** - 15 pages]
3. Council Policy - Risk Management [**18.7.3** - 7 pages]

City of
Mount Gambier

Risk Appetite Statement

March 2025

Version 1.0

Introduction

The City of Mount Gambier (Council) Risk Appetite Statement defines the level and type of risk that Council is willing to pursue or tolerate in order to achieve its strategic objectives. It assists the Council to align its risk management strategy with its vision, mission, values, and culture.

Establishing the Council's risk appetite is fundamental to implementing a systematic approach to identifying, assessing, and managing risk within the organisation. The Council recognises that it is not practical or desirable to avoid all risk. As not all risks are equally important or acceptable, decisions need to be made about how much risk the Council is willing to take or to what extent it is required to avoid. Risk appetite statements are a useful tool in decision making, prioritising opportunities, and resource allocation.

Using a risk appetite statement to manage risk involves applying it to our risk management activities and processes. Risk appetite statements can be used to guide risk identification, assessment, response, and reporting. For example, when undertaking an activity or program, firstly evaluate the likelihood and consequence and compare the risk rating to the risk appetite levels. The risk appetite statement can then be used to decide how to respond to the risks, whether by accepting, sharing, transferring, reducing or avoiding them.

Definitions

Risk appetite - The amount of risk an organisation is willing to accept or retain in order to achieve its objectives. It is a statement or series of statements that describes the organisation's attitude towards risk taking. Appetite is typically aligned to categories of risk such as financial, people or reputation.

Risk tolerance - The levels of risk taking acceptable to achieve a specific objective or manage a particular category of risk. Risk tolerance represents the practical application of risk appetite and in effect is the boundaries the organisation is willing to push and in what circumstances to achieve specific objectives.

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Enterprise Risk Management Framework

Council's risk appetite statement exists within the hierarchy of our enterprise risk management framework. The risk appetite of Council informs the strategic decision-making process. The diagram below reflect how the risk appetite statement fits into the organisation and informs risk management activities.

Risk Appetite Ratings

Council categorises its level of risk appetite into five (5) categories as set out below.

AVOID	RESISTANT	NEUTRAL	ACCEPT	RECEPTIVE
Little to no appetite Avoidance of adverse exposure to risks even when outcome benefits are higher	Small appetite A general preference for safer options with only small amounts of adverse exposure	Medium appetite The approach taken balances outcome delivery with degree of protection	Moderate appetite Options selected based on outcome delivery with a reasonable degree of protection	Larger appetite Engagement with risks based more on outcome benefits than potential exposure

Risk Appetite Statements

Below are the risk appetites and tolerance levels determined for City of Mount Gambier Council's strategic risks. Our risk appetite, alongside our risk management policy and framework, support our decision making and ensures Council makes appropriate and informed decisions.

Risk Category	Risk Appetite	Risk Tolerance	
		Will Pursue	Won't Pursue
Financial As a general position Council will be Resistant to taking risks in its financial and accounting activities to achieve its objectives and will seek to operate within the parameters of its long term financial plan. Council will, however, increase its risk appetite to Neutral potential risks, in order to ensure achievement of its strategic objectives.	**Resistant**	**Neutral**	
		Will pursue • When financial risk taking leads Council to higher long-term returns, which are community centric, or of benefit to the community (whether socially or financially) • When leveraging debt or alternative funding is necessary to sustain growth in population • For innovative projects or business activities, when there is a robust financial safety net to absorb potential losses • To enable working with contracted third parties, favourable procurement arrangements, or pursue shared services for core business activities, or major regional projects which will result in value for money • To maximise opportunities for external grant funding, for business activities and projects where the	Won't pursue • Business activities or projects which do not meaningfully contribute to Council's strategic plan, or are unaccounted for in the long term financial plan • Activity which does not align with responsible use of public funds principles, or legislative requirements • Expenditure which is likely to result in sustained operating deficit which has potential to impact the organisation as a going concern • Any activity which would compromise Council's ability to meet the requisite LGFA performance targets • Any activity whatsoever which is fraudulent or correct

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		budget impact is known and acceptable • To facilitate significant renewable infrastructure which contributes towards Council's environmental objectives, essential infrastructure, or infrastructure required to facilitate growth which will not compromise Council's ability to deliver on its Long Term Financial Plan or Asset Management Plan • Where Asset Management Plans have identified areas for capital investment in infrastructure • For unique, high-scale opportunities to significantly boost or transform our city or region's tourist economy • In order to meet requisite legislated standards • In order to materially improve service delivery	
Reputation As a general position Council will be Neutral to taking risks in its reputation and brand activities to achieve its objectives and will seek to maintain and build confidence within the community. Council will, however, increase its risk appetite to Accept for potential risks, in order to ensure achievement of its strategic objectives which are deemed to	**Neutral**	**Accept** Will pursue • When a controversial decision aligns with Council's vision and Strategic Plan • When stakeholder concerns must be balanced with long-term benefit to the community wholistically • When public opinion is divided, but evidence supports the decision	Won't pursue • Business activity or projects which materially erode sustained community trust in Council • Activity which impedes Council's service delivery or standards • Activity which has the potential to negatively impact on safety, wellbeing or social cohesion of the community

be in the best interest of the community.		• To correct or maintain legislative / financial management requirements • To pursue beneficial art and cultural, social or economic development projects which contribute to the social fabric of the region • To facilitate infrastructure or initiatives which contribute towards Council's environmental objectives	• Monitoring or correction of negative public sentiment or misinformation on external or uncontrolled social media sites, excluding regulated published news media and Council's own social and other media
Legal / Regulatory / Policy As a general position Council will Avoid taking risks in its legal, regulatory and policy activities to achieve its objectives and will seek to maintain the highest standards of governance and compliance. Council will, however, increase its risk appetite to Resistant for potential risks, which are legal, transparent and in the best interest of the community in order to achieve its strategic objectives.	**Avoid**	**Resistant**	
		Will pursue • When new regulatory changes are flexible, and early adoption could provide an advantage in achieving strategic objectives • When taking a position contrary to a discretionary policy could lead to beneficial flexibility or progress in service delivery • To facilitate population growth or progress in the community, where Council is the compliance agency and safety is not a concern • To pursue innovative solutions to complex problems, where legal advice has been obtained • To improve efficiency where regulatory compliance is not mandatory and to strictly comply would be onerous or cause business continuity concerns	Won't pursue • When taking a calculated compliance risk may enable service or policy improvements, but positive results are not certain • Business activity or projects which breach mandatory legislative requirements, are fraudulent, corrupt or unethical • Activity which erodes relationships of trust with the community, stakeholders, or other government agencies • Activity which may result in confidentiality or privacy breach • Business activity which has potential to expose Council to litigation or indictable offence repercussions

Service Delivery As a general position Council will Accept taking risks in its service delivery activities, provided that the focus remains on our organisational values and that delivery of critical services as identified in our business continuity plan are maintained. Council will, however, increase its risk appetite to Receptive for potential risks, in order to accommodate innovation and where long-term benefits are likely to be realised.	**Accept**	**Receptive**	
		Will pursue • When short-term service disruptions may lead to long-term efficiencies or improvements • When new technologies or process changes introduce temporary uncertainty to service delivery • When maintaining the status quo carries a higher risk than change • To facilitate projects which are likely to improve Council's service delivery, standards, or achieve efficiencies in the medium to long term • In order to meaningfully upgrade, improve or replace capital assets • In order to implement the use of new and innovative technologies or shared service arrangements	Won't pursue • Business activity or projects which would pose a business continuity concern for critical services • Activity which erodes relationships of trust with the community, stakeholders, or other government agencies • Business activity which would be unduly onerous on resourcing or staff to undertake or maintain
People As a general position Council is Resistant to taking risks in its people and human resourcing activities, ensuring that the commitment to positive culture, succession planning and wellbeing of staff are maintained. Council will, however, increase its risk appetite to Neutral for potential risks, in order to improve organisational resilience, build leadership capacity or invest in skill	**Resistant**	**Neutral**	
		Will pursue • When significant workforce changes (e.g. restructuring or automation) are required to ensure long-term sustainability of Council and alignment with workforce planning strategies • When leadership succession planning involves appointing individuals with non-traditional backgrounds or limited conventional experience	Won't pursue • Business activity or projects which would pose a business continuity concern for critical services • Activity which erodes relationships of trust with staff, diminishes workplace culture or morale, or is not aligned to Council's values

attraction and retention initiatives.		• Recognising the benefits associated with internally developing our workforce ("growing our own") by ensuring there are adequate frameworks in place to support those individuals to succeed • When investing in new workforce initiatives (e.g. upskilling and well-being programs) which are anticipated to have a positive impact on culture, without immediate or guaranteed returns • Innovative, flexible or adaptable recruitment and resourcing approaches to ensure the most appropriate candidate is appointed to roles requiring subject matter expertise, significant experience or technical skills • In order to ensure Council is an employer of choice, offering competitive working arrangements, opportunities and conditions • Initiatives to improve workplace performance or productivity • To enable working with contracted third parties or pursue shared services for core business activities, or major regional projects	
Infrastructure As a general position Council is Neutral to taking risks in its infrastructure and asset	**Neutral**	**Accept**	
		Will pursue • When investing in new or innovative infrastructure projects,	Won't pursue • When deferring maintenance or upgrades to critical assets to

activities, ensuring that Australian or relevant industry standards are maintained. Council will, however, increase its risk appetite to Accept for potential risks, in order to utilise new technologies, innovative materials or methods which further Council's strategic objectives or improve longevity or standard of assets, providing long term benefits.		even if the long-term financial benefits are uncertain • When disposing of underutilised assets to reinvest in higher priority infrastructure, recognising potential public or stakeholder concerns, but balancing these with long-term benefits • To facilitate significant renewable infrastructure which contributes towards Council's environmental objectives, essential infrastructure, or infrastructure required to facilitate population growth • High value infrastructure or assets which provide better longevity, impact or gains in the long term • Projects which will improve community resilience • Where Asset Management Plans have identified areas for capital investment in infrastructure	allocate resources elsewhere in the short-term • Business activity or projects which would pose a business continuity concern for critical infrastructure or services • Activity or infrastructure which has the potential to impact on the safety, wellbeing and utility of the community, stakeholders or staff • Infrastructure or assets which cannot demonstrate a long term benefit which outweighs or justifies the investment • Infrastructure or assets which do not meet Australian or relevant industry standards, or prove to be an insurance concern
Environmental As a general position Council will Avoid taking risks in its environmental activities, ensuring that safety, amenity, preservation of natural and cultural environments and sustainable practices are at the forefront of consideration. Council will, however, increase its risk appetite to Resistant for potential risks, in order to explore	**Avoid**	**Resistant**	
		Will pursue • When sustainability investments require risk but offer long-term benefits to the environment • When balancing economic growth with environmental or social responsibilities • When regulatory and public expectations for sustainability require bold action	Won't pursue • Decisions, activities and practices that result in long-term or irrevocable environmental damage or negative climate impacts, threatens biodiversity, including extinction of flora and fauna, or is hazardous to the community • Activity or infrastructure which has the potential to impact on the

innovative environmental sustainability initiatives, or activities which contribute to Council's environmental objectives. al		• Business activities or projects which are likely to improve the sustainability of the way Council operates, and reduce Council's emission footprint • In order to be a leader and educator of the community in matters of environmental and cultural resilience • To facilitate or implement innovative solutions to waste reduction, recycling and reuse	safety, wellbeing and utility of the community, stakeholders or staff • Failure to meet environmental commitments, EPA regulations or legal requirements
Work Health Safety As a general position Council will Avoid taking risks in its work health and safety activities, ensuring that safety, wellbeing and adherence to industry standards and regulations are given paramount priority. Council will, however, increase its risk appetite to Resistant for potential risks, in order to ensure that morale is not unduly impacted by compliance requirements, tasks do not become onerous or cost prohibitive, and risk averse culture does not stifle creativity or innovation.	**Avoid**	**Resistant**	
		Will pursue • When pursuing innovation or efficiency improvements that introduce new minor safety risks, provided they offer substantial operational benefits and adequate systems are in place to mitigate those risks • When implementing significant organisational changes (e.g. new technologies or automation) that carry unknown WHS risks provided our safety management systems are sufficient to identify and mitigate potential hazards and incidents • Activities with inherently higher risk, such as construction, which are required in order to maintain or improve assets, where robust risk assessment and risk control	Won't pursue • When emergency circumstances (e.g. emergency response, business continuity) require temporarily relaxing safety protocols unless any adjustments are strictly controlled, proportionate to the situation, and reinstated as soon as practicable to protect people and operations • Unmitigated risk that could result in significant injury (whether physical or psychological) or loss of life under any circumstances • Work practices, actions or inactions that compromise the wellbeing and safety of people including staff, councillors, contractors, consultants or volunteers

		mitigation are in place and demonstrated to be effective • Activities with low risk of minor injury to deliver projects of significance, innovative services, or trialling new technologies where effective controls are in situ • Terminating a customer interaction if their safety or wellbeing is placed at risk	• Any activity which gives rise to all forms of bullying and harassment, is disrespectful, un-inclusive, or includes any forms of intimidation or harassment (whether directly or indirectly) • Events that occur arising from untrained (or uncertified) employees or failed internal safety processes
Information Technology As a general position Council has a Resistant appetite for risks relating to Information Technology, and seeks to ensure security of its corporate information, ICT infrastructure, support systems and cyber security. Council will, however, increase its risk appetite to Neutral to facilitate adopting and adapting to new technologies and innovations, particularly in improving efficiencies, service delivery and engaging with its stakeholders via contemporary, user-friendly modes.	**Resistant**	**Neutral**	
		Will pursue • Business activities or projects which are likely to optimise capability and efficiency, including shared capability arrangements, cloud and virtual hosting or new technologies where their 'efficiency or security' payback can be demonstrated in the short-term • New systems or practices which may improve the security of our digital assets (including information), business practices or safeguarding from both external and internal threats, misuse, modification and unintended damage • Activities or systems which strengthen or improve internal controls, a cyber aware workforce, effective governance, timely remediation of identified control weaknesses, persistent review of	Won't pursue • Decisions, activities and practices that result in compromising the integrity and confidentiality, misuse or inappropriate distribution of information, or breaches trust with our stakeholders • Any activity with a risk of any serious breach of privacy or confidentiality and in particular sensitive information • Prolonged unplanned outages (caused by cyber security control issues) of critical Council systems and services • Lack of diligence in relation to procurement and implementation of cyber systems and services • Data loss due to inappropriate data loss protection practices and processes • Inactivity, or inability to adapt to technological change, resulting in

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		the external threat landscape and consistent management of our third-party providers • Scheduled outages that are regarded as part of normal business activities and do not impact business continuity • Taking systems off-line temporarily to prevent imminent or current cyber attacks	increased risk exposure, or impacted service delivery

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DOCUMENT DETAILS

File Reference:	AR25/19496
Related Documents:	Risk Management Policy Risk Management Framework (Administrative Principle)

Responsibility:	People and Culture Coordinator
Version:	1.0
Last revised date:	
Effective date:	
Minute reference:	
Next review date:	

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Mutual Liability Scheme
Local Government Association of South Australia

The City of Mount Gambier
Risk Maturity Assessment

Date: 21ST June 2023

Mutual Liability Scheme
Local Government Association of South Australia

Background

Senior management at the City of Mount Gambier have recognised the need to assess the organisation's risk maturity in order to gain an understanding of the current state and to develop actions to reach its target level of risk maturity.

To achieve this, the Senior Management Team (SMT) and other key staff were invited to individually complete an assessment of the City of Mount Gambier's risk maturity; thirteen responses were received and are documented and summarised in this report.

The risk maturity assessment is based upon AS ISO 31000:2018 Risk management guidelines and the LGAMLS model Risk Management Framework and considers the following five focus areas:

Risk Culture	• Elected Members and management understanding and application of risk management principles • Monitoring, review and continuous improvement of risk management processes
Risk Appetite	• Risk appetite is articulated and aligned to achievement of Council's strategic objectives
Integration	• Consideration of existing and emerging risk is an integral part of Council's strategic planning process
Identification and Assessment	• Documented and consistent approach to identification and management of risk
Reporting and Monitoring	• Regular reporting, monitoring and actioning of risks

The focus areas cannot be applied in isolation; there needs to be a correlation between each for successful implementation of Council's risk management policy and framework.

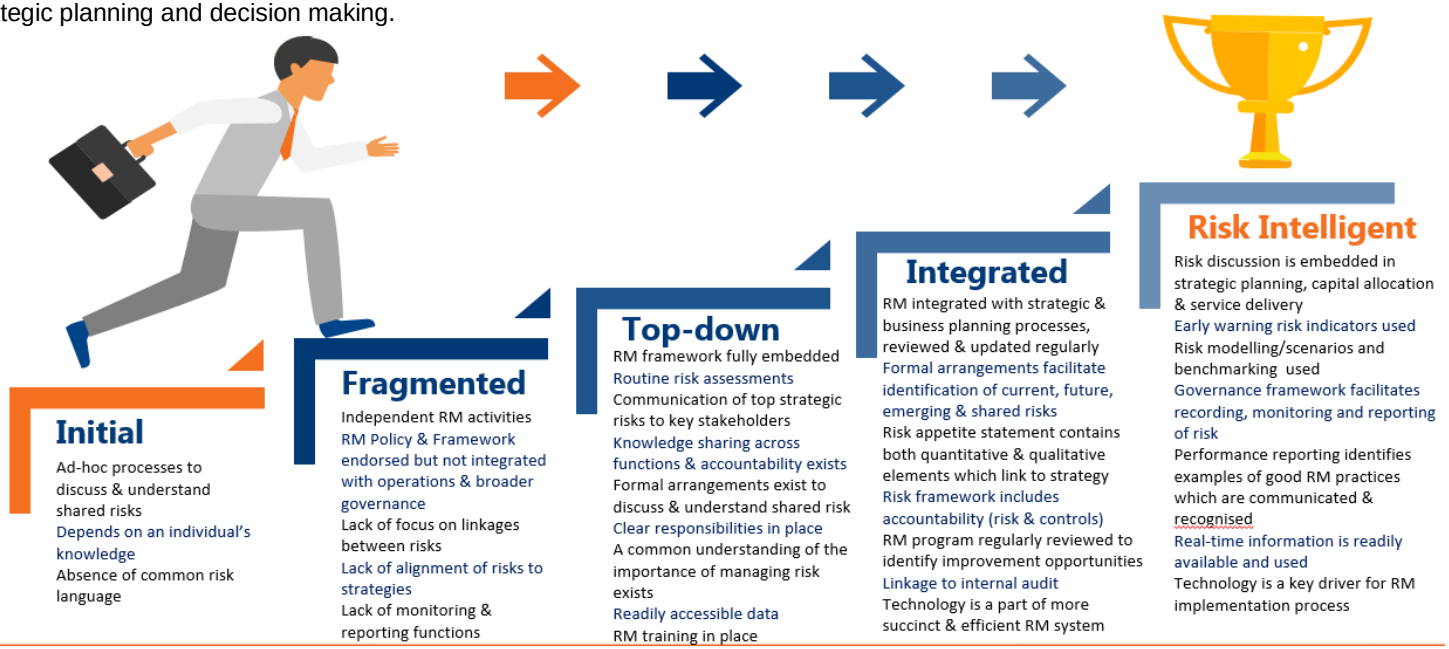
Mutual Liability Scheme
Local Government Association of South Australia

Risk maturity model

The risk maturity model provides a roadmap for the development and continuous improvement of the City of Mount Gambier's risk management systems.

The risk maturity assessment offers an insight into the organisation's progress towards implementing an integrated enterprise risk management (ERM) system and an organisational risk culture that supports strategic and business planning.

Each phase of the model demonstrates a gradual advancement in ERM system development, knowledge and the use of risk information as a key input into strategic planning and decision making.



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Methodology

LGAMLS Strategic Risk Team have compiled a self-assessment tool which considers key elements of an effective ERM system, which are structured according to the five focus areas.

Individual elements within each focus area were scored on a scale of:

0 Element is not in place/ never applied
1 Element is partly in place or established/ inconsistently applied
2 Element is fully in place and consistently applied
3 As well as being fully in place and consistently applied, a proactive and positive attitude to risk is demonstrated

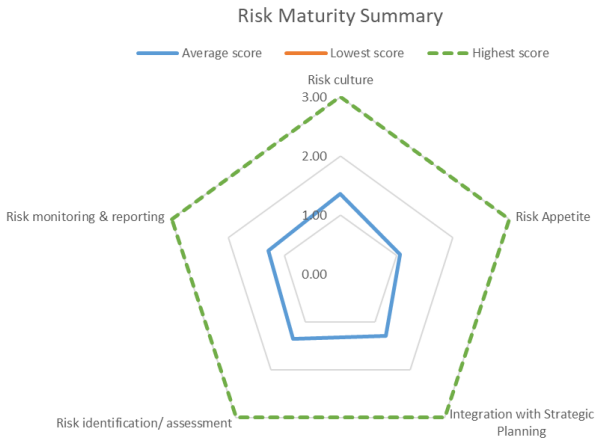
The self-assessment tool was distributed to the Senior Management Team and other key staff with a total of thirteen responses received (which was a response rate of 81%). These have been collated to provide an overview of the current understanding of the current status of the organisation's ERM.

Comments provided with the responses have been considered and form the basis for the commentary in this report.

The scoring for each element is provided in the appendices to further assist the City of Mount Gambier in identifying areas of potential improvement.

Mutual Liability Scheme
Local Government Association of South Australia

Risk maturity summary



Despite some variances in the scoring, there is a visible trend in each of the focus areas which links back to the implementation status of the risk management framework.

The average score was marginally higher for risk identification/ assessment (1.36) and risk culture (1.35) and lower for risk appetite (1.06), however the results show there are elements of each of the focus areas in place in at least some parts of the organisation.

This should provide a good foundation to implement those elements across the remaining departments and teams.

Overall, results indicate there is a lack of linkage between the risks identified in the risk register to the organisational planning processes (strategic, annual budget, business plans etc.) and decision making. In addition, commentary has been provided which indicates that resourcing challenges, technology, a need for training as well as inconsistency in the application of risk management principles have been identified as issues.

This makes it difficult to drive the integration of risk throughout all levels of the organisation.

Risk Culture

In terms of risk culture, there is uncertainty about whether elected members understand the correlation between effective risk management and achievement of the organisation's strategic objectives. There is an opportunity here to provide training or awareness sessions to elected members and management, (this should then cascade throughout the organisation.) The risk management framework is still being implemented across the organisation which may be contributing to the inconsistency of how risk is managed across the different departments.

Risk appetite

Risk appetite did not score as strongly from the responses received (79% responded with a score of 0 or 1). Whilst there appears to have been some informal discussions about risk appetite at the administration level, risk appetite is not an area that has been formally defined. A body of work to define and articulate risk appetite (and tolerance) with elected members and management would be beneficial to support appropriate

Mutual Liability Scheme
Local Government Association of South Australia

risk taking. This presents an opportunity for the City of Mount Gambier to improve risk awareness across the organisation and to further integrate ERM into strategic planning and day-to-day decision making.

Integration with strategic planning

Whilst the organisation has a formal strategic planning process in place, risk does not appear to be fully integrated into this process. Risk registers are currently not connected to the Annual Business Plan/ Asset Management Plan/ Forward Works Program. Work on communicating the importance of managing risk as part of the planning processes (strategic and business planning) should assist with risk integration and subsequently decision making. Encouraging elected members to interrogate and consider risks when they arise will also help with the integration as well as improve the decision making process.

At an operational level, Council should look to embed its existing framework and processes across the organisation; improving accountability of managers to both implement ERM systems and strengthen risk awareness within their teams.

Risk identification and assessment

Risk identification and assessment elements have been defined in the documented risk management system and are generally in place or partly in place; the responses indicate that there could be more consistency with the application of the process to ensure this is applied across all areas of the organisation. Having a central repository to record the risk identification and assessment outcomes and ensuring the appropriate people are aware of this would also help support a consistent approach. Commentary provided with the risk maturity questionnaire indicates that work is currently being undertaken to investigate opportunities and better record and monitor activities such as risk management and strategic planning to ensure the information is accessible for all employees while being easy to use and understand.

It is likely that these elements will show improvement following the identification and implementation of the preferred option for this (process & technology platform) in addition to training or refresher training of managers and staff.

Risk reporting & monitoring

Results indicate that risk reporting and monitoring is not widespread throughout the organisation and is reliant on individual managers reporting and monitoring risk in their areas. It appears that there is no consistent approach or oversight across the organisation. Whilst there are reporting and monitoring processes captured in the documented system (framework), it doesn't appear this is routinely being followed as described.

There is an opportunity for Council to consider the use of technology to support real-time reporting and analysis of risk. This will support a more proactive management of risk within the organisation.

Mutual Liability Scheme
Local Government Association of South Australia

Risk maturity phase

We have used the average scores for each focus area to map the point at which the City of Mount Gambier is currently positioned on the risk maturity model. The diagram on the right indicates that four out of the five focus areas fall just below the fragmented stage (but closer to fragmented than initial), with risk appetite sitting approximately halfway between initial and fragmented.

A further detailed summary of responses for each element is provided in Appendices 1 – 5.

All elements still need further implementation and development within each of the focus areas, which have been highlighted in the summary above and are detailed in the appendices.

Mutual Liability Scheme
Local Government Association of South Australia

Next steps

Recognising that there are opportunities for improvement of the City of Mount Gambier's ERM systems and practices, consideration should be given to developing an enterprise risk strategy and action plan, which may include:

- Consideration be given to the resourcing required to assist with, and drive a consistent risk management approach across the organisation;
- Providing risk management awareness sessions (elected members, managers and staff);
- Encouraging management and staff participation in identification, evaluation and management of risks within their departments;
- Considering the use of technology to record, monitor and report strategic and operational risks;
- Developing and operationalising formal risk appetite statements by integrating this into the decision making process;
- Enhancing reporting mechanisms to support strategic and operational decision making; and
- Encouraging elected members to interrogate and consider risks when they arise.

The LGAMLS Strategic Risk team are able to support the City of Mount Gambier with:

- Provision of customised risk management awareness sessions for elected members, managers and staff;
- Facilitation of workshops in strategic and operational risk;
- Development of risk appetite statements in consultation with elected members and managers; and
- Provision of tools and templates to assist with integration of risk management across the organisation.

Mutual Liability Scheme
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Appendices

The appendices provide a detailed summary of responses to each of the elements for the focus areas.

This information has been provided to assist the City of Mount Gambier in developing strategies and actions to develop, improve and/or embed specific elements of its risk management framework and processes.

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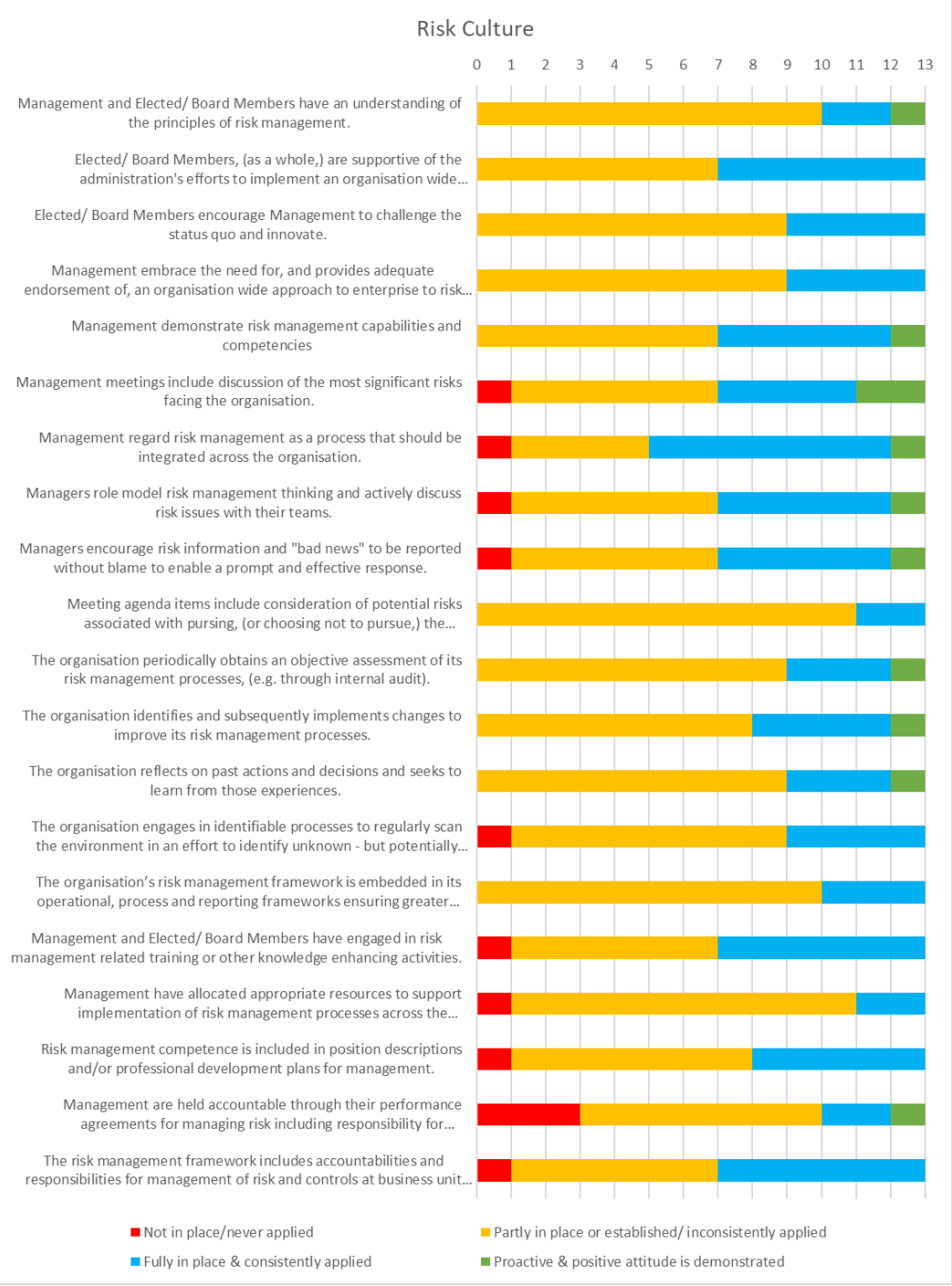
Appendix 1: Risk Culture



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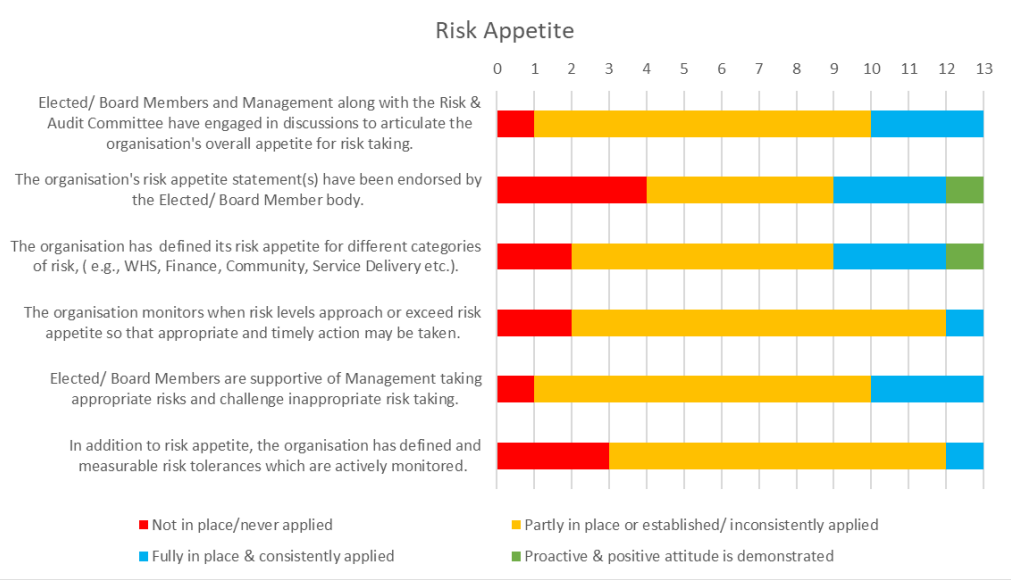
Local Government Association of South Australia

Appendix 2: Risk Appetite



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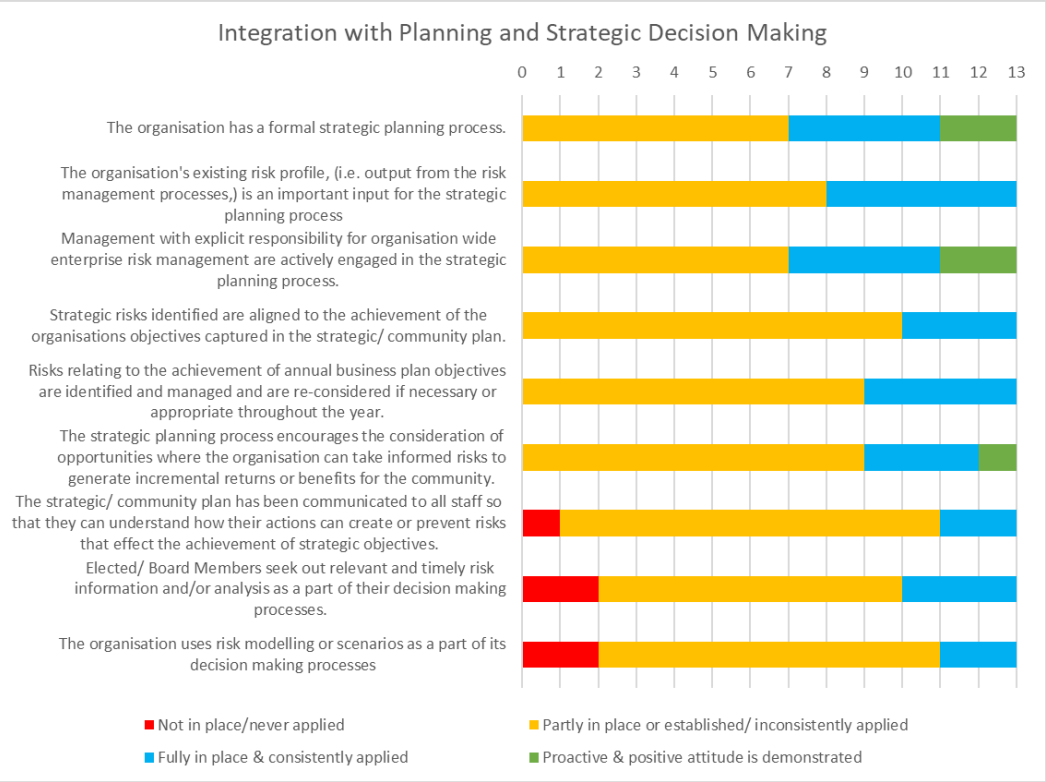
Appendix 3: Integration



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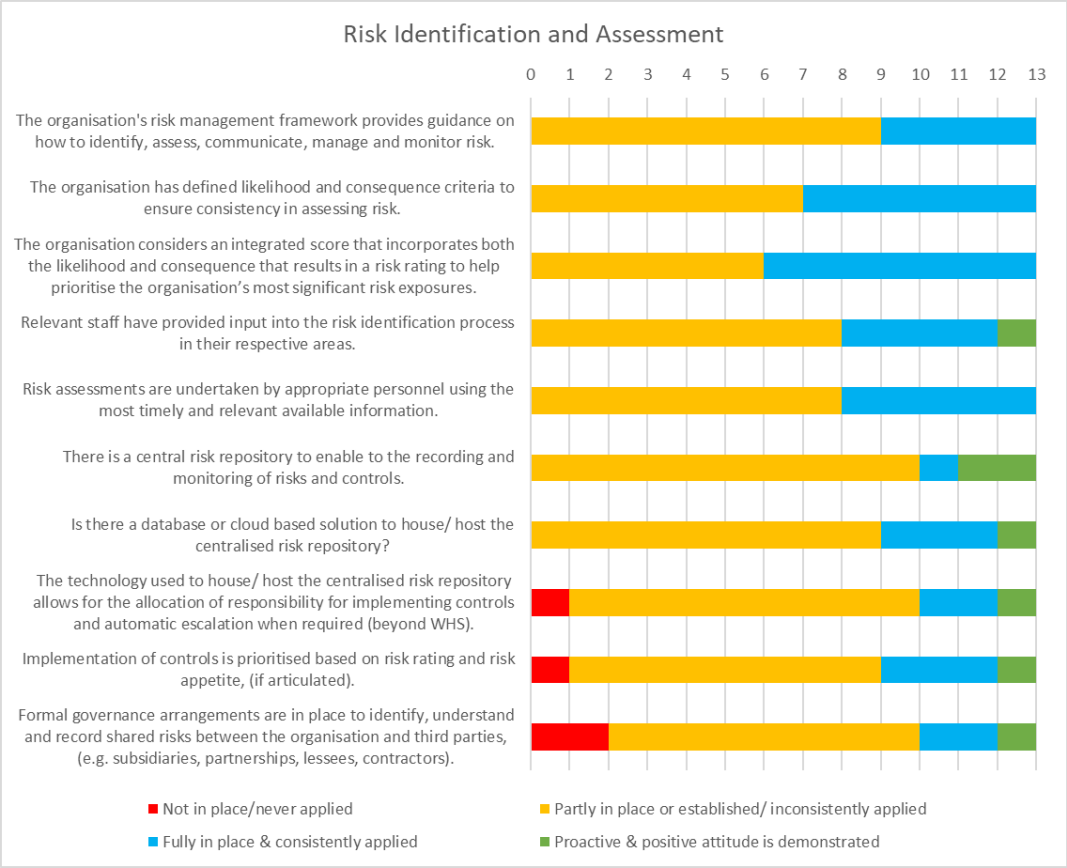
Appendix 4: Risk Identification & Assessment



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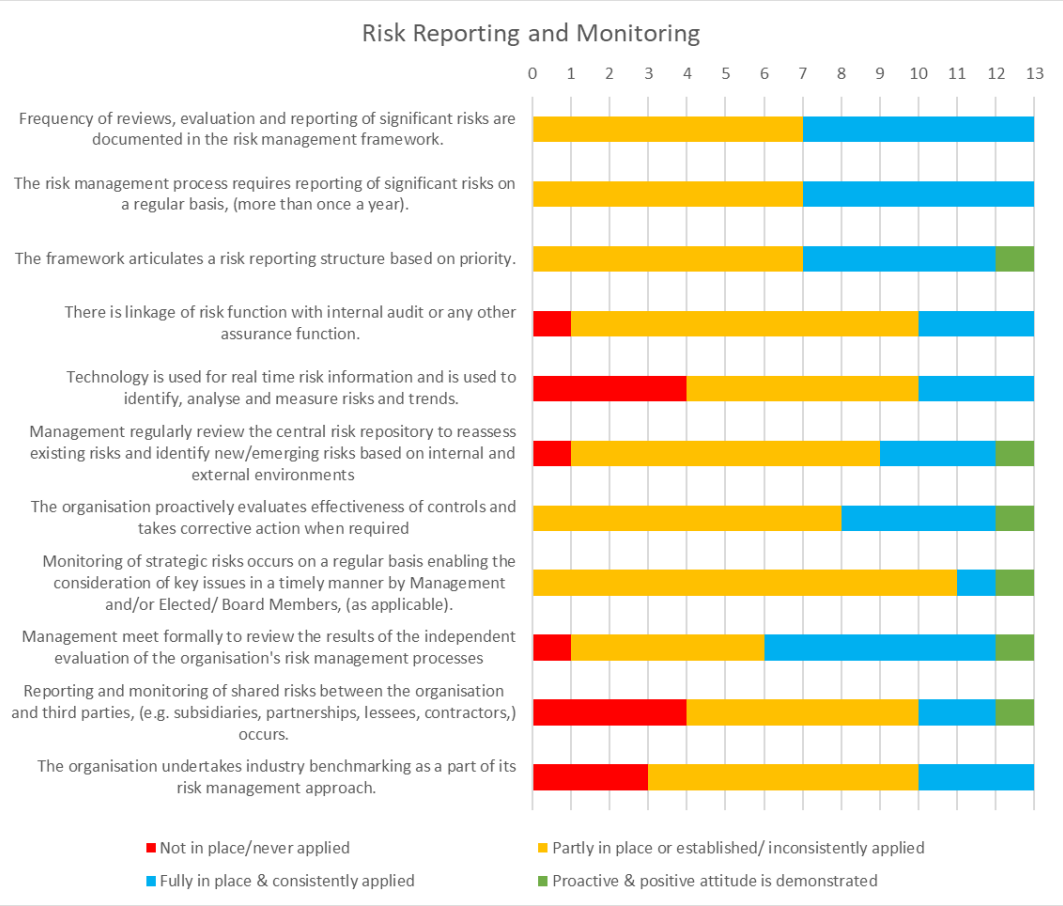
Appendix 5: Reporting & Monitoring



Mutual Liability Scheme
Local Government Association of South Australia

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LGA Mutual Liability Scheme is managed by LGRS which is a division of JLT Risk Solutions Pty Ltd (ABN 69 009 098 864 AFS Licence No: 226827) (JLT) and is a business of Marsh McLennan

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City of Mount Gambier	COUNCIL POLICY RISK MANAGEMENT	Version No:	2
		Issued:	18 June 2024
		Next Review:	June 2028

1. PURPOSE

1.1. The City of Mount Gambier (Council) recognises that effective risk management policies, systems and processes will inform decision making, resource allocation and risk mitigation, which in turn will support successful achievement of its vision and strategic objectives.

1.2 The purpose of the Risk Management Policy (the Policy) is to enable an integrated approach to risk management through:

- Articulating Council's ~~C~~ commitment to core risk management principles;
- Defining responsibilities for the application of risk identification, assessment, evaluation and treatment programs across Council operations;
- Supporting the implementation and maintenance of a ~~A~~ Risk Management Framework ("the Framework") that provides the tools and programmes to underpin Council's approach to achieving a balance between the costs of managing a risk and the anticipated benefits.

1.3~~2~~. The management of risk will be integrated into Council's governance structures, including decision making. Risk Management leads to the successful achievement of Council's Vision, Strategic Plan Objectives and community expectations.

1.4~~3~~. To achieve the objectives of the Policy, the Framework has been developed.

2. POLICY STATEMENT

2.1. Council is committed to maintaining and applying governance and risk management principles to ensure that any impacts to strategic and business objectives are considered and analysed.

2.2. Council will adopt and implement a systematic approach to identify, assess, evaluate and treat (mitigate) risks. The risk management program involves identifying opportunities to ensure Council achieves its strategic goals whilst recording and managing its operational risks.

2.3. Management will lead, actively participate and have complete oversight over all aspects of risk management within their areas of responsibility.

2.4. Council will maintain the Framework consistent with the guidelines and principles of risk management as set out in the International Standard ISO31000:2018 - Risk Management Guidelines, with the goal of providing a consistent approach for dealing with uncertainties likely to impact on the achievement of Councils Vision.

2.5. The risk register(s) will be periodically and consistently reviewed in accordance with set timeframes identified in the Framework.

3. PERFORMANCE MEASURES

The performance of the risk management program will be measured through three distinct categories:

- Compliance with the Policy and related Risk Management Framework, through internal and external auditing and evaluation.
- Value add to the whole of Council, including achievement of Strategic Objectives.
- Benchmarking, Monitoring and Development of Council's Risk Maturity and Culture.

4. LEGISLATIVE REQUIREMENT AND POLICY CONTEXT

4.1 Section 99(1)(ia) of the Local Government Act 1999 ('LG Act') requires the CEO to ensure that effective policies, systems and processes are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks.

4.2 Section 125 of the ~~Local Government Act 1999 ('LG Act')~~ LG Act requires Council to ensure that appropriate policies practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives.

4.3~~2~~ Section 132A of the LG Act requires Council to ensure that appropriate policies, practices and procedures are implemented and maintained in order to ensure compliance with statutory requirements and achieve and maintain standards of good public administration.

4.4~~3~~ Section 134(4) (b) of the LG Act requires Council to adopt risk management policies, controls and systems.

5. DEFINITIONS

Definitions are outlined within the Framework.

6 APPETITE AND TOLERANCE

Council acknowledges that there is significant risk in taking no risks at all (being unreasonably risk-adverse). Organisations must take calculated risks to release opportunity, but they evaluate and treat risks accordingly to do so successfully.

Council has adopted a Risk Appetite Statement which articulates the boundaries within which risks are acceptable to achieve Council's strategic objectives. Council's appetite and tolerances provide guidance on the acceptable risk rating target for any identified risks, to inform how a risk is appropriately managed.

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City of Mount Gambier	COUNCIL POLICY RISK MANAGEMENT	Version No:	2
		Issued:	18 June 2024
		Next Review:	June 2028

76. ROLES & RESPONSIBILITIES

76.1 Council

Council is responsible for the approval of this Policy and overseeing the systematic approach to managing risk across Council operations, including: -

- Setting the organisation's risk appetite and policy for managing risk;
- Giving adequate consideration to risks when setting objectives and making decisions;
- Fostering a culture that is consistent with the organisation's appetite for risk;
- Ensuring the organisation has the structures and processes in place to support decision making and management of risk;
- Setting an appropriate governance structure for risk and risk management including Audit and Risk Committee and delegations;
- Considering recommendations from the Audit and Risk Committee relating to strategic, financial and operational risks or any other risk matter.

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76.2. Audit and Risk Committee

The Audit and Risk Committee is responsible for monitoring and evaluating appropriate internal control and risk management policies, processes and systems are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives, ~~to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of Council records.~~ including:

- Reviewing and recommending endorsement of the criteria contained within the Risk Management Framework;
- Monitoring overall responsiveness for improvement based on previous audit and risk assessments, including those raised by Council's auditor;
- Providing oversight of the planning and scoping of the internal audit work plan and reviewing internal audit reports on a regular basis;
- Reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.

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76.3 Chief Executive Officer (CEO)

The CEO has the responsibility for ~~ensuring that~~:

- ~~•~~ Promoting a strong risk management culture by providing firm and visible commitment to risk management including ensuring appropriate accountability for the management of risk;
- Ensuring that a Framework is established and implemented; ~~and~~
- Ensuring that effective policies, systems and processes are established and maintained for the identification, assessments, monitoring, management and annual review of strategic, financial and operational risks;
- ~~•~~ ~~r~~Risk management is integrated into Council's activities and functions.

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City of Mount Gambier	COUNCIL POLICY RISK MANAGEMENT	Version No:	2
		Issued:	18 June 2024
		Next Review:	June 2028

7~~6~~.4 Executive Team

Members of the Executive Team are responsible for:

- ~~•~~ Commitment to promotion of this Policy and the Framework whilst monitoring Council's overall risk profile and controls;

~~•~~ Contributing to the ~~R~~reporting ~~the status of Council's risk profile and mitigation strategies~~of relevant risk activities to the Audit and Risk Committee;

- ~~•~~ The implementation, management and evaluation of risk management, in accordance with the Policy and Framework within their areas of responsibility;
- ~~•~~ Undertaking the risk management program as per the requirements of the Policy and Framework; and
- ~~•~~ Ensuring that risk based information is identified and recorded in Council's Risk Register through the organisations Risk Coordinator.~~;~~

7~~6~~.5 Management Team

The Management Team together with the Risk Coordinator is responsible for:

- ~~•~~ Assisting the Executive Team to develop, implement and maintain the risk management framework and program in a systematic and standardised manner;
- ~~•~~ Development and maintenance of a Risk Register(s) that records reasonably foreseeable Operational and Strategic risks, including risk mitigation strategies;
- ~~•~~ Assisting the Executive Team in development and compilation of reports relating to Council's risk profile and mitigation strategies.

7~~6~~.5 Leadership Team

The Leadership Team is responsible for:

- ~~•~~ Assisting the Executive and Management Teams to implement, maintain and report on the risk management framework and program in a systematic and standardised manner.~~;~~

7~~6~~.6 Risk Management (Function) ~~Coordinator~~

The Risk Management (Function) ~~Coordinator is~~ includes responsibility~~le~~ for:

- Coordination of risk management activities, programming and strategy in accordance with Council Policy and Framework~~;~~
- Providing guidance and assistance to the Executive Management Team and employees in relation to the application of the Framework;
- Maintaining this Risk Management Policy and the Framework to ensure their currency and relevance;
- Facilitating reporting of the status of Council's risk profile and mitigation strategies to the Audit and Risk Committee.

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76.7 Employees, Elected Members, Volunteers and Contractors:

All Council Employees, Elected Members, Volunteers and Contractors are responsible for:

- Identifying, evaluating and managing risks in their daily activities and projects;
- Adhering to the requirements of Council's Risk Management Policy and Framework.

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87. AVAILABILITY

87.1 The Policy will be available on Councils website with hard copies supplied on request.

97. REVIEW & EVALUATION

~~This Policy is scheduled for review by Council in June 2028; however, will be reviewed as required by any legislative changes which may occur.~~
Council will review this Policy once during every two (2) year period, or upon significant legislative change as required. The Council may, at any time by resolution, alter, substitute, or revoke this Policy.

108. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

City of Mount Gambier	COUNCIL POLICY RISK MANAGEMENT	Version No:	2
		Issued:	18 June 2024
		Next Review:	June 2028

File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999 Work Health and Safety Act 2012 Civil Liabilities Act 1936 Public Interest Disclosure Act 2018
Reference: Strategic Plan 2020-2024	Our People Our Location Our Diverse Economy Our Climate, Natural Resources, Arts, Culture And Heritage Our Commitment
Related Policies:	Prudential Management Policy - P415 Internal Audit Policy Fraud and Corruption Policy Emergency Management Policy
Related Procedures:	Risk Management Framework
Related Documents:	AS/NZS ISO31000:2009 Risk Management – Principles and Guidelines ISO31000:2018 Risk Management - Guidelines ~~City of Mount Gambier Risk Management Framework~~ City of Mount Gambier Risk Appetite Statement Audit Committee Terms of Reference (AR11/51413[V6])

City of Mount Gambier	COUNCIL POLICY RISK MANAGEMENT	Version No:	2
		Issued:	18 June 2024
		Next Review:	June 2028

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	~~2~~3.0
Last revised date:	18 June 2024
Effective date:	18 June 2024
Minute reference:	Council Meeting 18 June 2024 - Item 16.6 - Resolution 2024/119
Next review date:	June 2028
Document History First Adopted By Council: Reviewed/Amended:	 17 November, 2020 18 June 2024

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18.8 REGIONAL PUBLIC TRANSPORT REVIEW SUBMISSION

Author: Benjamin Kilsby, Strategic Engagement & Development Coordinator
Authoriser: Chris White, General Manager People Place and Liveability

RECOMMENDATION

1. That Council report titled 'Regional Public Transport Review Submission' as presented on Tuesday 17 June 2025 be noted.
2. That Council authorise administration to provide the submission to the Department for Infrastructure and Transport as part of their Regional Public Transport Review.
3. That should any amendments to the submission be requested by Council, the CEO is delegated to amend the document as required prior to submitting.

PURPOSE

Seek Council endorsement for the attached submission on behalf of the City of Mount Gambier to the Department of Infrastructure and Transport's Regional Public Transport Review.

BACKGROUND / OPTIONS

The provision of public transport in Mount Gambier remains the responsibility of the Government of South Australia and its provision is administered by the Department of Infrastructure and Transport.

In response to ongoing community concern, in 2020/2021 the City of Mount Gambier self-resourced a detailed review of the public transport systems in Mount Gambier. The review highlighted a system that has become outdated, inequitable and deeply inadequate for Mount Gambier as South Australia's regional capital. As a result, Council has since maintained an ongoing advocacy program that, at the request of our community, positions public transport improvement as one of the highest priorities for our city.

As part of a State Government election commitment, the Department of Infrastructure and Transport are currently reviewing public transport services in regional South Australia. The review will focus on identifying key needs and gaps in current services for regional communities and has incorporated a range of consultation activity including surveys, webinars and information sessions.

Administration has prepared a written submission for the consideration of Council which captures ongoing community feedback, national benchmarking investigations, research and collaboration with industry bodies such as Bus SA.

The submission adopts key messaging from a range of pre-existing advocacy documents that have been developed in consultation with Elected Members over the years and incorporates a clear call to action to the South Australian Government.

CONCLUSION

This review has been highlighted by the Department of Infrastructure and Transport as the opportunity to highlight the shortfalls of the existing service. Council's submission articulates Council's unwavering commitment to achieving equitable, accessible, and future-ready public transport solutions for our community.

ATTACHMENTS

1. Draft Submission SA Regional Public Transport Review [**18.8.1** - 12 pages]

SOUTH AUSTRALIAN REGIONAL PUBLIC TRANSPORT REVIEW

SUBMISSION - CITY OF MOUNT GAMBIER

The City of Mount Gambier welcomes the opportunity to provide a submission to the Department for Infrastructure and Transport's 2025 Regional Public Transport Review.

ABOUT MOUNT GAMBIER

As the regional capital of South Australia, Mount Gambier has a resident population of 28,000 people and a regional population of over 130,000 from the Limestone Coast of South Australia and across the border in Southwestern Victoria. For this cross-broader region, Mount Gambier serves as a critical access point for essential infrastructure, services, business, employment and education.

Mount Gambier is centrally located between Adelaide and Melbourne and our position is of strategic value for the state, acting as a vibrant gateway and economic capture point for South Australia.

The City of Mount Gambier has been both robust and aspirational in its endeavours to meet the evolving needs and interests of our growing community. In the last 15 years, Council has led several significant and strategic capital projects. This has included the redevelopment of key public spaces such as the Mount Gambier Railway Lands and associated Rail Trail and, more recently, the delivery of Wulanda Recreation and Convention Centre – an intergenerational multi-purpose and all-weather facility featuring state-of the-art aquatic, recreation and cultural performance capabilities. This project represents one of the largest community infrastructure projects ever undertaken in the region.

Through these investments, the built form and social character of Mount Gambier continues to evolve and, not unlike many regional centres across Australia, the city is increasingly a lifestyle destination for those who are seeking the vibrancy of a metropolitan city whilst retaining the simplicity of living in a regional setting. Our community proudly refers to this as living in a 'big little city'. In recent times Mount Gambier has been noted amongst a range of key regional centres across Australia for a strong annual percentage of growth in migration from capital cities.

Mount Gambier will continue to be focus area for growth within the Limestone Coast - an aspiration that is articulated by our community as a feature within the Mount Gambier 2035 Community Vision. The Draft Limestone Coast Regional Plan projects that an additional 8,805 dwellings will be required across the region by 2051. Over 70% of additional housing stock is projected for the greater Mount Gambier area.

Our region continues to be a strong contributor the state's economy, with the Limestone Coast attributing approximately $4.7 billion to South Australia's Gross State Product (GSP). Alone, the City of Mount Gambier's Gross Regional Product was $1.82 billion in 2023/2024.

PUBLIC TRANSPORT SYSTEMS IN MOUNT GAMBIER

The City of Mount Gambier has access to various intrastate, interstate and local bus services.

Intrastate and Interstate Services

Mount Gambier is serviced by:

- Single daily coach services to and from Adelaide operated by Premier Stateliner connecting with a range of regional centres and townships enroute.

- Multiple daily coach services to and from Melbourne operated by V-Line with coaches connecting with onward rail services in either Warrnambool or Ballarat. These services also connect Mount Gambier with regional Victorian communities enroute.

At the time of preparing this submission, fares to access each capital city varies greatly:

- Tickets to **Adelaide via the Premier Stateliner** are $88.20 (Adult) and $44.10 (concession).
- Tickets to **Melbourne via V-Line** are $11.00 (adult) and $5.50 (concession).

The provision of affordable ticketing through the V-Line is a Victorian Government initiative to ensure that all Victorians, no matter where they live, pay the same amount to travel. As a result of the program, tickets are capped at $11.00, which is the same as the metropolitan Melbourne daily capped fare.

Promoted as *fairer fares for regional Victorians* this commitment extends to services for cross-border communities such as Mount Gambier, which results in Adelaide being 8 times more expensive for our community to access in comparison to Melbourne. These discounts not only significantly increase the accessibility of Victoria and Melbourne for our community but also present a desirable alternative to other modes of transport, such as self-driving.

Both the Premier Stateliner and V-Line operations have no commercial arrangements in place for the face-to-face provision of service information or ticket sales in Mount Gambier, currently resulting in the provision of this service at Council's Visitor Information Centre at a cost to ratepayers.

Local disability advocates have highlighted the limitations of the services to Adelaide, citing the requirement for advanced notice for access to the service for those with a wheelchair of at least 3 days and limited fit-for-purpose toilet access within buses or at stops during the journey.

Mount Gambier City Bus Service

A fixed route public bus transport system has operated for over 65 years. The current operating model has remained largely unchanged for 35 years and is delivered by Link SA who operate a range of regional bus contracts on behalf of the Department for Infrastructure and Transport (DIT). Link SA have publicly advised their current contract extends until 2028, with the potential to operate services until 2035 through contract extensions.

Contractors delivering the Mount Gambier service generally leverage a small fleet of diesel buses which has been known to often incorporate aged ex-metropolitan vehicles.

The Mount Gambier City Bus Service provides a five day per week operation (Monday to Friday) offering three different loops, traversing various sectors of Mount Gambier from the North East, North West and South East.

Each loop commences and terminates in the CBD within proximity to retail offerings and key facilities such as the Mount Gambier Library and Cave Garden/Thugi – Mount Gambier's equivalent of a town square.

Services run mostly on the hour from 9:00am, with the final services of the day commence at either 4:45pm or 5:15pm. The service does not operate in the evenings, weekends or Public Holidays. The service consists of two buses, which rotate between the three standard looped routes.

During the day, services are paused or altered to allow for driver lunch breaks and the afternoon school service. The school service consists of twice-daily transport exclusively for students on 3-4 separate routes connecting all schools within Mount Gambier.

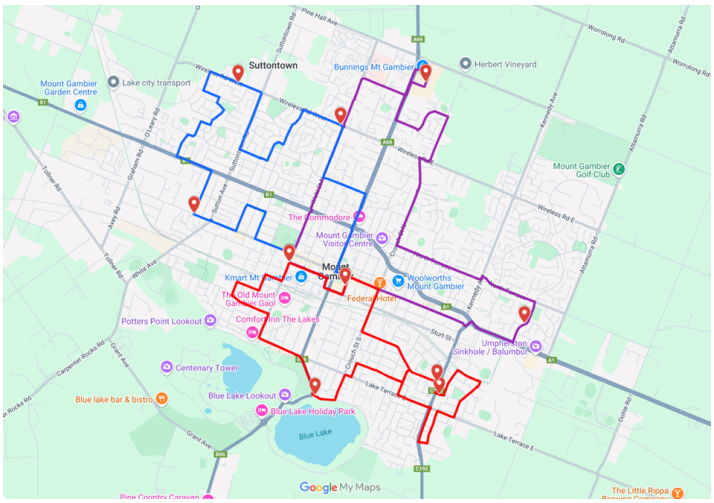
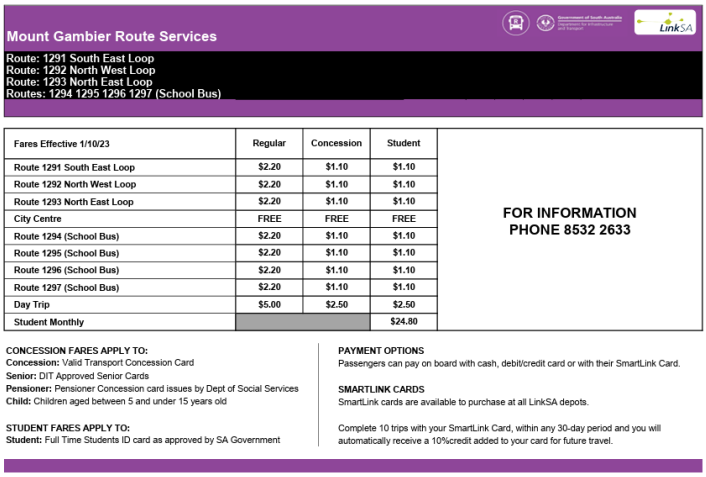


Image 1: Three loops offered by Mount Gambier City Bus

A digital map of the 3-route City Bus service can be found here.

Tickets prices have remained largely unchanged in recent years and are shown in Image 2.



Mount Gambier Route Services

Route: 1291 South East Loop
Route: 1292 North West Loop
Route: 1293 North East Loop
Routes: 1294 1295 1296 1297 (School Bus)

Fares Effective 1/10/23	Regular	Concession	Student
Route 1291 South East Loop	$2.20	$1.10	$1.10
Route 1292 North West Loop	$2.20	$1.10	$1.10
Route 1293 North East Loop	$2.20	$1.10	$1.10
City Centre	FREE	FREE	FREE
Route 1294 (School Bus)	$2.20	$1.10	$1.10
Route 1295 (School Bus)	$2.20	$1.10	$1.10
Route 1296 (School Bus)	$2.20	$1.10	$1.10
Route 1297 (School Bus)	$2.20	$1.10	$1.10
Day Trip	$5.00	$2.50	$2.50
Student Monthly			$24.80

FOR INFORMATION
PHONE 8532 2633

CONCESSION FARES APPLY TO:
Concession: Valid Transport Concession Card
Senior: DIT Approved Senior Cards
Pensioner: Pensioner Concession card issues by Dept of Social Services
Child: Children aged between 5 and under 15 years old

STUDENT FARES APPLY TO:
Student: Full Time Students ID card as approved by SA Government

PAYMENT OPTIONS
Passengers can pay on board with cash, debit/credit card or with their SmartLink Card.

SMARTLINK CARDS
SmartLink cards are available to purchase at all LinkSA depots.

Complete 10 trips with your SmartLink Card, within any 30-day period and you will automatically receive a 10%credit added to your card for future travel.

Image 2: Current pricing schedule for Mount Gambier City Bus

It's acknowledged that Link SA have adopted digital payment options and utilise 'SmartLink cards' offering discounts for multiple uses within 30 days.

Feedback suggests that, within the constraints of the funding capacity of the contract, the City Bus service is delivered to the best of its capacity. Bus drivers are often acknowledged for their friendliness and for going above and beyond for their passengers.

Link SA and the City of Mount Gambier maintain a close working relationship with regular collaboration attached to operational matters and ongoing shared efforts to explore improvement opportunities within the existing, very limited, contractual framework offered by DIT.

The contractor notes that existing routes are at their timing capacity, meaning that any changes to the existing routes taken will inevitably impact another section of the route to achieve.

Several improvements that have been explored at the request of our community include an extension of services to the Mount Gambier Foodbank Hub (currently unserved), diversion of buses into the Mount Gambier Hospital grounds, and a reroute of the North East Loop to improve access to Mount Gambier Marketplace and capture a key medical clinic on Pinehall Avenue.

While both Council and Link SA are in a position to implement a number of these changes now, Council were advised that it was the preference of DIT to defer approval of any route change pending the results of this regional review.

CITY OF MOUNT GAMBIER'S SUPPORTING ROLE

The City of Mount Gambier provides and maintains a range of supporting infrastructure and functions, including:

- Over 115 bus stops
- Approximately 40 shelters across the fixed routes.
- Regular audits of bus shelter infrastructure, and a rolling program aimed at bringing bus stops and shelters up to code and compliance standards.

Council staff meet regularly with the current contractor, with quarterly cross-divisional project team meetings and additional smaller meetings as required. These meetings provide a direct channel for response to operational issues that are presented through delivery of the service, whilst also exploring every opportunity to improve the service within the existing funding and contractual footprint.

Council also provides updated community information via its web sites and community publications as required.

COUNCIL INITIATED SERVICE REVIEWS AND ASSESSMENTS

The City of Mount Gambier has undertaken several reviews and assessments of the Mount Gambier Public Bus service, with the most recent detailed study completed in 2021.

These activities have been solely resourced by Council and initiated in response to a range of ongoing community concerns, either channelled directly as feedback through Council's customer service channels, or provided via broader community consultation activities attached to Council's strategic planning processes.

In response to the extent and nature of feedback being received, the 2021 review was extensively resourced and included the following consultation activity:

- Digital and handwritten surveys – with 96 survey responses received;
- 18 interviews individuals or community organisations;
- Receipt and review of written submissions;
- An accessibility focussed workshop with members of the Limestone Coast Inclusion Reference Group;

- Participation in a community-led forum titled 'Moving People around the Limestone Coast'
- Interviews with bus drivers facilitating the local services.
- Desktop reviews of research, case studies, service standards across Australia

This consultation with conducted with the knowledge and cooperation of DIT who assisted through the provision of background supporting data, such as historic passenger numbers.

A full report from the 2021 consultation was submitted to DIT and the South Australian Public Transport Authority, coupled with presentations by Council's project team to departmental staff.

The review found significant and extensive inadequacies in the existing service, highlighting that the majority (six out of ten) locals felt dissatisfied, citing substantial limitations attached to the existing model that directly impede their daily lives.

ADVOCACY AND STRATEGIC ALIGNMENT

The findings of Council's 2021 Regional Public Transport Review have resulted in the City of Mount Gambier committing to an ongoing advocacy program that, at the request of our community, positions public transport improvement as one of its highest priorities.

Mount Gambier 2035 Community Vision

Mount Gambier's community vision and long-term strategic priorities 'Mount Gambier 2035' were launched in 2024. This community-led document reflects the positioning and prioritisation of adequate public transport, naming it as a key contributor in achieving:

> *'Infrastructure and Services : A high quality, affordable lifestyle where people are happy, healthy, and housed and able to access all available resources'.*

Council's Strategic Plan 2024 - 2028

This position has remains reflected in Council's Strategic Plan 2024-2028 which articulates Council's role as both a partner and advocator in the delivery of:

> *'Continued advocacy to enhance connectivity within and beyond our city through investment and infrastructure that supports accessible public bus services, reliable air travel and rail networks for both freight and passenger transport'.*

South Australia's Transport Strategy

Council acknowledges the alignment of our aspirations for public transport improvements to South Australia's Transport Strategy, which recognises the value of strong regional centres. Council's advocacy supports its aim to:

- Expand transport options in regional towns and cities
- Promote low-emissions travel by reducing car dependency
- Improve regional connectivity to essential services
- Enhance wellbeing through healthier, inclusive transport choices.

KEY FINDINGS – WHY THE CURRENT SYSTEM FAILS OUR COMMUNITY

The following key findings are the culmination of learnings from community consultation, benchmarking investigations across Australia, research and ongoing collaboration with industry peak bodies such as Bus SA who have greatly assisted in shaping Council's advocacy position.

1. **The service is severely outdated and has not evolved with the growth of our community**

   Unfortunately, despite the significant growth and advancement of our city over time, our public transport system has remained largely unchanged for the past three decades.

   There currently remains no services to several key residential growth areas. Some (such as Conroe Heights) representing more than 2000 homes and 5000 residents which were predominantly developed 30 years ago, have no reasonable access to public transport whatsoever.

   There are no direct services to retirement living developments such Woodlands Grove, Hallmont Estate or Sunrise Village comprising of over 500 residential dwellings and home to residents aged 55 and over, many with mobility considerations.

   One resident of Hallmont Estate – a retirement community with the closest bus stop approximately 1km away from most houses, recently wrote to council stating:

   > *"I have no access to public transport so I can no longer do anything that is required for living. I can't get to a supermarket at Marketplace or go to appointments unless I can get someone to drive me. Taxis are not an option because I am on an aged pension. I have spoken to and emailed State Government representatives to no avail".*

   There are now a range of emerging sub-divisions and establishing suburbs, some of which are numerous kilometres from the closest bus stop. As more new residents take advantage of these developments, the service gap will continue to increase.

2. **Public transport in Mount Gambier remains comparatively underfunded and inequitable**

   Bus SA's report titled 'An Investigation of Regional Public Transport Spend in Australia' released in February 2022 highlighted the vast disparity in funding between metro Adelaide and regional South Australia, with $273 per person allocated for Adelaide and a mere $40 per person for regional SA. The City of Mount Gambier understands that a significant proportion of this regional spend centres around contracts within closer proximity to Adelaide.

   The City of Mount Gambier's own comparison assessments of regional cities of similar size and population across Australia suggest that Mount Gambier now has some of the worst public transport for its size in the nation.

   As an example, while Mount Gambier, with a residential population of 28,000 people, is only afforded a Monday to Friday, 9am to 5pm service across 3 loops, Devonport in Tasmania with a similar residential population of 27,000 enjoys a 7-day service, operating approximately 7am to 7:30pm on weekdays across 6 local routes. Devonport also connects with its with its neighbouring towns via 3 additional intertown services.

   Furthermore, it is understood that whilst the Government of Tasmania's spend on regional transport is almost double the spend in regional South Australia, the Tasmanian investment still remains comparatively low compared to the national average.

Benchmark reports published by the Bus Industry Confederation (BIC) assessing provision standards across Australia highlight that Mount Gambier is currently operating on a service which is more suited to a town population of between 3,000 - ~6,000.

As an example, in Victoria, townships just across the border like Stawell, with a population of 8,500 people, enjoy robust transport services operating six days a week from 7:00am to 6:15pm.

Adding to the obvious inequality, the City of Mount Gambier is aware that Seniors Card holders travel for free on metropolitan Adelaide services, but continue to be charged on regional services.

Announcements made by Premier Malinauskas on Thursday 05 June 2025 detailing the State Government's 'package *of cost of living relief to support South Australians'* referenced $20.7 million over four years to reduce the price of a student metroCARD 28-day pass.

> *'From July 1, the price of the 28-day student pass will now be just $10, down from $28.60. This means a student catching the bus or train to and from school each day will be paying the equivalent of just 25 cents a trip and will save families up to $242 per year, per child'*[i].

Again, these cost-of-living relief measures are only extended to those utilising the metroCARD in metropolitan Adelaide and it is Council's understanding that students in Mount Gambier will continue to pay the full published rate of $24.80 per month.

As a significant regional centre for South Australia, the people of Mount Gambier retain the reasonable expectation that our community is afforded a public transport service that provides comparable service outcomes to those living in similar sized communities in periurban Adelaide or regional areas in all other states and territories in Australia. Unfortunately, our current service consistently falls significantly short.

3. **The shortfalls of the existing service disproportionately disadvantage those already most vulnerable in our city.**

The Mount Gambier Public Bus Service provides the only affordable mode of transport to numerous socially disadvantaged sections of our community, particularly new migrants, unemployed, seniors and those with accessibility considerations.

Current ticket data highlights that only 5% of current passengers make up paying adult fares, with the remainder making up concession or student ticket categories.

Council's survey of bus passengers conducted in 2020 revealed alarming statistics: only 33% of current users possess a valid driver's license and 43% had regular access to a vehicle. Furthermore, 38% of passengers identify as living with a disability and 24% regularly travel with someone who relies on a mobility aid.

Survey respondents who were utilising the public bus service, did so to access medical and welfare services (71%), shopping (69%), attend education (26%), attend professional services (26%), entertainment and recreation (24%), visiting family and friends (21%), employment (16%) and to attend sporting activities (2%).

Over the past decade, Mount Gambier has experienced notable changes in population dynamics, employment patterns, housing affordability and homelessness rates. Employment sectors such as health care, education, construction and hospitality have experienced substantial growth, contributing to a positive shift in employment

opportunities. However, despite this progress a significant proportion of resident workers continue to earn low to moderate incomes, highlighting ongoing challenges in income distribution and economic inequity within the city.

A summary measure of disadvantage is the Index of Relative Disadvantage (IRSD), this is one of four Socio-Economic Indexes for Areas (SEIFA's). Mount Gambier has an overall disadvantage score of 924, compared to 982 for South Australia. This highlights relatively greater levels of disadvantage in Mount Gambier than most South Australian and Australian areas and the highest level of disadvantage in the Limestone Coast[ii].

In recent times, the city has also witnessed a concerning rise in homelessness, with a reported homeless population of 138[iii].

In the last five years, housing prices have risen significantly, with the median house price soaring by 65.2% to $421,350 and the median unit price increasing by 51.8% to $296,000. This increase in housing costs has implications for housing affordability, especially considering the median rent for houses at $400 per week[iv].

Mount Gambier has a higher than state average reliance on government support across all provision including the Age Pension, Commonwealth Rent Assistance, Disability Support Pension and Carer Allowance[v].

Furthermore, the population of Mount Gambier is ageing, with a higher percentage of people aged 65+ than both the state and national average[vi]. Our fastest growing age group is people aged 70-84 and residents aged 75+ make up 10% of the population.

Inevitably, these societal factors may continue to exacerbate Mount Gambier's reliance on an inadequate public transport system, and further disadvantage those with limited or no transport alternative.

4. The current system restricts workforce participation or transport choice

Mount Gambier's existing public transport model fails to support the needs of workers or offer a viable alternative to private vehicle use.

The first daily service does not commence until 9:00am (well after many employment shifts begin) and the last service departs before the typical workday ends. This makes the system unusable for the majority of people engaged in full-time or shift-based employment, effectively excluding public transport as a viable commuting option for much of the city's workforce.

The absence of any weekend services further restricts access to employment in industries such as retail, hospitality, aged care, and recreation - sectors that often rely on weekend staffing and are critical to Mount Gambier's local economy. Without reliable transport options, many residents are locked out of these opportunities altogether.

This is reflected in the most recent Census data for the Mount Gambier Local

Low patronage is not a reflection of low need - it is a direct consequence of a service model that does not meet community expectations or needs. The system is primarily used by those who have no alternative, rather than by choice. Mount Gambier residents deserve a

Method of travel to work on the day of the Census, top responses *Employed people aged 15 years and over*	Mount Gambier	%	South Australia	%	Australia	%
Car, as driver	9,209	74.6	536,515	63.9	6,347,498	52.7
Car, as passenger	702	5.7	36,225	4.3	466,904	3.9
Walked only	268	2.2	20,575	2.5	306,045	2.5
Bicycle	61	0.5	7,318	0.9	79,089	0.7
Truck	53	0.4	4,076	0.5	76,657	0.6
Did not go to work	1,284	10.4	90,496	10.8	1,417,449	11.8
Worked at home	458	3.7	80,513	9.6	2,531,262	21.0
People who travelled to work by public transport (a)	52	0.4	44,454	5.3	554,711	4.6
People who travelled to work by car as driver or passenger (b)	10,005	81.0	584,680	69.7	6,961,762	57.8

Note: *Respondents had the option to report up to three methods of travel to work on the day of the Census.*

(a) Includes people who used public transport (train, bus, ferry, tram/light rail), as at least one of their methods of travel to work on Census day.
(b) Includes people who travelled by car (as a driver, or as a passenger), as at least one of their methods of travel to work on Census day.

More information on Method of travel to work (MTWP)
Table based on place of usual residence

Image 3: Mount Gambier 2021 Census Mount Gambier LGA - abs.gov.au

public transport network that provides a genuine alternative to car dependence - one that is accessible, reliable, and aligned with standard working hours and daily travel needs.

Service improvements in Mount Gambier could significantly reduce the impact of vehicle ownership on the household budget. The AAA Transport Affordability Index March Quarter 2025 report[vii] highlights that the average weekly household spend on transportation in Mount Gambier is $405.71 or 15.4% of the typical household budget.

This advocacy directly supports the goals outlined in South Australia's Transport Strategy, which commits to reducing car dependency by developing and promoting more attractive, accessible, and competitive alternatives to private transport. Mount Gambier's residents should be afforded the same opportunity to benefit from this vision as those living in metropolitan areas.

5. **The lack of adequate public transportation directly contributes to social exclusion**

The absence of an adequate public transport system in Mount Gambier is not simply a logistical inconvenience, it is a direct contributor to social exclusion.

For residents who rely on the City Bus service, its current limitations significantly restrict their ability to participate fully in community life. Infrequent timetabling, limited coverage, and a complete absence of evening and weekend services mean that many individuals. particularly those without access to a private vehicle, are unable to reach essential services, such as healthcare, education, and employment, or to take part in civic, cultural, and social activities.

The implications of this extend beyond the individual. Social isolation and exclusion are well-documented drivers of broader societal challenges, including increased health costs, unemployment, and crime. Conversely, improved public transport access is strongly associated with reduced inequality, greater workforce participation, improved public health outcomes, and more vibrant communities.

Research by Stanley and Hensher (2011) suggests that the social inclusion benefits of public transport can justify service delivery costs even with modest usage, estimating that just seven boardings per hour are sufficient for services to deliver net community benefit. This is a particularly relevant benchmark for regional centres like Mount Gambier.

The human impact of these gaps in service delivery is tangible. A member of the Limestone Coast Inclusion Group, who uses a wheelchair and experiences fatigue, shared how the lack of weekend and after-hours services affects their life:

> *"A lack of services on the weekend and after hours means that people with mobility issues are often excluded from cultural or social activity in the city."*

This underscores the inequity embedded in the current system. Without meaningful investment in public transport that meets basic standards of frequency, reliability, and accessibility, many in our community - particularly older people, people with disability, young people, and low-income earners, will continue to be excluded from full participation in Mount Gambier's economic and social life.

6. The user experience remains inadequate

Despite feedback suggesting that the local contractor and their staff are doing everything within their contractual and funding capacity to deliver a quality service, the user experience remains poor, due primarily to the rigidness and shortcomings of the existing model.

This is evidenced by the account of a member of the Limestone Coast Inclusion Group who provided input into the 2021 review. The individual is visually impaired and is supported by a guide dog and resides in the southeast corner of the City of Mount Gambier. The closest bus stop to this participant is 1 km away. The participant explained that appropriate space for their guide dog on the bus, is usually taken up by prams. Further, a 15 minute medical appointment took the participant 5 hours to complete the trip on the current public bus service. In a private vehicle, this journey is 10 minutes each way.

> *"A recent visit to the Mount Gambier Hospital for a 15 minute appointment took me 5 hours to complete. I missed the return bus by 1 minute, resulting in needing to sit in the cold for an hour until the next bus…further…I have secured a job which requires me to attend UniSA for remote online induction and training. This training starts at 9:00am each day and the first bus that is available to me doesn't arrive until 10:15am – and is a journey that would take me an hour each way".*

The lack of flexibility of the fixed route service, coupled with infrequency of service, results in poor cross-city connectivity and lengthy transit times for even the simplest of journeys.

This is further evidenced by feedback from the Mount Gambier Migrant Resource Centre who continue to report challenges settling new arrivals in locations of the city that simplify access to buses that directly connect to language classes. The coordinator at the time of conducting the 2021 Service Review stating:

> *"To simplify things we attempt to find housing for migrants on the loop which directly accesses TAFE. More recently this has not been positive due to housing shortages and many new arrivals are spending much of their day transiting or walking. Often they get fed up with this and it can contribute to some families leaving as soon as they can".*

7. The service provides either limited or no access to a long list of key city assets and underserves our surrounding communities

Despite Mount Gambier's considerable infrastructure and community assets - many of which significantly enhance our liveability - these benefits can only be fully realised when they are accessible to all.

Unfortunately, the current public transport model does not adequately connect our community to key destinations, limiting access and opportunity.

Important locations that remain unserved or significantly underserved by the existing service include:

- **Mount Gambier Regional Airport** – resulting in significant taxi fees for most visitors or community requiring access to the airport.
- **Wulanda Recreation and Convention Centre** – limiting access to a venue achieved with local, state and federal funding to contribute to the health and wellbeing of our community.
- **Mount Gambier Crater Lakes** – significant to Mount Gambier's identity and a place of significant tourism, recreational and cultural value to our community.
- **Umpherston Sinkhole/Balumbul –** one of Mount Gambier's premier tourist attractions.
- **Carinya Gardens Cemetery –** Mount Gambier's primary cemetery.
- **Mount Gambier Hospital –** serviced by an infrequent single loop only.
- **Mount Gambier TAFE, University of South Australia and Flinders University Campus** - serviced by an infrequent single loop only. Classes commence from 7:30am.
- **Blue Lake Sports Park –** Multipurpose sporting facility catering for 8+ different sporting functions in the eastern side of Mount Gambier.
- **Holiday parks –** numerous large holiday parks throughout the city have no service.

Furthermore, the lack of any intertown services will continue to exacerbate the isolation of those living in satellite communities within our district who rely on access to Mount Gambier for essential infrastructure, services, business, employment and education.

OUR COMMUNITY'S CALL TO ACTION
The City of Mount Gambier calls on the South Australian Government to:

1. Deliver immediate service improvements
- Extend services to currently unserved or underserved areas.
- Increase frequency of services.
- Introduce services in the mornings, evenings, weekends and public holidays.

2. **Restructure the Mount Gambier public transport service**
- In partnership with the local community and Council, undertake a focused review of public transport in and around Mount Gambier to determine, fund and deliver a fit-for-purpose and sustainable model for our city, including consideration of complementary On Demand services.

3. **Prioritise Mount Gambier for future trials**
- Leverage Mount Gambier as a pilot site for new transport technologies or service models in regional South Australia.

4. **Establish fair and equal standards for regional South Australia**
    - Introduce transparent, population-based service benchmarks, aligned with national standards, to guide fit-for-purpose regional public transport funding and service.
    - Ensure that residents of Mount Gambier have equitable access to public transport services that meet reasonable standards - supporting equal opportunity in education, employment, health, and social connection.

INVITATION TO WORK TOGETHER

The City of Mount Gambier remains committed to working in partnership with the South Australian Government to deliver equitable, accessible, and future-ready public transport solutions for our community. We are confident that through collaboration, innovation, and investment, we can improve transport outcomes for our region and unlock broader economic, social, and environmental benefits for South Australia as a whole.

We welcome the opportunity to engage further and contribute meaningfully to the development of an improved model that reflects the needs and aspirations of our regional community.

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[i] https://www.premier.sa.gov.au/media-releases/news-items/cost-of-living-support-for-south-australians
[ii] https://profile.id.com.au/rda-limestone-coast/
[iii] Australian Government National Emergency Management Agency
[iv] Mount Gambier Affordable Housing Plan
[v] Australian Government National Emergency Management Agency
[vi] Australian Bureau of Statistics – 2021 Census QuickStats
[vii] Transport Affordability Index - Australian Automobile Association

18.9 BY-LAW REVIEW

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'By-Law Review' as presented on Tuesday 17 June 2025 be noted.
2. That in exercise of the powers contained in section 246 of the Local Government Act 1999 (the Act), having satisfied the consultation requirements of the Act and having had regard to the submission received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner, the comments from the Dog and Cat Management Board in relation to By-Law numbers 5 and 6, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked 'Attachment 1':
   (a) By-Law No. 1 Permits and Penalties;
   (b) By-Law No. 2 Local Government Land;
   (c) By-Law No. 3 Roads;
   (d) By-Law No. 4 Moveable Signs;
   (e) By-Law No. 5 Dogs;
   (f) By-Law No. 6 Cats.
3. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws, including making any minor editorial or grammatical changes that may be necessary prior to publication of the By-laws in the Gazette.

PURPOSE

To present the proposed By-Laws as reviewed for adoption, having had regard to the submissions received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner, the letter or approval from the Minister or Infrastructure and Transport in respect of By-laws numbers 2 and 5, and the comments from the Dog and Cat Management Board in relation to By-Law number 5, the majority of Council, in the presence of at least two thirds of its members in accordance with section 249 of the Local Government Act 1999 (the Act).

BACKGROUND / OPTIONS

One of the avenues Council has available to regulate activity within our area is by the adoption of By-Laws. Section 246 of the Act conveys councils with the power to adopt By-Laws which establishes which activates are permitted, which activities require permission (or are conditional) and which activities are prohibited within their council area/s. By-Laws are used, along with a range of other compliance and enforcement mechanisms, to ensure that residents and visitors of our Council can enjoy a clean, safe and enjoyable city.

By-Laws must be reviewed once in every seven (7) years, with the last review occurring in 2017 / 2018. Council's current By-Laws will expire on 1 January 2026, and therefore this

report formally progresses the current review process. The review includes consideration of changes in relevant legislation, changes in the compliance requirements or activities of council and issues of particular significance to the community which may be reasonably regulated by a By-Law.

There are prescriptive requirements for the form, content and review process for By-Laws. Importantly, By-Laws cannot encroach onto subject matter which is already covered by Federal or State legislation. Council undertook a competitive request for quote process in September 2024, and appointed Kelledy Jones Lawyers (KJL) to facilitate the review process and ensure all legislative requirements were met, to achieve legal and operational By-Laws.

The below timetable sets out the various legislated requirements and timeframes, in order to successfully review and adopt By-Laws to be published in the Government Gazette by the deadline of 28 August 2025, in order for the new By-Laws to be operational from 1 January 2026.

No.	Task	Timeframe
1.	Undertake review of existing by-laws: • KJL to make any amendments necessary to existing by-laws to ensure their validity (i.e. having regard to legislative change) and as recommended to ensure the practical efficacy of the by-laws (changes will be tracked); • Council to review changes and to identify any further changes and/or new matters required to be regulated; • Workshop for Council Members to explain review process, limitations of by-law powers and seek feedback; KJL to finalise proposed by-laws taking into account feedback from Council officers and elected members.	• KJL provide by-laws incorporating recommended amendments by 2 December 2024; • Council instructions to finalise proposed by-laws by 27 January 2025; • Council Member Workshop February 2025; Proposed by-laws finalised by 5 March 2025 (including taking into account any feedback from Council Members).
2.	The Dogs by-law (and any Cats by-law if endorsed) must be referred to the Dog and Cat Management Board for comment in conjunction with the report required by section 90(5) of the *Dog and Cat Management Act 1995*. *NB: referral to the DCM Board must occur as least 21 days before the by-laws are released for public consultation and 42 days prior to adoption by Council.*	Immediately (and within 48hours) after KJL receipt of notification from the Council regarding its decision to endorse the proposed by-laws.
3.	Liaison with DIT regarding the Dogs and LG Land by-law (which operate in relation to inland waters).	Immediately (and within 48hours) after KJL receipt of notification from the Council regarding its decision to endorse the proposed by-laws.
4.	Proposed by-laws to be presented to the Council and endorsed for public consultation.	18 March or 15 April 2025 meeting.
5.	Public consultation (at least 21 days) – proposed by-laws to be made available on the Council's website and submissions invited in relation to them. *NB: public consultation period to commence at least 21 days after referral to DCM Board.*	21 days following referral to DCM Board – from approx. 11 April 2025.
6.	Determine any changes required in light of submissions received during public consultation and/or the outcomes of the referral processes. KJL to draft any necessary changes.	Within 14 days of close of consultation process – by 23 May 2025.

	NB: If substantial changes proposed it will be necessary to re-consult and (where relevant) undertake a second referral in respect of them.	
7.	Preparation of: • Certificates of Validity; • National Competition Policy report; • Recommendations to adopt the by-laws; and • Advice relevant to the commencement and enforcement of the by-laws.	By 6 June 2025 for presentation to 17 June or 15 July 2025 meeting.
8.	By-laws made during a meeting of the Council where two thirds of the members of the Council are present and where an absolute majority supports the associated resolution.	17 June or 15 July 2025 meeting.
9.	Parliamentary Scrutiny - by-laws (accompanied by the Legislative Review Committee Report) delivered to the Legislative Review Committee within 6 Parliamentary sitting days after they are made. The Committee requires a summary report of the submissions received during the consultation period and Council's response to them.	As soon as possible after the Council has adopted the by-laws.
10.	By-laws published as soon as practicable in the Government Gazette. *NB: by-laws will commence operation four months from the date they are gazetted.*	As soon as practicable after the Council has adopted the by-laws and no later than 28 August 2025.
11.	Publish notice of the making of the by-laws in local newspaper. *NB: notice must refer to the fact that the by-laws have been made, the date of their adoption and that they may be inspected at the Council's offices.*	As soon as practicable after the Council has adopted the by-laws.

Members attended an information and briefing session on 11 February 2025, where a brief overview of the process was provided by KJL, and facilitated preliminary discussions around what changes were proposed. Presently, tasks 1 – 7 have been successfully completed, and this report represents task 4 in the above timeline.

A brief summary of changes to the proposed By-Laws is **attached** for Members reference. This document was utilised, along with a series of FAQs, as part of the consultation, in order to make the substantial amount of complex information more easily digestible.

The proposed By-Law documents are **attached** for endorsement and adoption, in accordance with section 249 of the Act:

- By-Law No. 1 Permits and Penalties
- By-Law No 2. Local Government Land
- By-Law No 3. Roads
- By-Law No. 4 Moveable Signs
- By-Law No. 5 Dogs
- By-Law No. 6 Cats – NEW

The proposed By-Laws are largely based on the Council's existing By-Laws, however several amendments have been made, including to address legislative reform occurring since the existing By-Laws were adopted. The amendments have been drafted by Council's solicitors

(KJL), having taken into account feedback from Members, Executive Leadership Team (ELT), Managers and key staff.

There are several prescriptive requirements relating to not only the process to adopt By-Laws, but also the content which can be included, in recognition of the, in effect, 'law-making' power (refer relevant extracts of the Act below).

247—Principles applying to by-laws
A by-law made by a council must—
(a) be consistent with the objectives of the provision that authorises the by-law and accord with the provisions and general intent of the enabling Act; and
(b) adopt a means of achieving those objectives that does not—
(i) unreasonably burden the community; or
(ii) make unusual or unexpected use of the power conferred by the enabling Act (having regard to the general intent of the Act); and
(c) avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction; and
(d) avoid unreasonable duplication or overlap with other statutory rules or legislation; and
(e) avoid regulating a matter so as to contradict an express policy of the State that provides for the deregulation of the matter; and
(f) avoid breaching principles of justice and fairness; and
(g) be expressed plainly and in gender neutral language, but a by-law cannot be challenged on the ground that it is inconsistent with one or more of these principles.

248—Rules relating to by-laws
(1) A by-law made by a council must not—
(a) exceed the power conferred by the Act under which the by-law purports to be made; or
(b) be inconsistent with this or another Act, or with the general law of the State; or
(c) without clear and express authority in this or another Act—
(i) have retrospective effect; or
(ii) impose a tax; or
(iii) purport to shift the onus of proof to a person accused of an offence; or
(iv) provide for the further delegation of powers delegated under an Act; or
(d) unreasonably interfere with rights established by law; or
(e) unreasonably make rights dependent on administrative and not judicial decisions.
(2) If a by-law is inconsistent with a trust that applies to real or personal property held by the council, the by-law does not, to the extent of the inconsistency, apply in relation to that property.
(3) This section does not affect the validity of a by-law made before the commencement of this section.

IMPLICATIONS TO CONSIDER

Legal	By-Laws are, in effect, legislation set by Local Government Agencies (Councils) which apply to their Council area. Chapter 12, Part 1 of the *Local Government Act 1999* (the Act) is extremely prescriptive as to the content, form and review process requirements for By-Laws, such to appropriately recognise the degree of power the ability to adopt By-Laws represents. In the event any of the legislative requirements are not robustly met, the Council may run the risk of adopting ultra vires By-Laws, which are ultimately unenforceable and expose Council to potential litigation.

Financial and Budget	A budget allocation of $10,000 has been made, informed by a comprehensive quote and scope of works process, which accounts for professional fees, publication requirements, consultation costs etc.
Community Consultation and Engagement	Council is required to undertake community consultation, as well as referral to specified agencies, in accordance with section 249 of the Act prior to adopting By-Laws. A robust, two-phase community consultation has been planned to address the requirements under both Council's Community Consultation and Engagement Policy, and the Act.
Other Resources	N/A

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance - Council is exposed to litigation as a result of ultra vires By-Law enforcement activities	Minor (2)	Rare (1)	Low	By-Law Review Project Plan to consider Council's By-Law activities holistically, budget allocation for this process to account for external consultants / engagement requirements.
Reputation – Ultra vires enforcement activity, or failure to educate and consult the community, erodes trust in Council as a local government authority	Moderate (3)	Possible (3)	Moderate	Robust and considered community engagement strategy, with key stakeholders, broader community and internally. Input from key subject-matter experts as required.
Legal / Regulatory / Policy - Council is exposed to litigation as a result of ultra vires By-Law enforcement activities	Major (4)	Rare (1)	Moderate	By-Law Review Project Plan with oversight from project team / lead, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc). Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams.
Service Delivery - Business continuity is impacted as a	Minor (2)	Rare (1)	Low	Robust and considered community

result of inefficient or ineffective By-Law administration and enforcement				engagement strategy, with key stakeholders, broader community and internally. Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams.
People – Burden on resourcing as a result of inefficient or ineffective By-Law administration and enforcement	Minor (2)	Unlikely (2)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc). Cat bylaw will ultimately result in resourcing impacts to be determined.
Infrastructure - Damage or loss to infrastructure as a result of inefficient or ineffective By-Law administration and enforcement	Minor (2)	Rare (1)	Low	Allocation of appropriate amount of internal resourcing to reflect complexity of project / interconnected workstreams, engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc), budget allocation for this process to account for external consultants / engagement requirements.
Environmental - Damage to natural environment as a result of inefficient or ineffective By-Law administration and enforcement	Moderate (3)	Rare (1)	Low	Engagement of subject matter experts as required (e.g. legal, DCMB, DIT etc), strategic planning to inform desired outcomes / enforcement activities for natural environments.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 6: Excellence in Leadership and Governance

6.1 Ensure Elected Council Members are meeting their civic obligations and making informed, strategic decisions in the best interests of the community.

6.2 Ensure compliance with legislative obligations and apply best-practice governance to strengthen risk management, accountability and transparency, fostering trust within the community.

6.3 Ensure decisions and activities of Council are communicated in a timely, clear and proactive manner.

This report contributes to delivery of the following key strategic project(s):

Priority 3: Infrastructure and Services
Review and implement renewed by-laws which respond to community needs by 2025.

RELEVANT COUNCIL POLICY

Community Consultation and Engagement - P195

IMPLEMENTATION AND NEXT STEPS

There are further prescriptive procedural requirements for adopting By-Laws (refer relevant extracts of the Act below).

249—Passing by-laws

(1) If it is proposed that a council make a by-law, the council must, at least 21 days before resolving to make the by-law, ensure that copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with section 132(1).

(2) A council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed by-law.

(3) A by-law cannot be made unless—

(a) the by-law is made at a meeting of the council where at least two-thirds of the members of the council are present; and

(b) the relevant resolution is supported by an absolute majority of members of the council.

(4) A council must not make a by-law unless or until the council has obtained a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner—

(a) the council has power to make the by-law by virtue of a statutory power specified in the certificate; and

(b) the by-law is not in conflict with this Act.

(5) Subject to subsection (6), a by-law comes into operation four months after the day on which it is published in the Gazette or from a later day or days fixed in the by-law.

(6) A by-law may take effect from an earlier day specified in the by-law if—

(a) it revokes a by-law without making provision in substitution for that by-law; or

(b) it corrects an error or inaccuracy in a by-law; or

(c) it is required for the purposes of an Act that will come into operation on assent or less than four months after assent; or

(d) it confers a benefit on a person (other than the council or an authority of the council) and does not operate so as—

(i) to affect, in a manner prejudicial to a person (other than the council or an authority of the council), the rights of that person existing before the date of commencement of the by-law; or

(ii) to impose a liability on a person (other than the council or an authority of the council) in respect of anything done or omitted to be done before the date of commencement of the by-law; or

(e) the council has been formed by the amalgamation of two or more councils and the by-law (or a by-law in substantially the same terms) was previously in force in the area of a council that has been amalgamated.

(7) A council must publish a notice of the making of a by-law under this section in a newspaper circulating in the area of the council.

(8) Section 10AA of the Subordinate Legislation Act 1978 does not apply to a by-law of a council.

Procedural Requirements

Following endorsement by Council the proposed By-Laws were forwarded to the Minister of Infrastructure and Transport for consideration pursuant to the Act. The Minister has confirmed they have no additional comments regarding the By-laws as proposed. Similarly, the proposed Dogs By-Law (By-Law No. 5) and Cats By-Law (By-Law No. 6) were forwarded to the Dog and Cat Management Board for consideration and approval pursuant to the Act. The Manager has confirmed they have no additional recommendations and endorses the By-law as proposed.

Council must have regard to the following in making the proposed By-Laws:

- the response from the Dog and Cat Management Board confirming approval of the Dog By-Law (**attached**);
- the Certificates of Validity prepared by Council's legal practitioner and attached to the By-Laws (**attached**);
- the National Competition Policy Report (**attached**); and
- the outcomes of the public consultation (refer below for detail).

Consultation Outcomes

The By-Law review consultation will be (and has been) conducted in two (2) phases, aligned to how the By-Laws operate in practice:

1. Feedback on the By-Law documents themselves – during this phase we sought feedback on the **powers** contained in By-Law documents, and
2. Feedback on the **application** of the By-Law documents within Council's area.

The current consultation results are for phase one (1), where we sought feedback on the By-Laws themselves. Phase (2) of consultation will be conducted in the second half of 2025, and will include how Council will apply the powers within the By-Laws (e.g. to certain times, areas, conditions etc specific to our Council area).

A public consultation strategy, compliant with the requirements of section 249 of the Act and Council's Community Consultation and Engagement Policy P195, was undertaken, including the following elements.

"Consult - Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making – Council will listen and acknowledge concerns and aspirations and provide feedback."

The community consultation strategy included the following elements:

- Information available and submissions received via the dedicated Your Say page,
- Media release which resulted in:
  - Mt Gambier Times article – 25 April 2025
  - SE Voice article – 22 April 2025

    - The Border Watch article – 2 May 2025
    - ABC South East interviews – 2 and 5 May 2025
- Social media posts / campaign – 23 April and 8 May 2025,
- Documents available for review at Principal Office,
- Consultation open for a minimum of 21 days,
- Submissions to be considered at a subsequent Council meeting and taken into account when making a determination as to final By-Laws.

Community consultation was open for the period 16 April – 12 May 2025, and during that time 35 online surveys were received, along with 11 further written submissions.

The community were asked a range of questions via survey to determine their support for the proposed By-Laws. Community participation included:

- 389 unique visitors to the Have Your Say Mount Gambier consultation page; of which
- 157 downloaded documents or visited the FAQ page; resulting in
- 35 completed surveys (and 11 separately received written submission).

The following **attachments** are presented for Council's consideration:

- Survey feedback (35),
- Written feedback (11), and
- Summary of feedback table (comprising of the above two elements, for ease of reference).

The above feedback was provided to Council's legal practitioner, who has recommended (and made) a few minor amendments to the Cats By-Law No. 6 to clarify some of the issues of concern, particular around the limit of cats per house and the impact that would have on existing cats.

Also relevant to note that as a result of the Statutes Amendment (Local Government Review) Act 2021, changes to the maximum penalty for breaches of By-law conditions prescribed by section 246(3)(g) of the Act will increase the maximum penalty from $750 to $1,250. The Permits and Penalties By-Law (By-law No. 1) has been drafted to reflect this. The effect of the change in penalty is that the expiation fee for offences under Council By-laws will automatically increase from $187.50 to $312.50, noting that the Council may, however, otherwise resolve that a lesser expiation fee will apply where it sees fit to do so.

Requirements to Pass By-Laws

It is a requirement that the Council meeting must be attended by at least two thirds of all elected members and the resolution supported by an absolute majority. This means that since Council currently comprises 8 members (including the Mayor), at least 6 members must be present and the resolution must be supported by at least 5 members. It is recommended that the minutes reflect the number of members who voted in favour of the resolution to evidence that the resolution was supported by an absolute majority of the members of Council.

Once adopted, the By-laws must be:

1. Delivered to the Legislative Review Committee for scrutiny within six (6) Parliamentary sitting days after the By-laws have been adopted by Council.
2. Published as soon as practicable in the Government Gazette, whereby they will commence four (4) months from the date of gazettal.

   a. It is important to note this must be completed prior to 28 August 2025 to ensure the By-laws are operational by 1 January 2026 (i.e. when the existing by-laws expire).
3. A notice confirming the By-laws must be published in a local Newspaper advising of the date of adoption and their availability to the public.
   a. Notice must refer to the fact that the by-laws have been made, the date of their adoption and that they may be inspected at the Council's offices.

*Kelledy Jones Lawyers make available to Councils an additional formatting service, to reduce the number of pages required to be published in the Gazette. Whilst this service is not provided in the scope of the current retainer, it has been estimated to be between $800 ($300 being for administration time and $500 for proofing by legal practitioner). Given the Gazettal fee is substantially higher for unformatted notices, this service is estimated to save Council between $5,000 - $6,000 overall. It is Administrations intention to utilise this service.

CONCLUSION

Following consideration of submissions, the consultation summary report, along with all feedback received has been referred to KJL to make any recommended changes. KJL have prepared the Certificates of Validity and National Competition Policy report accordingly.

The consultation outcomes, along with the amended By-Laws, Certificates of Validity and National Competition Policy report are now presented to Council for adoption by an absolute majority, not less than two thirds of Members being present in accordance with section 249(3) of the Act.

Immediately following adoption, the By-Laws shall be referred for Parliamentary Scrutiny, accompanied by the Legislative Review Committee Report. Once approved, the newly adopted By-Laws must be published in the Government Gazette, and no later than 28 August 2025.

Council will then be required to determine (by way of resolution) the application of certain clauses. The resolutions specify which clauses apply to certain areas or situations, for example dog on-leash or off-leash areas. A further report will be provided to Council taking into consideration the submissions received during the second phase of consultation with recommended resolutions to determine the application of such clauses at a future meeting.

ATTACHMENTS

1. By- Law Review - Have Your Say Responses [**18.9.1** - 41 pages]
2. By- Law Review - Written Submissions [**18.9.2** - 38 pages]
3. Consultation Report - 2025 By- Law Review - Have Your Say [**18.9.3** - 5 pages]
4. Summary of Changes [**18.9.4** - 3 pages]
5. 2025 By- Law Review Feedback - Survey Responses - Table No.1 - No.6 [**18.9.5** - 6 pages]
6. DCMB By-laws letter - Mount Gambier [**18.9.6** - 1 page]
7. NCP Report [**18.9.7** - 9 pages]
8. MTG A 0001 240566 054 By-law No. 2 Local Government Land 2025 [**18.9.8** - 18 pages]
9. MTG A 0001 240566 055 By-law No. 3 Roads 2025 [**18.9.9** - 8 pages]
10. MTG A 0001 240566 056 By-law No. 4 Moveable Signs 2025 [**18.9.10** - 8 pages]
11. MTG A 0001 240566 057 By-law No. 5 Dogs 2025 [**18.9.11** - 7 pages]
12. MTG A 0001 240566 058 By-law No. 6 Cats 2025 [**18.9.12** - 7 pages]
13. MTG A 0001 240566 053 By-law No. 1 Permits and Penalties 2025 [**18.9.13** - 7 pages]

Survey Responses

16 April 2025 - 12 May 2025

2025 By-Law Review Feedback

Have Your Say Mount Gambier

Project: 2025 By-Law Review

GRANICUS

VISITORS	
208	

CONTRIBUTORS			RESPONSES		
33			35		
33 Registered	0 Unverified	0 Anonymous	35 Registered	0 Unverified	0 Anonymous

Respondent No:	1	**Responded At:**	Apr 21, 2025 10:56:48 am
Login:	[redacted]	**Last Seen:**	Apr 21, 2025 00:42:22 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. What is your name? [redacted]

Q2. After reviewing the By-Law documents, please let identify your level of support for each By-Law:

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Partially

Q3. Are there any By-Law documents would you like to provide specific feedback on? (select all that apply) No. 6 - Cats

Q4. Please let us know your thoughts on No. 1 - Permits and Penalties

not answered

Q5. Please let us know your thoughts on No. 2 - Local Government Land

not answered

Q6. Please let us know your thoughts on No. 3 - Roads

not answered

Q7. Please let us know your thoughts on No. 4 - Moveable Signs

not answered

Q8. Please let us know your thoughts on No. 5 - Dogs

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I have several concerns regarding this new by-law 1. Limit of cats - The limit of 2 is not enough, it should be 3 the same as dogs 2. Limit of cats - Is there a time period where this starts such as clause 9.2? I have six confined cats and simply will not be choosing which cats stay and which cats go 3. Limit of cats - How will this by law work with foster based rescues? There are times I have many more cats than will be allowed, but for short periods. A foster based rescue is not a typical business, it is facilitated from a central point with unwanted and street kittens/cats in the volunteer rescue foster home for a short period of time until they find permanent homes. These cats/kittens are all microchipped to the rescue organisation in accordance with the law. Unowned cats - this is not mentioned at all. By limiting numbers of cats that people may own, you are effectively cutting off avenues of adoption for a rescue organisation as cat lovers will usually be at the limit of cats. How will you deal with the large issues of unowned cats? It is dreadfully unfair if a local government organisation with a large rating collection base effectively pushes the issue of cats on small, volunteer run rescue organisations. We are at breaking point over kitten season and Council only partially addressing the issue of cat controls will make things worse for volunteers who rescue cats. I would love to see our Elected Members get on board with a desexing and micro chipping financial relief program for people who have difficulty paying full desexing fees. In my view everyone should be able to have a pet without the financial stress of getting them desexed and microchipped. One of the main things we see in colonies of unowned cats is they were owned at one point, but the owner couldn't desex them and then there is a massive problem of undesexed cats roaming. These cats are usually quite unwell which is distressing for those who see them and for us who try our hardest to fundraise but have to operate on a shoe string budget. I have had over 100 foster kittens/cats personally through my home over multiple years and as much as I, and our volunteer organisation tries, it seems like there are so many needy cats. Desexing as many cats in the community as we can is the key to this issue in my view. Thank you for the opportunity to comment.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

Respondent No: 2
Login: [redacted]
Email: [redacted]

Responded At: Apr 21, 2025 13:39:57 pm
Last Seen: Apr 21, 2025 03:59:35 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** not answered

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

not answered

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 3
Login: [redacted]
Email: [redacted]

Responded At: Apr 21, 2025 19:04:12 pm
Last Seen: Apr 21, 2025 09:29:15 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	No
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Needs to apply to all cats, not just ones born after January 1st 2026, it is not going to make a difference at all how it is, as there will be no impounding of cats happening anyway, this is just a token effort, ooh look we are doing something.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

Signs on footpaths are a hazard, the ones at the [redacted] shop should be binned.

Respondent No: 4
Login: [redacted]
Email: [redacted]

Responded At: Apr 22, 2025 08:49:06 am
Last Seen: Apr 21, 2025 23:12:57 pm
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I do not agree with placing a limit on the number of cats - yes if they are not desexed but as a responsible cat owner with 8 that are all desexed I feel it is unfair. Penalise the irresponsible people who allow their pets to breed out of control - not those of us already doing the right thing. I certainly do not agree with being forced to allow someone appointed by council to come into my house to assess if it is suitable for my 9 cats. I am a homeowner and pay a ridiculous amount in council taxes and I have a right to my privacy. All my cats are chipped and registered with council. I did not see a fee mentioned but I'm not in agreement with that unless the money raised specifically goes back to directly dealing with the out of control cat population. Focus on those doing the WRONG this and stop penalising those that aren't

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No:	5	**Responded At:**	Apr 22, 2025 13:56:10 pm
Login:	[redacted]	**Last Seen:**	Apr 22, 2025 04:05:36 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I believe that trying to put restrictions on cats would be a misdirection of resources, instead let's focus on where these cats are coming from that are 'disturbing' the public; these cats and kittens come from irresponsible owners not desexing or microchipping their cats (who then go off to breed more in an extremely short amount of time). We should be more focused on that rather than penalising cats that have done nothing wrong. I truly think there's a way to fix the cat problem we're having in Mount Gambier, but punishing all cats it's not the way.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No:	6	**Responded At:**	Apr 22, 2025 18:48:12 pm
Login:	[redacted]	**Last Seen:**	Apr 22, 2025 09:00:16 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. What is your name? [redacted]

Q2. After reviewing the By-Law documents, please let identify your level of support for each By-Law:

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	No
No. 3 - Roads	No
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. Are there any By-Law documents would you like to provide specific feedback on? (select all that apply) not answered

Q4. Please let us know your thoughts on No. 1 - Permits and Penalties

not answered

Q5. Please let us know your thoughts on No. 2 - Local Government Land

not answered

Q6. Please let us know your thoughts on No. 3 - Roads

not answered

Q7. Please let us know your thoughts on No. 4 - Moveable Signs

not answered

Q8. Please let us know your thoughts on No. 5 - Dogs

not answered

Q9. Please let us know your thoughts on No. 6 - Cats

not answered

Q10. Is there anything else that you'd like to say in relation to the By-Laws consultation?

not answered

Respondent No: 7
Login: [redacted]
Email: [redacted]

Responded At: Apr 22, 2025 19:03:54 pm
Last Seen: Apr 22, 2025 09:26:07 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

This is way overdue for our community, many people are at their wits end with the amount of cats wandering and using people gardens as toilets. There are so many residents that feel helpless and feel there is nothing they can do to prevent the constant cat activity on their property grom either stray or cats owned by irresponsible owners. If we let our dogs wander they would be impounded. Cats are extremely destructive to our native flora and fauna. Please enact this to give residents some relief.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

Respondent No:	8	**Responded At:**	Apr 22, 2025 19:28:04 pm
Login:	[redacted]	**Last Seen:**	Apr 22, 2025 09:56:57 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. What is your name? [redacted]

Q2. After reviewing the By-Law documents, please let identify your level of support for each By-Law:

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	No
No. 5 - Dogs	Partially
No. 6 - Cats	Yes

Q3. Are there any By-Law documents would you like to provide specific feedback on? (select all that apply) not answered

Q4. Please let us know your thoughts on No. 1 - Permits and Penalties

not answered

Q5. Please let us know your thoughts on No. 2 - Local Government Land

not answered

Q6. Please let us know your thoughts on No. 3 - Roads

not answered

Q7. Please let us know your thoughts on No. 4 - Moveable Signs

not answered

Q8. Please let us know your thoughts on No. 5 - Dogs

not answered

Q9. Please let us know your thoughts on No. 6 - Cats

not answered

Q10. Is there anything else that you'd like to say in relation to the By-Laws consultation?

not answered

Respondent No: 9
Login: [redacted]
Email: [redacted]

Responded At: Apr 22, 2025 19:29:59 pm
Last Seen: Apr 22, 2025 09:34:19 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Cats should be compulsorily desexed and not allowed to roam outside of the owner's property

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 10
Login: [redacted]
Email: [redacted]

Responded At: Apr 22, 2025 19:49:13 pm
Last Seen: Apr 22, 2025 09:55:13 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	Partially
No. 3 - Roads	No
No. 4 - Moveable Signs	No
No. 5 - Dogs	Yes
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)**

No. 2 - Local Government Land
No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

I do not support the other changes, but I do support the discouragement of vaping in public spaces, as vapes tend to be full of toxic chemicals, which are known endocrine disruptors. I'm tired of having to walk around people who smoke or vape. The fact that vapes are sometimes less noticeable, only increases the danger. In addition, due to so many people being coerced into convid vaccinations, and vaccine shedding being a very real phenomenon, smoking and vaping in public poses further non consensual risk to those of us who made healthier choices.

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

One should not have to register a cat. A cat is unlikely to be a danger to a human. This is clear over reach and a cash grab. I actually don't think any pet should have to be registered, for a few reasons.... For one thing, many people don't have a fixed address, and move between locations, so where exactly should we register our pets? And what happens if our pet happens to escape or get lost in your area?? I will never register my pets as I'm not a full time resident, I come and go. I still expect my pet to be accommodated for in your rules and have adequate protections from harms. The whole idea of being registered to a fixed location is based on flawed out dated concepts, I can only see an advantage when it comes to following up dangerous dogs. I do support leash signage for dogs, as dogs can be a danger to humans and other pets. I don't think the length of the leash really matters too much though. For all of the above I support appropriate signage. I do not support fines in any form, for anything really, except maybe vicious dogs. Information campaigns would be better for most things, than fines. Council's job is to maintain facilities and provide equitable access for all. Beyond that you don't actually have any legal authourity to make any laws, just an fyi. Council is a third tier of government which never passed referendum. The people never consented to the idea of by laws, so technically you cannot make and enforce them.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No:	11	**Responded At:**	Apr 22, 2025 22:34:52 pm
Login:	[redacted]	**Last Seen:**	Apr 22, 2025 12:59:11 pm
Email:	[redacted]	**IP Address:**	[redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	Partially

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Restricting how many cats you can own without council permission is unreasonable. There doesn't seem to be any provision for people who have existing pets (that I can see). Im happy to pay fee's for all 4 of my cats, but I think this has been taken too far with the limitations.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 12
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 11:29:47 am
Last Seen: May 07, 2025 08:25:39 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Build a pound for cats caught, and see if desexed and microchipped to return to owners, subsidise desexing- lowering stray population.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

Respondent No: 13
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 15:15:43 pm
Last Seen: Apr 23, 2025 05:41:04 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** not answered

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

not answered

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 14
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 15:31:32 pm
Last Seen: Apr 23, 2025 05:53:41 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I dont agree on 2 cats only. We have shelters overflowing with cats and having 2 cats only means that if i already own a cat, then i cant adopt a bonded pair. People who adopt are generally capable of providing good care to these cats and if they can afford to adopt more, why restrict them. Lets say they have 2 cats and they picked a stray up and cared for it, now they have 3 cats, what then? You will force them to not have the stray desexed or receive the medical attention needed due to fear of repercussions. I agree with a small fee for cat registrations, and i reiterate small, as its not like council will build a cat park for them to enjoy. These funds should go towards subsidising desexing and financially supporting the shelters. Council should invest in SEAWL and upgrade the premises and provide new fit for purpose buildings.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 15
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 17:07:20 pm
Last Seen: Apr 23, 2025 07:32:39 am
IP Address: [redacted]

Q1. What is your name? [redacted]

Q2. After reviewing the By-Law documents, please let identify your level of support for each By-Law:

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	No
No. 3 - Roads	No
No. 4 - Moveable Signs	No
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. Are there any By-Law documents would you like to provide specific feedback on? (select all that apply) No. 6 - Cats

Q4. Please let us know your thoughts on No. 1 - Permits and Penalties

not answered

Q5. Please let us know your thoughts on No. 2 - Local Government Land

not answered

Q6. Please let us know your thoughts on No. 3 - Roads

not answered

Q7. Please let us know your thoughts on No. 4 - Moveable Signs

not answered

Q8. Please let us know your thoughts on No. 5 - Dogs

not answered

Q9. Please let us know your thoughts on No. 6 - Cats

Watch the backlash. Good luck have fun glhf

Q10. Is there anything else that you'd like to say in relation to the By-Laws consultation?

not answered

Respondent No: 16
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 17:15:18 pm
Last Seen: Apr 23, 2025 07:43:31 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Please enact this as soon as possible. We need less cats wandering and less cats being killed and injured on our roads. Also our native birds and other wildlife deserve to be protected.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No but keep up the great work.

Respondent No: 17
Login: [redacted]
Email: [redacted]

Responded At: Apr 23, 2025 19:43:46 pm
Last Seen: Apr 23, 2025 09:48:38 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	No
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)**

No. 4 - Moveable Signs
No. 5 - Dogs
No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

moveable signs are fine as long as they aare close to the building doing the advertising and not all over the footpath making walking on footpath difficult

Q8. **Please let us know your thoughts on No. 5 - Dogs**

Fines for people who do not pick up their doggy do's - leave their dogs in cars no matter the length of time.but should be allowed to have longer leashes than you suggest.

Q9. **Please let us know your thoughts on No. 6 - Cats**

I do not have a cat but strongly believe desexing and microchipping should be carried out before they can be given away or sold with maybe a subsidy to do so. You cannot enforce a 2 cat limit on persons who have had more than 2 of them for a period of time or they are foster carers of them or a rehomer but perhaps a permit is a good idea for those who care for or rehome them

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

needs more consultation with the general public with an easier way to do so other than having to register here and have your name noted so often.

Respondent No: 18
Login: [redacted]
Email: [redacted]

Responded At: Apr 24, 2025 06:30:13 am
Last Seen: Apr 23, 2025 20:51:46 pm
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

The current laws are sufficient and does not need additional laws

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 19
Login: [redacted]
Email: [redacted]

Responded At: Apr 24, 2025 21:04:43 pm
Last Seen: Apr 24, 2025 11:25:34 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	No
No. 4 - Moveable Signs	No
No. 5 - Dogs	Yes
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

If you want people to register their cats you must provide either cheap or free desexing and also help out the local animal shelters. You have displayed already by not supporting the SEAWL that you do not see this as a priority of your council. You are a council that continues to disappoint.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

Respondent No: 20
Login: [redacted]
Email: [redacted]

Responded At: Apr 24, 2025 22:01:24 pm
Last Seen: May 07, 2025 08:25:39 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Council need to take responsibility for stray cats!! We need a shelter for trapped cats and if you don't want to build one then allocate funds back to SEAWL to look after and re- home these cats. Also allow people to own more than two cats! In every other state it is 4 cats !!

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

Please make it easier for people by adding a poll to your website on specific issues. So you can get an accurate consensus from the community. Add a poll to your Facebook posts !

Respondent No: 21
Login: [redacted]
Email: [redacted]

Responded At: Apr 25, 2025 10:24:46 am
Last Seen: Apr 25, 2025 00:49:37 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	No
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Cats should be allowed to be outdoors. Some cats do not enjoy being trapped inside like a prisoner. I have 2 cats who are indoor/outdoor cats. They are well fed and cared for and do not hunt other wildlife. I have had several cats in my lifetime and they were all the same. I do agree with being desexed to reduce the excess of cats in the community.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 22
Login: [redacted]
Email: [redacted]

Responded At: Apr 25, 2025 15:28:49 pm
Last Seen: Apr 25, 2025 05:20:25 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Partially

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Clause 9.2 states "does not apply to any cat that was born before 1 Jan 2026 - this is ridiculous, it must apply to all cats, otherwise there will still be hundreds of pre-2026 cats roaming around at night, killing birds, fighting & defecating in peoples gardens! Clause 10.1 "Council may resolve to adopt a registration scheme for cats" - this must be a definite, as well as some sort of tagging/id - otherwise how do you identify a straying cat when you catch it?

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

Re new cat by-laws, this should have been done years ago, as I have experienced many stray cats in my yard over the years, defecating in my vege beds where I am trying to grow food! As a result, I have had to invest in netting & other structures (at my cost) to keep them out - just because other cat owners can't be responsible. The cats also kill the many birds & lizards that live in my garden. These new laws are long overdue!

Respondent No:	23	**Responded At:**	Apr 25, 2025 16:20:19 pm
Login:	[redacted]	**Last Seen:**	Apr 25, 2025 06:44:21 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	Partially

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I don't believe limiting the number of cats a household can own will be a productive way of controlling the nuisance cats or abandoned or feral animals. I have 4 cats who are all desexed, vaccinated, and microchipped, they have a completely enclosed catio at home, and only have outside time on a harness. The only way this would be fair would be if there was only a limit on "unregistered" cats to prevent wandering strays but I believe that would even be incredibly hard to enforce. These limits are unfair on responsible owners who have done all the right things to stop our cats affecting the environment and community as well as protecting our cats from feral cats or being abducted.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

I believe the community needs to advertise propositions better so that community members can be aware of changes and have the opportunity to have a say

Respondent No: 24
Login: [redacted]
Email: [redacted]

Responded At: Apr 25, 2025 19:59:13 pm
Last Seen: Apr 25, 2025 10:17:27 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	No
No. 3 - Roads	No
No. 4 - Moveable Signs	No
No. 5 - Dogs	Yes
No. 6 - Cats	Partially

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)**

No. 5 - Dogs
No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

We need an easier way to stop dogs from barking. Having logs of when dogs are barking is stupid. Council is too weak to go to the owners of barking dogs and explain. NIMBY is what Council believes in. Weak.

Q9. **Please let us know your thoughts on No. 6 - Cats**

All the new laws should be retrospective. There are thousands of cats out at night (and during the day) causing havoc. It should apply to all cats now, not future cats and owners.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

Abysmal consultation. It's all secret, not transparent.

Respondent No: 25
Login: [redacted]
Email: [redacted]

Responded At: Apr 27, 2025 14:37:06 pm
Last Seen: Apr 27, 2025 05:05:17 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Absolutely brilliant that the Council will be proceeding with containment of cats - the Biodiversity Council (comprised of academics) has a great fact sheet that succinctly makes the case for why this is so important: https://biodiversitycouncil.org.au/resources/the-impact-of-roaming-pet-cats-on-australian-wildlife

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 26
Login: [redacted]
Email: [redacted]

Responded At: Apr 28, 2025 17:26:41 pm
Last Seen: Apr 28, 2025 07:49:27 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

There are too many cats and kittens in Mount Gambier. Cats should have the by-law as dogs.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 27
Login: [redacted]
Email: [redacted]
Responded At: Apr 30, 2025 21:23:46 pm
Last Seen: Apr 30, 2025 11:46:55 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	Partially
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I dont agree with the proposed by law. As a responsible cat owner if this law comes in i am having to end the lives of 2 of my cats. My cats are family and will cause alot of distress. I understand there are owners or non owners who have not done the right thing and i know of friends that will be put in a very distressing postion if it comes in..suelt there is another way

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

Respondent No: 28
Login: [redacted]
Email: [redacted]

Responded At: May 01, 2025 14:27:33 pm
Last Seen: May 01, 2025 04:15:25 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Partially
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)**

No. 5 - Dogs
No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

whilst the number of dogs is relevant, the SIZE of the dogs on individual property is important. What cannot be monitored is whether owners exercise or keep their dogs busy/ entertained appropriately and if in rentals, whether property owners provide appropriate fencing and gates do dogs can be off lead (IE dogs become distressed when they can see /hear strangers, other dogs etc so fencing needs to be solid). These factors need to be considered when determining numbers of dogs. (IE per property, or per owner and in built up areas, per neighbourhood particularly when council has determined remove some park areas in some neighbourhoods & off lead areas are limited). Is there any capacity to consider the requirement for owners to be compulsory obliged to train their dogs in order to keep them registered???

Q9. **Please let us know your thoughts on No. 6 - Cats**

Happy to keep my cats contained at night. NOT appropriate to limit numbers of cats per owner given that every cat I have has been a rescued stray that has been speyed in order to help minimise the stray cat problem. Cats need to be compulsorily speyed in order to be registered. In relation to the monitoring of both dog and cat numbers and containment, there is limited likelihood that any legal action against owners would be successful given that 1/ people are struggling to meet regular costs of living & may struggle to pay registration costs orr associated fines for breaches of by-laws 2/ the RSPCA rarely manages to have successful outcomes in instances of extreme cruelty, abandonment of animals etc. It would seem that there are even less clear links between animal containment and safety. A cost benefit analysis between fees paid for registration vs costs to council for salaries, following up breaches of by-laws & successful claims for costs needs to be provided to evidence the ongoing necessity of the bylaws

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

There has been insufficient notice and evidence of collaboration. People without internet access or who have limited technology skills are (as usual!) disadvantaged

Respondent No: 29
Login: [redacted]
Email: [redacted]

Responded At: May 01, 2025 15:14:23 pm
Last Seen: May 01, 2025 05:38:42 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Partially
No. 2 - Local Government Land	Yes
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Paying registration fees for a cat is not acceptable, I understand limiting the amount of cats but households that already have more than 2 should be exempt until one or more cats die. Speaking to other residents they agreed that they would not be disposing of the cats they already have and none want to or can afford registration fees .

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

This needs to be advertised more as most of us only found it on the community chat groups

Respondent No: 30
Login: [redacted]
Email: [redacted]

Responded At: May 05, 2025 10:38:32 am
Last Seen: May 05, 2025 01:05:25 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Partially
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Restricting cats in this manner will only apply to owned cats, where owners can be proven and will not solve or impact cat overpopulation of stray cats in the community.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

no

Respondent No: 31
Login: [redacted]
Email: [redacted]

Responded At: May 05, 2025 12:39:38 pm
Last Seen: May 05, 2025 03:03:35 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

I would like to see Mount Gambier do what the council the adelaide hills has done where no cats are to be outside unless on a leash. I have just had an emergency vet bill yesterday for a cat that tried to drag my pet under the fence by its leg and has maulled its leg, which we are still incurring vet visits and injections to help keep my pet alive. THis was 7am on Sunday morning when I was in my back yard watering plants, these cats jump my fence dig under my fence and are nuisances and cause harrassment to my family. The pain and suffering and stress this has caused myself and my pet is significant. Please consider strong guidelines for cat owners that can protect the families that dont want cats and have delicate animals in their own backyards, volunerable to these hunting creatures. They are a nuisance and very stressful.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No:	32	**Responded At:**	May 06, 2025 14:43:11 pm
Login:	[redacted]	**Last Seen:**	May 06, 2025 04:56:10 am
Email:	[redacted]	**IP Address:**	[redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	Yes
No. 3 - Roads	Partially
No. 4 - Moveable Signs	Partially
No. 5 - Dogs	Partially
No. 6 - Cats	Partially

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)**

No. 5 - Dogs
No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Cat by laws have been long needed in Mount Gambier, while the draft has a plan from cats born from Jan 1, 2026, to keep them confined, I don't believe this is effective action to resolve the current issue of stray and unowned cats in town. Cats under 12 months old should also be included after date of approved by law. This would ensure cat owners are required to take immediate action. As a cat owner in Mount Gambier, I will happily pay registration fees to cover the cost of implementing these new by laws as long as they are applied swiftly and strictly. There will need to be a plan for stray cats and unowned cats and possibly a deal with RSPCA or SEAWL in which funding is providing to reduce stray cat population. The 2-cat rule per household, this will need to be strictly applied as with the 3-dog rule, I see many homes within Mount Gambier through work have 4-7 dogs, they have them registered to different people at the same address or claim they are service or emotional support dogs. In my line of work, we can only work to council by laws in regard to animals in properties. Lack of council by laws around cats and broad laws for dogs or limited ability to enforce said laws make it significantly hard to improve the community and advocate for safe and ethical treatment of pets. The council need to release more funding for cat and dog management and support the staff working on the ground to do their work efficiently. Senior leadership could also improve local relationships by being willing to negotiate when services and agencies approach them with a joint recommendation, this would also support council staff actively working within the community as often senior leadership make decisions that do not support their staff to complete their daily job safely and efficiently. The council need to review the allocated funding for this issue and put more behind it. Other services are willing to discuss and work together on the matter, if the council would prioritise it. This is a matter affecting the town currently and only getting worse. These laws need to come in but a major piece of work needs to be done to ensure they are abided by.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 33
Login: [redacted]
Email: [redacted]
Responded At: May 08, 2025 12:03:16 pm
Last Seen: May 08, 2025 02:11:11 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

As a previous cat owner I fully encourage regulation on cat owners, on how owners manage their cat within their property and outdoors. Cat enclosures can be made to allow access to cat to the outside, and litter trays can be placed in these enclosures. Cats are adaptive to collars and leads, including harnesses. Cat transport grates can be obtained and used when transporting the cat in one's car - to the vets or when moving house. My two cats were desexed at 6 weeks and microchipped, lived inside or in an enclosure in the garden, from birth. When they roamed outside of the enclosure they were on a leads. It is responsible cat ownership to manage your cats' movements around and within your home. Though regulation need to be enforced to keep everyone doing the right thing by neighbours and the environment. They are natural hunters and will eat native wildlife even if they have food being given at their homes.

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

It's good to have reviews but there should be fewer exemptions - all animals can be trained to accept better control methods. Cats of any age if they are kept as a pet within a home should be place restrictions on their movements around outside. It is not pleasant to go to one own vegetable garden to find someone else's cat scats deposited in your own vegetable garden bed. It is also un-health to have someone else's cat scats in or near your food production space.

Respondent No: 34
Login: [redacted]
Email: [redacted]

Responded At: May 08, 2025 12:38:28 pm
Last Seen: May 08, 2025 02:11:11 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	Yes
No. 2 - Local Government Land	Yes
No. 3 - Roads	Yes
No. 4 - Moveable Signs	Yes
No. 5 - Dogs	Yes
No. 6 - Cats	Yes

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** No. 6 - Cats

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

Fully agree with the proposed by-laws

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

not answered

Respondent No: 35
Login: [redacted]
Email: [redacted]

Responded At: May 09, 2025 21:24:45 pm
Last Seen: May 09, 2025 11:53:08 am
IP Address: [redacted]

Q1. **What is your name?** [redacted]

Q2. **After reviewing the By-Law documents, please let identify your level of support for each By-Law:**

No. 1 - Permits and Penalties	No
No. 2 - Local Government Land	No
No. 3 - Roads	No
No. 4 - Moveable Signs	No
No. 5 - Dogs	No
No. 6 - Cats	No

Q3. **Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)** not answered

Q4. **Please let us know your thoughts on No. 1 - Permits and Penalties**

not answered

Q5. **Please let us know your thoughts on No. 2 - Local Government Land**

not answered

Q6. **Please let us know your thoughts on No. 3 - Roads**

not answered

Q7. **Please let us know your thoughts on No. 4 - Moveable Signs**

not answered

Q8. **Please let us know your thoughts on No. 5 - Dogs**

not answered

Q9. **Please let us know your thoughts on No. 6 - Cats**

not answered

Q10. **Is there anything else that you'd like to say in relation to the By-Laws consultation?**

No

From: [redacted]
To: City Emails
Subject: Cat Management bylaw
Date: Wednesday, 23 April 2025 8:33:14 AM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

I find myself deeply concerned about your new cat management plan that has been created by the council.

I see nothing to support initiatives to manage community cats, no plan for TNR for strays and abandoned pets, but a huge money grab from loving owners of cats who are already in homes and cared for.

It stinks of poor planning and neglect of the actual animals and humans this plan will affect.

Council needs to take action and plan for the following:
-Support for rescues who are the ones currently handling the burden of unwanted pets in the region
-A council-run nonprofit shelter to help house animals until adoption
-Discount desexing
-A well designed program for trapping, desexing and returning strays and community cats
-Actual thought and care with regard to the limit on the number of pets that are allowed to be owned. Two cats per household is not a reasonable or achievable limit in any circumstances and only breeds resentment of the council and a refusal to seek veterinary care for animals in excess of the limit. Fear and distrust of the government do nothing but cause suffering for the pets and owners in the region.

I urge you to rethink your plan as the current situation and the plan you have outlined are at odds and do nothing to bring about a solution.

In a world where you can be anything, be kind.

[redacted]

From: [redacted]
To: City Emails
Subject: Dog and Cat Management by law plans
Date: Wednesday, 23 April 2025 8:38:55 PM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
Hello,

I have recently become aware of some of the plans being reviewed in the dogs and cats management plan that is to be implemented between 2024-2028.
I have seen one of the plans to be implemented is a limit on the number of cats a household can own.
I feel this is an unfair escalation from the current treatment of cat owners.
My partner and I have 4 cats and have done everything in our power to not only protect our cats but to prevent them affecting our neighbourhood.
Our cats are completely vaccinated, are desexed, are microchipped and registered with DACO and we have a completely enclosed catio which is our cats only outdoor time not on leash/harness.
While I completely agree that laws on cat microchipping and desexing should be enforced, and that a cat curfew or "nuisance fee" such as what has been proposed in the management plan could drastically reduce our population of feral cats and uncared for or abandoned animals, a law limiting cats in households that are doing the right thing is unjust.
I also want to bring up the argument "if someone is going to break the law by not desexing their cat, why would they be afraid of a law enforcing a limit on the number of cats?"

I am glad that the rising population of abandoned strays is being addressed in legislation, I wanted to write to express my opinion as a citizen doing all the right things.
I hope more information is released in the future that makes this proposal of a "cat limit" more fair.
I hope this is a misunderstanding of the plan on my part.

Thank you for your time,
[redacted]

From: [redacted]
To: City Emails
Subject: Proposed By law 6 Cats
Date: Monday, 28 April 2025 9:25:09 AM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
I am writing to express my opinion on the new cat By law. I would like them to be stronger and strictly policed. I would like the law to actually stipulate that cats must either be kept indoors or outdoors in a purpose built enclosed cat run.

My neighbourhood cats continually defecate in my garden beds and i do not know which cat lives where.

I have an acre property and my dogs are confined to a smaller yard or else they eat cat poo. Even when i allow my dogs to play supervised in the larger yard, much to my disgust they manage to find and eat cat poo.

It is a scientific fact that eating cat poo can make dogs sick. I am having to worm my dogs monthly instead of 3 monthly due to the ingestion of cat poo which is no protection against other organisms. Cat poo contains:

Parasites:
Cats can carry parasites like roundworms and hookworms

Bacteria:
Cats can also carry bacteria like E. coli or Salmonella, which can cause illness in dogs.

Toxoplasmosis:
One of the most common bacterial infections carried by cats is toxoplasmosis, which can cause serious illness in dogs

In addition it frustrates me that laws for microchipping, desexing, sale of dogs and cats etc are not policed. What is the point of having laws if there are no staff to police it.
I have phoned the Dog and Cat Management Board on several occassions over various matters eg fraudulent puppy sale adds with fake microchip numbers and have been openly told no staff to investigate. Compliance of laws will only occur if there are actual penalties that are enacted.

Kind Regards
[redacted]

Sent from my iPad

From: [redacted]
To: City Emails
Subject: Submission on 2025 By-Law Review – Cat and Dog By-Laws Feedback
Date: Monday, 28 April 2025 11:15:19 AM
Attachments: 2025-04-Submission in Response to the 2025 By-Law Review.pdf

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear City of Mount Gambier Council,

I hope this message finds you well.

Please find attached my submission in response to the City of Mount Gambier's 2025 By-Law Review, specifically regarding the proposed Cat By-Law and Dog By-Law. As a homeowner and responsible cat owner, I have taken a keen interest in ensuring that the by-laws are practical, fair, and supportive of both responsible pet ownership and broader community wellbeing.

In my submission, I have outlined several concerns and recommendations based on personal experience, community observations, and a strong commitment to supporting animal welfare and public safety in Mount Gambier.

Thank you for the opportunity to provide feedback on this important matter. I appreciate the Council's work in reviewing and updating the by-laws and welcome any further opportunity to engage on these issues if needed.

Please don't hesitate to contact me if you require any clarification on the points raised in my submission.

Kind regards,

--
[redacted]

2025 By-Law Review

City of Mount Gambier Council

Submission prepared by [redacted]

Monday 28 April 2025

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Executive Summary

As a responsible homeowner and cat owner, I support the City of Mount Gambier's efforts to promote responsible pet ownership. However, I raise several concerns and recommendations to improve fairness, effectiveness, and clarity in the proposed 2025 By-Laws:

1. **Discrepancy Between Cat and Dog Controls**
    - The Cat By-Law introduces mandatory confinement; no equivalent exists for dogs.
    - Given frequent community reports of roaming and aggressive dogs, similar "effective confinement to property" requirements should apply to dogs to ensure fairness and public safety.
2. **Concerns About Cat Number Limits**
    - Clearer, accessible pathways must be provided for responsible owners wishing to keep more than two cats, particularly community members rescuing stray kittens.
    - Approval criteria should focus on health, safety, and space, not arbitrary limits alone.
    - Parity should be established with the dog by-law, which allows three dogs on large properties.
3. **Cat Confinement Carve-Out Issues**
    - Exempting cats born before 1 January 2026 undermines wildlife protection and pet welfare objectives.
    - All cats, regardless of age, should be subject to future containment rules.
4. **Lack of Parity and Clarity in Nuisance Controls**
    - A "dogs not to be a nuisance" clause should be added to mirror the cat rules.
    - Clearer public guidance is needed to distinguish between normal animal behaviour and actionable nuisance.
    - Council should update reporting procedures, requiring evidence like Nuisance Diaries and discouraging vexatious complaints, in line with the Local Nuisance and Litter Control Act 2016.
    - Recent examples, such as the cruelty case involving six dogs on a Mount Gambier property, highlight the urgent need for better enforcement resourcing and proactive inspections.
5. **Importance of Mandatory Cat Registration**
    - Registration is critical to responsibly reunite lost cats with owners, track cat populations, and reduce the risk of impoundment or harm.
    - Mandatory cat registration should be introduced immediately, not left at Council discretion.
6. **Additional Recommendation: Support Trap-Neuter-Return (TNR) Programs**

- Council should support humane TNR programs to manage unowned and semi-owned cat populations, complementing other responsible ownership measures.

Submission and Key Concerns

Thank you for the opportunity to provide feedback on the proposed 2025 By-Laws.

As a homeowner and a responsible cat owner, I would like to raise a number of concerns and recommendations regarding both the *Cat By-Law 2025* and the *Dog By-Law 2025*, particularly where there are inconsistencies between the treatment of cats and dogs and missed opportunities to strengthen community and environmental outcomes.

1. Discrepancy Between Cat and Dog By-Laws

The proposed Cat By-Law 2025 introduces mandatory confinement requirements (subject to Council setting a date), whereas the Dog By-Law 2025 has no similar clause requiring the effective confinement of dogs to private property.

This is concerning, particularly when considering local community experiences. As part of preparing this submission, I conducted a quick review of one local Facebook group, searching for the term "dog" in posts made during 2025.

- I found 28 posts relating to dogs wandering around the community.
- In comparison, searching the same group for "cat" found only 5 posts about missing or found cats.

While it is important to note that this is a small sample from a general community group (not a dedicated lost-and-found forum), it nonetheless highlights a visible disparity: Dogs roaming in the community appear to be a significantly more frequent concern than cats.

Given this real-world context:

- The absence of an effective confinement requirement for dogs' risks undermining community safety, increasing nuisance incidents, and creating enforcement inconsistencies.
- Without parity in confinement rules, responsible cat owners are being held to a higher standard while ongoing dog-related issues remain unaddressed.

Recommendation:

- Introduce a similar "effective confinement to property" requirement for dogs when not under immediate supervision.
- Ensure that dog owners are held to the same expectations of responsible pet containment as cat owners.

2. Concerns About Cat Number Limits

While I personally only own one cat and that is unlikely to change any time soon, I would like to raise a concern about how the two-cat limit is framed.

Many community members put a great deal of time, energy, and resources into rescuing stray kittens and domesticating them as pets.
This work plays an important role in reducing stray populations and keeping cats off the streets, ultimately supporting both animal welfare and environmental goals.

While I fully agree that it is reasonable to place a limit on the number of cats per property, it is important that:

- The requirements for seeking Council permission to keep more than two cats are clearly communicated and accessible.
- Owners who have taken in stray or rescue cats understand what changes they may need to make (such as hygiene, secure spaces, veterinary care) in order to stay compliant and continue providing a safe and loving home.
- Potential new rescuers are encouraged to operate responsibly, not deterred by unclear rules.

In these circumstances, the focus should be on:

- The health and safety of both the animals and the humans living at the premises.
- Ensuring sufficient space for all occupants to live safely, healthily, and comfortably.

It is also important to maintain reasonable parity between cat and dog by-laws.
For example:

- The Dog By-Law allows up to three dogs to be kept on larger properties without special permission.
- No similar provision exists for cats, even though a large property could easily accommodate a small cattery-style structure that allows for the safe and healthy containment of multiple cats without posing a risk to the community or the environment.

Without thoughtful flexibility, stricter controls on cat numbers risk driving owner's underground:

- People may choose not to register their cats.
- People may hide the fact they have more than two cats, creating risks to animal welfare, human health, and public health.

Recommendation:

- Ensure clear, publicly accessible guidelines on how to apply for permission to keep more than two cats.
- Focus the approval criteria on health, safety, cleanliness, and containment, rather than arbitrary numbers alone.

- Consider providing a similar allowance to the dog by-law, allowing larger properties to house more cats without complex application processes where appropriate.
- Encourage responsible ownership and rescue efforts rather than inadvertently penalizing them.

3. Issues With the Cat Confinement Carve-Out

The exemption for cats born before 1 January 2026 from confinement requirements is impractical and risks undermining the entire purpose of confinement rules.

Scientific evidence clearly shows that all cats, regardless of age, can have significant negative impacts on native wildlife.
For example:

- The Invasive Species Council (June 2023) reported that roaming pet cats kill an estimated 546 million animals per year in Australia.[1]
- A radio-tracking study in Adelaide found that 39% of cats believed by their owners to be indoors at night were actually roaming.
- Studies show that 85% of animals killed by pet cats are never brought home, meaning owners often remain unaware of the harm caused.

A cat's birthdate does not change its capacity to kill wildlife.
Responsible pet ownership — including full containment (indoors or cat runs) — protects both wildlife and the cats themselves from:

- Theft
- Road accidents
- Poisoning and baiting
- Injury through fights or misadventure

Recommendation: Remove the birthdate carve-out and require **all cats** to comply with confinement requirements, once enacted.

4. Lack of Parity in Nuisance Controls

There is a specific clause for cats not to cause a nuisance (Part 3.8) but **no** equivalent for dogs.

This is troubling, especially considering:

- Frequent reports of crying, barking, and howling dogs in the community.

[1] The impact of roaming pet cats on Australian wildlife, accessed 28, April 2025
https://invasives.org.au/wp-content/uploads/2023/06/Pet-cat-impacts-June-2023.pdf

- The recent ABC news report (April 2025) on a Mount Gambier woman sentenced for cruelty to dogs found emaciated and neglected[2].

The woman in question was found to have six dogs on her property, despite the proposed by-laws limiting dog ownership to:

- One dog for small dwellings
- Three dogs for larger properties

This raises serious questions:

- Given the existing or proposed limits, how was this situation allowed to happen without Council intervention sooner?
- How will similar failures be prevented in the future?

A hungry or neglected dog is not a quiet animal.
The fact that this case progressed so far without timely Council investigation highlights the critical need for:

- A well-funded and supported enforcement team.
- Staff who are empowered to investigate, intervene, and remove animals when home circumstances fall below acceptable welfare standards.

Simply having by-laws in place is not enough — active, consistent, and resourced enforcement is necessary to protect animals, residents, and public safety.

Additionally, it would be helpful for the Council to provide clearer guidance on what constitutes "nuisance" behaviour under the by-laws.
While an exhaustive list is neither practical nor desirable, it is important that both dog and cat owners have a reasonable understanding of when their pet's behaviour crosses the line from ordinary animal behaviour into actionable nuisance.

For example:

- A cat briefly traversing a neighbour's fence, while not ideal, is not necessarily a nuisance unless it disturbs other animals, damages property, or causes stress.
- Occasional dog barking is normal, but persistent, excessive barking that disturbs neighbouring properties would be a nuisance.

Further, the Council should update its public information — particularly its website — to clearly explain how residents can report nuisance issues and what evidence is required.

[2] Mount Gambier woman gets suspended sentence after dogs found emaciated, accessed 28, April 2025 https://www.abc.net.au/news/2025-04-11/[redacted]cruelty/105161604

For example:

- In the case of alleged barking or howling, it would be reasonable to require the complainant to maintain a Nuisance Diary over a set period (e.g., 7–14 days), noting dates, times, and descriptions of the behaviour.
- The Council should make it clear that lodging false, misleading, or vexatious complaints is considered a serious matter, and should be treated similarly to offenses under the *Local Nuisance and Litter Control Act 2016*.

Recommendation:

- Introduce a "dogs not to be a nuisance" clause mirroring the cat by-law.
- Provide clearer public guidance (via Council website and fact sheets) about what constitutes nuisance behaviour.
- Update Council's website to explain how to report animal nuisance concerns, including the requirement for appropriate evidence such as a Nuisance Diary.
- Explicitly state that vexatious or false reporting is an offense and will not be tolerated.
- Ensure Council enforcement teams are adequately resourced and supported to investigate, intervene, and act where the welfare of animals or compliance with by-laws is compromised.

5. Importance of Cat Registration

While the Cat By-Law provides for the possibility of cat registration, registration should be mandatory from the outset.

While it may initially be unpopular with some residents, mandatory cat registration is a vital step towards encouraging responsible cat ownership.
Registration ensures that:

- Owned cats, whether indoor-only cats that have accidentally escaped or outdoor cats that have wandered, can be quickly and safely reunited with their owners.
- Council staff can identify owned cats without relying solely on microchip data, which is often outdated or incorrect unless owners are regularly reminded or incentivized to keep records updated.
- The risk of accidental destruction of a beloved family pet by the Council is significantly reduced.
- The risk of harm from disgruntled community members — fed up with unmanaged roaming cats — is also reduced.

Without registration, Council officers and members of the public are placed in a difficult position:

- Council may inadvertently impound or euthanize a family pet.
- Frustrated residents may take matters into their own hands, leading to potential harm to cats.

Mandatory cat registration would also enable the Council to:

- Track the number of cats per property and ensure compliance with the two-cat limit.
- Inspect premises with multiple cats where needed (per subclause 7.4).
- Investigate and enforce against nuisance or welfare concerns, particularly for properties reported for harbouring multiple uncontained cats.

Recommendation:

- Introduce immediate mandatory cat registration, not merely at Council discretion.
- Similarly, stronger inspection and enforcement powers should be considered for properties where multiple dogs are kept.

6. Additional Recommendation: Trap-Neuter-Return (TNR) Support and Stronger Management of Unowned, Semi-Owned, and Poorly Managed Cats

While not formally part of the current by-law review, I strongly encourage the Council to consider supporting or subsidizing trap-neuter-return (TNR) programs for unowned and semi-owned cats.

TNR programs are:

- A humane alternative to lethal control.
- Effective in reducing stray cat breeding and stabilizing community cat populations over time.

While TNR alone will not eliminate all environmental impacts, it is a vital parallel strategy to responsible pet ownership and cat containment.

Importantly, like many members of the community, I am also deeply concerned about unowned, semi-owned, and owned cats that are not properly managed**.** Despite containing our own cat 24/7 for her safety and to protect local wildlife, we have repeatedly experienced issues including:

- Our cat being harassed overnight by roaming cats, which causes her significant stress that often lasts well into the following day.

- Concern during the daytime when she is safely enclosed in a secure outdoor area, as unmanaged roaming cats approach and attempt to harass her through the netting.

This is not just a welfare issue for wildlife — it is a welfare issue for responsibly owned cats as well.

It seems profoundly unfair that despite taking all reasonable steps to provide safe, enriching, and contained environments for our pets, responsible owners are still likely to pay the price for other people's irresponsibility — including the risk of expensive veterinary treatment, injury, and even Feline Immunodeficiency Virus (FIV) transmission, which is commonly spread through cat fights.

Recommendation:

- Council should actively prioritize programs that manage unowned, semi-owned, and irresponsibly owned cats through registration, confinement enforcement, TNR programs, and public education.
- Council should also clearly communicate that the responsible containment of all cats — not just newly born ones — is essential to protect wildlife and safeguard the wellbeing of owned cats.

The City of Mount Gambier's proposed by-laws represent an important opportunity to strengthen responsible pet ownership and improve community outcomes. I fully support the intent behind these reforms but believe that thoughtful adjustments — particularly around enforcement parity between cats and dogs, clearer public guidance, fairer treatment of responsible multi-cat owners, and stronger support for enforcement teams — will ensure that the by-laws are practical, effective, and equitable.

By making these refinements, the Council can better protect the welfare of both animals and people, support community compliance, and avoid unintended consequences that could undermine the goals of the by-laws.

Thank you for considering my submission. I appreciate the opportunity to contribute to the development of fair, responsible, and effective animal management policies for our community.

5

[redacted]

Ref: Cat By laws Review

To Whom it May Concern,

I would like to raise some concerns & points reguarding these by law reviews. I am a cat owner. All my cats have needed a home & in fact are classed as rescue cats. They have been given a loving home. Are you going to kill my cats? Their is a shortage of homes at present, so thats going to get worse with this ridiculous limit of two cats per household. For indoor cat owners, like me doing the right thing, how is it sustainable having the rule of only two cats? What happens with the other cats in my care? And how can I possibly choose between them? I thought we lived in a democratic society, not a dictatorship. thats barbaric behaviour, killing cats in a loving home. If you say to rehome them well their isnt enough homes at the moment, never mind taking extra cats into the system. All my cats have various mental health issues because of their past, even to the point involving being on medication. No one is going to want a cat with these issues. Do I have to put them down prematurely because the council says so? Why arent cats picked up & fined like dog owners are?

How will all these laws be enforced? The laws brought in to have compulsory desexing & microchipping that brought about a lot of cats being abandoned as in the case of one of my cats. this has not been enforced by any fines etc so how will these new laws

Scanned by: sdohnt on 30/04/2025 10:24:35

be enforced? Will the council come to my door & kill my cats? I complied with the laws of neutering & microchipping my cats & the council has a record of who is in my care, due to this system. I'm on a disability pension & have never been offered any rebates or concessions for my boys.

Vets recommend if cats are kept inside fully (which mine are), they should have access to a catio an enclosed outside area. Will their be any concessions for people to be able to erect catios, similar to people being able to purchase compost bins cheaper.

What would the funds from cat registrations be used for? Will these funds be put back into the rescue shelters available? e.g. Cats & Kittens Rescue & Wet Noses as they dont get any government supports but are vital to rehome & manage cats & kittens. Dog registration help with dog parks & poo bag dispensers. What will cat registration fund? Will a cheaper desexing program be on offer?

No reward has been offered to honest cat owners who have complied with cat laws. You've already stitched up cat owners who have microchipped their cats as the records are recorded with the council. So you already know who the honest people are & you are more than happy to now make it even harder for people to live in this cost of living crisis.

Council rates have risen so much that they are now the most expensive bill, & now you will be punishing honest pet owners & not the people who are letting their cats run wild. Nobody will be going around enforcing these laws like what has happened with the former laws of compulsory desexing & microchipping. What do you plan to do?

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Again the honest person is being targeted by these by laws & being scammed to pay even more for our pets, while the dishonest owners are let off yet again. Looking forward to hearing a reply to these matters

Yours Sincerely

[redacted]

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6

From: [redacted]
To: City Emails
Subject: Dog and cat
Date: Wednesday, 30 April 2025 3:55:58 PM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
Please also make law that cats must be kept in side. We are sick of finding that cats have crapped in our yard . How would you like to be putting up with this all the time. It is disgusting. People have to keep their dog in there own yard. Cats should be the same. Also registration and no more than to per house.

7

1/5/25

Council

Barking DOGS + Roaming CATS are a major problem.

It seems some owners are deaf / oblivious / simply don't care.

How about imposing heavy penalties. (instead of chasing parking fines) Dogs + Cats a much bigger & well being problem than parking.

Heavy fines imposed – increase revenue for council

Proposed ~~law by~~ by laws should state - owners to keep cats & dogs secure in their properties, cage or in house.
(Dogs can then bark in their ear all night, instead of neighbourhood)

Re dogs - the idea that neighbours should record barking is bizarre.
Take action instead of talking

the onus is on pet owners + Council not neighbours

then, if by-laws not complied – SIEZE PETS – PUT DOWN.

Valid factor I believe, persons involved with creating by laws, may be pet owners - this could be an issue.

Look forward to some peace & no cats at my front door + garden

[redacted]

Scanned by: sgray on 02/05/2025 10:39:25

From: [redacted]
To: City Emails
Subject: Submission for the proposed changes to By-Laws
Date: Monday, 5 May 2025 9:59:03 AM
Attachments: Outlook-c1ziqaac.png
City of Mt Gambier By-Law Changes- Submission- Australian Pet Welfare Foundation.pdf

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Animal Management,
City of Mount Gambier,

Please find attached feedback on behalf of **Emeritus Professor** [redacted], **Executive Director & Chief Scientist** of the **Australian Pet Welfare Foundation**, regarding the proposed changes to your local by-laws—specifically By-Law No. 6 concerning cats.

We note the comments attributed to Ms Shelton in *The SE Voice* (April), indicating that "additional community consultation will occur before a proposed cats by-law is implemented," and that a transitional grace period for community education is planned. However, her statement also suggests that the by-law changes are likely to proceed regardless of the outcomes of further consultation. This raises concerns about the purpose and genuine impact of the consultation process if key provisions have already been decided.

Should you require further information or clarification, please don't hesitate to get in touch. We would be happy to provide additional support or evidence-based recommendations.

[redacted]

[redacted]
Policy Officer
Australian Pet Welfare Foundation
Improving the health and wellbeing of pets, people and their environments

[redacted]
Website: www.petwelfare.org.au

5 May 2025

Submission for the City of Mount Gambier proposed by-law changes

The Australian Pet Welfare Foundation (APWF) is a peak research body and advocate for pet welfare in Australia. As a not-for-profit organisation, APWF uses science-based research to enhance community well-being and improve the health and welfare of animals and people. APWF specialises in evidence-based solutions to prevent euthanasia of healthy and treatable companion animals in shelters and pounds and the associated mental health damage to staff and community residents. We share research knowledge with the community, shelters and pounds, state and local governments and veterinarians to create change and save animal and human lives. APWF is led by Chief Scientist [redacted], Emeritus Professor of Companion Animal Health at The University of Queensland (UQ) and a registered specialist veterinarian in small animal internal medicine. She has worked extensively in shelter research over the last 17 years, including collaborative studies with the RSPCA, Animal Welfare League and local governments. While at UQ [redacted] taught Urban Animal Management and since 2013 has co-authored over 30 peer-reviewed articles on urban animal management including management of semi-owned and unowned cats. [redacted] is an AVA member.

You can read more about us and our vision on our website: https://petwelfare.org.au.

Executive Summary

The APWF opposes the proposed By-Law for cat management in the city of Mount Gambier. While well-intentioned, punitive measures such as new nuisance offences, cat limits, and confinement orders are unlikely to deliver improved community or animal welfare outcomes. Evidence shows these approaches often lead to increased abandonment, lower compliance, and strained relations with the community, undermining responsible cat ownership. Instead, proactive strategies focused on desexing, microchipping, identification, education, and support are far more effective.

Specific concerns include the introduction of a two-cat household limit and staged cat confinement requirements, which risk penalising responsible owners and carers without addressing the root causes of nuisance behaviours. Forced confinement, particularly without accessible support programs, may worsen animal welfare and impose financial hardship on vulnerable owners. Similarly, the proposed cat registration system risks low participation unless supported by substantial subsidies, education, and community outreach. Council is urged to prioritise incentive-

based, targeted community-driven strategies over regulatory controls to achieve better outcomes for cats, owners, and the wider community.

In relation to the proposed changes for dogs, the Foundation supports efforts to clarify definitions but cautions against restricting leash lengths to two metres, which may not meaningfully improve control or safety. Effective control depends more on training and handler capability than on leash length. We also support distinguishing working livestock dogs within the regulatory framework, provided that exemptions are clearly defined and consistently applied, the same for working cats (Crawford 2025). Practical support and assistance and guidance for owners and officers will be essential to successfully implementing any changes.

Importantly, pet ownership is well-documented to provide substantial mental health benefits, including reducing loneliness, stress, and anxiety. Enforcement-based strategies that separate people from their pets or impose distressing conditions can erode these protective effects. Moreover, animal care workers, volunteers, veterinarians, and Animal Management Officers (AMOs) are increasingly experiencing moral distress and burnout associated with punitive or high-euthanasia systems (Scotney 2017, Rohlf 2018, Rogelberg 2007, Jacobs 2021, Paul 2023, AVA 2023). Council should carefully consider the human mental health impacts of enforcement-led approaches and instead invest in programs that foster compassion, connection, and wellbeing for both animals and people in line with the “One Welfare” framework (Pinillos 2018).

Thank you for the opportunity to provide feedback on the proposed changes to the City of Mount Gambier’s Local By-Laws, specifically the newly introduced By-Law No. 6 (Cats). As an organisation committed to evidence-based, humane animal management that benefits pets and people, the APWF has significant concerns regarding several aspects of the proposed by-laws, particularly those prioritizing punitive measures over proactive, community-driven strategies.

By-Law No. 6- Cats

A crucial element of effective cat management legislation is the accurate definitions for cats, ensuring alignment with current best practices.

Definitions for Cats

The APWF recognizes and supports the definitions of cats as delineated in the findings and recommendations from the RSPCA Australia’s 2018 report, "Identifying best practice domestic cat management in Australia." These definitions categorize cats as Feral and Domestic (owned, semi-owned, unowned). In Australia, cats are classified as either feral or domestic. Feral cats are defined as those that live and reproduce in the wild, without any reliance on humans. The Royal Society for the Prevention of

Cruelty to Animals (RSPCA) recommends that domestic cats be identified as those living in proximity to humans and relying wholly or partially on them for survival. According to this definition, free-roaming cats in urban, peri-urban, rural towns, and farm areas are considered domestic cats. These cats may be owned, semi-owned (fed by people who do not perceive ownership), or unowned (obtaining food unintentionally from humans). Cats without identification, such as a microchip or collar and tag, are considered stray.

Domestic cats

Cat management by-laws should recognise three subcategories of domestic cats including:

➢ **Owned cats –** these cats are identified with and cared for by a specific person and are directly dependent on humans. They are usually sociable, although sociability varies. These cats are also called pet cats.

➢ **Semi-owned cats –** these cats are directly dependent on humans and are intentionally fed by people who do not consider they own them. These cats are of varying sociability and are sometimes called stray cats.

➢ **Unowned cats –** these cats are indirectly dependent on humans and receive food from people unintentionally, such as via food waste bins. These cats are of varying sociability and are sometimes called stray cats.

o **Feral cats-** Feral cats have no relationship with or dependence on humans (neither direct nor indirect), survive by hunting or scavenging for food, and live and reproduce in the wild (e.g., forests, woodlands, grasslands, deserts). Feral cats do not live in the vicinity of where people live, and they do not receive food from humans intentionally (direct feeding) or unintentionally (e.g. via food waste bins). Feral cats are completely unsocialised to humans and have none of their needs fulfilled by humans. Feral cats are not found or trapped in the vicinity of where people live, are not the subject of nuisance complaints and do not enter Australian council pounds or animal shelters.

Research demonstrates that pet cats can respond with more aggressive behaviours to humans when highly stressed than genuinely feral cats. It is critical that before a decision that a cat is euthanised on behaviour, it is given sufficient time to a adapt to a stressful environment. Outcome decisions relating to euthanasia based on behavioural characteristics must be deferred to allow the cat sufficient time to habituate to the unfamiliar environment (e.g., shelter or pound), given the likelihood that these cats will experience high levels of fear in a trap cage or unfamiliar environment. By not allowing a stressed cat to settle into the environment, this may result in the cat exhibiting signs of being unsocial and ultimately lead to higher euthanasia (Rochlitz 1998, Kessler 1997, DiGangi 2022, Jacobsen 2022, Slater 2013 and Kerr 2018).

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Recommendations-

- **The recommendation that the term "feral" not be used to describe cats in shelters or pounds aligns with current practices at RSPCA Australia, which has ceased using 'feral' as a category for intake or euthanasia in its annual statistics, recognizing that feral cats do not engage with shelter or pound facilities. The previously used term "feral" as a reason for euthanasia is now recategorized as "behaviour" (RSPCA Australia Annual Statistics 2022).**

- **Use these definitions, recognising the vast difference between the classifications, as the base for any management programs or changes to by-laws.**

Introduction of a nuisance offence

The introduction of a nuisance offence aimed at cat owners fails to account for the reality that many nuisance complaints involve semi-owned or unowned cats, which do not have identifiable or legally responsible owners. In these cases, enforcement becomes impractical, as there is no person to hold accountable under the by-law. The only available tool under such a framework is trapping and impounding, which has been shown to be ineffective, costly, and inhumane when applied to free-roaming cat populations. Without accompanying investment in community desexing, assistance, and support programs, this measure risks increasing impounds and euthanasia rates without solving the underlying problem.

Furthermore, such provisions may strain council resources and public goodwill by encouraging residents to resort to trapping as the default solution. This approach often leads to unnecessary harm to cats and distress within communities, particularly in areas where cats provide companionship to vulnerable residents or where community carers are trying to help without formal ownership. A more effective alternative is to focus on preventative, non-punitive strategies, such as targeted desexing and assistance and support campaigns, that address the root source of cat population issues and reduce nuisance behaviour over time, without resorting to punitive enforcement that disproportionately impacts people with the least means to comply.

Education is often promoted as a key tool in cat management, but what does "education" involve? Too frequently, it takes the form of passive measures, pamphlets, signage, or website pages that inform the public about containment laws or desexing requirements. While well-intentioned, this one-way communication assumes that awareness alone leads to behaviour change. Yet, despite decades of education campaigns, the same issues persist with high shelter intake, euthanasia of healthy

cats, and community frustration. If the goal of education is to shift behaviour, then clearly something isn't working.

Rather than repeating strategies that have limited impact, it's time to rethink what effective education looks like. This means pairing information with practical, accessible support, free desexing programs, subsidised microchipping, cat bedtime feeding workshops, and direct community engagement that builds trust. Education should be part of a broader framework that removes barriers and empowers people to care for cats responsibly, keeping them out of pounds in the first place. Otherwise, we risk continuing the cycle of enforcement and impoundment, while claiming that "education" is being done.

Introduces a limit of 2 cats per household, unless otherwise authorised / exempt. *Note: this provision will only be applicable to cats born after the adoption of the By-Law and will not impact existing cats*.

It is essential to recognize that a local law limiting the number of cats per property differs significantly from a cat hoarding situation. A study in Victoria, involving 22 cases, describes animal hoarding as the accumulation of a large number of animals beyond the owner's capacity to provide adequate care (Ockenden 2014). This extreme form of hoarding is challenging to resolve, often linked to underlying issues such as depression, anxiety, and mental illness, with traumatic life events like the loss of a family member triggering the behaviour. Resolving these cases requires substantial resources from various agencies and often results in the removal of cats, which then impacts council or welfare shelters' capacities. Without specific behavioural change interventions, there is a nearly 100 percent chance of reoffending. Addressing these situations necessitates more than just Animal Management Officers (AMOs) involvement; it requires the involvement of social services, including social workers and other support services.

Limiting the number of cats on a property is a further mandate that will not address the unowned and semi-owned cat population. It is assumed if an owner can be identified, the owner would be directed to rectify the noncompliance or receive an infringement, which may not result in compliance, but may result in further costs for the council to try and retrieve the financial total through a court process. This does not guarantee or may not result in compliance of a nuisance cat or excess cats at a property. While responsible cat owners comply with these requirements, the reality is that if every cat owner or carer adhered to them, we wouldn't be facing the current issues.

With only 7% of cats being reclaimed from pounds in Australia (Chua, 2023) and a growing overpopulation problem, existing programs are ineffective regardless of the mandates imposed. To address this, we must shift our approach from reactive complaint management to proactive cat programs in partnership with the community

and local cat welfare shelters. This strategy will help keep cats out of shelters and pounds, thereby increasing their capacity to care for cats in need and reducing costs, intake, and euthanasia totals for both councils and not-for-profit organizations.

Recommendation-

- **Shift from passive awareness campaigns to hands-on, community-based programs that combine education with free or low-cost services. For example, pairing information about desexing with onsite desexing clinics or mobile vet units makes it easier for people to act. This practical support addresses the root causes of non-compliance and builds goodwill, especially in communities where cost or access is a barrier.**

- **Invest in behaviour change strategies informed by social science, such as community ambassadors, peer-led education, and tailored messaging for different demographics (e.g., renters, older adults, cat feeders). Education should be ongoing, relational, and focused on enabling positive action, not just distributing information. This approach encourages lasting change and reduces reliance on enforcement.**

Allows for Council to impose effective confinement of cats (e.g. a curfew for certain hours, or restricting cats to private property, similar to requirements for dogs). *Note: Council does not intend to implement such provisions immediately, and a staged introduction, concurrent with consultation and education of the community, will be utilised prior to implementing or enforcing*.

Mandatory Containment and Enforcement of Local By-laws

The APWF strongly recommends keeping cats contained indoors at night where possible, and during the day, if possible, on their owners' property in a comfortable environment that meets their physical and mental needs. However, **the APWF is against mandated cat containment (night curfews and 24/7)** because it results in increased cat-related complaints, impoundments, and euthanasia, as well as higher costs and enforcement difficulties for local governments. Additionally, mandated cat containment fails to reduce the overall number of wandering cats in the short and long term, both in Australia and internationally, and is a barrier to solving the free-roaming cat problem.

For cat containment to be successful, clear measurable goals need to be first identified such as reduced wandering and nuisance cats and/or reduced risk of wildlife predation. For successful implementation it is critical to recognize the source of the problem, geographic locations where the issues are greatest, and barriers in these

areas for residents to successfully contain their cats. For example, free-roaming domestic cats and cat-related complaints are greatest in disadvantaged areas. In these areas, many free-roaming cats are semi-owned cats or unidentified-owned cats with disadvantaged owners.

Mandated containment will not achieve the hoped for goals, because firstly, most free-roaming cats in these areas are unidentified. Secondly, many disadvantaged residents simply have no ability to comply, and therefore mandated containment becomes a social justice issue. In areas where free-roaming cats are most numerous and problematic, may residents live in low-cost rental properties that have inadequate fencing for cat containment, and may have no screens on windows and doors or air-conditioning. Containment fencing is often in the range of $700 to $2000 or more and is simply not affordable for community members to comply with cat containment mandates. Unfortunately, no subsidy is available to encourage their purchase, and cheaper options, such as PVC pipe installations, may require specific skills that some individuals do not possess. Additionally, many community members live in apartment blocks without access to a yard, leaving them with only communal spaces where they cannot put an enclosure. This is particularly common in social housing, where residents may not have flyscreens on windows and, therefore, cannot physically contain their cats, and fencing is inadequate to fit even inexpensive PVC tubing.

Promoting simple low or minimum-cost solutions such as bedtime feeding is likely to get more compliance, especially effective night-time compliance. Night-time containment is effective at protecting vulnerable wildlife, because it is a time when cats and threatened and endangered species most susceptible to cat predation (nocturnal mammals such as squirrel gliders and phascogales) are most likely to interact.

Bedtime feeding of cats is recommended as a highly effective way to assist cat owners at minimal to no additional cost to keep owned pet cats safely inside at night and prevent potential wildlife predation and nuisance behaviours such as fighting. This involves feeding cats inside at bedtime and ensuring all doors and windows are shut for the night, providing many owners with a way to safely confine their cat in the house/dwelling overnight. Bed-time feeding should be widely promoted to raise awareness among cat owners to increase cat containment at night, however, containment should not be made mandatory. This is because containment may not be achievable, for example for owners with no air-conditioning and inadequate screening on windows and doors, and no suitable secure area. In addition, mandating containment leads to increased costs and enforcement difficulties for local governments and other unintended negative consequences including severe mental health impacts on community residents and staff associated with euthanising healthy cats and kittens. Mandated cat containment also prevents the resolution of the problem of wandering cats by creating a significant obstacle for cat semi-owners to take full ownership of the stray cats they are feeding.

Mandating cat confinement creates a false hope within the community that the problems will be fixed once implemented and enforced. However, enforcement cannot occur when there is no owner for a cat, and effective enforcement requires an owner to be issued with the infringement or notice. In the relatively few cases where an owner or semi-owner is identified, they often have no ability to comply. Infringements issued by the council for noncompliance can further financially burden cat owners without achieving containment. It is interesting that it is mentioned cat management should be in line with the introduction of tougher rules, similar to those for dogs." It is easy to prove ownership of a dog, as it is generally in a backyard or behind a fence or gate, proof of ownership for cats is very difficult when a cat could be on another property to where it resides, or even on a different street. Dogs and cats are in no way similar when it comes to proof of ownership, for enforcement purposes.

Mandating cat containment is seen as a popular potential solution to the free-roaming cat and nuisance problem. However, this is because the community does not understand the cause of the problem (low socioeconomic, semi-owned and unidentified owned cats), nor do they understand the adverse impacts of such a program on staff mental health and job satisfaction, nuisance complaints and costs to councils and welfare agencies. They also do not understand that evidence from Victoria demonstrates they are not effective, and there is no research to show effectiveness, while microtargeted desexing programs are successful at reducing the problem (Cotterell 2024, Rand 2024, RSPCA NSW 2023).

The expansion of local cat confinement laws will not solve the issue of semi-owned and stray domestic cats, as has been shown in previous instances such as Yarra Ranges Council and Casey Council (Victoria) (APWF 2022). Furthermore, some councils have produced reports stating that curfews are unenforceable (Hobsons Bay Council, Hume City Council, Geelong Council, Bayside Council). In the City of Yarra Ranges (Victoria), in the 3rd year after mandating 24/7 cat containment, cat-related complaints increased by 143%. Yarra Ranges Council acknowledged that the significant increase in cat complaints was likely the result of the introduction of a 24-hour cat curfew in 2014. In addition, impoundments increased by 68%, and euthanasia increased by 18% (human population only increased by 2%) (Yarra Ranges 2021).

In the City of Casey (Victoria), 20 years after introducing mandated 24/7 cat containment, the number of cats impounded was still 296% higher than baseline (from 264 cats in 1998 to 1,047 cats in 2019/20), more than double the rate of the human population increase. In 2000, Casey received 349 cat nuisance and related complaints which had increased to 376 complaints in 2020/2021 (Casey Council Domestic Animal Management Plans 2001 & 2021) (APWF 2022). Therefore, mandated containment is not effective over 3 years or 20 years in reducing complaints associated with free-roaming cats, cat impoundments and therefore costs to councils.

Recognising that some Victorian councils have chosen not to adopt cat curfews highlights a growing shift toward more community-focused and evidence-based approaches to cat management (Hobsons Bay Council 2014, Hume Council 2018, Van Oorschot 2024). These councils acknowledge that curfews, when implemented without adequate support programs, can lead to increased abandonment, further barriers for residents to comply (financially with cost of living, enforcement challenges, without significantly reducing nuisance behaviours or improving animal welfare.

This failure reflects the impracticality for owners of semi-owned or stray cats to contain cats, and the financial and logistical barriers faced by cat residents in disadvantaged urban environments including in social housing. Therefore, it is important to consider alternative solutions that are both effective and feasible for all community members.

Recommendation-

- **We recommend a more nuanced approach that includes supporting the construction of affordable and simple cat enclosures where practicable, and exploring subsidies for those in need, and promoting bedtime feeding where feasible.**

- **Implement proactive programs to assist bedtime feeding within the community, rather than implementing further laws that will fail.**

Best wishes,

[redacted]

Emeritus Professor [redacted], BVSc (Melb), DVSc (Guelph), MANZCVS
Diplomate, American College of Veterinary Internal Medicine

Executive Director & Chief Scientist
Australian Pet Welfare Foundation

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From: [redacted]
To: City Emails
Subject: Re proposed cat By-Laws review
Date: Friday, 9 May 2025 2:41:52 PM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To the Mount Gambier City Council

We live in the Mount Gambier area and have one desexed vaccinated cat (approximately 7 years old) and one desexed dog. My cat does go outside for part of the day plus inside too, but I always make sure she is inside around 5.00pm for the night. When outside she is usually just near our back door or in her cat house or her spots in our garden. I know she does also go to our next-door neighbors at times, and they have told me they don't mind. If the council makes it that cats can only be on their own property, I can't see how it would be possible for caring owners to always know where their cats are during daylight hours, especially for those cats that have been used to being outside sometimes. Also, I have never seen our cat with a dead bird in our yard. We have gates for our dog when she is at home.

Yours sincerely

[redacted]

10

From: Mount Gambier Residents and Ratepayers Assoc. SA
To: City Emails
Subject: Submission of feedback for By-Law 6 Cats
Date: Monday, 12 May 2025 9:03:34 AM
Attachments: MGDRRA Community recommendations for By Law 6 Cats.pdf

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CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
Good morning,

Please find attached community feedback and possible recommendations collected at a community meeting held earlier this year to help with the improved actions for cat management within our local community.

Kind regards,

[redacted]
MGDRRA

MGDRRA
A voice for our community

Mount Gambier and District Residents and Ratepayers Association Incorporated
PO Box 3591
Mount Gambier SA 5290
E: mgrrassoc@gmail.com
W: www.mgdrra.org.au
F: facebook.com/mgdrra

Thursday May 8th 2025

City of Mount Gambier
PO Box 56
Mount Gambier SA 5290

E: city@mountgambier.sa.gov.au

Re By-Law Review No 6 Cats

A community meeting was facilitated by our Association earlier this year. We had 40 people in attendance including guest speakers from SEAWL, Cat & Kitten Rescue and Wet Noses.

Each of the guest speakers spoke frankly and provided the audience with factual information from their perspectives and concerns about the current need for more help to support residents to be responsible pet owners, specifically cats and kittens. Each of the speaker's spoke of the critical need to receive extra support from Council with help both financially and with other resources to help control the number of cats and kittens in our community.

The overwhelming majority of people in attendance at the Community meeting believed that Councils' actions did not meet community expectations.

Below is a list of possible solutions put forward by those in attendance to help all key stakeholders to improve the current practices of cat and kitten management.

- Improve the public education/notification to not feed stray cats, define what is responsible cat ownership
- Set a procedure to advise community what to do if they capture a stray cat
- Budget for subsidising the cost to microchip & desexing of cats
- Engage with more key stakeholders like community services to help achieve better outcomes for cats, kittens and residents
- From research presented to us at the meeting we were advised that in NSW & Vic if a household has more than 4 cats the resident is classed as a "breeder" Cats and kittens must remain inside overnight. A $15 fee is paid to council to register cats and pensioners are charged a discounted fee of $30 to desex their cats
- Arrange support agencies to cat & kitten owners to help with transport to local vets
- Cats and kittens to be kept inside over night or contained in a cat run on the residents property

- Council to give out vouchers to help reduce the cost of desexing. Currently the base cost for a local vet to provide desexing procedure is $360 per cat. Could it be reduced to below $200 with financial support from Council
- Any communication from Council regarding notification to use a variety of mediums and different languages to capture the variety of diverse languages used in our community
- All cats must be immediately registered
- Can an extra ranger(s) be recruited to help the capture of feral cats
- Payment options available to help responsible owners pay for desexing and help promote good pet ownership within our community
- What processes are in place with the follow up of any outstanding cat registrations/microchipping
- Can Council provide a "Cat Detention Facility" that can protect cats and kittens whilst rehoming services can be activated

All of the above points we made as a proactive step forward to help with providing support, resources, funds, expertise and resolve to improve the current number of cats and kittens that are being looked after by SEAWL, Cats and Kitten Rescue and Wet Noses.

As an Association we look forward to the discussion our elected members will have at the Ordinary Meeting in June. We will be encouraging members of the public to attend this meeting to witness this discussion on this critical topic.

Today I personally spoke with [redacted] from Cat and Kitten Rescue, and she is currently looking after 108 cats and kittens on her property. She needs help urgently.

This is a community problem that need a whole of community response led by City of Mount Gambier.

Kind regards,

[redacted]

[redacted]

From: [redacted]
To: City Emails
Subject: Cat Laws
Date: Monday, 12 May 2025 3:22:06 PM

CAUTION: This email originated from outside of this Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.
To whom it may concern,

I wish to make a submissission regarding strengthening our laws on cat ownership within the community. I think that it should be mandatory for all cats to be desexed (unless breeders have a special license), registered, microchipped, and,
most importantly **contained** within the home. The number of cats per owner should be restricted to no more than two. Hefty fines should be put in place for wrong doers.

Cats are an introduced killing machine. They roam far. I think the time is long gone when we can allow cats to have open slather in the environment,especially as more and more evidence is emerging regarding their ability to kill reptiles, birds, and small mammals, and the enormous havoc they are wreaking on our precious wildlife. (They can jump from standing position to a metre in the air, to snatch their prey, just one of the skills that makes them such successful predators.)

Veterinarians should also be supported by governments by having strong guidelines in place and funding for their services in their treatment of feral animals. Years ago I trapped a number of cats behind an industrial building and it was difficult to convince a vet that the animal was feral and should be euthanized. With mandatory microchipping in place a line would be drawn between owned and unowned cats.

Lastly, for humane reasons, the plight of female feral cats should be considered. They have a miserable life as they have pregnancy after pregnancy and have to support their kittens, while the male cat lives the life of riley. Any true cat lover must see the benefit of regulating the cat population.

With regards
[redacted]

Project Report

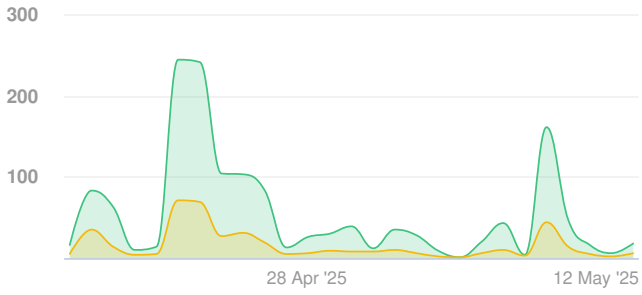
16 April 2025 - 12 May 2025

Have Your Say Mount Gambier

2025 By-Law Review

GRANICUS

Visitors Summary



Highlights

TOTAL VISITS 476

MAX VISITORS PER DAY 71

NEW REGISTRATIONS 19

ENGAGED VISITORS 33

INFORMED VISITORS 220

AWARE VISITORS 386

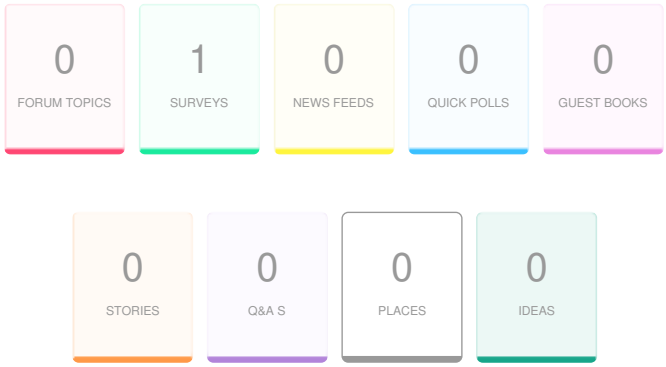
Aware Participants	386
Aware Actions Performed	Participants
Visited a Project or Tool Page	386

Informed Participants	220
Informed Actions Performed	Participants
Viewed a video	0
Viewed a photo	0
Downloaded a document	128
Visited the Key Dates page	0
Visited an FAQ list Page	28
Visited Instagram Page	0
Visited Multiple Project Pages	172
Contributed to a tool (engaged)	33

Engaged Participants	33		
Engaged Actions Performed	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	33	0	0
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

Have Your Say Mount Gambier : Summary Report for **16 April 2025** to **12 May 2025**

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	2025 By-Law Review Feedback	Published	208	33	0	0

Have Your Say Mount Gambier : Summary Report for **16 April 2025** to **12 May 2025**

INFORMATION WIDGET SUMMARY

7	0	0	1	0
DOCUMENTS	PHOTOS	VIDEOS	FAQS	KEY DATES

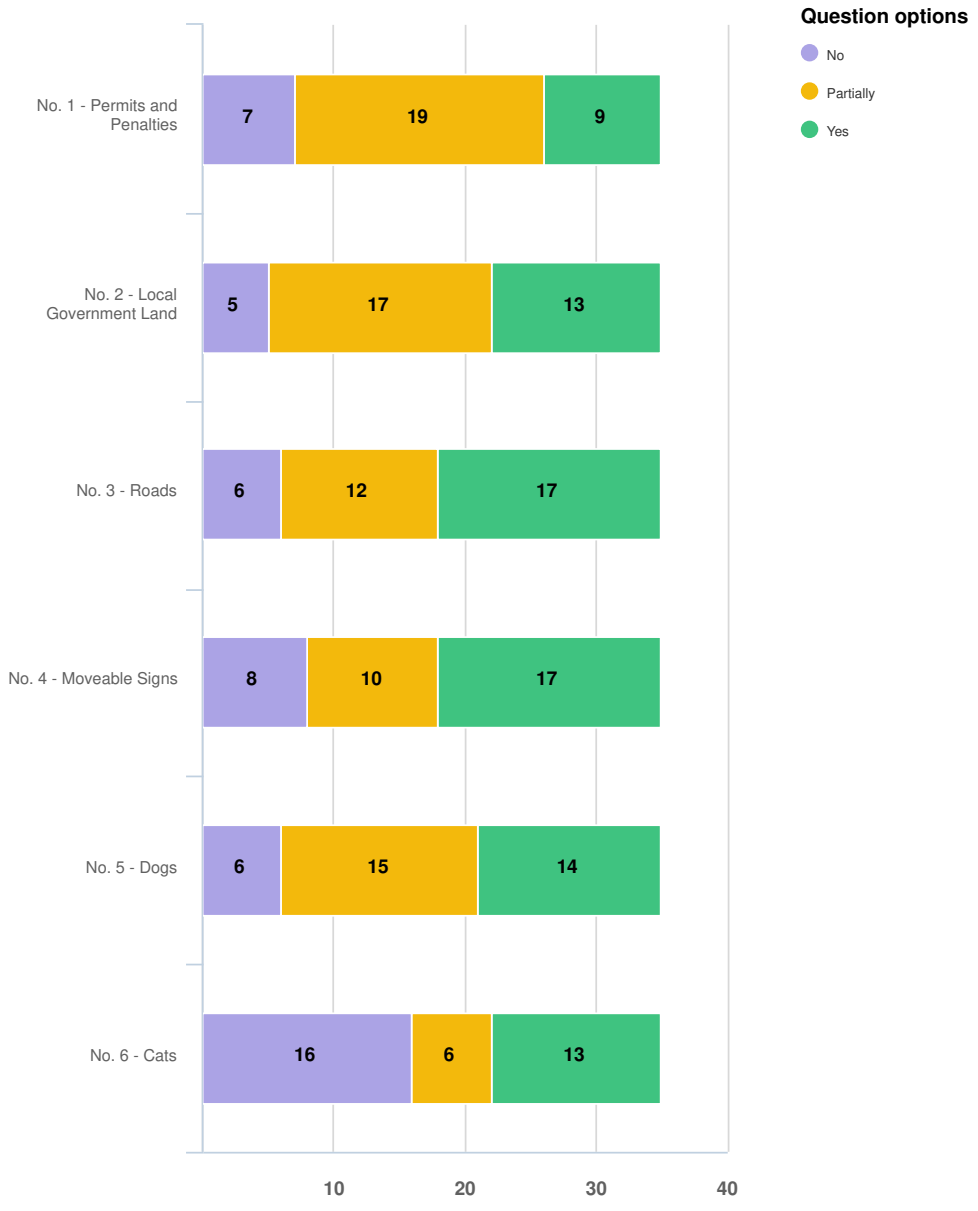
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	By-law No. 6 Cats 2025.pdf	87	102
Document	Summary of Changes.pdf	36	38
Document	By-law No. 5 Dogs 2025.pdf	23	25
Document	By-law No. 1 Permits and Penalties 2025.pdf	20	21
Document	By-law No. 2 Local Government Land 2025.pdf	17	19
Document	By-law No. 4 Moveable Signs 2025.pdf	16	18
Document	By-law No. 3 Roads 2025.pdf	8	8
Faqs	faqs	28	33

ENGAGEMENT TOOL: SURVEY TOOL

2025 By-Law Review Feedback

Visitors 208	Contributors 33	CONTRIBUTIONS 35

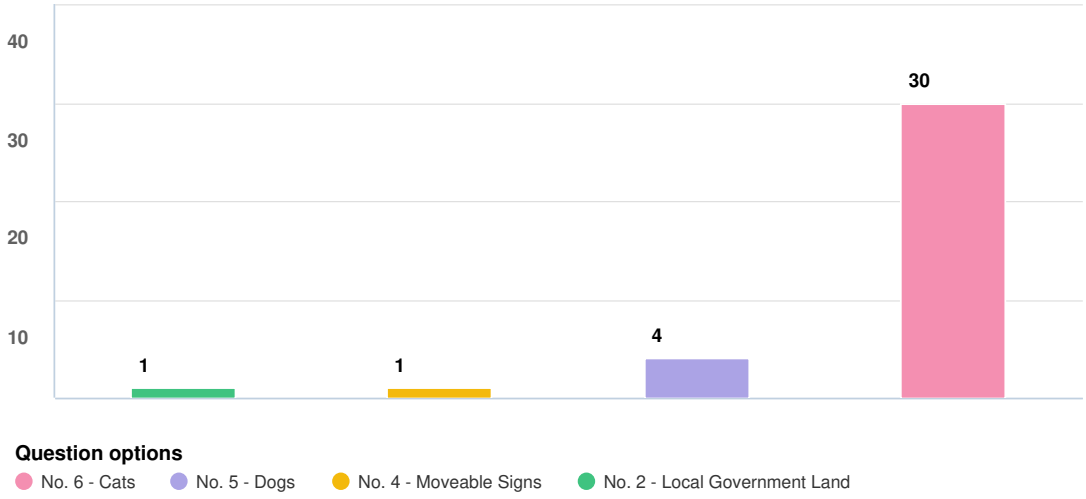
After reviewing the By-Law documents, please let identify your level of support for each By-Law:



Mandatory Question (35 response(s))

Question type: Likert Question

Are there any By-Law documents would you like to provide specific feedback on? (select all that apply)



Optional question (30 response(s), 5 skipped)

Question type: Checkbox Question

Summary of Changes

By-Law No. 1 – Permits and Penalties

- Change to the definition of 'person' to remove Incorporated Associations.
- Change to the scope of permission granted for a regulated activity, to include permission granted via Permit (to individuals) or via Policy (as a whole).
- Change to the maximum penalty (expiation) resulting from the *Statutes Amendment (Local Government Review) Act 2021*, to increase the amount to $312.50.

By-Law No. 2 – Local Government Land

- Inclusion of definition for 'aquatic life'.
- Relevant provisions cross applied to both Local Government Land and Roads By-Law (e.g. camping) to ensure consistency across both documents.
- Change in definition of 'electoral matter' taking into account recent legislative reform.
- Definition included for 'special event' which introduces a trigger of not less than 100 persons for the relevant provisions to apply.
- Changes to provisions for 'closed land' to include that signage is to have the same effect as a physical barrier (i.e. fence or gate).
- Changes to remove Councils power to regulate activity on water, noting the position of the Department for Infrastructure and Transport (Marine Safety) that this area is already regulated by the State government under the *Harbours and Navigation Act 1993*. Councils will retain the power to permit or exclude entry to or from bodies of water, but not regulate activities occurring on bodies of water.
- Expansion of the camping provision to reflect the increase in 'free camping' outside of designated caravan parks or sites.
- Inclusion of a regulation to encroachments on Local Government Land (e.g. erections of fixtures etc).
- Additional provision to regulate the removal of wood or timber from Local Government Land.
- Removal of the provision regulating pontoons in line with the new restriction on authority to regulate activities on water (refer above).
- Inclusion of a new provision regulating rubbish bins and rubbish bin offences (e.g. stealing or damaging Council provided bins).
- Removal of the provision regulating swimming in line with the new restriction on authority to regulate activities on water (refer above).
- Inclusion of a provision to regulate shared transport device schemes within Council's area (e.g. e-bikes or e-scooters).
- Inclusion of a provision to prevent public 'annoyance' (i.e. indecency or disturbance to the publics quiet enjoyment of Local Government Land).
- Inclusion of a provision to prohibit 'obstruction' of Local Government Land.
- Inclusion of e-cigarettes to the provision regulating smoking.

- Expansion (increased flexibility) of the exclusion provisions to public amenities to more appropriately reflect permitted use of a different gender by 'vulnerable persons', rather than use by 'children' specifically.
- Strengthening of the waste provisions to reflect the different types of waste collection available (e.g. landfill, recycling etc).
- Greater flexibility for exemptions to provisions (e.g. to allow for groups of persons or date ranges etc).

By-Law No. 3 – Roads

- Relevant provisions cross applied to both Local Government Land and Roads By-Law (e.g. camping) to ensure consistency across both documents.
- Change in definition of 'electoral matter' taking into account recent legislative reform.
- Expansion of the definition of 'road' to include all relevant areas (e.g. bridges, laneways etc).
- Inclusion of 'waste container' definition (i.e. bins).
- Expansion of the Animals provision to include herding, droving or grazing activities.
- Inclusion of a provision to regulate shared transport device schemes within Council's area (e.g. e-bikes or e-scooters).
- Inclusion of a new provision regulating rubbish bins and rubbish bin offences (e.g. stealing or damaging Council provided bins).
- Inclusion of a provision for Waste Containers (kerbside bins) which limits the time a bin may remain on the kerb awaiting or following collection to minimise public litter or nuisance.
- Changes to provisions prohibiting 'election signs' (i.e. corflutes) being attached to infrastructure on Local Government Land and/or Roads.

By-Law No. 4 – Movable Signs

- Expansion of the definition of 'moveable sign' to provide clarity.
- Expansion of the definition of 'road' to include all relevant areas (e.g. bridges, laneways etc).
- Expansion of the definition of 'vehicle' for clarity (e.g. animal drawn, bicycle etc).
- Changes to the provisions relating to the construction of permissible moveable signs, to provide clarity.
- Exemptions expanded to include Incorporated Association run events.

By-Law No. 5 – Dogs

- Addition of the definition 'effective control by means of leash' to mean secured to a leash not exceeding 2 meters.
- Differentiating working livestock dogs.

By-Law No. 6 – Cats

This document is a newly proposed By-Law, which has not been adopted by City of Mount Gambier previously. Some of the key provisions of this By-Law include:

- Introduction of a nuisance offence, which prohibits owners from allowing their cat/s to unreasonably interfere with the peace and comfort of others (e.g. aggressive behaviour, damaging property, wandering onto private property etc).
- Introduces a limit of 2 cats per household, unless otherwise authorised / exempt. *Note: this provision will only be applicable to cats born after the adoption of the By-Law and will not impact existing cats.*
- Allows for Council to impose effective confinement of cats (e.g. a curfew for certain hours, or restricting cats to private property, similar to requirements for dogs). *Note: Council does not intend to implement such provisions immediately, and a staged introduction, concurrent with consultation and education of the community, will be utilised prior to implementing or enforcing.*
- Introduces a registration system for cats, similar to the dog registration system.
- Allows for exemptions to any of the above provisions to be given where appropriate.

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

SURVEY FEEDBACK RECEIVED VIA HAVEYOURSAY PLATFORM:

RESPONDENT	LEVEL OF SUPPORT *(yes, partially or no)						FEEDBACK SUMMARY	FEEDBACK MODE
	By-Law No.1	By-Law No.2	By-Law No.3	By-Law No.4	By-Law No.5	By-Law No.6		
1	Yes	Yes	Yes	Yes	Yes	Partially	Respondent suggesting the limitation of cats under By-Law No.6 should be increased to 3, correspondent with the limitation of dogs under By-Law No. 5. Further suggested that exemptions be provided for rescues or other necessary circumstances.	Have your Say Mount Gambier
2	Yes	Yes	Yes	Yes	Yes	Yes	No feedback provided.	Have your Say Mount Gambier
3	Partially	Partially	Partially	No	Partially	No	Respondent seeking cat limit per household under By-Law No. 6 Cats apply to all cats, and not just those born on or after 1 January 2026. In addition, respondent expressing concern about moveable signage on public footpaths.	Have your Say Mount Gambier
4	Partially	Partially	Yes	Yes	Partially	No	Respondent opposed to cat limits per household under By-Law No. 6 Cats.	Have your Say Mount Gambier
5	No	Partially	Partially	Yes	No	No	Respondent feels introducing the proposed By-Law No. 6 Cats would be a misdirection of resources, suggesting the focus should be on the reduction of unplanned breeding and responsible desexing of pets.	Have your Say Mount Gambier
6	No	No	No	Partially	No	No	No feedback provided.	Have your Say Mount Gambier
7	Partially	Partially	Yes	Partially	Partially	Yes	Respondent in favour of By-Law No. 6 Cats, feeling this aligns better with the current restrictions imposed on dogs. Particularly supportive of the nuisance offence provision.	Have your Say Mount Gambier
8	Partially	Yes	Yes	No	Partially	Yes	No feedback provided.	Have your Say Mount Gambier

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

9	Partially	Yes	Yes	Yes	Partially	Yes	Respondent supportive of mandated desexing and strict containment provisions, in regard to By-Law No. 6 Cats.	Have your Say Mount Gambier
10	No	Partially	No	No	Yes	No	Respondent opposed to changes to By-Law No.2 Local Government Land, with the exception of discouraging vaping in public places, of which they are supportive. In addition, respondent does not support mandatory cat registration per By-Law No. 6 Cats.	Have your Say Mount Gambier
11	Partially	Partially	Partially	Partially	Partially	Partially	Respondent believes cat limits per household under By-Law No. 6 Cats is unreasonable.	Have your Say Mount Gambier
12	Partially	Partially	Partially	Partially	Yes	Yes	Respondent suggesting a shelter (pound facility) specifically for cats, where those caught can be desexed and microchipped, considers would be beneficial for lowing the stray population, in regard to By-Law No. 6 Cats.	Have your Say Mount Gambier
13	Partially	Partially	Partially	Yes	Yes	Yes	No feedback provided.	Have your Say Mount Gambier
14	Partially	Partially	Partially	Partially	Partially	No	Respondent expressing concern in regard to the flow on effect for homeless cats, if each household was limited to two cats, per By-Law No. 6 Cats.	Have your Say Mount Gambier
15	No	No	No	No	No	No	Respondent concerned over community backlash in regard to By-Law No. 6 Cats.	Have your Say Mount Gambier
16	Yes	Yes	Yes	Yes	Yes	Yes	Respondent seeking enactment of By-Law No. 6 Cats as soon as possible.	Have your Say Mount Gambier

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

17	Partially	Partially	Partially	No	No	No	Respondent in favour of By-Law No. 4 Moveable Signs, permitting they are close to the premises. Respondent proposing more strictly enforced penalties for dog owners per By-Law No. 5 Dogs and showing agreeance in regard to cat desexing and microchipping, per By-Law No.6 Cats. In addition, providing commentary around the logistics of limiting cats per household for foster carers.	Have your Say Mount Gambier
18	Partially	Partially	Yes	Yes	No	No	Respondent believes the current laws are sufficient, and further By-Laws specific to By-Law No. 6 Cats are not required.	Have your Say Mount Gambier
19	Partially	Partially	No	No	Yes	No	Respondent suggesting in light of mandated cat registration under By-Law No. 6 Cats, concession rates should first apply for desexing and Council should provide support to local shelters.	Have your Say Mount Gambier
20	Partially	Partially	Yes	Partially	Yes	Yes	Respondent seeking more action by Council in regard to managing stray cats, including building a cat impounding facility, or supporting local shelters. In addition, in regard to By-Law No. 6 Cats, an increase of the limit of cats per household is requested, to better align with other Australian states.	Have your Say Mount Gambier
21	Partially	No	Yes	Partially	Partially	No	Respondent believes cats should be allowed outdoors (opposed to containment provisions) but they do agree with mandated desexing, in regard to By-Law No.6 Cats.	Have your Say Mount Gambier
22	Yes	Yes	Yes	Yes	Yes	Partially	Respondent in favour of household limits under By-Law No. 6 Cats applying to all cats and not exclusively those born on or after 1 January 2026. Also in favour of mandatory registration.	Have your Say Mount Gambier
23	Partially	Partially	Partially	Partially	Partially	Partially	Respondent does not believe limiting the number of cats per household per By-Law No. 6 Cats is a productive way to control the stray cats.	Have your Say Mount Gambier
24	Partially	No	No	No	Yes	Partially	Respondent seeking more action to be taken against owners of dogs who bark excessively, per By-Law No. 5 Dogs. In addition, respondent is also seeking By-Law No. 6 Cats provisions to apply retrospectively, as to include all cats regardless of age.	Have your Say Mount Gambier

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

25	Yes	Yes	Yes	Yes	Yes	Yes	Respondent in agreeance with containment provisions under By-Law No.6 Cats, referring to the significance in preserving native wildlife.	Have your Say Mount Gambier
26	Partially	Partially	Partially	Partially	Partially	Yes	Respondent in favour of like-for-like Cat and Dog By-Laws.	Have your Say Mount Gambier
27	No	Partially	Yes	Yes	Partially	No	Respondent against cat limits per household under By-Law No. 6 Cats, referring to the distress it will cause on current owners if retrospectively applied to all current domestic cats.	Have your Say Mount Gambier
28	Partially	Partially	Partially	Yes	Partially	No	Respondent discussing various factors to consider in regard to By-Law No. 6 Dogs, particularly relating to responsible pet ownership as a factor in determining the appropriate limit per household. In addition, respondent showing favour in containment and cost effective measures for registration of cats but not the limitation per household under By-Law No. 6 Cats. Concerns raised about resourcing of rigorous enforcement.	Have your Say Mount Gambier
29	Partially	Yes	Partially	Yes	Partially	No	Respondent not in support of paid registration for cats per By-Law No. 6 Cats, nor household limits.	Have your Say Mount Gambier
30	Yes	Yes	Yes	Yes	Partially	No	Respondent expressing concern over management of stray cats and the issue of controlling the overpopulation of such animals. Doubt expressed that the By-Law No. 6 Cats will achieve this.	Have your Say Mount Gambier
31	Yes	Yes	Yes	Yes	Yes	Yes	Respondent referring to examples of another Council that currently has Cat By-Laws in place and is in favour of containment provisions.	Have your Say Mount Gambier
32	No	Yes	Partially	Partially	Partially	Partially	Respondent unsure whether By-Law No. 6 Cats will control stray cats, further suggesting cats under 12 months old should be considered under application the new By-Law provisions. In addition, discussing the enforcement of cat and dog limitations per household and allocation of appropriate resourcing to effectively enforce.	Have your Say Mount Gambier

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

33	Yes	Yes	Yes	Yes	Yes	Yes	Respondent in favour of By-Law No. 6 Cats, in particular the management of cats inside and outside the home, including containment provisions.	Have your Say Mount Gambier
34	Yes	Yes	Yes	Yes	Yes	Yes	Respondent in agreeance of all By-Laws, in particular By-Law No. 6 Cats.	Have your Say Mount Gambier
35	No	No	No	No	No	No	No feedback provided.	Have your Say Mount Gambier

WRITTEN FEEDBACK RECEIVED VIA LETTER / EMAIL:

RESPONDENT	RELATED BY-LAW	FEEDBACK SUMMARY	FEEDBACK MODE
1 (AR25/26912)	No.6	Respondent concerned about lack of support initiatives for cats. Providing suggestions for future actions and planning, including support of existing rehoming organisations, trapping program, subsidised desexing. Respondent not in favour of a household limit of two cats under By-Law No. 6 Cats.	Email
2 (AR25/27179)	No.6	Respondent acknowledging By-Law No. 6 Cats will address rising population of stray cats, however, is unsure on how the limitation of cats per household will work for those already in excess of the proposed limit. Is in favour of the nuisance offence and containment provisions, but doesn't support a limit of two cats per household.	Email
3 (AR25/27680)	No.6	Respondent seeking stricter provisions for cat owners, and is in favour of containment provisions per By-Law No. 6 Cats.	Email
4 (AR25/27698)	No.5 & No.6	Respondent outlining several concerns and recommendations in regard to Cat and Dog By-Laws, referring to personal experience, community observations, and a strong commitment to supporting animal welfare and public safety in Mount Gambier. Seeks parity between dog and cat containment provisions, considers a limit of two cats per household is too strict, considers provisions should apply retrospectively to all cats, suggest inclusion of a dog nuisance provision (similar to cats), supports mandatory registration of cats, suggests implementing a trap-neuter-return program.	Email
5 (AR25/28313)	No.6	Respondent raising concerns regarding cat limits per household and what impact it will have on rescue cats. Also raising worries around any additional costs By-Law No. 6 Cats may have on cat owners, particularly mandatory registration.	PDF

2025 BY-LAW REVIEW FEEDBACK

16 April 2025 – 12 May 2025

6 (AR25/28711)	No.6	Respondent in favour of cats being constrained to indoors (containment provisions), mandatory registration and limited to two per household under By-Law No. 6 Cats.	Email
7 (AR25/29297)	No.5 & No.6	Respondent seeking more severe penalties for barking or wandering dogs and roaming cats under relevant By-Laws.	PDF
8 (AR25/29737)	No.5 & No.6	Respondent providing detailed report, opposing the proposed By-Law No. 6 Cats, in particular nuisance offence, cat limits per household and containment provisions, referring to downfalls of similar approaches. Further cautions against restricting leash limits to 2m for dogs under the By-Law No. 5 Dogs. Also considers that exemptions should be available for owners of working dogs / cats or similar.	Email
9 (AR25/30990)	No.6	Respondent unsure of how cat containment would work with existing outdoor cats under By-Law No. 6 Cats.	Email
10 (AR25/31341)	No.6	Respondent indicating as a collective group, they believe the By-Law No. 6 Cats do not meet community expectations, and rather providing a list of their own solutions to improve cat and kitten management. Recommendations included support of local welfare organisations, community education, clear trapping procedures, subsidised desexing and microchipping, engagement with relevant stakeholders, less rigid household limits, containment provisions (in particular a curfew), broader consultation, mandatory registration, extending enforcement to feral cats (not just domestic cats), payment / financial hardship options for owners, follow up on outstanding microchipping / desexing, a dedicated cat impounding facility for care of cats in the interim of rehoming.	Email
11 (AR25/31390)	No.6	Respondent seeking particular control measures in regard to By-Law No. 6 Cats, including mandatory desexing, registration, microchipping and containment within the home. Also suggest strict penalties should be applied for breaches.	Email

Government of South Australia
Dog and Cat Management Board

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Adelaide SA 5001

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ABN 48100971189
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24 April 2025

Cimon Burke
Kelledy Jones

E: cburke@kelledyjones.com.au

Dear Cimon,

MOUNT GAMBIER CITY COUNCIL – DOGS BY-LAW NO. 5 OF 2025 AND CATS BY-LAW NO.6 OF 2025

Thank you for the email dated 19 March 2025 enclosing relevant information for Mount Gambier City Council's draft by-laws for dogs and cats.

The Dog and Cat Management Board has delegated its power under section 90(5) of the *Dog and Cat Management 1995 Act* to make recommendations on draft by-laws to the Manager, Dog and Cat Management.

Having reviewed the draft by-laws, I am satisfied they are broadly consistent with those of other councils with similar by-laws, and have no recommendations to make.

Yours sincerely,

Ann Gee
Manager
Dog and Cat Management

CITY OF MOUNT GAMBIER

REPORT TO COUNCIL – NATIONAL COMPETITION POLICY

BACKGROUND

There are a number of statutory requirements that apply to the making of by-laws, including under section 247(c) of the *Local Government Act 1999* (the **Act**), which provides:

A by-law made by a council must –

c. avoid restricting competition to any significant degree unless the council is satisfied that there is evidence that the benefits of the restriction to the community outweigh the costs of the restriction, and that the objectives of the by-law can only be reasonably achieved by the restriction.

Accordingly, any restriction on competition contained in a proposed by-law must be identified before the Council is in a position to make that by-law. A restriction on competition arises where any provision of the by-law has the potential to impact upon competitive conduct in any market. In general terms, restrictions on competition fall within the following categories:

- regulation of the entry or exit of business entities or individuals in to or out of markets;
- controls on prices or production levels;
- restrictions on the quality, level or location of goods and services;
- restrictions on advertising and promotional activities;
- restrictions on price entitled input used in the production process;
- legislation which is likely to confer significant costs on business; and
- legislation which provides advantages to some business entities or individuals over others.

The purpose of this report is to address the discharging its obligation under section 247(c) of the Act.

REPORT

1. PERMITS AND PENALTIES BY-LAW 2025

Status

This by-law has been reviewed in light of national competition policy and has been identified as one that will **not restrict** competition.

Objectives of the By-Law

The objectives of the by-law are to:

a) create a permit system for Council by-laws;

b) provide for the enforcement of breaches of Council by-laws and fixing penalties; and

c) clarify the construction of such by-laws.

2. **LOCAL GOVERNMENT LAND BY-LAW 2025**

Status

Certain provisions of this by-law have been identified as having the potential to restrict competition.

Objectives of the By-law

The objectives of the by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

a) to prevent and mitigate nuisances;

b) to prevent damage to Local Government land;

c) to protect the convenience, comfort and safety of members of the public;

d) to enhance the amenity of the Council area; and

e) for the good rule and government of the Council area.

Potential Restrictions on Competition

The following provisions of the by-law have the potential to restrict competition:

- Subclauses 5.3 and 5.4 provide that certain provisions of clauses 9 and 10 will only apply in respect of certain areas of the Council as determined by the Council;

- Clause 7 gives the Council a general power to close, regulate or restrict access to Local Government land for specified times and days and to fix fees or charges payable for entry onto Local Government land;

- Clause 9 provides that certain activities require the permission of the Council; *"permission"* means the permission of the Council given in a permit, the form of which is to be determined by the Council in accordance with the *Permits and Penalties By-law 2025*. The Council may attach conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder; permit holders are to comply with every such condition. The Council may revoke a permit at any time by notice in writing to the permit holder;

- Clause 10 provides that certain activities are prohibited on Local Government land in the Council's area; and

- Clause 11 requires a person's compliance with reasonable directions from an authorised person relating to that person's use of Local Government land, the person's conduct and behaviour on the land, that person's safety on the land and the safety and enjoyment of the land by other persons.

The provisions restricting access to Local Government land, prohibiting certain activities and requiring persons to obtain a permit for other activities, have the potential to restrict competition by limiting the number of providers of goods or service using Local Government land and/or by restricting the area a permit holder may occupy, or the manner in which they may conduct business.

The by-law contains an administrative discretion that can be exercised selectively to grant permission (with conditions) for certain activities to be carried out in certain circumstances. However, the Council can ensure that reasonable and objective criteria are used in the exercise of administrative discretion by way of appropriate policy implementation.

Alternative Means of Achieving the Same Result

There are no identified alternative means of regulating the use of and access to Local Government land as provided for in this by-law.

Do the Benefits Outweigh the Costs to the Community?

The costs to the community may include:

a) administrative costs in applying for a permit, if necessary;

b) any permit fees; and

c) the cost of compliance with the by-law, for example, relocating the activity to a suitable location.

The costs to the Council will include:

a) administrative costs in making the by-law;

b) administrative costs in considering permit applications; and

c) staffing costs in connection with the administration and enforcement of the by-law.

Benefits to the community will include:

a) the proper management of Local Government land on behalf of the community;

b) the protection of Council property, which is critical for its long-term sustainability; and

c) a reduction in the level of inconvenience that could be caused to members of the public by unregulated conduct on Local Government land.

Based on a review of the by-law, the benefits of the proper management and regulation of the use of and access to Local Government land are considered to outweigh the potential restrictions on competition posed by this by-law.

3. **ROADS BY-LAW 2025**

Status

This by-law has been reviewed against the requirements of section 247(c) of the Act.
Certain provisions of this by-law have been identified as having the potential to restrict competition.

Objectives of the By-law

The objectives of the by-law are to manage and regulate certain uses of roads in the Council's area*:*

a) to protect the convenience, comfort and safety of road users and members of the public;

b) to prevent damage to buildings and structures on roads;

c) to prevent certain nuisances occurring on roads; and

d) for the good rule and government of the Council's area.

Potential Restrictions on Competition

Clause 7 provides that certain activities on a road require the permission of the Council. The Council may attach conditions to any grant of permission. Further, the Council may vary the conditions attaching to a permit or revoke a permit at any time by notice in writing to the permit holder.

Where an activity that is subject to the requirement to obtain permission is an activity undertaken as an incidence of competition within a market, then the requirements to obtain the Council's permission is a restriction on competition. Restrictions on competition will arise where a person is seeking to utilise a road for a business activity.

The use of public roads for business purposes is prohibited by section 222 of the Act except where the Council permits the activity. Section 222 of the Act was considered during the legislation review of the *Local Government Bill 1999*, during which Parliament concluded that the benefits of the provision outweigh the costs.

The proposed by-law does not restrict competition to any greater degree than section 222 of the Act. On this basis, there is no need to further analyse the proposed by-law for the purposes of section 247(c) of the Act.

4. **MOVEABLE SIGNS BY-LAW 2025**

Status

The proposed by-law has been reviewed against the requirements of section 247(c) of the Act. The review has concluded that:

a) there are restrictions on competition contained in the by-law;

b) some of these restrictions restrict competition to a significant degree;

c) the objectives of the by-laws containing the restrictions can only be achieved by restricting competition; and

d) the public benefits of the restrictions outweigh the costs of those restrictions.

Objectives of the By-Law

The objectives of the by-law are to set standards for moveable signs on roads and to provide conditions for the placement of such signs. These objectives include:

a) the prevention of nuisances;

b) protecting the convenience, comfort and safety of road users and members of the public;

c) protecting or enhancing the amenity of the Council's area; and

d) ensuring that moveable signs do not unreasonably restrict the use of a road.

Potential Restrictions on Competition

Section 226(1) of the Act enables a person to place a moveable sign on a road without an authorisation or permit under Chapter 11, Part 2 of the Act if:

a) the design and structure of the sign complies with the requirements of the Council's by-laws;

b) the sign is placed in a position that complies with the requirements of the Council's by-laws;

c) any other relevant requirements of the Council's by-laws are complied with; and

d) the sign does not unreasonably:

i. restrict the use of the road; or

ii. endanger the safety of members of the public.

- ***Clause 7: Construction and Design***

  Clause 7 places restrictions on the construction, design and appearance of moveable signs. This potentially restricts product innovation.

- ***Clauses 8 and 10: Placement and restrictions***

  Clauses 8 and 10 restrict the placement of a moveable sign. This may inadvertently restrict competitive behaviour and may preclude some businesses from being able to use moveable signs for advertising.

A restriction on competition will restrict competition to a significant degree where the impact on competition is more than nominal or trivial.

The restrictions contained in the proposed by-law are highly prescriptive and are likely to have a significant effect on competition in the market for moveable signs. There may also be significant impacts for other businesses required to comply with the by-law. However, the by-law does not prevent the advertising of businesses. It merely regulates the manner in which this occurs.

In the absence of the proposed by-law, a person would need to seek an authorisation or permit under section 221 or section 222 of the Act. An authorisation or permit under these provisions would also achieve the objective. However, rather than requirements being stated in a by-law any requirements would be conditions on the authorisation or permit. This could mean that there would be a less standardised approach to moveable signs than is achieved by the proposed by-law.

Parliament has expressly indicated that the regulation of moveable signs on a road can, within the terms of section 226 of the Act be regulated by Councils. The public policy preference, therefore, is for by-laws to govern the design, structure and placement of moveable signs on roads. In the context of section 226 of the Act, the optimal means of achieving the objective is through the proposed by-law.

In any event, the by-law contains an administrative discretion such that the Council may grant permission (with conditions) for the display of a moveable sign on a road which is otherwise contrary to the controls under the by-law relating to the construction and placement of moveable signs. The Council can ensure that reasonable and objective criteria are used in the exercise of the administrative discretion by way of appropriate policy implementation.

Alternative Means of Achieving the Same Result

There are no identified alternative means of regulating the placement of moveable signs within the Council's area.

Do the Benefits of the By-Law Outweigh the Costs to the Community?

The costs to the community may include:

a) the costs of compliance with conditions specified in the by-law; and

b) administrative costs in obtaining a permit, if necessary.

The costs to the Council will include:

a) the administrative costs of making the by-law; and

b) staffing costs in connection with the administration and enforcement of the by-law.

The benefits to the community will include:

a) the proper management of moveable signs on roads on behalf of the community to ensure and maintain road safety;

b) the protection of Council property and other property within the Council's area;

c) the protection and enhancement of the amenity of the Council's area;

d) a reduction in the level of inconvenience that could be caused to members of the public if the placement of moveable signs was not regulated.

The benefits to the community are significant. Accordingly, based on a review of the by-law, the benefits of the effective management of moveable signs on roads within the Council area are considered to outweigh the potential restrictions on competition posed by this by-law.

5. **DOGS BY-LAW 2025**

Status

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This is on the basis that the limitations on the number of dogs that may be kept on any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) do not apply to:

- approved kennel establishments operating in accordance with all required approvals and consents; and
- premises of a business that involves the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995.*

Objectives of the By-law

The objectives of this by-law are to control and manage dogs in the Council's area:

a) to reduce the incidence of environmental nuisance caused by dogs; and

b) to promote responsible dog ownership; and

c) to protect the convenience, comfort and safety of members of the public; and

d) for the good rule and government of the Council's area.

6. CATS BY-LAW 2025

Status

The by-law has been reviewed in light of national competition policy and has been identified as one that will not restrict competition or otherwise unreasonably restrict or unduly burden business activities.

This includes because the limitations on the number of cats that may be kept on any premises as prescribed by the by-law (i.e. which has the potential to operate to restrict competition) does not apply to approved catteries or other businesses involving keeping of cars that are operating in accordance with all required approvals and consents.

Objectives of the By-law

The objectives of this by-law are to control and manage cats in the Council's area:

a) to reduce the incidence of environmental nuisance caused by cats; and

b) to promote responsible cat ownership; and

c) to protect the convenience, comfort and safety of members of the public; and

d) for the good rule and government of the Council's area.

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 2 – Local Government Land By-law 2025

This By-law is to manage and regulate the access to and use of Local Government land and certain public places.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and
Harbors and Navigation Act 1993: section 18A.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

City of Mount Gambier

CITY OF MOUNT GAMBIER

LOCAL GOVERNMENT LAND BY-LAW 2025

By-law No. 2 of 2025

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Local Government Land By-law 2024* and is By-law No. 2 of the City of Mount Gambier.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:

3.1 to prevent and mitigate nuisances;

3.2 to prevent damage to Local Government land;

3.3 to protect the convenience, comfort and safety of members of the public;

3.4 to enhance the amenity of the Council's area; and

3.5 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 2 – Local Government Land 2018.[2]

4.2 This By-law will expire on 1 January 2033[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.

5.3 Subclauses 9.3, 9.5.1, 9.10.1, 9.10.4, 9.22.3, 9.24.9, 9.26.1, 9.26.3, 9.26.4, 9.28.2, 9.37, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

5.4 Subclauses 9.1, 9.5.3, 9.11.2, 9.15.2, and 9.26.5, of this By-law apply throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***animal*** includes birds and insects but does not include a dog unless stated otherwise;

6.3 ***aquatic life*** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;

6.4 ***authorised person*** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.5 ***boat*** includes a raft, pontoon personal watercraft or other similar device;

6.6 ***boat ramp*** means a facility constructed, maintained and operated for the launching and retrieval of a boat;

6.7 ***camp*** includes setting up a camp or causing:

6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;

6.7.2 a swag or similar bedding; or

6.7.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—

to remain on Local Government land or on a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

6.8 ***Council*** means City of Mount Gambier;

6.9 ***effective control*** means a person exercising effective control of an animal either:

6.9.1 by means of physical restraint; or

6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.10 ***electoral matter*** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.11 ***emergency worker*** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.12 ***foreshore*** means land (regardless of whether or not it is Local Government land) extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);

6.13 ***funeral ceremony*** means a ceremony only (i.e. a memorial service) and does not include a burial;

6.14 ***liquor*** has the same meaning as in the *Liquor Licensing Act 1997*;

6.15 ***Local Government land*** means land owned by the Council or under the Council's care, control and management (except roads);

6.16 ***offensive*** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.17 ***open container*** means a container that:

6.17.1 after the contents of the container have been sealed at the time of manufacture:

6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);

6.17.1.2 being a can, it has been opened or punctured;

6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;

6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or

6.17.2 is a flask, glass, mug or other container able to contain liquid;

6.18 ***personal watercraft*** means a device that:

6.18.1 is propelled by a motor; and

6.18.2 has a fully enclosed hull; and

6.18.3 is designed not to retain water if capsized; and

6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.19 ***road*** has the same meaning as in the Act;

6.20 ***special event*** means an organised gathering of more than one hundred (100) persons for any social, sporting or cultural purpose;

6.21 ***tobacco product*** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;

6.22 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961*;

6.23 ***waters*** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and

6.24 ***wheeled recreational device*** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND

7. Access

The Council may:

7.1 close to the public or otherwise regulate or restrict access to any part of Local Government land for specified times and days; and

7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not, without permission, enter or remain on any Local Government land:

8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;

8.2 where entry fees or charges are payable, without paying those fees or charges; or

8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND

9. Activities requiring permission

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land or where indicated, on a road.

9.1 **Advertising**

Except on any Local Government land as resolved by the Council, display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on that Local Government land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 ***Aircraft***

Subject to the *Civil Aviation Act 1988,* land any aircraft on, or take off any aircraft from the land.

9.3 **Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

9.4 **Amplification**

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements.

9.5 **Animals**

9.5.1 Cause or allow an animal to stray onto, move over, graze, remain or be left unattended on any Local Government land to which the Council has resolved this clause applies.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

9.5.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.

9.6 **Annoyance**

Do anything likely to offend or unreasonably interfere with any other person:

9.6.1 using that land; or

9.6.2 occupying nearby premises;

by making a noise or creating a disturbance.

9.7 **Aquatic Life**

Introduce any aquatic life to any waters located on Local Government land.

9.8 **Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.9 **Bees**

Place a hive of bees on such land, or allow it to remain thereon.

9.10 **Boats & Mooring**

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

9.10.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;

9.10.2 launch or retrieve a boat to or from any waters other than from a boat ramp constructed for that purpose;

9.10.3 hire out a boat or otherwise use a boat for commercial purposes;

9.10.4 subject to this subclause 9.10, moor any boat on or to Local Government land to which the Council has resolved this subclause applies; or

9.10.5 moor any boat on or to Local Government land other than in accordance with such time limits and other conditions determined by the Council and contained in any signage erected on or in the vicinity of the land.

9.11 **Boat Ramps**

9.11.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.

9.11.2 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land except:

9.11.2.1 onto any foreshore or Local Government land as resolved by the Council; and

9.11.2.2 other than in accordance with the conditions determined by the Council and specified on a sign displayed on or in the vicinity of the boat ramp.

9.12 **Bridge Jumping**

Jump or dive from a bridge on Local Government land.

9.13 **Buildings**

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

9.14 **Burials and Memorials**

9.14.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.

9.14.2 Erect any memorial.

9.15 **Camping and Tents**

On Local Government land, the foreshore or on a road:

9.15.1 subject to this subclause 9.15, erect a tent or other structure of calico, canvas, plastic or similar material as a place to stay overnight;

9.15.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

9.15.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or

9.15.2.2 on any Local Government land, foreshore or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land, foreshore or road.

9.16 **Canvassing**

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.

9.17 **Defacing Property**

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.18 **Distribution**

Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

9.19 **Donations**

Ask for or receive or indicate a desire for a donation of money or any other thing.

9.20 **Encroachment**

Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.

9.21 **Entertainment and Busking**

9.21.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.21.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.22 **Fires and Barbeques**

9.22.1 Subject to the *Fire and Emergency Services Act 2005* light a fire except:

9.22.1.1 in a place provided by the Council for that purpose; or

9.22.1.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.

9.22.2 Light or maintain any barbeque, gas light or gas stove on Local Government land to which the Council has resolved this clause applies.

9.23 **Fireworks**

Ignite, explode or use any fireworks.

9.24 **Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

9.24.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;

9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.24.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.24.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;

9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;

9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or

9.24.8 collect or take any dead wood or timber or burn any timber or dead wood;

9.24.9 feed any animal on any Local Government land to which Council has determined this clause applies -

with the exception that subclauses 9.24.4 and 9.24.7 do not apply to lawful fishing activities.

9.25 ***Foreshore***

On the foreshore:

9.25.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose; or

9.25.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose.

9.26 **Games and Sport**

9.26.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.

9.26.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object that may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

9.26.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.

9.26.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.

9.26.5 Play, take part in or practice golf, hang gliding, scuba or hookah diving, except in any area as resolved by the Council and only then, in accordance with any conditions determined by the Council that apply to such activity and are contained in signage on or near the land.

9.27 **Interference with Land**

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

9.27.2 erecting or installing a structure in, on, across, under or over the land;

9.27.3 changing or interfering with the construction, arrangement or materials of the land;

9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or

9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

9.28 **Model Aircraft, Boats and Cars**

Subject to the *Civil Aviation Safety Regulations 1998*:

9.28.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or

9.28.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.

9.29 **Overhanging Articles**

Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

9.29.1 present a nuisance or danger to a person using the land; or

9.29.2 cause an unsightly condition.

9.30 **Playing Area**

Use or occupy a playing area:

9.30.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);

9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

9.31 **Preaching**

Preach, harangue or solicit for religious or other purposes.

9.32 **Rubbish Dumps and Rubbish Bins**

9.32.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.

9.32.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).

9.33 **Shared Transport Devices**

Subject to the *Road Traffic Act 1961*:

9.33.1 operate a share transport device scheme;

9.33.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).

9.33.3 For the purposes of this subclause 9.33:

9.33.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by

members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and

9.33.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

9.34 **Trading**

9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing; or

9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

9.35 **Vehicles**

9.35.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land;

9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.

9.35.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.

9.36 **Weddings, Functions and Special Events**

9.36.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.

9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.

9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.

9.37 **Wheeled Recreational Devices**

Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

10. Prohibited Activities

A person must not do any of the following activities on Local Government land:

10.1 **Animals**

10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person;

10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.

10.1.3 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.

10.2 **Annoyances**

10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.

10.2.2 Spit, urinate or defecate other than in toilet provided thereon.

10.3 **Equipment**

10.3.1 Use any item of equipment, facilities or property belonging to the Council:

10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;

10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or

10.3.1.3 in such a manner as is likely to damage or destroy it.

10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).

10.4 **Fishing**

Fish in any waters to which the Council has resolved this subclause applies.

10.5 **Glass**

Willfully break any glass, china or other brittle material.

10.6 **Interference with Permitted Use**

Interrupt or unreasonably interfere with any other person’s use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.7 **Nuisance**

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.

10.8 **Obstruction**

Obstruct:

10.8.1 any path or track;

10.8.2 any door, entrance, stairway or aisle in any building; or

10.8.3 any gate or entrance to or on Local Government land.

10.9 **Playing Games**

Play or practise a game:

10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or

10.9.2 in any area where a sign indicates that the game is prohibited.

10.10 **Smoking**

Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.

10.11 **Solicitation**

Subject to subclause 9.31, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.12 **Throwing Objects**

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.13 **Toilets**

In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):

10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;

10.13.3 use the facilities for a purpose for which it was not designed or constructed; or

10.13.4 enter any gender specific public convenience except:

10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;

10.13.4.2 where the person is:

(a) a vulnerable person; or

(b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or

10.13.4.3 for the purpose of providing assistance to a person with a disability; or

10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or

10.13.4.5 in the case of a genuine emergency.

10.14 **Waste**

10.14.1 Deposit or leave thereon anything obnoxious or offensive.

10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.

10.14.3 Deposit in any rubbish bin:

10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or

10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT

11. Directions

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

11.1.1 that person's use of the land;

11.1.2 that person's conduct and behaviour on the land;

11.1.3 that person's safety on the land; or

11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act which may include an order to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

a) if the conduct is still continuing - to stop the conduct; and

b) whether or not the conduct is still continuing- to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS

14. Exemptions

14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, authorised person, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.

14.2 The restrictions in subclauses 9.16 and 9.18 of this By-law do not apply to electoral matter authorised by a candidate and which is:

14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

14.4 An exemption:

14.4.1 may be granted or refused at the discretion of the Council;

14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and

14.4.3 is subject to any conditions specified in the instrument of exemption.

14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on the **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

…….
SARAH PHILPOTT
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 3 – Roads By-law 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e), 246(3)(f) and 246(3)(h)(iii); and
Local Government (General) Regulations 2013: regulation 28.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

City of Mount Gambier

CITY OF MOUNT GAMBIER

ROADS BY-LAW 2025

By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

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PART 1– PRELIMINARY

1. Title

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

3.1 to protect the convenience, comfort and safety of road users and members of the public;

3.2 to prevent damage to buildings and structures on roads;

3.3 to prevent certain nuisances occurring on roads; and

3.4 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 3 – Roads 2018.[2]

4.2 This By-law will expire on 1 January 2033.[2]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025.*

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Subclause 7.3.2 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***animal*** includes birds, insects and poultry but does not include a dog;

6.3 ***authorised person*** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.4 ***Council*** means City of Mount Gambier;

6.5 ***effective control*** means a person exercising effective control of an animal either:

6.5.1 by means of a physical restraint; or

6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.6 ***emergency worker*** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.7 ***moveable sign*** has the same meaning as in the Act*;*

6.8 ***road*** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.8.1 a bridge, viaduct or subway; or

6.8.2 an alley, laneway or walkway;

6.9 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961*; and

6.10 ***waste container*** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. Activities Requiring Permission

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 **Advertising**

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's

Moveable Signs By-law 2025.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

Section 226A(1)) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).

7.2 **Amplification**

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for the broadcasting of announcements or advertisements.

7.3 **Animals**

7.3.1 Subject to this subclause 7.3, lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.

7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind as indicated by signage on or in the vicinity of the road.

7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 **Obstructions**

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5 **Preaching and Canvassing**

7.5.1 Preach, harangue, or canvass for religious or charitable purposes; or

7.5.2 Convey any religious or other message to any bystander, passer-by or other person.

7.6 **Public Exhibitions and Displays**

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibition or displays.

7.7 **Shared Transport Devices**

Subject to the *Road Traffic Act 1961*:

7.7.1 operate a share transport device scheme;

7.7.2 leave a share transport device on a road other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any);

7.7.3 For the purposes of this subclause 7.7:

7.7.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and

7.7.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

7.8 **Soliciting**

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.9 **Repairs to Vehicles**

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.10 **Rubbish Bins**

Deposit in any Council bin on a road any rubbish:

7.10.1 emanating from a domestic, commercial or trade source; or

7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.11 **Waste Containers**

Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection, by the Council (including its agents or contractors), of waste generated on neighbouring or nearby premises unless the waste containers are placed on the road:

7.11.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);

7.11.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and

7.11.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.11.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

a) if the conduct is still continuing – to stop the conduct; and

b) whether or not the conduct is still continuing – to take specified action to remedy the contravention

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, authorised officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.3 An exemption:

11.3.1 may be granted or refused at the discretion of the Council;

11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

11.3.3 is subject to any conditions specified in the instrument of exemption.

11.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

…….
SARAH PHILPOTT
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 4 – Moveable Signs By-law 2025

This By-law is to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 226, 238, 239, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(h)(iii);

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

City of Mount Gambier

CITY OF MOUNT GAMBIER

MOVEABLE SIGNS BY-LAW 2025

By-law No. 4 of 2025

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 4 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. Purpose

The objectives of this By-law are to set standards for moveable signs on roads:

3.1 to protect the comfort and safety of road users and members of the public;

3.2 to enhance the amenity of roads and surrounding parts of the Council area;

3.3 to prevent nuisances occurring on roads;

3.4 to prevent unreasonable interference with the use of a road; and

3.5 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-Law No. 4 – Moveable Signs 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***authorised person*** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3 ***banner*** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;

6.4 ***business premises*** means premises from which a business is being conducted;

6.5 ***Council*** means City of Mount Gambier;

6.6 ***footpath*** area means:

6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7 ***Local Government land*** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;

6.8 ***moveable sign*** has the same meaning as in the Act, being a moveable advertisement or sign but does not include a banner;

6.9 ***road*** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.9.1 a bridge, viaduct or subway;

6.9.2 an alley, laneway or walkway; and

6.9.3 the footpath area.

6.10 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.10.1 a motor vehicle trailer and a tram;

6.10.2 a bicycle;

6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.10.4 a combination; and

6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and Design

A moveable sign must:

7.1 be of a kind known as:

7.1.1 an ‘A’ frame or sandwich board sign;

7.1.2 an ‘inverted 'T' sign;

7.1.3 a flat sign; or

7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;

7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;

7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions (as determined by an authorised person acting reasonably);

7.4 not contain any sharp or jagged edges or corners;

7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;

7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

7.7 not rotate or contain flashing parts;

7.8 not exceed 1000mm in height, 600mm in width and 600mm in depth;

7.9 in the case of an ‘A’ frame or sandwich board sign:

7.9.1 be hinged or joined at the top; or

7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.9.3 not have a base area in excess of 0.6 square metres;

7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and

7.11 not have balloons, flags, streamers or other things attached to it.

8. Placement

A moveable sign must not be:

8.1 placed on any part of a road other than the footpath area;

8.2 placed on a footpath area that is less than 2.5 metres wide;

8.3 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;

8.4 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;

8.5 placed on the sealed part of a footpath area if there is an unsealed part on which the sign can be placed in accordance with this By-law;

8.6 placed so as to, in the reasonable opinion of an authorised person, interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;

8.7 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);

8.8 placed on a landscaped area, other than landscaping that comprises only lawn;

8.9 placed within 10 metres of an intersection of two or more roads;

8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;

8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or

8.12 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:

8.12.1 it compromises the safety of any person or places a person at risk of harm; or

8.12.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

10. Restrictions

10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.

10.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

10.3 A person must not cause or allow a moveable sign to be placed on a road unless:

10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and

10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.

10.4 If, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

11. Exemptions

11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign that:

11.1.1 advertises a garage sale taking place from residential premises; or

11.1.2 is solely a directional sign to an event run by an Incorporated Association, a community organisation or charitable body,

provided that the sign is not displayed for a period of more than 48 hours both before and after the relevant garage sale or event has taken place.

11.2 Subclauses 10.1 and 10.3.1 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

11.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

PART 3 – ENFORCEMENT

12. Removal of moveable signs

12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.

12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act may be required to pay to the

Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

12.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

12.3.1 if, in the reasonable opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

……..
SARAH PHILPOTT
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 5 – Dogs By-law 2025

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(e) and 246(3)(f);
Dog and Cat Management Act 1995: section 90; and
Harbors and Navigation Act 1993: section 18A.

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

City of Mount Gambier

CITY OF MOUNT GAMBIER

DOGS BY-LAW 2025

By-law No. 5 of 2025

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Dogs By-law 202*5 and is By-law No. 5 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995,* sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

3.1 to reduce the incidence of environmental nuisance caused by dogs;

3.2 to promote responsible dog ownership;

3.3 to protect the convenience, comfort and safety of members of the public; and

3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 5 – Dogs 2018[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Subclauses 9.1 and 10.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***approved kennel establishment*** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;

6.3 ***assistance dog*** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;

6.4 ***children's playground*** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

6.5 ***Council*** means the City of Mount Gambier;

6.6 ***dog*** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

6.7 ***effective control*** means a person exercising effective control of a dog either:

6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or

6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;

6.8 For the purposes of clause 9 of the By-law, a dog is under ***effective control by means of a leash*** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:

6.8.1 the leash, chain or cord is either tethered securely to a fixed object; or

6.8.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

6.9 ***keep*** includes the provision of food or shelter;

6.10 ***park*** has the same meaning as in the *Dog and Cat Management Act 1995*;

6.11 ***premises*** includes land and any part thereof, whether used or occupied for domestic or non-domestic purposes;

6.12 ***small dwelling*** means a self-contained dwelling that is:

6.12.1 a residential flat building; or

6.12.2 contained in a separate strata unit or community title; or

6.12.3 on an allotment less than 400 square metres in area; or

6.12.4 without a secure yard of at least 100 square metres in area;

6.13 ***working livestock dog*** means a dog:

6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is:

6.13.1.1 a primary producer; or

6.13.1.2 engaged or employed by a primary producer; and

6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on dog numbers in private premises

7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:

7.1.1 more than one dog in a small dwelling; or

7.1.2 in all other cases, more than three dogs on any premises (other than a working livestock dog).

7.2 For the purposes of subclause 7.1, ***dog*** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.

7.3 Subclause 7.1 does not apply to:

7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* (where applicable) and operating in accordance with all required approvals and consents.

7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.

7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Dog Exercise Areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

9.1 on any Local Government land or a public place to which the Council has resolved that this subclause applies; or

9.2 on any park or reserve during times when organised sport is being played;

unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

10.1 on any children's playground on Local Government land;

10.2 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS

12. Council may grant exemptions

12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

12.2 An exemption:

12.2.1 may be granted or refused at the discretion of the Council;

12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

12.2.3 is subject to any conditions specified in the instrument of exemption.

12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

13. Orders

13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

13.1.1 if the conduct is still continuing – to stop the conduct; and

13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.

13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

13.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present

…….
SARAH PHILPOTT
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 6 – Cats By-Law 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), and 246(3)(f); and
Dog and Cat Management Act 1995: section 90;

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

City of Mount Gambier

CITY OF MOUNT GAMBIER

CATS BY-LAW 2025

By-law No. 6 of 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

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PART 1 - PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.

3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

3.1 to promote responsible cat ownership;

3.2 to reduce the incidence of public and environmental nuisance caused by cats;

3.3 to protect the comfort and safety of members of the public; and

3.4 for the good rule and government of the Council's area.

4. Expiry

4.1 This By-law will commence in accordance with the Act[1] and will expire on 1 January 2033[2].

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025.*

5.2 This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 except for the purposes of clauses 8 and 9, ***cat*** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;

6.3 ***Council*** means the City of Mount Gambier;

6.4 ***effective control by means of physical restraint*** *means:*

6.4.1 a person is exercising effective control of a cat by means of a cord or leash that does not exceed 2 metres in length restraining the cat; or

6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure; or

6.4.3 a person is holding the cat;

6.5 ***keep*** includes the provision of food or shelter;

6.6 for the purposes of clause 8, a cat (or cats) causes a ***nuisance*** if it:

6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;

6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;

6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;

6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or

6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;

6.7 ***owner*** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;

6.8 the ***person responsible for the control of a cat*** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and

6.9 ***premises*** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS

7. Limits on Cat Numbers

7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.

7.2 The limit prescribed by subclause 7.1 does not apply to:

7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;

7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:

7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within six (6) months of the commencement of this By-law;

7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*; and

7.2.2.3 no additional cats over and above those cats notified to the Council in accordance with subclause 7.2.2.1 are acquired or kept on the premises without the permission of the Council after the By-law commences operation.

7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.

7.4 Permission under subclauses 7.1 and 7.2.2.3 may be given if the Council is satisfied that:

7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and

7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS

8. Cats not to be a Nuisance

8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.

8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.

8.3 For the purposes of this clause 8, ***cat*** means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless the cat is under effective control by means of physical restraint.

9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.

9.3 For the purposes of this subclause 9, ***cat*** means an animal of the species *felis catus* (of any age).

10. Registration of cats

10.1 The Council may resolve to adopt a registration scheme for cats.

10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.

10.3 An application for registration of a cat must:

10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and

10.3.2 be accompanied by the fee (if any) prescribed by the Council; and

10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

10.3.4 identify with reference to an address the premises at which the cat is kept; and

10.3.5 otherwise comply with any other requirements determined by the Council.

10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

10.5 Subclause 10.2 does not apply to premises comprising a cattery approved under the *Planning, Development and Infrastructure Act 2016*.

10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS

11. Council May Grant Exemptions

11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.2 An exemption:

11.2.1 may be granted or refused at the discretion of the Council;

11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

11.2.3 is subject to any conditions specified in the instrument of exemption.

11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 - ENFORCEMENT

12. Orders

12.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

12.1.1 if the conduct is still continuing – to stop the conduct; and

12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.

12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

12.4 An authorised person may not use force against a person under this section.

Note–

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

…….
SARAH PHILPOTT
Chief Executive Officer

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 1 – Permits and Penalties By-law 2025

This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 246(1), 246(2), 246(3)(a), 246(3)(c), 246(3)(f) and 246(3)(g);

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025

.....

Cimon Burke, Legal Practitioner

CITY OF MOUNT GAMBIER

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

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11. Evidence **5**

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 246 of the Act.

3. Purpose

The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

3.1 creating a permit system for Council By-laws;

3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and

3.3 clarifying the construction of Council By-laws.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation[1]:

By-law No. 1 – Permits and Penalties 2018.[2]

4.2 This By-law will expire on 1 January 2033.[3]

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 ***Act*** means the *Local Government Act 1999*;

6.2 ***Council*** means the City of Mount Gambier; and

6.3 ***person*** includes a natural person or a body corporate;

6.4 ***prescribed offence*** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;

6.5 ***road*** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.5.1 a bridge, viaduct or subway; or

6.5.2 an alley, laneway or walkway; and

6.6 ***vehicle*** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.6.1 a motor vehicle trailer and a tram;

6.6.2 a bicycle;

6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.6.4 a combination; and

6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Construction of By-laws Generally

7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:

7.2.1 permission granted specifically to an applicant; or

7.2.2 permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

8. Permits

8.1 Where a By-law requires that permission be obtained**,** any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).

8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.

9. Offences and Penalties

9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or

9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

10. Liability of Vehicles Owners and Expiation of Certain Offences

10.1 Without derogating from the liability of any other person, but subject to this clause 10, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty or expiation fee as is prescribed for the principal offence.

10.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely, conviction of the driver exonerates the owner.

10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:

10.3.1 setting out the name and address of the driver; or

10.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in

respect of the transfer - setting out details of the transfer (including the name and address of the transferee).

10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:

10.4.1 setting out particulars of the alleged prescribed offence; and

10.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subclause 10.3.

10.5 Subclause 10.4 does not apply to:

10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration provided under this clause 10 as the driver of the vehicle.

10.6 Subject to subparagraph 10.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:

10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or

10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.

10.7 The defence in paragraph 10.6.2 does not apply if the owner made the declaration knowing it to be false in a material particular.

10.8 If:

10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this clause 10; or

10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

10.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

11. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

11.1 a specified place was a road or local government land; or

11.2 a specified vehicle was driven, parked or left standing in a specified place; or

11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or

11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or

11.5 a specified person was an authorised person; or

11.6 a specified provision was a condition of a specified permit granted under this By-law; or

11.7 a specified person was the owner or driver of a specified vehicle; or

11.8 a person named in a statutory declaration under clause 10 of this By-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or

11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause10 of this By-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....
SARAH PHILPOTT
Chief Executive Officer

18.10 REVIEW OF CONFIDENTIAL ITEMS - JUNE 2025

Author: Brittany Shelton, Manager Governance and Property

Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Review of Confidential Items - June 2025' as presented on Tuesday 17 June 2025 be noted.
2. That the following Confidential Order as specified in Attachment 1, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 June 2025:

Date	Item	Current
15/04/2025	Strategic Projects Update	"until further order of Council to release"

PURPOSE

Review of confidential item of which the matters contained within the report has been satisfactorily resolved in accordance with section 90(9) of the Local Government Act 1999 (the Act).

BACKGROUND / OPTIONS

Parts 3-5 of Chapter 6 of the Act provide for public access to Council and Committee meetings and establishes the confidentiality framework by which Council may restrict public access to Council meetings and associated reports, attachments and minutes/resolutions in accordance with sections 90-92 of the Act. This framework is also set out in Council's s92 Code of Practice for Access to Meetings and Documents.

Further information on the legislative requirements associated with Confidentiality Orders is also provided in the Local Government Association 'Confidentiality Guidelines: How to apply section 90 of the Local Government Act 1999' (LGA Guidelines).

Section 91(9) provides that:

(i) The duration of an order cannot be extended after the order has ceased to apply; and
(ii) An order extending the duration of such an order cannot be delegated by the relevant Council or Council Committee.

Council conducted its most recent periodic review of Confidential Orders in March 2025, with the next periodic review to be presented for consideration in October 2025. The purpose of this report is to review Confidential Orders for matters that have been satisfactorily resolved.

Council may determine to release any or all of the matters from confidence, in part or full, and in doing so should specify which parts of each Order are to be released or are to remain in operation.

Council should note the validity of the use of the confidentiality provisions in the Act, including for the purpose of protecting commercial position of the Council (and community) and to mitigate Council (and the community) exposure to risk and liability that could arise from the

inappropriate or premature release of information that could jeopardise the commercial position or breach the trust of a third party.

Council must balance the ability and appropriateness of considering and retaining matters 'in-confidence' against the public interest, which may suffer a benefit and/or a loss from the (premature) public release of information protected by a Confidentiality Order.

It is noted that the item has effectively been satisfactorily resolved, however the relevant release trigger requires retention in confidence 'until further order of Council'. To that end, this report is now presented to enable Council to review and, if appropriate, release the identified item.

The orders relating to the project are made under the following sections of the Act:

A council or council committee may order that the public be excluded from attendance at a meeting to the extent (and only to the extent) that the council or council committee considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information or matter listed in subsection (3) (after taking into account any relevant consideration under that subsection).

- 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

- 90(3)(b) information the disclosure of which—
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest

- 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

- 90(3)(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

- 90(3)(k) tenders for the supply of goods, the provision of services or the carrying out of works.

IMPLICATIONS TO CONSIDER

Legal	Council and council committee meetings are open to the public and attendance by the public is facilitated through notification of meeting details. In some instances, a council (or the council committee) may form the view that 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 it is considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.

	The appropriate balance of the various legal tensions is paramount to ensure that Council complies with a range of legal requirements, including copyright, intellectual property and competitive neutrality principles, as well meeting the transparency of decision-making expectations of a local government agency.
Financial and Budget	N/A
Community Consultation and Engagement	A Register of Confidential Items, including weblinks to released items, is published on the Council website, including the grounds, duration and release conditions for items that remain subject to the operation of a Confidentiality Order. The Register of Confidential Items can be accessed here. If Council resolve to amend the confidentiality order under sections 91(7) and 91(9) of the Act, the new order will be implemented immediately and the Register updated accordingly.
Other Resources	N/A

RISK ANALYSIS

The risk identification and categorisation relies on the City of Mount Gambier Risk Management Policy.

Risk	Consequence Rating	Risk Likelihood Rating	Risk Rating	Mitigation
Finance Council fails to appropriately utilise confidential provisions, resulting in litigation exposure	Moderate (3)	Rare (1)	Low	Appropriate application of s90 confidentiality provisions as required.
Reputation Council is unclear or inconsistent with its appropriate use of confidentiality provisions, eroding public trust	Major (4)	Unlikely (2)	Moderate	Adhering to best practice expectations to ensure open and accountable decision-making, building professional relationships with local media, specific media protocols for high-interest or controversial topics. Ensuring reviews are undertaken and reporting in public agenda.
Legal / Regulatory / Policy Council inappropriately applies confidentiality provisions, or fails to conduct an annual review of orders,	Major (4)	Rare (1)	Moderate	Appropriate application of s90 confidentiality provisions as required. Regular review of confidentiality items.

resulting in breach of legislative requirements				Register of confidential items available.
Service Delivery N/A	Minor (2)	Rare (1)	Low	Appropriate application of s90 confidentiality provisions as required.
People N/A	Minor (2)	Rare (1)	Low	Appropriate application of s90 confidentiality provisions as required.
Infrastructure N/A	Minor (2)	Rare (1)	Low	Appropriate application of s90 confidentiality provisions as required.
Environmental N/A	Minor (2)	Rare (1)	Low	Appropriate application of s90 confidentiality provisions as required.

APPLICATION OF STRATEGIC PLAN

This report aligns to the following strategic objectives(s):

Priority 4: Economic and Business Growth

4.4 Collaborate with partners to enhance the maturity of local businesses, supporting innovation and product development while effectively promoting new offerings to drive sustainable economic growth and market competitiveness.

The appropriate use of confidential provisions enables commercially competitive tendering, innovation and promotes economic development within our Council area and our region.

This report contributes to delivery of the following key strategic project(s):

In order for Council to best serve our community, we must ensure that we have strong governance frameworks and mechanisms to support open and transparent decision-making, whilst also preserving the intellectual property rights, commercially sensitive information, and legal advice of our organisation, partners and stakeholders.

RELEVANT COUNCIL POLICY

s92 Code of Practice for Access to Meetings and Documents

Council's s92 Code of Practice for Access to Meetings and Documents contains the provisions required under s92 of the Act relating to public access to meetings and documents and the application of the confidentiality provisions, which is in accordance with the LGA Guidelines.

IMPLEMENTATION AND NEXT STEPS

Council may determine that the existing Confidential Order should be amended or cease to operate, and accordingly, may order that the confidential item be partially or fully released, or to amend the grounds for keeping confidential or duration/conditions for release.

As this review of Confidentiality Orders is being presented to an open meeting, if Council wish to discuss any of the confidential content of the item or have associated documents tabled, then it is recommended that a Confidentiality Order be made to enable consideration in-confidence, and that a further Confidentiality Order may be necessary to maintain the confidentiality of tabled documents (if any). Alternatively, Members may access and review the confidential agenda, minutes, report and attachment associated with the Confidential Order presented for review through the Member Extranet and address any queries to the Manager Governance and Property prior to the meeting.

It is recommended that the confidential item identified at Attachment 1, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 June 2025:

- ITEM 22.1 STRATEGIC PROJECTS UPDATE

ATTACHMENTS

1. Attachment 1 - June 2025 [**18.10.1** - 1 page]

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Comments
15/04/2025	Council	ITEM 22.1 STRATEGIC PROJECTS UPDATE	(d) & (k)	report, attachments, resolution/s and minutes	until a further order of Council to release	Current	Matters contained within the report has been satisfactorily resolved in accordance with section 90(9) of the Local Government Act 1999

18.11 CODE OF PRACTICE FOR MEETING PROCEDURES

Author: Brittany Shelton, Manager Governance and Property
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Code of Practice for Meeting Procedures' as presented on Tuesday 17 June 2025 be noted.
2. That Council hereby adopts the amended Code of Practice for Meeting Procedures as presented by two thirds majority vote in accordance with section 89 of the Local Government Act 1999 and Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

PURPOSE

To present the revised Code of Practice for Meeting Procedures for adoption in accordance with section 86 and 89 of the Local Government Act 1999 and Regulation 6 of the Local Government (Procedures for Meetings) Regulations 2013.

BACKGROUND / OPTIONS

Code of Practice for Meeting Procedures:

Sections 86 and 89 of the Act provide that the procedures to be observed at Council and Committee meeting will be:

a) as prescribed by regulation;
b) insofar as the procedure is not prescribed by regulation – as determined by the Council;
c) insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself (s89 only applicable to Committees)

The Regulations prescribe various meeting procedures that are not able to be determined by Council (or a Committee) under sections 86 or 89.

Council determines some Committee procedural matters by adopting Committee Terms of Reference, published under 'Governing Documents' for each committee on the Council website.

Several other Council determined procedures and matters with broader application are currently contained in the Code of Practice for Meeting Procedures, as follows:

- Filming and Audio Recording Devices
- Presentation of Committee Recommendations to Council
- Voting en-Bloc
- Appointment and Role of Deputy Mayor
- Appointment to Committees & Other Bodies/Organisations
- Electronic Attendance at Committee & Information Briefing Sessions

Regulation 6 of the Regulations provides that provisions in Part 2 of the Regulations that are expressed as being capable of being varied at the discretion of the Council, may be varied in accordance with Regulation 6.

Council undertook multiple information or briefing sessions (workshops) where they considered both discretionary meeting procedures, as well as supported variation to the Regulations, which they would like to adopt. Examples were considered from other councils, drawn from previous experience in the Chamber, and ultimately formed the basis for a draft combined Code of Practice for Meeting Procedures, containing both respective elements.

Legal advice was further sought in support of this draft, which has been circulated to Members. Members were given the opportunity to provide feedback on the draft Code of Practice for Meeting Procedures prior to COB Thursday 7 November 2024, by way of Friday Edition Memo. That feedback has been reviewed, considered and where possible / appropriate implemented.

Following operation of the Code of Practice for Meeting Procedures for six (6) months, a review of the functionality and application of the Code was conducted with Council at an information or briefing session held 3 June 2025.

The following items were considered and discussed by those Members present, with the ultimate decision on each of these items to be determined by Council (and hence this report).

Provision	Commentary
Filming and Audio Recording: Amend the Code of Practice for Meeting Procedures at Item 4.1 Filming and Audio Recording Devices, to include such provision to give effect to a rule which prohibits photography, audio, video recording or broadcasting of information and briefing sessions.	Generally considered to be a reasonable addition given that information and briefing sessions are not decision making forums, but are for discussion often when information is in draft and in early development.
Agenda: • Include a standing item in the ordinary Council meeting agenda, immediately following the Acknowledgement of Country, which enables the Presiding Member to inform members of the gallery of the rules regarding photography, audio or video recording of meetings, as well as appropriate behaviour in the gallery, including speaking, engagement with, or otherwise causing disturbance in a Council meeting. • Include a standing item in the ordinary Council meeting agenda, immediately following the Questions on Notice Section, for Adjourned Debate.	Whilst the first point was considered to be generally valuable, it was noted that the second provision was rarely if ever utilised and there are alternative functions to achieve such as desired result. However, there is no impediment to including a place holder of this nature if Council wishes.
Minutes: Amend the Code of Practice for Meeting Procedures at Appendix 1 - City of Mount Gambier (Procedures at Meetings) Regulations 2024, Regulation 8(4) to insert “COMG 8.2 Point of Order” to reflect that points of order called will be recorded in the Minutes of the relevant meeting.	Concern was raised as to where to draw the line with non-compulsory content to be included in Minutes.
Councillor Reports: Amend the Code of Practice for Meeting Procedures at Appendix 1 - City of Mount Gambier (Procedures at Meetings) Regulations 2024,	Commentary regarded that rather than taking a half-way approach to the new model, reverting to the previous model where Councillors simply provided a

Regulation 12(5) to insert "COMG 12.3 Reports from Councillors" to reflect that Councillors are expected to submit a written report on the activities they have undertaken in their duty as a Councillor for the preceding month at least seven (7) clear days before the date of the meeting at which the report is to be given, however in the event that a written report has not been submitted and included in the agenda, a Councillor may make a verbal report at the meeting and their response shall be recorded in the minutes, so long as the verbal report is accompanied by a written version of the report provided to the minute taker at the meeting.	verbal update at the meeting, which was then recorded in the Minutes, was preferrable.
<u>Electronic Attendance:</u> Amend the Code of Practice for Meeting Procedures at Item 4.6 Electronic Attendance at Committee Meetings or Information Briefing Sessions, to remove the requirements: • To be seen and heard by all other Members, and replace it with a requirement to be seen and heard as requested by the Presiding Member, and • Setting a minimum requisite in-person attendance and related provisions entirely.	It was noted there was no functional issue with the first point, as in the absence of the words 'at all times' there is no issue with engaging the 'presentation mode' function of power point. It was considered that a more balanced to in-person attendance requirements would be to retain he 50% overall requirement, however remove the stipulation preventing attendance electronically for more than three (3) session in a row, contemplating extended periods of absence or similar.

Further to the above, the **attached** revised Code of Practice for Meetings Procedures and Agenda template are now presented for consideration and adoption.

Council is reminded that, pursuant to the relevant requirements under the Act:

- Amendment of the Code of Practice for Meeting Procedures requires support of a 2/3 majority vote, and
- At least once in every financial year, Council must review the operation of the Code.

CONCLUSION

Any policy or procedural amendments that arise from any policy adoption subsequent to the report would be implemented as resolved, and are recommended to take effect from the same date, to ensure continuity of such required policy provisions and to avoid having any concurrent policies being operable with inconsistent provisions.
Council is now presented with an amended Code of Practice for Meeting Procedures* for endorsement and adoption.
*NB: a resolution to adopt a Regulation 6 Code of Practice will be of no effect unless supported by two-thirds of the Members entitled to vote.

ATTACHMENTS

1. Council Policy_-_ Code of Practice for Meeting Procedures [**18.11.1** - 28 pages]
2. Ordinary Council Meeting_-_ Template [**18.11.2** - 9 pages]

City of Mount Gambier	COUNCIL POLICY Code of Practice for Meeting Procedures	Version No:	1
		Issued:	19 November 2024
		Next Review:	November 2025

1. Introduction

The City of Mount Gambier is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

Council is required under Section 92 of the Local Government Act 1999 (the Act) to adopt a Code of Practice for Access to Meetings and Documents (i.e. a code for the use of confidentiality provisions in sections 90, 90A and 91 of the Act). The section 92 code is contained in a separate Council policy.

The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation under the Regulations. Any such varied meeting procedure regulations will be contained in a separate Council code / policy which (if adopted) must be reviewed at least once in every financial year and altered, substituted or revoked by resolution supported by at least two-thirds of members entitled to vote.

Sections 86(8) and 89(1) of the Act provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations (including any varied regulations).

2. Statement of Principle

This Policy contains Council determined meeting procedures under sections 86(8) and 89(1) of the Act, and supported variations to meeting procedures in accordance with Regulation 6(1) of the Regulations at **Appendix 1**.

This Policy should be read in conjunction with the Act and Regulations, in particular the *Guiding Principles* set out in Regulation 4. The Guiding Principles should be applied with respect to the procedures to be observed at a meeting of a Council or a Council committee:

a) procedures should be fair and contribute to open, transparent and informed decision-making;
b) procedures should encourage appropriate community participation in the affairs of the Council;
c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

3. Definitions

Act means the *Local Government Act 1999*.

Clear days means days, inclusive of Saturdays, Sundays and public holidays, which do not include:

- the day on which the notice is given
- the day on which the meeting occurs.

If a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

Member means a member of the council or council committee (as the case may be).

Point of order means a point raised to draw attention to an alleged breach of the Act, Regulations or this Code of Practice in relation to the proceedings of a meeting;

Presiding Member means the person who is presiding at a council or council committee (as the case may be) meeting.

Regulations means the *Local Government (Procedures at Meetings) Regulations 2013*.

4. Council Determined / Discretionary Meeting Procedures

4.1 Filming and Audio Recording Devices

Council maintains its current minute taking practice that involves the agenda item and recommendation / resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Member be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting for the purposes of Regulation 29(1) and 30.

Audio recording of items considered 'In-Confidence' under the provisions of the Act is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member prior.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission, however they may place restrictions and conditions on such recording and photography as they see fit, so as to ensure such photography or video recording does not interfere with the orderly conduct of the meeting.

Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting for the purposes of Regulation 30, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered 'In-confidence' under the provisions of the Act is prohibited.

Video recording, audio recording, photographing or broadcasting of Information and Briefing Sessions is prohibited.

4.2 Presentation of Committee Recommendations to Council

It is the policy of this Council that the Presiding Member or nominee of any Council Committee will present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be able to attend a Council Meeting, then they may nominate in advance any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item(s) to Council.

4.3 Voting 'En-Bloc'

Council does not support the use of 'en-bloc' voting during Council and Committee meetings to adopt a number of items, motions or recommendations by way of single resolution, absent discussion and debate.

En-bloc decision-making is not lawful in relation to items for decision, is not considered good practice for other agenda items, and is in conflict with the Guiding Principles of the Regulations.

4.4 Appointment and Role of Deputy Mayor

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Act.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term of two (2) years, or otherwise determined by the Council, that must not exceed four (4) years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall call for nominations and acceptances from Members present at the Council Meeting immediately following the relevant periodic elections (or, otherwise where there is a vacancy in the position).

If only one nomination is received then that Member is to be declared Deputy Mayor, evidenced by resolution of the Council.

Where more than one nomination is received, the Council will hold a secret ballot, or otherwise determine the voting process to be followed, consistent with section 51(8) of the Act and the Chief Executive Officer (or any other Senior Officer present at the meeting) will be appointed as Returning Officer to declare the result and draw lots (if / as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- A secret ballot shall be conducted.
- The Mayor does not vote in the secret ballot on the question of the appointment of Deputy Mayor.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the last name drawn in a lot) shall be declared the Deputy Mayor.
- A division cannot be called when a resolution appointing the successful candidate as Deputy Mayor is taken.

In the absence of the Mayor, the

Deputy Mayor shall act in the office of the Mayor.

In the Council Chamber, the Deputy Mayor shall assume no additional authority, save for in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

4.5 Appointment to Committees and other Bodies and Organisations

This policy provision applies when Council has been requested, or is required to nominate or appoint, a Member or any other person to fill a vacant position on any Committee or as delegate / representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply to the extent of the inconsistency (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees).

The Chief Executive Officer shall notify Members of the request and / or requirements associated with the vacancy, including details of the Committee / Body / Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and / or experience.

Where Council is required under a legislative or other requirement, such as the Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to

nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting, together with a recommendation and draft resolutions that Council may endorse a secret ballot voting process. The Chief Executive Officer (or any other Senior Officer present at the meeting) will be appointed as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/ representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by resolution, Council:
    i. may determine not to nominate or appoint any person to fill a vacancy.
    ii. should determine the term to apply to the nomination/appointment, that may survive the next general (periodic) election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisations.
- Any Member not in his or her seat at the meeting is not entitled vote, unless they have prior permission from the Presiding Member.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the last name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called when a resolution on the question of appointing a person to fill a vacant position is taken.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

Whilst it is a discretionary matter for the Council, the Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a section 42 subsidiary (i.e. Limestone Coast Local Government Association).

Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy, or otherwise where the Council has resolved to the contrary.

Payment of Allowances/Sitting Fees

Council will have a consistent and accountable approach to payment of allowances / sitting fees for Members and other community and independent persons appointed to positions on Committees. These matters will be set out in the Terms of Reference.

Appointment of Independent Members of a Council Committee will be for a term determined by the Council, and may survive the next general (periodic) election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

Roles of Nominees/Appointees

Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (i.e. Mayor, Deputy Mayor, Member, Chief Executive Officer etc).

Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated / appointed a Member or delegate / representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates / appoints Elected Members, Council Officers or other suitably persons as delegates / representatives do not operate under the provisions of the Act or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated / appointed as a delegate / representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate / representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests / roles.

4.6 Electronic Attendance at Committee Meetings or Information Briefing Sessions

Members must attend all Council Meetings in person, but may attend Committee meetings or Information Briefing Sessions electronically.

Members of Council and Council Committees acknowledge that attending meetings and Information Briefing Sessions electronically is a privilege, and that the opportunity to attend by electronic means does not replace in person attendance as Council's preference for meeting arrangements.

Whenever possible, Council expects all Members of Committees to attend formal meetings and Information Briefing Sessions in person.

An Elected Member or Member of a Council Committee may, by exception, participate in a Committee meeting or Information Briefing Session by electronic means for extenuating reasons, provided that:

a) On each separate occasion written approval to participate in the meeting or session by electronic means has been sought from the relevant Presiding Member and confirmed to the Chief Executive Officer at least 4 hours prior to the scheduled commencement time of the meeting; and

b) the Chief Executive Officer has confirmed prior to the scheduled commencement time of the meeting or session that necessary technologies are available to accommodate the participation in the meeting and compliance with the Act; and

c) the Member participating in a meeting or workshop by electronic means is taken to be present at the meeting/workshop provided that the Member:

   i. can hear all other members present at the meeting;

   ii. can be seen and heard by all other members present at the meeting;

   iii. can be seen and heard by the person recording the minutes of the meeting; and

   iv. can express their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by electronic means).

Non-Council Members (e.g. Independent/Community Committee Members, Council Officers, Contractors, Presenters etc) may attend Committee Meetings and Information Briefing Sessions by electronic means where such provision is able to be accommodated with the prior approval of the relevant Presiding Member/Chief Executive Officer.

Any Member or Non-Council Member participating by electronic means in a Committee meeting or Information Briefing Session which is conducted in-confidence in accordance with the provisions under section 90 of the Act is responsible to ensure that they take necessary precautions to the same degree of stringency as if they were attending the meeting in-person to preserve the confidentiality of the subject discussions, material and documents.

~~The following requirements apply to attendance by Members by electronic means:~~

Members must attend at least 50% of meetings of any Committee or Information Briefing Sessions in person during any 12 month period (the minimum requirement). ~~;~~

- ~~Members must not attend three (3) or more consecutive meetings of the same Committee or Information Briefing Sessions (being three consecutive dates on which Information Briefings are held, not three individual Information Briefing Sessions) by electronic means.~~

Where an Elected Member fails to meet the minimum ~~above electronic participation~~ requirement~~s~~, the Presiding Member may determine that the Elected Members position on that Committee shall be vacated, after affording that Member procedural fairness (being an opportunity to explain why they may not have been able to attend in person) which response will be considered by the Presiding Member, prior to making any final determination as to that Members position on the Committee will be vacated.

An Elected Member of a Committee whose position has become vacant as a result of failure to meet the minimum ~~electronic participation~~ requirements may only be re-appointed to the Committee by Council after it has considered nominations for the vacancy, and in accordance with any relevant Committee Terms of Reference.

Members and Non-Members of the Audit and Risk Committee are granted an exemption to the requirement to attend at least 50% of Committee meetings in person during a 12 month period for their attendance at Audit and Risk Committee meetings only, with such attendance simply being removed from any overall calculation of attendance by electronic means.

5. Review of Policy

Council will review this Code of Practice at least once in each financial year in accordance with Regulation 6(2) of the Regulations. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter this Code of Practice, or substitute, or revoke the Code of Practice.

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City of Mount Gambier	**COUNCIL POLICY** **Code of Practice for Meeting Procedures**	**Version No:**	1
		Issued:	19 November 2024
		Next Review:	November 2025

File Reference:	AF18/51
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Strategic Reference:	
Related Policies:	s92 Code of Practice for access to meetings and documents
Related Procedures:	
Related Documents:	Council Meeting Procedures Handbook (2019) Minute Takers Handbook for Local Government (2014)

DOCUMENT DETAILS

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Document History First Adopted By Council: Reviewed/Amended:	19 November 2024

Version: November 2024

Appendix 1

City of Mount Gambier (Procedures at Meetings) Regulations 2024

under the *Local Government Act 1999*

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[17.11.2022] This version is not published under the *Legislation Revision and Publication Act 2002*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days—see subregulations (2) and (3);

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

(a) that the meeting proceed to the next business; or

(b) that the question be put; or

(c) that the question lie on the table; or

(d) that the question be adjourned; or

(e) that the meeting be adjourned[1];

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council.

COMG 3.1 Notice Requirements

Written notice must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time it is provided to the Chief Executive Officer. For clarity, a draft or incomplete notice will not meet the written notice requirements.

(2) In the calculation of ***clear days*** in relation to the giving of notice before a meeting—

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of ***clear days*** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these regulations, a vote on whether ***leave of the meeting*** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

1 See regulation 12 for specific provisions about formal motions.

4—Guiding Principles

The following principles (the ***Guiding Principles***) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

(a) procedures should be fair and contribute to open, transparent and informed decision-making;

(b) procedures should encourage appropriate community participation in the affairs of the council;

(c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;

(d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5—Application of Part

The provisions of this Part apply to or in relation to—

(a) the meetings of a council; and

(b) the meetings of a council committee performing regulatory activities; and

(c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

COMG 5.1 Application to Council Committees

Part 2 of the Local Government (Procedures at Meetings) Regulations (including any varied or Council determined procedures) shall apply to all Council Committees established under the Local Government Act 1999, and Part 3 shall not apply to any Committees unless the Council specifically resolves they will do so under the Terms of Reference for that Committee.

6—Discretionary procedures

(1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

(2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.

(3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.

(4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

(7) Regulation 12(4) does not apply to a motion under subregulation (3).

(8) This regulation does not limit or derogate from the operation of regulation 20[1].

Note—

1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—

(a) as determined by the council; or

(b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Division 2—Prescribed procedures

7—Commencement of meetings and quorums

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.

(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.

(5) If a meeting is adjourned to another day, the chief executive officer must—

(a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and

(b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

COMG 7.1 Order of Agenda

The Presiding Member may seek leave of the meeting to vary the order of the Agenda.

Reasons for such variation may include bringing forward items associated with a deputation or petition presented at the meeting, or a matter for which significant community interest has been shown by public attendance in the gallery, or where the Council may have invited consultants or other guests to provide advice on items.

In determining whether to grant leave, the meeting is to take into account the Guiding Principles in Regulation 4 and that interested persons may arrive at the meeting later to observe an item based on its position in the published Agenda.

8—Minutes

(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the presiding member will—

(a) initial each page of the minutes, which pages are to be consecutively numbered; and

(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

(4) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(ab) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; and

(b) in relation to each member present—

(i) the time at which the person entered or left the meeting; and

(ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

(iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and

(c) each motion or amendment, and the names of the mover and seconder; and

(d) any variation, alteration or withdrawal of a motion or amendment; and

(e) whether a motion or amendment is carried or lost; and

(f) any disclosure of interest made by a member; and

(g) an account of any personal explanation given by a member; and

(h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and

(j) details of any adjournment of business; and

(k) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

(n) any other matter required to be included in the minutes by or under the Act or any regulation.

COMG 8.1 Attendance Record

A mandatory sign-in sheet shall be made available at the Council Chamber (or Civic Reception Area) to record public attendance in the building for Work Health and Safety (emergency evacuation) purposes.

9—Questions

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.

COMG 9.1 Question (on Notice) Requirements

A Question on Notice must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time that it is given to the Chief Executive Officer. A Question on Notice must not be vague, irrelevant, insulting or improper.

A proposed Question on Notice that does not meet the definition of '*written notice*' in Regulation 3 and COMG 3.1 shall not be accepted, unless resubmitted in the time and manner required to be compliant with Regulation 3, COMG 3.1 and Regulation 9(1).

If a Question on Notice does not meet the requirements then the Question will not be included in the Agenda. For clarity, a draft or incomplete Question will not meet the '*written notice'* requirements. To be a complete Question on Notice the Member must have strictly complied with all components of Regulation 9(1), the definition of '*written notice'* in Regulation 3, COMG 3.1 and this Council determined procedure.

Any 'preamble' included with a Question on Notice will be disregarded and not included in the Agenda, or Minutes. If the question is incapable of being answered absent the preamble, it will be returned to the Member for re-submission, taking into account the timing requirements under Regulation 9(1).

(2) If notice of a question is given under subregulation (1)—

(a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(3) A member may ask a question without notice at a meeting.

COMG 9.2 Question (without Notice) Requirements

A question raised at the section of the Agenda titled 'Questions Without Notice' should be presented in legible handwritten or typed, in hardcopy or electronic form, to the Presiding Member as soon as practicable at the meeting at which it is ask, to enable consideration to be given to the reply, including any enquiries or additional information that may be necessary to inform the same.

(4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

10—Petitions

(1) A petition to the council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

(d) be addressed to the council and delivered to the principal office of the Council.

(2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

COMG 10.1 Statement of Nature (Petitions)
Petitions received by Council shall be included in the relevant Agenda as a 'statement of the nature' of the request and total number of signatures, rather than the Petition in its entirety.

(3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

11—Deputations

(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

COMG 11.1 Deputation Requirements

A deputation must not exceed five (5) minutes duration without prior consent of the Presiding Member, having sought and been granted leave of the meeting.

Any materials or presentations to be used in support of a deputation must be provided at least 7 clear days before the date of the meeting at which the deputation is to be made . Any materials or presentations may, at the absolute discretion of the Presiding Member, be redacted or disallowed if inappropriate, offensive or otherwise gives rise to a risk for the Council. No materials may be distributed on the night of the deputation, without prior approval from the Chief Executive Officer.

A request for deputation does not need to relate to an item contained on the Council or Committee Agenda for the meeting at which it is to be received, but must relate to subject matter within the decision making or influence remit of the Council or Committee.

12—Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.

COMG 12.1 Notice of Motion Requirements

A Notice of Motion must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time that it is given to the Chief Executive Officer.

If a Notice of Motion does not meet the requirements then the Motion will not be included in the Agenda. For clarity, a draft or incomplete Motion will not meet the '*written notice'* requirements. To be a complete Notice of Motion the Member must have strictly complied with all components of Regulation 12(2), the definition of '*written notice'* in Regulation 3, COMG 3.1 and this Council determined procedure.

If the Motion does not meet the requirements, it will be returned to the Member for further consideration and re-submission, taking into account the timing requirements under Regulation 12(2). If the re-submitted Motion fails to meeting the timing requirements, it will be received an included on the Agenda for the next available meeting of the Council or Committee.

(3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

COMG 12.2 Notice of Motion Procedure

A Member may, having notified the Presiding Member prior to the meeting at which a Notice of Motion is to be moved, may nominate another Member to move a Motion on Notice in their absence.

A Motion on Notice given by a Member who is not in their seat at the relevant point of the Agenda, and who has not nominated another Member to move the Motion or otherwise, will be included on the Agenda for the next meeting of the Council or Committee and the meeting shall immediately proceed to the next item of business.

(4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next general election,

whichever is the sooner.

(5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

(6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

COMG 12.3 Refusal of Motion Without Notice

Where a Motion without notice has been refused by the Presiding Member in accordance with Regulation 12(6), no further action will be taken in regard to the proposed Motion until and unless a formal Notice of Motion is given in accordance with Regulation 12(2).

(7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

(8) A motion will lapse if it is not seconded at the appropriate time.

(9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

(10) A member may only speak once to a motion except—

(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

COMG 12.4 Questions to a Motion

Any Member may direct a question relating to a Motion that has been moved and seconded to the Presiding Member.

In responding to the question the Presiding Member may seek information from the Chief Executive Officer, or another Member with respect any explanation that may be sought under Regulation 12(10).

Only the Chief Executive Officer and Presiding Member may seek responses to questions directly from staff in attendance at the meeting.

Members are encouraged to seek answers to questions relating to Agenda items prior to the commencement of a Council or Committee meeting, through the formal lines of communication established by the Chief Executive Officer.

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is—

(a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

(b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or

(c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

(d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

(e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost—

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

(20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

(21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

13—Amendments to motions

(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

(2) An amendment will lapse if it is not seconded at the appropriate time.

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

14—Variations etc

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

15—Addresses by members etc

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.

(2) A member may, with leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) The contribution of a member must be relevant to the subject matter of the debate.

(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

16—Voting

(1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.

(2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

COMG 16.1 Leave to Vote – Not Seated

A Member may seek leave from the Presiding Member to vote whilst not seated in their chair in exceptional circumstances.

(4) Subregulation (3)—

(a) may be varied at the discretion of the council pursuant to regulation 6; and

(b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

17—Divisions

(1) A division will be taken at the request of a member.

(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows:

(a) the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the presiding member will count the number of votes and then declare the outcome.

(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

18—Tabling of information

(1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

19—Adjourned business

(1) If a formal motion for a substantive motion to be adjourned is carried—

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

COMG 19.1 Adjournment - Late Meetings

Where a meeting continues until 9pm, the meeting (and hence, all remaining business) will be adjourned to a date and time specified by the Presiding Member, unless the Presiding Member seeks, and is granted, leave by a simple majority of Members present to extend the meeting by a period of up to 1 hour.

The Presiding Member must first confer with the Chief Executive Officer/Senior Officer present with respect to excusing staff (save for essential staff as determined by the Chief Executive Officer, which will include the minute taker) from the meeting prior to seeking leave for an extension.

On the expiration of any initial period, the Presiding Member may seek leave by a simple majority of Members present to extend the meeting by periods in increments of 30 minutes.

Any items of business outstanding at the adjournment of a meeting will be dealt with first at the next meeting of Council.

COMG 19.2 Adjournment - Emergency

The circumstances of an emergency may take precedence over the formalities of meeting procedures.

Where the circumstances of an emergency permit, the Presiding Member may do one of the following:

- call for a formal motion to adjourn under regulation 12(14)(e) and 12(18),
- close the meeting for want / loss of a quorum,
- comply with any reasonable work, health and safety obligation under the Work, Health and Safety Act in response to the relevant circumstances.

At all times the safety of persons present at the meeting must be the paramount concern.

Any administrative anomaly that arises in giving effect to the Council's obligations to deal with an actual or perceived emergency will not be considered fatal to any decisions made with respect to the adjournment of the meeting, or resumption, nor to the validity of any decisions arising from the same.

The minutes of a meeting adjourned in the case of an emergency need not specify full details of the emergency. The Minutes need only record that an emergency situation arose.

20—Short-term suspension of proceedings

(1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

(2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

(3) If a suspension occurs under subregulation (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed[1]; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

(c) the period of suspension should be limited to achieving the purpose for which it was declared; and

(d) the period of suspension will come to an end if—

(i) the presiding member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

(1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.

(2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

(3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

~~Part 3—Meetings of other committees~~

~~22—Application of Part~~

~~The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.~~

~~23—Notice of meetings for members~~

~~Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:~~

- ~~(a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;~~
- ~~(b) that notice need not be given for each meeting separately;~~
- ~~(c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;~~
- ~~(d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.~~

~~24—Public notice of committee meetings~~

~~Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) and (3) provided as follows:~~

- ~~(a) that public notice need not be given for each meeting separately; and~~
- ~~(b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.~~

~~25—Minutes~~

~~(1) The minutes of the proceedings of a meeting must include—~~

- ~~(a) the names of the members present at the meeting; and~~
- ~~(b) each motion carried at the meeting; and~~
- ~~(c) any disclosure of interest made by a member; and~~
- ~~(d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and~~
- ~~(e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.~~

~~(2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.~~

Part 4—Miscellaneous

26—Quorum for committees

(1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

(2) For the purposes of this regulation, the ***prescribed number*** of members of a council committee is—

(a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or

(b) a number determined by the council.

Note—

See also section 41(6) of the Act.

27—Voting at committee meetings

(1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

(2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28—Points of order

(1) The presiding member may call to order a member who is in breach of the Act or these regulations.

(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The presiding member will rule on a point of order.

(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.

(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—

(a) the ruling has no effect; and

(b) the point of order is annulled.

28A—Exclusion of member from meeting by presiding member

(1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.

(2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.

(3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

29—Interruption of meetings by members

(1) A member of a council or council committee must not, while at a meeting—

(a) behave in an improper or disorderly manner; or

(b) cause an interruption or interrupt another member who is speaking.

(2) Subregulation (1)(b) does not apply to a member who is—

(a) objecting to words used by a member who is speaking; or

(b) calling attention to a point of order; or

(c) calling attention to want of a quorum.

(3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—

(a) censure the member; or

(b) suspend the member for a part, or for the remainder, of the meeting.

(6) A member who—

(a) refuses to leave a meeting in contravention of subregulation (4); or

(b) enters a meeting in contravention of a suspension under subregulation (5),

is guilty of an offence.

Maximum penalty: $1 250.

COMG 29.1 Mobile Electronic Devices

To prevent any interruptions for the purposes of Regulation 29(1) all Council and Committee Members must ensure electronic communication devices (e.g. mobile telephones, smart devices or similar), including any being used by the Member to attend the meeting or session, are placed on silent mode during the meeting.

Except for the express limited purpose of facilitating electronic attendance at a Committee Meeting or at an Information or Briefing Session, Council and Committee Members are not to use electronic communication devices to communicate with any other Council or Committee Member or any other person (whether present or absent from the meeting) about an Agenda item or any other matter while present during the course of a meeting.

Nothing in this item is intended to prevent a Member from:

- leaving the meeting or session to communicate with another person, or
- seeking leave of the meeting or session to contact another Member for an appropriate purpose, such as to enquire about the Members absence, wellbeing, or safety.

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

(a) behave in a disorderly manner; or

(b) cause an interruption.

Maximum penalty: $500.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Local Government (Procedures at Meetings) Regulations 2013* revoked the following:

Local Government (Procedures at Meetings) Regulations 2000

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	278	*Gazette 12.12.2013 p4642*	1.1.2014: r 2
2021	141	*Gazette 16.9.2021 p3565*	10.11.2021: r 2
2022	**97**	***Gazette 17.11.2022 p6647***	**17.11.2022: r 2**

Provisions varied

New entries appear in bold.
Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*10.11.2021*
Pt 2		
r 6		
r 6(5) and (6)	*deleted by 141/2021 r 4*	*10.11.2021*
r 8		
r 8(4)	**amended by 97/2022 r 3(1), (2)**	**17.11.2022**
r 9		
r 9(1)	varied by 141/2021 r 5	10.11.2021
r 12		
r 12(2)	varied by 141/2021 r 6	10.11.2021
Pt 3		
r 24	varied by 141/2021 r 7	10.11.2021
Pt 4		
r 28A	**inserted by 97/2022 r 4**	**17.11.2022**
Sch 1	*omitted under Legislation Revision and Publication Act 2002*	*10.11.2021*

Historical versions

10.11.2021

City of
Mount Gambier

AGENDA

Ordinary Council Meeting

{meeting-date}

I hereby give notice that an Ordinary Meeting of Council will be held on:

Time:	{meeting-time}
Date:	{meeting-date}
Location:	City Hall Cave Gardens/Thugi, Mount Gambier

Sarah Philpott
CHIEF EXECUTIVE OFFICER
dd-mm-yyyy

City of Mount Gambier
Ordinary Council Meeting Agenda

Order of Business

1 Acknowledgement of Country **4**

2 Conduct of the Gallery **4**

3 Apologies **4**

4 Leave of Absence **4**

4.1 Leave of Absence - Cr XXX 4

4.2 Leave of Absence 4

5 Confirmation of Council Minutes **4**

5.1 Confirmation of Council Minutes 4

6 Mayoral Report **5**

6.1 Mayoral Report - mm yyyy 5

7 Reports from Councillors **5**

8 Questions with Notice **5**

9 Questions without Notice **6**

10 Petitions **6**

11 Deputations **6**

12 Notice of Motion to Revoke or Amend **6**

13 Elected Members Information Briefing Sessions **6**

14 Elected Members Training and Development **6**

15 Audit and Risk Committee **6**

15.1 Minutes of Audit and Risk Committee held on DD-MM-YYYY 7

16 Chief Executive Officer Performance Review Committee **7**

16.1 Chief Executive Officer Performance Review Committee held on DD-MM-YYYY 7

17 Junior Sports Assistance Fund Committee **7**

17.1 Junior Sports Assistance Fund Committee held on DD-MM-YYYY 7

18 Building Fire Safety Committee **8**

18.1 Building Fire Safety Committee Minutes 8

City of Mount Gambier
Ordinary Council Meeting Agenda

19 Council Reports **8**
20 Motions with Notice **8**
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22 New Confidential Items **8**
23 Meeting Close **8**
24 Attachment - Previous Council Minutes **8**

City of Mount Gambier
Ordinary Council Meeting Agenda

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 CONDUCT OF THE GALLERY

MEMBERS OF THE GALLERY ARE REMINDED THAT THEY MUST NOT BEHAVE IN A DISORDERLY MANNER OR CAUSE AN INTERRUPTION TO THE MEETING. WHILST AUDIO RECORDING OF COUNCIL AND COMMITTEE MEETINGS IS PERMITTED, PHOTOGRAPHING, FILMING AND TELEVISING ARE PROHIBITED UNLESS EXPRESS PRIOR PERMISSION IS GRANTED BY THE PRESIDING MEMBER. WE ASK THAT YOU PLEASE PLACE YOUR PHONES ON SILENT. SHOULD AN EMERGENCY OCCUR AT ANY STAGE, PLEASE FOLLOW THE DIRECTION OF COUNCIL STAFF TO VACATE THE BUILDING.

3 APOLOGIES

Nil

That the apology(ies) from Cr XXX be received.

4 LEAVE OF ABSENCE

Nil

4.1 LEAVE OF ABSENCE - CR XXX

SUMMARY

Cr XXX has sought a leave of absence for the XXX Council meeting. A leave of absence may only be granted by resolution of Council. Further, a leave of absence is not synonymous with the giving and favourable receipt by Council of an apology for a meeting.

This report provides the opportunity, if necessary, for Council to consider the request from Cr XXX to be granted a leave of absence from Council for the period DD MM YYYY to DD MM YYYY (inclusive).

RECOMMENDATION

1. That Council report titled Leave of Absence as presented on {meeting-date} be noted.

2. That the request from Cr XXXX for a leave of absence from Council for the period DD MMMM to DD MMMM YYYY be granted.

4.2 LEAVE OF ABSENCE

That the leave of absence from Cr XXX be noted.

City of Mount Gambier
Ordinary Council Meeting Agenda

5 CONFIRMATION OF COUNCIL MINUTES

5.1 CONFIRMATION OF COUNCIL MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on <enter date> be confirmed as an accurate record of the proceedings of the meeting.

City of Mount Gambier
Ordinary Council Meeting Agenda

6 MAYORAL REPORT

6.1 MAYORAL REPORT - MM YYYY

•
•

RECOMMENDATION

That the Mayoral Report be received.

7 REPORTS FROM COUNCILLORS

RECOMMENDATION

That the reports made by Councillors be received.

8 QUESTIONS WITH NOTICE

Nil

Cr XXX gave notice of his/her intention to ask the following question/s:

8.1 QUESTIONXXX

Enter question?

Answer:

To be provided at the meeting.

8.2 QUESTIONXXX

City of Mount Gambier
Ordinary Council Meeting Agenda

Enter question?

Answer:

To be provided at the meeting.

9 QUESTIONS WITHOUT NOTICE

10 PETITIONS

Nil

11 DEPUTATIONS

Nil

The Mayor, Mrs Lynette Martin OAM, has granted a deputation request from XXXXXXX, who would like the opportunity to present to Council.

RECOMMENDATION

1. That the Deputation from XXXXX be noted.

12 NOTICE OF MOTION TO REVOKE OR AMEND

Nil

13 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

Nil

RECOMMENDATION

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

ATTACHMENTS

Nil

14 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

15 AUDIT AND RISK COMMITTEE

Nil

City of Mount Gambier
Ordinary Council Meeting Agenda

15.1 MINUTES OF AUDIT AND RISK COMMITTEE HELD ON DD-MM-YYYY

That having considered the recommendations of the Audit and Risk Committee in regard to the agenda items:

5.1 INSERT REPORT TITLE
5.2 INSERT REPORT TITLE
5.3 INSERT REPORT TITLE

RECOMMENDATION

Council receive and note the minutes of the Audit and Risk Committee meeting held on DD-MM-YYYY.

Audit and Risk Committee Minutes

16 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

16.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON DD-MM-YYYY

That having considered the recommendations of the Chief Executive Officer Performance Review Committee in regard to the agenda items:

5.1 INSERT REPORT TITLE
5.2 INSERT REPORT TITLE
5.3 INSERT REPORT TITLE

RECOMMENDATION

Council receive and note the minutes of the Chief Executive Officer Performance Review Committee meeting held on DD-MM-YYYY.

Chief Executive Officer Performance Review Committee Minutes

17 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

17.1 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE HELD ON DD-MM-YYYY

That having considered the recommendations of the Junior Sports Assistance Fund in regard to the agenda items:

5.1 INSERT REPORT TITLE
5.2 INSERT REPORT TITLE

City of Mount Gambier
Ordinary Council Meeting Agenda

5.3 INSERT REPORT TITLE

RECOMMENDATION

Council receive and note the minutes of the Junior Sports Assistance Fund Committee meeting held on DD-MM-YYYY.

Junior Sports Assistance Fund Committee Minutes

18 BUILDING FIRE SAFETY COMMITTEE

Nil

18.1 BUILDING FIRE SAFETY COMMITTEE MINUTES

RECOMMENDATION

That the Minutes of the Building Fire Safety Committee meeting held on DD MMMM YYYY as previously circulated be noted.

19 COUNCIL REPORTS
20 MOTIONS WITH NOTICE

Nil

21 URGENT MOTIONS WITHOUT NOTICE

22 NEW CONFIDENTIAL ITEMS

Nil

23 MEETING CLOSE

24 ATTACHMENT - PREVIOUS COUNCIL MINUTES

18.12 RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE POLICY

Author: Brittany Shelton, Manager Governance and Property
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services

RECOMMENDATION

1. That Council report titled 'Responsible Use of Artificial Intelligence Policy' as presented on Tuesday 17 June 2025 be noted.
2. That Council hereby adopts the Responsible Use of Artificial Intelligence (AI) Policy.

PURPOSE

To present the draft Responsible Use of Artificial Intelligence (AI) Policy for adoption.

BACKGROUND / OPTIONS

Responsible Use of Artificial Intelligence (AI) Policy:

The increasing adoption of Artificial Intelligence (AI) is reshaping the economy, society and government. It is important that the City of Mount Gambier plays a leadership role in embracing AI for the benefit of the community, while ensuring its safe, ethical and responsible use, in line with community expectations.

To articulate Council's commitment to achieving this, the **attached** Responsible Use of Artificial Intelligence Policy has been developed.

For the purposes of this Policy, "AI" refers to technologies that use algorithms to detect, analyse, and replicate patterns in data, encompassing tasks such as data analysis, predictive modelling, natural language processing, and automated decision-making. The Policy aims to ensure that these technologies are used responsibly, ethically, and in a manner that aligns with our organisational values and objectives, while remaining adaptable to advancements in technology.

The Policy will form part of two sides to AI management at City of Mount Gambier:

1. The Policy, being the external commitment to our community – is a high-level document, dealing with the relevant legal and ethical considerations, and
2. An internal Framework – the inward facing procedures, IT controls, staff training etc that enable Council to achieve its commitment to the community.

The Policy has been formulated utilising inputs from all three tiers of government's relevant AI guidelines:

- Commonwealth of Australia, Digital Transformation Agency, Policy for the Responsible Use of Artificial Intelligence (2024)
- Government of South Australia, Department of the Treasury and Finance, Guideline for the use of Generative Artificial Intelligence and Large Language Model Tools
- Local Government Association of SA (LGA), Local Government Information Technology SA (LGITSA), LG Professionals SA (LG Pro) and Local Government Risk Services (LGRS) – AI Adoption Toolkit for South Australian Councils

Whilst the Policy will have an internal counterpart, it can stand alone and represents the 'vision' and commitment for Council's responsible use of AI.

CONCLUSION

Any policy or procedural amendments that arise from any policy adoption subsequent to the report would be implemented as resolved, and are recommended to take effect from the same date, to ensure continuity of such required policy provisions and to avoid having any concurrent policies being operable with inconsistent provisions.

Council is now presented with a Responsible Use of Artificial Intelligence (AI) Policy for endorsement and adoption.

ATTACHMENTS

1. Responsible Use of Artificial Intelligence Policy [**18.12.1** - 8 pages]

City of Mount Gambier	COUNCIL POLICY Responsible Use of Artificial Intelligence Policy	Version No:	1
		Issued:	20 May 2025
		Next Review:	May 2029

1. Introduction

The City of Mount Gambier acknowledges that the increasing adoption of Artificial Intelligence (AI) is reshaping the economy, society and government. This Policy aims to ensure that the City of Mount Gambier plays a leadership role in embracing AI for the benefit of the community, while ensuring its safe, ethical and responsible use, in line with community expectations.

The purpose of this Policy is to outline the principles and guidelines for the use of AI and other algorithmic systems within the City of Mount Gambier. For the purposes of this Policy, "AI" refers to technologies that use algorithms to detect, analyse, and replicate patterns in data, encompassing tasks such as data analysis, predictive modelling, natural language processing, and automated decision-making. This Policy aims to ensure that these technologies are used responsibly, ethically, and in a manner that aligns with our organisational values and objectives, while remaining adaptable to advancements in technology.

This Policy aims to achieve the following objectives:

- Provide a unified approach to engage with AI confidently, safely and responsibly, and realise its benefits;
- Strengthen public trust in Council's use of AI by providing enhanced transparency, governance and risk assurance; and
- Embed a forward leaning, adaptive approach for Council's use of AI that is designed to evolve and develop over time.

2. Statement of Principle

The City of Mount Gambier is committed to the following principles, which govern the engagement with, promotion of and use of AI within the organisation:

1. ***Transparency***: AI systems will be transparent and explainable. Council must understand how AI decisions are made and be able to explain these decisions to stakeholders.
2. ***Accountability***: Council is accountable for the outcomes of AI systems they develop or use. Any issues or biases identified will be promptly addressed.
3. ***Ethical Use***: AI will be used in ways that respect human rights, privacy, and dignity. It shall not be used to discriminate or harm individuals or groups.
4. ***Compliance***: All AI applications must comply with relevant laws, regulations, and industry standards.

3. Definitions

Act means the *Local Government Act 1999*.

Artificial Intelligence (AI) means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.

Bias means an inclination or prejudice for or against one person or a group of people that is unfair. For example, over representation of negative stereotypes, exclusion of a particular group of people or drawing from data-sets that are not relevant to Australian law.

Confidential data means any information that is expressly prevented from public release by Council's orders, or any information that is likely to become subject to Council confidentiality orders, or any information not publicly available.

Generative Artificial Intelligence (GenAI) means a range of technologies that leverage data, machine learning and prompts to create new data (such as text, images, video, audio and similar content).

Inhuman or inhumane writing refers to content generated or assisted by AI that lacks empathy, ethical awareness or sensitivity to human context, potentially resulting in offensive, insensitive or dehumanising communication.

Personal data means a broad range of information that could identify an individual. What is personal information may vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances, and may include information such as a person's name, signature, address (postal and/or email address), phone number, date of birth, photographs, IP addresses, voice print, biometrics and location information.

Sensitive data means personal data that includes information or opinion about an individual's racial or ethnic origin, political opinions or associations, religious or philosophical beliefs, trade union membership or associations, sexual orientation or practices, criminal record, health or genetic information and biometric information.

4. Scope

This Policy is made in accordance with section 132A of the *Local Government Act 1999* (the Act) and section 19 of the *Work Health and Safety Act 2012* and is applicable to all Members, employees, contractors, and third-party partners (including consultants) who use AI technologies in their work for or with the City of Mount Gambier.

5. Policy

5.1 Legislation and Standards

The Policy aims to ensure that permitted use of Council's corporate information is consistent with relevant legislation, policy and best practice regulating:

- *Copyright Act 1968* (Cth) and patent materials
- Anti-discrimination legislation
- Defamation legislation

- The *Spam Act 2003* (Cth), *Privacy Act 1988* (Cth) and South Australian Department of Premier and Cabinet's Information Privacy Principles Cabinet Administrative Instruction
- Practices regulating discriminatory speech and the distribution of illicit or offensive materials

5.2 Guidelines for the Responsible Use of AI

The City of Mount Gambier commits to abide by the following guidelines for responsible use of AI.

AI Tools:

- Ensure AI tools are used to inform thinking and decision making, but do not replace the need for critical thinking and human judgement.
- Specifically consider and regulate which AI tools are approved for used within the organisation.
- Establish and maintain controls that allow or restrict the use of AI outputs, particularly for further training and development of AI systems.

Intellectual Property (IP) Protection:

- Ensure that sensitive business plans, ideas, and proprietary information are not shared or stored in unsecured or free AI tools.
- Emphasise the importance of safeguarding IP to prevent access to valuable organisational insights, protected information (of Council or of stakeholders), confidential information, or sensitive information.

Legislation and Compliance:

- Ensure that employees are aware of and comply with relevant IP laws, copyright regulations, and data privacy laws when using AI.
- Incorporate guidelines for AI usage that align with existing legal frameworks, ensuring outputs adhere to these standards.

Community Engagement:

- Clearly outline where and how AI is used in content creation or other deliverables.
- Identify and disclose any AI-generated content, maintaining transparency throughout the relevant project, service and/or workstream lifecycle.

Addressing Contentious Issues:

- Develop and implement strategies to mitigate misinformation and address other contentious issues within AI outputs.
- Explore ways to positively influence public discourse by ensuring AI is used ethically and responsibly.

Data integrity and accuracy:

- Remain responsible and accountable for any work outputs utilising AI, including critical assessment of all AI generated outputs and validation of quality and accuracy with other sources.
- Address potential plagiarism issues, especially in scenarios where AI-generated content might lead to outputs that look and feel identical.
- Implement measures to ensure originality and authenticity in AI-generated content.

5.3 Ensuring the Responsible Use of AI

The City of Mount Gambier shall utilise the following measures to continuously monitor responsible use of AI within the organisation:

- ***Data Management***: Ensure data used for AI is accurate, relevant, and obtained ethically. Data sets likely to be regularly drawn on should be regularly reviewed and updated to maintain its quality, accuracy and relevance.
- ***Bias Mitigation***: Implement measures to identify and mitigate biases in AI systems. Regularly audit AI systems and tools for fairness and equity.
- ***Security***: Protect AI systems and data from unauthorised access, breaches, and other security threats.
- ***Training***: Provide ongoing training for employees on AI technologies, ethical considerations, and best practices to consistently ensure competent and ethical use.

5.4 Roles and Responsibilities

- ***Elected Council***: Set the Policy direction and appetite for use of generative AI in Council.
- ***Executive Leadership Team (ELT) and Management Team***: Oversee the implementation and adherence to this Policy, including appropriate governance and guidelines that support the safe and ethical use of AI.
- ***Employees***: Follow the guidelines and principles outlined in this Policy and any associated documents. Report any concerns or issues related to AI use to the relevant people leader.
- ***Information, Technology and Systems Business Unit***: Ensure the technical infrastructure supports secure and ethical AI use. Provide technical support and guidance to employees and people leaders as required.

5.5 Quality Service Delivery Controls

AI tools are not a replacement for critical thinking or decision-making. Users cannot outsource their thinking to any technology and generative AI and/or other technologies cannot be used for strategic decision-making.

Users of generative AI tools should be aware of, and correct for, the inherent risks of these technologies, which include (but are not limited to):

- Bias and equity
- Data privacy
- Misinformation
- Malicious use of data by third parties
- Copyright, trademarks and plagiarism
- Inhuman or inhumane writing
- Erosion of credibility and trust.

Overt disclosure of AI tools utilised builds trust through transparency and may assist in early error or bias detection. Consideration shall be given to including information about which tool has been used, how it has been used it and the outputs produced, on a case-by-case basis as appropriate.

AI content will not be solely relied upon as an information source, and fact checking will be undertaken via other, reliable sources.

6. Review of Policy

Due to the pace of change associated with the responsible use of Artificial Intelligence, Council will review this Policy annually, or upon significant legislative change as required. The Council may, at any time by resolution, alter, or substitute, or revoke this Policy.

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City of Mount Gambier	**COUNCIL POLICY** **Responsible Use of Artificial Intelligence Policy**	**Version No:**	1
		Issued:	20 May 2025
		Next Review:	May 2029

File Reference:	AF25/23336
Applicable Legislation:	Local Government Act 1999 Privacy Act 1988 (Cth) South Australian Department of Premier and Cabinet's Information Privacy Principles Cabinet Administrative Instruction Copyright Act 1968 (Cth) Spam Act 2003 (Cth)
Strategic Reference:	Priority 2: Learning and Innovation Priority 3: Infrastructure and Services Priority 6: Excellence in Leadership and Governance
Related Policies:	Information Security Policy Privacy Policy P155 Risk Management Policy
Related Procedures:	Responsible Use of Artificial Intelligence (AI) Administrative Principle Code of Conduct – Behavioural Expectations for Staff of Council
Related Documents:	Commonwealth of Australia, Digital Transformation Agency, Policy for the Responsible Use of Artificial Intelligence (2024) Government of South Australia, Department of the Treasury and Finance, Guideline for the use of Generative Artificial Intelligence and Large Language Model Tools Local Government Association of SA (LGA), Local Government Information Technology SA (LGITSA), LG Professionals SA (LG Pro) and Local Government Risk Services (LGRS) – AI Adoption Toolkit for South Australian Councils Local Government Risk Services (LGRS) and Local Government Association Asset Mutual Fund(LGAAMF) – Generative Artificial Intelligence (AI) Risk Management

City of Mount Gambier	**COUNCIL POLICY** **Responsible Use of Artificial Intelligence Policy**	**Version No:**	1
		Issued:	20 May 2025
		Next Review:	May 2029

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	1.0
Last revised date:	20 May 2025
Effective date:	20 May 2025
Minute reference:	Council Meeting 20 May 2025 - Item X - Resolution 2025/X
Next review date:	May 2029
Document History First Adopted By Council: Reviewed/Amended:	 20 May 2025

19 MOTIONS WITH NOTICE

19.1 DIT - Flooding Issue - Jubilee Highway and Crouch Street

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on Tuesday 17 June 2025, I intend to move the following motion:

MOTION

1. That the motion from Cr Jenner as presented on Tuesday 17 June 2025 be noted.
2. That Council write to Department for Infrastructure and Transport (DIT) requesting that the persistent flooding issues at the intersection of Jubilee Highway East and Crouch Street be thoroughly investigated, plan a strategy and budgeting and take necessary action to resolve the issue.

RATIONALE

The flooding issues at the intersection of Jubilee Highway East and Crouch Street have been of concern for many years. Recently, after a heavy downpour whilst driving along I was unable to avoid the flooded area over 2 laneways of the highway due to a car behind and one off to the left of me. I was forced to drive through the flooded section of the Highway, creating zero visibility and a very dangerous environment on the bend of the road. A driver of lesser experience and in a smaller vehicle may not have been so lucky.

These issues have been raised with DIT previously and I believe action needs to be taken as a matter of priority.

I commend this Notice of Motion to Council.

ATTACHMENTS

1. Flooding Area - Jubilee Highway - Photo 1 [**19.1.1** - 1 page]
2. Flooding Area - Jubilee Highway - Photo 2 [**19.1.2** - 1 page]

20 URGENT MOTIONS WITHOUT NOTICE

21 NEW CONFIDENTIAL ITEMS

21.1 CHIEF EXECUTIVE OFFICER RECRUITMENT - APPOINTMENT OF RECRUITMENT CONSULTANT

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Chief Executive Officer Recruitment - Appointment of Recruitment Consultant.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

(b) information the disclosure of which -

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest.

(k) tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be presented and discussed is regarding the recruitment of the Chief Executive Officer, and relates to consideration of submissions for the provision of consultancy services which includes commercial information the disclosure of which would confer benefit on third parties and prejudice the commercial position of Council in obtaining best value on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Chief Executive Officer Recruitment - Appointment of Recruitment Consultant and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

(b) information the disclosure of which -

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest.

(k) tenders for the supply of goods, the provision of services or the carrying out of works

be kept confidential and not available for public inspection until 2 years after execution of a contract, with the name and value of the selected supplier to be released immediately upon execution of a contract.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

22 MEETING CLOSE

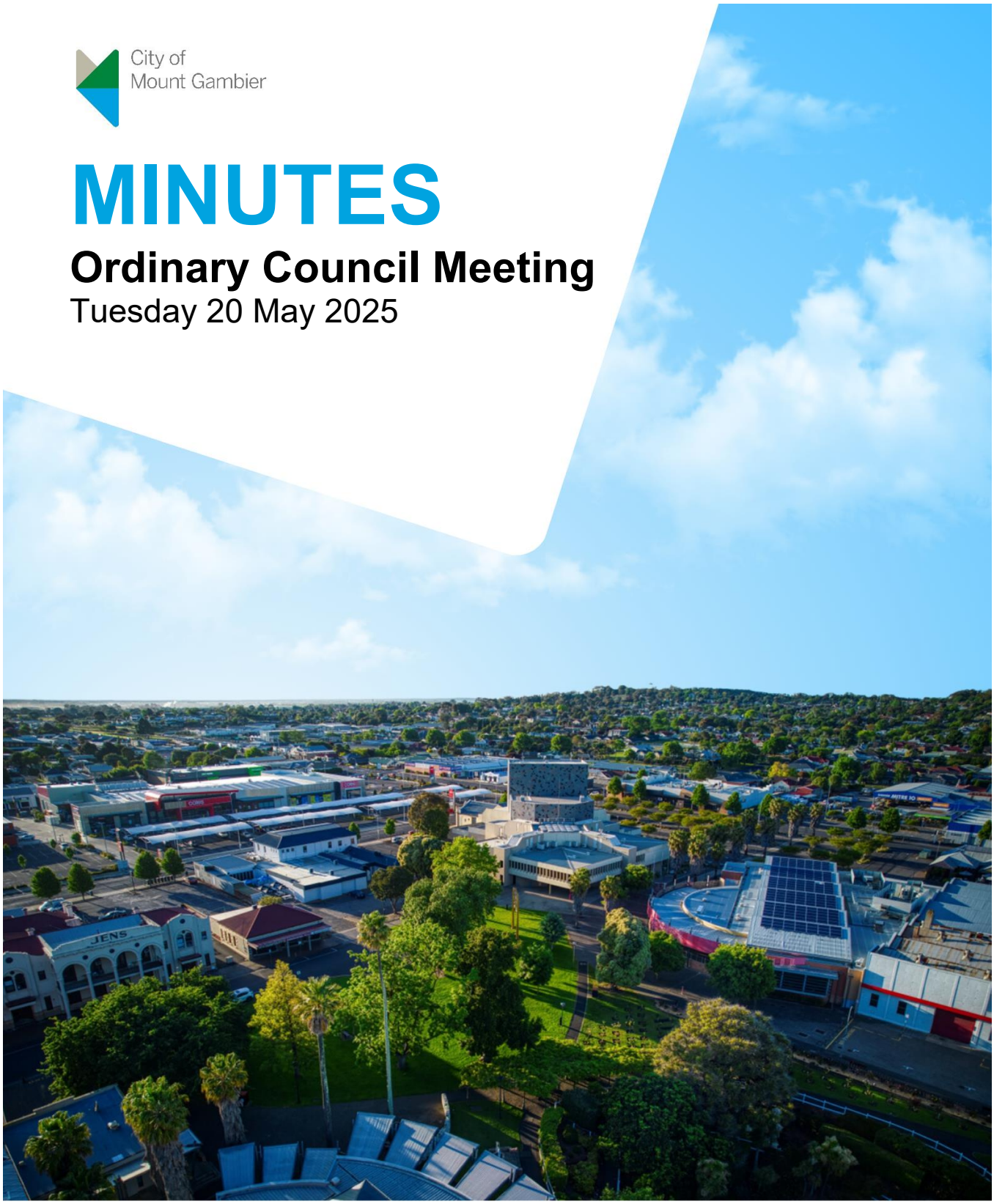
23 ATTACHMENT - PREVIOUS COUNCIL MINUTES

City of Mount Gambier

MINUTES

Ordinary Council Meeting

Tuesday 20 May 2025



Minutes of the City of Mount Gambier Ordinary Council Meeting held at:

Time:	6:00 pm
Date:	Tuesday 20 May 2025
Location:	Council Chamber - Civic Centre
	10 Watson Terrace, Mount Gambier

City of Mount Gambier
Ordinary Council Meeting Minutes
20 May 2025

PRESENT:	Mayor Lynette Martin (OAM) Cr Max Bruins Cr Paul Jenner Cr Mark Lovett Cr Josh Lynagh Cr Sonya Mezinec Cr Frank Morello Cr Jason Virgo	
OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager People Place and Liveability	- Mr C White
	Manager Governance and Property	- Ms B Shelton
	Manager Financial Services	- Ms K Rolton
	Manager Performance and Capability	- T McPherson
	Manager Engineering Assets and Design	- A Mahmud
	Manager Operations	- K Manarangi
	Manager Economy Strategy Engagement	- B Shearing
	Acting Library Manager	- S Mann
	Director Riddoch Arts and Cultural Centre	- A Whatling
	Manager Development Services	- T Tzioutziouklaris
	Manager Waste ReUse and Environment	- J Martin
	Financial Accounting Co-ordinator	- K Harradine
	Media and Communications Coordinator	- Ms S McLean
	Councillor Support Officer	- Mrs M Telford

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION OCM 2025/105

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

That the apology from Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

4.1 CONFIRMATION OF COUNCIL MINUTES - 15 APRIL 2025

RESOLUTION OCM 2025/106

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

That the minutes of the Ordinary Council Meeting held on 15 April 2025 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

Item 10 Deputations brought forward, with leave of the meeting.

10 DEPUTATIONS

RESOLUTION OCM 2025/107

Moved: Cr Jason Virgo
Seconded: Cr Josh Lynagh

1. That the Deputation from Mr Graham Walkom be noted.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MAY 2025

- Anzac Accolade – Wreath Laying and Address
- LCLGA Mayors Catch-up (virtual)
- Fortnightly meetings with Media and Communications Coordinator
- Weekly meetings with CEO
- Monthly meetings with General Manager City Infrastructure
- Elected Member Information Briefing Session – Grants and Sponsorship Program Update
- Elected Member Information Briefing Session – ELT and Elected Member Communication Session
- Yerkalalpata Community Reference Group Agenda Review
- ABC Radio Interview – LCLGA / Port Hedland Motion
- Kapyong Day Memorial Service and wreath laying

- Anzac Day Street March and Services
- 5GTR-FM Radio Interview
- Meeting with Council staff – Grant High School Youth Space Proposals
- Elected Member Information Briefing Session – Budget Workshop and Long Term Financial Plan and Asset Management Plans
- Confidential Elected Member Information Briefing Session – Legal and Contractual Matters
- Yerkalalpata Community Reference Group Meeting
- LGR&DS Advisory Committee Meeting (virtual)
- Uni SA Mount Gambier Graduation Luncheon and ceremony
- Generations in Jazz Welcome Concert
- Generations in Jazz VIP Dinner
- Generations in Jazz Gala Concert
- Generations in Jazz Finale Concert and Awards
- Catch up with LCLGA Interim Executive Officer, Colin Byles
- Early Learning Traineeship Pilot Launch at the Beyond Early Learning Centre
- Meeting with Kiri Hagenus and Emma Scott – Children's University Australasia and Africa
- Elected Member Information Briefing Session – Limestone Coast Water Allocation Plan Amendment
- Elected Member Information Briefing Session – Budget Workshop
- RDA Limestone Coast Emerging Leaders Graduation
- LCLGA Confidential meeting, with LCLGA member Mayors, Interim Executive Officer Colin Byles and McArthurs representative
- World Red Cross Day
- Barry Maney Group – Apprentice Welcome and Graduation Evening
- Confidential Special LCLGA Board Meeting (virtual)
- Peace Run Torch Relay – Mount Gambier visit (Melaleuca Park Primary School)
- Confidential meeting – Unsolicited Proposal
- Elected Member Information Briefing Session – Long Term Financial Plan
- Elected Member Information Briefing Session – Draft Limestone Coast Regional Plan
- SAROC Committee Meeting (Adelaide)
- LGA Board of Directors Meeting (Adelaide)
- Biggest Morning Tea Event (Minda Inc)
- 100 Mile Classic Presentations
- Volunteers Morning Tea

RESOLUTION OCM 2025/108

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

That the Mayoral Report be received.

CARRIED

6 REPORTS FROM COUNCILLORS

6.1 REPORTS FROM COUNCILLORS

Cr Josh Lynagh	Salvation Army Anzac Accolade, Generations in Jazz School Performances and Gala Concert, Visit to ac.care, Uniting Communities Helen Street Hub Open Day, Boer War Anzac Day Service, Anzac Day March, Mount Gambier Legends Baseball Tournament, Meeting with Community Members regarding Cycling Paths, Harmony Market, Pioneers Anzac Round Men's and Women's Games vs Waverley
Cr Jason Virgo	Constituent Meeting regarding 13 James Street, Graduation for Emerging Leaders – Regional Development Australia Limestone Coast
Cr Frank Morello	Anzac Day Dawn Service, Generations in Jazz Gala Concert
Cr Paul Jenner	Generations in Jazz Gala Concert
Cr Max Bruins	Generations in Jazz Festival
Cr Sonya Mezinec	Anzac Day Dawn Service, Domestic Violence Vigil - Government House

RESOLUTION OCM 2025/109

Moved: Cr Sonya Mezinec
Seconded: Cr Jason Virgo

That the reports made by Councillors be received.

CARRIED

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

Item 10 Deputations moved to follow Item 4.

11 NOTICE OF MOTION TO REVOKE OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

RESOLUTION OCM 2025/110

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

That Council Report titled Elected Member Information Briefing Sessions held since the previous Council Meeting be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 AUDIT AND RISK COMMITTEE

Nil

15 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

Nil

16 JUNIOR SPORTS ASSISTANCE FUND COMMITTEE

Nil

17 BUILDING FIRE SAFETY COMMITTEE

Nil

18 COUNCIL REPORTS

18.1 DRAFT 2025/2026 ANNUAL BUSINESS PLAN AND BUDGET FOR PUBLIC CONSULTATION

RESOLUTION OCM 2025/111

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council report titled 'Draft 2025/2026 Annual Business Plan and Budget for Public Consultation' as presented on Tuesday 20 May 2025 be noted.

2. That Council endorse the 2025/2026 Draft Annual Business Plan and Budget for public consultation as attached to this Report which includes R105 Rating Policy and R155 Rate Rebate Policy.

3. That Council authorises the Chief Executive Officer to make any necessary changes to the draft 2025/2026 Annual Business Plan and Budget document and associated rating policies arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

4. That a Special Council meeting be scheduled for Tuesday 17 June 2025 at 5:00pm at which members of the public may ask questions and make submissions on the draft 2025/2026 Annual Business Plan and Budget as part of its public consultation activities.

5. That a Special Council meeting be scheduled for Tuesday 24 June 2025 at 6pm for the purpose of adopting the Annual Business Plan and Budget following public consultation.

CARRIED

18.2 DRAFT LONG TERM FINANCIAL PLAN FOR PUBLIC CONSULTATION

RESOLUTION OCM 2025/112

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Council report titled 'Draft Long Term Financial Plan for Public Consultation' as presented on Tuesday 20 May 2025 be noted.

2. That Council endorse the Draft Long Term Financial Plan 2026-2035 as attached to this Report for community consultation.

3. Authorises the Chief Executive Officer to make any necessary changes to the draft Long Term Financial Plan 2026-2035 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.

CARRIED

18.3 REGIONAL DEVELOPMENT AUSTRALIA PARTNERSHIP

RESOLUTION OCM 2025/113

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council report titled 'Regional Development Australia Partnership' as presented on Tuesday 20 May 2025 be noted.

2. That Council authorise the Chief Executive Officer to finalise a 2-year Service Level and Funding Agreement between City of Mount Gambier and Regional Development Australia Limestone Coast, effective from 1 July 2025, with an attendant contribution of $29,000 + GST for the 2025/26 financial year (as provided for within the draft budget .

3. That, in its budget, Council allow for a contribution of $29,000 + GST + CPI for the financial year 2026/2027.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Frank Morello disclosed a general conflict of interest in Item 18.4.

In accordance with Section 75B Cr Morello informed the meeting:

Nature of Interest:

I am employed by Council Arts SA, which administers the Sir Robert Helpmann Theatre.

Intention to Participate:

I intend the stay in the meeting and vote on the matter. I will not move or second the motion, nor will I be engaging in discussion on the matter.

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately and by not moving or seconding the motion or speaking to the motion. I intend to vote and represent the community with my vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Frank Morello remained in the meeting for Item 18.4

18.4 BUS PARKING ZONES - STURT STREET - FERRERS STREET

RESOLUTION OCM 2025/114

Moved: Cr Jason Virgo
Seconded: Cr Max Bruins

1. That Council report titled 'Bus Parking Zones - Sturt Street - Ferrers Street' as presented on Tuesday 20 May 2025 be noted.

2. That the Traffic Impact Statements as attached to this report be endorsed.

3. That Council, in accordance with the power delegated by the minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following.

   Prohibited Area **BUS ZONE**
   Ref No. 2.1.090

   STURT STREET (northern side) - From 20 metres to 57 metres west of the intersection with Ferrers Street.

   To apply at all times

   Amend Prohibited Area **BUS ZONE**
   Ref No. 2.1.086
   FERRERS STREET (western Side) - From 185 metres to 207 metres south of the intersection with Commercial Street East.

   To apply at all times

CARRIED

Having participated in the meeting for 18.4 Cr Morello voted in favour of the motion.

18.5 DRAFT LIMESTONE COAST REGIONAL PLAN

RESOLUTION OCM 2025/115

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

1. That Council report titled 'Draft Limestone Coast Regional Plan' as presented on Tuesday 20 May 2025 be noted.

2. The Chief Executive Officer be delegated the authority to make a submission on the Limestone Coast Regional Plan based on the information provided within this report, including reference to the following:

(a) Whilst acknowledging the importance of the Plan as a high-level strategic document, the plan should provide a more significant level of information required to facilitate orderly and economic growth and development.

(b) The development of a Masterplan/Structure Plan/Growth Plan for Mount Gambier needs to be identified as a priority. More emphasis needs to be placed on Mount Gambier's role as the regional capital of the Limestone Coast as well as a key Urban Area within the State.

(c) There is a need to encourage growth that facilitates liveability and a sense of community through reducing urban sprawl. There appears to be an inconsistency within the Plan, as it identifies future growth options on the periphery of Mount Gambier (within the Urban Fringe area), which would result in urban sprawl.

(d) Well planned and the timely provision of infrastructure and services is essential in enabling development to occur to meet the anticipated population growth and economic development for the region. Council emphasises the need for an infrastructure capacity analysis and planning to be developed and maintained for the Limestone Coast to foster certainty and growth within the Region. The provision of infrastructure needs to keep pace with growth and be fairly funded by Government.

(e) The Blue Lake and the underground aquifer is the City of Mount Gambier's primary water supply. The protection of the quality and quantity of the water of the Blue Lake and associated aquifer is of critical importance and should be specifically recognised within the Plan. The method of stormwater disposal and the underground water supply is unique to South Australia and further work needs to be undertaken to ensure appropriate policies within the Planning and Design Code. A suggested action is:

Investigate amendments to the Planning and Design Code to recognise the importance of the water quality and quantity of the Blue Lake and associated aquifer to incorporate appropriate water protection policies, including the requirement for all development within Blue Lake Catchment Zones to be connected to SA Water sewerage network.

3. In addition to the above-noted specific points, the Chief Executive Officer be authorised to make further representations in Council's consultation response that are consistent with Council's aspirations to embed and grow the City of Mount Gambier as the regional capital for the Limestone Coast and a significant hinterland that encompasses districts in western Victoria.

CARRIED

18.6 2024/2025 GRANTS AND SPONSORSHIP PROGRAM REVIEW

Item 18.6 2024/2025 Grants and Sponsorship Program Review was withdrawn.

18.7 PROVISION OF E-SCOOTER SERVICE EOI - UPDATE

RESOLUTION OCM 2025/116

Moved: Cr Jason Virgo
Seconded: Cr Max Bruins

1. That Council report titled 'Provision of E-Scooter Service EOI - Update' as presented on Tuesday 20 May 2025 be noted.

2. The current public e-scooter fleet Expression of Interest proposal be discontinued.

CARRIED

18.8 THIRD QUARTER REPORT ON ANNUAL BUSINESS PLAN 2024 - 2025 OBJECTIVES

RESOLUTION OCM 2025/117

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council report titled 'Third Quarter Report on Annual Business Plan 2024 - 2025 Objectives' as presented on Tuesday 20 May 2025 be noted.

CARRIED

18.9 ADOPTION OF SCHEDULE OF FEES AND CHARGES 2025/2026

RESOLUTION OCM 2025/118

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

1. That Council report titled 'Adoption of Schedule of Fees and Charges 2025/2026' as presented on Tuesday 20 May 2025 be noted.

2. That Council notes there are three fee authority categories: Statutory, Delegation and Council.

3. That Council adopts the fees and charges set by Council included in the Schedule of Fees and Charges.

4. That Council notes and endorses the fees and charges set under delegation included in the Schedule of Fees and Charges.

5. That Council notes the fees and charges set by statute as contained in the Schedule of Fees and Charges. These fees will be updated once gazetted/released.

6. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the Schedule of Fees and Charges 2025/2026 arising from this meeting, together with any editorial amendments and changes that do not materially alter the integrity of the document.

CARRIED

18.10 ASSET ACCOUNTING POLICY

RESOLUTION OCM 2025/119

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That the Council report titled 'Asset Accounting Policy' as presented on Tuesday 20 May 2025 be noted.
2. That the amended Asset Accounting Policy appended to this report be adopted by Council.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policy arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

18.11 DELEGATIONS UPDATE - MAY 2025

RESOLUTION OCM 2025/120

Moved: Cr Sonya Mezinec
Seconded: Cr Josh Lynagh

1. That Council report titled 'Delegations Update - May 2025' as presented on Tuesday 20 May 2025 be noted.

2. That Council grants the delegation of powers and functions of the Council as provided for in the tables at **Attachment 1**, to the person occupying or acting in the office of Chief Executive Officer of the Council pursuant to section 44 of the Local Government Act 1999.

3. The delegations granted in resolution (2) above pursuant to the Local Government Act 1999 to the Council's Chief Executive Officer, in accordance with sections 44(4)(b) and 101 of the Local Government Act, but subject to section 44(3a) of the Local Government Act may, unless indicated by resolution or in the tables accompanying the within council report, be further sub-delegated by the Chief Executive Officer or delegate.

4. Noting: no sub-delegation is permitted under the Environment Protection Act 1993.

5. Planning, Development and Infrastructure Act 2016 Delegations:

6. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the Instrument of Delegation (**Attachment 1** accompanying report titled 'Delegations update May 2025') are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
   a) Such powers and functions delegated in resolution 4 (a) may be further subdelegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 and Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the relevant Instrument of Delegation.

7. General: The delegations granted in resolution 2 above are subject to the following conditions and limitations:
   a) If two or more delegates are nominated in respect of a power or function, then each nominated person or position is granted a delegation and may exercise the power or function independently of any other delegate.
   b) the delegate must exercise a delegated function or power in accordance with and due regard to:
      (i) applicable legislative and other legal requirements; and
      (ii) relevant policies and guidelines adopted by the Council.

c) in regard to the following delegations under the Local Government Act:
   (i) section 133: the power to obtain funds does not extend to imposing rates, borrowing money or obtaining other forms of financial accommodation or fixing or varying fees under sections 188(1)(d) to 188(1)(h) of the Local Government Act
   (ii) section 137: the power to expend funds in the performance or discharge of the council's powers, functions or duties in accordance is limited to funds allocated as part of a budget adopted by the council and the financial sub-delegation limitations set by the Chief Executive Officer;
   (iii) section 143(1): the power to write off debts is limited to debts not exceeding $5,000;
   (iv) section 188(3): the powers in regard to fees and charges are limited to fees and charges imposed under sections 188(1)(a), 188(1)(b) and 188(1)(c);

d) Each delegation of a power or function is granted independent of, and severable from, every other delegation granted under this or any other resolution or instrument.

e) A delegation of a power or function determined to be invalid or unlawful will be deemed to be severed from the delegations granted under this or any other resolution or instrument and remaining delegations will continue to operate according to their terms.

8. These delegations will come into operation on Wednesday 21 May 2025 and remain in force until varied or revoked by resolution of the Council.

9. Previous delegations granted by the Council of the powers and functions delegated under these resolutions are revoked with effect from Wednesday 21 May 2025.

CARRIED

18.12 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION

RESOLUTION OCM 2025/121

Moved: Cr Jason Virgo
Seconded: Cr Max Bruins

1. That Council report titled 'Request for Internal Review of Council Decision' as presented on Tuesday 20 May 2025 be noted.

2. That, having considered the written request for internal review of council decisions in accordance with section 270 of the Local Government Act 1999 and Council's Internal Review of Council's Decisions Policy C290:

   (a) the Chief Executive Officer (or delegate) be authorised to engage an external legal professional to conduct the relevant investigation and assessment in relation to Council resolutions (decisions) OCM 2025/96 - OCM 2025/104 (inclusive) made at the ordinary meeting of 15 April 2025; and

(b) the appointed external legal professional, having undertaken the requisite natural justice processes, produce and present a recommendation report to Council for consideration.

LOST

18.13 RESIGNATION OF COUNCILLOR KATE AMOROSO

RESOLUTION OCM 2025/123

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Mezinec

1. That Council report titled 'Resignation of Councillor Kate Amoroso' as presented on Tuesday 20 May 2025 be noted.

2. That Council acknowledge the resignation of Cr Kate Amoroso, effective from 15 April 2025, and thank her for her service to the City of Mount Gambier Council and community during her years as an Elected Member.

CARRIED

Pursuant to S120(1) of the Local Government Act, Mrs Sarah Philpott, Chief Executive Officer declared a general conflict of interest in item 18.14 and vacated the meeting.

18.14 CHIEF EXECUTIVE OFFICER - RESIGNATION AND RECRUITMENT

RESOLUTION OCM 2025/123

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

1. That Council report titled 'Chief Executive Officer - Resignation and Recruitment' as presented on Tuesday 20 May 2025 be noted.
2. The Council notes that, by letter dated 8 May 2025, the Council's Chief Executive Officer Mrs Sarah Philpott has provided notice of her resignation in accordance with section 97(2)(a) of the Local Government Act 1999 and sought to be released from her contract of employment with the Council, effective from 1 August 2025.
3. The Council agrees to bring forward the expiry date of the employment agreement between the Council and Mrs Philpott, to 1 August 2025. This constitutes a variation to the employment contract, by mutual agreement.

4. The Council's administration is authorised to seek nominations for the independent consultant member of the CEO Selection Panel (including fee quotes or estimates) and to ensure that any such nominations are presented to the Chief Executive Officer Performance Review Committee for the purpose of establishing the CEO Selection Panel in accordance with section 98(4) and (4a) of the Local Government Act 1999.
5. The Committee be authorised to oversee all of the procedural recruitment tasks necessary to progress the selection process to the point of recommending the preferred candidate/s to the Council.
6. The Council administration be authorised to arrange for a draft contract of employment to be prepared, reflecting industry standards for Chief Executive Officers of Local Government in South Australia, in accordance with section 99 of the Local Government Act 1999, to be approved by Council. The Council authorises the Committee to negotiate terms of such contract of employment on its behalf with the preferred candidate.

CARRIED

Mrs Sarah Philpott, Chief Executive Officer returned to the meeting.

19 MOTIONS WITH NOTICE

Pursuant to Section 74 of the Local Government Act 1999, Cr Josh Lynagh disclosed a general conflict of interest in Item 19.1.

In accordance with Section 75B Cr Lynagh informed the meeting:

Nature of Interest:

I am employed by the Minister for Primary Industries and Regional Development who is set to receive a letter as one of the mentioned Ministers.

Intention to Participate:

I intend to stay in the meeting and vote on the matter. I will not move or second the motion, or engage in discussion or debate.

Reason for Participating:

The action I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to it. I intend to vote and represent the community with my vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 19.1.

19.1 MOUNT GAMBIER AIRPORT - SECURITY SCREENING COSTS

RESOLUTION OCM 2025/124

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council report titled 'Mount Gambier Airport – Security Screening' as presented on Tuesday 20 May 2025 be noted.

2. Council write to the following government officials:

   - Premier of South Australia
   - Minister for Infrastructure, Transport, Regional Development
   - Minister for Local Government
   - Minister for Trade and Tourism
   - Member for Barker,
   - Minister for Primary Industries and Regional Development
   - Minister for Tourism
   - Member for Mount Gambier
   - Member for MacKillop and
   - Shadow Minister for Transport and Infrastructure, Regional Roads and Government Accountability

   advocating for their support for regional airports, to share the costs associated with security screening between all passengers in Australia.

CARRIED

Having participated in the meeting for Item 19.1 Cr Josh Lynagh voted in favour of the motion.

20 URGENT MOTIONS WITHOUT NOTICE

Nil

21 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

22 NEW CONFIDENTIAL ITEMS

22.1 SUPPLY AND DELIVERY OF ROAD CONSTRUCTION AGGREGATES

RESOLUTION OCM 2025/125

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, J Fetherstonhaugh, B Cernovskis, B Shelton, K Rolton, T Tzioutziouklaris, B Shearing, A Whatling, T McPherson, S Mann, C S McLean and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Supply and Delivery of Road Construction Aggregates.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

(b) information the disclosure of which -

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest.

(k) tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to the award of a tender and negotiation of the subject contract between Council and the successful tenderer, the disclosure of which may prejudice Council's ability to achieve best value for money on behalf of the community.

CARRIED

RESOLUTION OCM 2025/127

Moved: Cr Josh Lynagh
Seconded: Cr Sonya Mezinec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Supply and Delivery of Road Construction Aggregates and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

(b) information the disclosure of which -
(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
(ii) would, on balance, be contrary to the public interest.
(k) tenders for the supply of goods, the provision of services or the carrying out of works

be kept confidential and not available for public inspection until 12 months after the execution of the contract, with the name of the successful tenderer and value of the contract to be disclosed upon execution.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

22.2 VANSITTART PARK - FACILITY PLANNING AND PARTNERSHIP

RESOLUTION OCM 2025/128

Moved: Cr Max Bruins
Seconded: Cr Jason Virgo

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, J Fetherstonhaugh, B Cernovskis, C White, B Shelton, K Rolton, T McPherson, B Shearing, T Tzioutziouklaris, S Mann, A Whatling and M Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Vansittart Park - Facility Planning and Partnership.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
(ii) would, on balance, be contrary to the public interest.
(k) tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because he information contained within the report and attachments presents matters relating to commercial contractual matters, including tenders for service, the disclosure of which could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value outcomes on behalf of the community.

CARRIED

RESOLUTION OCM 2025/130

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Vansittart Park - Facility Planning and Partnership and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest.

(k) tenders for the supply of goods, the provision of services or the carrying out of works

be kept confidential and not available for public inspection until Council resolves to either endorse or abandon the proposal contained within the report, with the subject report, resolutions and minutes only to be released as soon as practical following consideration by Council and the attachments including the relevant architect's fee proposal to remain confidential until 12 months after the completion of the construction stage of the project.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

23 MEETING CLOSE

The meeting closed at 7.10 p.m.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on ..... .

.....

MAYOR