 <p>City of Mount Gambier</p>	<p>FREEDOM OF INFORMATION STATEMENT</p>	<p>Issued: August 2024</p>
		<p>Next Review: July 2025</p>

This Freedom of Information Statement is published by City of Mount Gambier in accordance with the Freedom of Information Act 1991 (FOI Act).

Subject to certain restrictions, the FOI Act gives members of the public a legally enforceable right to access information held by South Australian Government agencies such as councils. The FOI Act requires the Council to publish at intervals of not more than 12 months an up-to-date information statement.

This Information Statement was published in August 2024.

STRUCTURE AND FUNCTIONS OF COUNCIL


The Council consists of the Principal Member, referred to as the Mayor and 8 Council Members who represent residents and ratepayers in the Council area.

Council is a body corporate as constituted under the *Local Government Act 1999* (the LG Act) and is established to provide for the government and management of its area at the local level and, in particular:

- (a) to act as a representative, informed and responsible decision-makers in the interest of its community; and
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resource in a socially just and ecologically sustainable manner; and
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) to represent the interests of its community to the wider community; and
- (e) to exercise, perform and discharge the powers, functions and duties of local government under the LG Act and other acts in relation to the area for which it is constituted.

Pursuant to section 7 of the LG Act, the functions of the Council are:

- (a) to plan at the local and regional level for the development and future requirements of its area;
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
 - (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of Council;
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- (f) to provide infrastructure for its community and for development within its area;
- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;

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- (h) to establish or support organisations or programs that benefit people in its area or local government generally;
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the Council;
- (j) to manage, improve and develop resources available to the Council;
- (k) to undertake other functions and activities conferred by or under the Act.

Pursuant to section 8 of the LG Act, the Council must act to uphold and promote observance of the following principles in the performance of its roles and functions:

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other Councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
 - (ea) seek to collaborate, form partnerships and share resources with other Councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among Councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that Council resources are used fairly, effectively and efficiently and Council services, facilities and programs are provided effectively and efficiently;
- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
 - (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the Council's long-term financial performance and position.

Whilst the majority of the functions of the Council are set out in the LG Act, it also has functions under other pieces of legislation including:

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

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- Road Traffic Act 1961; and
- Dog and Cat Management Act 1995.

The way in which the functions of the Council affect members of the public include the nature of the services, facilities and programs provided by the Council that benefit the Council's community. The Council is required to use its resources fairly, effectively, and efficiently as well as ensure equitable access. Decisions made by the Council can affect the community as a whole or individuals as the Council is responsible for the government and management of its area at a local area. The Council's regulatory role can affect members of the public who act in contravention of legislation. Further, the Council imposes rates and charges on ratepayers which is used to fund the activities of the Council. Rating decisions can affect individuals and groups within the Council's community differently.

PUBLIC MEETINGS

Ordinary meetings of the Council are held in the Council Chamber at the Principal Council Office, Civic Centre, 10 Watson Terrace, Mount Gambier and commence at 6:00pm on the third Tuesday of each month. All Ordinary Council and committee meetings are open to the public, with the exception of any matters which are required to be considered in confidence (under s90 of the LG Act 1999). From time to time a special meeting may be called.

One of the main opportunities for the community to gain information about the business of Council is through the agendas, and associated reports prepared for Council and committee meetings. Agendas and minutes for these meetings are publicly available from Council's [website](#). Printed copies can be provided on request from Council's Principal Office, Civic Centre, 10 Watson Terrace, Mount Gambier (on payment of a fee (if any) fixed by the Council).

COUNCIL COMMITTEES AND SUBSIDIARIES

The Council may establish committees:

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

The Council has established the following committees:

- Audit and Risk Committee - provides independent assurance and advice to the Council on accounting, financial management, internal controls, risk management and governance matters.
- Building Fire Safety Committee - is established in accordance with Section 157(16) of the Planning, Development and Infrastructure Act 2016. The Committee is established by Council for the purpose of acting as the appropriate authority with respect to all fire safety matters within commercial and public buildings.

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- Chief Executive Officer Performance Review Committee – the Committee meets as required and its role is to monitor the performance of the appointee, and review conditions of remuneration and employment on an annual basis. The Committee has limited delegated power to appoint an independent human resource management specialist support (including a Qualified Independent Person) to assist with undertaking performance reviews and to provide advice as required by s102A of the LG Act.
- Junior Sports Assistance Fund - provides financial assistance to local junior athletes in Mount Gambier and District who are selected for State teams and compete in National events, as members of Affiliated Sporting Organisations. The Committee has delegated power to receive and expend revenue reasonably required to enable it to carry out the objectives for which it is established.

The membership of committees is determined by the Council. Further information including copies of agenda, minutes, terms of reference and details of committee membership, is available from Council's [website](#).

Limestone Coast Southern Regional Assessment Panel

The Council formed the Limestone Coast Southern Regional Assessment Panel (LCSRAP) as a relevant authority under the Planning, Development and Infrastructure Act 2016, which consists of:

- City of Mount Gambier
- District Council of Grant
- District Council of Robe, and
- Wattle Range Council.

The LCSRAP replaces the City of Mount Gambier Council Assessment Panel (CAP) as the relevant authority to exercise or perform its powers and functions in accordance with the Planning, Development and Infrastructure Act 2016. Further information including copies of agenda, minutes, terms of reference and details of panel membership, can be found on Council's [website](#).

Subsidiaries


The Council may establish a subsidiary to provide a specified service, to manage or administer property, facilities or activities on behalf of the Council or perform a function of the Council under the LG Act or another Act. The Council may also, with one or more other Councils establish a regional subsidiary to provide a specified service, to manage or perform a function of the Council under the LG Act or another Act.

A list of Council's subsidiaries are as follows:

- Limestone Coast Local Government Association (a Regional Subsidiary established under s43 of the LG Act)

External Committees/Boards/Associations

Council participates in a number of external Committees, Boards and Associations that comprise Elected Members, Council Officers, representatives of other government and non-government organisations, and the public. Agendas and minutes of meetings of such external Committees,

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Boards and Associations may be published or otherwise accessible from their respective organisations in accordance with their own governing arrangements.

Delegations

The Council exercises a range of statutory powers and functions. Most of these powers and functions can be delegated by the Council. The Chief Executive Officer has delegated authority from Council to make decisions on specified matters. Delegations made by the Council under the LG Act are reviewed by the Council within 12 months after the conclusion of each periodic election. The Council's Delegations Register reflects the delegated authority from the Council to the CEO (and subsequently any further sub-delegations). A record of delegations is available on Councils [website](#).

Functions of Council

The functions of Council as set out in s7 of the LG Act include to:


- (a) plan at the local and regional level for the development and future requirements of its area;
- (b) provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;
- (c) provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) Take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to improve amenity;
- (f) provide infrastructure for its community and for development within its area;
- (g) Promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- (h) establish or support organisations or programs that benefit people in its area or local government generally;
- (i) manage and if appropriate, develop, public areas vested in, or occupied by, the Council;
- (j) manage, improve and develop resources available to the Council;
- (k) undertake other functions and activities conferred by or under the Act (s6 of the LG Act).

Services for the Community

Council is required by legislation to:

- determine policies to be applied by the Council,
- develop and adopt Strategic Management Plans,
- prepare and adopt annual business plans and budgets,
- establish an Audit and Risk Committee,
- develop appropriate policies, practices and processes of internal control,
- set performance objectives,
- establish policies and processes for dealing with complaints, requests for service, and internal review of Council decisions,
- determine the type, range and scope of projects to be undertaken by the Council,
- deliver planning and development, dog and cat management, fire prevention and certain public health services, and
- provide the necessary administrative services to support Council's functions.

Other services and activities are provided through the decision making processes of Council and (sub)delegates in response to local needs, interests and aspirations of individuals and groups within the community to ensure that Council resources are used equitably.

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PUBLIC PARTICIPATION

Members of the public have a number of opportunities to express their views on particular issues before the Council. These include:

Attendance at public meetings - Members of the public are welcome to attend Council and committee meetings which are open to the public.

Deputations to Council - A written request to address the Council by way of a deputation in a Council meeting can be made by a member of the public to address Council personally or on behalf of a group of residents for up to 10 minutes. Further information including how to submit a deputation is available on Council's [website](#).

Petitions - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction. Further information including how to submit a petition are available on Council's [website](#).

Council Members - Members of the public can contact Members of Council to discuss any issue relevant to Council. Contact details for all Members are available on Council's [website](#).

Written Requests - Members of the public can write to the Council on any Council policy, activity or service via city@mountgambier.sa.gov.au.

Community engagement - The Council is committed to open, honest, accountable and responsible decision making. Council's Public Consultation Policy facilitates effective communication between Council and the community, encouraging community involvement and partnerships in planning and decision making. The Council's Public Consultation Policy sets out the steps Council will take in relation to public consultation and ensures that the most cost effective methods of informing and involving the community, which are appropriate for specific circumstances and consultation topics, are used. The policy is available on the Council's [website](#).

ACCESS TO COUNCIL DOCUMENTS

Documents held by Council

Most information and documentation held by Council is available for public inspection and is readily available without recourse to the FOI Act and we invite you to discuss your information needs with us.

Records System - Council operates an electronic document records management system (EDRMS) for the effective management of Council's records.

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


Policies and publicly accessible information

At the time of publishing this statement, the following documents can be accessed from Council's [website](#) and are available for purchase (on payment of a fee in accordance with Council's Schedule of Fees and Charges) at Council's Principal Office, Civic Centre, 10 Watson Terrace during business hours (9:00am to 5:00pm Monday to Friday, closed public holidays).

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Policies

- A240 - Assemblies and Events on Streets and Other Council Land
- A515 - Animal Control - Dogs
- A520 - Animal Control
- A900 - Asset Management
- Animal Management - Unclaimed Dogs
- Asset Accounting
- B300 - Budget Framework Policy
- Behavioural Management
- C120 - Cemeteries - Carinya Gardens and Lake Terrace Cemetery
- C200 - Request for Service and Complaint Policy
- C290 - Internal Review of Council's Decisions
- C320 - Council Chamber and Reception Area - Use of
- C355 - Council Land - Irrigation Policy
- C700 - Corporate Branding and Identity
- Citizen of the Year Awards (formerly A270 - Australia Day Awards)
- Council Determined Meeting Procedures
- Council Election Caretaker Policy (formerly C305 - Caretaker Policy)
- Disposal of Land and Assets
- Dual Naming
- E115 - Elections - Council Entitlement to Vote
- E135 - Encroachments - Protection of Public During Building and Maintenance Works
- E200 - Employees - Service Awards - Gifts as Resignation/Retirement (Temporarily Suspended)
- Emergency Management
- External Grant Funding
- F110 - Fencing Costs - Contributions by Council
- F125 - City Burning
- F135 - Flammable Undergrowth
- F140 - Flags - Protocol
- F175 - Footways and Crossovers
- F190 - Footways - Paving in City Centre Zone
- F225 - Fraud, Corruption, Misconduct and Maladministration Prevention Policy
- F500 - Footways and Council Land - Removal of Objects
- L230 - Licensed Premises
- Library Collection Development
- M130 - Media - Statements on behalf of Council
- M205 - Members - Mayor - Anniversary Messages
- M270 - Members - Mayor Seeking Legal Advice
- M405 - Council Members - Allowances and Benefits
- M500 - Members Training & Development Policy
- Memorials
- O110 - Order Making
- Onsite Wastewater Systems
- P135 - Entertainment Venues
- P155 - Privacy
- P195 - Community Consultation and Engagement Policy
- P415 - Prudential Management
- P900 - Public Interest Disclosure
- P910 - Provision of Loans or Guarantees to Community Groups (Temporarily Suspended)
- Political Neutrality and Government Relations
- Procurement
- R105 - Rates - Rating Policy
- R155 - Rates - Rebate Policy
- R180 - Records Management
- R200 - Reserves - Lease/Licence/Rental Arrangements
- R270 - Road Pavement - Excavation and Reinstatement Of
- Riddoch Arts and Cultural Centre Hire (formerly C140 - Main Corner Complex - Hire)
- Risk Management
- S115 - Fencing of Stormwater Retention Basins
- S120 - Street Signs - Directional, Tourist and Other Scenic Facility Signs
- S135 - Street - Naming of
- S140 - Street Numbering
- S400 - Supplementary Elections
- s92 Code of Practice for Access to Meeting and Documents
- T120 - Tree Policy
- T150 - Treasury Management

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- F505 - Footways and Council Land - Sale of Commodities
- F510 - Inspectorial - Footways and Council Land - Fundraising and Promotion
- Grants and Sponsorship
- Illumination of Assets
- Information Security
- Internal Audit
- Internal Controls
- L130 - Land Divisions
- U900 Unsolicited Proposals
- Unreasonable Conduct
- Volunteer Management
- W115 - Waste Management - Receival of Waste - Caroline Landfill
- W125 - Waste Management - Kerbside Refuse Collection

Pursuant to section 132 and Schedule 5 of the LG Act the following categories of documents are available on Council's [website](#). Upon request a printed copy can be provided (on payment of a fee (if any) fixed by the Council).

- Register of (Certified) By-Laws
- Register of Confidential Items
- Elected Member Register of Interests
- Register of Elected Members Allowances and Benefits
- Gifts & Benefits Register (Members and Staff)
- Register of (Employees) Salaries
- Community Land/Management Plan Register
- Register of Land Management Agreements
- Delegation Register
- Schedule of Meetings
- Records under s90A(4), (5) & (7)
- Subsidiary Charter (LCLGA)
- Strategic Management Plans (including Long Term Financial Plan and Infrastructure and Asset Management Plan)
- Draft Annual Business Plan and Budget
- Adopted Annual Business Plan & Budget
- Annual Report
- Audited Financial Statements
- Schedule of Fees and Charges
- Employee Behavioural Standards
- Meeting Notices, Agenda, Reports, Attachments, Recommendations and Minutes

The following documents, where applicable, are also accessible to inspect from Council's Principal Office during Council's ordinary business hours and hardcopies/extracts are available (on payment of a fee, if any, fixed by the Council^)

- Assessment Record extract
- Community Land Management Plans
- Public Road Register


^For relevant fees and charges please refer to Council's [Schedule of Fees and Charges](#).

All general inquiries regarding access to Council documents should be made to city@mountgambier.sa.gov.au

FREEDOM OF INFORMATION APPLICATION FEES AND PROCESSING CHARGES

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

Freedom of Information Officer
 PO Box 56, Mount Gambier SA 5290
 Mount Gambier SA 5290
 or emailed to city@mountgambier.sa.gov.au

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To download an Application Form, or to use the online Freedom of Information application form, please visit: [State Records of South Australia](#).

Requests for information not publicly available will be considered in accordance with the FOI Act. Under this legislation, applicants seeking access to documents held by Council need to provide sufficient information to enable the documents to which the application relates to be identified.

If the documents relate to the applicant's personal affairs, proof of identity may be requested.

Applications must be made in accordance with the requirements set out in the FOI Act and will be dealt with by an accredited FOI officer on behalf of the Council. In dealing with an application under the FOI Act, consultation with third parties may be required. The Council will provide to the applicant written notice of its determination. There are rights of internal and external review where an applicant is dissatisfied with a determination.

In addition to the application fee, other fees and charges may be payable for dealing with an application.

No fee is required for current concession holders or if payment of the fee would cause financial hardship. At all times Council retains a discretion to waive, reduce or remit a fee for any reason it thinks fit.

If, in the Council's opinion, the cost of dealing with an application is likely to exceed the application fee, an advance deposit may be requested. The request will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated. The accredited FOI Officer will endeavour to work with the applicant to define the scope of the request and the costs involved.

AMENDMENT TO COUNCIL RECORDS

Under the FOI Act, persons may request a correction to any information about themselves that is incomplete, incorrect, misleading, or out of date.


To gain access to these Council records, a person must complete and lodge with Council an application form as indicated above outlining the records that they wish to inspect.

If it is found that these records require amendment, details of the necessary changes are to be lodged with Council's accredited FOI Officer. There are no fees or charges for the lodgement, or the first two hours of processing of this type of application and where there is a significant correction of personal records and the mistakes were not the applicant's, any fees and charges paid for the original application will be fully refunded.



Sarah PHILPOTT
CHIEF EXECUTIVE OFFICER

21 August 2024

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File Reference:	AF11/1190
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