

MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday 16 January, 2018 at 6.00 p.m.

PRESENT

Mayor Andrew Lee
Cr Christian Greco
Cr Josh Lynagh
Cr Sonya Mezinec
Cr Penny Richardson
Cr Ian Von Stanke
Cr Steven Perryman (arrived at 6:19 pm)

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager Council Business Services	-	Mrs P Lee
General Manager City Infrastructure	-	Mr N Serle
Manager Governance and Property	-	Mr M McCarthy
Manager Business and Strategic Planning	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Administrative Officer Executive Support	-	Ms A Lavia

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.

1. APOLOGY(IES)

Apologies received from Cr Steven Perryman, Cr Frank Morello, Cr Hanna Persello, Cr Des Mutton, and Cr Mark Lovett.

That the apologies from Cr Steven Perryman, Cr Frank Morello, Cr Hanna Persello and Cr Des Mutton and Cr Mark Lovett be received.

Moved: Cr Von Stanke

Seconded: Cr Richardson

Carried

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 19 December 2017.



That the minutes of the Ordinary Council meeting held on 19 December 2017 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Mezinec

Seconded: Cr Lynagh

Carried

4. MAYORAL REPORT - Ref. AF11/881

That the Mayoral report made on 16 January 2018 be received.

- Mount Gambier Bowls Club – 88th Christmas Carnival
- Australia Day Recipients Morning Tea

Moved: Cr Greco

Seconded: Cr Lynagh

Carried

5. REPORTS FROM COUNCILLORS - Ref. AF11/882

Nil

6. QUESTIONS

6.1. With Notice

Nil submitted.

6.2. Without Notice

Nil submitted.

7. PETITIONS

Nil

8. DEPUTATIONS

Nil

9. NOTICE OF MOTION TO RESCIND

Nil

10. ELECTED MEMBERS WORKSHOPS (INFORMAL GATHERINGS) - Ref. AF15/83

Nil



11. ELECTED MEMBER TRAINING AND DEVELOPMENT - Ref. AF11/903

Nil submitted.

12. COUNCIL ACTION ITEMS - Ref. AF17/225, AF17/228

Items referred to the Council Meeting held 19 December 2017.

That the Action Items referred to the Council Meeting held 19 December 2017 be received.

Moved: Cr Greco

Seconded: Cr Richardson

Carried

13. COMMITTEE MINUTES AND RECOMMENDATIONS

13.1. Minutes of Junior Sports Assistance Fund Committee - 13 December 2017

That the minutes of the Junior Sports Assistance Fund Committee meeting held 13 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

13.2. Correspondence Received - Report No. AR17/48883

(a) That Junior Sports Assistance Fund Committee Report No. AR17/48883 titled 'Correspondence Received' dated 4 December 2017 as presented to the Junior Sports Assistance Fund Committee on 13 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

13.3. Statement of Revenue and Expenses - 1/6/2017 to 31/10/2017 - Report No. AR17/48902

(a) That Junior Sports Assistance Fund Committee Report No. AR17/48902 titled '*Statement of Revenue and Expenses - 1/6/2017 to 3031/10/2017*' dated 4 December 2017 as presented to the Junior Sports Assistance Fund Committee on 13 December 2017 be noted.

(b) The financial statement of the Fund as at 31st October 2017 be received noting a cash balance of \$77,725.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried



13.4. Applications for Financial Assistance for Juniors and Payment from the Fund from 1/6/2017 to 30/11/2017 - Report No. AR17/48948

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/48948 titled '*Applications for Financial Assistance for Juniors from 1/6/2017 to 30/11/2017*' dated 4 December 2017 as presented to the Junior Sports Assistance Fund Committee on 13 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried

13.5. Coaching Clinic Applications - Annual Call - Report No. AR17/49361

- (a) That Junior Sports Assistance Fund Committee Report No. AR17/49361 titled '*Coaching Clinic Applications - Annual Call*' dated 5 December 2017 as presented to the Junior Sports Assistance Fund Committee on 13 December 2017 be noted.
- (b) The following application(s)/funding be made available to the Member Organisation named below to assist in the conduct of specialised coaching clinics in accordance with the guidelines for such Clinics and funded by the Mount Gambier and District Bendigo Community Bank:
- (i) Blue Lake Y Swim Club Inc. and Mount Gambier Swimming Club - \$1,600
 - (ii) Mount Gambier Golf Club - \$2,000
 - (iii) Basketball Mount Gambier - \$1,400
- (c) Mount Gambier Golf Club to commence High Performance Sport Program by the end of February, 2018 and if the program does not proceed, the \$2,000 allocated is to be returned in total and readvertised to member organisation.
- (d) The successful Member Organisations to be reminded of their obligations to the Bank as detailed in the report.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

13.6. Minutes of Audit Committee - 15 December 2017

That the minutes of the Audit Committee meeting held 15 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried



13.7. Policy Review – B300 – Budget Framework Policy – Report No. AR17/48217

- (a) That Audit Committee Report No. AR17/48217 titled '*Policy Review – B300 – Budget Framework Policy*' as presented to the Audit Committee on 15 December 2017 be noted.
- (b) That Council adopts the updated Council Policy '*B300 – Budget Framework Policy*' as attached to Audit Committee Report No. AR17/48217.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

13.8. Policy Review – T150 Finance – Treasury Management – Report No. AR17/47943

- (a) That Audit Committee Report No. AR17/47943 titled '*Policy Review – T150 Finance – Treasury Management*' as presented to the Audit Committee on 15 December 2017 be noted.
- (b) That Council adopts the updated Council Policy '*T150 Finance – Treasury Management*' be adopted as attached to Audit Committee Report No. AR17/47943.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

13.9. Control Track Implementation Update – Report No. AR17/48838

- (a) That Audit Committee Report No. AR17/048838 titled '*Control Track Implementation Update*' as presented to the Audit Committee on 15 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Meziniec

Carried

13.10. Audit Committee - Terms of Reference Review - Report No. AR17/49265

- (a) That Audit Committee Report No. AR17/49265 titled '*Audit Committee Report – Terms of Reference Review*' as presented to the Audit Committee on 15 December 2017 be noted.
- (b) That Council adopts the updated Audit Committee Terms of Reference as reviewed and amended by the Audit Committee and provided as Attachment 1 to the report AR17/49265 titled '*Audit Committee - Terms of Reference Review*' and re-presented to Council on 16 January 2018.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried



13.11. Audit Committee – Annual Work Program Review - Report No. AR17/49264

- (a) That Audit Committee Report No. AR17/49264 titled '*Audit Committee Work Program Review*' as presented to the Audit Committee on 15 December 2017 be noted.
- (b) That Council adopts the updated Audit Committee Annual Work Program as reviewed and amended by the Audit Committee in Attachment 1 to the report AR17/49264 titled '*Audit Committee – Annual Work Program Review*' and re-presented to Council on 16 January 2018.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

13.12. Minutes of Chief Executive Officer Performance Review Committee - 18 December 2017

That the minutes of Chief Executive Officer Performance Review Committee meeting held 18 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Carried

13.13. Minutes of Heritage Sub-Committee - 20 December 2017

That the minutes of the Heritage Sub-Committee meeting held 20 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

13.14. GOVERNANCE - Heritage Committee - Further Development of Work Plan - Ref. AF17/294

Continue with the development of a work plan to include the following items;

- Extend historic bollards
- Identify and promote Boandik sites of cultural significance
- Establish a Pioneer Walk: (e.g. buy a brick)
- Writing history classes
- Establish long term heritage action plan
- Street names signage historical list (update digitalising and make available online)
- Preserve Moorak Station (Tenison Woods)
- Migrant History

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried



13.15. GOVERNANCE - Heritage Committee - Rook Walk Celebration - Ref. AF17/294

- | |
|---|
| <p>(a) That the verbal report from General Manager Community Wellbeing regarding inclusion of Rook Walk in 2018 Community Wellbeing programming be noted.</p> <p>(b) Ascertain from Council if Rook Walk requires any significant maintenance to be addressed before November 2018 celebrations.</p> <p>(c) The proposed structure of events and associated budget for the Rook Walk 100 Year Celebration be discussed and developed at the next meeting.</p> |
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Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

13.16. GOVERNANCE - Committees - Heritage Sub Committee 2017 – New Member Nominations for Appointment – Ref. AF17/294

That David Burt and Alexandra Nicholson be nominated for appointment to the Heritage Sub-Committee.

Moved: Cr Lynagh

Seconded: Cr Richardson

Carried

13.17. Minutes of Council Assessment Panel – 21 December 2017

That the minutes of the Council Assessment Panel meeting held 21 December 2017 be noted.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried

14. COUNCIL REPORTS

14.1. Community Plan – Quarterly Summary KPI Report – December 2017 – Report No. AR17/51587

COUNCIL RESOLUTION
<p>(a) Strategic Standing Committee Report No. AR17/51587 titled '<i>Community Plan Summary KPI Report - September</i>' as presented to the Council on 16 January 2018 be noted.</p> <p>(b) The December 2017 Quarterly Summary KPI report be received and endorsed by Council.</p>

Moved: Cr Greco

Seconded: Cr Lynagh

Carried



14.2. Works in Progress – City Infrastructure – Report No. AR18/164

COUNCIL RESOLUTION

- (a) That Operational Standing Committee Report No. AR18/164 titled '*Works in Progress - City Infrastructure*' as presented to the Council on 16 January 2018 be noted.

Moved: Cr Greco

Seconded: Cr Richardson

Carried

14.3. Policy Review - L230 Planning - Licensed Premises - Report No. AR17/51369

COUNCIL RESOLUTION

- (a) Strategic Standing Committee Report No. AR17/51369 titled 'Policy Review - L230 Planning - Licensed Premises' be received.
- (b) Updated Council Policy 'L230 - Planning - Licensed Premises' be adopted as attached to Council Report No. AR17/51369.
- (c) That the adopted Council Policy 'L230 - Planning - Licensed Premises' be updated on Council's website.

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

14.4. Review of Valuation and Rating System 2018/2019 - Report No. AR17/46556

COUNCIL RESOLUTION

- (a) That Council Report No. AR17/46556 titled '*Review of Valuation and Rating System 2018/2019*' as presented to the Council on 16 January 2018 be noted.
- (b) That the rating assumptions and directions referred to in this Report be used to prepare Council's draft Annual Business Plan and draft Budget for 2018/2019 for Council's future consideration.

Moved: Cr Lynagh

Seconded: Cr Mezinec

Cr Perryman entered the meeting at 6:19 pm.

Carried



14.5. Change of Road Name – Lakes Park Drive to Valley Court - Report No. AR17/50601

COUNCIL RESOLUTION

- (a) That Council Report No. AR17/50601 titled '*Change of Road Name – Lakes Park Drive to Valley Court*' as presented to the Council on 16 January 2018 be noted.
- (b) That Council resolve to change the name of the road from Lakes Park Drive to Valley Court; and
- (c) Council staff proceed to implement the road name change pursuant to Section 219 of the Local Government Act 1999 (i.e. Gazette notice; notification to Registrar-General, Surveyor-General and the Valuer-General; notice in The Border Watch).

Moved: Cr Greco

Seconded: Cr Richardson

Carried

14.6. Planning, Development and Infrastructure Act 2016 – Regional Planning Alliance Project – Joint Planning Board - Report No. AR18/35

COUNCIL RESOLUTION

- (a) Council Report No. AR18/35 titled 'Planning, Development and Infrastructure Act 2016 – Regional Planning Alliance Project – Joint Planning Board' as presented to Council on 16 January 2018 be noted.
- (b) This matter be referred to the Informal Meeting of Elected Members scheduled for Tuesday 23 January 2018 for further information and discussion.

Moved: Cr Lynagh

Seconded: Cr Von Stanke

Carried

14.7. Strengthening Local Government Discussion Paper – Report No. AR18/794

COUNCIL RESOLUTION

- (a) That Council Report No. AR18/794 titled '*Strengthening Local Government Discussion Paper*' as presented to the Council on 16 January 2018 be noted.



(b) That the response to the Local Government Association Discussion Paper '*Strengthening Local Government: Options for SA Councils*' as tabled at the Council meeting on 16 January 2018 be endorsed for submission to the Local Government Association.

Attachment to Council Item 14.7 Response to Local Government Association

Moved: Cr Lynagh

Seconded: Cr Greco

Carried

14.8. Industrial Relations - Australian Services Union (ASU)/ Association of Professional Engineers, Scientists, Managers Australia (APESMA) Work Place Agreement – Report No. AR17/50547

COUNCIL RESOLUTION

- (a) That Council Report No. AR17/50547 titled '*Industrial Relations - Australian Services Union (ASU)/ Association of Professional Engineers, Scientists, Managers Australia (APESMA) Work Place Agreement*' as presented to the Council on 16 January 2018 be noted.
- (b) That Council endorse the City of Mount Gambier ASU Agreement Number 10/2018.
- (c) The Chief Executive Officer be authorised to make any non-material changes to the Agreement and thereafter gain certification in the South Australian Industrial Relations Commission.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

15. MOTION WITH NOTICE

Nil submitted.

16. MOTION WITHOUT NOTICE

16.1. GOVERNMENT RELATIONS - Liaison - Ministers and Members of Parliament Liaison - National Disability Insurance Scheme (NDIS) - Ref. AF11/954

Under the National Disability Insurance Scheme, which is being rolled out across Australia and was introduced in the Limestone Coast from the 1st October 2017, applicants with disabilities, physical, mental and intellectual, are required to complete an Access Request form.



This forms states that “Section 2 must be completed by a health or educational professional” on Section 2 of the form it says “This part of the form must be completed by a treating doctor or specialist”.

Yesterday I was made aware that completion of this form is not covered under Medicare and GP’s will have to charge patients for this service. One clinic advised that they did not know how much would be charged as they did not know how long it would take to complete the form.

To access the NDIS, an Access Request form must be completed and submitted to the NDIA. If the application is rejected, the patient is guaranteed a “continuity of service” for the time being. If they do not submit an application, they will not receive any services. The most vulnerable people in our community do not have the financial resources to pay to have the Access Request form completed, given that a standard consultation can cost around \$70. Yet they cannot access supports or continuing support if they do not complete this form.

The following information was received by a medical clinic in Mount Gambier verifying this discriminatory practice.

“Department of Human Services administers Medicare and pays benefits on behalf of the Australian Government Department of Health. The Department of Health is responsible for Medicare policy under the Health Insurance Act 1973. DHS pays Medicare benefits in accordance with the legislation governing Medicare, we are not able to pay benefits outside of this legislation.

Medical practitioners (such as GPs and Specialists) are eligible to complete the following Centrelink forms:

- Centrelink Medical Report
- Carer Allowance Medical Report for persons over 16
- Carer Allowance Medical Report for persons under 16
- Disability Support Pension Medical Report
- Mobility Allowance Medical Report.

Each Medical Certificate and Medical Report individually specifies a list of health providers who are able to complete the form. Medicare benefits are payable for an associated consultation involving examination of the patient and completion of the report.

Enquiry Resolution has recently received the following response from our National Assessing Office regarding whether GPs can bill Medicare for a consult item for the time taken to complete a National Disability Insurance Agency (NDIS) form.

‘Policy for the National Disability Insurance Scheme (NDIS) and its administration, including medical reports to determine eligibility under the NDIS, is the responsibility



of the Department of Social Services (DSS). To date, there are no subsection 19(5) Directions in place which would allow Medicare benefits for a consultation to complete a NDIS form.

While Medicare benefits are not payable for health screening services, there are Directions made under subsection 19(5) of the Health Insurance Act 1973 which allow Medicare benefits to be paid for some screening services.

A subsection 19(5) Direction to allow Medicare benefits for a medical examination being a requisite for Social Security benefits or allowances is in place. The Direction specifies those Social Security benefits as listed below. The services and benefits available through the NDIS are not included in this list:

- Disability Support Pension
- Sickness Allowance
- Mobility Allowance
- Carer Payment
- Carer Allowance
- Newstart Allowance
- Youth Allowance
- Special Benefit
- Parenting Payment (Single)
- Parenting Payment (Partnered)
- Partner Allowance
- AUSTUDY
- Assistance for Isolated Children
- Essential Medical Equipment Payment

Cr Richardson moved it be recommended:

- (a) That the City of Mount Gambier writes to the Federal Minister for Social Services and the Federal Minister for Human Services and ask them to take immediate action to ensure that already vulnerable people are able to have their NDIS Access Request form completed by their General Practitioners under the same Medicare benefit as the completion of Centrelink required forms.
- (b) That a copy of the letter is sent to Mr Tony Pasin, Member for Barker, all LCLGA Councils and the LGA.

Cr Von Stanke seconded

Carried



17. CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Cr Perryman moved that the following item be received, discussed and considered in confidence by excluding the public pursuant to Section 90 (2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members Mayor Andrew Lee, Cr Christian Greco, Cr Steven Perryman, Cr Josh Lynagh, Cr Sonya Meziniec, Cr Penny Richardson, Cr Ian Von Stanke now present) be excluded from the meeting in order for the item to be considered in confidence as the Council is satisfied that the item is a matter that can be considered in confidence pursuant to the grounds referenced in Section 90 (3) of the said Act as follows:

- S.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).

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer in that details person to the Chief Executive Officer will be disclosed.

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 as the matter is personal to the Chief Executive Officer.

ITEM NO.	SUBJECT MATTER	S90 (3) GROUNDS
18.	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Draft Report received from AME Recruitment KPI's – Ref. PERS	(a)
19.	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Chief Executive Officer KPI's - Ref. PERS	(a)

Cr Meziniec seconded

Carried



IN CONFIDENCE (RELEASED)

18. **PERSONNEL – Chief Executive Officer Performance Review – Discussion regarding Draft Report received from AME Recruitment – Ref. PERS**

COUNCIL RESOLUTION
(a) the report be received.

Moved: Cr Greco

Seconded: Cr Lynagh

Carried

19. **PERSONNEL – Chief Executive Officer Performance Review – Discussion regarding Chief Executive Officer KPI's – Ref. PERS**

COUNCIL RESOLUTION
(a) the CEO's Annual Summary KPI Report to 31 December 2017 and a further summary report of Key Achievements be received and noted;
(b) the Committee recommends a remuneration increase equal to Consumer Price Index (CPI) Adelaide as at the Quarter ending September 2017 of 1.8%, to be effective on the resolution of Council.
(c) that the CEO Performance Review Committee be asked to convene a Members only meeting to further discuss the Chief Executive Officer's performance.

Moved: Cr Mezinec

Seconded: Cr Richardson

Carried



20. CONSIDERATION FOR KEEPING MATTERS CONFIDENTIAL

Cr Greco moved that an order be made pursuant to Section 91 (7) of the Local Government Act, 1999 that the documents in relation to item 18 and 19 which have been considered by the Council on a confidential basis pursuant to Section 90 (3) be kept confidential as follows:

<u>Item No.</u>	<u>Subject Matter</u>	<u>S.90(3) Grounds</u>	<u>Element To Be Kept Confidential</u>	<u>Duration</u>
18.	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Draft Report received from AME Recruitment - Ref. PERS	(a)	Committee Report and all associated attachments and discussions with the exception of resolution (a) only to be released including publication in the Council Minutes	12 months
19.	<u>CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW</u> – Discussion regarding Chief Executive Officer KPI's - Ref. PERS	(a)	Committee Report and all associated attachments and discussion with the exception of resolutions (a), (b) & (c) only to be released including publication in the Council Minutes	12 months

Cr Richardson seconded

Carried

Meeting closed at 7:03 p.m.

AR17/44595

